

# Shire of Dalwallinu

## Register of Delegations



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**DELEGATED  
AUTHORITY  
REGISTER**

**DOCUMENT CONTROL**

DOCUMENT CONTROL			
Version	Approved by		Date
	Name	Title/Resolution	
1	Council	Register of Delegations (Annual Review)	27 October 2015
2	Council	Register of Delegations (Annual Review) (M8798)	28 March 2017
3	Council	Register of Delegations (Annual Review) (M9128)	27 March 2018
4	Council	Register of Delegations (Annual Review) (M9343)	26 March 2019
5	Council	Register of Delegations (Annual Review) (M9524)	24 March 2020
6	Council	Register of Delegations (Annual Review) (M9687)	23 March 2021
7	Council	Register of Delegations (Annual Review) (M9884)	22 March 2022
8	Council	Register of Delegations (Annual Review) (M10057)	28 March 2023
9	Council	Register of Delegations (Annual Review) (M10220)	26 March 2024
10	Council	Register of Delegations (Annual Review) (M10377)	25 March 2025
11	Council	Register of Delegations (Annual Review) (M10538)	24 March 2026

AMENDMENTS		
Document Version	Date of Amendment	Amendment details
1	27 October 2015	Review - 27 October 2015
2	28 March 2017	Review - 28 March 2017 (M8798)
3	27 March 2018	Added 2012 Gravel Royalties 27 March 2018 (M9128)
3	27 March 2018	Amended 3001 – Addition of Manager of Works & Services and Manager Planning & Development Services 27 March 2018 (M9128)
3	27 March 2018	Added 9002 Collection of Native Flora 27 March 2018 (M9128)
4	26 March 2019	Amended 3005 - Ordering Thresholds (M9343) – <i>“Removed ordering threshold for Mechanic”</i>
4	26 March 2019	Added 3007 – Debt write Offs (M9343)
5	24 March 2020	Review – 24 March 2020 (M9524)
6	23 March 2021	Revoked 1001 – Replaced by new Policy 1.19 (M9687) Amended 6005 – Included new delegation relating to Council’s Sea Container Policy – LLP8 (M9687) 7001 – Removed Manager Planning & Development Services as CEO cannot on-delegate (M9687) 9001 – Added Manager Planning & Development Services that the CEO can on-delegate to (M9687)
7	22 March 2022	Review – 22 March 2022 (M9884)
7	23 August 2022	Review – Delegation 3005 – Ordering Thresholds (M9954)
8	28 March 2023	Review – 28 March 2023 (M10057)
9	26 March 2024	Review – 26 March 2024 (M10220) Amended 4002 – Remove delegation to CBFC and Shire President and insert Chief Executive Officer
10	25 March 2025	Review – 25 March 2025 (M10377) 3005 - Included credit and store cards on wording of Delegation and relevant officers who have access to purchasing cards 6001 - Included wording “and apply health regulations” to delegation 6002 - Included wording “and apply health regulations” to delegation 6003 - - Included wording “and apply health regulations” to delegation
11	24 March 2026	Review – 24 March 2026 (M10538)



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## INTRODUCTION

### Purpose of Delegating Authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with Shire's commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the **Local Government Act 1995** (the Act) on an annual basis. The coordination of the review will be performed by the Chief Executive Officer.

### Legislation

The **Local Government Act 1995** allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, except those listed in section 5.43. All delegations made by the Council must be by absolute decision [section 5.42(1)].

### Associated legislation

Legislation other than the Act, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- *Planning and Development Act 2005* including regulations and adopted policies
- *Dog Act 1976* and regulations
- *Bush Fires Act 1954* regulations and local laws created under that Act)
- *Health Act 1911* (as amended) regulations and local law created under that Act
- *Freedom of Information Act 1992*
- *Land Administration Act 1997* as amended and regulations
- *Litter Act 1979* and regulations
- *Local Government (Miscellaneous Provision) Act 1960* as amended
- *Caravan Parks and Camping Grounds Act 1995*
- *Control of Vehicles (Off-Road Areas) Act 1978* and regulations
- *Strata Titles Act 1985*
- *Food Act 2008*
- *Environmental Protection Act 2005*
- *Building Act 2011*

*Note - this is not an exhaustive list*

### Delegation by the Chief Executive Officer

The Act allows for the Chief Executive Officer to delegate any of the powers to another employee [Section 5.44 (1)]. This must be done in writing [Section 5.44 (2)]. The Act allows for the Chief Executive Officer to place conditions on any delegations if desired [Section 5.44 (4)].

