



# AGENDA

## ORDINARY COUNCIL MEETING



**18 June 2026**

Commencing at 4pm in the  
Shire of Wyalkatchem Council Chambers  
27 Flint Street, Wyalkatchem

## NOTICE OF COUNCIL MEETING

The next Ordinary Meeting of the Wyalkatchem Shire Council will be held on Thursday 18 June 2026 in the Council Chambers, 27 Flint Street Wyalkatchem, commencing at 4pm.

An Agenda for this meeting will be made available from the Shire Administration Office and on our website [www.wyalkatchem.wa.gov.au](http://www.wyalkatchem.wa.gov.au)

## ORDER OF EVENTS

Thursday, 18 June 2026

**4:00pm Ordinary Meeting of Council followed by refreshments.**

I have reviewed this agenda, I am aware of all recommendations made to Council, and I support each as presented.



Tom Kettle

**CHIEF EXECUTIVE OFFICER**

## DISCLAIMER

*No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decisions, which will be provided within ten days of this meeting.*

## **DISCLOSURE OF INTEREST**

Councillors and staff are reminded of the requirements of section 5.65 of the *Local Government Act 1995*, to disclose any interest or perceived interest in any matter to be discussed during a meeting, and also the requirement to disclose any item affecting impartiality.

### Financial Interest:

Under section 5.60A of the *Local Government Act 1995*, a person is said to have a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

### Proximity Interest:

Under section 5.60B of the *Local Government Act 1995*, a person is said to have a proximity interest in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development of land that adjoins the person's land.

### Impartiality Interest:

As per the Shire of Wyalkatchem Code of Conduct for Council Members, Committee Members, and Candidates for Election, and to maintain transparency, it is important to disclose all interests, including impartiality interests which include interests arising from kinship, friendship and membership of associations. If it is possible that your vote on a matter may be perceived as impartial, you should disclose your interest. Having disclosed the interest, you may declare your objectivity on the matter, and remain in the Chamber, and chair, or move/second, speak and vote on the matter.

### Disclosing an Interest:

Disclosures must be made, in writing, to the Chief Executive Officer prior to the meeting, or prior to consideration of the item in which an interest exists.

If you disclose a Financial or Proximity Interest, you must leave the room while the matter is discussed and voted on. Only after a decision has been reached may you return to the meeting, at which time the Presiding Person will inform you of Council's decision on the matter.

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**1. DECLARATION OF OPENING**

**2. PUBLIC QUESTION TIME**

**2.1. Response to Public Questions Previously Taken on Notice**

**2.2. Declaration of Public Question Time opened**

**2.3. Declaration of Public Question Time closed**

**3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

**3.1. Attendance**

**3.2. Visitors**

**3.3. Apologies**

**3.4. Approved Leave of Absence**

**3.5. Applications for Leave of Absence**

**4. OBITUARIES**

**5. PETITIONS, DEPUTATIONS, PRESENTATIONS**

**5.1. Petitions**

**5.2. Deputations**

**5.3. Presentations**

**6. DECLARATIONS OF INTEREST**

**6.1. Financial and Proximity Interest**

**6.2. Impartiality Interests**

**7. CONFIRMATION AND RECEIPT OF MINUTES**

**7.1. Confirmation of Minutes**

**7.1.1. Ordinary Council Meeting – 21 May 2026**

Minutes of the Shire of Wyalkatchem Ordinary Meeting held on Thursday  
21 May 2026. (Attachment 7.1.1)

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION:**

*That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of  
Thursday 21 May 2026 (Attachment 7.1.1) be confirmed as a true and  
correct record.*

**7.2. Receipt of Minutes**

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

**9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**



**MINUTES  
OF THE  
ORDINARY MEETING  
OF COUNCIL**

**HELD ON**

**21 May 2026**

**Council Chambers**

**Honour Avenue**

**Wyalkatchem**

**Commencement: 4:00pm**

**Closure: 4:32pm**

**Preface**

When the Chief Executive Officer approved these Minutes for distribution they are in essence “*Unconfirmed*” until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The “*Confirmed*” Minutes are then signed off by the Presiding Member.

**Unconfirmed Minutes**

These unconfirmed minutes were approved for distribution on the 26 May 2026.



Tom Kettle  
**Chief Executive Officer**

**DISCLAIMER**

*No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten days of this meeting.*

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**1. DECLARATION OF OPENING**

The Presiding Member, Cr Petchell declared the meeting open at 4:00pm.

**2. PUBLIC QUESTION TIME**

**2.1. Response to Public Questions Previously Taken on Notice**

Nil

**2.2. Declaration of Public Question Time opened**

Public Question Time opened at 4:01pm.

There were no public questions.

**2.3. Declaration of Public Question Time closed**

Public Question Time closed at 4:01pm.

**3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

**3.1. Attendance**

Cr Christy Petchell	President and Presiding Member
Cr Mischa Stratford	Deputy President
Cr Christopher Loton	
Cr Tracy Dickson	
Cr Rod Lawson Kerr	
Cr Stephen Gamble	

Tom Kettle	Chief Executive Officer
Claire Trenorden	Manager Corporate Services
Aldo Lamas	Manager Works

**3.2. Visitors**

Nil

**3.3. Apologies**

Cr Justin Begley

**3.4. Approved Leave of Absence**

Nil

**3.5. Applications for Leave of Absence**

Nil

**4. OBITUARIES**

The President advised the following former resident of Wyalkatchem had recently passed away:

Ian Blakiston

**5. PETITIONS, DEPUTATIONS, PRESENTATIONS**

**5.1. Petitions**

Nil

**5.2. Deputations**

Nil

**5.3. Presentations**

Nil

**6. DECLARATIONS OF INTEREST**

**6.1. Financial and Proximity Interest**

Nil

**6.2. Impartiality Interests**

Cr Stratford and Cr Petchell declared an impartiality interest in item 10.3.2.

**7. CONFIRMATION AND RECEIPT OF MINUTES**

**7.1. Confirmation of Minutes**

**7.1.1. Ordinary Council Meeting – 16 April 2026**

Minutes of the Shire of Wyalkatchem Ordinary Meeting held on Thursday  
16 April 2026. (Attachment 7.1.1)

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION:**

*(43/2026) Moved: Cr Stratford*

*Seconded: Cr Gamble*

*That the minutes of the Shire of Wyalkatchem Ordinary Meeting of  
Council of Thursday 16 April 2026 (Attachment 7.1.1) be confirmed as a  
true and correct record.*

**CARRIED 6/0**

***Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,  
Cr Dickson***

**7.2. Receipt of Minutes**

Nil

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

The Presiding Member thanked Councillors for their time and dedication in attending all of the recent meetings. She also read a thank you from the Wyalkatchem District High School in relation to the Shire's contribution to the secondary students upcoming visit to Canberra.

**9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

## 10. REPORTS

### 10.1. CORPORATE AND COMMUNITY SERVICES

#### 10.1.1. ACCOUNTS FOR PAYMENT – APRIL 2026

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 May 2026
Reporting Officer:	Claire Trenorden, Manager Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.1 – Accounts for payment – April 2026

### SUMMARY

To provide the Council with a list of accounts paid by the Chief Executive Officer in accordance with delegated authority and for the Council to endorse the payments made for the prior month.

### BACKGROUND

The *Local Government (Financial Management) Regulations 1996, s13(1)*, requires that if a local government has delegated to the CEO its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing all payments since the last such list was prepared.

The council has delegated to the CEO (delegation number 1.2.25) the power to make payments from the municipal fund or trust fund.

### COMMENT

The payment listing for April 2026 is presented to the Council for their endorsement.

Bank Account	Payment Type	Last Number	First Number in the report
Municipal	Cheque	0	0
Municipal and Trust	EFT	EFT5204	EFT5153
Reserves	EFT	EFT	No Payments
DD	DD	DD4282.9	DD4267.1

### STATUTORY ENVIRONMENT

*Local Government (Financial Management) Regulations, s.13.1*

### POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

### FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2025/26 Annual Budget.

## COMMUNITY AND STRATEGIC OBJECTIVES

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance
11.3	Ongoing long term financial planning and transparent financial management

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

*(44/2026) Moved: Cr Stratford*

*Seconded: Cr Gamble*

*That Council endorse the total payments for the month of April 2026 being \$588,510.41 which comprised of:*

- 1. Cheque payments in the Municipal Fund totalling \$0.00;*
- 2. Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$537,726.62; and*
- 3. Direct Debit (DD) payments in the Municipal Fund totalling \$50,783.79.*

**CARRIED 6/0**

***Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,  
Cr Dickson***

**10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – MARCH 2026**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 May 2026
Reporting Officer:	Glenn Bradly, Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	Attachment 10.1.2.1 – Credit Card – March 2026

**BACKGROUND**

Council governance procedures require the endorsement of credit card payments at each OMC. The attached credit card payment report has been reviewed by the Manager of Corporate Services and the CEO.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995, Part 6 – Financial Management s.6.4*  
*Local Government (Financial Management) Regulations 1996, R34*

**POLICY IMPLICATIONS**

Policy Number 2.1 – Purchasing Policy.  
Policy Number 2.3 – Credit Card Policy.

**FINANCIAL IMPLICATIONS**

Nil. Reported expenditure is assessed by management as being consistent with the 2025/2026 Annual Budget.

**COMMUNITY AND STRATEGIC OBJECTIVES**

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance
11.3	Ongoing long term financial planning and transparent financial management

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION:**

**(45/2026) Moved: Cr Stratford                      Seconded: Cr Dickson  
That Council endorse credit card payments for the period 28 February 2026 to  
27 March 2026, totalling \$4,205.87(refer to attachment 10.1.2).**

**CARRIED 6/0**

**Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,  
Cr Dickson**

### 10.1.3. MONTHLY FINANCIAL REPORTS – APRIL 2026

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 May 2026
Reporting Officer:	Claire Trenorden, Manager Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	25.08
Attachment Reference:	Attachment 10.1.3.1 – Monthly Financial Report April 2026

#### BACKGROUND

The *Local Government (Financial Management) Regulations 34* requires a local government to prepare a monthly financial statement that reports on actual revenue and expenditure against the annual budget prepared under regulation 22(1) (d).

Council has adopted a material variance on 10% or \$10,000 whichever is the greater.

#### COMMENT

The attached reports include:

- Statement of Financial Activity by Program (p.3)
- Statement of Financial Activity by Nature and Type (p.4)

The statements provide details of the Shire's operations on an actual year to date basis. These statements and Notes 1 (p.5) and 2 (p.6) are statutory requirements and must be presented to Council.

The remaining notes all relate to the Statements of Financial Activity.

#### STATUTORY ENVIRONMENT

*Local Government Act 1995, Part 6 – Financial Management S6.4*

*Local Government (Financial Management) Regulations, R34*

#### POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

#### FINANCIAL IMPLICATIONS

##### April 2026

Total Cash Available as at 30 April 2026 is \$4,558,808;

- cash available is made up of unrestricted cash \$1,517,127 (20.45%) and
- restricted cash \$3,626,696 (79.55%).

Rates Debtors balance as at 30 April 2026 is \$147,913 and Rates Notices for 2025-26 were issued in August 2025. Rates collected as at end of March were \$1,397,285 - 87%.

**April 2026:** Operating Revenue – Operating revenue of \$3,198,004 is made up of Rates - 50%, Grants - 38%, Fees and Charges - 7%, Interest – 3% and other – 2%.

Operating Expenses – Operating expenses of \$4,969,634 is made of Employee Costs – 26%, Materials and Contracts – 20%, Depreciation – 46%, Insurance – 5% and Utility – 3%.

## COMMUNITY AND STRATEGIC OBJECTIVES

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance
11.3	Ongoing long term financial planning and transparent financial management

## VOTING REQUIREMENT

Simple Majority

## OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

**(46/2026) Moved: Cr Dickson                      Seconded: Cr Loton**  
**That Council accepts the Statements of Financial Activity for the month ending**  
**30 April 2026 (refer attachment 10.1.3).**

**CARRIED 6/0**  
**Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,**  
**Cr Dickson**

#### **10.1.4. FEES AND CHARGES AMENDMENT**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 May 2026
Reporting Officer:	Claire Trenorden, Manager Corporate Services
Disclosure of Interest:	No interest to declare
File Number:	12.5
Attachment Reference:	Nil

#### **BACKGROUND**

Currently, the Shire's Fees and Charges only includes a full day hire of the Recreation Centre. We have been approached by somebody looking to hold classes on a half day basis.

#### **COMMENT**

The Shire's current Fees and Charges (inclusive of GST) for 2025/26 for the Recreation Centre are:

Whole of Recreation Centre	Per day	\$163.80
Function Room	Per day	\$87.15
BBQ Area	Per day	\$51.45
Bar Room	Per day	\$87.15
Use of kitchen only	Per hour	\$33.60

#### **STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations, 33A. Review of budget

#### **POLICY IMPLICATIONS**

There is no policy directly relevant to this report.

#### **FINANCIAL IMPLICATIONS**

There are no direct financial implications in relation to this item.

#### **RISK IMPLICATIONS**

There is no risk implication to this report.

## COMMUNITY AND STRATEGIC OBJECTIVES

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## VOTING REQUIREMENT

Absolute Majority

## OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

*(47/2026) Moved: Cr Dickson                      Seconded: Cr Loton*

*That Council:*

- 1. Approve the inclusion of a half day hire charge (maximum 4 hours) for the Recreation Centre Function Room of \$44.00 inclusive of GST.*

**CARRIED 6/0**

***Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,  
Cr Dickson***

## **10.2. WORKS AND SERVICES**

### **10.2.1. WORKS OFFICER'S REPORT – MAY 2026**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 May 2026
Reporting Officer:	Aldo Lamas, Manager Works
Disclosure of Interest:	No interest to disclose
File Number:	13.05
Attachment Reference:	Nil

### **BACKGROUND**

To inform Council of the activities of the Works and Services team for the month ending 10 May 2026.

### **OVERVIEW**

### **SUMMARY - ROADS / TOWN/ BUILDINGS**

#### **ROAD & MAINTENANCE**

- **Refuse Site**

Routine weekly maintenance continued throughout the month at the Refuse Site. New signage and a revised site layout were implemented using recycled materials already available at the tip, resulting in savings on disposal costs and use of current cell.

- **Maintenance Grading**

Maintenance grading is continuing throughout the Shire, including clearing drains and off-shoots and re-shaping the road formation in preparation for winter maintenance grading.

1. Cemetery Rd
2. Begley Rd
3. Westlake Rd
4. Fisher Rd
5. Ross Rd
6. Davies South Rd
7. Davies Rd
8. Fennick Rd
9. Tilbrook Rd
10. Jarvis Rd
11. Nembudding Bin Rd
12. Nembudding South Rd
13. Mcnee Rd
14. Turn Dr
15. Lackman Rd

16. Bookham Rd
17. Hennessey Rd
18. Hindmarsh/Benjaberring
19. Benjaberring/Hindmarsh
20. Borgward Rd
21. Byrne Rd
22. Bruse Rd
23. Rifle Range Rd
24. Hardwick Rd
25. Elashgin Rd
26. Hammond Rd
27. Elashgin East West Rd
28. Parsons Rd

- **Traffic Counters**

Installation of the traffic counters is still ongoing throughout the Shire, and they are being rotated every two weeks. This information will be uploaded into our mapping system to allow easy access and identification, which will assist in planning and carrying out maintenance activities. To date, we have recorded data from 53 locations since the program commenced.

- **Culvert Replacement Program**

The Shire has been carrying out inspections to collect data for the culvert replacement program. As part of this program, a damaged culvert has already been replaced on Davies South Road.

- **Concrete kerb and Apron Works**

Concrete kerb and apron works were carried out at Piesse Street to address flooding issues affecting four properties.

- **Speed Awareness Digital Signs**

Two digital speed display signs have been installed one on Honour Avenue and the other one at Wyalkatchem Koorda Rd to promote road safety and encourage motorists to adhere to speed limits within the area.

Minutes for the Ordinary Meeting of Council held in the Shire of Wyalkatchem Council Chambers  
21 May 2026

ROAD NAME	ROAD NUMBER	FINANCIAL YEAR <sup>a</sup>	SEASON	AVERAGE DAILY TRAFFIC <sup>b</sup>	CARS %	TRUCKS %	SLK
Cunderdin - Wyalkatchem Rd	4310131	2025-2026	(Nov - Jan)	71	72.20	27.80	1.50
Cunderdin - Wyalkatchem Rd	4310131	2025-2026	(Nov - Jan)	46	63.40	36.60	15.30
Tammin - Wyalkatchem Rd	4310132	2025-2026	(Nov - Jan)	67	57.00	43.00	26.01
Tammin - Wyalkatchem Rd	4310132	2025-2026	(Nov - Jan)	33	55.50	44.50	2.58
Benjaberring - Hindmarsh Rd	4310027	2025-2026	(Nov - Jan)	8	59.70	40.30	5.59
Benjaberring - Hindmarsh Rd	4310027	2025-2026	(Nov - Jan)	18	30.60	69.40	4.42
Davies South Rd	4310006	2025-2026	(Nov - Jan)	8	28.30	71.70	12.86
Benjaberring South Rd	4310133	2025-2026	(Nov - Jan)	19	66.30	33.70	0.41
Korrellocking North Rd	4310016	2025-2026	(Nov - Jan)	15	34.40	65.60	1.49
Davies Rd	4310011	2025-2026	(Nov - Jan)	25	37.90	62.10	1.50
Allan Rd	4310019	2025-2026	(Nov - Jan)	22	38.00	62.00	0.47
Depierres Rd	4310022	2025-2026	(Nov - Jan)	19	67.00	33.00	3.06
Cox Rd	4310022	2025-2026	(Nov - Jan)	9	20.30	79.70	8.07
Parsons Rd	4310007	2025-2026	(Nov - Jan)	8	26.50	73.50	12.49
Hobden Rd	4310082	2025-2026	(Nov - Jan)	18	55.60	44.40	1.53
Divers Rd	4310001	2025-2026	(Nov - Jan)	0	0.00	0.00	2.04
Yorakine West Rd	4310004	2025-2026	(Nov - Jan)	8	67.50	32.50	1.56
Hammond Rd	4310035	2025-2026	(Nov - Jan)	5	54.90	45.10	1.78
McNee Rd	4310009	2025-2026	(Nov - Jan)	8	59.40	40.60	1.23
Goldfields Rd	4310015	2025-2026	(Nov - Jan)	14	42.9	57.1	6.5
Bruse Rd	4310047	2025-2026	(Nov - Jan)	5	44.3	55.7	2.53
Tilbrook Rd	4310024	2025-2026	(Nov - Jan)	8	65.3	34.7	1.82
Hodgson Rd	4310032	2025-2026	(Nov - Jan)	1	33.3	66.7	0.75
Hardwick Rd	4310034	2025-2026	(Nov - Jan)	5	31.5	68.5	4.23
Maitland Rd	4310075	2025-2026	(Nov - Jan)	19	49.8	50.2	1.67
Elashgin East West	4310048	2025-2026	(Nov - Jan)	18	42	58	4.74
Elsegood Rd	4310003	2025-2026	(Nov - Jan)	32	54	46	1.61
Wyalkatchem North Rd	4310002	2025-2026	(Nov - Jan)	32	48	52	9.00
Wyalkatchem Koorda Rd	4310130	2025-2026	(Nov - Jan)	120	58.8	41.2	3.77
Mitchell St	4310128	2025-2026	(Jan - Feb)	368	82.8	17.2	0.1
Railway Tce	4310103	2025-2026	(Jan - Feb)	350	66.2	33.8	0.12
Railway Tce	4310103	2025-2026	(Jan - Feb)	250	82.1	17.9	0.57
Honour Ave	4310129	2025-2026	(Jan - Feb)	199	52.3	47.7	0.59
Gamble St	4310104	2025-2026	(Jan - Feb)	144	53.1	46.9	0.66
Wyalkatchem Koorda Rd	4310130	2025-2026	(Nov - Jan)	88	65.3	34.7	7.16
Cemetery Rd	4310029	2025-2026	(Nov - Jan)	52	62.4	37.6	1.21
Mitchell St	4310128	2025-2026	(Nov - Jan)	337	76	24	0.1
Nembudding South Road	4310008	2025-2026	(Nov - Jan)	10	59.3	40.7	0.27
Riches St	4310105	2025-2026	(Nov - Jan)	170	63.6	36.4	0.1
Shiells Rd	4310060	2025-2026	(Nov - Jan)	1	100	0	6.92
Rubbish Tip Entrance	4310129	2025-2026	(Feb-Apr)	21	54.1	45.9	2.2
Riches St	4310119	2026-2026	(Feb-Apr)	185	71.2	28.8	0.07
Cemetery Rd	4310029	2026-2026	(Feb-Mar)	8	33.8	66.2	5
Riches St	4310105	2026-2026	(Feb-Apr)	86	59.8	40.2	0.03
Piesse St	4310110	2026-2026	(Apr-Apr)	59	97.3	2.7	5
Wilson St	4310106	2026-2026	(Apr-Apr)	32	56.2	43.9	0.03
Thurstun St	4310113	2026-2026	(Apr-Apr)	64	97.1	2.9	0.09
Swan St	4310112	2026-2026	(Apr-Apr)	33	24.2	75.7	0.05
Grace St	4310109	2026-2026	(Apr-May)	54	25.7	74.3	0.17
Flint St	4310107	2026-2026	(Apr-May)	18	94.8	5.2	0.39
Slocum St	4310111	2026-2026	(Apr-May)	33	92.1	7.9	0.35
Johnston St	4310108	2026-2026	(Apr-May)	16	59.2	40.8	0.55
Scott St	4310115	2026-2026	(Apr-May)	13	73.6	26.4	0.09

**Refer to Photographs in Attachment A**

**PARKS AND GARDENS**

- **Tree Pruning Works within the Town Site**

Trees were pruned within the town site as part of regular maintenance works.

- **Verge Cleaning within the Town Site**

The Workcamp team assisted with verge cleaning works throughout the town site.

- **Swimming Pool**

Swimming pool renovation works in the change rooms are progressing well, with the installation of new epoxy flooring, tiling in the showers, and refurbishment of the entire area underway. More works are scheduled for the coming week.

- **Cemetery**

Stage two of the cemetery works has commenced, with groundworks underway including site levelling and the installation of concrete kerbing. The next stage will involve marking out the layout.

- **Recreation Centre**

Epoxy flooring resurfacing was recently carried out in the male and female toilet areas.

### [Refer to Photographs in Attachment B](#)

#### **STAFF & TRAINING**

- **Central Regional TAFE Training**

As part of our ongoing staff development program, members of the garden and works crew attended training at Central Regional TAFE this month. This training supports the team in building skills and maintaining best practices across our operations.

- **ROC Works & Services Development Day**

As part of our ongoing staff development program, the Works Manager and team leaders attended the first Eastern Wheatbelt Joint ROC Works and Services Staff Development Day. The event provided valuable learning opportunities and supports the team in building skills and maintaining best practices across our operations.

### [Refer to Photographs in Attachment C](#)

#### **STATUTORY ENVIRONMENT**

There are no statutory environment implications in relation to this item.

#### **POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

#### **FINANCIAL IMPLICATIONS**

There are some financial implications in relation to this item and they are reflected in the report.

#### **COMMUNITY AND STRATEGIC OBJECTIVES**

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

<b>Pillar 1 Economy</b>	<b>Statement of Strategic Outcome:</b> Local industry is sustained and can expand with critical and enabling infrastructure. The visitor economy diversifies our local economy and we enhance our community profile.
<b>Goal No.</b>	<b>GOAL 1.</b> Our transport network responds to the accessibility and connectivity needs of all
1.2	Deliver the Wheatbelt Secondary Freight Network Program
1.3	Participate in the Regional Road Group
<b>Pillar 2 Community</b>	<b>Statement of Strategic Outcome:</b> Our community is inclusive, it is a place where people feel valued and have access to opportunities to build their own capacity, lead healthy lifestyles and stay connected.
<b>Goal No.</b>	<b>GOAL 5.</b> A safe and healthy community for all ages
5.9	Upgrade facilities and equipment at the Wyalkatchem Swimming Pool

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL RESOLUTION:**

**(48/2026) Moved: Cr Dickson                      Seconded: Cr Loton**  
**That Council receives the Works Manager's report.**

**CARRIED 6/0**  
**Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,**  
**Cr Dickson**

**Attachment A**



*Photo: Refuse Site Entrance*



*Photo: Refuse Site, New signage & layout*



Photo: Maintenance Grading

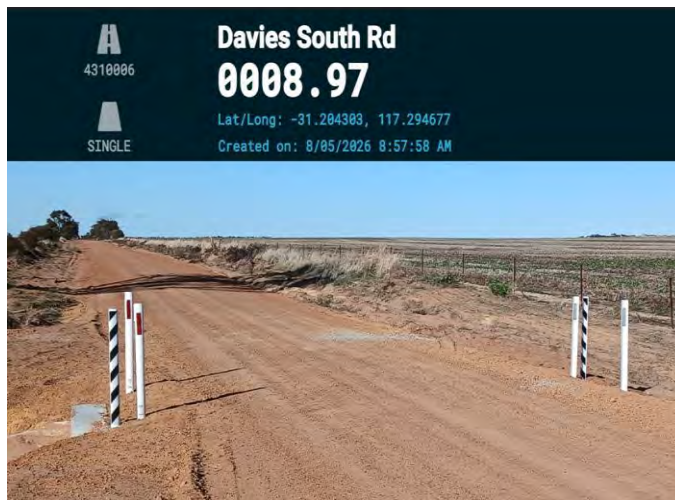


Photo: Culvert Works



### Attachment B



*Photo: Tree Pruning Works within the Town site.*



Photo: Verge Cleaning Works within the Town site.





