



SHIRE OF KOJONUP

Delegation Register

DECEMBER 2024



Table of Contents

INTRODUCTION.....	4
CORPORATE SERVICES.....	5
ADMIN 001 CERTAIN ACTIONS TO BE TAKEN ON PRIVATE LAND	5
ADMIN 002 MINOR VARIATIONS TO APPROVED CONTRACTS.....	6
ADMIN 003 SALE & CONSUMPTION OF LIQUOR ON SHIRE PROPERTY.....	7
ADMIN 004 REIMBURSEMENT OF EXPENSES INCURRED BY COUNCILLORS & EMPLOYEES WHILE ON SHIRE BUSINESS	8
ADMIN 005 APPOINTMENT OF AUTHORISED PERSONS.....	9
ADMIN 006 ENTERING INTO CONTRACTS OF INSURANCE	12
ADMIN 007 ACCEPT OR DENY CLAIMS AGAINST THE SHIRE FOR PROPERTY DAMAGE	13
ADMIN 008 ENGROSSMENT OF CONTRACT DOCUMENTS	14
ADMIN 009 AUTHORIZING OFFICERS TO IMPOUND GOODS & SELL UNCOLLECTED GOODS	15
ADMIN 010 POWER OF ENTRY ONTO PRIVATE LAND	16
ADMIN 011 PROSECUTIONS, ENFORCEMENT & LEGAL PROCEEDINGS	17
ADMIN 012 TENDERS OR QUOTATIONS FOR THE SUPPLY OF GOODS & SERVICES.....	18
ADMIN 013 ACQUISITION & DISPOSAL OF PROPERTY	19
ADMIN 014 VEHICLE LICENSING & REGISTRATION AGENCY CONTRACT	20
ADMIN 015 DONATIONS TO LOCAL GROUPS OR INDIVIDUALS	21
EMPL 001 STAFF EMPLOYMENT, SALARIES & CONTRACTS.....	22
FIN 001 PAYMENTS FROM MUNICIPAL & TRUST FUND	23
FIN 002 INVESTMENT OF SURPLUS FUNDS	24
FIN 003 WRITE OFF MONEY OWED TO SHIRE.....	25
FIN 004 RATING.....	26
REGULATORY SERVICES.....	27
BLDG 001 BUILDING AND DEMOLITION PERMITS	27
BLDG 002 PERMISSION TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET	28
BLDG 003 ISSUING NOTICES FOR BUILDING WORKS	29
FIRE 001 APPROVAL TO BURN ROAD VERGES.....	31
FIRE 002 VARYING PROHIBITED / RESTRICTED BURNING TIMES (VARIATIONS)	32
FIRE 003 INSTITUTE PROSECUTIONS FOR BREACHES OF THE BUSH FIRES ACT 1954	33
FIRE 004 APPOINTMENT OF DUAL BUSH FIRE CONTROL OFFICERS	34
FIRE 005 EXEMPTIONS FOR BUSH FIRE ACT.....	35
RANGER 001 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE CAT ACTS	36
RANGER 002 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE DOG ACTS	37
RANGER 003 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE CARAVAN PARKS AND CAMPING GROUNDS ACT 1995	38
RANGER 004 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE LITTER ACT 1979	39
RANGER 005 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978	40
RANGER 006 APPOINTMENT OF AUTHORISED PERSONS.....	41
PLAN 001 DEVELOPMENT APPLICATIONS	42
PLAN 002 LAND USE APPLICATIONS	45
PLAN 003 APPOINTMENT OF AUTHORISED PERSONS.....	51
WORKS & SERVICES.....	52
ROADS 001 TEMPORARY CLOSURE OF ROADS FOR PUBLIC EVENTS	52
ROADS 002 TEMPORARY CLOSURE OF ROADS FOR REPAIRS & MAINTENANCE	53
ROADS 003 CLOSURE OF ROADS FOR A PERIOD NOT EXCEEDING FOUR WEEKS.....	54
ROADS 004 CLOSURE OF ROADS FOR A PERIOD EXCEEDING FOUR WEEKS	55
ROADS 005 OVER DIMENSION VEHICLES	56
ROADS 006 ROAD TRAIN AND EXTRA MASS VEHICLES.....	57
ROADS 007 GATE OR OTHER DEVICE ACROSS THOROUGHFARE.....	58
ROADS 008 CONSTRUCTION OF CROSSING FROM THOROUGHFARE TO PRIVATE LAND (CROSSOVER)	59

ROADS 009 NOTICE TO CONSTRUCT OR REPAIR CROSSING60
ROADS 010 MAKE SAFE DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE61
ROADS 011 ACTIVITIES ON THOROUGHFARES & TRADING IN THOROUGHFARES & PUBLIC PLACES LOCAL LAW62

INTRODUCTION

The aim of Delegated Authority is to assist with the efficiency of the Shire of Kojonup (Shire) by way of being agile and allowing for business continuity between Council meetings. It also removes congestion and improves Council decision making at Council meetings, allowing Council to focus on more strategic issues. This is consistent with the Shire of Kojonup's Strategic Community Plan and Customer Service Charter; it also aligns to the Shire's Elected Member Charter. This Delegation Register will be reviewed on an annual basis in accordance with the *Local Government Act 1995* requirements.

The *Local Government Act 1995 (Act)* provides the power to delegate certain local government functions to the Chief Executive Officer. Furthermore, the *Act* allows for the Chief Executive Officer to sub delegate 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)).

Other Acts administered by local government such as the *Building Act 2011*, *Food Act 2008*, *Bushfires Act 1954* and *Planning and Development Act 2005* also provide the power to delegate functions of local government and references within each delegation subject to provision of information on the respective head of power.

Once a decision has been made under delegation it is deemed the Council itself has made the decision. That is, it is not subject to approval or ratification by the Council.

CORPORATE SERVICES

INSTRUMENT OF DELEGATION

ADMIN 001 CERTAIN ACTIONS TO BE TAKEN ON PRIVATE LAND

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is, under section 3.24 of the *Local Government Act 1995*, expressly authorised on behalf of the Shire to exercise any of the powers, any of the functions and any of the duties given to the Shire under Subdivision 2 of Division 3 of Part 3 of the *Local Government Act 1995* as amended.

HEAD OF POWER

Local Government Act 1995 (as amended) sections 5.42(1) and 3.24

CONDITIONS

Council to be advised of notices issued and outcome.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Notices to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 002 MINOR VARIATIONS TO APPROVED CONTRACTS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is Delegated Authority to approve variations to contracts (not exceeding 10% of the contract price as per conditions below) entered into by the Shire.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

Subject to the variation not exceeding 10% of the contract price up to a maximum of \$50,000 and the funds required to meet the cost of the variation being included in the Shire's adopted budget.

Does not include extension of contract where no option period or renewal is explicit in prior agreement.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 003 SALE & CONSUMPTION OF LIQUOR ON SHIRE PROPERTY

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Financial and Corporate Services
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to determine applications for the sale of liquor from property under the care, control and management of the Shire and to approve applications to consume liquor on property under the care, control and management of the Shire.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

Liquor Licensing Act 1998 section 119(1)

CONDITIONS

Nil

SUB-DELEGATION – ADMIN (S) 003

Discharge of power and duty in accordance with the conditions of Delegation Admin 003, without further conditions being imposed under this sub Delegation.

HEAD OF POWER OF SUB-DELEGATION AND AUTHORISATION

The CEO sub-delegates this delegation to the Manager of Financial and Corporate Services under section 5.44 of the *Local Government Act 1995*.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 004 REIMBURSEMENT OF EXPENSES INCURRED BY COUNCILLORS & EMPLOYEES WHILE ON SHIRE BUSINESS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to reimburse all reasonable expenses to Councillors and employees incurred whilst attending authorised conferences, seminars and training courses and during such absences from the district on business deemed necessary by the CEO.

Such expenses may include registration fees, accommodation, meals, refreshments, travel and appropriate out of pocket expenses.

