



# **SHIRE OF KOJONUP**

Delegation Register

December 2023



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# 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:	12/12/2023

**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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

#### 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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Manager Financial and Corporate Services
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

#### 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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

#### 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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023
<b>Amended:</b>	16/02/2021		

### 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"; 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>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>Food Act 2008 s.118</i>	To undertake any of the functions of an "Authorised Officer" under the <i>Food Act 2008</i> .
<i>Caravan Parks and Camping Grounds Act 1995 s.17</i>	To undertake any of the functions of an "authorised person" under the <i>Caravan Parks and Camping Ground Act 1995</i> .
<i>Health (Miscellaneous Provisions) Act 1911</i>	To undertake the functions of an "Authorised Officer" conferred on that office. Includes approval under subsidiary legislation.
<i>Public Health Act 2016</i>	To undertake the functions of an "Authorised Officer" conferred on that office. Includes the designation "Environmental Health Officer".
<i>Fines, Penalties &amp; Infringement Notices Enforcement Act 1994 s.16 and s.22</i>	To hold the position of "prosecuting officer". [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].
<i>Litter Act 1979 s. 27AA.</i>	To appoint a person to be an honorary inspector.
<i>Litter Act 1979 s.30 (1)</i>	Notwithstanding the general authorisation contained within s.26 of the Litter Act 1979 – Under s.30 (1): to undertake the functions of authorised officer as generally specified in the <i>Litter Act 1979</i> including the initiation of legal proceedings for offences under the Act.
<i>Caravan Parks and Camping Grounds Act 1995 s.17</i>	To perform the functions and duties of an authorised person for the purposes of this Act.
<i>Caravan Parks and Camping Grounds Act 1995 s.22</i>	Initiate legal proceedings under this Act.

LEGISLATION	FUNCTIONS AND DUTIES
<i>Caravan Parks and Camping Grounds Act 1995 s.23</i>	To sign and give notices under this Act.
<i>Control of Vehicles (Off Road Areas) Act 1978 - (COV) S. 38(3)</i>	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.
<i>Control of Vehicles (Off Road Areas) Act 1978 - (COV) S. 40</i>	To initiate legal proceedings under the <i>Control of Vehicles (Off Road Areas) Act 1978</i> .
<i>Food Act 2008</i>	Administer the functions of the Shire of Kojonup as an “enforcement 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.
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    \*\*DELETED\*\* - OBTAINING LEGAL ADVICE**

## INSTRUMENT OF DELEGATION

### ADMIN 007 ENTERING INTO CONTRACTS OF INSURANCE

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Manager Financial and Corporate Services
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

#### 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) 007

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 008    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:	12/12/2023

**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 009 ENGROSSMENT OF CONTRACT DOCUMENTS

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

### 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 011 AUTHORISING OFFICERS TO IMPOUND GOODS & SELL UNCOLLECTED GOODS

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

#### 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) section 5.42(1)

#### 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 012POWER OF ENTRY ONTO PRIVATE LAND

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

## 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 Subdivision 3 of Division 3 of Part 3 of the *Local Government Act 1995* as amended.

## HEAD OF POWER

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

## CONDITIONS

Council to be advised of any notices issued and the outcome.

## 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 013      NATIVE TITLE - PARTY TO AN APPLICATION

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

**POWER/DUTY**

The Chief Executive Officer is Delegated Authority to register an interest in any Native Title claim affecting the Shire in order to have sufficient interest to become a party to the Native Title Application.

**HEAD OF POWER**

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

**CONDITIONS**

Council to be advised of any interests registered.

**RELATED POLICY/FILE REFERENCE AND DOCUMENTATION REQUIREMENTS**

Interests registered 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 014 PROSECUTIONS & LEGAL DEFENCE

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023
		<b>Last Updated:</b>	12/12/2023

#### POWER/DUTY

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* (as amended) section 5.42(1)

#### 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.

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 INVITING TENDERS OR QUOTATIONS FOR THE SUPPLY OF GOODS & SERVICES

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

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.