*Photo: Swimming Change Rooms Restoration*



*Photo: Cemetery Works*



Photo: Recreation Centre Toilets



Photo: Works Depot Training

### Attachment C

**Wyalkatchem - Koorda Rd**  
4318130  
**0000.19**  
Lat/Long: -31.173599, 117.387422  
Created on: 15/04/2026 11:31:58 AM  
SINGLE



**Honour Av**  
4318129  
**0000.59**  
Lat/Long: -31.176272, 117.385332  
Created on: 15/04/2026 12:51:19 PM  
SINGLE



### 10.3. GOVERNANCE AND COMPLIANCE

#### 10.3.1. CHIEF EXECUTIVE OFFICER'S REPORT – MAY 2026

Applicant:	Not Applicable
Location:	Whole of District
Date:	14 May 2026
Reporting Officer:	Tom Kettle, Chief Executive Officer
Disclosure of Interest:	No interest to declare
File Number:	13.05.01
Attachment Reference:	NIL

#### BACKGROUND

This report is prepared by the CEO to inform Council and the Community about CEO activities and responsibilities, including progress against published plans and agreed performance criteria from 16 April 2026 to 21 May 2026

#### COMMENT

Operations during the reporting period were characterised by a continued focus on governance, financial and strategic planning, regional collaboration, emergency management, and community engagement.

A significant component of activity related to governance and compliance, including the Audit and Risk Committee (ARC) meeting and entrance meeting with external auditors held on 16 April. These engagements support Council's commitment to strong financial oversight, accountability, and continuous improvement. This commitment was reinforced by the Shire being recognised as a 2025 'Best Practice Entity,' for financial reporting and controls by the Office of the Auditor General. Congratulations to the Corporate Services Team, the ARC and the temporary CEO during that period.

Council and executive engagement remained a priority throughout the period, with regular meetings held with the Shire President, Deputy Shire President, and Councillors. These discussions support effective decision-making, alignment on strategic priorities, and responsive leadership across the organisation.

Strategic and financial planning continued to progress, with a dedicated Budget Workshop held on 7 May to support development of the 2026/27 Annual Budget. This work was complemented by the Council Plan Workshop held on 14 May, which marked an important step in progressing the Shire's integrated planning framework, including the Public Health Plan. Community engagement is scheduled for 3 and 4 June to seek the community's input on our four-year priorities and I would encourage you all to attend and help shape our future.

Regional collaboration remained an important focus, demonstrated through participation in the WALGA Zone Meeting, WALGA information session, and NEWROC Council Meeting. In addition, attendance at the CEACA Management Committee Meeting continues to advance regional housing initiatives and cooperative service delivery opportunities.

Emergency management and preparedness were further strengthened through participation in the District Emergency Management Committee Meeting and direct

engagement with DFES. These forums ensure the Shire remains well positioned to respond to emerging risks and support community resilience.

Further external advocacy and sector engagement were supported through attendance at the WA State Government Budget Breakfast in York and participation in the Grants Commission Hearing. These engagements provide valuable insights into funding settings and broader policy directions impacting local government.

Community engagement remained a consistent focus, including meetings with community members and informal interactions through CRC activities. These engagements provide important opportunities to listen, respond to local issues, and strengthen community connections.

Overall, the period reflects a continued emphasis on sound governance, proactive planning, regional collaboration, and community engagement, with steady progress being made across key organisational priorities while developing our future plans.

### **Key Meetings 16 April 2026 to 21 May 2026**

- 16 April Audit and Risk Committee Meeting and Entrance Meeting with external auditors
- 16 April Ordinary Council Meeting
- 20 April Meeting with Councillor
- 21 April Meeting with Shire President
- 23 April WALGA Zone Meeting
- 28 April Meeting with Shire President and Deputy Shire President
- 29 April Meeting with community member
- 29 April Morning tea at CRC
- 1 May Meeting at CRC
- 1 May WALGA information session
- 4 May CEACA Management Committee Meeting
- 5 May NEWROC Council Meeting
- 6 May District Emergency Management Committee Meeting
- 7 May Budget workshop
- 7 May Grants Commission Hearing
- 8 May WA State Government Budget Breakfast in York
- 8 May Meeting with DFES
- 12 May Meeting with community member
- 14 May Council Plan Workshop with Council

### **STATUTORY ENVIRONMENT**

Section 5.41 Role of the Chief Executive Officer.  
Section 5.56 Planning for the future.

### **POLICY IMPLICATIONS**

There is no policy directly relevant to this report.

### **FINANCIAL IMPLICATIONS**

There is no direct financial implication to this report. The CEO seeks to add value to Council Decisions and maximise community benefit of operations and project outcomes.

### **RISK IMPLICATIONS**

There is no direct risk implication to this report.

**COMMUNITY AND STRATEGIC OBJECTIVES**

All areas of the Strategic Community Plan are relevant to this report. The CEO is actively examining opportunities for progress against the Plan.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION:**

**(49/2026) Moved: Cr Dickson                      Seconded: Cr Lawson-Kerr**  
***That Council accept the Chief Executive Officer's report as presented.***

**CARRIED 6/0**

***Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,  
Cr Dickson***

Cr Stratford and Cr Petchell declared an impartiality interest in item 10.3.2.

**10.3.2. AUDIT RISK AND IMPROVEMENT COMMITTEE**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 May 2026
Reporting Officer:	Tom Kettle, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.3.2.1 – Revised Terms of Reference Attachment 10.3.2.2 – Independent Presiding Member Applicant
Shortlist (confidential)	Attachment 10.3.2.3 – Candidate Applications (confidential)

**BACKGROUND**

The purpose of this report is for the Council to consider the adoption of the Audit, Risk and Compliance (ARC) Committee updated Terms of Reference (ToR), establish the Audit, Risk and Improvement Committee (ARIC) as outlined in the update ToR and consider the appointment of Councillors and an Independent Presiding Member to the ARIC.

These updates reflect recent legislative reforms introduced under the Local Government Amendment Act 2024.

**COMMENT**

The ARC Committee is a formally constituted committee of the Shire of Wyalkatchem Council, established under Section 7.1A and 5.8 of the Local Government Act 1995. The Committee provides independent oversight of the Shire’s financial management systems, audit processes, risk governance, and compliance initiatives.

Recent reforms to the Local Government Act 1995, effective from December 2024, have introduced significant changes to the governance and operation of council audit and risk committees. These include:

- Reclassification of audit committees as Audit, Risk and Improvement Committees (ARICs) to reflect a broader scope of responsibilities.
- Mandatory appointment of an independent presiding member, who must not be a council member or employee of the local government.
- Clarification of committee structure, including the roles of presiding members, deputy presiding members, and committee members.
- Provisions for shared ARICs among smaller local governments to reduce resource burdens.

The Shire’s ARC reviewed the ToR at its’ meeting on 16 April 2026 and endorsed the ARIC Tor provided in attachment 1.

The key changes include the following:

- Legislative (title) – Audit Risk and Management Committee amended to Audit, Risk and Improvement Committee (ARIC).

- Legislative (membership) – amendment for the inclusion of at least one independent member who must be the presiding member. Should the Council resolve to appoint a deputy presiding member, this person must also be independent.
- Legislative (chair) – amendment to the appointment of presiding member and deputy presiding member by absolute majority decision of the Council.
- Clarity and structure amendment – the implementation of a work plan to guide undertaking of tasks and responsibilities for the calendar year.
- Clarity amendment – update of the definition of the oversight responsibilities including improvement, risk management, internal control, external audit, financial reporting and compliance.

The delegated authority and role of the committee remains as provided for in the Shire’s delegation register and aligned to relevant legislation.

The ToR have been drafted to provide the Council with the flexibility to appoint a minimum of three and a maximum of seven Councillors to the newly constituted ARIC. It is recommended that four Councillors are appointed to the ARIC with the independent presiding member as this creates an uneven number for voting purposes. The ARIC also reports to the Council, so it is standard practice not to include all Councillors however this is a decision for the Council to make.

The ARC decision noted the CEO would advertise for a suitably qualified and experienced independent presiding member. An EOI was advertised from 24 April 2026 to 8 May 2026 with 7 valid applications received. The standard of applicants was high, however Candidate A is recommended to be appointed as the Independent Presiding Member.

An independent ARIC member is entitled to a sitting fee under section 5.100(2)(b) the Local Government Act 1995 and fee may be set within the range outlined at 6.5 of the Local Government CEO and Elected Council Members Determination (SAT Determination). The SAT Determination 2026 was recently released with a range from \$110 to \$1,215. It is recommended that the sitting fee set at \$450.00 as this reflects the fee paid to previous independent members appointed by the Shire (Eg. CEO Recruitment Committee). The fee will be included for consideration of elected member fees in the 2026/27 Annual Budget Process and reviewed annually as part of the budget process.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995 – Section 7.1A, section 5.8 and 5.10*

*Local Government Amendment Act 2024*

*Local Government (Audit) Regulations 1996*

## **POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

## **FINANCIAL IMPLICATIONS**

An independent member sitting fee of \$450.00.

Independent members may be reimbursed for travel and associated meeting attendance costs demonstrated to the satisfaction of the local government per Council Policies.

### COMMUNITY & STRATEGIC OBJECTIVES

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan 2024-2034.

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance
11.3	Ongoing long term financial planning and transparent financial management

### VOTING REQUIREMENT

Absolute Majority

### OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

*(50/2026) Moved: Cr Dickson                      Seconded: Cr Gamble*

*That Council:*

- 1. Establish the Audit Risk and Improvement Committee (ARIC) under section 5.8 Local Government Act 1995,*
- 2. Appoint Councillor Begley, Councillor Loton, Councillor Lawson-Kerr and Councillor Stratford as members of the ARIC,*
- 3. Appoint Candidate A in confidential attachment 2 as the Independent Presiding Member of the ARIC Committee, and*
- 4. Approve the payment of a sitting fee of \$450 per meeting to the Independent Member under section 5.100(2)(b) Local Government Act 1995 and part 6.4 Determination of the Salaries and Allowances Tribunal for Local Government Elected Members 2025 pursuant to Section 7B of the Salaries and Allowances Act 1975.*

**CARRIED 6/0**

***Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,  
Cr Dickson***

### 10.3.3. PIONEERS PATHWAYS FUTURE OPTIONS

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 May 2026
Reporting Officer:	Tom Kettle, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Attachment 10.3.3 – Pioneers’ Pathway Future Options Analysis

#### BACKGROUND

The Pioneers’ Pathway Advisory Group (PPAG) was established in the late 1990s to provide a coordinated governance and delivery framework for the development, promotion and stewardship of the Pioneers’ Pathway Self Drive Trail, from the administration a regional heritage tourism route connecting communities from Toodyay to Merredin. The partnership was formalised through successive Memorandums of Understanding (MOU), with the current draft 2024 - 2027 MOU committing Member Councils to collectively invest \$72,000 over the three (3) year term, alongside substantial in-kind contributions including staff time, infrastructure maintenance, marketing support and tourism development activities.

The PPAG was intended to provide strategic leadership, oversee delivery of marketing and product development initiatives, source external funding and maximise the economic return from regional tourism. However, changes in membership and resourcing have altered the operating environment, with the Shire of Trayning withdrawing from the partnership in 2021 and the Shire of Toodyay withdrawing in 2024, reducing both financial contributions and regional representation.

Current annual operational funding of approximately \$17,500 from remaining Member Councils is largely absorbed by essential coordination and marketing costs, including approximately \$12,000 per annum for Executive Officer marketing support, leaving limited capacity for new project delivery or strategic development. With no MOU currently executed and with the recent withdrawal of the Shire of Toodyay it is a timely opportunity to review the effectiveness, structure and future role of the Advisory Group to ensure the Pioneers’ Pathway remains a sustainable, relevant and strategically managed regional tourism asset.

#### COMMENT

PPAG current challenges identified:

- Lack of clearly defined purpose and measurable outcomes.
- Limited funding and resourcing to implement meaningful projects.
- Inconsistent attendance and engagement from member Councils.
- Limited dedicated project coordination or delivery capacity.
- Unclear alignment between marketing, asset development and tourism strategy.

In its current form, the Advisory Group is not considered sustainable and cannot continue operating as it has. Over the past 12 months, activity has been largely limited to marketing, with little capacity to progress strategic or infrastructure-based projects due to not securing external grant funding.

It is acknowledged there remains a clear opportunity in heritage tourism, with the Pioneer Pathway offering a valuable framework to tell local stories and connect communities. Significant investment has already been made in signage and interpretation across the trail, and it is important this is not lost.

The Administration consider that all options present some level of merit; however, each is subject to varying degrees of risk, resourcing requirements and long-term sustainability.

Options involving a strengthened or expanded model (Options 1 and 2) may provide improved outcomes but are likely to require increased financial commitment and consistent participation from all member Councils, which is proven difficult to achieve.

Option 3 presents a lower-cost approach that would allow the trail to continue to be marketed. The Shire is a member of NEWTRAVEL, which could potentially undertake this role. It is important to note some member Local Government are not part of NEWTRAVEL, but are involved in similar member groups (eg. Central Wheatbelt Visitor Centre). Further discussion is required with PPAG to develop a framework for implementing this option. It is also a risk that competing priorities may impact the level of focus and resourcing dedicated to the Pioneers' Pathway initially.

Option 4 is not considered viable, as independent management is unlikely to result in a coordinated or equitable regional approach.

PPAG LG positions have been established at recent ordinary council meetings and are summarised below for reference:

- Shire of Merredin Option 3
- Shire of Nungarin Option 3
- Shire of Dowerin Option 3
- Shire of Goomalling

That Council:

Support the continuation of the Pioneers' Pathway under the current structure and recommendation that the Executive Officer role be discontinued; and

Shire of Goomalling continues to administer the trail with the added responsibility of coordinating the marketing activities in line with the agreed marketing strategy.

## **STATUTORY ENVIRONMENT**

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

There is no direct financial implication to this report.

## **RISK IMPLICATIONS**

Risks have been broadly addressed in the body of this report.

There is also a low reputational risk associated with this Item. The risk rating is considered to be Low (3), which is determined by a likelihood of low (1) and a consequence of Moderate (3). This risk will be eliminated by the adoption of the Officer's Recommendation.

## **COMMUNITY AND STRATEGIC OBJECTIVES**

Pillar 1: Economy

Goal 4. The length of stay for visitors and tourist in Wyalkatchem is extended

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER RECOMMENDATION/COUNCIL RESOLUTION:**

*(51/2026) Moved: Cr Stratford                      Seconded: Cr Dickson*

*That Council:*

- 1. Supports option 3 outlined in attachment 1 Pioneer Pathways Advisory Group future options.*
- 2. Requests the CEO provide written notice to Pioneer Pathways Advisory Group of this Council Decision.*

**CARRIED 6/0**

***Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,  
Cr Dickson***

## 11. PLANNING AND BUILDING

### 11.1.1. TOWN PLANNING SCHEME AMENDMENT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 May 2026
Reporting Officer:	Paul Bashall, Contract Town Planner
Disclosure of Interest:	No interest to disclose
File Number:	07.10
Attachment Reference:	11.1.1 Amendment to Local Planning Scheme

## MINISTER FOR PLANNING

### PROPOSAL TO AMEND A SCHEME

1.	<b>LOCAL AUTHORITY:</b>	Shire of Wyalkatchem
2.	<b>DESCRIPTION OF LOCAL PLANNING SCHEME:</b>	Shire of Wyalkatchem Local Planning Scheme No. 4 (the Scheme)
3.	<b>TYPE OF SCHEME:</b>	District Zoning Scheme
4.	<b>SERIAL NUMBER OF AMENDMENT:</b>	Amendment No. 2
5.	<b>PROPOSAL</b>	To reclassify Portion Lot 438 Gamble St, <b>Wyalkatchem</b> , from a local scheme reserve for 'Public Purposes – Police' to 'Residential' zone with an 'R10/30' R-Code density.

## REPORT BY: Shire of Wyalkatchem

### 1 INTRODUCTION

The Shire of Wyalkatchem seeks the WA Planning Commission's support and the Hon. Minister's approval to reclassify Portion Lot 438 Gamble St, **Wyalkatchem**, from a local scheme reserve for 'Public Purposes – Police' to 'Residential' zone with an 'R10/30' R-Code density.

### 2 BACKGROUND

The Wyalkatchem Police station precinct occupies Lot 438 Gamble Street in Wyalkatchem. The site is about 6,400m<sup>2</sup> in area and has frontages to Gamble, Flint and Wilson Streets - although only Gamble Street is used by the station.

**Figure 1** provides an aerial photograph of the site showing the extent of the existing police station footprint as of April 2023. The used area measures less than 1,800m<sup>2</sup> with advice indicating that, the site that will remain a police reserve after the amendment, will be adequate for the foreseeable future.

The whole of the land forms a 'C' class Crown Reserve 16483. This Reserve has the current purpose as 'Police' with the Responsible Authority as the 'Western Australia Police'.

The management orders are vested in the Commissioner of Police. The Council has approached the Commissioner with a view to reducing the area of the Reserve required by the police to enable the Council to provide for more housing in the town. The land is well serviced and within close proximity to existing facilities and amenities.

**FIGURE 1 – AERIAL PHOTOGRAPH OF POLICE STATION SITE**



Source: ESRI, Landgate, Planwest

The Council has been in contact with the Department of Planning, Lands and Heritage (DPLH) with the view to purchase portion of the Reserve. The Minister for Lands acting under section 86 of the Land Administration Act 1997 (LAA) has agreed to the sale of portion of Lot 438 on Deposited Plan 40690 to the Shire.

The community of Wyalkatchem needs affordable housing for the ageing, disadvantaged, and for its future workforce.

CEACA (Central East Aged Care Alliance Inc) was formed in 2012 by eleven central and eastern wheatbelt shires that recognised a common issue of a lack of appropriate and affordable housing for the ageing population. The goal is to provide quality and affordable housing that allows for residents to remain in their communities well into their retirement. Wyalkatchem was one of those 11 founding members and the alliance that was formed has remained a major part of our strategic plan over the past 12 years.

Other founding members were; Merredin, Kellerberrin, Bruce Rock, Koorda, Trayning, Nungarin, Mukinbudin, Mt Marshall, Yilgarn & Westonia.

To be successful in gaining the required funding the CEACA committee commissioned several Verso reports, including a report on Infrastructure and Service solutions for Aged People in CEACA shires. These reports were commissioned over a 4-year period and were collated to form a major part of the application processes for the required grant funding.

Ultimately CEACA were successful in gaining the required funding and the first units were tenanted in 2019.

Wyalkatchem's contribution to the construction of the first stage of 4 units was successful with these units having 100% occupancy for the past 2 years with interest regularly being shown from community members wanting to join a waitlist. CEACA continues to manage the running and maintenance of these units with the help of Elders Real Estate.

At the recent strategic planning forums held by the Shire of Wyalkatchem it was a regularly commented that there is a lack of housing for the ageing and for workers. The community expressed a genuine desire for the Shire to commit to easing the housing deficiency in the township.

CEACA currently has submissions in for both Federal and State funding to support the construction of 54 additional units to be built across 11 shires. Wyalkatchem has indicated to CEACA that we would be requesting an additional 4 units to be built in Wyalkatchem. Upon receiving these indications from all member shires, CEACA requested that councils investigate and secure the appropriate land required.

### **3 COMMUNITY AND STRATEGIC OBJECTIVES**

#### **Local Planning Strategy**

The Wyalkatchem Local Planning Strategy (the Strategy) was endorsed by the WA Planning Commission on 3 December 2014. This Amendment has no implications on the Strategy.

#### **Strategic Community Plan**

The proposed acquisition of land, rezoning and subdivision generally accords with the Council's Strategic Community Plan. The Plan has several desired outcomes as follows; has several

**Goal 2** - Essential services and infrastructure enable local economic growth.  
Facilitate and partner with State Government on land for industry and housing development initiatives.

Maintain, improve and expand Shire housing stock.

**Goal 5** - A safe and healthy community for all ages.

Implement and progress achievement towards the Aged Friendly Plan

Work with partners to expand the number of independent living units for the aged.

**Goal 10** - Consult and engage with our community and strategic partners.

Develop strategic partnerships with regional organisations, State and Federal governments.

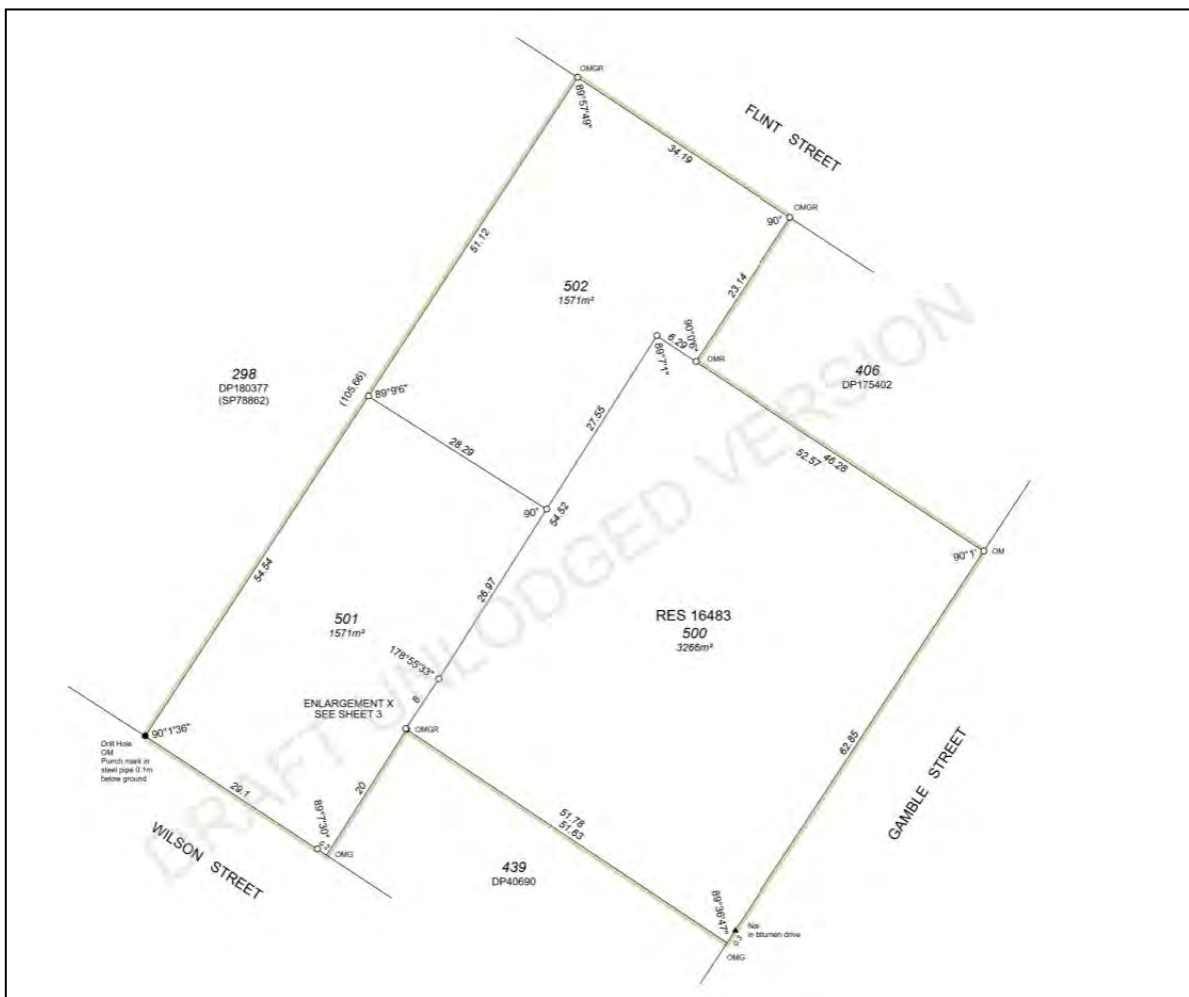
#### 4 PROPOSAL

The proposal seeks to reduce the size of the Crown Reserve from about 6,400m<sup>2</sup> to 3,266m<sup>2</sup> whilst creating two other lots, with one facing Flint Street and the other facing Wilson Street. A survey has been prepared and is shown in **Figure 2**.