This Delegation also applies to the payment of expenses of partners when the Council has specifically resolved that it is appropriate for a Councillor or employee to be accompanied by a partner.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

In exercising this Delegation, the CEO shall obtain from the Councillor or employee receipts or other appropriate proof that the expense was incurred, along with a declaration that the expense was incurred wholly whilst on Shire business.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Refer also to Council Policy 2.2.3 (Employee Conferences, Seminars & Workshops) and 3.10 (Councillors Fees & Reimbursements).

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 005 APPOINTMENT OF AUTHORISED PERSONS

Delegate:	Chief Executive Officer	Sub Delegate:	Manager of Property Services and NRM, Manager Works & Infrastructure, Manager Projects and Regulatory Services, Ranger, Environmental Health Officer,
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	16/02/2021 10/12/2024		

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority, in respect of the relevant legislation outlined under the head of power of this Delegation, to:

1. Exercise the powers and the discharge duties of the local government, permit authority and/or enforcement agency; and
2. Appoint where considered necessary by the CEO, -
 - a) any employee of the Shire as an “Authorised Officer”, “Authorised Person”, “Pound keeper” or “Ranger”; “Environmental Health Officer” and
 - b) appoint any person to the position of “Authorised Person”

to undertake the functions and responsibilities authorised therein.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1) and otherwise as stated in the legislation column of the table below:

LEGISLATION	FUNCTIONS AND DUTIES
<i>Local Government (Miscellaneous Provisions) Act 1960 s.449</i>	To perform the general functions and exercise the powers of a Pound keeper and Ranger.
<i>Building Act 2011</i>	To undertake the functions of an “Authorised Person” conferred on that office. <i>Building Act 2011 - Entry Powers</i> <i>Building Act 2011 s.96(3) Authorised persons</i> Div 3 – Powers of authorised persons s.100 Entry powers s.101 Powers after entry for compliance purposes s.102 Obtaining information and documents s.103 Use of force and assistance s.106 Entry warrant to enter place
<i>Local Government Act 1995 s.3.24, 3.31 and 3.33</i>	To enter land to perform any function that the Shire has under the <i>Local Government Act 1995 (LGA)</i> if entry is required for the performance of the function or in any other case in which entry is authorised by this LGA other than by a local law. (Refer to Subdivision 3 of Part 3 of the LGA and especially section 3.31 and 3.33).
<i>Local Government Act 1995 s3.18(1)</i>	To undertake the functions of an “Authorised Person” conferred on that office under a local law.
<i>Local Government Act 1995 s9.10</i>	Parking Local Law 2022 The administration of the Parking Local Law 2022, including the appointment of Authorised Persons (under section 9.10 of the Act) to perform any of the functions of the authorised person under this local law, be delegated to the CEO.

LEGISLATION	FUNCTIONS AND DUTIES
<p><i>Food Act 2008 s.118 (Functions of enforcement agencies and delegation)</i></p>	<p>To undertake any of the functions of an “Authorised Officer” under the <i>Food Act 2008</i>.</p> <p>Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)].</p> <p>Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</p> <p>Authority to give written notice to a 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 [s.67(4)].</p>
<p><i>Food Act 2008 s122(1) – Appointment of authorised officers</i></p> <p><i>Food Act 2008 s126(6), (7), and (13) – Infringements Officers</i></p>	<p>Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)].</p> <p>Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</p> <p>Authority to appoint as Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</p>
<p><i>Caravan Parks and Camping Grounds Act 1995 s.17</i></p> <p><i>Caravan and Camping Ground Regulations 1997</i></p> <p><i>Caravan Parks and Camping Grounds Act 1995 s.22</i></p> <p><i>Caravan Parks and Camping Grounds Act 1995 s.23</i></p>	<p>To undertake any of the functions of an “authorised person” under the <i>Caravan Parks and Camping Grounds Act 1995</i>.</p> <p>Caravan and Camping Ground Regulations 1997 r.6 Local Government: A function conferred on a local government by these regulations may be performed by an authorised person appointed by that local government who is authorised in writing by that government to do so.</p> <p>Initiate legal proceedings under this Act.</p> <p>To sign and give notices under this Act.</p>
<p><i>Health (Miscellaneous Provisions) Act 1911</i></p>	<p>To undertake the functions of an ‘Authorised Officer’ conferred on that office. Includes approval under subsidiary legislation.</p>
<p><i>Public Health Act 2016</i></p> <p><i>Public Health Act 2016 s.24(1) and (3) – Designation of authorised officers</i></p>	<p>To undertake the functions of an “Authorised Officer” conferred on that office. Includes the designation “Environmental Health Officer”.</p> <p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <p>The Public Health Act 2016 or other specified Act</p> <p>Specified provisions of the Public Health Act 2016 or other specified Act</p> <p>Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.</p> <p>Including:</p> <ol style="list-style-type: none"> a) an environmental health officer or environmental health officers as a class; OR b) a person who is not an environmental health officer or a class of persons who are not environmental health officers; OR c) a mixture of the two. [s.24(1) and (3)].
<p><i>Fines, Penalties & Infringement Notices Enforcement Act 1994 s.16 and s.22</i></p>	<p>To hold the position of “prosecuting officer”.</p> <p>[Under s.13(2), the Council may give the Registrar written notice of those officers that are designated as prosecuting officers for the purposes of and in accordance with sections 16 and 22].</p>
<p><i>Control of Vehicles (Off Road Areas) Act 1978 - (COV) S. 38(3)</i></p>	<p>To be an authorised officer for the purposes of this Act either in respect of the whole of its district or any part thereof defined in the appointment.</p>
<p><i>Control of Vehicles (Off Road Areas) Act 1978 - (COV) S. 40</i></p>	<p>To initiate legal proceedings under the <i>Control of Vehicles (Off Road Areas) Act 1978</i>.</p>
<p><i>Food Act 2008</i></p>	<p>Administer the functions of the Shire of Kojonup as an “enforcement</p>

LEGISLATION	FUNCTIONS AND DUTIES
	agency”, pursuant to the <i>Food Act 2008</i> and the Food Regulations 2009.
<i>Food Act 2008</i>	Appoint Authorised officers in accordance with Section 122.
<i>Graffiti Vandalism Act 2016 S.15</i>	For the purpose of the <i>Local Government Act 1995</i> Part 9 Divisions 1 and 2, a function that a person may be authorised to perform under this Part. Local Government Act 1995: s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<i>Cemeteries Act 1986</i>	
<i>Environmental Protection Act 1986</i> s.20	Noise Control – Environmental Protection Notices [Reg.65(1)] All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice. Persons to whom delegation made— This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the Local Government Act 1995 Noise Management Plan – Keeping Logbooks, Noise Control Notices, Calibration and Approval of Non-complying Events Any person for the time being holding or acting in the office of a Chief Executive Officer under the Local Government Act 1995, powers and duties under the Environmental Protection (Noise) Regulations 1997, other than this power of delegation, in relation to— waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B; a. bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi); b. community activities—noise control notices in respect of community noise under regulation 16; c. motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3; d. shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4; e. calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4; f. sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation— i. Subregulation 18(13)(b) is not delegated.
Local Government (Model Code of Conduct) Regulations 2021 – cl. 11 (3)	To appoint an authorised officer/s for the purpose of receiving complaints and withdrawals of complaints relating to Council Members, Committee Members and Candidates.

CONDITIONS

In exercising this Delegation, the CEO shall have regard to the qualifications and experience of the person to be appointed and must consider them a fit and proper person. The CEO shall consider any prescribed qualifications or prerequisite registrations applicable to the appointment.

Each person authorised under this Delegation must be given a certificate of authority or identity card outlining the power or responsibilities they have been delegated.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Copies of appointment certificates to be kept in personnel file.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 006 ENTERING INTO CONTRACTS OF INSURANCE

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Financial and Corporate Services
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to enter into appropriate contracts of insurance. In exercising the Delegated Authority the CEO is to have regard to the provisions of the Annual Budget.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

Subject to sufficient provision being made in the Shire's Annual Budget for insurance expenses.

