



DELEGATION REGISTER

Council to Chief Executive Officer and Other Officers



Shire of
Bridgetown-Greenbushes

... simply beautiful

Reviewed on 29 November 2007
Amended on 28 February 2008

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Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the CEO to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the CEO to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government, Sport and Cultural Industries Local Government Guideline – Delegations, Authorisations and Acting Through, establishes the principal issue in determining whether a statutory function or duty is suitable for ‘acting through’ that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the ‘acting through’ concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains ‘Instruments of Delegation’ that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function.

Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

Corporate Management

Delegation	CM.1 - Authorising and Affixing of the Common Seal and Signing of Documents
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.9.49A(1)(2)(4) – Execution of documents
Function	<p>Authority to authorise the affixing of the Common Seal of the Shire of Bridgetown-Greenbushes to a document that requires the Common Seal to be legally effective, and to sign documents on behalf of the Shire of Bridgetown-Greenbushes. Documents are to be in one or more of the following categories:</p> <ol style="list-style-type: none"> 1 Documents required to satisfy conditions of subdivision and/or development approval; 2 Documents required to effect the transfer of land; 3 Documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire; 4 Documents required to effect the grant of leasehold interests in the land either by the Shire to a third party or by a third party to the Shire; 5 Documents required to effect the grant of a licence either by the Shire to a third party or by a third party to the Shire; 6 Documents required to effect the subdivision of land, including the strata titling of land; 7 Documents which are capable of registration and/or lodgment at Landgate (WA Land Titles office); and 8 Documents necessary or appropriate to enable the CEO to carry out their functions under any written law.
Delegate	Chief Executive Officer
Council conditions	The document must not be inconsistent with a Council policy or resolution.
Adoption date	30 November 2017 (C.18/1117)

Variation date	23 February 2023 (C.09/0223)
Record keeping	Register of Seals

Council Properties

Delegation	CP.1 – Transfer of Land Documentation
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.9.49A Execution of documents
Function	Where a Council resolution has occurred for the purchase of land, the CEO is authorised to endorse transfer of land documentation.
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	CP.2 - Disposal of Surplus Equipment, Materials, Tools, Etc
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.58 (2)(3) Disposing of property <i>Local Government (Functions and General) Regulations 1996</i> r.30 Dispositions of property excluded from Act
Function	Authority to sell, by calling for expressions of interest, auction, or any other fair means, items of surplus equipment, materials, tools, etc., which are no longer required, or are no longer serviceable.
Delegate	Chief Executive Officer
Council conditions	This delegation applies only to items with an estimated value of less than \$2,000 each.
Adoption date	27 November 2014 (C.12/1114)
Variation date	30 November 2017 (C.18/1117) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	CP.3 – Administration of Leases and Licences
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CE
Express power or duty delegated	<i>Local Government Act 1995</i> s3.18 - Performing executive functions. s9.49A(4) - Execution of documents
Function	Authority to exercise all rights available and duties incumbent on the Shire under any lease or licence agreement, providing it doesn't alter the intent of the documentation.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	23 February 2023 (C.09/0223)
Variation date	
Record keeping	Delegated Authority Action Sheet

Development and Building Controls

Delegation	DBC.1 - Building and Demolition Permits	
Delegator	Council	
Express power to delegate	Building Act 2011 s.127(1) & (3) Delegation: special permit authorities and local government	
Express power or duty delegated	<p><i>Building Act 2011</i> s.18 Further Information s.20 Grant of building permit s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit</p> <p><i>Building Regulations 2012</i> 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))</p>	
Function	<p>Authority and power to exercise and discharge all or any of the powers and functions of the permit authority in regard to the following sections of the Building Act and Building Regulations:</p> <p>Note in this delegation “building permit” includes “demolition permit”.</p>	
	<i>Building Act 2011</i>	
	Section 18	Request to the applicant to provide further information required for determination of the building permit or demolition permit application
	Section 20	Authority to grant or refuse to grant building permits
	Section 21	Authority to grant or refuse to grant demolition permits
Section 22	<p>Authority to refuse to grant building permits or demolition permits if:</p> <ol style="list-style-type: none"> There appears to be an error in the information provided for the application or in a document that accompanied the 	

		<p>application; or</p> <p>2. If an application is inconsistent with:</p> <p>(a) A function that the Permit Authority has under written law; or</p> <p>(b) An agreement between the Permit Authority and the applicant.</p>
	Section 27	Authority to impose, vary or revoke conditions on a building permit or demolition permit
	Section 32	Extend the time during which permit has effect
	<i>Building Regulations 2012</i>	
	Reg. 23 Reg. 24	Authority to determine an application (including the imposition of new conditions) to extend time during which a building permit or demolition permit has effect subject to being satisfied that work for which the building permit was granted has not been completed or the extension is necessary to allow rectification of defects of works for which the permit was granted.
	Reg. 26	Authority to approve or refuse to approve an application for a new responsible person for a building permit or demolition permit.
Delegate	Chief Executive Officer	
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.	
Adoption date		
Variation date	<p>28 November 2013 (C.16/1113)</p> <p>23 February 2023 (C.09/0223)</p>	
Record keeping	Individual Building Permit Files	

Delegation	DBC.2 - Occupancy Permits or Building Approval Certificates	
Delegator	Council	
Express power to delegate	Building Act 2011 s.127(1) & (3) Delegation: special permit authorities and local government	
Express power or duty delegated	<p><i>Building Act 2011</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration</p> <p><i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate</p>	
Function	Council delegates its authority and powers to the Council's Registered Building Surveyor(s) the capacity to exercise and discharge all or any of the powers and functions of the permit authority in regard to the following sections of the Building Act and Building Regulations:	
	<i>Building Act 2011</i>	
	Section 55	Request to the applicant to provide further information required for determination of the application
	Section 58	Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate
	Section 62	Authority to impose, add, vary or revoke conditions on an occupancy permit
	Section 65	Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect
	<i>Building Regulations 2012</i>	
Reg. 40	Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect	
Delegate	Chief Executive Officer	

Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Individual Building Permit Files