**These new residential lots will be developed for grouped housing using CEACA funding and will be located close to the established group housing development off Swan Street as can be seen in Figure 1.**

The split density provides for the higher density (R30) where deep sewerage is available. This density has a minimum site area requirement of 260m<sup>2</sup> and average of 300m<sup>2</sup> per grouped dwelling. A lot of 1571m<sup>2</sup> has a theoretical potential of 5 dwellings.

**FIGURE 2 – SURVEY PLAN EXTRACT**



Source: Harley Dykstra, Planwest

#### 5 CONCLUSION

On initiation of this Amendment the document will be referred to the EPA (Environment Protection Authority) for environmental clearance, with a copy to the DPLH. Once clearance from these agencies is forthcoming, the Amendment will be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) for 42 days.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL RESOLUTION:**

*(52/2026) Moved: Cr Lawson-Kerr*

*Seconded: Cr Gamble*

*That Council adopts the Scheme Amendment No 2 and forwards the documents to the EPA and WAPC for approval to advertise.*

**CARRIED 6/0**

*Voted for: Cr Petchell, Cr Stratford, Cr Lawson Kerr, Cr Loton, Cr Gamble,  
Cr Dickson*

**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**14. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Nil

**15. MATTERS BEHIND CLOSED DOORS**

Nil

**16. CLOSURE OF THE MEETING**

There being no further business, the Presiding Member closed the meeting at 4:32pm.

**10. REPORTS**

**10.1. CORPORATE AND COMMUNITY SERVICES**

**10.1.1. ACCOUNTS FOR PAYMENT – MAY 2026**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	11 June 2026
Reporting Officer:	Claire Trenorden, Manager Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.1 – Accounts for payment – May 2026

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION**

*That Council endorse the total payments for the month of April 2026 being \$416,406.91 which comprised of:*

1. *Cheque payments in the Municipal Fund totalling \$0.00;*
2. *Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$338,340.81; and*
3. *Direct Debit (DD) payments in the Municipal Fund totalling \$78,066.10.*

**SUMMARY**

To provide the Council with a list of accounts paid by the Chief Executive Officer in accordance with delegated authority and for the Council to endorse the payments made for the prior month.

**BACKGROUND**

The *Local Government (Financial Management) Regulations 1996, s13(1)*, requires that if a local government has delegated to the CEO its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing all payments since the last such list was prepared.

The council has delegated to the CEO (delegation number 1.2.25) the power to make payments from the municipal fund or trust fund.

**COMMENT**

The payment listing for April 2026 is presented to the Council for their endorsement.

Bank Account	Payment Type	Last Number	First Number in the report
Municipal	Cheque	0	0
Municipal and Trust	EFT	EFT5295	EFT5205
Reserves	EFT	EFT	No Payments
DD	DD	DD4316.1	DD4286.1

**STATUTORY ENVIRONMENT**

*Local Government (Financial Management) Regulations, s.13.1*

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

Expenditure in accordance with the 2025/26 Annual Budget.

**COMMUNITY AND STRATEGIC OBJECTIVES**

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance
11.3	Ongoing long term financial planning and transparent financial management

Payment Listing May 2026

Chq/EFT	Date	Name	Amount	Bank	Type
EFT5205	11/05/2026	SEEK	-726.00	1	CSH
EFT5206	11/05/2026	Lo-Go Appointments(Helene Pty Ltd)	-4276.36	1	CSH
EFT5207	11/05/2026	Perfect Computer Solutions Pty Ltd	-382.50	1	CSH
EFT5208	11/05/2026	Urban & Rural Valuations	-1100.00	1	CSH
EFT5209	11/05/2026	Department of Planning, Lands & Heritage	-5823.18	1	CSH
EFT5210	11/05/2026	Eric James Anderson	-56.00	1	CSH
EFT5211	11/05/2026	Dowerin Farm Shed	-1477.44	1	CSH
EFT5212	11/05/2026	Five Rivers Plumbing and Gas	-831.59	1	CSH
EFT5213	11/05/2026	Zone 50 Engineering Surveys Pty Ltd	-2494.80	1	CSH
EFT5214	11/05/2026	Champ Pty Ltd	-865.17	1	CSH
EFT5215	11/05/2026	LG Best Practices	-2684.00	1	CSH
EFT5216	11/05/2026	Regional Development Australia Wheatbelt Inc	-550.00	1	CSH
EFT5217	11/05/2026	Shire of Wongan-Ballidu	-10083.34	1	CSH
EFT5218	11/05/2026	AC Healthcare Pty Ltd - Wyalkatchem Medical Centre	-480.00	1	CSH
EFT5219	11/05/2026	Carrington's Traffic Services	-4914.31	1	CSH
EFT5220	11/05/2026	SJR Civil Consulting Pty Ltd	-3300.00	1	CSH
EFT5221	11/05/2026	Contract Aquatic	-40279.16	1	CSH
EFT5222	11/05/2026	CSSTECH	-147.73	1	CSH
EFT5223	11/05/2026	D&b Tiling And Bathrooms	-6820.00	1	CSH
EFT5224	11/05/2026	Mr Wet Wall Homebase Pty Ltd	-7480.00	1	CSH
EFT5225	11/05/2026	West Coast Concrete Resurfacing	-6205.00	1	CSH
EFT5226	11/05/2026	Unicare Health	-16400.00	1	CSH
EFT5227	11/05/2026	Australia Post	-74.22	1	CSH
EFT5228	11/05/2026	Avon Computech	-4254.03	1	CSH
EFT5229	11/05/2026	Avon Waste	-6674.76	1	CSH
EFT5230	11/05/2026	Bunnings Midland	-146.21	1	CSH
EFT5231	11/05/2026	Eastern Hills Saws & Mowers	-360.00	1	CSH
EFT5232	11/05/2026	Hersey Safety Pty Ltd	-1517.18	1	CSH
EFT5233	11/05/2026	Nutrien Ag Solutions Ltd	-440.22	1	CSH
EFT5234	11/05/2026	MetroCount	-1199.00	1	CSH
EFT5235	11/05/2026	WA Contract Ranger Services	-759.00	1	CSH
EFT5236	11/05/2026	Wren Oil	-1053.80	1	CSH
EFT5237	11/05/2026	Wyalkatchem Community Resource Centre	-2574.68	1	CSH
EFT5238	11/05/2026	Wyalkatchem District High School	-1000.00	1	CSH
EFT5239	22/05/2026	Lo-Go Appointments(Helene Pty Ltd)	-1710.54	1	CSH
EFT5240	22/05/2026	R.B. Motors	-22237.59	1	CSH
EFT5241	22/05/2026	Five Rivers Plumbing and Gas	-349.99	1	CSH
EFT5242	22/05/2026	Newground Water Services Pty Ltd	-1168.75	1	CSH
EFT5243	22/05/2026	Goomalling Farm Shed	-139.45	1	CSH
EFT5244	22/05/2026	Infinitum Technologies Pty LTD	-348.23	1	CSH
EFT5245	22/05/2026	Claire Trenorden	-300.00	1	CSH
EFT5246	22/05/2026	Belinda Jonas	-166.00	1	CSH
EFT5247	22/05/2026	sheridans	-76.89	1	CSH
EFT5248	22/05/2026	Wyalkatchem Hotel (SL Tyler and TJ Tyler)	-165.00	1	CSH
EFT5249	22/05/2026	150 Square Pty Ltd	-390.00	1	CSH
EFT5250	22/05/2026	Fire Shield Services	-710.71	1	CSH
EFT5251	22/05/2026	Wyalkatchem Tyres & Traders	-330.00	1	CSH
EFT5252	22/05/2026	CORSIGN WA PTY LTD	-1789.70	1	CSH
EFT5253	22/05/2026	Australian Taxation Office FBT	-10279.78	1	CSH
EFT5254	22/05/2026	Retro Roads	-1490.01	1	CSH
EFT5255	22/05/2026	West Coast Concrete Resurfacing	-5148.00	1	CSH
EFT5256	22/05/2026	Sequel Consulting Engineers	-5020.32	1	CSH
EFT5257	22/05/2026	Localise Pty Ltd	-9665.57	1	CSH

Chq/EFT	Date	Name	Amount	Bank	Type
EFT5258	22/05/2026	Shire Of Nungarin	-1925.00	1	CSH
EFT5259	22/05/2026	ASV Sales and Service (WA) Pty Ltd	-4228.40	1	CSH
EFT5260	22/05/2026	Abaxa	-2996.02	1	CSH
EFT5261	22/05/2026	Look Brilliant	-427.79	1	CSH
EFT5262	22/05/2026	Asphalt in a Bag	-3190.00	1	CSH
EFT5263	22/05/2026	Avon Waste	-5868.77	1	CSH
EFT5264	22/05/2026	Bunnings Midland	-4746.13	1	CSH
EFT5265	22/05/2026	Team Global Express Pty Ltd	-41.82	1	CSH
EFT5266	22/05/2026	Dunnings	-18867.13	1	CSH
EFT5267	22/05/2026	Eastern Hills Saws & Mowers	-85.50	1	CSH
EFT5268	22/05/2026	Local Government Professionals WA	-525.00	1	CSH
EFT5269	22/05/2026	Marty Grant Bulldozing	-66.77	1	CSH
EFT5270	22/05/2026	NEWROC	-2828.00	1	CSH
EFT5271	22/05/2026	Petchell Mechanical	-5653.11	1	CSH
EFT5272	22/05/2026	R Munns Engineering Consulting	-1714.14	1	CSH
EFT5273	22/05/2026	St John Ambulance WA	-821.87	1	CSH
EFT5274	22/05/2026	Trophy Specialists	-125.50	1	CSH
EFT5275	22/05/2026	WA Contract Ranger Services	-759.00	1	CSH
EFT5276	22/05/2026	WCS Concrete Pty Ltd	-1746.14	1	CSH
EFT5277	22/05/2026	Westrac	-1697.19	1	CSH
EFT5278	28/05/2026	Lo-Go Appointments(Helene Pty Ltd)	-2138.18	1	CSH
EFT5279	28/05/2026	Perfect Computer Solutions Pty Ltd	-255.00	1	CSH
EFT5280	28/05/2026	IT Vision User Group Inc	-847.00	1	CSH
EFT5281	28/05/2026	Dowerin Farm Shed	-137.20	1	CSH
EFT5282	28/05/2026	Five Rivers Plumbing and Gas	-456.22	1	CSH
EFT5283	28/05/2026	Sheryl wood	-65.00	1	CSH
EFT5284	28/05/2026	Eastway Food Supplies	-426.99	1	CSH
EFT5285	28/05/2026	Fire Shield Services	-88.00	1	CSH
EFT5286	28/05/2026	AC Healthcare Pty Ltd	-770.00	1	CSH
EFT5287	28/05/2026	Wyalkatchem Tyres & Traders	-1686.64	1	CSH
EFT5288	28/05/2026	Wacwil Landscaping And Earthworks Pty Ltd	-21230.00	1	CSH
EFT5289	28/05/2026	Perth Arbor Services	-19729.60	1	CSH
EFT5290	28/05/2026	Rynat Industries Australia Pty Ltd	-20713.00	1	CSH
EFT5291	28/05/2026	A P Concrete Pty Ltd	-7150.00	1	CSH
EFT5292	28/05/2026	Eastern Hills Saws & Mowers	-1137.00	1	CSH
EFT5293	28/05/2026	Lock Stock & Farrell Locksmith	-105.00	1	CSH
EFT5294	28/05/2026	Petchell Mechanical	-3417.49	1	CSH
EFT5295	28/05/2026	WA Contract Ranger Services	-759.00	1	CSH
<b>Total EFT</b>			<b>-338,340.81</b>		
803	18/05/2026	NAB	-25.74	1	FEE
803	29/05/2026	NAB	-16.00	1	FEE
803	29/05/2026	NAB	-58.80	1	FEE
DD4286.1	01/05/2026	Crisp Wireless	-625.90	1	CSH
DD4286.2	01/05/2026	Water Corporation.	-5357.02	1	CSH
DD4289.1	05/05/2026	Superannuation contributions	-6697.44	1	CSH
DD4294.1	12/05/2026	Treasury Corp	-46082.74	1	CSH
DD4297.1	27/05/2026	Synergy	-3099.73	1	CSH
DD4297.2	21/05/2026	Synergy	-70.44	1	CSH
DD4297.3	15/05/2026	Water Corporation.	-275.77	1	CSH
DD4297.4	21/05/2026	Telstra	-322.60	1	CSH
DD4297.5	11/05/2026	Telstra	-103.94	1	CSH
DD4302.1	04/05/2026	NAB	-4522.55	1	CSH
DD4307.1	19/05/2026	Superannuation contributions	<b>-7093.52</b>	1	CSH
DD4310.1	21/05/2026	BP Australia Pty Ltd	-125.26	1	CSH
DD4312.1	22/05/2026	Department of Transport	-3489.65	1	CSH

Chq/EFT	Date	Name	Amount	Bank	Type
DD4316.1	28/05/2026	Supagas Pty Limited	-99.00	1	CSH
Total DD			-78,066.10		
Total Payments May 2026			-416,406.91		

**10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – APRIL 2026**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	11 June 2026
Reporting Officer:	Glenn Bradly, Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	Attachment 10.1.2 – Credit Card – April 2026

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION**

*That Council endorse credit card payments for the period 28 March 2026 to 28 April 2026, totalling \$4,522.55 (refer to attachment 10.1.2).*

**BACKGROUND**

Council governance procedures require the endorsement of credit card payments at each OMC. The attached credit card payment report has been reviewed by the Manager of Corporate Services and the CEO.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995, Part 6 – Financial Management s.6.4  
Local Government (Financial Management) Regulations 1996, R34*

**POLICY IMPLICATIONS**

Policy Number 2.1 – Purchasing Policy.  
Policy Number 2.3 – Credit Card Policy.

**FINANCIAL IMPLICATIONS**

Nil. Reported expenditure is assessed by management as being consistent with the 2025/2026 Annual Budget.

**COMMUNITY AND STRATEGIC OBJECTIVES**

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance
11.3	Ongoing long term financial planning and transparent financial management



**SHIRE OF WYALKATCHEM  
NAB BUSINESS VISA  
PAYMENTS OF ACCOUNTS BY CREDIT CARD  
FOR THE STATEMENT PERIOD: 28 March 2026 to 28 April 2026**

DATE	PAYEE	DESCRIPTION	AMOUNT
CARD NUMBER 4557-XXXX-XXXX-0623			
01-Apr-26	COLES NORTHAM	EASTER Food for the event	\$ 17.25
02-Apr-26	ALDI NORTHAM	EASTER Food for the event	\$ 175.19
08-Apr-26	COLES MIDLAND	STAFF Parting Gift for Leahy	\$ 150.00
10-Apr-26	DUNNINGS WYALKATCHEM	MEMBERS Refreshments	\$ 15.90
10-Apr-26	MIDLAND BRICK	CEMETERY Bricks for Niche Wall works	\$ 2,608.63
10-Apr-26	IKEA	DAYCARE Rugs and shelving inserts	\$ 283.00
10-Apr-26	PARCHEM	DEPOT Concrete mortar mix for repairs	\$ 209.86
17-Apr-26	WYALKATCHEM HOTEL	MEMBERS Refreshments for Council	\$ 83.00
20-Apr-26	JAMF SOFTWARE	INFORMATION TECHNOLOGY JAMF Subscription	\$ 34.60
20-Apr-26	KMART NORTHAM	RAILWAY BARRACKS Glass Cups	\$ 24.00
23-Apr-26	PARCHEM	DEPOT Concrete mortar mix for repairs	\$ 419.72
24-Apr-26	DEPT. TRANSPORT WYALKATCHEM	LR Drivers License Application for Gorham	\$ 150.80
24-Apr-26	DEPT. TRANSPORT WYALKATCHEM	LR Drivers License Application for Overall	\$ 150.80
24-Apr-26	DEPT. TRANSPORT WYALKATCHEM	LR Drivers License Application for Ozanne	\$ 150.80
27-Apr-26	WHEATBELT BUSINESS NETWORK	Wheatbelt Business Network State Budget Breakfast 2026	\$ 40.00
28-Apr-26	NAB BANK	Card Fees and Bank Charge	\$ 9.00
<b>TOTAL CREDIT CARD PAYMENTS</b>			<b>\$ <u>4,522.55</u></b>

I, Glenn Bradly, have reviewed the credit card payments and confirm that from the descriptions on the documentation provide that;

- all transactions are expenses incurred by the Shire of Wyalkatchem;
- all purchases have been made in accordance with the Shire of Wyalkatchem policies and procedures;
- all purchases are in accordance with the Local Government Act 1995 and associated regulations;
- no misuse of the corporate credit card is evident

Glenn Bradly

**10.1.3. MONTHLY FINANCIAL REPORTS – MAY 2026**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	11 June 2026
Reporting Officer:	Claire Trenorden, Manager Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	25.08
Attachment Reference:	Attachment 10.1.3 – Monthly Financial Report May 2026

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION**

*That Council accepts the Statements of Financial Activity for the month ending 31 May 2026 (refer attachment 10.1.3).*

**BACKGROUND**

The *Local Government (Financial Management) Regulations 34* requires a local government to prepare a monthly financial statement that reports on actual revenue and expenditure against the annual budget prepared under regulation 22(1) (d).

Council has adopted a material variance on 10% or \$10,000 whichever is the greater.

**COMMENT**

The attached reports include:

- Statement of Financial Activity by Program (p.3)
- Statement of Financial Activity by Nature and Type (p.4)

The statements provide details of the Shire’s operations on an actual year to date basis. These statements and Notes 1 (p.5) and 2 (p.6) are statutory requirements and must be presented to Council.

The remaining notes all relate to the Statements of Financial Activity.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995, Part 6 – Financial Management S6.4*

*Local Government (Financial Management) Regulations, R34*

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

**May 2026**

Total Cash Available as at 31 May 2026 is \$4,552,998;

- cash available is made up of unrestricted cash \$926,302 (20.34%) and
- restricted cash \$3,626,696 (79.66%).

Rates Debtors balance as at 31 May 2026 is \$98,482 and Rates Notices for 2025-26 were issued in August 2025. Rates collected as at end of May were \$1,446,716- 90%.

**May 2026:** Operating Revenue – Operating revenue of \$3,548,797 is made up of Rates - 44%, Grants - 44%, Fees and Charges - 7%, Interest – 3% and other – 2%.  
Operating Expenses – Operating expenses of \$5,554,574 is made of Employee Costs – 26%, Materials and Contracts – 22%, Depreciation – 45%, Insurance – 4% and Utility – 3%.

**COMMUNITY AND STRATEGIC OBJECTIVES**

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance
11.3	Ongoing long term financial planning and transparent financial management

# SHIRE OF WYALKATCHEM

## MONTHLY FINANCIAL REPORT

(Containing the required statement of financial activity and statement of financial position)

For the period ended 31 May 2026

*LOCAL GOVERNMENT ACT 1995*

*LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

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**SHIRE OF WYALKATCHEM**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 MAY 2026**

	Updated Budget Estimates	YTD Budget Estimates	YTD Actual	Variance* \$ (c) - (b)	Variance* % ((c) - (b))/(b)	Var.
Note	(a)	(b)	(c)	(c) - (b)	((c) - (b))/(b)	
	\$	\$	\$	\$	%	
<b>OPERATING ACTIVITIES</b>						
<b>Revenue from operating activities</b>						
General rates	1,560,792	1,560,792	<b>1,560,951</b>	159	0.01%	
Rates excluding general rates	10,496	10,496	<b>10,496</b>	0	0.00%	
Grants, subsidies and contributions	1,546,991	1,538,908	<b>1,534,984</b>	(3,924)	(0.25%)	
Fees and charges	241,477	230,739	<b>241,546</b>	10,807	4.68%	
Interest revenue	161,521	107,000	<b>112,926</b>	5,926	5.54%	
Other revenue	59,555	59,555	<b>87,894</b>	28,339	47.58%	▲
Profit on asset disposals	98,364	0	<b>0</b>	0	0.00%	
	<b>3,679,196</b>	<b>3,507,490</b>	<b>3,548,797</b>	<b>41,307</b>	1.18%	
<b>Expenditure from operating activities</b>						
Employee costs	(1,725,888)	(1,582,064)	<b>(1,424,245)</b>	157,819	9.98%	
Materials and contracts	(1,968,732)	(1,804,671)	<b>(1,188,924)</b>	615,747	34.12%	▲
Utility charges	(197,201)	(180,768)	<b>(172,052)</b>	8,716	4.82%	
Depreciation	(2,629,396)	(2,410,280)	<b>(2,494,007)</b>	(83,727)	(3.47%)	
Finance costs	(15,520)	(15,520)	<b>(15,520)</b>	0	0.00%	
Insurance	(231,235)	(231,235)	<b>(232,811)</b>	(1,576)	(0.68%)	
Other expenditure	(54,592)	(27,296)	<b>(27,015)</b>	281	1.03%	
	<b>(6,822,564)</b>	<b>(6,251,834)</b>	<b>(5,554,574)</b>	<b>697,260</b>	11.15%	
Non cash amounts excluded from operating activities	2(c) 2,534,850	2,410,280	<b>2,494,007</b>	83,727	3.47%	
<b>Amount attributable to operating activities</b>	<b>(608,518)</b>	<b>(334,064)</b>	<b>488,230</b>	<b>822,294</b>	246.15%	
<b>INVESTING ACTIVITIES</b>						
<b>Inflows from investing activities</b>						
Proceeds from capital grants, subsidies and contributions	2,139,650	1,513,693	<b>1,595,972</b>	82,279	5.44%	
Proceeds from disposal of assets	184,454	140,454	<b>140,454</b>	0	0.00%	
	<b>2,324,104</b>	<b>1,654,147</b>	<b>1,736,426</b>	<b>82,279</b>	4.97%	
<b>Outflows from investing activities</b>						
Acquisition of property, plant and equipment	(596,120)	(480,725)	<b>(424,230)</b>	56,495	11.75%	▲
Acquisition of infrastructure	(2,350,639)	(2,155,469)	<b>(2,170,000)</b>	(14,531)	(0.67%)	
	<b>(2,946,759)</b>	<b>(2,636,194)</b>	<b>(2,594,230)</b>	<b>41,964</b>	1.59%	
<b>Amount attributable to investing activities</b>	<b>(622,655)</b>	<b>(982,047)</b>	<b>(857,804)</b>	<b>124,243</b>	12.65%	
<b>FINANCING ACTIVITIES</b>						
<b>Inflows from financing activities</b>						
Transfer from reserves	38,477	0	<b>0</b>	0	0.00%	
	<b>38,477</b>	<b>0</b>	<b>0</b>	<b>0</b>	0.00%	
<b>Outflows from financing activities</b>						
Repayment of borrowings	(76,646)	(76,646)	<b>(76,646)</b>	0	0.00%	
Transfer to reserves	(240,000)	(92,400)	<b>(91,837)</b>	563	0.61%	
	<b>(316,646)</b>	<b>(169,046)</b>	<b>(168,483)</b>	<b>563</b>	0.33%	
<b>Amount attributable to financing activities</b>	<b>(278,169)</b>	<b>(169,046)</b>	<b>(168,483)</b>	<b>563</b>	0.33%	
<b>MOVEMENT IN SURPLUS OR DEFICIT</b>						
<b>Surplus or deficit at the start of the financial year</b>	2(a) 1,509,342	1,509,342	<b>1,513,140</b>	3,798	0.25%	
Amount attributable to operating activities	(608,518)	(334,064)	<b>488,230</b>	822,294	246.15%	▲
Amount attributable to investing activities	(622,655)	(982,047)	<b>(857,804)</b>	124,243	12.65%	▲
Amount attributable to financing activities	(278,169)	(169,046)	<b>(168,483)</b>	563	0.33%	
<b>Surplus or deficit after imposition of general rates</b>	<b>0</b>	<b>24,185</b>	<b>975,083</b>	<b>950,898</b>	3931.84%	▲

**KEY INFORMATION**

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data outside the adopted materiality threshold.

▲ Indicates a variance with a positive impact on the financial position.

▼ Indicates a variance with a negative impact on the financial position.

Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying notes.