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year [Section 5.46 (1) and (2)]. If a person is

exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used [Section 5.46 (3)].

The record is to contain the following information:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power of the discharge of the duty [**Local Government (Administration) Regulations 1996, regulation 19**].
- Service unit's responsible for a work process are to ensure that data is captured and recorded managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.
- A person to whom a power is delegated under the Act is considered to be a 'designated employee' under 5.5.74(b) of the Act and is required to complete a primary and annual return each year.
- There is no power for a person other than the Chief Executive Officer to delegate a power [Section 5.44 (1)].

#### **Acting through another person**

##### **Local Government Act 1995 - section 5.45 (2)**

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- a) a local government from performing any of its functions by acting through a person other than the CEO; or
- b) a CEO from performing any of his or her functions by acting through another person.

The key difference between a delegation and "acting through" is that a delegated exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The difference between a delegated authority to exercise discretion on behalf of the Shire and acting through another person to undertake a function on behalf of the Shire where not discretion exists is reinforced by Section 56 of the **Interpretation Act 1984** which states:

56. "May" imports a discretion, "shall" is imperative
- (1) Where in a written law the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.
  - (2) Where in a written law the word "shall" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.

**1000 ADMINISTRATION**

**1001 REVOKED - ACTING CHIEF EXECUTIVE OFFICER**

POLICY REVOKED – MARCH 2021

REASON – Replaced by New Policy 1.19.



**1002 NATIVE TITLE**

**Objective of Delegation:** To register an interest in any native title claim.

**Extent of Delegation:** The power to register an interest in any native title claim affecting the Shire in order for Council to have sufficient interest to become a party to the native title application.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42</b></li> <li>• <b>Native Title (State Provisions) Act 1999</b></li> </ul>
<b>Last Reviewed:</b>	27 October 2015 (formally Delegation A02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**1003 REMOVE AND IMPOUND GOODS**

**Objective of Delegation:** To remove and impound goods.

**Extent of Delegation:** The power to remove and impound goods from a public place if the goods present a hazard to public safety or they obstruct the lawful use of any place.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42,5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**1004 SALE OF IMPOUNDED GOODS**

- Objective of Delegation:** To expedite the disposal of any vehicles, animals or goods.
- Extent of Delegation:** The power to sell or otherwise dispose of impounded/confiscated/seized goods.
- Conditions imposed:**
1. Any goods confiscated may be sold by public auction or after calling public tenders as per Part 4 of the *Local Government (Functions & General) Regulations 1996*.
  2. The Chief Executive Officer is authorised to accept any tender up to the value of \$2,000. Tenders for amounts exceeding \$2,000 shall be referred to Council for consideration.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services
<b>Formal Record:</b>	Receipt of payment Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 3.47, 3.58, 5.42,5.44</b></li> <li>• <b>Local Government (Functions &amp; General) Regulations 1996</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A04) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**1005 NOTICES TO OWNERS AND OCCUPIERS OF LAND AND POWER OF ENTRY**

**Objective of Delegation:** To exercise all of the powers and duties of the local government in respect to the powers of entry upon land.

**Extent of Delegation:** The power to authorise a person to issue and enforce owners or occupiers to do anything prescribed in Schedule 3.1 - Powers under Notices to Owners and Occupiers of Land and the Powers of Entry as per Part 3 Division 3 Sub Division 3 of the *Local Government Act 1995*.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services Manager Planning & Development Services Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 - Section 3.28 – 3.36, 5.42 and 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A06) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**1006 TENDERS / QUOTATIONS**