SUB-DELEGATION - ADMIN (S) 006

Discharge of power and duty in accordance with the conditions of Delegation Admin 007, without further conditions being imposed under this sub Delegation.

HEAD OF POWER OF SUB-DELEGATION AND AUTHORISATION

The CEO sub-delegates this delegation to the Manager Financial and Corporate Services under section 5.44 of the *Local Government Act 1995*

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Contracts entered into are to be saved in the Record Management System.

Copies of full policy documentation and certificates of currency to be obtained.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 007 ACCEPT OR DENY CLAIMS AGAINST THE SHIRE FOR PROPERTY DAMAGE

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is Delegated Authority to consider claims against the Shire for property damage that do not exceed the insurance policy excess levels and to accept or deny liability on behalf of the Shire.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

In cases where liability is accepted, payment may only be made up to the value of the Shire's relevant insurance excess amount and then only upon receipt of an appropriate release form provided by the Shire's insurers.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Letter seeking advice and the advice received to be placed on file in a manner that maintains any legal privilege of the documentation.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 008 ENGROSSMENT OF CONTRACT DOCUMENTS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for engrossment of contract documents without further reference to the Council.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

The CEO is only to exercise the Delegation where:

- a) The Council has authorised entering into a formal contract, or
- b) A formal contract is authorised under a Delegated Authority from the Council, or
- c) A formal contract is considered necessary by the CEO as part of the day to day operation of the Council.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Executed formal contracts/deeds and important documents must be logged noting expiry dates or reporting requirements and originals kept within the separate locked fire rated cabinet, as well as copies kept within the relevant file. Where the common seal is used it is to be recorded separately in the *Common Seal Register*.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 009 AUTHORISING OFFICERS TO IMPOUND GOODS & SELL UNCOLLECTED GOODS

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Works and Services Manager Property Services and NRM Ranger
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer is Delegated Authority to:

- a) Authorise an employee under Section 3.39 to remove and impound any “goods” that are involved in a contravention that can lead to impounding.
- b) Authorise an employee under Section 3.40A to remove and impound a vehicle that in the opinion of the person authorised is an abandoned vehicle wreck.
- c) Give notice to an owner under section 3.40A (2).
- d) Take appropriate action under Section 3.42 in respect to impounded non-perishable goods.
- e) Give notice in accordance with Section 3.44 to collect goods.
- f) Under Section 3.46 refuse to allow goods to be collected until all costs have been paid.
- g) Under Section 3.47 sell or otherwise dispose of confiscated or uncollected goods.

HEAD OF POWER

Local Government Act 1995:(as amended)

s.5.42 – Delegation of some powers or duties to the CEO

s.5.43 – Limitations on delegations to the CEO

s.36(1), 3.40A – Abandoned vehicle wreck may be taken

CONDITIONS

Nil

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Full details of impounded property, including a picture, are required to be kept in the records management system.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 010 POWER OF ENTRY ONTO PRIVATE LAND

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Works and Infrastructure Ranger Environmental Health Officer
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer is expressly authorised on behalf of the Shire to exercise any of the powers, any of the functions and any of the duties given to the Shire under *Local Government Act 1995*:

S3.28 – When this Subdivision applies

s.3.32 – Notice on entry

s.3.33 – Entry under warrant

s.3.34 – Entry in an emergency

s3.36 – Opening fences

HEAD OF POWER

Local Government Act 1995 section 5.42(1) – Delegation of some powers or duties to the CEO

Local Government Act 1995 s.5.43 – Limitations on delegations to the CEO

CONDITIONS

Council to be advised of any notices issued and the outcome. Delegated authority under s3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Written notices to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 011 PROSECUTIONS, ENFORCEMENT & LEGAL PROCEEDINGS

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Financial and Corporate Services Ranger Environmental Health Officer
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024 10/12/2024
Amended:	10/12/2024	Last Updated:	

POWER/DUTY

Within budgetary constraints, the Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions on behalf of Council and appoint persons, or classes of persons, to be authorised for specific purposes as stated under the Local Government Act s9.10 Appointment of authorised persons (1) In this section — law means any of the following —

- (a) this Act;
- (b) the Caravan Parks and Camping Grounds Act 1995;
- (c) the Cat Act 2011;
- (d) the Cemeteries Act 1986;
- (e) the Control of Vehicles (Off-road Areas) Act 1978;
- (f) the Dog Act 1976;
- (g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);
- (h) a written law prescribed for the purposes of this section; specified means specified in the instrument of appointment

The Chief Executive Officer is Delegated Authority to initiate prosecutions, issue statutory orders and generally conduct legal activities, including seeking legal advice at the CEO's discretion, on behalf of Council and to take any other action incidental to such prosecutions or legal defence.

HEAD OF POWER

Local Government Act 1995:

- s.5.42 – Delegation of some powers or duties to the CEO
- s.5.43 – Limitations on delegations to the CEO

CONDITIONS

Council to be advised of any prosecution initiated by the Shire or any legal claim lodged against the Shire.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Documentation and notices to comply with any statutory provisions and treated in a manner that protects legal privilege and privacy as required.

All legal proceedings that are to be initiated by the Shire, must be referred to Council prior to proceeding.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 012 TENDERS OR QUOTATIONS FOR THE SUPPLY OF GOODS & SERVICES

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer is Delegated Authority to invite quotations or tenders for the supply of goods and services provided for within the Shire's Annual Budget.

The Chief Executive Officer is delegated authority to:

1. Determine the selection criteria that will be used to assess the competence of the tender.
2. Advertise tenders inviting the supply of goods or services, under the provisions of the Council's annual approved expenditure budget (s3.57).
3. To accept a tender not exceeding \$250,000.
4. Assess all valid tenders, through written evaluations that score each tender submission under the criteria.
5. Make recommendations to Council based on the conclusion of the evaluation assessment

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

Local Government Act 1995:

s.3.57 Tenders for providing goods or services

Local Government (Functions and General) Regulations 1996:

r.11 When tenders have to be publicly invited,

r.13 Requirements when local government invites tenders though not required to do so,

r.14 Publicly inviting tenders, requirements for,

r.18 Rejecting and accepting tenders,

r.20 Variation of requirements before entry into contract,

r.21A Varying a contract for the supply of goods or services.

CONDITIONS

Exercise of the Delegated Authority to be in accordance with Council Purchasing Policy.

Where a formal tender process is entered into, the determination of the tender rests with the Council.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 013 ACQUISITION & DISPOSAL OF PROPERTY

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is delegated the authority to:

- a) acquire or accept proposals for service provision valued at an amount not exceeding \$150,000; and
- b) dispose of any property (other than land) with an estimated value not exceeding \$20,000.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

Exercising of the delegated authority to be in accordance with Council Policy 2.1.2 (Purchasing and Creditor Control) and appropriate provision must be made in the Annual Budget.

If a formal tender process is enacted then regardless of value the process must comply with all *Local Government Act 1995* and Tender regulation provisions and be presented to the Council for decision.

This delegation cannot be used for the appointment of the Shire's auditor.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 014 VEHICLE LICENSING & REGISTRATION AGENCY CONTRACT

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is Delegated Authority to negotiate the renewal of future contracts with the State Government for the delivery of vehicle licensing and registration services.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

Agreements entered into not to exceed a term of three years.

The Council to be advised of agreements entered into.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ADMIN 015 DONATIONS TO LOCAL GROUPS OR INDIVIDUALS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	12/12/2023
		Last Updated:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to determine requests for donation of monies (cash) up to the value of \$2,000 when a group or individual can demonstrate:

1. Significant direct benefit to the local community
2. The group is a community group or non-profit making organisation or running a non-profit activity
3. The group's financial status is such as to justify a donation from the Shire
4. Special circumstances or needs exist in the opinion of the CEO to warrant a donation, e.g. support of needy groups and individuals who bring credit to the district by achieving State or National representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.

The Chief Executive Officer (CEO) is Delegated Authority to determine requests for waiving fees for community asset use as a donation to community or special groups where the CEO can justify community benefit.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

The aggregate of any cash donations made by the CEO under this Delegated Authority shall not exceed the amount allocated in the Shire's Annual Budget for the purpose without prior approval from the Council.

Requests for amounts over \$2,000 must be approved by the Council and should have regard to the annual community grant submission process.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

EMPL 001 STAFF EMPLOYMENT, SALARIES & CONTRACTS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/202412/12/2023
		Last Updated:	

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to employ staff and review conditions of employment.

CEO is Delegated Authority to negotiate all value points of contracted positions with flexibility to package the remuneration to attract the right skilled and qualified persons.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

Employees can be appointed to roles that are approved in the Shire's Workforce and Diversity Plan (WDP) and aligned to the budget, noting that the WDP is a guiding document and structural changes may occur.

Contracted roles are negotiated between the CEO and the individual.

All other roles appointed are as per the relevant award and/or industrial instrument under the current framework the Shire operates within i.e. Enterprise Bargaining Agreement WAIRC.

Performance and salary reviews are undertaken annually or as nominated by industrial instrument or contract of employment.

The salary review shall have regard for level classification and band/increment increases covered by the appropriate industrial instrument or existing contract of employment, and be contingent on satisfactory performance appraisal.

Proposals to employ or dismiss a senior employee must be considered by the Council (in accordance with s5.37 of the Act); however, the CEO is authorised to renew contracts and remuneration levels for continuing senior staff, subject to successful performance reviews.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Arrangements to be recorded on appropriate personnel file.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

FIN 001 PAYMENTS FROM MUNICIPAL & TRUST FUND

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Financial and Corporate Services
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
		Last Updated:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to make payments from the Municipal Fund Bank Account and the Trust Fund Bank Account.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

Local Government (Financial Management) Regulations 1996 Regulation 12

CONDITIONS

Each payment is to be noted on a list compiled for each month showing:

- the payee's name
- amount of the payment
- date of the payment
- sufficient information to identify the transaction

SUB-DELEGATION - FIN (S) 001

Discharge of power and duty in accordance with the conditions of Delegation FIN 001, without further conditions being imposed under this sub Delegation.

HEAD OF POWER OF SUB-DELEGATION AND AUTHORISATION

Under section 5.44 of the *Local Government Act 1995* the CEO can sub delegate this Delegation Authority to the following relevant Senior Employees;

- Manager Financial and Corporate Services
- Senior Employee Acting in the CEO Role in the absence of the CEO.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

List to go to next Ordinary monthly meeting of the Council and is to appear in the minutes of that meeting.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

FIN 002 INVESTMENT OF SURPLUS FUNDS

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Financial and Corporate Services
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to invest surplus Shire municipal and trust funds with recognised financial institutions to achieve the maximum investment potential.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

Investments to be undertaken in line with the Council Policy.

SUB-DELEGATION - FIN (S) 002

Discharge of power and duty in accordance with the conditions of Delegation FIN 002, without further conditions being imposed under this sub Delegation.

HEAD OF POWER OF SUB-DELEGATION AND AUTHORISATION

The CEO exercises this Delegation to the Manager Financial and Corporate Services under section 5.44 of the *Local Government Act 1995*

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Investments to be recorded in an Investment Register and be included in the monthly finance report to the next Ordinary monthly meeting of the Council.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

FIN 003 WRITE OFF MONEY OWED TO SHIRE

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Financial and Corporate Services
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

1. The Chief Executive Officer is delegated authority under section 6.12 (1) (c) of *the Local Government Act 1995* to write off an amount of money owed to the Shire. This delegation is limited to the amount of \$250 per use.
2. The Chief Executive Officer is delegated authority under section 6.47 to write off small rates balances owed to the Shire less than \$5.00.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1), and 6.12(1) (c)

CONDITIONS

The Council to be advised as part of the monthly financial report presented to the Ordinary meeting.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Authority of write off to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

FIN 004 RATING

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is Delegated the performance of the following functions of the local government under the *Local Government Act 1995*:

1. The time allowed for the payment of the rate before it becomes in arrear, s. 6.50 (1) & (2).
2. The powers conferred in s. 6.40 (3)
3. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book, s. 6.76 (4)
4. The recovery of rates by complaint or action pursuant to the provisions of s. 6.56 (1)
5. Entering into an agreement in accordance with s. 6.49
6. Requiring the lessee to pay rent to the Shire in satisfaction of rates or service charges due and payable in accordance with s. 6.60 (2)
7. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Shire should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled, s. 6.64 (3).
8. Allow or disallow in accordance with s. 6.75 (5) any objection to the rate record lodged under s. 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with s. 6.76 (6).

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42 (1)

CONDITIONS

Nil

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

All decisions or approvals are to be saved into the relevant property file in the records management system. Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

REGULATORY SERVICES

INSTRUMENT OF DELEGATION

BLDG 001 BUILDING AND DEMOLITION PERMITS

Delegate:	Chief Executive Officer	Sub Delegate:	Building Surveyor
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer is delegated authority under s127(1) of the Building Act 2011 to exercise powers and duties as a permit authority under the Act, including the appointment of authorised persons.

HEAD OF POWER

Building Act 2011 s.127 (1) & (3) Delegation: special permit authorities and local government.

Building Act 2011 s.127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO) Local Government.

CONDITIONS

Delegated authority in accordance with r.5 of the *Building Regulations 2012*

In accordance with r70(1) of the *Building Regulations 2012*:

Local Government Act 1995 s9.19 - extend time to pay a Building Act infringement notice and s9.20 withdraw an infringement notice

STATUTORY FRAMEWORK

- *Building Act 2011*
 - i. s.119 Building and demolition permits – application for review by SAT
 - ii. s.23 Time for deciding application for building or demolition permits.
 - iii. s.17 Uncertified application to be considered by building surveyor
- *Building Regulations 2012* – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT
- *Building Services (Registration Act) 2011* – Section 7
- *Home Building Contracts Act 1991* – Part 3A, Division 2 – Part 7, Division 2
- *Building and Construction Industry Training Levy Act 1990*
- *Heritage of Western Australia Act 1990*
- *Heritage Act 2018*

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

BLDG 002 PERMISSION TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer is Delegated the Authority to grant consent 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 in accordance with Section 76 of the *Building Act 2011*.

HEAD OF POWER

Local Government Act 1995 Section 5.42

CONDITIONS

The Chief Executive Officer shall first obtain confirmation from the Environmental Health Officer, Building Surveyor and Manager Works and infrastructure that the proposed activity will not create undue interference with the operation of the street, way or public place.

Authorisations for encroachment over Crown Land may require authorisation under the Land Administration Act 1997.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

BLDG 003 ISSUING NOTICES FOR BUILDING WORKS

Delegate:	Chief Executive Officer	Sub Delegate:	Building Surveyor
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer is Delegated Authority to:

- a) Issue building orders in relation to (Section 110 of the *Building Act 2011*)
 - Stop work, alter a building or evacuate a building where there is a contravention of the provisions of the *Act*
 - Take specific action to prevent contravention of the *Act*;
 - Finish an outward facing side of a wall.
- b) Authority to revoke building orders (section 117 of the *Building Act 2011*)
- c) Authority to commence prosecution (Section 139 of the *Building Act 2011*).

HEAD OF POWER

Building Act 2011 s127(1) & (3) Delegation: special permit authorities and local government
Building Act 2011: s.18 Further Information; s.20 Grant of building permit
s.22 Further grounds for not granting an application; s.27(1) and (3) Impose Conditions on Permit
Building Regulations 2012: r.23 Application to extend time during which permit has effect (s.32);
r.24 Extension of time during which permit has effect s.32(3))
r.26 Approval of new responsible person (s.35(c))
s20 Grant building permit;
s21 Grant demolition permit;
s22 Further grounds for not granting an application;
s24 Notice of decision to not grant building or demolition permit
s32 Application to extend duration of building or demolition permit
s58 Grant of occupancy permit, building approval certificate
s60 Notice of decision to not grant occupancy permit, building approval certificate;
s65 Extension of duration - occupancy permit, building approval certificate
s110 Building orders;
s111 Notice of proposed building order other than building order (emergency);
s117 Revocation of building order;
s118 Permit authority may give effect to building order if noncompliant
s128 Register of permits, building approval certificates, building orders;

CONDITIONS

The Chief Executive Officer is to report to the Council the exercise of any powers of this Delegation.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council fortnightly.

STATUTORY FRAMEWORK

- *Building Act 2011*
- iv. s.119 Building and demolition permits – application for review by SAT
- v. s.23 Time for deciding application for building or demolition permits.
- vi. s.17 Uncertified application to be considered by building surveyor
- *Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT*

- *Building Services (Registration Act) 2011 – Section 7*
- *Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2*
- *Building and Construction Industry Training Levy Act 1990*
- *Heritage of Western Australia Act 1990*
- *Heritage Act 2018*

INSTRUMENT OF DELEGATION

FIRE 001 APPROVAL TO BURN ROAD VERGES

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is Delegated Authority to approve applications submitted by the relevant Fire Control Officer to burn a road verge vested in the care, control and management of the Shire of Kojonup providing that the burn has Department of Water and Environmental Regulation approval.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1)

CONDITIONS

Approval of applications to impose a condition that any burning comply with the requirements of the *Bush Fires Act 1954*, Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and have regard to the environmental impacts.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

All decisions or approvals are to be saved into the relevant file within the records management system.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

FIRE 002 VARYING PROHIBITED / RESTRICTED BURNING TIMES (VARIATIONS)

Delegate:	Chief Executive Officer Chief Bushfire Control Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Shire President and Chief Bushfire Control Officer are jointly Delegated Authority to exercise the Council's powers within section 17 (7) and 17 (8) of the *Bushfires Act 1954* (relates to the varying of the prohibited burning times in the Shire and giving notice of the change).

HEAD OF POWER

Bush Fires Act 1954 s. 17(10)

CONDITIONS

Any variation approved is to comply with the requirements of s. 17, 18 and 48 of the *Bush Fires Act 1954* and after consultation with the Community Emergency Services Manager.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Variation to be advertised within the Shire.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

Note: The Bush Fires Act does not permit this delegation to be delegated to anyone other than the Chief Executive Officer or on-delegated by the Chief Executive Officer.

INSTRUMENT OF DELEGATION

FIRE 003 INSTITUTE PROSECUTIONS FOR BREACHES OF THE *BUSH FIRES ACT 1954*

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended	10/12/2024		

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated General 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 against this Act [s.59].

This Delegation extends to the issue/serve of infringement notices for an offence against this Act [s59*A(2)].

HEAD OF POWER

Bush Fires Act 1954 s. 59(3)

Bush Fires Act 1954 s.45 Delegation by Local Government

Bush Fires Act 1954 s59 Prosecution of offences

Bush Fires Act 1954 s59A(2) Alternative procedure – infringement notices

CONDITIONS

CEO to consult with the Chief Bush Fire Control Officer and other appropriate Bush Fire Officers before instituting proceedings. The Council to be advised when appropriate.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Record of proceedings instituted to be kept within the records management system.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

FIRE 004 APPOINTMENT OF DUAL BUSH FIRE CONTROL OFFICERS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	18/09/2018	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is delegated authority to appoint persons to the position of Dual Bush Fire Control Officer with adjoining local governments, as provided for under Section 40 of the *Bush Fires Act 1954*.

HEAD OF POWER

Bush Fires Act 1954 s38

CONDITIONS

The Chief Executive Officer shall have regard to the provisions of the *Bush Fires Act 1954* and in particular Section 40.

The Council to be advised of appointments made.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Record of appointments to be kept in relevant file.

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.

INSTRUMENT OF DELEGATION

FIRE 005 EXEMPTIONS FOR BUSH FIRE ACT

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	10/12/2024	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is delegated authority to for providing Local Government approval or refusal to exemptions sought through Department of Fire and Emergency Services (DFES) by residents, businesses and property owners under the *Bush Fires Act 1954*.

This delegation of this authority also includes:

1. Requesting to DFES that additional conditions to be included in any exemption being sought from DFES; or
2. Requesting to DFES that proposed conditions be excluded from any exemption being sought from DFES;

Prior to the exercising of this delegated authority.

Despite other indications in this delegation, where the proposed exemption is considered by the Chief Executive Officer to be of a contentious nature, a decision on a proposed exemption is to be determined by Council.

HEAD OF POWER

Bush Fires Act 1954 s38

Bush Fires Regulations 1954

CONDITIONS

The Chief Executive Officer shall have regard to the provisions of the *Bush Fires Act 1954* and in particular Section 40.

The Council to be advised of appointments made.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

The approval of the Shire of Kojonup Chief Bush Fire Control Officer should be obtained prior to exercising of any aspect of this delegation. The local volunteer bush fire brigade, relevant to the area where the exemption being sought is to provide comment on any exemption prior to the exercising of this delegation.

Record of appointments to be kept in relevant file.

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to Council regularly.

INSTRUMENT OF DELEGATION

RANGER 001 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE CAT ACTS

Delegate:	Chief Executive Officer	Sub Delegate:	Ranger Manager Property Services and NRM
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer is, in accordance with s. 44 of the *Dog Act 1976*, authorised to institute and carry out proceedings in the name of the Shire in respect to offences alleged to have been committed within the district against that Act.

This appointment also applies under s. 29(1) of the *Dog Act 1976* as an authorised person to exercise the powers of the Shire under that Act.

The Chief Executive Officer is authorised to institute and carry out proceedings in the name of the Shire in respect to offences alleged to have been committed within the district against the *Cat Act 2011*.

HEAD OF POWER

Dog Act 1976 s 44 and 29(1)

Cat Act 2011 s.44(1) – Delegation by local government

CONDITIONS

A power of duty under s63, s64, and s65 concerning infringements cannot be delegated.

The Council to be informed when appropriate.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Action taken to be properly documented and saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

STATUTORY FRAMEWORK

Cat Act 2011;

Cat Regulations 2012; Cat(Uniform Local Provisions) Regulations 2013

Shire of Kojonup Cat Local Law

INSTRUMENT OF DELEGATION

RANGER 002 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE DOG ACTS

Delegate:	Chief Executive Officer	Sub Delegate:	Ranger Manager of Property Services and NRM Projects Manager and Regulatory Services
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer is, in accordance with s. 44 of the *Dog Act 1976*, authorised to institute and carry out proceedings in the name of the Shire in respect to offences alleged to have been committed within the district against that *Act*.

This appointment also applies under s. 29(1) of the *Dog Act 1976* as an authorised person to exercise the powers of the Shire under that *Act*.

HEAD OF POWER

Dog Act 1976

CONDITIONS

The Council to be informed when appropriate.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Action taken to be properly documented and saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

STATUTORY FRAMEWORK

Dog Act 1974;

Dog Regulations 2013

Shire of Kojonup Dog Local Law

INSTRUMENT OF DELEGATION

RANGER 003 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	12/12/2023	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is, in accordance with s. 17 of the *Caravan Parks and Camping Grounds Act 1995*, authorised to institute and carry out proceedings in the name of the Shire in respect to offences alleged to have been committed within the district against that Act.

HEAD OF POWER

Caravan Parks and Camping Grounds Act 1995 s.17(1)

CONDITIONS

The Council to be informed when appropriate.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Action taken to be properly documented and saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly

INSTRUMENT OF DELEGATION

RANGER 004 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE LITTER ACT 1979

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	12/12/2023		
Amended:	10/12/2024	Last Reviewed:	10/12/2024

POWER/DUTY

For the purposes of this Act an authorised officer is within the district of a local government, any person who is an employee of the local government

HEAD OF POWER

Litter Act 1979 s.26(1)(c)(ii)

Litter Act 1979 s27AA – To appoint a person to be an honorary inspector

Litter Act 1979 s30(1) – Notwithstanding the general authorisation contained within s.26 if the *Litter Act 1979* – Under s.30(1): to undertake the functions of authorised officer as generally specified in the *Litter Act 1979* including the initiation of legal proceedings for offences under the Act.

CONDITIONS

The Council to be informed when appropriate.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Action taken to be properly documented and saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly

INSTRUMENT OF DELEGATION

RANGER 005 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	12/12/2023	Last Reviewed:	10/12/2024

POWER/DUTY

A person is appointed as an authorised person under this 38(3) if the person is appointed under the *Local Government Act 1995* section 9.10(2)

HEAD OF POWER

Control of vehicles (off-road areas) Act 1978 s.38(3)

CONDITIONS

The Council to be informed when appropriate.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Action taken to be properly documented and saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly

INSTRUMENT OF DELEGATION

RANGER 006 APPOINTMENT OF AUTHORISED PERSONS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority, in respect of the relevant legislation outlined under the head of power of this Delegation, to:

9. Exercise the powers and discharge the duties of the Council; and
10. Appoint where considered necessary by the CEO, -
 - a) any officer of the Shire as an "Authorised Officer"; and
 - b) appoint any person to the position of "Authorised Person"

to undertake the functions and responsibilities authorised therein.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1) and otherwise as stated in the legislation column of the table below:

LEGISLATION	FUNCTIONS AND DUTIES
<i>Dog Act 1976</i> Part 3	To undertake the functions and powers of a Registration Officer under Part 3 of the <i>Dog Act 1976</i>
<i>Dog Act 1976</i> s.11(1)	To undertake the functions and powers (<i>of a fit and proper persons</i>) to administer a pound and otherwise to carry out the objects of this <i>Act</i> .
<i>Dog Act 1976</i> s.26(3)	To grant an exemption in respect of premises.
<i>Dog Act 1976</i> s. 27(4)	To grant a licence for a kennel establishment.
<i>Dog Act 1976</i> s.29(1)	To exercise on behalf of the local government the powers conferred on an authorised person by this <i>Act</i> but not including authorisation to initiate legal proceedings.
<i>Cat Act 2011</i>	Appoint of Authorised persons in accordance with Section 48 and the Power to Delegate in accordance with Section 45.
<i>Control of vehicles (off-road areas) Act 1978</i> s.38(3)	A person is appointed as an authorised person under this 38(3) if the person is appointed under the <i>Local Government Act 1995</i> section 9.10(2)
<i>Litter Act 1979</i> s.26(1)(c)(ii)	For the purposes of this <i>Act</i> an authorised officer is within the district of a local government, any person who is an employee of the local government
<i>Caravan Parks and Camping Grounds Act 1995</i> s.17(1)	The chief executive officer of the Department may appoint such persons to be authorised persons for the purposes of this <i>Act</i> as the chief executive officer considers necessary

CONDITIONS

In exercising this Delegation, the CEO shall have regard to the qualifications and experience of the person to be appointed and must consider them a fit and proper person.

Each person authorised under this Delegation must be given a certificate outlining the power or responsibilities they have been Delegated.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Copies of appointment certificates to be kept in personnel file.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

PLAN 001 DEVELOPMENT APPLICATIONS

Delegate: Chief Executive Officer

Sub Delegate: Nil

Adopted by Council: 19/05/2009

Last Reviewed: 10/12/2024 18/8/2020

Last Updated:

POWER/DUTY

The Chief Executive Officer (CEO) is authorised under the Shire of Kojonup Town Planning Scheme No.3 and *Planning and Development Act 2005* to exercise the following functions:

Delegated Power	Conditions
<p>a) Approve all 'P' permitted development applications including the placement of conditions on the approval where the use and development complies with the standards prescribed by the Scheme and any relevant Local Planning Policies. Approve all 'D' discretionary development applications including the placement of conditions on the approval, subject to:</p> <ul style="list-style-type: none"> i) The use and development complying with objectives for the zone; ii) The use and development complying with the standards prescribed by the Scheme; and iii) Complying with any relevant Local Planning Policies. <p>In exercising this power, the CEO may require an application to be advertised under c.6.2. if considered necessary prior to determining the application. Any decision to refuse an application shall be referred to Council.</p>	<p>Where no objections have been received (or where the objections have been resolved), and where the application meets the performance criteria of the Residential Design Codes, and relevant policies.</p>
<p>b) Approve requests for boundary setback variations required by the Residential Design Codes, the Scheme and relevant Local Planning Policies (where there is power to vary the standard) and where the variation will not adversely impact on the amenity of adjoining residence/s and adjoining owners support has been received, if deemed necessary.</p>	<p>For single storey residential buildings and sheds under 65 sq. metres only. Where the use is permitted under the Town Planning Scheme No 3. and no objections have been received (or where the objections have been resolved), and the application meets the performance criteria of the Residential Design Codes and relevant policies.</p>
<p>c) To recommend approval to the WA Planning Commission (WAPC) for subdivision or amalgamation proposals and request WAPC apply relevant conditions.</p>	<ol style="list-style-type: none"> 1. Only for subdivision proposals creating 2 lots, where the proposal complies with TPS 3 Policy and Provisions. 2. There is no limit on the size or number of lots under this Delegation for subdivision proposals where the property is covered by an adopted Guide Development Plan and the proposal complies with TPS3 Policy, Provisions and the adopted Guided Development Plan. 3. There is no limit on the size or number of lots under this Delegation for amalgamations.
<p>d) Endorse clearance of Freehold title and Strata Title subdivisions on Deposited Plans or Plans of Strata/Survey Strata and Strata documents when compliant with all conditions imposed by Council have been satisfactorily met.</p>	

Delegated Power	Conditions
e) To approve proposals for outbuildings where such outbuildings exceed a maximum floor area or height limit specified by a TPS Policy or Scheme.	Only up to 80 square metres on the basis that adjoining owners' support has been received and the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval can include conditions which may limit the floor area or height or specify external colours and finishes and will have regard to the size of the block, R Code (density of development), intended use and access.
<p>f) To initiate the necessary public advertisement of 'SA' development applications prior to determination by Council.</p> <p>i) The CEO may, without referral to Council, approve the application including the placement of conditions on the approval following the closure of the advertising period subject to no valid objection (s) being received. Any decision to refuse an application shall be referred to Council.</p> <p>ii) Initiate the advertising process under c.6.2 of the Scheme for a 'Use Not Listed' under c.3.3.5 prior to determination by the Council. The CEO may, without referral to the Council, approve the application including the placements of conditions on the approval following the closure of the advertising period subject to no valid objection (s) being received. Any decision to refuse an application shall be referred to the Council.</p>	
g) To endorse clearance of freehold title and strata title subdivisions on Diagrams or Plans of Survey and strata documents.	That are in accordance with any approved subdivision plan.
h) To approve or refuse applications for advertising signs.	<p>Where the proposed sign(s) comply with the standards prescribed in Town Planning Scheme No.3 and any adopted Town Planning Scheme Policy.</p> <p>Signs may be refused on the basis of safety, failure to meet sub Delegation conditions from Main Roads WA, inadequate or no space allocated at the proposed location, adverse impact on the amenity, non-compliance with policy or building licence.</p>
i) To provide responses to the Minister or the State Administrative Tribunal on any development decision appeal.	Legal representation and advice to be sought by the CEO.
j) To approve applications for tree plantations.	<p>That:</p> <ul style="list-style-type: none"> ➤ are eucalypt or pine species and deemed appropriate land use for the zone; ➤ are presented with an appropriate plantation plan; ➤ comply with the industry Code of Practice for timber plantations; ➤ are less than 200 Ha.
k) To approve demolition of collapsed, damaged and/or destroyed farm buildings including machinery/storage sheds, shearing sheds, worker's quarters, dwellings, silos etc. on rural properties.	Where the property and/or building has no cultural heritage values.
l) Approve development applications in a Local Scheme Reserve where the proposed use is consistent with the ultimate purpose intended for the reserve under the Scheme.	

Delegated Power	Conditions
m) Provide responses to mobile phone carriers in accordance with the <i>Telecommunications Act 1997</i> in respect of the installation of low impact facilities.	
n) Approve applications for advertisements that comply with the requirements of the Scheme and any relevant Local Planning Policies.	

CONDITIONS GENERALLY

There are no delegations to refuse an application, other than for advertising signs, which may be refused on the basis of safety, failure to meet sub Delegation conditions from Main Roads WA, inadequate or no space allocated at the proposed location, non-compliance with policy or building permit. If the CEO is not in a position to approve an application under delegation then it must be referred to the Council.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1) and 3.24

Shire of Kojonup Town Planning Scheme No 3

Planning and Development Act 2005

CONDITIONS

The Council to be advised of notices issued and outcome.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Determinations to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

PLAN 002 LAND USE APPLICATIONS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	27/08/2009	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is authorised under the Town Planning Scheme No.3 and *Planning and Development Act 2005* to determine land use proposals within the particular zones as set out in the following table:

LAND USE	ZONE					
	DEFINITION (FROM TPS 3)	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SPECIAL RURAL	RURAL
Agroforestry	Land used commercially for both tree production and agriculture where trees are planted in blocks of more than 1 hectare				X	X*
Ancillary Accommodation	Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling	X			X	X
Animal Boarding House	Land and buildings used for the boarding and breeding of animals where such premises are registered or required to be registered by the Council, these premises include a cattery; and may include the sale of animals where such use is incidental to the predominant use			X		
Bed & Breakfast	Short-stay residential accommodation offering overnight lodgings, with or without breakfast, in a domestic environment		X			X
Betting Agency	A totalisator agency established and operated in accordance with <i>Totalisator Agency Board Act 1960</i>		X			
Caretaker's Dwelling	A building used as a residence by the proprietor or manager of an industry, business, office building or recreation area existing upon the same site and occupied by a person having the care of the building, plant, equipment or grounds thereof		X	X		
Civic Use	Land and buildings used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose		X	X		
Community Use	Land used by a club or association or other body approved by the Council as a meeting place for formal and informal activity, including entertainment and includes any land appurtenant thereto used for recreation, and includes a residential club		X			
Convenience Store	Land and buildings, used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may not extend beyond normal trading hours and provide associated parking. The buildings associated with a convenience store shall not exceed 200m ² gross leasable area.		X			
Day Care Centre	Land and buildings used for the daily or occasional care of children in accordance with the <i>Child Welfare (Care Centres) Regulation 1968 (as amendment)</i>		X			
Fast Food Outlet	Land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, including drive in facilities, but does not include a fish shop		X			
Garden Centre	Land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings		X	X		
Grouped Dwelling	A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property	X*	X			
Holiday Accommodation	Accommodation comprising two or more cabins, apartments, chalets, cottages or flats which, by way of trade or business, or for the purpose of any trade or business is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor		X			

	ZONE					
LAND USE	DEFINITION (FROM TPS 3)	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SPECIAL RURAL	RURAL
Home Occupation	A business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant	X*	X*	X*	X*	X*
Industry – Cottage	A trade or light industry producing arts and craft goods which does not fall within the definition of a home occupation and which: <ul style="list-style-type: none"> a) does not cause injury to or adversely affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid waste or waste products; b) where operated in a residential zone, does not entail the employment of any person not a member of the occupier’s family normally resident on the land; c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m²; d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and e) does not display a sign exceeding 0.2m² in area 		X	X		
Industry – General	An industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry			X		
Industry – Light	An industry: <ul style="list-style-type: none"> a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour steam, soot, ash, dust, waste water or other waste products; and b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services 		X	X		
Industry – Rural	An industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality					X
Industry – Service	A light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced		X	X		
Liquor Store	Premises in respect of which a store licence has been granted under the <i>Liquor Act 1970</i>		X			
Market	Land and buildings used for a fair, a farmer’s or producer’s market, or a swap meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental		X			

LAND USE	ZONE					
	DEFINITION (FROM TPS 3)	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SPECIAL RURAL	RURAL
Medical Centre	A building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioner(s) mentioned under the interpretations of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists		X			
Medical Clinic	Premises in which facilities are provided for two or more of the following: a medical practitioner, a dental practitioner, physiotherapist, chiropractor, masseur		X			
Office	A building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature		X	X		
Plant Nursery	The growing of trees, plants, shrubs or flowers, for replanting in domestic, commercial or industrial gardens		X	X		
Private Recreation	Premises used for leisure, recreation or sporting activities which are not normally open to the public without charge (from new draft TPS)		X			
Public Utility	Any work or undertaking constructed or maintained by a public Authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services	X	X	X	X	X
Restaurant	A building or portion of a building wherein food is prepared for sale and consumption within the building or portion thereof and the expression shall include a licensed restaurant, café or nightclub, and also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the Council is of the opinion that it forms a minor part of the business only		X			
Rural Pursuit	The use of land for any of the purposes set out hereunder and shall include such outbuildings normally associated therewith: a) growing of vegetable, fruit, cereals or food crops; b) the rearing or agistment of poultry, sheep, cattle or beasts of burden; c) the stabling, agistment or training of horses; d) the sale of produce grown solely on the lot but does not include the following except as approved by the Council: i) the keeping of pigs; ii) the processing, treatment or packing of produce; iii) the breeding, rearing or boarding of domestic pets					X
Shop	Land and a building or portion of a buildings wherein goods are kept, exposed or offered for sale by retail, and includes a convenience store or an establishment by any name retailing convenience goods but does not include a bank, fuel depot, a wholesale market, service station, milk depot, marine store, timber yard or land or buildings used for the sale of vehicles or for any purpose falling within the definition of industry and does not include a warehouse		X	X		
Service Station	Land buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport deport, panel beating, spray painting, major repairs or wrecking		X	X		

	ZONE					
LAND USE	DEFINITION (FROM TPS 3)	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SPECIAL RURAL	RURAL
Showroom	A building wherein goods are displayed and may be offered for sale by wholesale and/or retail, excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel; magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment		X	X		
Single House	A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property	X*				X
Trade Display	Land and buildings used for the display of trade goods and equipment for the purposes of advertisement		X	X		
Transport Depot	Land or a building or buildings used for the parking or garaging of road motor vehicles (including taxis) which are used or intended to be used for the carriage of passengers or goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes the maintenance of such vehicles			X		
Tree Plantation	Has the same meaning as in the <i>Code of Practice for Timber Plantations in Western Australia (1997)</i> published by the CALM and the Australian Forest Growers					X*
Warehouse	<ul style="list-style-type: none"> a) a building or enclosed land, or part of a building or enclosed land, used for the storage of goods, the carrying out of commercial transactions involving the sale of such goods by wholesale; or b) a bulk store or depot 			X		
Wineshop	Means premises in respect of which a winehouse licence has been granted under the <i>Liquor Act 1970</i> .		X			

CONDITIONS GENERALLY

There are no delegations to refuse an application, other than for advertising signs, which may be refused on the basis of safety, failure to meet sub delegation conditions from Main Roads WA, in adequate or no space allocated at the proposed location, non-compliance with policy or building permit. If the Chief Executive Officer is not in a position to approve an application under Delegation then it must be referred to the Council.

HEAD OF POWER

Local Government Act 1995 (as amended) section 5.42(1) and 3.24

Shire of Kojonup Town Planning Scheme No 3

Planning and Development Act 2005

CONDITIONS

The Council to be advised of notices issued and outcome.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

PLAN 003 APPOINTMENT OF AUTHORISED PERSONS

Delegate:	Chief Executive Officer	Sub Delegate:	Shire Planner
Adopted by Council:	17/5/2016	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is delegated authority in accordance with clause 7.1(c) of the Shire of Kojonup Town Planning Scheme No.3 to:

'at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being served.'

HEAD OF POWER

Planning and Development Act 2005

Clause 7.1 (c) of the Shire of Kojonup Town Planning Scheme No.3

CONDITIONS

In exercising this Delegation, the CEO shall have regard to the qualifications and experience of the person to be appointed and must consider them a fit and proper person.

Each person authorised under this Delegation must be given a certificate or identification card outlining the power or responsibilities they have been delegated.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Copies of appointment certificates to be kept in the records management system (personnel file).

Use of delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

WORKS & SERVICES

INSTRUMENT OF DELEGATION

ROADS 001 TEMPORARY CLOSURE OF ROADS FOR PUBLIC EVENTS

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Works and Infrastructure
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to determine applications for the temporary closure of roads for public events. The determination shall be in accordance with provisions of the *Road Traffic (Events on Roads) Regulations 1991* and the *Local Government Act 1995*.

HEAD OF POWER

Local Government Act 1995 section 5.42 (1)

CONDITIONS

Approval shall contain the following conditions:

1. the closure is to be advertised in a local newspaper
2. arrangements are to be made for appropriate signposting to effect the closure
3. applicant is to take out a public risk insurance policy which indemnifies the Shire against any damages claims and a copy is to be delivered to Council
4. Applicant is to notify the local Emergency Services and ensure that whilst the event is in progress, satisfactory arrangements are made to allow access to premises by Emergency Services.

CEO may determine other conditions to be imposed on any approvals issued.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Applications with notification of approval or refusal are to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 002 TEMPORARY CLOSURE OF ROADS FOR REPAIRS & MAINTENANCE

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Works and Infrastructure
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority under section 3.50A of the *Local Government Act 1995* to partially and temporarily close a thoroughfare, without giving public notice, for the purpose of carrying out repairs or maintenance and the closure is unlikely to have a significant adverse effect on road users.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

CONDITIONS

For periods in excess of five working days, local public notice is to be given.

Councillors to be informed of any significant temporary road closures.

SUB-DELEGATION - ROADS (S) 002

Discharge of power and duty in accordance with the conditions of Delegation Roads 002, without further conditions being imposed under this sub Delegation.

HEAD OF POWER OF SUB-DELEGATION AND AUTHORISATION

The CEO on-delegates this to the Manager Works and Infrastructure in accordance with s5.44 of the *Local Government Act 1995*

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 003 CLOSURE OF ROADS FOR A PERIOD NOT EXCEEDING FOUR WEEKS

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Works and Infrastructure
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority under section 3.50 (1a) of the *Local Government Act 1995* to wholly or partially close a thoroughfare to the passage of vehicles for a period not exceeding four weeks. Under section 3.50 (2) the order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as deemed appropriate and may contain exceptions.

HEAD OF POWER

Local Government Act 1995 section 3.50

CONDITIONS

Councillors to be informed of any closure and the reasons for the closures.

SUB-DELEGATION - ROADS (S) 003

Discharge of power and duty in accordance with the conditions of Delegation Roads 003, without further conditions being imposed under this sub Delegation.

HEAD OF POWER OF SUB-DELEGATION AND AUTHORISATION

The CEO on-delegates this to the Manager Works and Infrastructure in accordance with s5.44 of the *Local Government Act 1995*

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Closure to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 004 CLOSURE OF ROADS FOR A PERIOD EXCEEDING FOUR WEEKS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is Delegated Authority under section 3.50 (1a) of the *Local Government Act 1995* to, by local public notice, order that a thoroughfare is wholly or partially closed to the passage of vehicles for a period exceeding four weeks. Under section 3.50 (2) the order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as deemed appropriate and may contain exceptions.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

CONDITIONS

Delegated Authority is limited to periods of closure not exceeding three months.

Councillors to be informed of any closure and the reasons for the closures.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Closure to be properly recorded in the records management system.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 005 OVER DIMENSION VEHICLES

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to consider and determine all applications for the use of over dimension vehicles.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

CONDITIONS

The CEO shall take into account any existing Shire policies and is authorised to impose any conditions considered appropriate.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Records of approval or rejection to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 006 ROAD TRAIN AND EXTRA MASS VEHICLES

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is Delegated Authority to determine any application recommending approval or refusal, with conditions as follows, for referral to Main Roads WA, to use road trains and applications for extra mass permits on any local road.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

CONDITIONS

Conditions:

- a) All roads are subject to the appropriate approval by the Main Roads WA and subsequent issue of relevant permits;
- b) Applicant to supply the Shire with a copy of Main Roads WA permit before operations commence;
- c) The speed limits of vehicles do not exceed 60kmh on gravel roads;
- d) Applicants are requested to utilise sealed routes, where possible, particularly during periods of wet weather;
- e) Applicant to be advised that approval may be withdrawn; and
- f) Other conditions such as curfews, communication requirements with school buses or pilot vehicles may be considered.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Compliance with Main Roads WA network access permit guidelines and restricted access permits – see <https://mrapps.mainroads.wa.gov.au/RavNetworkMap>

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 007 GATE OR OTHER DEVICE ACROSS THOROUGHFARE

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is, under Regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*, authorised to approve applications for a person to have a gate or other device across a public thoroughfare that enables motor traffic to pass across but prevents livestock from straying.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

CONDITIONS

Register to be kept of gates or other devices approved.

The Council to be advised of approvals given.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares & Public Places Local Law

Records of approval or rejection to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 008 CONSTRUCTION OF CROSSING FROM THOROUGHFARE TO PRIVATE LAND (CROSSOVER)

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Works and Infrastructure
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is, under Regulation 12 of the Local Government (Uniform Local Provisions) Regulations 1996, on receipt of an application Delegated Authority to approve the construction of a crossing giving access from a public thoroughfare under the management and control of the Shire to the land or a private thoroughfare serving the land.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

CONDITIONS

That the construction of the crossing be under the supervision of the Shire and completed to the satisfaction of the Shire.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Approvals and refusals to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 009 NOTICE TO CONSTRUCT OR REPAIR CROSSING

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Works and Infrastructure
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer is, under Regulation 13 of the Local Government (Uniform Local Provisions) Regulations 1996, is authorised to give a person who is the owner or occupier of private land a notice requiring the person to construct or repair a crossing from a public thoroughfare under the management and control of the Shire to the land or a private thoroughfare serving the land.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

CONDITIONS

Failure of the person to comply with the notice to be presented to Council for a decision on further action.

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Notices given to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 010 MAKE SAFE DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE

Delegate:	Chief Executive Officer	Sub Delegate:	Manager Works and Infrastructure
Adopted by Council:	21/08/2007	Last Reviewed:	10/12/2024

POWER/DUTY

The Chief Executive Officer (CEO) is Delegated Authority to the necessary action under Local Government (Uniform Local Provisions) Regulations 1996 Regulation 11 to make safe a dangerous excavation in or near a public thoroughfare.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

CONDITIONS

Nil

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares & Public Places Local Law

Action taken to be properly documented and saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.

INSTRUMENT OF DELEGATION

ROADS 011 ACTIVITIES ON THOROUGHFARES & TRADING IN THOROUGHFARES & PUBLIC PLACES LOCAL LAW

Delegate:	Chief Executive Officer	Sub Delegate:	Manager of Works and Services Manager of Property Services and NRM Ranger Environmental Health Officer
Adopted by Council:	17/2/2015	Last Reviewed:	10/12/2024
Amended:	10/12/2024		

POWER/DUTY

The Chief Executive Officer (CEO) is, on receipt of an application, delegated authority to issue any of the permits referred to in the *Shire of Kojonup Activities on Thoroughfares and Trading in Thoroughfares & Public Places Local Law 2020*.

HEAD OF POWER

Local Government Act 1995 section 5.42(1)

Local Government Act 1995 s3.18, s.5.42 & s.9.10

Activities in Thoroughfares and Public Places and Trading Local Law 2020

CONDITIONS

In exercising this delegation, the CEO, in addition to the existing considerations contained within the local law, shall have regard to the potential risks of the application with respect to existing Shire assets.

The CEO may refer any matter to the council

Council is to be informed of any prosecution under the local law

Council decision is required to:

- i. Make a determination under Part 2
- ii. Hear an objection under Part 8
- iii. Appoint authorised persons who are not employees under section 9.10 of the act

RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS

Approvals and refusals to be saved in the Record Management System.

Use of Delegation to be recorded on Shire of Kojonup Delegation Register and must be presented to the Council regularly.