**SHIRE OF WYALKATCHEM**  
**STATEMENT OF FINANCIAL POSITION**  
**FOR THE PERIOD ENDED 31 MAY 2026**

	Actual 30 June 2025	Actual as at 31 May 2026
	\$	\$
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	2,233,478	926,302
Trade and other receivables	548,314	152,246
Other financial assets	3,534,858	3,626,695
Inventories	14,443	2,822
<b>TOTAL CURRENT ASSETS</b>	<b>6,331,093</b>	<b>4,708,065</b>
<b>NON-CURRENT ASSETS</b>		
Trade and other receivables	37,537	37,537
Other financial assets	59,715	59,715
Property, plant and equipment	13,292,499	13,038,642
Infrastructure	55,213,619	55,427,332
<b>TOTAL NON-CURRENT ASSETS</b>	<b>68,603,370</b>	<b>68,563,226</b>
<b>TOTAL ASSETS</b>	<b>74,934,463</b>	<b>73,271,291</b>
<b>CURRENT LIABILITIES</b>		
Trade and other payables	1,194,809	18,001
Borrowings	76,646	0
Employee related provisions	88,285	88,285
<b>TOTAL CURRENT LIABILITIES</b>	<b>1,359,740</b>	<b>106,286</b>
<b>NON-CURRENT LIABILITIES</b>		
Borrowings	338,154	338,154
Employee related provisions	55,123	55,123
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>393,277</b>	<b>393,277</b>
<b>TOTAL LIABILITIES</b>	<b>1,753,017</b>	<b>499,563</b>
<b>NET ASSETS</b>	<b>73,181,446</b>	<b>72,771,728</b>
<b>EQUITY</b>		
Retained surplus	24,291,917	23,790,363
Reserve accounts	3,534,859	3,626,695
Revaluation surplus	45,354,670	45,354,670
<b>TOTAL EQUITY</b>	<b>73,181,446</b>	<b>72,771,728</b>

This statement is to be read in conjunction with the accompanying notes.

**SHIRE OF WYALKATCHEM**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 MAY 2026**

**1 BASIS OF PREPARATION AND MATERIAL ACCOUNTING POLICIES**

**BASIS OF PREPARATION**

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

**Local Government Act 1995 requirements**

*Section 6.4(2) of the Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

*Local Government (Financial Management) Regulations 1996*, regulation 34 prescribes contents of the financial report. Supplementary information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

**PREPARATION TIMING AND REVIEW**

Date prepared: All known transactions up to 09 June 2026

**THE LOCAL GOVERNMENT REPORTING ENTITY**

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

**MATERIAL ACCOUNTING POLICES**

Material accounting policies utilised in the preparation of these statements are as described within the 2024-25 Annual Budget. Please refer to the adopted budget document for details of these policies.

**Critical accounting estimates and judgements**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

As with all estimates, the use of different assumptions could lead to material changes in the amounts reported in the financial report.

The following are estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year and further information on their nature and impact can be found in the relevant note:

- Fair value measurement of assets carried at reportable value including:
  - Property, plant and equipment
  - Infrastructure
- Impairment losses of non-financial assets
- Expected credit losses on financial assets
- Measurement of employee benefits

**SHIRE OF WYALKATCHEM**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 MAY 2026**

**2 NET CURRENT ASSETS INFORMATION**

	<b>Updated Budget Opening</b>	<b>Actual as at</b>	<b>Actual as at</b>
<b>(a) Net current assets used in the Statement of Financial Activity</b>	<b>1 July 2025</b>	<b>30 June 2025</b>	<b>31 May 2026</b>
<b>Current assets</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Cash and cash equivalents	2,233,478	2,233,478	926,302
Trade and other receivables	593,031	548,314	152,246
Other financial assets	3,534,859	3,534,858	3,626,695
Inventories	14,444	14,443	2,822
	<b>6,375,812</b>	<b>6,331,093</b>	<b>4,708,065</b>
<b>Less: current liabilities</b>			
Trade and other payables	(1,239,525)	(1,194,809)	(18,001)
Borrowings	(76,646)	(76,646)	0
Employee related provisions	(92,086)	(88,285)	(88,285)
	<b>(1,408,257)</b>	<b>(1,359,740)</b>	<b>(106,286)</b>
Net current assets	4,967,555	4,971,353	4,601,779
Less: Total adjustments to net current assets	2(b) (3,458,213)	(3,458,213)	(3,626,696)
<b>Closing funding surplus / (deficit)</b>	<b>1,509,342</b>	<b>1,513,140</b>	<b>975,083</b>
<b>(b) Current assets and liabilities excluded from budgeted deficiency</b>			
<b>Adjustments to net current assets</b>			
Less: Reserve accounts	(3,534,859)	(3,534,859)	(3,626,696)
Add: Current liabilities not expected to be cleared at the end of the year - Current portion of borrowings	76,646	76,646	0
<b>Total adjustments to net current assets</b>	2(a) <b>(3,458,213)</b>	<b>(3,458,213)</b>	<b>(3,626,696)</b>
<b>(c) Non-cash amounts excluded from operating activities</b>			
<b>Adjustments to operating activities</b>			
Less: Profit on asset disposals	(94,546)	0	0
Add: Depreciation	2,629,396	2,410,280	2,494,007
<b>Total non-cash amounts excluded from operating activities</b>	<b>2,534,850</b>	<b>2,410,280</b>	<b>2,494,007</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the local governments' operational cycle.

**SHIRE OF WYALKATCHEM**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 MAY 2026**

**3 EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.  
 The material variance adopted by Council for the 2025-26 year is \$10,000 and 10.00% whichever is the greater.

**Description**

**Revenue from operating activities**

**Other revenue**

Insurance claim for the rubbish tip cameras

**Expenditure from operating activities**

**Materials and contracts**

The YTD budget is averaged over the year, staff tend to be conservative with expenditure through the beginning of the year until we are confident with how we are travelling YTD. There will be a significant upturn in the final two months.

**Outflows from investing activities**

**Acquisition of property, plant and equipment**

**Surplus or deficit after imposition of general rates**

	<b>Var. \$</b>	<b>Var. %</b>	
	\$	%	
	<b>28,339</b>	<b>47.58%</b>	▲
		Permanent	
	<b>615,747</b>	<b>34.12%</b>	▲
		Timing	
	<b>56,495</b>	<b>11.75%</b>	▲
	<b>950,898</b>	<b>3931.84%</b>	▲

**SHIRE OF WYALKATCHEM**  
**SUPPLEMENTARY INFORMATION**

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**BASIS OF PREPARATION - SUPPLEMENTARY INFORMATION**

Supplementary information is presented for information purposes. The information does not comply with the disclosure requirements of the Australian Accounting Standards.

SHIRE OF WYALKATCHEM  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 MAY 2026

1 KEY INFORMATION

Funding Surplus or Deficit Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$1.51 M	\$1.51 M	\$1.51 M	\$0.00 M
Closing	\$0.00 M	\$0.02 M	\$0.98 M	\$0.95 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$	% of total
Unrestricted Cash	\$0.93 M	20.3%
Restricted Cash	\$3.63 M	79.7%

Refer to 3 - Cash and Financial Assets

Payables	
	% Outstanding
Trade Payables	
0 to 30 Days	100.0%
Over 30 Days	0.0%
Over 90 Days	0.0%

Refer to 9 - Payables

Receivables		
	\$	%
Rates Receivable	\$0.10 M	90.3%
Trade Receivable	\$0.05 M	
Over 30 Days		58.4%
Over 90 Days		51.3%

Refer to 7 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.61 M)	(\$0.33 M)	\$0.49 M	\$0.82 M

Refer to Statement of Financial Activity

Rates Revenue		
	\$	% Variance
YTD Actual	\$1.56 M	
YTD Budget	\$1.56 M	0.0%

Grants and Contributions		
	\$	% Variance
YTD Actual	\$1.53 M	
YTD Budget	\$1.54 M	(0.3%)

Refer to 12 - Grants and Contributions

Fees and Charges		
	\$	% Variance
YTD Actual	\$0.24 M	
YTD Budget	\$0.23 M	4.7%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.62 M)	(\$0.98 M)	(\$0.86 M)	\$0.12 M

Refer to Statement of Financial Activity

Proceeds on sale		
	\$	%
YTD Actual	\$0.14 M	
Adopted Budget	\$0.18 M	(23.9%)

Refer to 6 - Disposal of Assets

Asset Acquisition		
	\$	% Spent
YTD Actual	\$2.17 M	
Adopted Budget	\$2.35 M	(7.7%)

Refer to 5 - Capital Acquisitions

Capital Grants		
	\$	% Received
YTD Actual	\$1.60 M	
Adopted Budget	\$2.14 M	(25.4%)

Refer to 5 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.28 M)	(\$0.17 M)	(\$0.17 M)	\$0.00 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	(\$0.08 M)
Interest expense	(\$0.02 M)
Principal due	\$0.34 M

Refer to 10 - Borrowings

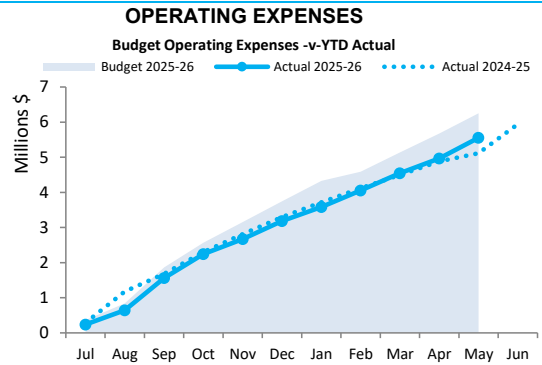
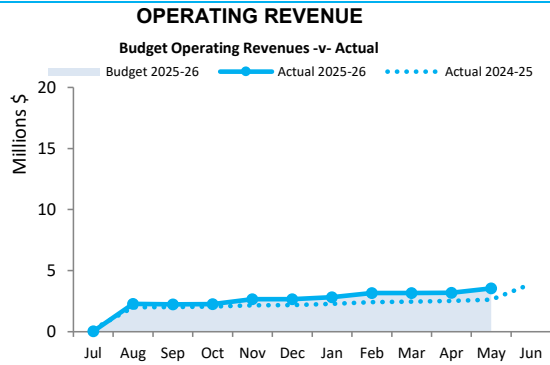
Reserves	
Reserves balance	\$3.63 M
Net Movement	\$0.09 M

Refer to 4 - Cash Reserves

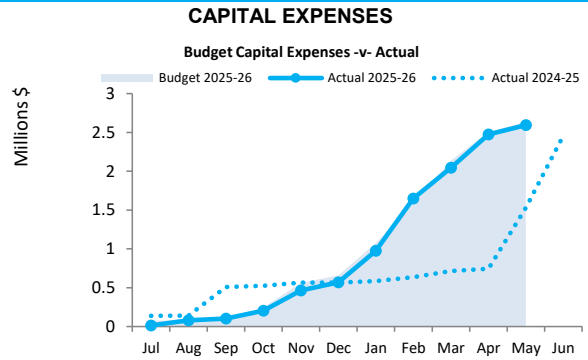
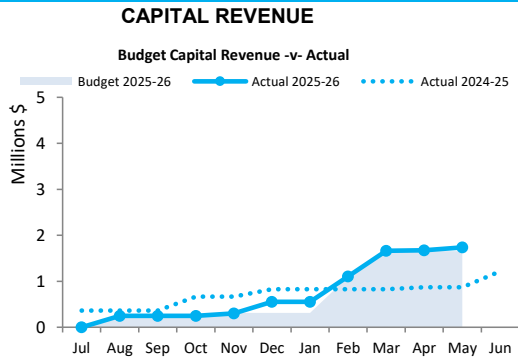
This information is to be read in conjunction with the accompanying Financial Statements and notes.

2 KEY INFORMATION - GRAPHICAL

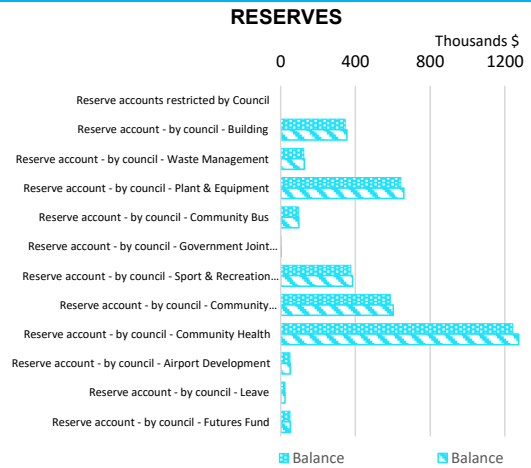
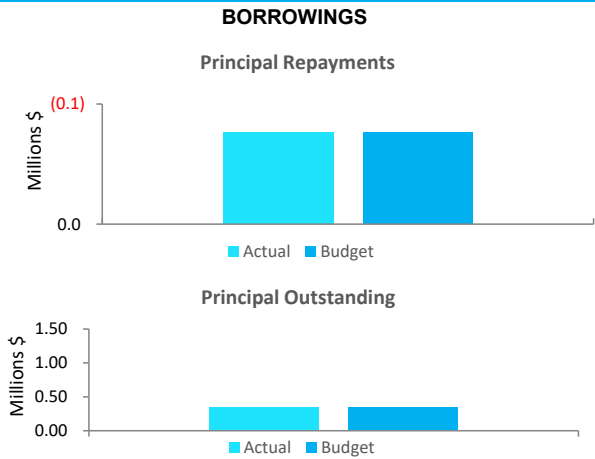
OPERATING ACTIVITIES



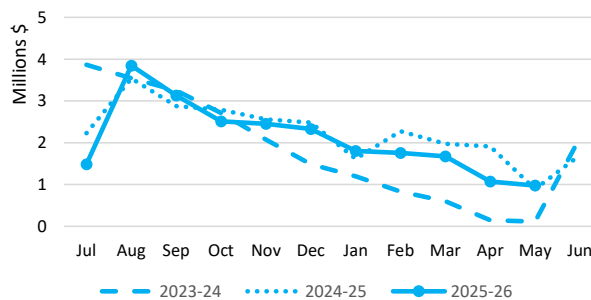
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

**SHIRE OF WYALKATCHEM  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 MAY 2026**

**3 CASH AND FINANCIAL ASSETS AT AMORTISED COST**

Description	Classification	Unrestricted \$	Reserve Accounts \$	Total \$	Trust \$	Institution	Interest Rate	Maturity Date
Municipal Bank Account	Cash and cash equivalents	926,102	0	926,102	0			At call
Reserve Investment Account	Financial assets at amortised cost	0	3,626,696	3,626,696	0	BOQ	4.35%	Jun-26
Petty Cash		200	0	200	0			
<b>Total</b>		<b>926,302</b>	<b>3,626,696</b>	<b>4,552,998</b>	<b>0</b>			
<b>Comprising</b>								
Cash and cash equivalents		926,302	0	926,302	0			
Financial assets at amortised cost - Term Deposits		0	3,626,696	3,626,696	0			
		<b>926,302</b>	<b>3,626,696</b>	<b>4,552,998</b>	<b>0</b>			

**KEY INFORMATION**

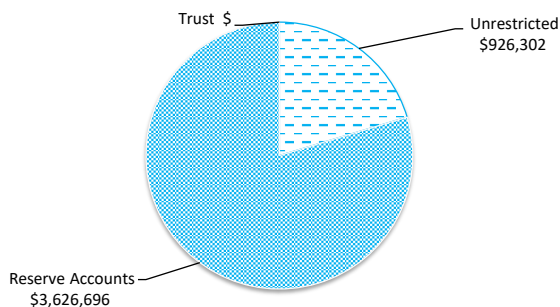
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 8 - Other assets.



**SHIRE OF WYALKATCHEM**  
**SUPPLEMENTARY INFORMATION**  
**FOR THE PERIOD ENDED 31 MAY 2026**

**4 RESERVE ACCOUNTS**

Reserve account name	Budget				Actual			
	Opening Balance	Transfers In (+)	Transfers Out (-)	Closing Balance	Opening Balance	Transfers In (+)	Transfers Out (-)	Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Reserve accounts restricted by Council</b>								
Reserve account - by council - Building	345,388	14,021	0	359,409	345,388	8,973	0	354,361
Reserve account - by council - Waste Management	123,541	4,711	0	128,252	123,541	3,210	0	126,751
Reserve account - by council - Plant & Equipment	643,080	28,722	0	671,802	643,080	16,707	0	659,787
Reserve account - by council - Community Bus	95,185	3,630	0	98,815	95,185	2,473	0	97,658
Reserve account - by council - Government Joint Venture Housing	13	0	0	13	13	0	0	13
Reserve account - by council - Sport & Recreation Facilities	375,259	14,309	(38,477)	351,091	375,259	9,749	0	385,008
Reserve account - by council - Community Development	587,465	122,401	0	709,866	587,465	15,263	0	602,728
Reserve account - by council - Community Health	1,242,319	47,372	0	1,289,691	1,242,319	32,276	0	1,274,595
Reserve account - by council - Airport Development	49,718	1,896	0	51,614	49,718	1,292	0	51,010
Reserve account - by council - Leave	22,891	873	0	23,764	22,891	594	0	23,485
Reserve account - by council - Futures Fund	50,000	2,065	0	52,065	50,000	1,299	0	51,299
	<b>3,534,859</b>	<b>240,000</b>	<b>(38,477)</b>	<b>3,736,382</b>	<b>3,534,859</b>	<b>91,837</b>	<b>0</b>	<b>3,626,696</b>

5 CAPITAL ACQUISITIONS

Capital acquisitions	Adopted		YTD Actual	YTD Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land	40,000	5,000	5,294	294
Buildings	42,600	15,600	15,600	0
Furniture and equipment	68,775	58,775	53,392	(5,383)
Plant and equipment	444,745	401,350	349,944	(51,406)
<b>Acquisition of property, plant and equipment</b>	<b>596,120</b>	<b>480,725</b>	<b>424,230</b>	<b>(56,495)</b>
Infrastructure - roads	2,012,502	1,888,642	1,883,158	(5,484)
Infrastructure - drainage	65,000	65,000	67,388	2,388
Infrastructure - footpaths	42,525	42,525	42,925	400
Infrastructure - other	230,612	159,302	176,529	17,227
<b>Acquisition of infrastructure</b>	<b>2,350,639</b>	<b>2,155,469</b>	<b>2,170,000</b>	<b>14,531</b>
<b>Total capital acquisitions</b>	<b>2,946,759</b>	<b>2,636,194</b>	<b>2,594,230</b>	<b>(41,964)</b>
<b>Capital Acquisitions Funded By:</b>				
Capital grants and contributions	2,139,650	1,513,693	1,595,972	82,279
Other (disposals & C/Fwd)	184,454	140,454	140,454	0
Reserve accounts				
Reserve account - by council - Sport & Recreation Facilities	38,477		0	0
Contribution - operations	584,178	982,047	857,804	(124,244)
<b>Capital funding total</b>	<b>2,946,759</b>	<b>2,636,194</b>	<b>2,594,230</b>	<b>(41,964)</b>

**KEY INFORMATION**

**Initial recognition**

An item of property, plant and equipment or infrastructure that qualifies for recognition as an asset is measured at its cost.

Upon initial recognition, cost is determined as the amount paid (or other consideration given) to acquire the assets, plus costs incidental to the acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Local Government (Financial Management) Regulation 17A(5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Individual assets that are land, buildings and infrastructure acquired between scheduled revaluation dates of the asset class in accordance with the Shire's revaluation policy, are recognised at cost and disclosed as being at reportable value.

**Measurement after recognition**

Plant and equipment including furniture and equipment and right-of-use assets (other than vested improvements) are measured using the cost model as required under *Local Government (Financial Management) Regulation 17A(2)*. Assets held under the cost model are carried at cost less accumulated depreciation and any impairment losses being their reportable value.

**Reportable Value**

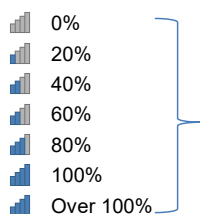
In accordance with *Local Government (Financial Management) Regulation 17A(2)*, the carrying amount of non-financial assets that are land and buildings classified as property, plant and equipment, investment properties, infrastructure or vested improvements that the local government controls.

Reportable value is for the purpose of *Local Government (Financial Management) Regulation 17A(4)* is the fair value of the asset at its last valuation date minus (to the extent applicable) the accumulated depreciation and any accumulated impairment losses in respect of the non-financial asset subsequent to its last valuation date.

5 CAPITAL ACQUISITIONS (CONTINUED) - DETAILED

Capital expenditure total

Level of completion indicators

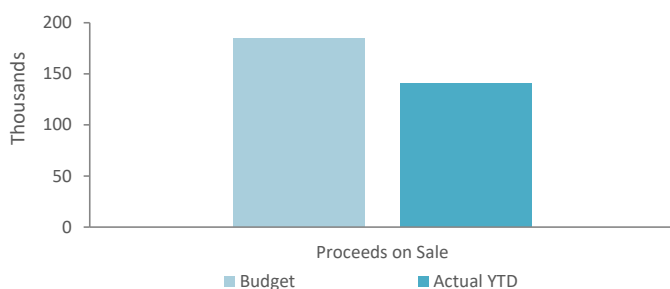


Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Account Description	Updated		YTD Actual	Variance (Under)/Over
	Budget	YTD Budget		
	\$	\$	\$	\$
<b>Land &amp; Buildings</b>				0
Purchase/transfer of land from WAPOL	40,000	5,000	5,294	(294)
NAB Bank	27,000	0	0	0
CRC airconditioner	15,600	15,600	15,600	0
				0
<b>Furniture &amp; Equipment</b>				0
Councillor Surface Pro's	14,000	14,000	8,875	5,125
Upgrade Chambers recording equipment	10,000	0	0	0
Shire Server replacement	31,275	31,275	34,199	(2,924)
Staff computer/laptop replacement x 7	13,500	13,500	10,318	3,182
				0
<b>Plant &amp; Equipment</b>				0
Works Manager Ute	58,914	58,914	58,915	(1)
WM00 Ford Everest (carried over)	77,000	77,000	77,440	(440)
Admin vehicle	43,395	43,395	20,216	23,179
Doctor vehicle	43,395	0	0	0
Team leader - Roads ute	54,115	54,115	54,115	0
Town space cab tipping tray ute	45,801	45,801	45,801	0
Skid steer rake bucket	4,375	4,375	4,375	0
Spray unit	5,500	5,500	4,482	1,018
Slasher	7,290	7,290	7,290	0
Mobile evaporative air cooler	9,960	9,960	9,960	0
Recreation Centre generator	55,000	55,000	33,550	21,450
Admin Office generator	20,000	20,000	16,900	3,100
Medical Centre generator	20,000	20,000	16,900	3,100
				0
<b>Infrastructure - Roads</b>				0
Roads 2 Recovery program 25/26	366,409	293,127	295,061	(1,934)
Wyalkatchem North Road	606,933	556,355	567,836	(11,481)
Cemetery Road	385,189	385,189	378,551	6,638
Cunderdin Wyalkatchem Road	540,000	540,000	539,806	194
Wyalkatchem Koorda Road	113,971	113,971	101,904	12,067
				0
<b>Infrastructure - Drainage</b>				0
Culverts x 4 - McNee and Parson Rd	40,000	40,000	32,076	7,924
Floodway Lackman Rd	25,000	25,000	35,312	(10,312)
				0
<b>Infrastructure - Footpaths</b>				0
Footpath - Honour Ave and Flint St from Town Hall and along front of Men's Shed to Gamble St	42,525	42,525	42,925	(400)
				0
<b>Infrastructure - Other</b>				0
Swimming Pool	88,943	88,943	109,996	(21,053)
Wheatbelt Way Rail Trail	76,310	5,000	3,750	1,250
Practice Cricket Wicket	65,359	65,359	62,783	2,576
	<b>2,946,759</b>	<b>2,636,194</b>	<b>2,594,230</b>	<b>41,964</b>

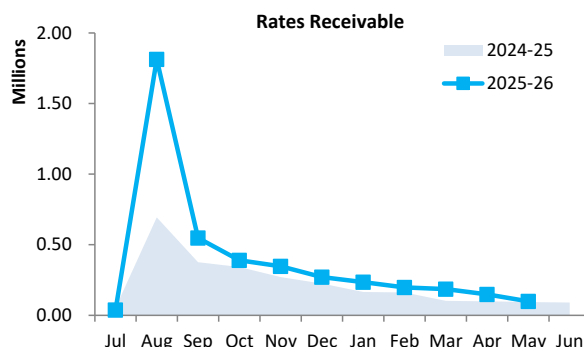
6 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Updated Budget				YTD Actual			
		Net Book		Profit	(Loss)	Net Book		Profit	(Loss)
		Value	Proceeds			Value	Proceeds		
\$	\$	\$	\$	\$	\$	\$	\$		
<b>Plant and equipment</b>									
	0001WM Toyota Rav4	0	25,000	25,000	0	0	0	0	0
	Medical Centre Generator	0	2,000	2,000	0	0	0	0	0
	WM000 Toyota Hilux	34,484	41,818	7,334	0	0	41,818	41,818	0
	WM00 Toyota Prado	51,606	63,636	12,030	0	0	63,636	63,636	0
	000WM Toyota Kluger	0	15,000	15,000	0	0	0	0	0
	WM216 Ford Ranger	0	18,182	18,182	0	0	18,182	18,182	0
	WM012 Toyota Hilux	0	16,818	16,818	0	0	16,818	16,818	0
	Admin Generator	0	2,000	2,000	0	0	0	0	0
		<b>86,090</b>	<b>184,454</b>	<b>98,364</b>	<b>0</b>	<b>0</b>	<b>140,454</b>	<b>140,454</b>	<b>0</b>