HEAD OF POWER

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

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 016 ACQUISITION & DISPOSAL OF PROPERTY

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

#### 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 017      VEHICLE LICENSING & REGISTRATION AGENCY CONTRACT

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

**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 018 DONATIONS TO LOCAL GROUPS OR INDIVIDUALS

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023
		<b>Last Updated:</b>	12/12/2023

### 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 004 STAFF EMPLOYMENT, SALARIES & CONTRACTS

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023
		<b>Last Updated:</b>	12/12/2023

### 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 and aligned to the budget.

Contracted roles are negotiated between the CEO and the individual.

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

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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Manager Financial and Corporate Services
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023
		<b>Last Updated:</b>	12/12/2023

#### 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
- Manager Governance and Administration
- 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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Manager Financial and Corporate Services
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

### 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**

<b>FIN 003</b>	<b>WRITE OFF MONEY OWED TO SHIRE</b>
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<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

**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 005

RATING

**Delegate:** Chief Executive Officer

**Sub Delegate:** Nil

**Adopted by Council:** 21/08/2007

**Last Reviewed:** 12/12/2023

## 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 - REPEALED

<b>Delegate:</b>	Building Surveyor	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/10/2022

Repealed – Refer to delegation ADMIN 005.

## INSTRUMENT OF DELEGATION

### BLDG 002 BUILDING AND DEMOLITION PERMIT EXTENSION OF TIME TO COMPLETE - REPEALED

<b>Delegate:</b>	Building Surveyor	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/10/2022

Repealed – This is covered by the *Building Act 2011* (prescribed form, fee & process). Also refer to delegation ADMIN 005.

**INSTRUMENT OF DELEGATION**

<b>BLDG 003</b>	<b>PERMISSION TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET</b>
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<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

**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 & Services 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 004      ISSUING NOTICES FOR BUILDING WORKS

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

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*

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.

## INSTRUMENT OF DELEGATION

### FIRE 001 APPROVAL TO BURN ROAD VERGES

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

#### 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 BURNING TIMES

Delegate:	Shire President Chief Bushfire Control Officer	Sub Delegate:	Nil
Adopted by Council:	21/08/2007	Last Reviewed:	12/12/2023

**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 District 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 of the *Bush Fires Act 1954* and after consultation with the Officer in Charge of the Department of Biodiversity, Conservation and Attractions.

**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.

## INSTRUMENT OF DELEGATION

<b>FIRE 003</b>	<b>INSTITUTE PROSECUTIONS FOR BREACHES OF THE <i>BUSH FIRES ACT 1954</i></b>
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<b>Delegate:</b> Chief Executive Officer	<b>Sub Delegate:</b> Nil
<b>Adopted by Council:</b> 21/08/2007	<b>Last Reviewed:</b> 12/12/2023

### 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.

This Delegation extends to the issue of infringement notices in accordance with s 59A of the *Bush Fire Act 1954*.

### HEAD OF POWER

*Bush Fires Act 1954 s. 59(3)*

### 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 BUSH FIRE CONTROL OFFICERS - REPEALED**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/10/2022

**REPEALED 18 NOVEMBER 2014**

**INSTRUMENT OF DELEGATION**

**FIRE 005      APPOINTMENT OF AUTHORISED PERSONS - REPEALED**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/10/2022

**REPEALED 17 MAY 2016**

## INSTRUMENT OF DELEGATION

### FIRE 006 VARYING RESTRICTED BURNING TIMES

<b>Delegate:</b>	Shire President Chief Bushfire Control Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	17/5/2016	<b>Last Reviewed:</b>	n/a

#### POWER/DUTY

The Shire President and Chief Bushfire Control Officer are jointly Delegated Authority to exercise the Council's powers within section 18 (5) and 18 (5B) of the *Bushfires Act 1954* (relates to the varying of the restricted burning times in the District and the giving notice of the change).

#### HEAD OF POWER

*Bush Fires Act 1954 s. 18 (5C)*

#### CONDITIONS

- Any variation approved is to comply with the requirements of the s7 of the *Bush Fires Act 1954* and after consultation with the Officer in Charge of the Department of Biodiversity, Conservation and Attractions.
- A variation shall not have the effect of shortening or suspending those restricted burning times by or for more than 14 successive days per calendar year.

#### 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.

INSTRUMENT OF DELEGATION

FIRE 007      APPOINTMENT OF DUAL BUSH FIRE CONTROL OFFICERS

Delegate:	Chief Executive Officer	Sub Delegate:	Nil
Adopted by Council:	18/09/2018	Last Reviewed:	12/12/2023

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**

**HEALTH 002 DELETED - ADMINISTRATION OF THE HEALTH ACT**

## **COVERED BY DELEGATION ADMIN 005 INSTRUMENT OF DELEGATION**

Covered by delegation ADMIN 005.

**HEALTH 003 APPROVAL OF APPLICATIONS UNDER HEALTH LOCAL LAWS -  
REPEALED**

**Delegate:** Environmental Health Officer  
**Adopted by Council:** 21/08/2007

**Sub Delegate:** Nil  
**Last Reviewed:** 18/10/2022

Repealed – covered by delegation HEALTH 002.

## **INSTRUMENT OF DELEGATION**

**HEALTH 004 PERMITS FOR CAMPING ON PRIVATE PROPERTY - REPEALED**

**Delegate:** Chief Executive Officer  
**Adopted by Council:** 21/08/2007

**Sub Delegate:** Nil  
**Last Reviewed:** 18/10/2022

Repealed – refer to delegation ADMIN 005 and HEALTH 005.

## INSTRUMENT OF DELEGATION

### HEALTH 005 DELETED - APPOINTMENT OF AUTHORISED PERSONS

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/10/2022

Incorporated into ADMIN 005

## INSTRUMENT OF DELEGATION

### RANGER 001 INSTITUTE PROCEEDINGS FOR OFFENCES UNDER THE DOG AND CAT ACTS

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

#### 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*

#### 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 002 APPOINTMENT OF AUTHORISED PERSONS \*RENUMBERED TO RANGER 006

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	18/10/2022

## 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

#### 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

#### 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)*

#### 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

#### 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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

### 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 Act.
<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 Act 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 Act 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 Act 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  
**Adopted by Council:** 19/05/2009

**Sub Delegate:** Nil  
**Last Reviewed:** 12/12/2023  
**Last Updated:** 18/8/2020

### 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"> <li>i) The use and development complying with objectives for the zone;</li> <li>ii) The use and development complying with the standards prescribed by the Scheme; and</li> <li>iii) Complying with any relevant Local Planning Policies.</li> </ul> <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.</p> <p>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"> <li>1. Only for subdivision proposals creating 2 lots, where the proposal complies with TPS 3 Policy and Provisions.</li> <li>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.</li> <li>3. There is no limit on the size or number of lots under this Delegation for amalgamations.</li> </ol>
<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"> <li>➤ are eucalypt or pine species and deemed appropriate land use for the zone;</li> <li>➤ are presented with an appropriate plantation plan;</li> <li>➤ comply with the industry Code of Practice for timber plantations;</li> <li>➤ are less than 200 Ha.</li> </ul>
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**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	27/08/2009	<b>Last Reviewed:</b>	12/12/2023

**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:

	ZONE					
LAND USE	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 200m² 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: 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: 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			

	<b>ZONE</b>					
<b>LAND USE</b>	<b>DEFINITION (FROM TPS 3)</b>	<b>RESIDENTIAL</b>	<b>COMMERCIAL</b>	<b>INDUSTRIAL</b>	<b>SPECIAL RURAL</b>	<b>RURAL</b>
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 depot, 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	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:	12/12/2023

**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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

**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 & Services

**Adopted by Council:** 21/08/2007

**Last Reviewed:** 12/12/2023

#### 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 & Services 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 & Services

**Adopted by Council:** 21/08/2007

**Last Reviewed:** 12/12/2023

#### 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 & Services 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:	12/12/2023

**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**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

**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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

### 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:	12/12/2023

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)**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Manager Works & Services
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

**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

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Manager Works & Services
<b>Adopted by Council:</b>	21/08/2007	<b>Last Reviewed:</b>	12/12/2023

**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 & Services

**Adopted by Council:** 21/08/2007

**Last Reviewed:** 12/12/2023

#### 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**

<b>Delegate:</b>	Chief Executive Officer	<b>Sub Delegate:</b>	Nil
<b>Adopted by Council:</b>	17/2/2015	<b>Last Reviewed:</b>	12/12/2023

**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*.

**HEAD OF POWER**

*Local Government Act 1995* section 5.42(1)

**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.

**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.