- Objective of Delegation:** To expedite the calling of quotations and tenders.
- Extent of Delegation:** The power to:
- i. make the decision to invite quotations and tenders for goods and services;
  - ii. call quotations and tenders before the Shire enters into a contract of a prescribed kind;
  - iii. accept a quotation where the consideration is less than \$150,000
- Conditions Imposed:**
1. All decisions to call for quotations or tenders for goods or services must relate to a proposal that is specifically authorised in the budget or by a specific Council decision.
  2. The Chief Executive Officer must be satisfied before making the decision to call for quotations or tenders that an appropriate specification and information package is available and that there are appropriate assessment criteria specified.
  3. That the process is conducted fairly and impartially and in strict compliance with the *Local Government Act 1995* and the associated regulations, and any appropriate Council policy, direction or guidelines.
  4. That any decision to accept a quotation or tender is made fairly, impartially and based upon a proper assessment of the stipulated criteria, and that represents the best value for the Shire.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 - Section 3.57, 5.42,5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally part of Delegation A01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**1007 ENTERING INTO CONTRACTS**

- Objective of Delegation:** To enter into contracts on behalf of the Shire of Dalwallinu.
- Extent of Delegation:** The administrative duty to prepare the necessary documentation to execute documents taking into account any specific policy requirements of Council where:
- The Council has authorised entering into a formal contract; or
  - A formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council and where the consideration under the contract is less than \$150,000.
- Conditions Imposed:** All contracts where the consideration is greater than \$150,000 must be subject to specific authorisation of the Council.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 - Section 5.42</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**1008 WESTERN AUSTRALIAN TREASURY CORPORATION BORROWINGS**

**Objective of Delegation:** To sign documents in relation to borrowings for the Shire of Dalwallinu.

**Extent of Delegation:** To sign schedule documents under the Master Lending Agreement and give instructions to Western Australian Treasury Corporation on behalf of the Shire of Dalwallinu.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 - Section 5.42, 9.49A(4)</b></li> </ul>
<b>Last Reviewed:</b>	New delegation (OCM 22 April 2014) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**1009 APPOINTMENT OF AUTHORISED OFFICERS**

**Objective of Delegation:** To expedite the appointment of authorised officers.

**Extent of Delegation:** The power to appoint authorised officers/persons to enforce local laws of the Shire made in accordance with the *Local Government Act 1995* and the following Acts (including their relevant regulations):

- *Bush Fires Act 1954*
- *Cemeteries Act 1986*
- *Dog Act 1976*
- *Health Act 1911*
- *Litter Act 1979*
- *Building Act 2011*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Cat Act 2011*

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 - Section 5.42</i></b></li> <li>• <b><i>Acts as listed above</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

## 2000 WORKS

### 2001 REGULATORY SIGNS

**Objective of Delegation:** To expedite the process of applying for regulatory signage to Main Roads WA.

**Extent of Delegation:** The power to make applications to Main Roads WA for the installation of regulatory signs and markings at such places as the Chief Executive Officer considers warranted.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42,5.44</b></li> </ul>
<b>Last Reviewed:</b>	New Delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2002            TEMPORARY ROAD CLOSURES**

**Objective of Delegation:**            To expedite the process of approving temporary road closures if and when required.

**Extent of Delegation:**            The power to temporarily close a thoroughfare or a portion of a road for a period not exceeding twenty eight (28) days (without providing local public notice) if of the opinion that by reason of heavy rain a road is likely to be damaged by the passage of traffic generally or traffic of any particular class, in accordance with Section 3.50 of the *Local Government Act 1995*. When considering implementation of this delegation the Chief Executive Officer is required to comply with the requirements of Council Policy 5.14.

The power to temporarily close a road or a portion of a road for repairs and maintenance in accordance with Section 3.50A of the *Local Government Act 1995*.

The power to close a thoroughfare for a period in excess of twenty eight (28) days by providing local public notice in accordance with Section 3.50 of the *Local Government Act 1995*.

**Conditions imposed:**            1.    Council to be advised of all temporary road closures.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 3.50 &amp; 3.50A, 5.42, 5.44</i></b></li> <li>• <b><i>Shire of Dalwallinu Policy 5.15</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2003 DISPOSAL OF SURPLUS EQUIPMENT, MATERIALS, TOOLS**

**Objective of Delegation:** To expedite the disposal of surplus equipment, materials and tools belonging to the Shire of Dalwallinu.

**Extent of Delegation:** The power to dispose of Shire surplus equipment, materials and tools by calling for expressions of interest, holding of a surplus goods sale at the Shire depot, or any other fair means.

**Conditions imposed:** Goods are to have a value of less than \$5,000. Any items with a value of more than \$5,000 are to be referred to Council for a decision.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42,5.43,5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F04) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2004           EVENTS ON ROADS**

**Objective of Delegation:** To expedite the process for approving temporary road closures for the purpose of conducting events.