7 RECEIVABLES

Rates receivable	30 June 2025	31 May 2026
	\$	\$
Opening arrears previous year	48,331	31,134
Levied this year	1,508,575	1,571,447
Less - collections to date	(1,468,389)	(1,446,716)
Gross rates collectable	<b>88,517</b>	<b>155,865</b>
Allowance for impairment of rates receivable	(57,383)	(57,383)
<b>Net rates collectable</b>	<b>31,134</b>	<b>98,482</b>
% Collected	94.3%	90.3%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(2,640)	9,238	1,120	0	8,118	15,836
Percentage	(16.7%)	58.3%	7.1%	0.0%	51.3%	
<b>Balance per trial balance</b>						
Trade receivables	(2,640)	9,238	1,120	0	8,118	15,836
GST receivable		37,928				37,928
<b>Total receivables general outstanding</b>						<b>53,764</b>

Amounts shown above include GST (where applicable)

KEY INFORMATION

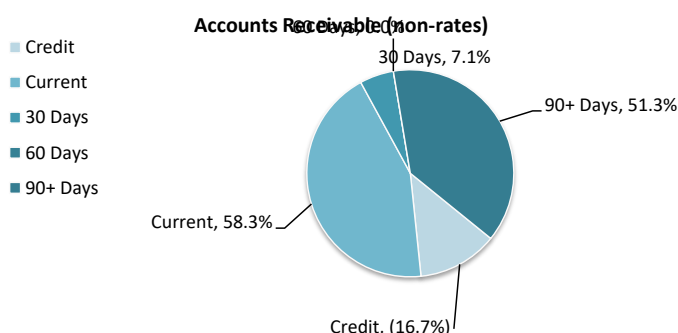
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



8 OTHER CURRENT ASSETS

	Opening Balance 1 July 2025	Asset Increase	Asset Reduction	Closing Balance 31 May 2026
<b>Other current assets</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Financial assets at amortised cost	3,534,858	91,837	0	3,626,695
<b>Inventory</b>				
Fuel	14,443	43,359	(54,980)	2,822
<b>Total other current assets</b>	<b>3,549,301</b>	<b>135,196</b>	<b>(54,980)</b>	<b>3,629,517</b>

Amounts shown above include GST (where applicable)

KEY INFORMATION

**Inventory**

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

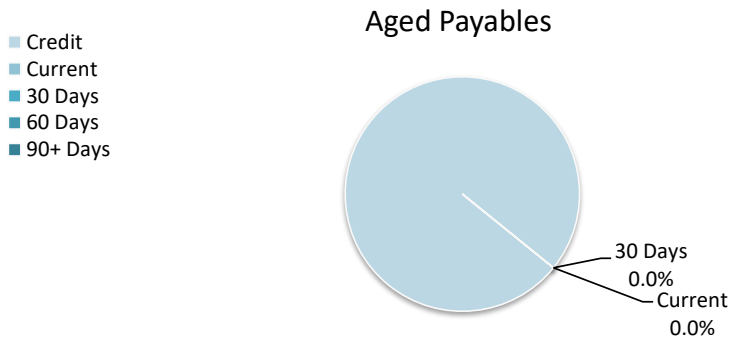
9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	(28,555)	0	0	0	0	(28,555)
Percentage	100.0%	0.0%	0.0%	0.0%	0.0%	
<b>Balance per trial balance</b>						
Sundry creditors	(28,555)	0	0	0	0	(28,555)
Other payables	0	46,556	0	0	0	46,556
<b>Total payables general outstanding</b>						<b>18,001</b>

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



10 BORROWINGS

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2025 \$	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Grader purchase	75	414,800	0	0	(76,646)	(76,646)	338,154	338,154	(15,520)	(15,520)
<b>Total</b>		<b>414,800</b>	<b>0</b>	<b>0</b>	<b>(76,646)</b>	<b>(76,646)</b>	<b>338,154</b>	<b>338,154</b>	<b>(15,520)</b>	<b>(15,520)</b>
Current borrowings		76,646					0			
Non-current borrowings		338,154					338,154			
		<b>414,800</b>					<b>338,154</b>			

All debenture repayments were financed by general purpose revenue.

**KEY INFORMATION**

The Shire has elected to recognise borrowing costs as an expense when incurred regardless of how the borrowings are applied.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature.

11 OTHER CURRENT LIABILITIES

Other current liabilities	Note	Opening Balance 1 July 2025 \$	Liability transferred from/(to) non current \$	Liability Increase \$	Liability Reduction \$	Closing Balance 31 May 2026 \$
<b>Employee Related Provisions</b>						
Provision for annual leave		92,086	0	0	0	92,086
Provision for long service leave		(3,801)	0	0	0	(3,801)
<b>Total Provisions</b>		<b>88,285</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>88,285</b>
<b>Total other current liabilities</b>		<b>88,285</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>88,285</b>

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at Note

**KEY INFORMATION**

**Provisions**

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

**Employee Related Provisions**

**Short-term employee benefits**

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

**Other long-term employee benefits**

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

12 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent grant, subsidies and contributions liability					Grants, subsidies and contributions revenue					YTD Revenue Actual
	Liability 1 July 2025	Increase in Liability	Decrease in Liability (As revenue)	Liability 31 May 2026	Current Liability 31 May 2026	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Grants and subsidies</b>											
GEN PUR - Financial Assistance Grant - General	0	0	0	0	0	916,863	944,097	916,863	27,234	944,097	944,097
GEN PUR - Financial Assistance Grant - Roads	0	0	0	0	0	321,309	330,853	321,309	9,544	330,853	330,853
ESL BFB - Operating Grant	0	0	0	0	0	40,000	42,173	40,000	2,173	42,173	42,173
ESL BFB - Admin Fee/Commission	0	0	0	0	0	4,000	4,000	4,000	0	4,000	4,000
ROADM - Direct Road Grant (MRWA)	0	0	0	0	0	164,244	160,647	164,244	(3,597)	160,647	160,647
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,446,416</b>	<b>1,481,770</b>	<b>1,446,416</b>	<b>35,354</b>	<b>1,481,770</b>	<b>1,481,770</b>
<b>Contributions</b>											
RATES - Reimbursement of Debt Collection Costs					0	0	1,500	0	1,500	1,500	1,503
STF HOUSE - Staff Rental Reimbursements - 2 Slocum St					0	3,300	6,667	3,300	4,700	8,000	0
STF HOUSE - Staff Rental Reimbursements - 22a Flint St					0	2,800	1,587	2,800	(684)	2,116	0
STF HOUSE - Staff Rental Reimbursements - 45 Wilson St					0	2,800	1,867	2,800	0	2,800	0
STF HOUSE - Staff Rental Reimbursements - 53 Piesse St					0	2,800	1,867	2,800	0	2,800	0
OTH HOUSE - Rental Reimbursements - Joint Venture					0	2,811	1,874	2,811	0	2,811	0
ADMIN - Reimbursements					0	0	6,058		6,058	6,058	6,058
POC - Fuel Tax Credits Grant Scheme					0	20,500	17,083	20,500	0	20,500	19,098
SWIM AREAS - Contributions, Donations & Reimbursements					0	0	18,636	0	18,636	18,636	18,636
LIBRARY - Other Grants					0	0	0	0	0	0	3,675
TOUR - Grants					0	0	0	0	0	0	4,245
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,011</b>	<b>57,138</b>	<b>35,011</b>	<b>30,210</b>	<b>65,221</b>	<b>53,214</b>
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,481,427</b>	<b>1,538,908</b>	<b>1,481,427</b>	<b>65,564</b>	<b>1,546,991</b>	<b>1,534,984</b>

13 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Capital grants, subsidies and contributions revenue					YTD Revenue
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Adopted Budget	YTD	Annual	Budget	YTD	
	1 July 2025		(As revenue)	31 May 2026	31 May 2026	Revenue	Budget	Budget	Variations	Expected	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Capital grants and subsidies</b>											
GEN PUR - Other Grants	0	0	0	0	0	177,657	177,657	177,657	0	177,657	224,972
SWIM AREAS - Grants	0	0	0	0	0	0	0	0	0	0	10,725
OTH CUL - Grants - Other Culture	0	0	0	0	0	0	0	0	0	0	31,329
ROADC - Regional Road Group Grants (MRWA)	0	0	0	0	0	404,622	952,831	404,622	786,417	1,191,039	959,223
ROADC - Roads to Recovery Grant	0	0	0	0	0	766,409	383,205	766,409	0	766,409	365,178
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,348,688</b>	<b>1,513,693</b>	<b>1,348,688</b>	<b>786,417</b>	<b>2,135,105</b>	<b>1,591,427</b>
<b>Capital contributions</b>											
REC - Non- Operating Contributions				0	0	0	0	0	0	0	4,545
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,545</b>
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,348,688</b>	<b>1,513,693</b>	<b>1,348,688</b>	<b>786,417</b>	<b>2,135,105</b>	<b>1,595,972</b>

**SHIRE OF WYALKATCHEM  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 MAY 2026**

**14 BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

<b>Description</b>	<b>Council Resolution</b>	<b>Classification</b>	<b>Non Cash Adjustment</b>	<b>Increase in Available Cash</b>	<b>Decrease in Available Cash</b>	<b>Amended Budget Running Balance</b>
			\$	\$	\$	\$
<b>Budget adoption</b>						0
Cemetery Road	144/2025	Capital expenses			(128,396)	(128,396)
Cunderdin-Wyalkatchem Road	145/2025	Capital expenses			(180,000)	(308,396)
Cricket practice wicket and nets	149/2025	Capital expenses			(32,679)	(341,075)
				<b>0</b>	<b>(341,075)</b>	<b>(341,075)</b>

## **10.2. WORKS AND SERVICES**

### **10.2.1. WORKS OFFICER'S REPORT – JUNE 2026**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	11 June 2026
Reporting Officer:	Aldo Lamas – Works Manager
Disclosure of Interest:	No interest to disclose
File Number:	13.05
Attachment Reference:	Nil

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

*That Council receives the Works Manager's report.*

### **BACKGROUND**

To inform Council of the activities of the Works and Services team for the month ending 10 June 2026.

### **OVERVIEW**

### **SUMMARY - ROADS / TOWN/ BUILDINGS**

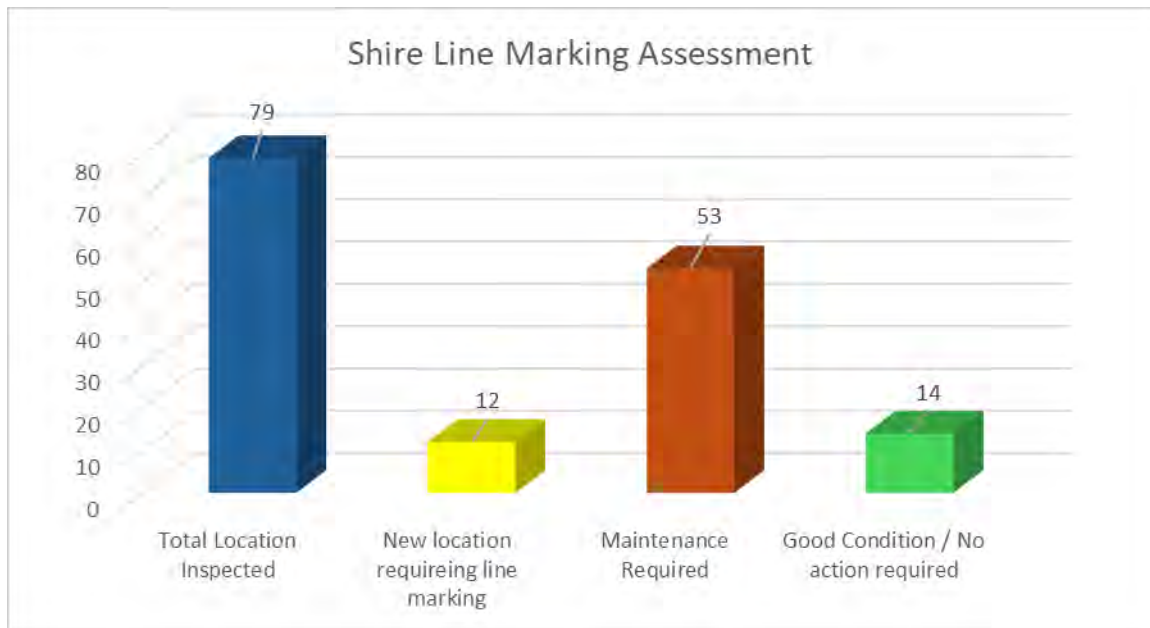
#### **MAIN ROAD WESTERN AUSTRALIA (MRWA)**

The Shire is working collaboratively with Main Roads Western Australia (MRWA) to improve road safety across the region.

Recently, the Works Manager met with MRWA's Regional Operations Project and Contract Manager to conduct a site inspection of line marking throughout the Shire. The purpose of the inspection was to identify locations where line marking is missing, non-reflective, or requires repair.

An inspection report, along with a proposed works program, will be provided to the Shire in the coming days. At this stage, the Project and Contract Manager has advised that the works are expected to be awarded in July, following the commencement of the 2026/27 budget.

Subject to weather conditions, the line marking works are anticipated to be scheduled for early September.



## **ROAD & MAINTENANCE**

### ▪ **Refuse Site**

Routine weekly maintenance continued throughout the month at the Refuse Site.

### ▪ **Maintenance Grading**

Maintenance grading is continuing throughout the Shire, including clearing drains and off-shoots and re-shaping the road formation in preparation for winter maintenance grading.

1. RYAN RD
2. YORKRAKINE EAST RD
3. GREAVES RD
4. SHIELLS RD
5. ALLEN RD
6. LEWIS E/W RD
7. WALLAMBIN RD
8. PARSONS RD
9. HARDWICK RD
10. MAITLAND RD
11. YORKRAKINE WEST RD
12. COX RD
13. DIVERS RD
14. DEPIERRES RD
15. HOBDEN RD
16. DEPIERRES NORTH RD
17. GOLDFIELDS ROAD

- 18. TYLER RD
- 19. GANGELL RD

- **Vegetation Pruning Works**

Vegetation pruning works were completed along a section of road at Turner Road and Gangell Road to improve sight distance and increase lane width, enhancing safety for passing vehicles.

[Refer to Photographs in Attachment A](#)

## **PARKS AND GARDENS**

- **Footpath Works**

A section of footpath was removed and replaced along Honour Avenue, Gamble Street, and Wilson Street following inspections and requests from members of the community through Council to identify tripping hazards. As part of these works, approximately 120 m<sup>2</sup> of footpath was replaced to improve pedestrian safety.

- **Swimming Pool**

Swimming pool renovation works in the change rooms are progressing well, with the installation of new shower partition. More works are scheduled for the coming week.

- **Cemetery**

Construction of two brick niche walls has been completed as part of Stage 2 of the cemetery development. We would like to extend our thanks to the Friends of the Cemetery for their valuable contribution, which made the second niche wall possible. The cemetery now has a total of three niche walls.

- **Railway Barrack Accommodation**

As part of the ongoing maintenance of Shire buildings, the outdoor flooring at the Railway Barrack accommodation has been renewed. This upgrade removes previous tripping hazards caused by uneven levels and provides safer, improved access for visitors and staff.

- **Recreation Centre**

Epoxy flooring resurfacing was recently carried out in the male and female toilet areas.

[Refer to Photographs in Attachment B](#)

## **STAFF & TRAINING**

- **Quarterly Work Health and Safety Toolbox Meeting**

The quarterly Work Health and Safety (WHS) toolbox meeting was held on Thursday the 11th at the Shire depot. The session was conducted by Steve Taylor from Prompt Safety Solutions.

These meetings are an important part of maintaining a strong safety culture within the organisation. They provide an opportunity to reinforce safe work practices, discuss potential hazards, review recent incidents, and ensure staff remain informed about current safety procedures and responsibilities. Regular toolbox meetings also encourage open communication between staff and management, helping to identify risks early and support continuous improvement in workplace safety.

- **New Staff**

A new staff member has joined the Shire's Parks and Gardens team to fill the previously vacant position.

[Refer to Photographs in Attachment C](#)

**STATUTORY ENVIRONMENT**

There are no statutory environment implications in relation to this item.

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

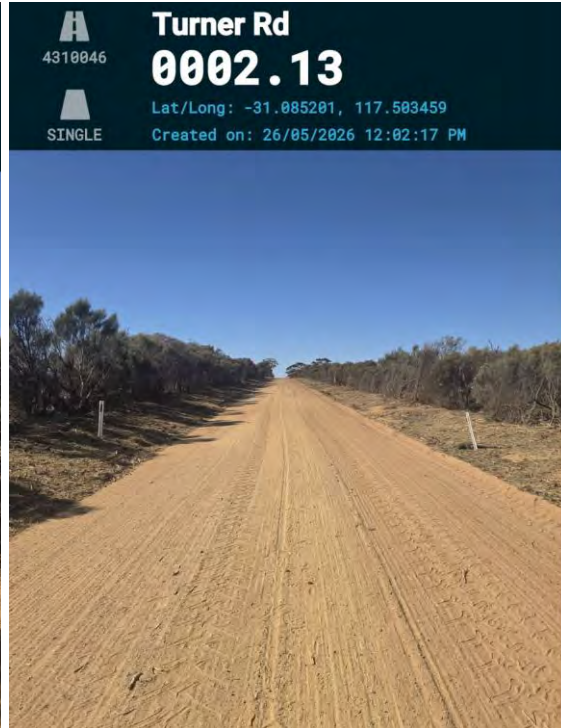
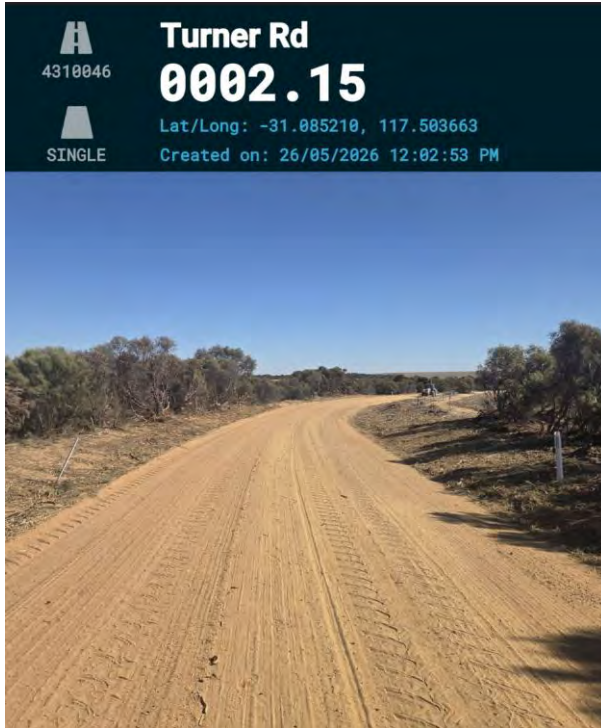
There are some financial implications in relation to this item and they are reflected in the report.

## **COMMUNITY AND STRATEGIC OBJECTIVES**

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

<b>Pillar 1 Economy</b>	<b>Statement of Strategic Outcome:</b> Local industry is sustained and can expand with critical and enabling infrastructure. The visitor economy diversifies our local economy and we enhance our community profile.
<b>Goal No.</b>	<b>GOAL 1.</b> Our transport network responds to the accessibility and connectivity needs of all
1.2	Deliver the Wheatbelt Secondary Freight Network Program
1.3	Participate in the Regional Road Group
<b>Pillar 2 Community</b>	<b>Statement of Strategic Outcome:</b> Our community is inclusive, it is a place where people feel valued and have access to opportunities to build their own capacity, lead healthy lifestyles and stay connected.
<b>Goal No.</b>	<b>GOAL 5.</b> A safe and healthy community for all ages
5.9	Upgrade facilities and equipment at the Wyalkatchem Swimming Pool

**Attachment A**



*Photo: Turner Rd – Vegetation Clearing*

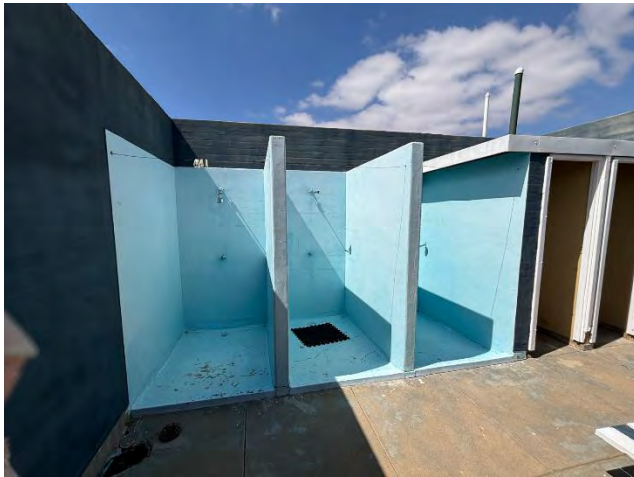


*Photo: Gangell Rd – Vegetation Clearing*

**Attachment B**



*Photo: Footpath Replacement Works*



*Photo: Before Pictures - Swimming Change Rooms Restoration*



*Photo: After Pictures - Swimming Change Rooms Restoration*



*Photo: Cemetery Works*



*Photo: Before Pictures - Recreation Centre Change Rooms*



*Photo: After Pictures - Recreation Centre Change Rooms*



*Photo: Before Pictures - Railway Barracks Accommodation*



*Photo: Before Pictures - Railway Barracks Accommodation*

### **10.3. GOVERNANCE AND COMPLIANCE**

#### **10.3.1. CHIEF EXECUTIVE OFFICER'S REPORT – JUNE 2026**

Applicant:	Not Applicable
Location:	Whole of District
Date:	11 June 2026
Reporting Officer:	Tom Kettle, Chief Executive Officer
Disclosure of Interest:	No interest to declare
File Number:	13.05.01
Attachment Reference:	NIL

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

*That Council accept the Chief Executive Officer's report as presented.*

#### **BACKGROUND**

This report is prepared by the CEO to inform Council and the Community about CEO activities and responsibilities, including progress against published plans and agreed performance criteria from 21 May to 18 June 2026.

#### **COMMENT**

The CEO continued to engage across a range of governance, community, regional and stakeholder meetings. These engagements have focused on progressing the 2026/27 budget, community engagement activities, regional collaboration, and strengthening relationships with key stakeholders.

Community engagement sessions were recently held at the Wyalkatchem Community Club and CRC to help shape Council's four-year priorities across the Council Plan, Access and Inclusion Plan and Public Health Plan, with sincere thanks extended to the host venues and community members for their valuable input and support.

The Men's and Ladies' Nights at the Wyalkatchem Club were well attended, and appreciation is extended to Sandra, Holyoake, MindSpot and Regional Men's Health for their contributions to these important community wellbeing initiatives.

Significant work continues across the organisation to maintain momentum and progress key priorities. During the reporting period, attention has been directed to the following key areas:

- Advancing CEACA-related planning and housing matters, including development approvals and regulatory support.
- Land management initiatives under the Town Action Plan to activate underutilised land, support housing and commercial opportunities, and stimulate local economic development within the Shire.
- Strengthening governance frameworks, including Audit and Risk Committee (ARIC) engagement and audit processes.
- Progressing record keeping and organisational systems improvements to support compliance and internal communication.

- Managing grant funding, acquittals and compliance reporting across multiple programs.
- Eastern Wheatbelt Regional Organisation of Councils (NEWROC) and Newtravel and the future direction of the Pioneer Pathways Advisory Group.

### **Key Meetings 21 May 2026 to 18 June 2026**

21 May Meeting with private citizen

21 May Budget Workshop and Ordinary Council Meeting

25 May Meeting with Pioneer Pathway Advisory Group

27 May online webinar with systems service provider

28 May Council Briefing with CBH Group

3 June Community Engagement session 1

4 June Community Engagement session 2

4 June Meeting with Local Health Advisory Group and WACHS

8 June Meeting with representative of state recreation organisation

9 June NEWROC Executive

9 June NEWTRAVEL Committee Meeting

10 June Meeting with regional local business

11 June WALGA Great Eastern Country Zone Meeting

Strong progress has been made across budget development, community engagement and regional collaboration, with a continued focus on advancing governance, housing and land initiatives, and strengthening partnerships to deliver community and economic outcomes.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Section 5.41 Role of the Chief Executive Officer.*

*Section 5.56 Planning for the future.*

### **POLICY IMPLICATIONS**

There is no policy directly relevant to this report.

### **FINANCIAL IMPLICATIONS**

There is no direct financial implication to this report. The CEO seeks to add value to Council Decisions and maximise community benefit of operations and project outcomes.

### **RISK IMPLICATIONS**

There is no direct risk implication to this report.

### **COMMUNITY AND STRATEGIC OBJECTIVES**

All areas of the Strategic Community Plan are relevant to this report. The Acting CEO is actively examining opportunities for progress against the Plan.