Delegation	DBC.3 – Building Orders	
Delegator	Council	
Express power to delegate	Building Act 2011 s.127(1) & (3) Delegation: special permit authorities and local government	
Express power or duty delegated	<p><i>Building Act 2011</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act</p>	
Function	Authority and power to exercise and discharge all or any of the powers and functions of the permit authority in regard to the following sections of the Building Act:	
	Section 110	Authority to make building orders in relation to: (a) Building work (b) Demolition work (c) An existing building or incidental structure
	Section 111	Authority to give notice of a proposed building order and consider submissions received in response and determine actions.
	Section 117	Authority to revoke a building order.
	Section 118	If there is non-compliance with a building order, authority to: (a) Take any action specified in the order; or (b) Commence or complete any work specified in the order; or (c) If any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease.
	Section 133	Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.
Delegate	Chief Executive Officer	

Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	DBC.4 - Inspection and Copies of Building Records
Delegator	Council
Express power to delegate	Building Act 2011 s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011</i> s.131(2) Inspection, copies of building records
Function	Authority to determine applications from interested persons to inspect and copy a building record.
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	DBC.5 - Private Pool Barrier – Alternative and Performance Solutions
Delegator	Council
Express power to delegate	Building Act 2011 s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Regulations 2012</i> r.51(2)(3)(5) Approvals by permit authority
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 (r.51(2)). 2. Approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner/occupier, or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability (r.51(3)). 3. Approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement (r.51(5)).
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	DBC.6 - Smoke Alarms – Alternative Solutions
Delegator	Council
Express power to delegate	Building Act 2011 s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Regulations 2012</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning (r.55). 2. Approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval (r.61).
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Emergency Services

Delegation	ES.1 - Firebreak and Fuel Hazard Reduction Notice – Variation
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48(1) Delegation by local governments
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.33 Local government may require occupier of land to plough or clear firebreak
Function	Authority to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on land.
Delegate	Chief Executive Officer
Council conditions	This delegation is subject to relevant Fire Control Officer endorsement of application.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	ES.2 - Cost Recovery for Fires
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48(1) Delegation by local governments
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.58 General penalty and recovery of expenses incurred
Function	Authority to seek the recovery of costs of measures taken by the Shire of Bridgetown-Greenbushes, its Bush Fire Control Officers and Bush Fire Brigades to extinguish a fire burning, including authority to recover expenses in any court of competent jurisdiction.
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	ES.3 - Works Orders for Properties Non-Compliant to Firebreak and Fuel Hazard Reduction Notice
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48(1) Delegation by local governments
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.33(1)(4)(5) local government may require occupier of land to plough or clear firebreak
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Give written notice to an owner or occupier of land or all owners or occupiers of land within the district, requiring, to the satisfaction of the Shire of Bridgetown- Greenbushes: <ol style="list-style-type: none"> (a) clearing of firebreaks as determined necessary and specified in the notice; and (b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and (c) as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with. Note this also allows the use of contractors or other persons to carry out the required work. (s.33(4)(a)) 3. Request Bush Fire Brigades to do the work if necessary, or employ Council staff to do the work if necessary, or employ contractors to do the work if necessary, at the cost of the owners/occupiers. (s.33(4)(b)) 4. Recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice. (s.33(5)(b))
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	ES.4 – Offences – Bush Fires Act
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48(1) Delegation by local governments
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.59(3) – Prosecution of offences 59A(2)(5) – Alternative procedure – infringement notices
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Consider allegations of offences alleged to have been committed against the Bush Fires Act 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. (s.59(3)) 2. Issue an infringement notice under the Act. (s.59A(2)) 3. Withdraw infringement notices under the Act. (s.59A(5))
Delegate	Chief Executive Officer Shire Ranger
Council conditions	<p>The Chief Executive Officer is authorised for the purposes of s.59(3) and 59A(5) only.</p> <p>Shire Ranger is authorised for the purposes of s59(3) and s59A(2) only.</p>
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	ES.5 – Variations to Prohibited Burning Periods
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s17(10) Prohibited burning times may be declared by Minister
Express power or duty delegated	<i>Bush Fires Act 1954</i> s17(7) Prohibited burning times may be declared by Minister
Function	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer (s.17(7))
Delegate	President and Chief Bush Fire Control Officer
Council conditions	Decisions under s,17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Adoption date	23 February 2023 (C.09/0223)
Variation date	
Record keeping	Delegated Authority Action Sheet

Delegation	ES.6 – Prohibited Burning Times – Control Activities
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<p><i>Bush Fires Act 1954</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer (r.15). 2. Declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained (r.38C). 3. Determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an airplane has been satisfactorily prepared (r.39B(2)). 4. Recover the cost of measures taken by the Shire of Bridgetown-Greenbushes or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy (s.28(4)), including authority to recover expenses in any court of competent jurisdiction (s.28(5)).
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	23 February 2023 (C.09/0223)
Variation date	
Record keeping	Delegated Authority Action Sheet

Delegation	ES.7 – Variations and Control Activities Restricted Burning Periods
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<p><i>Bush Fires Act 1954</i> s.18(5)(11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year (s.18(5)). <ol style="list-style-type: none"> a. Determine to prohibit burning on Sundays or specified days that are public holidays in the district (r.15C). 2. Where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn (s.18(11)). 3. Determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer (r.15). 4. Arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning firebreaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary (s.22(6) and (7)). 5. Declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part

	<p>of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained (r.38C).</p> <ol style="list-style-type: none"> 6. Determine, during a Restricted Burning Time, if a firebreak around a landing ground for an airplane has been satisfactorily prepared (r.39B). 7. Issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an airplane (r.39B(3)). 8. Prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice (s.27(2) and (3)). 9. Recover the cost of measures taken by the Shire of Bridgetown-Greenbushes or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy (s.28(4)), including authority to recover expenses in any court of competent jurisdiction (s.28(5)).
Delegate	Chief Executive Officer
Council conditions	
Adoption date	23 February 2023 (C.09/0223)
Variation date	24 October 2023 (SpCa01/1023).
Record keeping	Delegated Authority Action Sheet

Delegation	ES.8 – Burning Garden Refuse/Open Air Fires
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<p><i>Bush Fires Act 1954</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25</p> <p><i>Bush Fire Regulations 1954</i> r.27(3) Permit, issue of</p>
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard (s.24F(2)(b)(ii) and (4)). 2. Prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F (s.24G(2)). <ol style="list-style-type: none"> (a) Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the district (r.27(3) and r.33(5)). (b) Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the district (r.34). 3. Provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> (a) camping or cooking (s.25(1)(a)). (b) conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer (s.25(1)(b)). 4. Prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice (s.25(1a) and (1b)). 5. Serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice (s.25A(5)).
Delegate	Chief Executive Officer

Council conditions	Nil
Adoption date	23 February 2023 (C.09/0223)
Variation date	
Record keeping	Delegated Authority Action Sheet

Delegation	ES.9 – Make Request to FES Commissioner – Control of Fire
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s13(4) Duties and powers of bush fire liaison office
Function	Authority to request of behalf of the Shire of Bridgetown-Greenbushes that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations (s13(4)).
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	23 February 2023 (C.09/0223)
Variation date	
Record keeping	Delegated Authority Action Sheet

Financial Management

Delegation	FM.1 – Execution of Contracts
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.9.49A Execution of documents
Function	Authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of contract documents including affixing of the Seal without further reference to Council, where: <ul style="list-style-type: none"> (a) Council has authorised entering into a formal contract; or (b) A formal contract is authorised under a delegated authority from Council; or (c) A formal contract is considered necessary by the Chief Executive Officer as part of the day-to-day operations of the Council.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	27 November 2014 (C.12/114)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	FM.2 - Conferences, Seminars, Meetings and Training Courses – Reimbursement of Councillor Expenses
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Administration) Regulations 1996</i> r.32 Expenses that may be approved for reimbursement
Function	Authority to reimburse all reasonable expenses to councillors and staff incurred whilst attending authorised conferences, seminars, meetings and training courses.
Delegate	Chief Executive Officer
Council conditions	Reimbursements to occur in accordance with the <i>Local Government (Administration) Regulations 1996</i> (Regulation 32) and Council Policy M.3 – Conference Attendance & Training.
Adoption Date	30 November 2017 (C.18/1117)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	FM.3 - Payments from Municipal Fund and Trust Fund
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996</i> r.12(1)(a) Payments from municipal fund or trust fund, restriction on making
Function	Authority to make payments from the Municipal, Reserve or Trust funds.
Delegate	Chief Executive Officer
Council conditions	<ol style="list-style-type: none"> 1. Authority to make payments is subject to annual budget limitations. 2. All payments are made under two signatures as determined by the CEO. 3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	27 November 2014 (C.12/1114) 23 February 2023 (C.09/0223)
Record keeping	Payment Summary Report signed by Authorising Officers

Delegation	FM.4 - Donations
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	
Function	Authority to determine requests for donation of monies up to the value of \$400 when a group or individual can demonstrate: <ol style="list-style-type: none"> 1. Significant direct benefit to the local community. 2. That the group is a community group or non-profit making organisation or running a non-profit activity. 3. That the group's financial status is such as to justify a donation from Council. 4. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, eg, support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. That available funding exists in Council's budget.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Donation Register

Delegation	FM.5 - Write Off of Money Owing to the Local Government
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.12(1)(b)(c) Power to defer, grant discounts, waive or write off debts
Function	<ol style="list-style-type: none"> 1. Authority to write off any amount of money which is owed to the local government up to a limit of \$500 in any one instance. (s.6.12(1)(c)) 2. In the event of monies owed to the local government under 34AE of the <i>Local Government (Administration) Regulations 1996</i>, authority to seek Ministerial approval in accordance with 19AA <i>Local Government (Financial Management) Regulations 1996</i>. 3. Authority to waive or grant concessions in relation to any amount of money up to a limit of \$500 in any one instance.
Delegate	Chief Executive Officer
Council conditions	In exercising this authority, the CEO shall: <ol style="list-style-type: none"> 1. Provide for appropriate internal controls 2. Ensure all statutory requirements are met 3. Ensure all Council Policies are observed.
Adoption date	
Variation Date	27 November 2014 (C.12/1114) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	FM 6 - Tenders for Providing Goods & Services
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express power or duty delegated	<p><i>Local Government Act 1995</i> s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996</i> r.11(1)(2)(j) When tenders have to be publicly invited r.11(2)(j) Exercising contract extension options r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18(2)(4)(4a) Rejecting and accepting tenders r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer</p>
Function	<p>Authority to perform the following:</p> <ol style="list-style-type: none"> 1. Publicly invite tenders for the supply of goods and services expected to be worth more than \$250,000. (<i>r.11(1), 12 and 13</i>). 2. Publicly invite tenders for the supply of goods and services although not required to do so. (<i>r.13</i>). 3. Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14. 4. Determine the information that is to be disclosed to those interested in submitting tender. 5. Vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the request for tender information is provided notice of the variation. 6. Give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted. (<i>r.19</i>). 7. Determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender. (<i>r.18(2)</i>) 8. Seek clarification from tenderers in relation to information contained in their tender submission. (<i>r.18(4a)</i>). 9. Evaluate tenders, by written evaluation to determine which tender satisfies the criteria for deciding which

	<p>tender to accept. <i>(r.18(4))</i>.</p> <ol style="list-style-type: none"> 10. Approve minor variations to contracts after it has been entered into by Council where the variation is equal to or less than 5% with a ceiling of \$5,000. 11. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract. 12. Exercise a contract extension option that was included in the original tender specification and contract. <i>(r.11(2)(j))</i>. 13. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier. <i>(r.11(2)(f))</i>. 14. Undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget. <i>(r.11(2))</i>. 15. Determine when to seek Expressions of interest and to invite Expressions of Interest for the supply of goods and services. <i>(r.21)</i>. 16. Consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers. <i>(r.3)</i>.
Delegate	Chief Executive Officer
Council conditions	<ol style="list-style-type: none"> 1. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term. 2. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. 3. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where: <ol style="list-style-type: none"> (a) the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or (b) a current supply contract expiry is imminent; and (c) the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and (d) the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.

	<ol style="list-style-type: none"> 4. A decision to vary a tendered contract before entry into the contract must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply. 5. A decision to vary a tendered contract after entry into the contract must include evidence that the variation is necessary and does not change the scope of the contract. 6. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term. 7. The decision to select a successful tender is still one for Council to determine.
Adoption date	
Variation Date	<p>27 November 2014 (C.12/114)</p> <p>26 November 2015 (C.16/1115)</p> <p>23 February 2023 (C.09/0223)</p>
Record keeping	<p>Tender Register</p> <p>Delegated Authority Action Sheet</p>

Delegation	FM.7 - Authority to Invest Surplus Funds
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> S6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996</i> r.19 Investments, control procedures for
Function	Authority and power to invest money held in the Municipal (including funds held in Reserve Accounts) or Trust Funds, that is not required for the time being for any purpose, in accordance with Part III of the <i>Trustees Act 1962</i> , or in an investment approved by the Minister.
Delegate	Chief Executive Officer
Council conditions	The above delegation is subject to: 1. The establishment of documented internal control procedures to be followed to ensure control over the investments; 2. Compliance with Regulation 19(2) of the Financial Management Regulations; and 3. Compliance with Council Finance Policy F.3 – Investments.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	FM8 – Contract Variations
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	
Function	Authority to: <ol style="list-style-type: none"> 1. Approve minor variations to contracts entered into by Council where the variation is equal to or less than 5% with a ceiling of \$5,000. 2. Exercise an extension option that was included in an original request for tender or request for quote submission.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	25 November 2004 (C.26/1104) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Land Use and Planning

Delegation	LUP.1 - Development Applications – Extension of Time
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Town Planning Schemes 3</i> Clause 7.7 Delegation</p> <p><i>Town Planning Scheme 4</i> Clause 6.8 Delegation</p>
Express power or duty delegated	Town Planning Scheme 4 Clause 5.5 Term of Planning Approval
Function	Authority to approve applications for extension of time in respect to development applications previously approved by Council or approved under delegated authority.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LUP.2 - Setback Variations
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Town Planning Schemes 3</i> Clause 7.7 Delegation</p> <p><i>Town Planning Scheme 4</i> Clause 6.8 Delegation</p>
Express power or duty delegated	<p>Town Planning Scheme 4 Clause 4.6 Building Setbacks in Rural Zones Clause 4.7 Building Setbacks in Other Zones</p>
Function	<p>Notwithstanding the provisions of the Council’s Town Planning Scheme, authority to vary any setback provision for any development where such is considered appropriate due to design considerations or where the requirement to comply is considered unreasonable or undesirable due to the shape or geographical conditions of the land provided that the owners of any neighbouring properties likely to be detrimentally affected have been consulted and have signified no objections. Maximum variation allowed is 75%.</p> <p>Explanatory Note: The 75% variation to setbacks in the Rural Zone of Town Planning Scheme No. 3 is to be taken from the 7.5 metre setback.</p>
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	<p>30 March 2006 (C.13/0306a) 28 November 2013 (C.16/1113) 23 February 2023 (C.09/0223)</p>
Record keeping	Delegated Authority Action Sheet

Delegation	LUP.3 - Subdivisions
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Town Planning Schemes 3</i> Clause 7.7 Delegation</p> <p><i>Town Planning Scheme 4</i> Clause 6.8 Delegation</p>
Express power or duty delegated	<p><i>Planning & Development Act 2005</i> <i>Town Planning Schemes</i></p>
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Support subdivision proposals restricted to applications of not more than four (4) allotments in the absence of an adopted Subdivision Guide Plan or Structure Plan. 2. Support unrestricted subdivision proposals when they are within an approved Subdivision Guide Plan or Structure Plan. 3. Support applications for the amalgamation of lots. 4. Support applications for minor boundary adjustments. 5. Not support any subdivision or amalgamation proposal that is not in conformity with the operative Town Planning Scheme, policies or any Subdivision Guide Plan or Structure Plan.
Delegate	Chief Executive Officer
Council conditions	<ol style="list-style-type: none"> 1. Applications/proposals are to comply in all respect with the operative Town Planning Scheme, policies and other regulatory controls 2. This delegation is to be interpreted as permitting recommendations to be lodged with the Western Australian Planning Commission for approval or refusal as appropriate.
Adoption date	
Variation date	<p>27 November 2014 (C.12/1114)</p> <p>25 January 2023 (C07/0123)</p>
Record keeping	Delegated Authority Action Sheet

Delegation	LUP.4 – Development Applications
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Town Planning Schemes 3</i> Clause 7.7 Delegation</p> <p><i>Town Planning Scheme 4</i> Clause 6.8 Delegation</p>
Express power or duty delegated	Town Planning Scheme
Function	<p>Authority to –</p> <ol style="list-style-type: none"> 1. Approve all development applications for AA uses under the operative Town Planning Scheme except where: <ul style="list-style-type: none"> • An advertised or referred development application has received a submission by way of objection, other than an objection which can be satisfied by conditions of consent; • The proposed development, although not advertised, is considered by the CEO to be of a contentious nature; 2. Approve all development applications and building envelope relocations complying to Council Policies, Guidelines or Codes. 3. Approve development applications and building envelope relocations where such applications vary only to a minor extent from Council’s Policies, Guidelines or Codes. 4. Refuse development applications and building envelope relocations which do not comply with Council Policies. 5. Approve development applications for “P” or “IP” uses (incidental to the predominant use). 6. Approve development applications on Reserves where the proposed use is consistent with the purpose of the Reserve. 7. Support minor variations to Section 20 Signage of the Bridgetown Special Design Heritage Precinct – Statement of Planning Policy and associated Bridgetown Heritage Precinct: development Guidelines for obscure window signage or treatment only for shop fronts where goods are not displayed. 8. Approve applications for 2 dwellings on a residential zoned lot under Town Planning Scheme No. 4 as per Clause 4.2.5 of that Town Planning Scheme.

Delegate	Chief Executive Officer Senior Planning Officer
Council conditions	Nil
Adoption date	
Variation date	15 December 2005 (C.4/1205) 25 September 2008 (C.22/0908) 27 November 2014 (C.08/1114) & (C.12/1114) 29 November 2018 (C.03/1118b) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LUP.5 – Road Closures
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Land Administration Act 1997</i> s.58 Closing roads
Function	<p>Where an application is received for the closure of any road in the district, authority to initiate the process by seeking comment from affected landowners, service authorities, etc and advertising the proposal for public comment. All notices and advertisements are to clearly demonstrate Council is not committed to the closure proposal but is simply wanting comment to assist in determining whether to proceed further with the closure, or not.</p> <p>When all responses are received and the advertising period has expired, the Chief Executive Officer is to submit details to Council for formal consideration.</p> <p>Nothing precludes the CEO from presenting a road closure application to Council for consideration prior to commencing advertising.</p>
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	27 November 2014 (C.12/1114) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LUP.7 – Subdivision Clearance
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Town Planning Schemes 3</i> Clause 7.7 Delegation</p> <p><i>Town Planning Scheme 4</i> Clause 6.8 Delegation</p>
Express power or duty delegated	<i>Planning & Development Act 2005</i>
Function	<p>Authority to issue subdivision clearance to approved subdivisions where relevant conditions have been fully complied with in accordance with the approval issued by the Western Australian Planning Commission.</p> <p>This authority also includes clearance of survey strata lots and strata title applications including buildings fully compliant with the necessary approvals.</p>
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	<p>27 November 2014 (C.12/1114)</p> <p>23 February 2023 (C.09/0223)</p>
Record keeping	Delegated Authority Action Sheet

Delegation	LUP.8 – Directional Signs
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> Council Policy P 1 – Directional Signs Policy
Function	Authority to approve applications for directional signs where such applications are in accordance with Council Policy.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LUP.9 - Provision of Roads and Associated Civil Works for Subdivisions and Development
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning & Development Act 2005</i> s. 170 Proposed road or waterway, drawing etc. of required
Function	Authority to approve subdivisional and street construction drawings in accordance with Section 170 of the <i>Planning and Development Act 2005</i> , where drawings comply with Council's policy I 2 - Provision of Roads and Associated Civil works for Subdivisions and Developments.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	29 November 2007 (C.14/1107) 28 February 2008 (C.17/0208) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LUP.10 – Signs and Hoardings
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Town Planning Schemes 3</i> Clause 7.7 Delegation</p> <p><i>Town Planning Scheme 4</i> Clause 6.8 Delegation</p>
Express power or duty delegated	Town Planning Scheme Activities on Thoroughfares and Trading in Thoroughfares & Public Places Local Law
Function	Authority to approve the erection and where appropriate, the licensing of signs and hoardings that comply with the Town Planning Scheme Policies and the Local Laws of the Council.
Delegate	Chief Executive Officer
Council conditions	Where an application does not comply with the Council Policies or the Local Laws, the application is to be refused.
Adoption date	
Variation date	27 November 2014 (C.12/1114) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation Number	LUP.11 - Municipal Heritage Inventory – Minor Corrections or Updates to Approved Place Records
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Planning and Development (Local Planning Scheme) Regulations 2015</i> r.8 Heritage list
Function	Authority to make minor corrections or updates to approved place records when appropriate in light of new information.
Delegate	Chief Executive Officer
Council conditions	Any significant changes such as changes to management categories or deletion of places will require Council approval.
Adoption Date	29 March 2018 (C.13/0318)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation Number	LUP.12 – Reserve Management Orders
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Land Administration Act 1997</i> s.46(2) Care, control and management of reserves
Function	Approve/accept any proposals to amend a reserve management order to permit the granting of power to the Shire to lease or licence the land.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption Date	23 February 2023 (C.17/0223)
Variation date	
Record keeping	Delegated Authority Action Sheet

Laws and Enforcement

Delegation	LE.1 – Authorisation of Officers
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government</p> <p><i>Bush Fires Act 1954</i> s.48 Delegation by local government</p> <p><i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations</p> <p><i>Health (Asbestos) Regulations 1992</i> r.15D(7) Infringement Notices</p> <p><i>Public Health Act 2016</i> s.21 Enforcement agency may delegate</p>
Express power or duty delegated	<p><i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorized person</p> <p><i>Bush Fires Act 1954</i> s.38 Local Government may appoint bush fire control officer</p> <p><i>Food Act 2008</i> s.122(1) Appointment of authorized officers s.126(6), (7) and (13) Infringement Officers</p> <p><i>Health (Asbestos) Regulations 1992</i> r.15D(5) Infringement Notices</p> <p><i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorized officers</p>
Function	<p>Authority to appoint authorised persons to carry out functions of authorised persons under the following Acts/Legislation:</p> <ul style="list-style-type: none"> • Building Act 2011 • Bush Fires Act 1954 & Regulations

	<ul style="list-style-type: none"> • Food Act 2008 & Food Regulations • Freedom of Information Act 1992 & Regulations • Health (Asbestos) Regulations 1992 • Health (Miscellaneous Provisions) Act 1911 • Litter Act 1979 & Regulations • Liquor Control Act 1988 & Regulations • Public Health Act 2016 • Shire of Bridgetown-Greenbushes Local Laws • Shire of Bridgetown-Greenbushes Town Planning Schemes
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	25 November 2004 (C.26/1104) 28 November 2013 (C.16/1113) 30 November 2017 (C.18/1117) 28 November 2019 (C.05/1119) 23 February 2023 (C.09/0223)
Record keeping	Register of Authorised Officers

Delegation	LE.2 - Determining Applications Under Local Laws and Enforcement of Local Law Provisions
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> Section 3.18 – Performing executive functions under:
Function	<p>Authority to exercise all the powers and discharge all the duties provided for in any Shire local law made in accordance with Part 3 of the <i>Local Government Act 1995</i>.</p> <p>For the purpose of this delegation related documents include:</p> <ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares & Public Places Local Law Bush Fire Brigades Local Law Local Law Relating to Fencing Cats Local Law Cemeteries Local Law Dogs Local Law Health Local Laws Local Government Property Local Law Parking & Parking Facilities Local Law Standing Orders Local Law
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	30 November 2017 (C.18/1117)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.3 - Notices Requiring Certain Things to be Done by Owner or Occupier of land and Additional Powers When Notice is Given
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s. 3.25 Notices requiring certain things to be done by owner or occupier of land s.3.26 Additional powers when notices given s.3.27 particular things that local governments can do on land that is not local government property
Function	Authority to give notice to a person who is the owner or occupier of land requiring them to take any action specified in Schedule 3.1 of the <i>Local Government Act 1995</i> In the event that such notice isn't complied with the CEO is also authorised to: <ul style="list-style-type: none"> • Take such legislative action as to achieve, as far as practicable, the purpose for which the notice is given; and • Recover the costs of any action taken in this regard as a debt from the party that failed to comply with the notice.
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	30 November 2017 (C.18/1117)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.4 – Powers of Entry
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Exercise powers entry to enter onto land to perform any of the local government functions under this Act, other than entry under a Local Law (s.3.28). 2. Give notice of entry (s.3.32). 3. Seek and execute an entry under warrant (s.3.33). 4. Execute entry in an emergency, using such force as is reasonable (s.3.34(1) and (3)). 5. Give notice and effect of entry by opening a fence (s.3.36).
Delegate	Chief Executive Officer
Council conditions	<ol style="list-style-type: none"> 1. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 2. Authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
Adoption date	23 February 2023 (C.09/0223)
Variation date	
Record keeping	Delegated Authority Action Sheet

Delegation	LE.5 – Cat Registrations
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags
Function	Authority to <ol style="list-style-type: none"> 1. Grant, or refuse to grant, a cat registration or renewal of a cat registration (s.9(1)). 2. Refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application (s.9(6)). 3. Cancel a cat registration (s.10)). 4. Give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed (s.11(2)).
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	For granting of registrations – record on Cat Registration Form and File For refusal of registration – Delegated Authority Action Sheet

Delegation	LE.6 – Cat control Notices
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.26 Cat control notice may be given to cat owner
Function	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the district of the Shire of Bridgetown-Greenbushes.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.7 – Approval to Breed Cats
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.37(1)(2)(4) Approval to breed cats s.38 Cancellation of approval to breed cats s.39(2) Certificate to be given to approved cat breeder
Function	Authority to: <ol style="list-style-type: none"> 1. Grant or refuse to grant approval or renew an approval to breed cats (s.37(1) and (2)). 2. Refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application (s.37(4)) 3. Cancel an approval to breed cats (s.38). 4. Give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed (s.39(2)).
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.8 - Recovery of Costs – Destruction of Cats
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.49(3) Authorised person may cause cat to be destroyed
Function	Authority to recover the amount of the costs associated with the destruction and disposal of a cat.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variations date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.9 - Application to Keep Additional Cats
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat (Uniform Local Provisions) Regulations 2013</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	Authority to: <ol style="list-style-type: none"> 1. Require any document or additional information required to determine an application. (r.8(3)) 2. Refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application. (r.8(4)) 3. Grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats. (r.9)
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.10 - Dog Registrations
Delegator	Council
Express power to delegate	Dog Act 1976 s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976 s.16(2)(3) Registration procedure s.17A(2)(e) If no application for registration made s.17(4)(6) Refusal or cancellation of registration
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Determine to refuse a dog registration and refund the fee, if any (s.16(2)). 2. Direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> (a) the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or (b) the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or (c) the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or (d) the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept (e) the dog is required to be microchipped but is not microchipped; or (f) the dog is a dangerous dog (s.16(3) and s.17A(2)(e)). 3. Apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant/owner has not applied to the State Administration Tribunal for the decision to be reviewed. (s.17(4)). <ol style="list-style-type: none"> (a) Following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed (s.17(6))
Delegate	Chief Executive Officer

Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	For granting of registrations – record on Dog Registration Form and File For refusal of registration – Delegated Authority Action Sheet

Delegation	LE.11 - Kennel Establishments
Delegator	Council
Express power to delegate	Dog Act 1976 s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.27(4)(6) Licensing of approved kennel establishments
Function	Authority to grant, refuse to grant or cancel a licence to operate a kennel establishment.
Delegate	Chief Executive Officer
Council conditions	The Chief Executive Officer is permitted to sub-delegate to employees.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.12 - Recovery of Moneys under the Dog Act
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976 s.29(5) Power to seize dogs
Function	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable.
Delegate	Chief Executive Officer
Council conditions	The Chief Executive Officer is permitted to sub-delegate to employees.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.13 - Dispose of or Sell Dogs Liable to be Destroyed
Delegator	Council
Express power to delegate	Dog Act 1976 s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.29(11) Power to seize dogs
Function	Authority to dispose of or sell a dog which is liable to be destroyed.
Delegate	Chief Executive Officer
Council conditions	The Chief Executive Officer is permitted to sub-delegate to employees.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.14 - Declaration of a Dangerous Dog
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function	Authority to declare an individual dog to be a dangerous dog.
Delegate	Chief Executive Officer
Council conditions	The Chief Executive Officer is permitted to sub-delegate to employees (s.10AA(3)).
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.15 - Objections to Dangerous Dog Declaration or Seizure
Delegator	Council
Express power to delegate	Dog Act 1976 s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog (s.33F(6)). 2. Consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog (s.33G(4)). 3. Revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act (s.33H(1)) 4. Before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog (s.33H(2)).
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.16 – Applications for Exemptions to Keep More than Prescribed Number of Dogs
Delegator	Council
Express power to delegate	Dog Act 1976 s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.26(3) Limitations as to numbers Dog Local Law Clause 3.2 Limitation on the number of dogs
Function	Authority to determine (approve or refuse) any application to keep more than the prescribed number of dogs as stipulated at Clause 3.2 of the Dog Local Law.
Delegate	Chief Executive Officer
Council conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer is permitted to sub-delegate to employees (s.10AA(3)). 2. Where the premises are not an approved kennel establishment the maximum number of dogs to be: <ol style="list-style-type: none"> (a) 6 dogs that have reached 3 months of age; or (b) A dog under that age unless it is a pup of a dog whose keeping is authorised by exemption under s.26(3) of the Act.
Adoption date	30 November 2017 (C.18/1117)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.17 - Proceedings Under Dog & Cat Acts
Delegator	Council
Express power to delegate	<p>Dog Act 1976 s.10AA Delegation of local government powers and duties</p> <p><i>Cat Act 2011</i> s.44 Delegation by local government</p>
Express power or duty delegated	<p><i>Dog Act 1976</i> s.44(2) Enforcement proceedings</p> <p><i>Cat Act 2011</i> s.73(1)(2) prosecutions</p>
Function	Authority to institute and carry on proceedings in the name of the Shire in respect to offences alleged to have been committed within the district against the Dog and Cat Acts.
Delegate	Chief Executive Officer
Council conditions	The Chief Executive Officer is permitted to sub-delegate to employees (s.10AA(3)).
Adoption date	
Variation date	<p>28 November 2013 (C.16/1113)</p> <p>23 February 2023 (C.09/0223)</p>
Record keeping	Delegated Authority Action Sheet

Delegation	LE.18 - Disposal of Sick or Injured Animals
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.47A(1) Sick or injured animals, disposal of 3.48 Impounding expenses, recovery of
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass (s.3.47A(1)). 2. Recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods (s.3.48).
Delegate	Chief Executive Officer
Council conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation Number	LE.19 – Liquor Act Section 39 and Section 40 Certificates
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Liquor Control Act 1988</i> s.39 Certificate of local government as to whether premises comply with laws. s.40 Certificate of planning authority as to whether use of premises complies with planning laws.
Function	Authority to issue certificates of compliance under Sections 39 (certificate of local government as to whether premises comply with laws) and Section 40 (certificate of planning authority as to whether use of premises complies with planning laws) of the <i>Liquor Control Act 1988</i> .
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	30 November 2017 (C.18/1117)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.20 - Declaration of a Vehicle as an Abandoned Vehicle
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.40A Abandoned vehicle wreck may be taken
Function	Authority to declare that an impounded vehicle is an abandoned vehicle wreck. (s.3.40A(4))
Delegate	Chief Executive Officer
Council conditions	Disposal of a declared abandoned vehicle is to be undertaken in accordance with Delegated Authority LE.22 'Confiscated or Uncollected Goods'.
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.21 – Confiscated or Uncollected Goods
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function	Authority to: <ol style="list-style-type: none"> 1. Refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. (s.3.46) 2. Sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 (s.3.47). 3. Recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods (s.3.48).
Delegate	Chief Executive Officer
Council conditions	Nil
Approved date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.22 - Administration of the Local Government (Uniform Local Provisions) Regulations
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express power or duty delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2) r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1) r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3) r.17(3)(5)(6) Private works on, over, or under public places – Sch. 9.1 cl. 8</p>
Function	<p>Authority to exercise all the functions in relation to the administration of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> including but not limited to administering applications for or breaches of –</p> <ul style="list-style-type: none"> • Disturbing local government land or anything on it; • Obstructing public thoroughfare; • Encroaching on a public thoroughfare; • Separating land from public thoroughfare; • Gate across a public thoroughfare; • Dangerous excavation in or near public thoroughfare; • Crossing from public thoroughfare to private land or private thoroughfare; • Requirement to construct or repair crossing; • Contribution to cost of crossing; • Private works on, over or under public places; • Protection of watercourses, drains, tunnels and bridges; • Protection of thoroughfares from water damage; and • Wind erosion and sand drifts.
Delegate	Chief Executive Officer
Council conditions	Nil

Adoption date	30 November 2017 (C.18/1117)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.23 - Removal of Graffiti
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given s.28 Notice of entry s.29 Entry under warrant
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice (s.18(2)). 2. Where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice (s.19(4)). 3. Give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 4. Obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	LE.24 – Planning Compliance
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p>Town Planning Schemes 3 Clause 7.7 Delegation</p> <p>Town Planning Scheme 4 Clause 6.8 Delegation</p>
Express power or duty delegated	<i>Planning and Development Act 2005</i>
Function	Authority to perform all necessary functions in respect of matters relating to compliance with the <i>Planning and Development Act 2005</i> and subordinate legislation.
Delegate	Chief Executive Officer
Council conditions	
Adoption date	28 September 2023 (C.05/0923)
Variation date	
Record keeping	Delegated Authority Action Sheet

Personnel

Delegation	P 1 – Acting Chief Executive Officer
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 – Part 9, Division 3</i> s.5.36. Local government employees (1) A local government is to employ – (a) a person to be the CEO of the local government.
Function	<ol style="list-style-type: none"> 1. Authority to appoint at their discretion either the Director Corporate Services or the Director Community, Infrastructure and Development as Acting CEO when the CEO is on periods of annual leave or long service leave of duration no greater than 25 consecutive working days in length. Appointment of an Acting CEO for a period greater than 25 consecutive working days will require a Council decision. 2. Where the CEO is on sick leave for a period which in the opinion of the CEO requires appointment of an Acting CEO, authority to appoint either the Director Corporate Services or the Director Community, Infrastructure and Development as Acting CEO for a period of up to 25 consecutive working days.
Delegate	Chief Executive Officer
Council conditions	This delegation must be in accordance with Policy M.41 – Appointment of an Acting CEO
Adoption date	
Variation date	14 July 2004 (SpC.1/0704) 24 September 2009 (C.28/0909) 25 November 2010 (C.19/1110) 27 November 2014 (C.12/114) 29 November 2018 (C.03/1118b) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Public Health

Delegation Number	PH.1 - Compensation for Seized Food Items
Delegator	Council
Express power to delegate	<p><i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions (s.119) and guidelines adopted (s.120) (4) Sub-delegation permissible only if expressly provided in regulations</p>
Express power or duty delegated	<p><i>Food Act 2008</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation</p>
Function	<p>Authority to:</p> <ol style="list-style-type: none"> Determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned (s.56(2)). Determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order (s.70(2) and (3)).
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	PH.2 - Food Business Prohibition Orders
Delegator	Council
Express power to delegate	<p><i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations</p>
Express power or duty delegated	<p><i>Food Act 2008</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection</p>
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. 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)). 2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices (s.66). 3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection (s.67(4)).
Delegate	<p>Chief Executive Officer Environmental Health Officer</p>
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	PH.3 - Food Business Registrations
Delegator	Council
Express power to delegate	Food Act 2008 s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulation
Express power or duty delegated	<i>Food Act 2008</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Function	Authority to: <ol style="list-style-type: none"> 1. Consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration (s.110(1) and (5)). 2. Vary the conditions or cancel the registration of a food business (s.112).
Delegate	Chief Executive Officer Environmental Health Officer
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Synergy Health Module or Property Assessment File or Food Business File

Delegation	PH.4 - Food Act Debt Recovery and Prosecutions
Delegator	Council
Express power to delegate	<p><i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulation</p>
Express power or duty delegated	<p><i>Food Act 2008</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings</p>
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs (s.54(1)) and the costs of any subsequent proceedings in a court of competent jurisdiction (s.54(3)). 2. Institute proceedings for an offence under the <i>Food Act 2008</i> (s.125).
Delegate	<p>Chief Executive Officer Environmental Health Officer</p>
Council conditions	Nil
Adoption date	
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	PH.5 - Temporary Accommodation Applications
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers to the CEO s.5.43 Limitations on delegations to the CEO <i>Public Health Act 2016</i> s.21 Enforcement agency may delegate
Express power or duty delegated	Policy H.4 – Temporary Accommodation Approvals
Function	Authority to determine applications for temporary accommodation with respect to Council’s Policy H. 4 – Temporary Accommodation.
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption Date	30 November 2017 (C.18/1117)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Rates and Valuations

Delegation	RV.1 – Rates and Service Charges
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.39(2)(b) Rate record s.6.49 Agreement as to payment of rates and service charges s.6.50(1) Rates and service charges due and payable s.6.56(1) Rates or service charges recoverable in court s.6.60(2)(4) Local government may require lessee to pay rent s.6.64(3) Actions to be taken s.6.76(4)(5) Grounds of objection
Function	Authority to: <ol style="list-style-type: none"> 1. amend the rate record to ensure the information is current and correct including amending the rate record for the 5 years preceding the current financial year. (s.6.39(2)) 2. amend the rate record as a result in a change in rateable value, rateability of or the rate imposed on land. (s.6.40) 2. enter into an agreement with a person for payment of rates and service charges. (s.6.49) 3. determine the time allowed for the payment of a rate before it is deemed to be in arrears. (s.6.50(1)) 4. recover unpaid rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction. (s.6.56) 5. require a lessee to pay rent in satisfaction of rates or service charges that are due. (s.6.60(2)) 6. recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice. (s.6.60(4)) 7. lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears. (s.6.64(3)) 8. grant an extension of time for a person seeking to make an objection to the rate record. (s.6.76(4)) 9. consider any objection to the rate record and either disallow it or allow it, wholly or in part. (s.6.76(5)) 10. serving written notice of any decision made under Section 6.76(5). (s.6.76(6))
Delegate	Chief Executive Officer

Council conditions	<p><u>Point 3</u></p> <p>(a) Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget.</p> <p>NOTE - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget.</p> <p>(b) Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only.</p>
Adoption date	30 November 2017 (C.18/1117)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Recreation and Cultural Services

Delegation	RC.4 - Leisure Centre Fees
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.12(1)(b)(c) Power to defer, grant discounts, waive or write off debts
Function	Authority to approve a reduction in Leisure Centre fees of up to 100% for the purpose of providing one-off opportunities to encourage participation in Leisure Centre activities during promotional campaigns. (s.6.12(1)(b))
Delegate	Chief Executive Officer
Council conditions	Nil
Adoption date	
Variation Date	27 November 2014 (C.12/1114) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Roads

Delegation	R.1 - Materials from land not under Local Government Control
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.27(1) Particular things that local governments can do on land that is not local government property Schedule 3.2(3)
Function	<ol style="list-style-type: none"> 1. Authority to negotiate with landowners and/or occupiers for access to materials required for local government functions, principally – <ol style="list-style-type: none"> (a) Extraction of gravel, sand or other materials from land; (b) Water, etc. 2. Authority to enter into Agreements with landowners and/or occupiers confirming the terms for access the land and taking the materials.
Delegate	Chief Executive Officer
Council conditions	The agreement reached with the landowner/occupier is to – <ol style="list-style-type: none"> (a) State a specific duration, that it is indefinite or otherwise provide for termination; (b) Provide for mutually agreed compensation; and (c) Specify rehabilitation responsibilities if appropriate.
Adoption date	25 November 2021 (C.06/1121)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Traffic and Transport

Delegation	TT.1 - Restricted Access Vehicles
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	
Function	Authority to set conditions for the use of Restricted Access Vehicles.
Delegate	Chief Executive Officer
Council conditions	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
Adoption date	
Variation date	27 November 2014 (C.12/1114) 30 November 2017 (C.18/1117) 23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet

Delegation	TT.2 – Temporary Closure of Thoroughfares/Roads
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.50(1) Closing certain thoroughfares to vehicles s.350A partial closure of thoroughfare for repairs or maintenance <i>Road Traffic Act 1974</i> s.81C(2)(b) Order for road closure for event, making <i>Road Traffic (Events on Roads) Regulations 1991</i> r.4(1) Approvals
Function	<ol style="list-style-type: none"> 1. Authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the <i>Road Traffic (Events on Roads) Regulations 1991</i> and applicable Council Policy. 2. Authority to approve the temporary closure, either wholly or partially, of any thoroughfare managed by the Shire of Bridgetown-Greenbushes where such closure is necessary for road safety purposes, road works or any other cause that would pose risks to road users. This includes the temporary closure of a thoroughfare to vehicles or particular classes of vehicles for a period not exceeding 4 weeks.
Delegate	Chief Executive Officer
Council conditions	The CEO shall have regard to Section 3.50 of the <i>Local Government Act 1995</i> .
Adoption date	27 November 2014 (C.12/1114)
Variation date	23 February 2023 (C.09/0223)
Record keeping	Delegated Authority Action Sheet