**Extent of Delegation:** The power to determine applications for the temporary road closure of roads for the purpose of conducting events in accordance with the *Road Traffic (Events on Roads) Regulations 1991*. The Chief Executive Officer shall have regard to Section 3.50 of the *Local Government Act 1995* and Council’s Local Law.

**Conditions imposed:** Council to be advised of any approved temporary road closures.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 3.50, 5.42, 5.44</i></b></li> <li>• <b><i>Road Traffic Regulations 1991 – Section 4 (1) &amp; (2)</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2005 HEAVY HAULAGE PERMITS**

**Objective of Delegation:** To expedite the processing of any referrals from Main Roads WA for the use of local roads by heavy haulage vehicles.

**Extent of Delegation:** The authority to determine any application referral from Main Roads WA to use heavy vehicles up to and including Network 7 Restricted Access Vehicles, on any local road within the district, recommending approval or refusal.

**Conditions imposed:**

1. The Chief Executive Officer to have regard for any applicable Council policy.
2. Council to be advised of all approved applications.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42 and 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2006 GATES AND PIPES ACROSS PUBLIC THOROUGHFARES**

**Objective of Delegation:** To expedite the approval of installation of gates and pipes across/under public thoroughfares.

**Extent of Delegation:** The authority to approve the installation of gates across, or pipes under, Council controlled thoroughfares.

**Conditions imposed:** 1. A register of gates to be maintained as per Regulations.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system Recorded in Gate Register
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44, Schedule 9.1</b></li> <li>• <b>Local Government (Uniform Local Provisions) Regulations 1996 – Regulation 9</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E04) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2007 STREET TREES - REMOVAL**

- Objective of Delegation:** To expedite the approval to remove street trees under the care, control and maintenance of Council.
- Extent of Delegation:** The authority to authorise the removal of any tree on any townsite street or road reserve where the street or road is under the care, control and maintenance of the Council.
- Conditions imposed:**
1. This authority shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, diseased, structurally dangerous or creating a traffic hazard by restricting the vision of motorists or is required by a public utility in accordance with its legislative authority.
  2. The removal of any tree or vegetation must comply with the requirements of the *Environmental Protection Act 1986* and associated legislation.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services Works Supervisor
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42 and 5.44</i></b></li> <li>• <b><i>Environmental Protection Act 1986</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E05) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2008 ROAD CLOSURES**

- Objective of Delegation:** To commence the process for the closure of any road in the district.
- Extent of Delegation:** The authority to initiate the road closure process by seeking comment from affected landowners, service authorities, etc and advertising the proposal for public comment.
- Conditions imposed:**
1. All notices and advertisements are to clearly demonstrate Council is not committed to the closure proposal but is simply seeking comment to assist in determining whether to proceed further with the closure or not.
  2. When all responses are received and the advertising period has expired, the Chief Executive Officer is to submit a report to Council for formal consideration.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42 and 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E06) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2009 CROSSOVERS – APPLICATIONS/REPAIRS**

**Objective of Delegation:** To expedite the application process for the construction of a crossover and to authorise repairs.

**Extent of Delegation:** The authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant subject to Council policy.

The authority to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice, the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services Works Supervisor
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 and 5.44</b></li> <li>• <b>Local Government (Uniform Local Provisions) Regulations 1996 – Regulations 12-15</b></li> <li>• <b>Shire of Dalwallinu Policy 5.8</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E07) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2010 PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND**

**Objective of Delegation:** To expedite the process of giving required notice before fixing or altering the level or the alignments of a public thoroughfare and before draining water from a public thoroughfare or other public places onto adjoining land.

**Extent of Delegation:** The authority to give the required notices as specified in the *Local Government Act 1995* Section 3.51 (3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place into adjoining land.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 – Section 3.51, 5.42,5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2016 (formally Delegation E08) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2011 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET**

**Objective of Delegation:** To expedite licence approvals to deposit materials on or excavate adjacent to a street.

**Extent of Delegation:** The authority to issue licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Section 6 of the Local Government (Uniform Local Provisions) Regulations 1996.

**Conditions imposed:** The Chief Executive Officer shall first obtain confirmation from appropriate staff that the proposed activity will not create undue interference with the operation of the street way or public place.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services Works Supervisor
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 &amp; 5.44</b></li> <li>• <b>Local Government (Uniform Local Provisions) Regulations 1996 – Section 6</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E10) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**2012 GRAVEL ROYALTIES**

**Objective of Delegation:** To expedite the process of acquiring gravel from landowners.

**Extent of Delegation:** The authority to negotiate compensation to landowners for the acquisition of gravel associated with road making and maintenance purposes within the Shire of Dalwallinu.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system Listed on monthly payments to Council
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44, Schedule 3.2</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

## 3000 FINANCE

### 3001 PAYMENT OF ACCOUNTS

- Objective of Delegation:** To expedite the payment of accounts.
- Extent of Delegation:** The authority to make payments from the Municipal or Trust Fund.
- Conditions imposed:** Each payment from the Municipal fund or Trust fund is to be noted on a list compiled each month showing:
1. The payee's name
  2. The amount of the payment
  3. The date of the payment
  4. Sufficient information to identify the transaction
- The list referred to above is to be presented to the Council at the next Ordinary meeting of Council and is to be recorded in the minutes.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services Manager Works & Services Manager Planning & Development
<b>Formal Record:</b>	Recorded in monthly Council minutes
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 and 5.44</b></li> <li>• <b>Local Government (Financial Management) Regulations – Reg 12 and 13</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**3002 DONATION REQUESTS**

- Objective of Delegation:** To expedite donation requests.
- Extent of Delegation:** The power to determine requests for the donation of monies up to the value of \$300.
- Conditions imposed:** The group or individual must demonstrate:
- a) Significant direct benefit to the local community;
  - b) That the group is an incorporated community group or nonprofit making organisation;
  - c) That the group’s financial status is such as to justify a donation and Council has previously recognised the group as deserving of assistance;
  - d) That available funding exist in Council’s budget

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 and 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**3003 INVESTMENT OF FUNDS**

- Objective of Delegation:** To oversee the investing of funds.
- Extent of Delegation:** The power to invest any monies held in the Municipal Fund that is not, for the time being, required by the local government for any other purpose.
- Conditions imposed:**
1. To observe Council Policy 3.4 relevant to the investment of funds.
  2. To observe any regulations relating to investments by local government.
  3. To act in a prudent manner and to exercise regular management control and oversight of the investment of funds.
  4. To conduct regular reviews of the investment performance and controls.
  5. Internal control procedures to be followed by employees to ensure control over investments and should identify
    - a) Nature and location of all investments
    - b) The transactions related to each investment

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services
<b>Formal Record:</b>	Included in monthly Financial Statements in the Ordinary Council agenda Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44,6.14</b></li> <li>• <b>Local Government (Financial Management) Regulations 1996 – Reg 19c</b></li> <li>• <b>Shire of Dalwallinu Policy 3.4</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F07) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**3004 RECOVERY OF UNPAID DEBTORS**

**Objective of Delegation:** To recover debt from unpaid rates, debtors and infringements.

**Extent of Delegation:** The authority to take legal action necessary to recover unpaid infringement notices, rates and other debtor accounts, in accordance with the requirements of the *Local Government Act 1995*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services
<b>Formal Record:</b>	Included in the Ordinary Council Meeting agenda Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, Division 5 &amp; 6</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F08) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**3005 ORDERING THRESHOLDS**

**Objective of Delegation:** To authorise Officers to sign purchase orders and utilise credit and store cards.

**Extent of Delegation:** The authority to authorise Officers to sign purchase orders and utilise credit and store cards on behalf of Council provided such proposed purchases are contained within the budget and are within the officer's area of activity.

**Conditions imposed:** 1. All purchases with a value of more than \$150,000 must be supported by a Council resolution.

<b>Delegation by Council to:</b>	<p>Chief Executive Officer – Unlimited  <i>Commonwealth Bank Credit Card</i>            Chief Executive Officer -\$15,000  <i>Store Card (Bunnings)</i>            Chief Executive Officer -\$2,000  <i>Fuel Card (Caltex)</i>            Chief Executive Officer</p>
<b>Delegation by Chief Executive Officer to:</b>	<p><i>Purchase Orders</i>            Manager Corporate Services - \$50,000            Manager Planning &amp; Development Services - \$50,000            Manager Works &amp; Services - \$50,000            Works Supervisor - \$20,000</p> <p><i>Store Cards (Bunnings)</i>            Building Maintenance Officer - \$2,000            Technical Support Officer - \$2,000</p> <p><i>Commonwealth Bank Credit Card (Credit Card Limit \$20,000)</i>            Manager Corporate Services -\$5,000</p> <p><i>Fuel Cards (Caltex combined limit \$10,000 and BP Australia combined limit \$2,000)</i>            Manager Corporate Services            Manager Planning &amp; Development Services            Works Supervisor            Cleaner (Under authorisation of Chief Executive Officer)            Doctor Olufemi Onikola (Under authorisation of Chief Executive Officer)            Fire Control Officers (under authorisation of Manager Corporate Services)</p>
<b>Formal Record:</b>	Recorded in central records system

<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.43(b),5.44</b></li> <li>• <b>Local Government (Financial Management) Regulations 1996 – Reg 13</b></li> </ul>
<b>Last Reviewed:</b>	<p>25 October 2015 (formally part of Delegation A01)  28 March 2017 (M8798)  27 March 2018 (M9128)  26 March 2019 (M9343)  24 March 2020 (M9524)  23 March 2021 (M9687)  22 March 2022 (M9884)  23 August 2022 (M9954)  28 March 2023 (M10057)  26 March 2024 (M10220)  25 March 2025 (M10377) Amended</p>

**3006 PUBLIC LIABILITY CLAIMS**

**Objective of Delegation:** To consider claims for property damage.

**Extent of Delegation:** The authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels and to accept or deny liability on behalf of Council.

**Conditions imposed:** In cases where liability is accepted, payment may only be made up to the value of Council’s relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by Council’s Insurers.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**3007 DEBT WRITE OFFS**

**Objective of Delegation:** To expedite the process of writing off small debts for rates and sundry debtors.

To alleviate the need for an agenda item for such an immaterial amount.

**Extent of Delegation:** The authority to write off debts to the value of \$100 or less, subject to appropriate follow up action having been undertaken.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44, Schedule 3.2, Section 6.12</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

## 4000 BUSHFIRE CONTROL

### 4001 FIREBREAK ORDER-VARIATIONS

**Objective of Delegation:** To expedite approvals for firebreak variations.

**Extent of Delegation:** The authority to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on land.

**Conditions imposed:** Consultation with the Chief Bush Fire Control Officer at all times.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42, 5.44</i></b></li> <li>• <b><i>Bush Fires Act 1954</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**4002 BURNING – PROHIBITED TIMES VARIATIONS**

**Objective of Delegation:** To manage the prohibited burning periods.

**Extent of Delegation:** The authority to vary the prohibited and restricted burning times in place from time to time.

**Conditions imposed:** Officer in charge of Department Water & Environment Regulation (DWER) to be consulted before the delegation is exercised.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Bush Fires Act 1954</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) Amended 25 March 2025 (M10377)

**4003 OFFENCES – BUSH FIRE ACT**

**Objective of Delegation:** To consider allegations of offences.

**Extent of Delegation:** The authority to consider allegations of offences alleged to have been committed against the *Bush Fires Act 1954* within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences.

The authority to issue infringement notices in accordance with the provisions of Section 59A of the *Bush Fires Act 1954*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42, 5.44</i></b></li> <li>• <b><i>Bush Fires Act 1954</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

## 5000 PLANNING

### 5001 DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL

<b>Objective of Delegation:</b>	To expedite the approval of Planning Applications
<b>Extent of Delegation:</b>	The authority to perform the functions of Council in respect of determining applications for development approval as per the Town Planning Scheme Zoning Table where the use is:  ‘P’ – that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
<b>Conditions imposed:</b>	Where the use is classed as a ‘D’ and ‘A’ as per the zoning table, these are to be referred to Council.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Local Government (Miscellaneous provisions) Act 1960</b></li> <li>• <b>Planning and Development Act 2005</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**5002 SUBDIVISIONAL CLEARANCE**

**Objective of Delegation:** To expedite the issuing of subdivision clearances.

**Extent of Delegation:** The authority to issue subdivision clearances where the subdivision complies with the requirements of the Town Planning Scheme and Council Policies in place from time to time and the conditions have been complied with to the satisfaction of the Manager Planning and Development Services.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Local Government (Miscellaneous Provisions) Act 1960</b></li> <li>• <b>Planning and Development Act 2005</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

## 6000 HEALTH AND BUILDING

### 6001 POWERS UNDER THE BUILDING ACT 2011

**Objective of Delegation:** To expedite the issuing of approvals for building applications and apply health regulations.

**Extent of Delegation:** To undertake the powers of the Local Government under the *Building Act 2011* subject to any Council policies that apply.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44</b></li> <li>• <b>Building Act 2011, Section 127</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377) Amended

**6002 POWERS UNDER THE HEALTH ACT 1911 & PUBLIC HEALTH ACT 2016**

**Objective of Delegation:** To expedite the approval of health applications and apply health regulations.

**Extent of Delegation:** To undertake the powers of the Local Government under the *Health Act 1911* and the *Public Health Act 2016* subject to any Council policies that apply.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44</b></li> <li>• <b>Health Act 1911</b></li> <li>• <b>Public Health Act 2016</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377) Amended

**6003 POWERS UNDER THE CARAVAN PARKS AND CAMPING ACT 1995**

**Objective of Delegation:** To expedite approvals for caravan park and camping licence approvals and apply health regulations.

**Extent of Delegation:** To undertake the powers of a Local Government under the *Caravan Parks & Camping Grounds Act 1995, Caravan Parks & Camping Grounds Regulations 1997 and Residential Parks (Long Stay Tenants) Act 2006 and Regulations 2007*, subject to any Council Policies that apply in the following sections of the Act and regulations:-

1. Act Sections 17 (1) (a) – appointment of authorised persons to undertake the provisions of the Act
2. Caravan Parks & Camping Grounds Regulation 11 (2) (a) – Use of property for caravan camping for a maximum of three months in any period of twelve months.
3. Caravan Parks & Camping Grounds Regulation 12 (2) (a) – Use of property for more than one caravan camping for a maximum of three months in any period of twelve months.
4. Caravan Parks & Camping Grounds Regulation 20 – Approval of overflow areas for Caravan Parks and Camping
5. Caravan Parks & Camping Grounds Regulation 30 (1) (c) – Approval to allow park homes on Caravan Parks
6. Caravan Parks & Camping Grounds Regulation 34 (1) (b) (ii) – Approval to allow Annexes to be attached homes on Caravan Parks
7. Caravan Parks & Camping Grounds Regulation 38 (b) – Approval to allow the use of a Park Home or rigid Annexe to be changed
8. Caravan Parks & Camping Grounds Regulation 48 – Approval to allow an area to be used for an overflow facility
9. Caravan Parks & Camping Grounds Regulation 50 – License to specify numbers and types of site and other conditions

**Conditions imposed:** Nil

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<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44</b></li> <li>• <b>Caravan Parks &amp; Camping Grounds Act 1995</b></li> <li>• <b>Caravan Parks &amp; Camping Grounds Regulations 1997</b></li> <li>• <b>Residential Parks (Long Stay Tenants) Act 2006 and Regulations 2007</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377) Amended

**6004          ADVERTISING SIGNAGE**

**Objective of Delegation:** To expedite approvals for the erection of advertising signage.

**Extent of Delegation:** The authority to approve the erection of advertising signage that complies with the Town Planning Scheme and the Local Laws of the Council.

The authority to approve advertising signage on roads controlled by Main Roads WA. (Delegated to local governments from Main Roads WA).

**Conditions imposed:** Where an application does not comply with the Town Planning Scheme or the Local Laws of the Council, the application is to be refused.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation B03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**6005 SEA CONTAINERS**

- Objective of Delegation:** To expedite approvals for the use of sea containers.
- Extent of Delegation:** The authority to approve sea containers subject to compliance with Local Planning Policy No.8.
- Applications that do not comply with LPP No.8 must be taken to Council for a decision.
- Conditions imposed:** Approvals are subject to Council’s Local Planning Policy – No.8.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Planning &amp; Development Act 2005</i></b></li> <li>• <b><i>State Planning Policy 7.3 – Residential Design Codes of WA</i></b></li> <li>• <b><i>Shire of Dalwallinu Local Planning Scheme No2</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation B03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

## 7000 ANIMAL CONTROL

### 7001 ENFORCEMENT OF DOG ACT AND LOCAL LAW

**Objective of Delegation:** To enforce the *Dog Act 1976* and Shire of Dalwallinu Dog Local Law.

**Extent of Delegation:** Authority to exercise the powers or discharge the duties of the local government under the *Dog Act 1976*.

Authority to enforce the provisions of the Dog Act and Local Laws.

Court proceedings will be instituted administratively, with the provision that legal advice be obtained if necessary.

The Chief Executive Officer is authorised to instruct the Shire’s solicitors to commence proceedings against a person who is reported to have:

- a) Unlawfully rescued or released, or attempted to rescue or release, cattle or dogs lawfully impounded or seized for the purpose of being impounded;
- b) Damaged a Municipal pound, or
- c) Committed pound breach by reason of which cattle or dogs may escape from a Municipal pound.

**Conditions imposed:** In all cases that the Chief Executive Officer instructs Shire’s solicitors to commence proceedings, he/she shall report particulars to the next Council meeting.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in Central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44</b></li> <li>• <b>Dog Act (1976)</b></li> <li>• <b>Shire of Dalwallinu Dog Local Law 2014</b></li> </ul>
<b>Last Reviewed:</b>	New Delegation (23 February 2016) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**7002 ENFORCEMENT OF CAT ACT**

**Objective of Delegation:** To enforce the *Cat Act 1911 and Cat Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*.

**Extent of Delegation:** Authority to exercise the powers or discharge the duties of the local government under the *Cat Act 2011, Cat Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*.

The authority to grant, renew, refuse or cancel an application for cat registration.

The authority to cancel a cat registration.

The authority to issue a cat control notice as per the *Cat Act 2011, Section 26*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Cat Register Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,</i></b></li> <li>• <b><i>Cat Act 2011, Section 44</i></b></li> <li>• <b><i>Cat (Uniform Local Provisions) Regulations 2013</i></b></li> <li>• <b><i>Cat Regulations 2012</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A07) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

## 8000 COUNCIL PROPERTIES

### 8001 SALE AND CONSUMPTION OF LIQUOR ON COUNCIL PROPERTY

**Objective of Delegation:** To expedite applications for the sale of liquor on Council property.

**Extent of Delegation:** The authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

In exercising this delegation, the Chief Executive Officer shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with the local Police.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation PR01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**8002 EXTENDED TRADING PERMITS – LIQUOR LICENCE PREMISES**

**Objective of Delegation:** To expedite applications for extended trading permits.

**Extent of Delegation:** The authority to comment on applications for an Extended trading Permit.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation PR03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**8003 LICENCES AND PERMITS – LOCAL LAWS**

**Objective of Delegation:** To expedite applications for the issues and/or renewal of licences and permits that are provided for in Council local laws.

**Extent of Delegation:** The authority to determine applications for licences and permits

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O06) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**9000 OTHER**

**9001 MINING TENEMENTS**

**Objective of Delegation:** To expedite the process of lodging objections to the granting of mining tenements that may affect Shire property.

**Extent of Delegation:** The authority to:

- Lodge an objection to the granting of a mining tenement
- Negotiate/impose appropriate conditions to be applied to the granting of any mining tenement.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Corporate Services Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O05) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)

**9002 COLLECTION OF NATIVE FLORA**

**Objective of Delegation:** To expedite the process of approving the collection of native flora from Shire owned properties and Reserves vested in the name of the Shire.

**Extent of Delegation:** The authority to approve the collection of native flora will be subject to the following conditions:

1. A copy of the current flora licence to be provided to the Chief Executive Officer;
2. Permission is for a twelve (12) month period commencing from date of approval;
3. A list of all members collecting the flora to be provided to the Chief Executive Officer;
4. Appropriate hygiene measures to be followed at all times to prevent the spread of plant disease and weeds;
5. All care to be taken to avoid disturbance of any fauna habitat;
6. All care to be taken to avoid any disturbance that may lead to soil degradation.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42, 5.44, Schedule 3.2</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 27 March 2018 (M9128) 26 March 2019 (M9343) 24 March 2020 (M9524) 23 March 2021 (M9687) 22 March 2022 (M9884) 28 March 2023 (M10057) 26 March 2024 (M10220) 25 March 2025 (M10377)