### **10.3.2. AUDIT RISK AND IMPROVEMENT COMMITTEE**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	14 May 2026
Reporting Officer:	Tom Kettle, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.3.2 – Revised Terms of Reference

### **VOTING REQUIREMENT**

Simple Majority

### **AUDIT AND RISK COMMITTEE RECOMMENDATION**

*That Council adopt the updated Terms of Reference as presented in Attachment 1.*

### **BACKGROUND**

The purpose of this report is for the Council to consider the adoption of the Audit, Risk and Compliance (ARC) Committee updated Terms of Reference (ToR).

These updates reflect recent legislative reforms introduced under the Local Government Amendment Act 2024.

This report was presented to the 21 May 2026 Ordinary Council Meeting, however voting on the ToR was inadvertently missed.

### **COMMENT**

The ARC Committee is a formally constituted committee of the Shire of Wyalkatchem Council, established under Section 7.1A and 5.8 of the Local Government Act 1995. The Committee provides independent oversight of the Shire's financial management systems, audit processes, risk governance, and compliance initiatives.

Recent reforms to the Local Government Act 1995, effective from December 2024, have introduced significant changes to the governance and operation of council audit and risk committees. These include:

- Reclassification of audit committees as Audit, Risk and Improvement Committees (ARICs) to reflect a broader scope of responsibilities.
- Mandatory appointment of an independent presiding member, who must not be a council member or employee of the local government.
- Clarification of committee structure, including the roles of presiding members, deputy presiding members, and committee members.
- Provisions for shared ARICs among smaller local governments to reduce resource burdens.

The Shire's ARC reviewed the ToR at its' meeting on 16 April 2026 and endorsed the ARIC Tor provided in attachment 1.

The key changes include the following:

- Legislative (title) – Audit Risk and Management Committee amended to Audit, Risk and Improvement Committee (ARIC).
- Legislative (membership) – amendment for the inclusion of at least one independent member who must be the presiding member. Should the Council resolve to appoint a deputy presiding member, this person must also be independent.
- Legislative (chair) – amendment to the appointment of presiding member and deputy presiding member by absolute majority decision of the Council.
- Clarity and structure amendment – the implementation of a work plan to guide undertaking of tasks and responsibilities for the calendar year.
- Clarity amendment – update of the definition of the oversight responsibilities including improvement, risk management, internal control, external audit, financial reporting and compliance.

The delegated authority and role of the committee remains as provided for in the Shire's delegation register and aligned to relevant legislation.

The ToR have been drafted to provide the Council with the flexibility to appoint a minimum of three and a maximum of seven Councillors to the newly constituted ARIC. It is recommended that four Councillors are appointed to the ARIC with the independent presiding member as this creates an uneven number for voting purposes. The ARIC also reports to the Council, so it is standard practice not to include all Councillors however this is a decision for the Council to make.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995 – Section 7.1A, section 5.8 and 5.10*  
*Local Government Amendment Act 2024*  
*Local Government (Audit) Regulations 1996*

## **POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

## **FINANCIAL IMPLICATIONS**

There are no financial implications applicable to this item.

## COMMUNITY & STRATEGIC OBJECTIVES

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan 2024-2034.

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance
11.3	Ongoing long term financial planning and transparent financial management



# Audit, Risk and Improvement Committee Terms of Reference

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## **1. Purpose**

The purpose of this document is to define the Terms of Reference (TOR) for the Audit, Risk and Improvement Committee (the "ARIC" or "Committee").

These TOR describe the Committee's purpose, authority, membership, functions, reporting requirements and responsibilities.

## **2. ESTABLISHMENT**

2.1. The ARIC is a formally appointed committee of the Council for the Shire of Wyalkatchem (the "Shire") pursuant to section 7.1A of the *Local Government Act 1995* ("the Act").

2.2. Appointment of members is by absolute majority of Council in accordance with section 7.1A(2) of the Act.

## **3. Role**

The ARIC is to provide guidance and assistance to Council concerning matters within its Terms of Reference. It assumes a key role in assisting the Shire in fulfilling its governance and oversight obligations related to financial reporting, internal controls, risk management systems, legislative compliance, ethical accountability, and internal and external audit functions.

## **4. Authority and Independence**

The ARIC does not have executive powers or authority to implement actions in areas over which the administration (management) has responsibility. Furthermore, the ARIC does not have any delegated financial responsibility. This ensures that the ARIC can fulfill its function as an impartial advisory body separate from the Shire's management, thereby ensuring objective assessments and guidance.

Under the Shire's Register of Delegated Authority, the ARIC has:

4.1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].

4.2. Authority to:

4.2.1. examine the report of the Auditor and determine matters that require action to be taken by the Shire; and

4.2.2. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].

4.3. Authority to review and endorse the Shire's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].

## **5. Membership**

5.1. The ARIC will comprise five (5) to nine (9) members.

5.2. The Chief Executive Officer and employees of the Shire are not members of the Committee.

5.3. All members shall have full voting rights and will be appointed by an absolute majority decision of the Council (s. 5.10 of the Act).

5.4. The Presiding Member cannot be a Council Member of the local government or of any other local government.

5.5. Any deputy Presiding Member cannot be a Council Member of the local government or of any other local government.

5.6. Council may appoint up to seven (7) Councillors to be members of the Committee.

5.7. Council may appoint up to two (2) independent members and they must fulfill the Presiding Member and Deputy Presiding Member roles.

## **6. Term**

6.1. In Compliance with section 5.11 of the Act, all members will be appointed by the Council and will remain a member until:

- a. The term of the person's appointment as a committee member expires; or
- b. The local government removes the person from the office of committee member, or the office of the committee member otherwise becomes vacant; or
- c. The committee is disbanded; or
- d. The next ordinary elections day.

## **7. Appointment**

7.1. The Presiding Member will be appointed by the Council at a meeting of the Council following an Election.

7.2. The Deputy Presiding Member will be appointed by the Council at a meeting of the Council following an Election should the Council resolve to appoint two (2) independent members.

## **8. Skills and Experience**

8.1. Collectively, the group of Committee members possess a diverse set of skills and expertise encompassing risk management, assurance, business acumen and background in related

fields.

8.2. Members may seek advice from an external independent advisor. The independent advisor must be able to demonstrate expertise and knowledge in at least one of the disciplines of financial risk management, corporate governance, risk management or auditing. The independent advisor will also have demonstrated understanding and/or experience in:

- Accounting Standards (AASB),
- *Local Government Act 1995*,
- Local Government Experience.

8.3. New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

## **9. Declaration of Interest**

9.1. Committee members are required by the Act and the Code of Conduct to observe the requirements of declaring any financial, proximity or impartiality interests that relate to any matter to be considered at each meeting.

## **10. Resignation**

10.1. In accordance with regulation 4 of the *Local Government (Administration) Regulations 1996*, a committee member may resign from membership of the Committee by giving the CEO or the Committee's presiding member written notice of the resignation. It is recommended that the committee member provide a notice period of three (3) months.

## **11. Administration attendance**

11.1. The following individuals from the Shire's administration will be present at Committee meetings to offer advice, guidance and undertake the responsibility of recording minutes:

- Chief Executive Officer,
- Manager Corporate Services,
- Governance Coordinator, and
- Other invited officers as required.

## **12. Meetings**

12.1. The Committee shall meet at least quarterly.

12.2. The Presiding Member of the Committee has the authority to convene extra meetings, or such meetings may be convened upon the request of the Chief Executive Officer.

12.3. The Committee meetings are generally open to the public unless the Presiding Member or Chief Executive Officer deem it necessary to proceed behind closed doors pursuant to section 5.23 of the Act.

12.4. All Elected Members are invited to attend each Committee meeting but will not be eligible to vote on any items presented at the meeting.

12.5. As prescribed by section 5.19 of the Act, the quorum for a Committee meeting shall be at least 50% of the number of offices of the Committee (whether vacant or not).

12.6. The Chief executive officer will facilitate the meetings of the Committee and invite members of the management, external auditors or others to attend the meetings as

observers and to provide pertinent information as necessary.

- 12.7. The committee will develop a forward meeting schedule that includes the dates, locations and a proposed work plan for each meeting for the forthcoming year, which covers the responsibilities outlined in these terms of reference.
- 12.8. Meeting agendas will be prepared and provided at least 72 hours in advance to members, along with appropriate briefing materials.
- 12.9. Minutes of the meeting will be taken and presented to the subsequent meeting for confirmation.
- 12.10. Pursuant to regulation 13 of the *Local Government (Administration) Regulations 1996*, the unconfirmed minutes of the Committee meeting will be published within 7 days after the meeting is held.
- 12.11. Voting is in accordance with section 5.21 of the Act.

### **13. Responsibilities**

The Committee will fulfill the following responsibilities:

#### 13.1. Improvement

- Review and advise on the effectiveness of improvement initiatives, including those arising from audits, external reviews and strategic planning processes.
- Monitor the implementation of agreed recommendations to ensure they are actioned appropriately and contribute to enhanced organisational performance.
- Identify systemic issues or trends that require broader organisational attention or policy level responses.

#### 13.2. Risk Management and Fraud Risk Management

- Reviews and advises on the adequacy and appropriateness of the Shire's risk management framework and its capacity to effectively identify, assess, and manage key risks.
- Assesses whether a sound and effective approach has been adopted in managing major risks across the organisation, including those associated with strategic projects, program delivery, and operational activities.
- Reviews the development and implementation of fraud control arrangements and provides assurance that appropriate systems and processes are in place to detect, report, and respond to fraud-related matters.
- Advises on the effectiveness of business continuity and disaster recovery planning, including whether these plans are subject to regular review and testing to ensure organisational resilience.
- Considers emerging risk trends and systemic issues, and reports these to Council where appropriate.

#### 13.3. Internal Control

- Ensure adequate systems of internal control are in place to mitigate key business risks and promote the effectiveness and efficiency of operations.
- Approve and review all audit reports and provide advice to the council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
- Monitor management's implementation of audit recommendations, processes and practices to ensure that the independence of the audit function is maintained.
- Oversee the coordination of planned activities among the four lines of defence, delineating ownership, accountabilities, resources and governance of risk management activities within the Shire.

#### 13.4. External Audit

- Meet with the Office of the Auditor General to discuss the audit plan (audit entrance meeting) and the results of the financial audit (audit exit meeting).
- Consider the findings and recommendations of relevant Performance Audits undertaken by the external auditor and ensure the Shire implements relevant recommendations.
- Meet with the external auditors to discuss any matters that the Committee or the external auditors believe should be discussed privately.
- Annually review and suggest improvements to the performance of external audit including the level of satisfaction with the external audit function.
- Monitor management's implementation of external audit recommendations.

#### 13.5. Financial Reporting

- Review and suggest improvements to significant accounting and reporting issues, including complex or unusual transactions and highly judgemental areas, and recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.
- Review and suggest improvements to the process for the consolidation of financial information of the Shire related entities into the financial reports of the Shire.
- Review with management and the external auditors all matters required to be communicated to the ARIC under the Australian Auditing Standards and suggest improvements if required.
- Review and suggest improvements (subject to legislation) to the draft Annual Financial Statements (subject to legislation) and recommend the adoption of the Annual Financial Statements to Council.

#### 13.6. Compliance

- Review and suggest improvements to the systems and processes to monitor effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.
- Keep informed of the findings of any examinations by regulatory agencies and any

auditor (internal or external) observations and monitor management's response to these findings.

- Obtain updates from management about compliance matters.
- Review and suggest improvements to the annual Compliance Audit Return (subject to legislation) and report to the Council the results of the review.

#### 13.7. Reporting

- Report regularly to the Council on Committee activities, issues and related recommendations through the circulation of minutes.

#### 13.8. Other Responsibilities

- Perform other activities related to these terms of reference as requested by the Council or through audit recommendations.
- Request that the Chief Executive Officer perform a review after an Election, suggest improvements to and assess the adequacy of the Committee terms of reference, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.



### **10.3.3. CEO PERFORMANCE REVIEW POLICY AND COMMITTEE**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	11 June 2026
Reporting Officer:	Tom Kettle, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	22.19
Attachment Reference:	Attachment 10.3.3 – Proposed CEO Performance Review Policy

#### **OFFICER'S RECOMMENDATION 1**

##### **VOTING REQUIREMENT**

Simple Majority

*That Council adopt the CEO Performance Review Policy per attachment 1.*

#### **OFFICER'S RECOMMENDATION 2**

##### **VOTING REQUIREMENT**

Absolute Majority

*That Council:*

- 1. Establish the CEO Performance Review Committee under section 5.8 Local Government Act 1995, and*
- 2. Appoint Councillor Petchell, Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ as members of the Committee under section 5.10 Local Government Act 1995.*

#### **OFFICER'S RECOMMENDATION 3**

##### **VOTING REQUIREMENT**

Absolute Majority

*That Council:*

- 1. Appoint Councillor Petchell as the Presiding Member of the Committee, and*
- 2. Appoint Councillor \_\_\_\_\_ as the Deputy Presiding Member,*  
*under section 5.12 Local Government Act 1995.*

#### **BACKGROUND**

The CEO Performance Review Policy has been developed to formalise the Shire's approach to reviewing the performance of the Chief Executive Officer (CEO) in accordance with legislative requirements and best practice.

Under section 5.38 of the *Local Government Act 1995*, Council is required to review the performance of the CEO at least once annually.

Recent reforms and guidance from the Department of Local Government, as well as the Model Standards for CEO performance reviews, necessitate a clear, structured, and transparent policy framework.

### **COMMENT**

The draft policy establishes a formal, consistent, and compliant framework for undertaking CEO performance reviews. Key elements include:

- Legislative alignment with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.
- Annual review of CEO performance, including KPIs and remuneration.
- Establishment of a CEO Performance Review Committee, comprising at least three elected members and chaired by the Shire President.
- Option to engage an independent consultant to ensure objectivity and procedural fairness.
- A structured review process including:
  - KPI development aligned to the Council Plan
  - Collection of Councillor feedback
  - Preparation of a performance appraisal report
  - CEO right of response
  - Committee recommendation to Council
- Requirement for Council to determine the outcome by absolute majority.
- Emphasis on fairness, impartiality, evidence-based assessment, and CEO development.
- Confidential handling of performance information.

The policy also recognises the role of the Salaries and Allowances Tribunal (SAT) in determining remuneration parameters and reflects the Shire's Band 4 classification.

The CEO is currently within the six-month probation period outlined within the contract of employment. The adoption of the Policy and establishment of the Committee will provide time for the Committee to meet and establish annual KPI's in anticipation of the probation period ending in August 2026.

This approach will strengthen governance, ensure compliance, and provide clarity to both Council and the CEO regarding expectations and processes.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995 – Sections 5.8, 5. 10, 5.12, 5.38(1) and section 5.39*

*Local Government (Administration) Regulations 1996 – Regulation 18FA, Schedule 2, Division 3 – Standards for Review of Performance of CEO's*

*Salaries and Allowances Tribunal Annual Determination – sections 7A and 8*

### **POLICY IMPLICATIONS**

This is a new Policy.

### **FINANCIAL IMPLICATIONS**

There are no financial implications applicable to this item, however the appointment of an independent consultant to support the process will have costs associated.

### **COMMUNITY & STRATEGIC OBJECTIVES**

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan 2024-2034.

<b>Pillar 1 Community</b>	<b>Statement of Strategic Outcome:</b> Our community is inclusive, it is a place where people feel valued, and have access to opportunities to build their own capacity, lead healthy lifestyles and stay connected.
<b>Goal No.</b>	<b>Support for community groups, volunteers and clubs</b>

## CEO PERFORMANCE REVIEW POLICY

Responsible Department	CEO
Former policy Reference	Nil
Resolution Number	
Resolution Date	
Last Amendment Date	New Policy
Shire Related Documents	Staff and Elected Members related party disclosures
Related Legislation	<p>Local Government Act 1995 – section 5.38(1) and section 5.39</p> <p>Local Government (Administration) Regulations 1996 – Regulation 18FA, Schedule 2, Division 3 – Standards for Review of Performance of CEO’s</p> <p>Salaries and Allowances Tribunal Annual Determination – sections 7A and 8</p>

### OBJECTIVE

To provide guidance on the process to be followed in relation to the Chief Executive Officer’s (CEO) performance review, to ensure that it is based on the principles of fairness, integrity and impartiality.

### POLICY SCOPE

Application of this policy is to be in conjunction with all relevant legislation, including the Model Standards for CEO Recruitment, Performance and Termination Performance, and the Departmental Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, and all other relevant policies, procedures and processes of the Shire.

The Salaries and Allowances Tribunal (SAT) determines the parameters for local government CEO Total Remuneration Packages, and all components of the CEOs remuneration need to comply with the relevant SAT requirements.

The SAT has classified the Shire of Wyalkatchem as a Band 4 local government.

Any changes to the CEO’s performance agreement or performance plan, such as changes to the KPIs, must be discussed and agreed to by both the Council and the CEO.

This policy also applies to the CEO’s probation review.

### POLICY STATEMENT

Section 5.38 of the Local Government Act 1995 requires Council to review the performance of the CEO at least once each year. Conducting this review is an important function of Council as the CEO is its only employee.

As part of this review, the Council will conduct an annual review of the CEO’s remuneration package and key performance indicators (KPIs).

The performance review process is to:

- Be objective and based on facts and evidence
- Be conducted in a fair and reasonable manner based on agreed performance indicators
- Support and facilitate CEO development
- Recognise achievement and support performance improvement.

### **Performance Review Committee**

The Council will appoint a CEO Performance Review Committee (the Committee) to undertake the CEO's performance review.

Membership of the Committee will be determined every 2 years, following the Ordinary Council Election.

The Presiding Member of the Committee will be the Shire President. The Committee will include a minimum of three elected members (inclusive of the Shire President).

The primary functions of the Committee are to:

- Recommend to Council the process by which the CEO's performance be reviewed.
- Recommend the engagement of an appropriately experienced independent consultant, if deemed appropriate, for the purposes of assisting to conduct the performance process, in consultation with the CEO.
- Oversee the performance review process in accordance with this policy.
- Endorse the independent consultant performance appraisal report for consideration by Council.
- Develop the performance agreement and KPIs with the CEO for approval by Council.

### **Independent Consultant**

Council may engage an independent consultant (facilitator) to assist with the process of the CEO performance review and the development of a performance agreement (inclusive of KPIs).

The independent consultant will have extensive experience in performance reviews of senior executives and local government experience.

The independent consultant should not have any interest in, or relationship with, the Council or the CEO.

The role of the independent consultant is to:

- Develop KPIs with the Committee and the CEO
- Prepare the performance agreement and assessment plan
- Collect, collate and report performance evidence
- Survey and interview Council members
- Facilitate meetings between the CEO, Committee and Council
- Assist with the provision of feedback to the CEO
- Formulate plans to support improvement (if required)
- Provide objective view regarding any performance management related matters between the Council, Committee and CEO

Council employees will not be involved in the CEO's performance review, except as requested by the Council to prepare agendas and take minutes.

Should a consultant not be appointed, then prior to the commencement of the review process, agreement will need to be made on who will write the report.

### **Process to Assess Performance**

The Committee will establish KPIs for the year with the CEO for approval by the Council.

At least once per year, the Committee will convene to assess the CEO's performance against the agreed KPIs, and set new key performance indicators for the next review period.

At the request of the Shire President, the CEO will prepare a formal report on the Shire's achievements against the agreed KPIs for the year and provide this report to the consultant to enable distribution to all Councillors.

The consultant will seek constructive feedback from all Councillors on the CEO's performance against the agreed KPIs in the form of a feedback questionnaire.

The consultant will prepare a performance appraisal report on the feedback received for consideration by the Committee.

The CEO will be provided with a copy of the report in advance of the Committee, and will be given an opportunity to provide a formal reply.

The Committee will consider the performance appraisal report, together with the response from the CEO, and make a recommendation to Council on:

- The findings of the CEO Performance appraisal report.
- Whether or not an improvement plan is required
- The findings of the remuneration review (having regard to the SAT determination)
- Draft KPIs for the next 12 months (in consultation with the CEO)

The Council will consider the recommendations of the Committee and determine by absolute majority whether or not to accept and endorse the CEO's performance review.

The CEO will be advised in writing of the Council's decision.

### **Key Performance Indicators (KPIs)**

The CEO's KPIs are to be aligned to the themes and goals contained in the Shire's Council Plan.

Additional, specific, CEO performance actions may also be agreed to by both the Council and the CEO, and may be kept confidential if they relate to a human resources matter.

KPIs are to be reviewed annually.

Council is responsible for ensuring the CEO is provided with the appropriate resources and support to facilitate the achievement of performance indicators.

### **KPIs setting and performance period**

Where possible, the CEO KPIs setting and the performance review process should be transitioned over time to align with business planning processes, including the adoption of the Corporate Business Plan and Annual Budget.

### **Confidentiality**

The consultant is responsible for ensuring accurate and comprehensive records are kept of the CEO's performance review process. Following Council's endorsement of the CEO's performance review assessment, all paperwork is to be provided to the Manager Corporate Services for capturing in the Shire's document management system.

Information relating to the CEO's performance assessment is to be kept confidential, with the exception of the KPIs.

#### 10.3.4. DISPOSAL OF LOT 330 ON DEPOSITED PLAN 209541

Applicant:	Shire of Wyalkatchem
Location:	Lot 333 on Deposited Plan 209541
Date:	11 June 2026
Reporting Officer:	Tom Kettle, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	05.02
Attachment Reference:	Attachment 10.3.4 – Current Land Valuation

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

*That Council:*

1. *Authorises the proposed disposal of the property described as Lot 333 on Deposited Plan 209541 as contained in Certificate of Title Volume 2679 Folio 298 by way of sale,*
2. *Pursuant to section 3.58(3) of the Local Government Act 1995, authorises the Chief Executive Officer to:*
  - o *Prepare and publish a local public notice of the proposed disposition, including:*
    - *A description of the property;*
    - *Details of the proposed disposition, including consideration and parties; and*
    - *An invitation for public submissions for a period of not less than 14 days.*
3. *Authorises the Chief Executive Officer to consider any submissions received during the advertising period.*
4. *Authorises the Chief Executive Officer to finalise and execute the disposal of the land on behalf of the Shire of Wyalkatchem where no submissions are received, or where no submissions object to the proposed disposal, including the execution and affixing of the common seal on documents under the Local Government Act 1995.*
5. *Where submissions are received objecting to the proposed disposal, requires a report to be presented back to Council for consideration.*

#### BACKGROUND

The Shire owns the land described as:

- **Lot:** Lot 333 on Deposited Plan 209541 as contained in Certificate of Title Volume 2679 Folio 298
- **Address:** Mitchell Street, Wyalkatchem
- **Zoning:** Industrial
- **Area:** as below



The land has been assessed as no longer required for current or future service delivery and suitable for disposal.

An expression of interest has been received from Rick Jones and Elaine Bland as owners of Expanse Engineering Pty Ltd.

#### **COMMENT**

The *Local Government Act 1995* section 3.58 of requires that, before disposing of property, a local government must either comply with the statutory advertising provisions or satisfy the criteria for an exempt disposition. In this instance, the proposed disposal is not exempt and therefore must be advertised for public comment for a minimum period of 14 days.

The proposed disposal relates to land described as Lot 333 on Deposited Plan 209541 as contained in Certificate of Title Volume 2679 Folio 298, which Council has determined is surplus to operational requirements and suitable for disposal to stimulate local economic development.

The proposed purchaser is Expanse Engineering Pty Ltd (Expanse Trust) and the agreed consideration is \$22,500, which is supported as the mid-point value contained in the current market valuation (attachment 1). This approach ensures that the local government is achieving an outcome consistent with the requirement to demonstrate market value or otherwise clearly justify the basis of disposal.

Advertising the proposal will provide the community with an opportunity to make submissions on the proposed disposal, ensuring transparency and compliance with legislative requirements. Any submissions received during the advertising period must be considered prior to the finalisation of the disposal.

To improve administrative efficiency while maintaining appropriate governance oversight, it is proposed that the Chief Executive Officer be authorised to review any submissions received. Where no submissions are received, or where submissions are received but do

not object to the proposed disposal, the Chief Executive Officer will be authorised to proceed with finalising and executing the disposal on behalf of the local government.

In the event that any submission objects to the proposed disposal, the matter will be returned to Council for consideration and determination. This approach ensures that Council retains decision-making authority in circumstances where there is community concern, while allowing straightforward disposals to proceed without unnecessary delay.

Overall, the proposed process achieves compliance with section 3.58, provides appropriate transparency to the community, and reflects a pragmatic and efficient governance approach consistent with sector practice.

## STATUTORY ENVIRONMENT

*Local Government Act 1995*  
*Section 3.58 – Disposal of property*

*Local Government (Functions and General) Regulations 1996*  
*Relevant provisions regarding exempt dispositions*

## POLICY IMPLICATIONS

Nil.

## FINANCIAL IMPLICATIONS

There are minor financial implications associated with disposal of the land including land valuation, advertising and conveyancing. These costs are provided for in the 2025/26 consultancy budget and are recouped through the sale of the property.

## RISK IMPLICATIONS

There are minor compliance, reputational and financial risks associated with disposal of property by advertising under section 3.58. These risks are mitigated by advertising for public submissions and referring the matter back to the Council should objections be received and the inclusion of an independent land valuation.

The upside opportunity is through supporting local economic development.

## COMMUNITY & STRATEGIC OBJECTIVES

The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan 2024-2034.

<b>Pillar 1 Economy</b>	<b>Statement of Strategic Outcome:</b> Local industry is sustained and can expand with critical and enabling infrastructure. The visitor economy diversifies our local economy and we enhance our community profile.
<b>Goal No.</b>	<b>GOAL 3.</b> Support entrepreneurship

3.2	Support initiatives by business groups in Wyalkatchem
-----	---

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance
11.3	Ongoing long term financial planning and transparent financial management



Mr Tom Kettle  
Chief Executive Officer  
Shire of Wyalkatchem  
PO Box 224  
Wyalkatchem WA 6485

Dear Tom

## DESKTOP LEASE ESTIMATE Lot 330 Mitchell Street WYALKATCHEM

We refer to your email dated 13<sup>th</sup> April 2026 requesting a desktop value estimate for Lot 330 Mitchell Street, Wyalkatchem, for sale purposes.

### Valuation Standards

This valuation is made in accordance with the valuation standards of the Australian Property Institute and the Commissioner for Consumer Protection (WA).

### Property Address(s)

Mitchell Street, Wyalkatchem.

### Legal Description

The subject property is legally described as being Lot 330 on Deposited Plan 209541 as contained in Certificate of Title Volume 2679 Folio 298.

If legal advice as to the effect of encumbrances or any other matter contained therein is at variance with the facts or opinions set out in this report and may materially affect the value assessment, we reserve the right to reconsider the valuation.

### Registered Proprietor(s)

Shire of Wyalkatchem

(T K466925) Registered 04/11/2007.

### Encumbrance(s)

Unknown.

*Certificate of Title has not been searched; aforesaid details obtained from  
"Landgate Land Enquiry Services".*

### Date of Desktop Value Estimate

15<sup>th</sup> April 2026

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Email: ron@rvwa.com.au  
PO Box 601 Mount Hawthorn WA 6016

Rural Valuations W.A. Pty Ltd (ACN 610 385 521) ATFT Sawyer Trading Trust (ABN 72 297 343 934) TA Urban & Rural Valuations.  
Liability limited by a scheme approved under Professional Standards Legislation.

## Site Area

The subject allotment comprises an area of about 1861 square metres, with frontage to Michell Street, it also touch's Ferries Street on its eastern most corner.



Source: Landgate Map Viewer Plus.

## Zoning/Authority

Zoned Light Industry under the Shire of Wyalkatchem Local Planning Scheme No.4 (District Scheme).

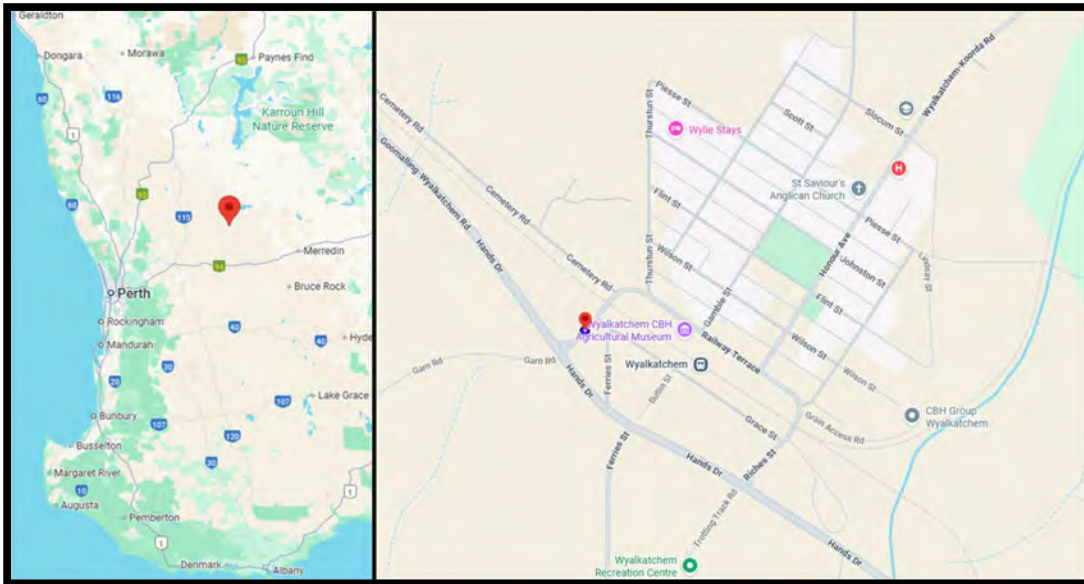


Source: W.A.P.C.

## Location

The subject property is situated within the township of Wyalkatchem, being within the municipal boundaries of the Shire of Wyalkatchem.

Wyalkatchem is located approximately 106 kilometres north-east of the regional centre of Northam and about 192 kilometres north-east of the Perth Central Business District. The local economy is primarily agricultural in nature, based on broadacre cropping and livestock grazing.



Source: Google maps.

## Cultural and Heritage Issues

This Desktop Value Estimate is on the assumption that the subject property is not affected or is not likely to be affected by the provisions of current Commonwealth and State Legislation dealing with Cultural and Heritage issues.

Should subsequent investigations show that the site has Cultural or Heritage issues then we reserve the right to reassess the current market value of the subject property.

## Highest and Best Use

The highest and best use of the property is light industry.

## Improvements

### 1. Shed

A circa 15 sqm shed.

Added value: \$ Nil.

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## Services

Telephone, electricity, **deep sewer** (nearby) and **scheme water**.



Source: <https://www.watercorporation.com.au>

## Photographs



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Source: Shire Wyalkatchem.

## General Comments

The subject property has not been physically inspected by the valuer for this Desktop Value Estimate.

## Market Methodology

The most appropriate method of valuation for a property of this nature is direct market comparison whereby the subject property is compared with sales of comparable properties and adjustments made for points of difference.

## Market Evidence

In forming our opinion of value, we have had regard to the following sale transactions.

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Address	Contract Date	Sale Price
1. 55 Cottrell Street DOWERIN	November 2025	\$30,000 exclusive of GST

**Brief Description** Two contiguous light industrial allotments with total area of 4,127 sqm.  
 Nil improvements. Shows a land value of \$30,000 and being \$7.27 / sqm.  
 Unknown if agent involvement.  
 Purchaser Richard Newman.  
 Vendor Ann Rakham.  
 Located some 36 linear kilometres west of the subject reserve.

**Comparison to Subject** Larger quantum area. Comparable township. Comparable zoning. Superior quantum land value, with inferior land value rate per sqm to the subject land.



Source: Landgate & Streetview photo.

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**2. Lots 50 & 51 Cemetery Road WYALKATCHEM****July 2024****\$34,000  
exclusive of GST****Brief Description**

Two contiguous light industrial allotments with total area of 2197 sqm.

Improvements comprise a Timber Frame & Tile office (12sqm) and attached Shed (36sqm), added value considered to be \$9,000.

**Site has been decommissioned, as evident from recent drone photo's.**

Suggests land value of \$25,000 and being \$11.38/sqm

Unknown if Agent involvement.

Purchaser Geraldton Fuel Co Pty Ltd.

Vendor Ampol Ltd.

Located some 1200 linear metres southwest of the subject reserve.

**Comparison to Subject**

Larger quantum area. Same township, comparable position. Comparable zoning.

Superior quantum value, comparable land value, with broadly comparable land value rate per sqm to the subject land.



Source: Landgate & drone photo's.

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PO Box 601 Mount Hawthorn WA 6016

**3. Lot 80 Railway Terrace WYALKATCHEM****November 2024****\$14,000  
exclusive of GST****Brief Description**

A commercial allotment of 1012 sqm.

Nil improvements, shows a land value of \$14,000 and being \$13.83/sqm.

Agent involvement unknown.

Purchaser James Thomson.

Vendor Ian Gericke.

Located some 1000 linear metres southwest of the subject reserve.

**Comparison to Subject**

Smaller allotment. Same township, superior position. Superior zoning. Inferior quantum value, inferior land value, with slightly superior land value rate per sqm to the subject land.



Source: Landgate and Streetview (Image capture February 2025).

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Rural Valuations W.A. Pty Ltd (ACN 610 385 521) ATFT Sawyer Trading Trust (ABN 72 297 343 934) TA Urban & Rural Valuations  
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**4. Lots 417 & 418 Butlin St WYALKATCHEM    DATED                      August 2021                      \$180,000  
exclusive of GST**

<b>Brief Description</b>	<p>Two contiguous light industrial allotments, with a quantum land area of 4042 sqm. Improvements a 960 sqm Colourbond shed, added value considered to be \$150,000. Suggests a land value of \$30,000 and being \$7.42/sqm. Negotiated without agent involvement. Purchaser Shire of Wyalkatchem. Vendor James Fletcher. Located some 1200 linear metres southwest of the subject reserve.</p>
<b>Comparison to Subject</b>	<p>Larger quantum area. Same township, comparable position. Comparable zoning. Superior quantum value, superior land value, with inferior land value rate per sqm to the subject land.</p>



Source: Landgate & file photo's.

---

## Desktop Value Estimate Rationale

After consideration of the above-mentioned sales, particularly with Sale 2 in mind and relevant market data generally, the subject property is considered to have a market value range of **\$20,000 (\$10.75/sqm) to \$25,000 (\$13.43/sqm)**; with a mid-point value of **\$22,500 (\$12.09/sqm)**.

## Desktop Value Estimate

Accordingly, the subject land as at **15<sup>th</sup> April 2026**, is considered to have a **Market Value range (exclusive GST)**, of **\$20,000 - \$25,000** with a midpoint **Market Value of \$22,500**.

Accordingly, market value range for negotiation purposes is considered to be **\$20,000 - \$25,000 (exclusive GST)**.



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**Ron Sawyer**

Certified Practising Valuer (No. 64838)

W.A. Licensed Valuer (No. 41648)

**15<sup>th</sup> April 2026**

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## Assumptions, Conditions and Limitations

<b>Desktop Value Assessment</b>	<i>This Desktop Value Estimate is merely an indicative assessment made without the benefit of an inspection of the subject property. If a formal valuation of the subject property is made based on an inspection it may vary significantly from the results of this Desktop Value Estimate. The client should be aware that the Desktop Value Estimate methodology carries with it risks which entail a degree of likely variation greater than might be expected to be produced by a Valuation.</i>
<b>Third Party Disclaimer</b>	<i>This Desktop Value Estimate has been prepared for the private and confidential use of Main Roads to assist with value estimation purposes only. It should not be reproduced in whole or part without the express written authority of Urban &amp; Rural Valuations or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so.</i>
<b>Reliance on Whole Report</b>	<i>This value estimate should be read in its entirety. The valuer does not accept any responsibility where part of this report has been relied upon without reference to the full context of the value estimate report.</i>
<b>Market Change Disclaimer</b>	<i>This Desktop Value Estimate is current as at the date of value only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.</i>
<b>Market Value</b>	<i>Market value is "the estimated amount for which an asset or liability should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion".</i>
<b>Mortgage/Finance Purposes</b>	<i>This format does not meet Practice Standards for valuations for mortgage/finance purposes and is specifically not suitable for this purpose. No valuation report provided by Urban &amp; Rural Valuations can be used in any form whatsoever for the purpose of obtaining finance or for mortgage security purposes.</i>
<b>Determination of G.S.T. amount.</b>	<i>The relevant amount of GST should be determined by a taxation professional. We advise that we are not taxation or legal experts, and we recommend competent and qualified advice be obtained. Should this advice vary from our interpretation of the legislation and Australian Taxation Office rulings current as at the date of this valuation, we reserve the right to review and amend our valuation accordingly.</i>
<b>Heritage Disclaimer</b>	<i>Our value estimate has been assessed having regard to the nature of any buildings on the property and any known heritage listings. However, we have not obtained formal confirmation of heritage listings beyond what is available in the public domain and identified in this report. Our valuation assumes, unless otherwise specified, that any heritage issues (including Aboriginal) do not impact on the continued and/or highest and best use of the property. If there is doubt in relation to such issues, we recommend written application be made to the relevant authorities.</i>
<b>Native Title Assumption</b>	<i>We are not experts in native title, or the property rights derived there from and have not been supplied with appropriate expert advice or reports. Therefore, this valuation is made assuming there are no actual or potential native title interests affecting the value or marketability of the property.</i>

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<b>Environmental Disclaimer</b>	<i>This report is not an environmental audit, and no advice is given in any way relating to environmental matters. Any comment given as to environmental factors in relation to the property are not given in the capacity as an expert. This assessment of value (unless specified otherwise) is made on the basis that the property is free of contamination or environmental issues affecting the property not made known to the valuer. In the event the property is found to contain contamination the matter should be referred to this office for comment. Given contamination issues can have a significant impact on the Market Value of the property, we reserve the right to review and if necessary, vary our valuation if any contamination or other environmental hazard is found to exist.</i>
<b>Inconsistencies in Assumptions</b>	<i>If there is found to be any variance, inconsistency or contradiction in any of the above assumptions then there may be a variation in the valuation assessed.</i>
<b>Land and Building Area Disclaimer</b>	<i>In the event actual surveyed areas of the property are different to the areas adopted in this valuation the survey should be referred to the valuer for comment on any valuation implications. We reserve the right to amend our valuation in the event that a formal survey of areas differs from those detailed in this report.</i>
<b>Planning Disclaimer</b>	<i>Town planning and zoning information was informally obtained from the relevant local and State Government authorities and is assumed to be correct. This information does not constitute a formal zoning certificate. Should the addressee require formal confirmation of planning issues then we recommend written application be made to the relevant authorities to obtain appropriate current zoning certificates.</i>
<b>Professional Standards</b>	<i>Our value estimate has been assessed in accordance with applicable International Valuation Applications and Technical Information Papers of the International Valuation Standards Committee and the Australian Property Institute Practice Standards and Guidance Notes.</i>

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**10.3.5. DELEGATIONS REGISTER REVIEW 2026**

Applicant:	Shire of Wyalkatchem
Location:	Whole of District
Date:	11 June 2026
Reporting Officer:	Tom Kettle, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	22.02.02
Attachment Reference:	Attachment 10.3.5 – Delegations Register

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICERS RECOMMENDATION:**

*That Council adopts the Delegations as presented in Attachment 1, Shire of Wyalkatchem Delegations Register, in accordance with section 5.46(2) of the Local Government Act 1995.*

**BACKGROUND:**

To review the delegations by Council to the Chief Executive Officer, Council Committees and other relevant employees in accordance with section 5.46(2) of the *Local Government Act 1995*

In early 2025 the then CEO engaged external consultants to undertake a comprehensive review of Council's Delegations made under various acts of parliament. The recommendations of that review were adopted by Council at the May 2025 Ordinary Council Meeting (see attached).

**COMMENT:**

The Local Government Act 1995 section 5.46 requires that delegations are reviewed at least once every financial year.

A desktop review has been undertaken by the Shire's Administration.

Due to the comprehensive review undertaken by Council in May 2025 no changes to the current Delegations Register are recommended.

Feedback was sought from the Council on any delegations that may require further investigation as part of the 2026 review at a workshop on 4 June 2026, with no requests for detailed review required.

The Delegation register per attachment 1 is recommended for adoption.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

*Section 5.42 allows for delegation of some powers and duties by the Council to the CEO. All delegations are to be in writing and must be determined by an absolute majority of Council.*

*Section 5.43 lists the powers or duties that a local government cannot delegate to the CEO.*

*Section 5.44 permits the CEO to delegate to an employee of the local government and also list the conditions that extend to this.*

*Section 5.46 requires that at least once every financial year, delegations are to be reviewed by the delegator.*

**POLICY IMPLICATIONS:**

The Policy Manual provides guidance on the use of delegated authority requiring alignment and consistency.

**FINANCIAL IMPLICATIONS:**

Nil

**COMMUNITY AND STRATEGIC OBJECTIVES:**

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls.
<b>Goal 11</b>	High standard of governance



Shire of Wyalkatchem  
202**5**/2**6**

# Delegated Authority Register

Shire of Wyalkatchem

DELEGATION REGISTER

Current as at .....

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## EXPLANATION NOTES

### General

Section 5.42 of the *Local Government Act 1995* allows a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows the Chief Executive Officer to place conditions on any delegations if desired. The powers cannot, however, be further sub delegated.

Other legislation details the possibility of Council delegating to the CEO, other employees, or other persons, pursuant to the:

- Building Act 2011
- Bush Fires Act 1954
- Dog Act 1974
- Cat Act 2011
- Food Act 2008
- Graffiti Vandalism Act 2016
- Public Health Act 2016
- Planning and Development Act 2005

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer.

The document also indicates delegations which the Chief Executive Officer intends to delegate to other staff, however this is for information/indication purposes only and may change from time to time at the discretion of the Chief Executive Officer.

The Register details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council.

### Transfer of Authority Due to Absence

Where an employee has been appointed by Council or by an employee authorised to make the appointment to act in a position to which the named employee is appointed, the authority shall transfer to the employee acting as appointed, for the duration of Council authorisation.

### Register of, and Records Relevant to, Delegations - Section 5.46

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

## Register of Delegations

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If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty.

The written record is to contain:

- How the person exercised the power or discharged the duty,
- When the person exercised the power or discharged the duty; and

The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

1. Local Government Act 1995 Delegations

**1** Local Government Act 1995 Delegations

**1.1** Council to Committees of Council

Nil

## 1. Local Government Act 1995 Delegations

### 1.2 Council to CEO

#### 1.2.1 Authorise a Persons to Perform Specified Functions under the *Local Government Act 1995*

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing  <i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 Pounds, establishing; poundkeepers and rangers, appointing
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to authorise persons for the purposes of <i>Part 3, Division 3, Subdivision 2 – Certain provisions about land - to exercise the Local Government's powers</i> under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24]</li> <li>2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)]</li> <li>3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)].</li> <li>4. Authority to authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 [s.9.24(1)(c) and (2)(b)].</li> <li>5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)].</li> <li>6. Authority to appoint fit and proper persons as poundkeepers or rangers [Misc.Prov.s.449].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. A register of Authorisations is to be maintained as a Local Government Record.</li> </ol>

**1. Local Government Act 1995 Delegations**

	<p>b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions.</p> <p>c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	<p>The appointment &amp; record keeping of authorisations are to be facilitated through Governance and kept in the "Appointment of Authorised Persons Register".</p> <p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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### 1. Local Government Act 1995 Delegations

#### 1.2.2 Performing Functions Outside the District

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.20(1) Performing functions outside district
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Determine the circumstances where it is appropriate <b>for the Local Government's functions to be performed</b> outside the district and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	a. A decision to undertake a function outside the district, can only be made under this delegation where there is a relevant Budget allocation, and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.3 Compensation - Damage Incurred when Performing Executive Functions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.22(1) Compensation s.3.23 Arbitration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol>
Council Conditions on this Delegation:	a. Delegation is limited to settlements which do not exceed a material value of \$50,000.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of 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].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.</li> <li>b. When exercising authority to authorise persons under s.3.31(2): <ul style="list-style-type: none"> <li>• A register of Authorisations is to be maintained as a Local Government Record.</li> <li>• Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>• Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> </ul> </li> </ol>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation:	Nil.

**1. Local Government Act 1995 Delegations**

Conditions on the delegation also apply to sub-delegation.	
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Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><u><a href="#">Local Government Act 1995:</a></u>          Authorise person – refer s.3.31(2)]          Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry          s.3.34(2) Entry in an emergency – Refer to CEO Delegation</p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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**1. Local Government Act 1995 Delegations**

1.2.5 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.40A(2), (4) and (5) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(2), (4) and (5)].
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.  b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.6 Confiscated or Uncollected Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.3.42 Impounded non-perishable goods 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to 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]</li> <li>2. Authority to 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].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. Pre-auction estimates and tenders for amounts considered to exceed \$20,000 shall be referred to Council for consideration prior to sale.</li> <li>b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated - refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.</li> </ol>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works Manager of Corporate Services
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**1. Local Government Act 1995 Delegations**

<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i></p>	<ol style="list-style-type: none"> <li>1. Any recovery of costs through legal action under s3.48 is only delegated to the Chief Executive Officer.</li> <li>2. Sub Delegated Authority applies for disposal of confiscated or uncollected goods, including abandoned vehicles, with the market value less than \$5,000.</li> </ol>
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<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a>:Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.</p>
<p>Record Keeping:</p>	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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**1. Local Government Act 1995 Delegations**

1.2.7 Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to 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)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
Council Conditions on this Delegation:	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.8 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> <li>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is partially or wholly closed without giving local public notice (including for repairs and maintenance), local public notice is to be given as soon as practicable after the thoroughfare is closed and Council Members should be made aware [s.3.50(8)].</li> <li>b. Permanent closure of thoroughfares should be referred to Council for determination.</li> </ol>

**1. Local Government Act 1995 Delegations**

	c. Maintain access to adjoining land [s.3.52(3)] (relevant to Townsite only).
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.9 Obstruction of Footpaths and Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (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)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol>
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local</a>

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	<p><a href="#">Government (Uniform Local Provisions) Regulations 1996.</a></p> <p>b. Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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1.2.10 Gates Across Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 9 (8).</li> </ol>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
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CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures.  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a> .
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.  Each approval must be recorded in the Shire's statutory Register of Gates.

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1.2.11 Public Thoroughfare – Dangerous Excavations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> </ol> </li> </ol>

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	iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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1.2.12 Crossing – Construction, Repair and Removal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: 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)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> .
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures
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	<p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p>Refer also Delegation 1.4.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i></p> <p>Council Policy 3010 – Crossovers</p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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1.2.13 Private Works on, over or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation:	Nil.

**1. Local Government Act 1995 Delegations**

Conditions on the delegation also apply to sub-delegation.	
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Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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1.2.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give notice to a landowner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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1.2.15 Expressions of Interest for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to 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 [F&G r.23].
Council Conditions on this Delegation:	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures.  Council Policy 4007 Procurement Policy
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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1.2.16 Tenders for Goods and Services – Call Tenders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so, to enter a contract of a prescribed kind under which another person or business is to supply goods or services [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>5. Authority to 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 tender information is provided notice of the variation [F&amp;G r.14(5)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. 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"> <li>i. the proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government; or</li> <li>ii. a current supply contract expiry is imminent; and</li> <li>iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> </ol> </li> </ol>

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	iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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1.2.17 Tenders for Goods and Services – Accepting and Rejecting Tenders;  
Varying Contracts; Exercising Contract Extension Options

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> <li>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>ii. To accept the tender that is most advantageous.</li> </ol> </li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>6. Authority to determine whether variations in goods and services required are minor variations and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract. The variation should not materially alter the specification or structure provided for by the initial tender. [F&amp;G r.20(1) and (3)].</li> <li>7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be</li> </ol>

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	<p>agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</p> <p>8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% [F&amp;G r.21A(a)].</p> <p>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Exercise of authority under F&amp;G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> <li>i. The total consideration under the resulting contract is \$250,000 or less;</li> <li>ii. The expense is included in the adopted Annual Budget; and</li> <li>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</li> </ul> <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract <u>after</u> entry into the contract [F&amp;G r.21A(a)] must include evidence that the variation is necessary, does not change the scope of the contract and does not exceed available budget allocations.</p> <p>e. 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 <b>that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</b></p>

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	f. Where any delegate or sub-delegate has a conflict of interest, they must preclude themselves from the tendering process.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.18 Tenders for Goods and Services - Exempt Procurement

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government									
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO									
Express Power or Duty Delegated:	Local Government Act 1995: s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: r.11(2) When tenders have to be publicly invited (exemptions)									
Delegate:	Chief Executive Officer									
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to undertake tender exempt procurement, in accordance with the Procurement Policy requirements where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>2. 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 [F&amp;G r.11(2)(f)].</li> </ol>									
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Tender exempt procurement under F&amp;G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$ value specified for the following categories: <table border="1" data-bbox="608 1310 1385 1964"> <thead> <tr> <th>Category</th> <th>Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)]</td> <td>\$250,000</td> </tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&amp;G.r.11(2)(e)]</td> <td>\$250,000</td> </tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation</td> <td>\$250,000</td> </tr> </tbody> </table> </li> </ol>		Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation	\$250,000
Category	Maximum Value for individual contracts									
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000									
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000									
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation	\$250,000									

**1. Local Government Act 1995 Delegations**

	condition (b.) specified below [F&G.r.(2)(f)]	
	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000
	Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<\$250,000*  *as specified in F&G.r.11(2)(h)(ii)
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
	<p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification;</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>v. The expense is included in the adopted Annual Budget.</li> </ul> <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$ value delegated above, the decision is to be referred to Council.</p>	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees	

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

**1. Local Government Act 1995 Delegations**

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine that a there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</li> <li>2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&amp;G r.24AD(3)].</li> <li>3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD(6)].</li> <li>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH(2)].</li> <li>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&amp;G r.24AH(3)].</li> <li>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</li> <li>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> </ol>

**1. Local Government Act 1995 Delegations**

	8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Council Conditions on this Delegation:	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

#### 1.2.20 Application of Regional Price Preference Policy

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 (Functions and General) Regulations 1996:</i> r.24G Adopted regional price preference policy, effect of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Works Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the <b>incumbent's position role and responsibilities.</b>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.21 Renewal or Extension of Contracts during a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> <b>Regulation 11 'When tenders have to be publicly invited'</b> Tender exemption under subregulation 11(2)(ja)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)].  This authority relates to: <ul style="list-style-type: none"> <li>• contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and</li> <li>• contracts formed through a public tender.</li> </ul>
Council Conditions on this Delegation:	<p>a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies:</p> <ol style="list-style-type: none"> <li>i. It is exercised at the sole discretion of the Local Government;</li> <li>ii. It is in the best interests of the Local Government;</li> <li>iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration;</li> <li>iv. It has potential to promote local and/or regional economic benefits.</li> </ol> <p>b. This authority may only be exercised where the total consideration for the renewal or extension is \$250,000 or less.</p> <p>c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the</p>

**1. Local Government Act 1995 Delegations**

	<p>Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).</p> <p>d. The decision to extend or renew a contract must be made in accordance with the objectives of the Procurement Policy.</p> <p>e. This authority may only be exercised where the total consideration under the resulting contract is \$250,000 or less.</p> <p>f. The CEO cannot sub-delegate this authority.</p>
Express Power to Sub-Delegate:	Not applicable

Compliance Links:	<a href="#">Local Government (Functions and General) Regulations 1996</a>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.22 Procurement of Goods or Services required to address a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> <b>Regulation 11 'When tenders have to be publicly invited'</b> Tender exemption under subregulation 11(2) (aa) Associated definition under subregulation 11(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> <li>1. Determine that particular goods or services with a purchasing value &gt;\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&amp;G r11(3)(b)]; and</li> <li>2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&amp;G r.11(2) (aa)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe.</li> <li>b. Compliance with the Procurement Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Procurement Policy must be evidenced in accordance with the Record Keeping Plan.</li> <li>c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the President (i.e. before the expense is incurred) in accordance with LGA s.6.8.</li> <li>d. The CEO is to inform Council Members after the exercise of this delegation, including details of the</li> </ol>

**1. Local Government Act 1995 Delegations**

	<p>contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration through the Council portal.</p> <p>e. The CEO cannot sub-delegate this authority.</p>
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Compliance Links:	<a href="#">Local Government (Functions and General) Regulations 1996</a>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.23 Disposing of Property (Tender, Auction, Private Treaty, Lease or Licence)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 s.3.58
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>(a) the highest bidder at public auction [s.3.58(2)(a)].</li> <li>(b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> <li>3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> <li>(a) disposal of land to an adjoining owner, where the market value is less than \$2,500 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&amp;G.r.30(2)(a)]</li> <li>(b) disposal of land, by lease, to an employee of the <b>local government for use as the employee's residence</b> [F&amp;G.r.30(2)(d)].</li> <li>(c) disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&amp;G.r.30(2)(e)]</li> <li>(d) disposal of land, by lease, of a residential property to a person for residential purposes [F&amp;G.r.30(2)(f)].</li> <li>(e) disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice [F&amp;G r.(2A)]</li> </ol> </li> </ol>

**1. Local Government Act 1995 Delegations**

	<p>(f) disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&amp;G r.30(3)(a)]</p> <p>(g) disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&amp;G.r.30(3)(b)]</p> <p>4. The Chief Executive Officer and Shire President are delegated authority to execute leases and licences on behalf of the Shire of Wyalkatchem, for freehold land owned by the Shire, or Crown land managed/leased by the Shire, subject to compliance with:</p> <p>(a) s.3.58 of the Act &amp; exclusion set out in F&amp;G r.30.</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a value of less than \$150,000.</p> <p>c. When determining the method of disposal:</p> <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>o Reserve price has been set by independent valuation.</li> <li>o Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>o Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>o Consider any public submissions received and determine if to proceed with the</li> </ul> </li> </ul>

**1. Local Government Act 1995 Delegations**

	<p>disposal, ensuring reasons for the decision are recorded.</p> <ul style="list-style-type: none"> <li>• A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government.</li> <li>• A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government.</li> <li>• Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes.</li> </ul> <p>d. Disposal by lease or licence:</p> <ul style="list-style-type: none"> <li>• The term of the lease being no greater than 12 years.</li> <li>• The granting of a lease or licence is permitted <b>under the Shire's management order</b> or lease.</li> <li>• The rental fee payable being no greater than \$20,000 (plus GST) per annum during the initial year of the lease term; and</li> <li>• The area leased being no greater than 2,000m<sup>2</sup>.</li> </ul> <p>e. Variation, extension, assignment, sub-letting of existing lease or licence:</p> <ul style="list-style-type: none"> <li>• The variation being minor in nature-</li> <li>• Elected Members to be notified 14 days prior to the exercise of this delegation for any proposal to vary the terms of a lease. This will provide Elected Members with the opportunity to request further information or request for the item to be tabled at Council.</li> <li>• The extension being in accordance with the option provisions of the original lease.</li> <li>• Lease variation, extension, assignment or sub-letting must be for the same or similar purpose as the existing lease.</li> <li>• Compliance with s.3.58 of the Act, including advertising and seeking submissions if required.</li> <li>• In the event an objecting submission is received this delegation does not apply and the proposal is presented to Council for consideration.</li> </ul>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	Manager of Works
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**1. Local Government Act 1995 Delegations**

Appointed by CEO	Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<p>a. Sub delegated authority is limited to 3(f) of the functions under this delegation.</p> <p>b. Value of property that may be disposed under this delegation shall not exceed \$50,000 including plant and assets with a depreciated value not exceeding \$50,000, in accordance with the provisions of section 5.43(d) of the Local Government Act 1995.</p> <p>c. Section 3.58(4) – where the market value of the lease is less than \$15,000 pa</p>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – s.3.58 Disposal of Property</p> <p><a href="#">Local Government (Functions and General) Regulations 1995</a> – r.30 Dispositions of property excluded from Act s. 3.58</p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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**1. Local Government Act 1995 Delegations**

1.2.24 Acquisition of Interest in Land by Lease or other Short Term Instrument

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3.59 Commercial enterprises by local governments <i>Local Government (Functions and General) Regulations 1996:</i> r.8A Amount prescribed for major land transactions; exempt land transactions prescribed r.8 Exempt land transactions prescribed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the Shire is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)].</li> <li>2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r.8(1)]: <ol style="list-style-type: none"> <li>a. without intending to produce a profit to the Local Government; and</li> <li>b. without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.</li> </ol> </li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than 3 months.</li> <li>b. Delegation is limited to acquisitions that are necessary to achieve an objective determined by Council resolution, including objectives identified in the adopted Plan for the Future, a Policy or Strategy and for which an associated budget allocation has been included, and is available, in the Annual Budget.  NOTE - <u>Examples</u> of acquisitions necessary to achieve an approved objective may include hiring a venue for a community event or short term lease of storage space for equipment while a refurbishment is completed.</li> </ol>

**1. Local Government Act 1995 Delegations**

	<p>c. Where the acquisition total consideration value is greater than \$10,000, the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than 3-months prior to the execution of the associated acquisition contract.</p> <p>d. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$10,000 or less.</p> <p>e. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A.</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to subdelegations.</i>	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> s.3.59 Commercial enterprises by local Government s.9.49A Execution of documents s.6.2 Annual Budget Corporate and Business Plan as adopted by Council</p> <p><a href="#">Local Government (Functions and General) Regulations 1995</a> – Regulations 8A and 8</p> <p><a href="#">Residential Tenancy Act 1987</a></p> <p><a href="#">Commercial Tenancy (Retail Shops) Agreements Act 1985</a></p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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**1. Local Government Act 1995 Delegations**

1.2.25 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government (Financial Management) Regulations 1996: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [FM.r.12(1)(a)].
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer Customer Service and Records Officer Finance Officer Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<ol style="list-style-type: none"> <li>1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</li> <li>2. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</li> <li>3. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO or Manager of Corporate Services.</li> </ol>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a>  <a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
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**1. Local Government Act 1995 Delegations**

	<p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p>Department of Local Government, Sport and Cultural Industries  <a href="#">Operational Guideline No.11 – Use of Corporate and Credit Cards</a></p> <p>Department of Local Government, Sport and Cultural Industries:  <a href="#">Accounting Manual</a></p>
Record Keeping:	

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**1. Local Government Act 1995 Delegations**

1.2.26 Defer, Grant Discounts, Waive or Write Off Debts.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)]</li> </ol>
Council Conditions on this Delegation:	a. Write-off a rates or service charge debt up to \$300 and cumulative debts of a debtor up to \$500.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$300. Write off of debts greater than these values must be referred for CEO decision.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

**1.2.27 Power to Invest and Manage Investments**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 4018 Investment of Surplus Funds.</li> <li>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> </ol>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<ol style="list-style-type: none"> <li>1. A decision to invest must be jointly confirmed by two Delegates.</li> </ol>

**1. Local Government Act 1995 Delegations**

	2. Investment decisions are limited to a maximum of \$2.5M per transaction on the short-term money market.
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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## 1. Local Government Act 1995 Delegations

### 1.2.28 Rate Record Amendment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.29 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	a. Agreements must be in writing and ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.30 Determine Due Date for Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.6.50(2) Rates or service charges due and payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50].
Council Conditions on this Delegation:	a. Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget.  <u>NOTE</u> - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget.  b. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.31 Recovery of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].</li> <li>2. Authority to 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)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Policy re Rates Hardship.</li> <li>b. The CEO cannot determine to take action to sell an occupied residential property for unpaid rates or service charges, other than in accordance with a Council decision.</li> </ol>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	a. Sub delegation is limited to item 2 of the functions that may be carried out.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	

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**1. Local Government Act 1995 Delegations**

1.2.32 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire [s.6.60(2)].</li> <li>2. Authority to 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)].</li> </ol>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.33 Recovery of Rates Debts - Actions to Take Possession of Unoccupied Land

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> <li>i. lease the land, or</li> <li>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the Shire [s.6.71].</li> </ol> </li> </ol> </li> <li>2. Authority to agree terms and conditions with a person having estate or interest in land to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</li> <li>b. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> </ol>

**1. Local Government Act 1995 Delegations**

	c. This delegation does not extend to occupied dwellings. Any dwellings that are occupied must be presented to Council for consideration.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.  <a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.34 Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].</li> </ol>
Council Conditions on this Delegation:	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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**1. Local Government Act 1995 Delegations**

1.2.35 Affixing of Common Seal & Signing Documents

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Common Seal  1. Affix the common seal of the Shire of Wyalkatchem to any document which has been authorised by Council either specifically or generally.  2. Sign documents on behalf of the local government.  Authorisation to sign  3. Sign documents on behalf of the local government.
Council Conditions on this Delegation:	The specific authorities established are limited by the following conditions:  a. The signing of any contract must be supported by a formal resolution of Council, or the works subject of the contract being in the current Annual Budget
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	a. Sub Delegates are excluded from signing documents under the Common Seal on behalf of the Shire.  b. Sub Delegates may only execute documents relevant to matters within the scope of the activity of their Directorate. Documents relevant to the activities of multiple Directorates may only be executed by the Chief Executive Officer.  c. The documents identified for the purpose of this authorisation are listed as follows:  <ul style="list-style-type: none"> <li>• State or Commonwealth Government Funding Agreements</li> <li>• Memorandum of Understanding</li> <li>• Contracts and legal instruments, including contract variations, related to:</li> </ul>

**1. Local Government Act 1995 Delegations**

	<ul style="list-style-type: none"> <li>o Procurement Contracts</li> <li>o Service Agreements (incoming or outgoing services)</li> </ul>
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Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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**1. Local Government Act 1995 Delegations**

1.2.36 Extend Time for Lodging an Objection

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.9.5 Objection may be lodged
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to extend the time for a person to make an objection regarding a relevant prescribed decision of the Local Government [s.9.5(2)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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1. Local Government Act 1995 Delegations

**1.3 CEO to Employees**

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
Delegate/s:	<b>Manager of Works</b>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

#### 1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate/s:	<b>Manager of Works</b>
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9:  <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b).</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol>
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares.
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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

#### 1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s:	Manager of Works
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.11:  <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in <b>alignment with Council's Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.</b></li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996.</i></li> </ol>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

#### 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Delegate/s:	Manager of Works
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
CEO Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  This delegated authority is effective only in alignment with Delegated Authority 1.2.13 Private Works on, over or under Public Places
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

#### 1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	Manager Corporate Services Governance Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice</li> </ol>

# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

	<p>[s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</p> <p>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</p> <p>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</p>
CEO Conditions on this Delegation:	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Department of Local Government, Sport and Cultural Industries:  <a href="#">Returning Officer Manual</a></p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995 s.5.18</i> &amp; <i>s.5.46, State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes &amp; be entered into the Enrolment Eligibility Register.</p>

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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

#### 1.3.6 Destruction of Electoral Papers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	Manager Corporate Services Governance Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995 s.5.18 &amp; s.5.46, State Records Act 2000, Record Keeping Policy &amp; relevant processes, and with the Local Government (Elections) Regulations 1997 r.82.</i>

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# Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.3.7 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Local Government (Administration) Regulations 1996:</i> r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	Manager Corporate Services Governance Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].</li> <li>2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)].</li> <li>3. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
CEO Conditions on this Delegation:	a. Manager Corporate Services, Governance Executive Officer may only exercise item 1 and may only be exercised when it is in relation to the owners and occupiers register and electoral rolls.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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# Delegation Register

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### 1. Local Government Act 1995 Delegations

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# Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.3.8 Financial Management Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management r.11 Payments, procedures for making etc
Delegate/s:	Manager Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> <li>i. Collection of money owed to the Shire;</li> <li>ii. Safe custody and security of money collected or held by the Shire;</li> <li>iii. Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>v. Proper authorisation of employees for incurring liabilities, including authority for initiating purchase orders, cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained, and petty cash [r.11];</li> <li>vi. Making of payments in accordance with Delegated Authority 1.2.25.</li> <li>vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ol> </li> </ol>
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit</li> </ol>

# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

	and Risk Committee at least once within each 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a></p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p>Department of Local Government, Sport and Cultural Industries  <a href="#">Operational Guideline No.11 – Use of Corporate and Credit Cards</a></p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

#### 1.3.9 Audit – CEO Review of Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate/s:	Manager Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to conduct the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to             <ol style="list-style-type: none"> <li>i. risk management; and</li> <li>ii. internal controls; and</li> <li>iii. legislative compliance [r.17(1)].</li> </ol> </li> </ol>
CEO Conditions on this Delegation:	a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Audit) Regulations 1996</a>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

#### 1.3.10 Infringement Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Delegate/s:	Manager Corporate Services Governance Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>b. Delegation for Dog Act, Cat Act, Parking Local Law, Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> <li>I. Manager Corporate Services</li> <li>II. Governance Executive Officer</li> </ol> </li> <li>c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ol style="list-style-type: none"> <li>I. I. Manager Corporate Services</li> </ol> </li> </ol>

# Delegation Register

## Shire of Wyalkatchem

### 1. Local Government Act 1995 Delegations

	<p>II. Governance Executive Officer</p> <p><i>NOTE: Delegates must also be appointed as an <b>“Approved Officer”</b> – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</i></p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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1. Local Government Act 1995 Delegations

1.4 Local Law Delegations to the CEO

1.4.1 Shire of Wyalkatchem Local Law Administration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	All the powers, duties, functions roles and responsibilities of the local government under the following local laws: <ul style="list-style-type: none"> <li>• Health</li> <li>• Cats</li> <li>• Pest Plants</li> <li>• Fencing</li> <li>• Dogs</li> <li>• Standing Orders</li> <li>• Health</li> <li>• Bush Fire Brigades</li> <li>• Public Places and Local Government Property</li> <li>• Volunteer Bush Fire Brigade</li> </ul>
Delegate/s:	Manager Corporate Services Governance Executive Officer Manager of Works
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. The Chief Executive Officer is delegated authority to <b>administer the Shire's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the Shire's Local Laws.</b>
CEO Conditions on this Delegation:	a. Determinations and decisions under the Shire of Wyalkatchem's <b>Local Laws having regard to the relevant Council policies in force at the time.</b>  b. Exclusions – Renewal of a licence where it is proposed to vary the conditions of the licence; or where the licensee has not complied with the conditions of the licence.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

# Delegation Register

Shire of Wyalkatchem

## 1. Local Government Act 1995 Delegations

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2. Building Act 2011 Delegations

## 2 Building Act 2011 Delegations

### 2.1 Council to CEO

#### 2.1.1 Grant or Refuse a Building Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <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))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. 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 [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>

# Delegation Register

## Shire of Wyalkatchem

### 2. Building Act 2011 Delegations

	6. Authority to refuse building permits due to errors in information or documentation submitted, subject to the provisions of <i>Building Act 2011</i> [s.22].
Council Conditions on this Delegation:	<p>a. An officer to whom this authority is delegated cannot, in accordance with the provisions of the <i>Building Act 2011</i>, approve plans in which they have an interest.</p> <p>b. An Officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.</p>
Express Power to Sub-Delegate:	<i>Building Act 2011</i> : s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

Compliance Links:	<p><a href="#">Building Act 2011</a></p> <p>s.119 Building and demolition permits – application for review by SAT</p> <p>s.23 Time for deciding application for building or demolition permit</p> <p>s.17 Uncertified application to be considered by building surveyor</p> <p><a href="#">Building Regulations 2012</a> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><a href="#">Building Services (Registration) Act 2011</a> – Section 7</p> <p><a href="#">Home Building Contracts Act 1991</a> – Part 3A, Division 2, Part 7, Division 2</p> <p><a href="#">Building and Construction Industry Training Levy Act 1990</a></p> <p><a href="#">Heritage Act 2018t</a></p>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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# Delegation Register

## Shire of Wyalkatchem

### 2. Building Act 2011 Delegations

#### 2.1.2 Demolition Permits

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <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))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23].             <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition 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 [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> <li>6. Authority to refuse demolition permits due to errors in information or documentation submitted, subject to the provisions of <i>Building Act 2011</i> [s.22].</li> </ol>
Council Conditions on this Delegation:	a. An officer to whom this authority is delegated cannot, in accordance with the provisions of the <i>Building Act 2011</i> , approve plans in which they have an interest.

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## Shire of Wyalkatchem

### 2. Building Act 2011 Delegations

	b. Any buildings or structure on the Shire of Wyalkatchem Municipal Inventory or Heritage List are to be referred to Council for decision.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

Compliance Links:	<a href="#">Building Act 2011</a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <a href="#">Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</a> <a href="#">Building and Construction Industry Training Levy Act 1990</a> <a href="#">Heritage Act 2018t</a>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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# Delegation Register

## Shire of Wyalkatchem

### 2. Building Act 2011 Delegations

#### 2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<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  Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. An officer to whom this authority is delegated cannot, in accordance with the provisions of the <i>Building Act 2011</i>, approve plans in which they have an interest.</li> <li>b. An Officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.</li> </ol>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

# Delegation Register

## Shire of Wyalkatchem

### 2. Building Act 2011 Delegations

Compliance Links:	<p><a href="#">Building Act 2011</a></p> <ul style="list-style-type: none"> <li>s.59 time for granting occupancy permit or building approval certificate</li> <li>s.60 Notice of decision not to grant occupancy permit or grant building approval certificate</li> <li>s.121 Occupancy permits and building approval certificates – application for review by SAT</li> </ul> <p><a href="#">Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</a></p> <p><a href="#">Building and Construction Industry Training Levy Act 1990</a></p> <p><a href="#">Heritage Act 2018</a></p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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# Delegation Register

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### 2. Building Act 2011 Delegations

#### 2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Decisions under this delegated authority must be consistent with r.5 of the <i>Building Regulations 2012</i>.</li> <li>b. NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</li> </ol>
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<a href="#">Building Act 2011:</a> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 2. Building Act 2011 Delegations

#### 2.1.5 Designate Contractors as Authorised Persons (Inspectors)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person <i>Building Regulations 2012:</i> r.4A Authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to designate a person contracted, or employed by an entity contracted, by the Shire as an authorised person [s.96(3) &amp; r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with.</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol>
Council Conditions on this Delegation:	a. Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s.93(2)(d).
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

Compliance Links:	<a href="#"><i>Building Act 2011:</i></a> s.97 each designated authorised person must have an identity card. r.4B Identity cards
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 2. Building Act 2011 Delegations

#### 2.1.6 Building Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.114 Service of 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>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 [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>6. Serve a building order in accordance with Section 114 of the <i>Building Act 2011</i>.</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. An Officer to whom this authority is delegated cannot, in accordance with the provisions of the <i>Building Act 2011</i>, approve plans in which they have an interest.</li> </ol>

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2. Building Act 2011 Delegations

	b. An Officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<u><a href="#">Building Act 2011:</a></u> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 2. Building Act 2011 Delegations

#### 2.1.7 Inspection and Copies of Building Records

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<a href="#">Building Act 2011</a> - s.146 Confidentiality
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 2. Building Act 2011 Delegations

#### 2.1.8 Authorise persons to commence proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to authorise a person to commence a prosecution for an offence against the <i>Building Act 2011</i> [s.133(1)(b)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<a href="#">Building Act 2011</a> - s.146 Confidentiality
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 2. Building Act 2011 Delegations

#### 2.1.9 Referrals and Issuing Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a Certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].</li> </ol>
Council Conditions on this Delegation:	a. An Officer must have the prescribed qualifications to be delegated authority in accordance with Building Regulation 5.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 2. Building Act 2011 Delegations

#### 2.1.10 Private Pool Barrier – Alternative and Performance Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to 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 compliant with AS 1926.1 [r.51(2)]</li> <li>2. Authority to 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)]</li> <li>3. Authority to 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)].</li> </ol>
Council Conditions on this Delegation:	a. Decisions under this delegation must be consistent with modifications to AS 1926.1-2012 prescribed in Building Regulation 15B.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18

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## 2. Building Act 2011 Delegations

	& s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.
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### 2. Building Act 2011 Delegations

#### 2.1.11 Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 2. Building Act 2011 Delegations

#### 2.1.12 Appoint approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).</p> <p><i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).</p> <p><i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 <u>and</u> authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></p>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<a href="#">Building Regulations 2012</a> r.70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18

2. *Building Act 2011 Delegations*

	& s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.
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3. Bush Fires Act 1954 Delegations

### 3 Bush Fires Act 1954 Delegations

#### 3.1 Council to CEO, Shire President and Bush Fire Control Officer

##### 3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to request on behalf of the Shire that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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## Shire of Wyalkatchem

### 3. Bush Fires Act 1954 Delegations

#### 3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <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
Delegate:	President and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. 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)].
Council Conditions on this Delegation:	a. 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).
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<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 <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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>2. Authority to 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].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited 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 aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited 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)].</li> <li>6. Authority to recover the cost of measures taken by the Shire 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</li> </ol>

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### 3. Bush Fires Act 1954 Delegations

	[s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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3. Bush Fires Act 1954 Delegations

3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 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>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. 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)].</li> <li>2. Authority, 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"> <li>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> </ol> </li> <li>3. Authority, 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)].</li> <li>4. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>5. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-</li> </ol>

3. Bush Fires Act 1954 Delegations

	<p>breaks parallel to the common boundary [s.22(6) and (7)].</p> <p>6. Authority to 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].</p> <p>7. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>8. Authority to 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 aeroplane [r.39B(3)].</p> <p>9. Authority to 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)].</p> <p>10. Authority to recover the cost of measures taken by the Shire 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)].</p>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Bush Fires Act 1954: s.48 Delegation by local government
Express Power or Duty Delegated:	Bush Fires Act 1954: s.27D Requirements for carriage and deposit of incendiary material Bush Fires Regulations 1954: r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)].</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i></li> </ol>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	NIL. – Sub-delegation is prohibited by s.48(3)

Compliance Links:	
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<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  <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to 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)].</li> <li>2. Authority to 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"> <li>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)].</li> <li>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].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:             <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)].</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>4. Authority to 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)].</li> </ol>

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### 3. Bush Fires Act 1954 Delegations

	5. Authority to 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)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> <li>d. determine that these matters have been acted upon to the satisfaction of the Shire.</li> </ol> </li> <li>2. Authority to 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 [s.33(4)]. <ol style="list-style-type: none"> <li>a. Authority to 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)].</li> </ol> </li> </ol>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint employees to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and             <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire. [s.38(5A)]</li> <li>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].             <ol style="list-style-type: none"> <li>a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> </ol> </li> </ol>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 3. Bush Fires Act 1954 Delegations

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].             <ol style="list-style-type: none"> <li>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</li> </ol> </li> </ol>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire or those on behalf of the Shire to do [s.58].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.11 Prosecution of Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.59(3) Prosecution of offences
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL. – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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4. