



**SPECIAL COUNCIL MEETING  
1 April 2020**

**AGENDA  
ATTACHMENTS**



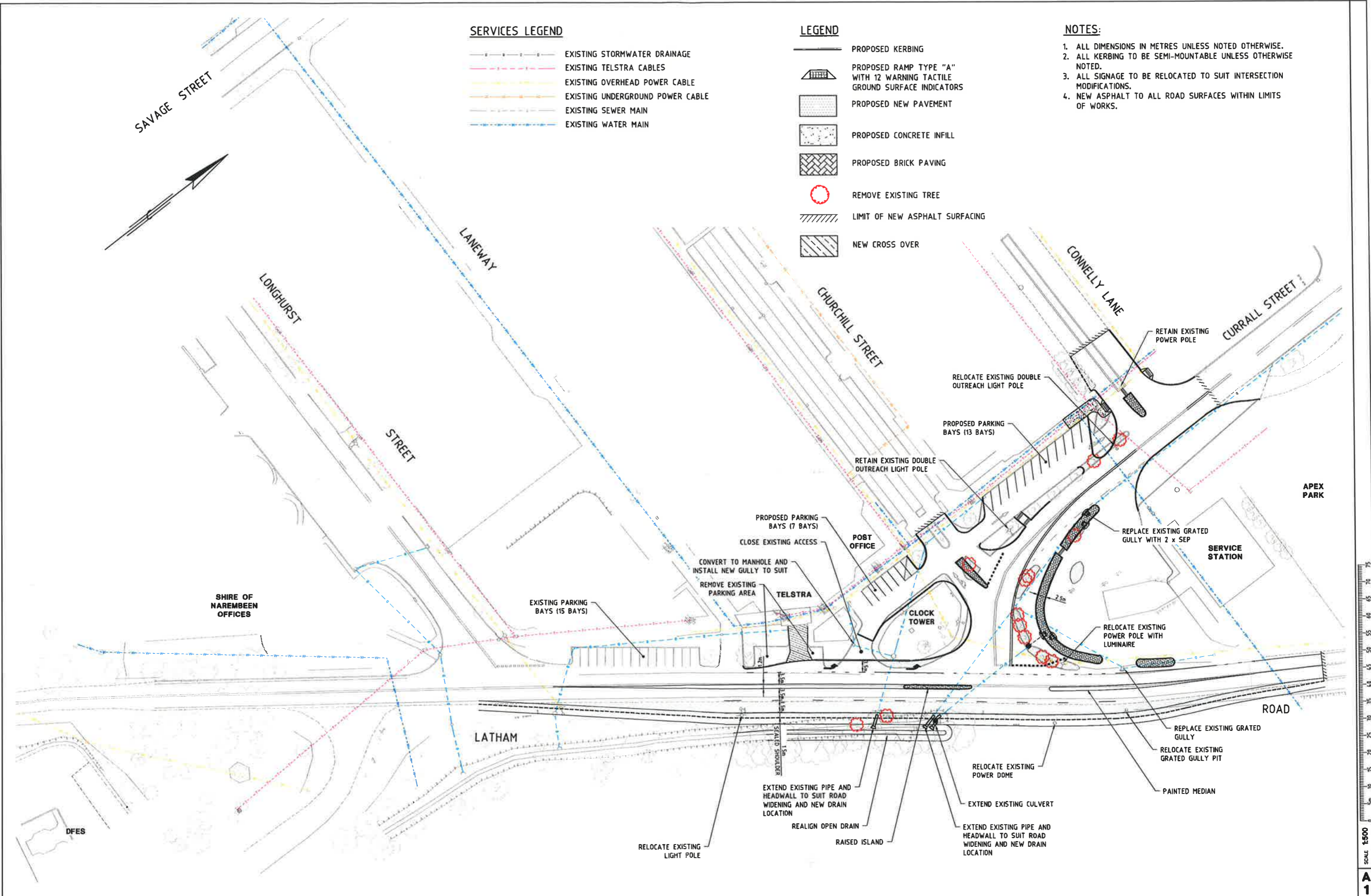
## **Contents - Attachments**

Agenda Item 6.1 - 2019/2020 Black Spot Project

Agenda Item 6.4 - Review of Delegations

**ATTACHMENT - AGENDA ITEM 6.2  
2019/2020 Black Spot Project**

UNCONTROLLED



**SERVICES LEGEND**

- EXISTING STORMWATER DRAINAGE
- EXISTING TELSTRA CABLES
- EXISTING OVERHEAD POWER CABLE
- EXISTING UNDERGROUND POWER CABLE
- EXISTING SEWER MAIN
- EXISTING WATER MAIN

**LEGEND**

- PROPOSED KERBING
- PROPOSED RAMP TYPE "A" WITH 12 WARNING TACTILE GROUND SURFACE INDICATORS
- PROPOSED NEW PAVEMENT
- PROPOSED CONCRETE INFILL
- PROPOSED BRICK PAVING
- REMOVE EXISTING TREE
- /// LIMIT OF NEW ASPHALT SURFACING
- NEW CROSS OVER

**NOTES:**

1. ALL DIMENSIONS IN METRES UNLESS NOTED OTHERWISE.
2. ALL KERBING TO BE SEMI-MOUNTABLE UNLESS OTHERWISE NOTED.
3. ALL SIGNAGE TO BE RELOCATED TO SUIT INTERSECTION MODIFICATIONS.
4. NEW ASPHALT TO ALL ROAD SURFACES WITHIN LIMITS OF WORKS.

No.	DESCRIPTION	APPROVED & DATE
B	ISSUED FOR REVIEW	19-12-19
A	ISSUED FOR REVIEW	12-12-19
AMENDMENTS		

BASE DATA INFORMATION			
SURVEY GRID:		-	
HEIGHT DATUM:		AHD	
DWG PATH			
DESIGNED	SM	18-11-19	DRAWN
DM			18-11-19
VERIFIED			APPROVED

SUITE 13, 6 LEIGH ST BURSWOOD WA 6100 TELEPHONE: (08) 9472 4122	
<b>ROADSWEST</b> ENGINEERING GROUP PTY LTD PROJECT MANAGEMENT & CIVIL ENGINEERING	

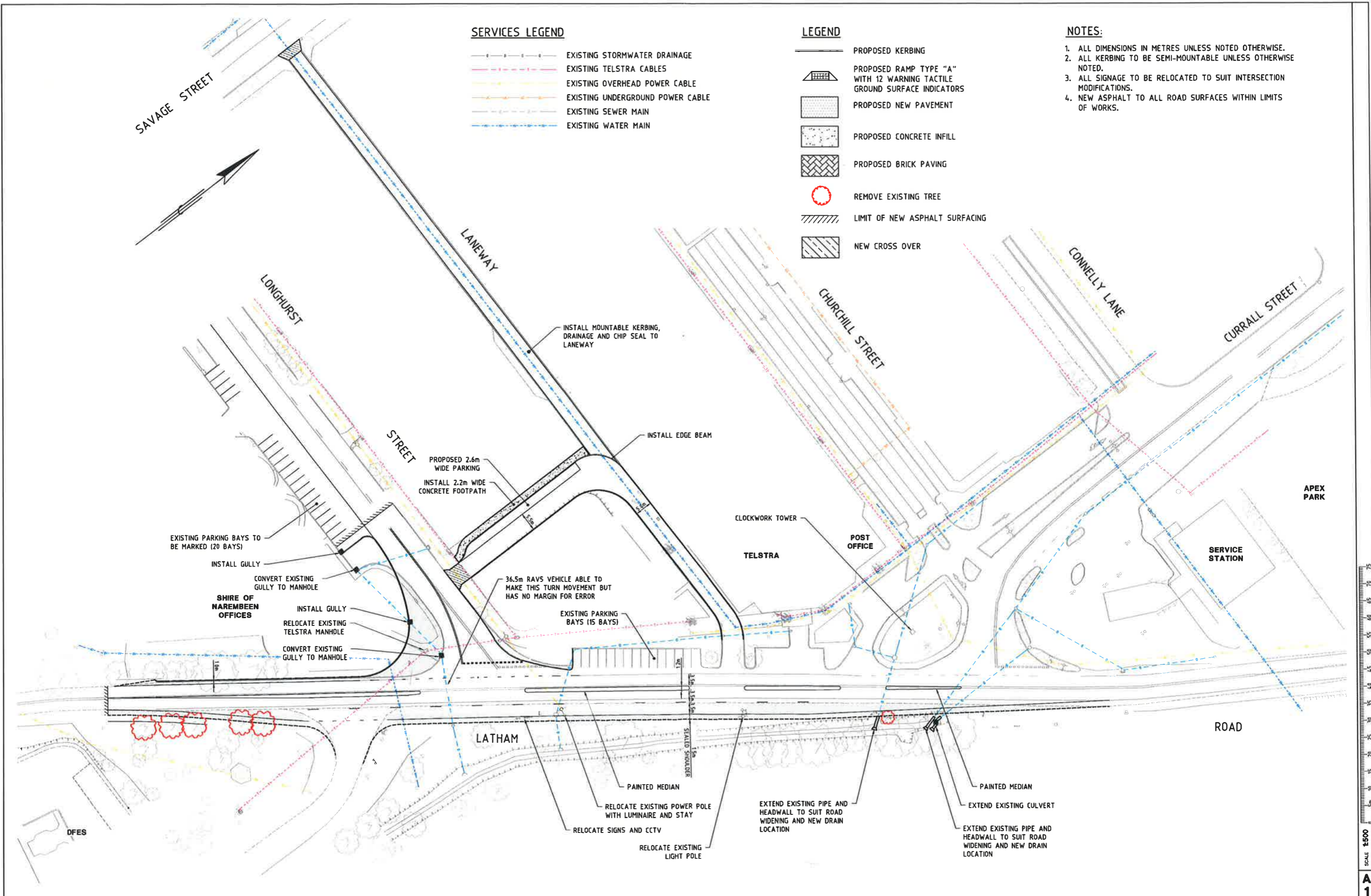
**LATHAM ROAD**  
 INTERSECTION IMPROVEMENT  
 LATHAM ROAD - CURRALL STREET  
 CONCEPT PLAN

LOCAL AUTHORITY SHIRE OF NAREMBEEN (417)

<b>ROADSWEST ENGINEERING GROUP</b>	
JOB NUMBER <b>R2045</b>	
DRAWING NUMBER <b>R2045-SK02 - B</b>	
AMEND.	

SCALE 1:500  
A 1

UNCONTROLLED



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No.	DESCRIPTION	APPROVED & DATE
B	LAYOUT AMENDED AND ISSUED FOR REVIEW	17-12-19
A	ISSUED FOR REVIEW	11-12-19
AMENDMENTS		

BASE DATA INFORMATION			
SURVEY GRID:		AHD	
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DWG PATH			
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VERIFIED		APPROVED	

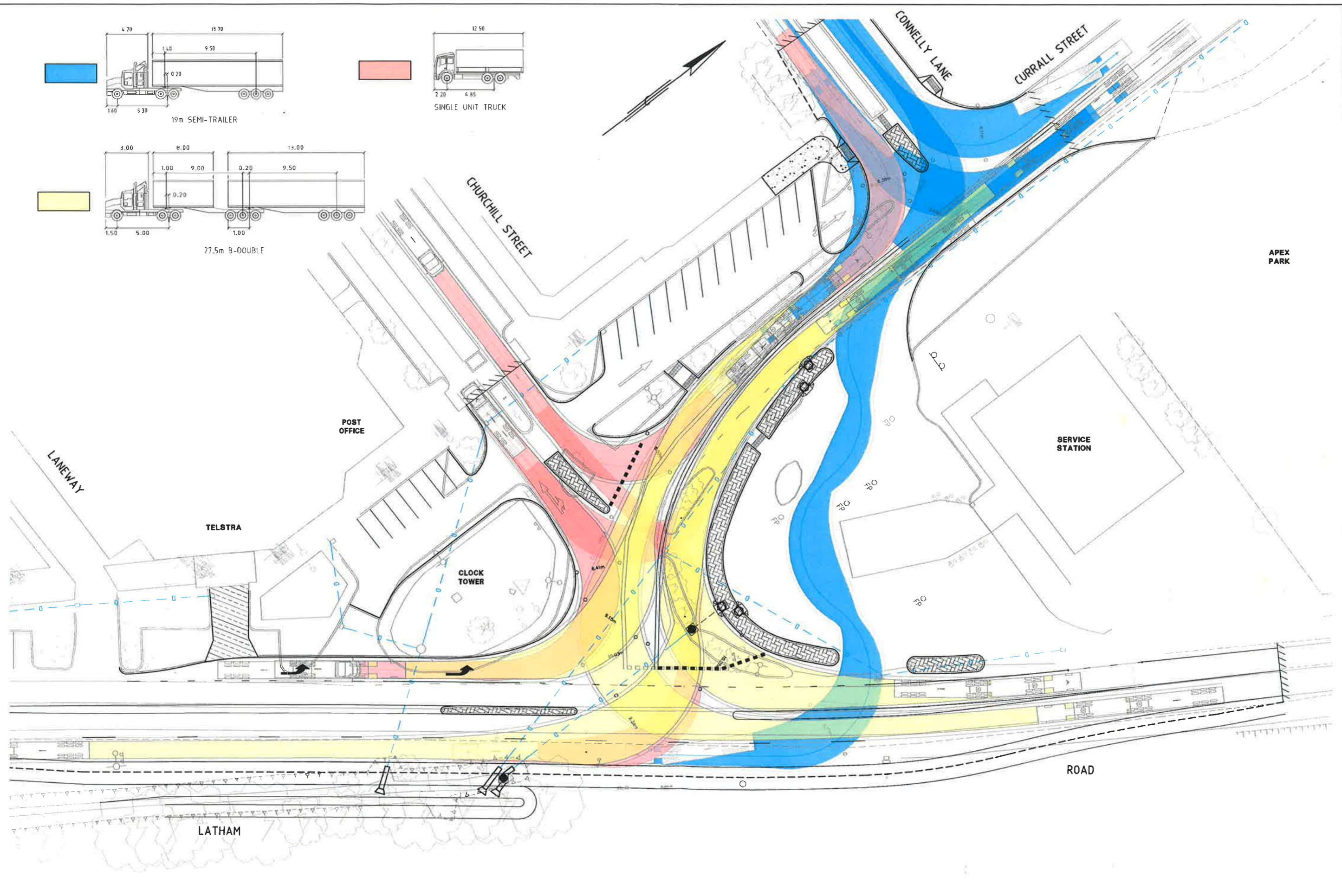
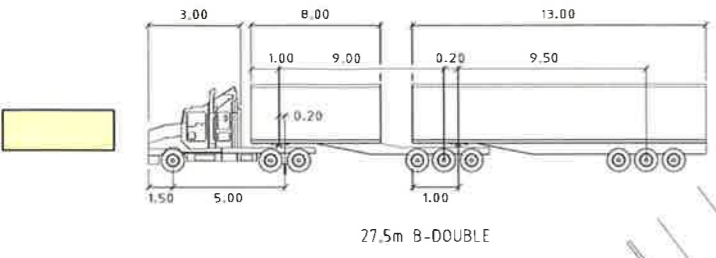
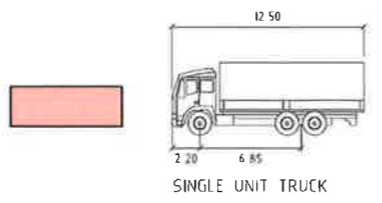
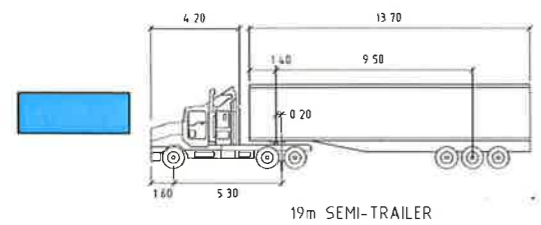
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ENGINEERING GROUP PTY LTD  
PROJECT MANAGEMENT & CIVIL ENGINEERING

**LATHAM ROAD**  
 INTERSECTION IMPROVEMENT  
 LATHAM ROAD - LONGURST STREET  
 CONCEPT PLAN  
LOCAL AUTHORITY SHIRE OF NAREMBEEN (417)

<b>ROADSWEST ENGINEERING GROUP</b>	
JOB NUMBER <b>R2045</b>	
DRAWING NUMBER <b>R2045-SK01 - B</b>	
<small>AMEND.</small>	

UNCONTROLLED



No.	DESCRIPTION	APPROVED & DATE
A	ISSUED FOR REVIEW	19-12-19
AMENDMENTS		

BASE DATA INFORMATION			
SURVEY GRID:	AHD		
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VERIFIED		APPROVED	

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**LATHAM ROAD**  
INTERSECTION IMPROVEMENT  
LATHAM ROAD - CURRALL STREET  
VEHICLE TURN MOVEMENTS

LOCAL AUTHORITY SHIRE OF NAREMBEEN (4/17)

**ROADSWEST ENGINEERING GROUP**

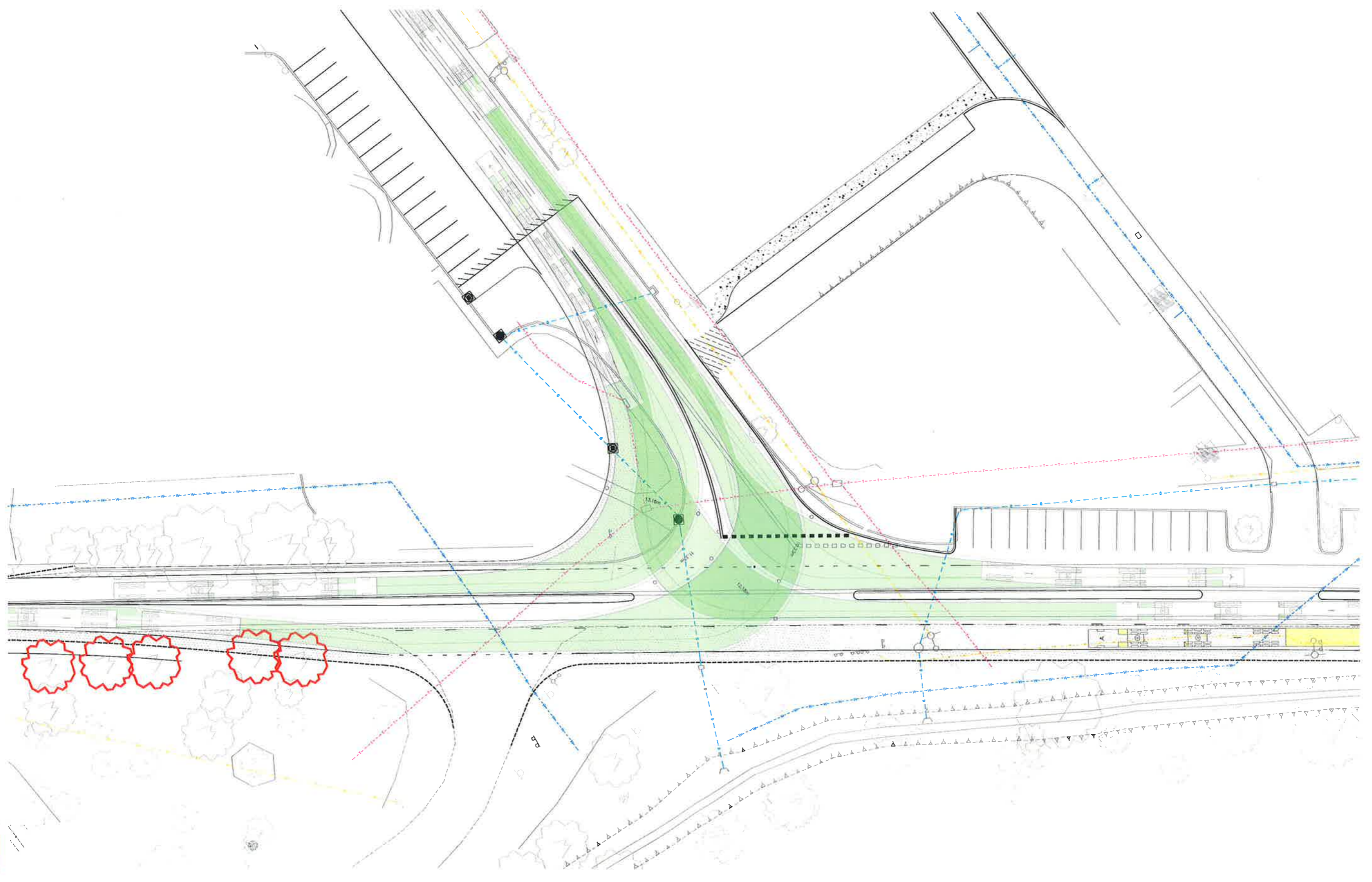
JOB NUMBER  
**R2045**

DRAWING NUMBER  
**R2045-SK03 - A**

AMEND.

SCALE 1:250  
A 1

UNCONTROLLED



A ISSUED FOR REVIEW		11-12-19
No.	DESCRIPTION	APPROVED & DATE
AMENDMENTS		

BASE DATA INFORMATION			
SURVEY GRID:		-	
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**LATHAM ROAD**  
 INTERSECTION IMPROVEMENT  
 LATHAM ROAD - LONGURST STREET  
**VEHICLE TURN MOVEMENT PLAN**  
 LOCAL AUTHORITY SHIRE OF NAREMBEEN (4/17)

**ROADSWEST ENGINEERING GROUP**  
 JOB NUMBER  
**R2045**  
 DRAWING NUMBER  
**R2045-VP01 - A**  
 AMEND.

SCALE 1:250  
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**ATTACHMENT - AGENDA ITEM 6.4**  
**Review of Delegations**



<b>POLICY SECTION:</b> Employee matters
<b>POLICY NUMBER:</b> 4.3.22
<b>POLICY TITLE:</b> GRATUITY PAYMENTS

## **POLICY**

Council will give particular regard to:

- The employee's history and length of employment with the Council
- The employees sick leave record; and
- The employees personal contribution to the progress of Council's objectives and Community well being

Council, after taking into account the aforementioned criteria, may agree to the awarding of the following gratuity:

- A maximum payment to the employee not exceeding one (1) years salary; or
- A payment based on unused sick leave entitlements

Council may make a payment to a retiring employee that exceeds this policy amount, however, before such payment is made, public notice is to be given in relation to the payment to be made in accordance with Section 5.50 (2) of the Local Government Act 1995.

## **OBJECTIVES**

## **SCOPE**

## **PRINCIPLES**

## **GUIDELINES**

## **POLICY REQUIREMENTS**

## **DELEGATED AUTHORITY**

## **REVIEW** EMCS

**HISTORY**

Adopted:	16/09/1998	MIN:	781/98
Reviewed:	18/02/2015	MIN:	5896/15
Reviewed:	15/02/2017	MIN:	6367/17

# SHIRE OF NAREMBEEN CEO DELEGATIONS SCHEDULE

## FINANCE & ADMINISTRATION

### DELEGATED AUTHORITY 01

#### DELEGATION: PAYMENTS FROM MUNICIPAL AND TRUST FUNDS

Section/Act Local Government Act 1995, Section 6.7, 6.9 and 6.10

Delegation: Authorise and make payments from the Municipal and Trust Funds manually and electronically, including transferring funds to and from the Reserve Fund accounts as allowed for in the budget as per the following.

A listing of all payments made is to be presented to the next ordinary meeting of Council.

### DELEGATED AUTHORITY 02

#### DELEGATION: CHEQUE SIGNING AUTHORITY

Section/Act: Local Government Act 1995, Section 5.42

Local Government (Financial Management) Regulations 1996, regulation 12 and 13

Delegation: That Council delegates its authority and power to the Chief Executive Officer to make payments from the Municipal Fund and the Trust Fund provided;

1. a list of payments made is presented to Council, in accordance with Financial Management Regulation 13.
2. All cheques are signed by at least two (2) signatories drawn from the following Officer/Council Member combination:
  - The Chief Executive Officer
  - Executive Manager Corporate Services
  - Finance Officer
  - Community Economic Development Officer
3. The following procedure is implemented for the authorisation of payments made by Electronic Funds Transfer (EFT);
  - (i) A list of payments to be made by EFT is checked and authorised by the Chief Executive Officer and/or Executive Manager Corporate Services, and/or Finance Officer.
  - (ii) Online authorisations for the funds transfer is made by the Chief Executive Officer, Executive Manager Corporate Services or Finance Officer, (2) signatures required.
  - (iii) Council is given a list of payments made by EFT each month as part of the financial statement sent out with agendas.

### DELEGATED AUTHORITY 03

#### DELEGATION: DONATIONS

Section/Act: Local Government Act 1995, Section 5.42

Delegation: That Council delegate authority to the Chief Executive Officer to grant requests for donations from Local Community Groups/Organisations, towards community based activities, up to an amount of \$500 per donation subject to the relevant budget allocation.

### DELEGATED AUTHORITY 04

#### DELEGATION: WRITING OFF DEBTS

SECTION/ACT: Local Government Act 1995, Section 6.12(c)

DELEGATION:

1. To write off debts wherein the individual debt is not more than \$500. In exercising this authority, the Chief Executive Officer is to take into consideration Council Policy and the prospects of recovering the debt.
2. Council delegates to the Chief Executive Office authority and power to write off any amount of money less than \$500, owed to the Shire of Narembeen that in his opinion are a bad debt.
3. To write off amounts raised in error on all debtor and rate accounts.

#### **DELEGATED AUTHORITY 05**

##### **DELEGATION: AUTHORISED PERSONS**

SECTION/ACT: Section 9.10(1) of the Local Government Act 1995, Bush Fires Act 1954 and the Control of Vehicles (Off Road Areas) Act 1978

DELEGATION: That the Ranger be appointed as an Authorised Officer under the Control of Vehicles (Off-road Areas) Act 1978

Council delegated authority to the Chief Executive Officer under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954

Council delegated authority to the Ranger under section 59 of the Bush Fires Act 1954 to issue infringements under section 59a of the Bushfires Act 1954.

#### **DELEGATED AUTHORITY 06**

##### **DELEGATION: APPOINTMENT OF AUTHORISED PERSONS**

SECTION/ACT: Local Government Act 1995, Section 9.10

DELEGATION: Authorisation is given to appoint persons to exercise the powers of a Local Government under subdivisions 2, 3 and 4 of Division 3 of Part 3 and subdivisions 1 and 2 of Division 2, Part 9 of the Local Government Act 1995.

A person who is authorised to give infringement notices under Section 9.16 is not to be made an authorised person for the purposes of Section 9.17, 9.19 or 9.20. In this event the Chief Executive Officer is not an authorised person under Section 9.16 of the Local Government Act.

#### **DELEGATED AUTHORITY 07**

##### **DELEGATION: ENFORCEMENT AND LEGAL PROCEEDINGS**

SECTION/ACT: Local Government Act 1995, Section 3.39, 9.10, 5.42 and Litter Act 1979 Section 31 (2b)

DELEGATION: To appoint persons or classes of persons to be authorised for the purposes of performing particular functions for the enforcement of provision of the various Acts and instigate legal proceedings accordingly.

#### **DELEGATED AUTHORITY 08**

##### **DELEGATION: WITHDRAWAL OF INFRINGEMENT NOTICES**

SECTION/ACT: Local Government Act 1995, Section 9.20

DELEGATION: Authorisation is given to withdraw infringement notices issued under the Local Government Act 1995, Dog Act 1976, Councils Local Laws and the Bushfire Act 1954.

#### **DELEGATED AUTHORITY 09**

##### **DELEGATION: AUTHORISED OFFICERS – LITTER ACT 1979**

SECTION/ACT: Litter Act 1979, Section 26 (1) (c)

DELEGATION: The Chief Executive Officer is authorised to appoint “Authorised Officers” as detailed in the Litter Act 1979.

#### **DELEGATED AUTHORITY 10**

##### **DELEGATION: IMPOUNDING OF GOODS**

SECTION/ACT: Local Government Act 1995, Section 3.39

DELEGATION: The Chief Executive Officer is authorised to remove and impound any goods that are involved in a contravention that can lead to impounding.

#### **DELEGATED AUTHORITY 11**

##### **DELEGATION: DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS**

SECTION/ACT: Local Government Act 1995, Section 3.47

DELEGATION: That the Chief Executive Officer be delegated to dispose of any goods that have been impounded.

#### **DELEGATED AUTHORITY 12**

##### **DELEGATION: LEGAL PROCEEDINGS – BUSH FIRE ACT**

SECTION/ACT: Bush Fires Act 1954, Section 59 and 59A

DELEGATION: The Chief Executive has been authorised under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954.

The Ranger has been authorised under section 59 of the Bush Fires Act 1954 to issue infringements under section 59a of the Bushfires Act 1954

### **DELEGATED AUTHORITY 13**

#### **DELEGATION: VARIATION OF PROHIBITED BURNING TIMES, RESTRICTED BURNING TIMES AND/OR PRESCRIBED CONDITIONS**

SECTION/ACT: Bush Fires Act 1954, Section 17(10) and Section 18 (5)

OFFICER(S) UPON WHOM DELEGATION CONFERRED:

Shire President, Chief Bush Fire Control Officer (jointly)

DELEGATION: To vary the prohibited burning times, restricted burning times and/or prescribed conditions.

### **DELEGATED AUTHORITY 14**

#### **DELEGATION: EXECUTION AND AFFIXING OF COMMON SEAL TO DOCUMENTS**

SECTION/ACT: Local Government Act 1995 – Section 9.49A (3)

DELEGATION: Notwithstanding the provisions of Section 9.49 of the Local Government Act the Chief Executive Officer is authorised to affix the Common Seal to documents to be executed by the Shire where such documents are consistent and in accord with a resolution of Council, applicable Council Policy or a delegated power.

### **DELEGATED AUTHORITY 15**

#### **DELEGATION: STAFF PAYMENTS OF GRATUITIES TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD**

SECTION/ACT: Local Government Act 1995 – sections 5.42 and 5.50

DELEGATION: Council delegates the Chief Executive Officer authority to implement in accordance with Councils policy relating to gratuities to officers and employees who are retiring in accordance with Council's Policy.

Conditions: Subject to Budget provision.

### **DELEGATED AUTHORITY 16**

#### **DELEGATION: DISPOSAL OF SURPLUS FURNITURE & EQUIPMENT**

SECTION/ACT: Local Government Act 1995 – Sections 3.58, 5.42 and 5.43 and Local Government (Functions and General) Regulations 1996

DELEGATION: Council delegates its authority and power to the Chief Executive Officer to dispose of surplus furniture with a market value of less than \$10,000.

### **DELEGATED AUTHORITY 17**

#### **DELEGATION: CORPORATE CREDIT CARD**

SECTION/ACT: Local Government Act 1995, Section 5.42, Section 5.44 and Section 6.5 and Regulation 11 of the Local Government (Financial Management) Regulations 1996. Sections 53 and 55 of the Financial Administration and Audit Act 1985.

DELEGATION: Authorisation is given to make payments via corporate credit card in accordance with Councils Policy – Credit Cards.

Business Credit Cards to be issued to the Chief Executive Officer, Executive Manager Corporate Services and Community Resource Centre Co-ordinator.

### **DELEGATION AUTHORITY 18**

#### **DELEGATION TENDERS**

SECTION/ACT: Local Government Act 1995, Section 3.57 and Section 5.8

DELEGATION:

1. The Chief Executive Officer is authorised to accept tenders up to \$150,000 and to not exceed budget allocation.

### **DELEGATION AUTHORITY 19**

#### **DELEGATION CALLING OF TENDERS**

SECTION/ACT: Local Government Act 1995, Section 3.57 and Section 5.8

DELEGATION:

1. The Council delegate authority to the Chief Executive Officer the power to call tenders of kind prescribed within the Tender Regulations as per the Local Government (Functions and General) Regulations 1996 under which another person is to supply goods and/or services as identified program in Councils adopted budget.

## **WORKS AND SERVICES**

### **DELEGATED AUTHORITY 01**

#### **DELEGATION: TEMPORARY ROAD CLOSURES**

SECTION/ACT: Local Government Act 1995, Section 3.50A, 3.50[1], 3.50[1a], 3.50[4], 3.50[6] and 3.50[8] and Road Traffic (Events on Roads) Regulations 1991

DELEGATION:

1. To temporarily close thoroughfares to vehicles.
2. To determine applications for the temporary closure of roads for the purpose of conducting events.

### **DELEGATED AUTHORITY 02**

#### **DELEGATION: PAYMENT OF CROSSOVER CONTRIBUTION**

SECTION/ACT: Local Government Act 1995 – Section 5.42

DELEGATION: The Chief Executive officer is authorized to pay Councils contribution to the construction of a crossover in accordance with Policy on Vehicle Crossovers.

### **DELEGATED AUTHORITY 03**

#### **DELEGATION: PRIVATE WORKS ON, OVER, OR UNDER PUBLIC PLACES**

SECTION/ACT: Local Government Act 1995 – Sections 9.1

DELEGATION: Council delegates its authority and power to the Chief Executive Officer to grant permission to construct anything on, over, or under a public thoroughfare or public place that is Local Government property and impose conditions in respect to the permission.

Conditions: Refer to Local Government (Uniform Local Provisions) Regulation 17.

### **DELEGATED AUTHORITY 04**

#### **DELEGATION: STREET VERGE TREATMENTS – INDIVIDUAL PROPERTIES**

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates its authority and power to the Chief Executive Officer authority and power to authorise the installation of soft landscaping and/or hard paving within a road reserve.

### **DELEGATED AUTHORITY 05**

#### **DELEGATION: SEED COLLECTION – WILDFLOWER PICKING**

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Approval to pick wildflowers on Council controlled reserves. Approval to collect seeds on Council controlled reserves.

Delegation conditions: All applications to be in writing; preference given to local land care groups/businesses.

## **HEALTH, BUILDING & PLANNING**

### **DELEGATED AUTHORITY 01**

#### **DELEGATION: DEMOLITION LICENCES**

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 374A and/or the Building Act 2011 (whichever is in force).

DELEGATION: That the Chief Executive Officer be delegated to issue demolition licences.

### **DELEGATED AUTHORITY 02**

#### **DELEGATION: BUILDINGS – ISSUING NOTICES REQUIRING ALTERATIONS**

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401 and/or the Building Act 2011 (whichever is in force)

DELEGATION: That the Chief Executive Officer be delegated to issue a Notice requiring alterations where a breach of building requirements is considered sufficient to warrant the issue of a Notice.

### **DELEGATED AUTHORITY 03**

#### **DELEGATION: BUILDINGS – UNLAWFUL WORKS**

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401A and/or the Building Act 2011 (whichever is in force)

DELEGATION: That the appointed Chief Executive Officer be delegated to direct a survey of a building to be considered to be in a dangerous state and to issue a notice, requiring the owner or occupier to take it down, secure or repair it, as the case requires, if the survey confirms a building to be in a dangerous state.

### **DELEGATED AUTHORITY 04**

#### **DELEGATION: BUILDINGS – DANGEROUS**

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Sections 403, 404 and/or the Building Act 2011 (whichever is in force)

DELEGATION: That the appointed Building Surveyor to direct a survey of a building that is considered to be in a dangerous state.

If the Building Surveyor, or other competent person, certifies that the building is in a dangerous state, to cause the building to be shored up or otherwise secured and a proper hoarding or fence to be put up for the protection of the public from danger, and shall cause a written notice to be served on the owner or occupier of the building requiring him/her forthwith to take it down, secure, or repair it as the case requires.

### **DELEGATED AUTHORITY 05**

#### **DELEGATION: PRIVATE SWIMMING POOL INSPECTIONS**

SECTION/ACT: Local Government Act, 1995 Sections 5.42 & 5.44 and Schedule 9.2(3) and Section 2, Section 245A (5), (6) and (7) of the Local Government (Miscellaneous Provisions) Act 1960 and/or the Building Act 2011 (whichever applies)

DELEGATION: Authorisation is given to appoint officer(s) of the Council as "Authorised Officers" as required in Section 245A (5), (6) & (7) of the Local Government (Miscellaneous Provisions) Act 1960 and/or the Building Act 2011 for the purposes of inspecting and enforcing private swimming pool local laws or regulations. The delegate(s) has the authority to deal with such matters relevant to this declaration.

### **DELEGATED AUTHORITY 06**

#### **DELEGATION: BUILDING LICENCES**

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960 Section 374 and/or the Building Act 2011 (whichever is in force).

DELEGATION: The appointed Building Surveyor be delegated to approve plans submitted and issue building licences.

CONDITIONS: A summary of building licenses issued to be submitted to Council monthly.

### **DELEGATED AUTHORITY 07**

#### **DELEGATION: SALE AND/OR CONSUMPTION OF LIQUOR – COUNCIL PROPERTY**

SECTION/ACT: Not Applicable

DELEGATION: Appoint the Chief Executive Officer to approve in support of applications for the sale of liquor and/or approve the consumption of liquor on property under the care, control and management of Council.

### **DELEGATED AUTHORITY 08**

#### **DELEGATION: TOWN PLANNING FUNCTIONS**

SECTION/ACT: Clause 8.7.1 of the Shire of Naremben Town Planning Scheme No 2

DELEGATION: That Council delegate authority to the Chief Executive Officer in accordance with in respect of the Town Planning Functions of the Shire as detailed below;

(a) Determination of applications for development approval, including applications involving:

(i) the variation of Scheme provisions, Planning Policy or provisions of the Residential Design Codes; or



- (ii) the exercise of discretion under the Scheme, Planning Policy or the Residential Design Codes;
- (b) Refusal of all development applications where the proposed use is not permitted by the Scheme or where the development does not comply with the non-discretionary provisions of the Residential Design Codes or any mandatory statutory requirement or adopted Council policy;
- (c) Grant an extension of development approval for up to two (2) years;
- (d) Granting variations to relevant Planning Policies and provisions of the Residential Design Codes on Building Licence applications;
- (e) Determination of applications for development approval for buildings on land Zoned Rural Residential, including Dwellings, Sheds, Carports and other similar buildings, but excluding Transportable Buildings.
- (f) Deletion or modification of conditions of approval, whether imposed under delegated authority or not;
- (g) Making recommendations to the WA Planning Commission on:
  - i. applications for subdivision or amalgamation of land;
  - ii. minor variations to approved subdivisions;
  - iii. clearance of conditions of subdivision approval;
- (h) Determination of Applications for the relocation of Building Envelopes;
- (i) Provision of written and verbal responses to planning appeals, mediated settlements resulting from appeals and WA Planning Commission requests for reconsideration;
- (j) Taking all necessary action against owners or occupiers of properties to cease illegal uses or comply with conditions of Development Approval, including pursuing prosecution through Council's Solicitors; and
- (k) Formation of any opinion and consideration of any matter in the exercise of these delegated powers that would be required of Council under the Scheme, including, but not limited to, sufficient information required for the processing of applications, referral and advertising of applications, and interpretation of Scheme provisions, relevant Planning Policies and provisions of the Residential Design Codes.

### **Limits to delegated powers**

With the exception of delegated power 1.(b) above, all applications will be submitted to a meeting of Council for determination in the following circumstances:

- (a) Where the delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation;
- (b) Where written objection is received to the proposal from any statutory agency;
- (c) Where the proposal is inconsistent with the intent of the Town Planning Scheme, relevant Policies, Residential Design Codes, or any Outline Development Plan or Local Planning Strategy adopted by Council;
- (d) Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Town Planning Scheme or any Policy and written objections have been received within the time specified, unless in the opinion of the Chief Executive Officer:
  - (i) the proposal is for exercise of discretion under the R-Codes and is consistent with the intent of the Town Planning Scheme, Residential Design Codes and any relevant Policy; and
  - (ii) the objections can be overcome by imposing a condition(s) on the development approval, or modifying the design of the development; or
  - (iii) the objection does not relate to valid planning and development issues associated with the proposal.
- (e) Where, in the opinion of the Chief Executive Officer:
  - (i) Any of the requirements of this policy are not satisfied; or
  - (ii) There is insufficient certainty as to whether the application complies with the intent of the Scheme, Residential Design Codes or any relevant Council Policy;
 or
  - (iii) It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application; or
  - (iv) The decision involves a matter of principle which, in the opinion of the Chief Executive Officer, should be made by the Council; or
  - (v) A condition recommended by a statutory agency is unnecessary or impractical, or unreasonable to be enforced by the Shire.

### **Reporting of Use of Delegation**

All instances of the use of this delegation are to be reported to the Council in the monthly Status Information reports and/or Information Bulletin that may apply at the time.

### **DELEGATED AUTHORITY 09**

#### **DELEGATION: MANAGEMENT/AGREEMENT OR LEASE FOR COUNCIL OWNED BUILDINGS, FACILITIES AND RESERVES**

SECTION/ACT: Local Government Act 1995

DELEGATION: That the Chief Executive officer be delegated authority to enter into a management agreement or lease for the use of Council owned buildings, facilities and reserves.

### **DELEGATED AUTHORITY 10**

#### **DELEGATION: RESERVES UNDER CONTROL OF A LOCAL GOVERNMENT**

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates its authority and power to the Chief Executive Officer to control and manage land that is vested or placed under the control and management of the Local Government.

### **DELEGATED AUTHORITY 11**

#### **DELEGATION: USE APPROVAL OF COUNCIL CONTROLLED BUILDINGS**

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates to the Chief Executive Officer authority to approval functions and the 'use' of Council buildings, facilities and reserves. Conditions: All applications to be received in writing. All approval/rejections to be in writing.

### **DELEGATED AUTHORITY 12**

#### **DELEGATION: SUBDIVISION CLEARANCE**

SECTION/ACT: Local Government Act 1995 – Sections 5.42, Planning & Development Act 2005, Town Planning Scheme No 2

DELEGATION: The Chief Executive Officer is authorised to clear conditions on WAPC subdivision/amalgamation approvals in accordance with any relevant Council Policy, Specification, and Town Planning Scheme No 2, or other relevant Act or Regulation.

Conditions: the payment of bond in lieu or completion of works in order to clear a condition of subdivision.

### **DELEGATED AUTHORITY 13**

#### **DELEGATION: FOOD PROVISION**

##### **SECTION/ACT: Food Act 2008 Provisions**

DELEGATION: That Council delegates authority to the Chief Executive Officer the capacity to exercise and discharge all or any of its powers and functions of the enforcement agency in regard to the following sections of the Food Act 2008:

- Prosecute for breach of the food act in accordance with section 118(1)
- Authority to issue a Prohibition Order where a food proprietor has not complied with an improvement notice or the order is required to mitigate a serious danger to the public in accordance with section 65(1)
- Clear and remove a prohibition order in accordance with section 66
- Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with sections 110 and 112
- Appoint authorised officers in accordance with section 122
- Appoint authorised officers to be designated officers under Part 10 Division 3 for the purposes of:
  - Issuing infringement notices in accordance with section 126(2)
  - Receiving payment of modified penalties in accordance with section 126(3)
  - Extending the payment period for infringement notices or withdrawing infringement notices in accordance with sections 126(6) and 127(7)

CEO

Delegates to: Environmental Health Officer

Reference: Food Act 2008, sections 65(1), 66, 67, 110, 112, 118(1), 122,  
126(2), 126(3), 126(6) & 126(7)

History: Adopted 25 May 2010

**PREVIOUS REVIEW ADOPTED BY COUNCIL: 21<sup>st</sup> February 2018**  
**THIS REVIEW ADOPTED BY COUNCIL: 20<sup>th</sup> February 2019**  
**NEXT REVIEW DATE: 19<sup>th</sup> February 2020**  
**AUTHOR: Chris Jackson Chief Executive Officer**

<b>DELEGATION NUMBER</b>	- <b>H01</b>
DELEGATION SUBJECT	- Powers of Local Government - (Deputy)
LEGISLATIVE POWER	- <i>Health (Miscellaneous Provisions) Act 1911; s26</i> Local government may appoint persons to be its 'deputy' to exercise and discharge all or any of the powers and functions of the local government
DELEGATE	- Chief Executive Officer - Environmental Health Officer

#### CROSS REFERENCE

#### FUNCTION TO BE PERFORMED

In accordance with the provisions of Section 26 of the *Health (Miscellaneous Provisions) Act 1911*, the Chief Executive Officer and Environmental Health Officer are authorised to be the Shire's 'Deputy' to exercise and discharge the powers and functions under this Act and to:

1. Issue such *Health (Miscellaneous Provisions) Act 1911* and Health Local Laws notices and orders as appropriate;
2. Determine applications for licenses ~~under~~ in accordance with the *Health (Miscellaneous Provisions) Act 1911* and Health Local Laws; and
3. Discharge the functions of Regulations 4 and 10 of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

#### DELEGATION BY CEO

Not applicable

- DELEGATION NUMBER** - **H02**
- DELEGATION SUBJECT - Designation of Authorised Officers
- LEGISLATIVE POWER - *Public Health Act 2016*: s21, Local government (enforcement agency) may delegate a function conferred on it
- DELEGATE - Chief Executive Officer

CROSS REFERENCE

FUNCTION TO BE PERFORMED

In accordance with provisions of the *Public Health Act 2016*, s24 the Chief Executive Officer is delegated authority to designate:

1. persons to undertake the functions of the enforcement agency under the *Public Health Act 2016*, s19;
2. a person or class of persons as Authorised Officers for the purposes of the *Public Health Act 2016*, s24 subject to the provisions of the *Public Health Act 2016*, s25.

DELEGATION BY CEO

Environmental Health Officer for the purposes of clauses 1 and 2.

<b>DELEGATION NUMBER</b>	-	<b>H03</b>
DELEGATION SUBJECT	-	Infringement Notices (Asbestos)
LEGISLATIVE POWER	-	<i>Health (Asbestos) Regulations 1992</i> ; Regulation 15D(7), Local government may delegate a power or duty conferred or imposed on it by this regulation to the Chief Executive Officer of the local government
DELEGATE	-	Chief Executive Officer

#### CROSS REFERENCE

#### FUNCTION TO BE PERFORMED

In accordance with provisions of the *Health (Asbestos) Regulations 1992*, Regulation 15D(5), the Chief Executive Officer is delegated authority to appoint a person or classes of persons as:

1. Authorised officers for the purposes of issuing Infringement Notices under the *Criminal Procedure Act 2004* Part 2 for the offences specified under Schedule 1 of the *Health (Asbestos) Regulations 1992*; and
2. Approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2 to extend the period to pay a modified penalty or withdraw an Infringement Notice.

#### DELEGATION BY CEO

Environmental Health Officer for the purposes of clause 1.

**DELEGATION NUMBER** - **H04**

**DELEGATION SUBJECT** - Prohibition Orders

**LEGISLATIVE POWER** - *Food Act 2008*: s118 (2) (b), Local government (enforcement agency) may delegate a function conferred on it, s118(3) Delegation subject to conditions (s119) and guidelines adopted (s120), s118(4) Sub-delegation only permissible if expressly provided in regulations

**DELEGATE** - Chief Executive Officer

**CROSS REFERENCE**

**FUNCTION TO BE PERFORMED**

In accordance with provisions of the *Food Act 2008*, s65(1) - Prohibition Orders, s66 - Certificate of Clearance and s67(4) - Request for Re-Inspection the Chief Executive Officer is delegated authority to:

1. Serve a prohibition order on the proprietor of a food business in accordance with s65 of the *Food Act 2008*;
2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices; and
3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection.

**DELEGATION BY CEO**

Not applicable

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<b>DELEGATION NUMBER</b>	- <b>H05</b>
DELEGATION SUBJECT	- Registration of Food Business
LEGISLATIVE POWER	- <i>Food Act 2008</i> s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it, s118(3) Delegation subject to conditions (s119) and guidelines adopted (s120), s118(4) Sub-delegation only permissible if expressly provided in regulations
DELEGATE	- Chief Executive Officer - Environmental Health Officer

#### CROSS REFERENCE

#### FUNCTION TO BE PERFORMED

In accordance with provisions of the *Food Act 2008*, s110(1) and (5) - Registration of food business and s112 - Variation of conditions or cancellation of registration of food businesses, the Chief Executive Officer and Environmental Health Officer are delegated authority to:

1. Register a food business in respect of any premises for the purposes of Part 9 of the *Food Act 2008* and issue a certificate of registration;
2. After considering an application, determine to grant (with or without conditions) or refuse the application; and,
3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the *Food Act 2008*.

#### DELEGATION BY CEO

Not applicable

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- DELEGATION NUMBER** - **H06**
- DELEGATION SUBJECT** - Institution of Proceedings
- LEGISLATIVE POWER** - *Food Act 2008*: s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it, s118(3) Delegation subject to conditions (s119) and guidelines adopted (s120), s118(4) Sub-delegation only permissible if expressly provided in regulations
- DELEGATE** - Chief Executive Officer

**CROSS REFERENCE** Authorised Officers – Infringement Notices

**FUNCTION TO BE PERFORMED**

In accordance with provisions of the *Food Act 2008*, s125 the Chief Executive Officer is delegated authority to institute proceedings for offences under the *Food Act 2008*.

**DELEGATION BY CEO**

Not applicable

**NOTE:** *It is important to note that there is no power to sub-delegate s118(2), (3) and (4) conferred.*

<b>DELEGATION NUMBER</b>	-	<b>H07</b>
<b>DELEGATION SUBJECT</b>	-	Appoint Authorised Officers and Designated Officers
<b>LEGISLATIVE POWER</b>	-	<i>Food Act 2008</i> : s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it, s118(3) Delegation subject to conditions (s119) and guidelines adopted (s120), s118(4) Sub-delegation only permissible if expressly provided in regulations
<b>DELEGATE</b>	-	Chief Executive Officer

#### CROSS REFERENCE

#### FUNCTION TO BE PERFORMED

In accordance with provisions of the *Food Act 2008*, s122(1) and s126(3), (6), (7) and (13) the Chief Executive Officer is delegated authority to appoint:

1. persons to undertake the functions of the enforcement agency under the *Food Act 2008*, s118(1);
2. a person to be an Authorised Officer for the purposes of the *Food Act 2008*, s122(1);
3. an Authorised Officer appointed under the *Food Act 2008*, s122(1) or the *Public Health Act 2016*, to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008*, s126(13);
4. an Authorised Officer to be a Designated Officer (who is prohibited by the *Food Act 2008*, s126(13) from also being a Designated Officer for the purpose of issuing Infringement Notices), for the purpose of extending the time for payment of modified penalties under the *Food Act 2008*, s126(6) and determining withdrawal of an Infringement Notice under the *Food Act 2008*, s126(7); and
5. an Authorised Officer to be a Designated Officer for the purposes of receiving payment of a modified penalty in accordance with the *Food Act 2008*, s126(3).

#### DELEGATION BY CEO

Environmental Health Officer for the purposes of clauses 1, 2 and 3.

Customer Service Officers, Finance Officers and Administration Officers for the purposes of clause 5.

<b>DELEGATION NUMBER</b>	-	<b>H08</b>
DELEGATION SUBJECT	-	Appointment of Authorised Persons
LEGISLATIVE POWER	-	<i>Caravan Parks and Camping Grounds Act 1995:</i> s17(1) Local government may appoint such persons to be authorised persons for the purposes of this Act as the local government considers necessary
DELEGATE	-	As listed below

CROSS REFERENCE

FUNCTION TO BE PERFORMED

In accordance with provisions of the *Caravan Parks and Camping Grounds Act 1995*, s17(1) the following persons are appointed as Authorised Officers:

1. For the purposes of Division 1 of Part 2 – Regulation of caravan parks and camping grounds  
**Chief Executive Officer**  
**Environmental Health Officers**  
**Building Surveyors**
2. For the purposes of s.18 – Powers of entry  
**Chief Executive Officer**  
**Environmental Health Officers**  
**Rangers**  
**Building Surveyors**
3. For the purposes of s.22(1) – Legal Proceedings  
**Chief Executive Officer**
4. For the purposes of s.23(2) – Issue an Infringement Notice  
**Environmental Health Officers**  
**Rangers**  
**Building Surveyors**
5. For the purposes of s.23(5) – Extend the period the modified penalty is to be paid and s23(7) – Withdraw an Infringement Notice  
**Chief Executive Officer**  
**Executive Manager Corporate Services**

DELEGATION BY CEO

Not applicable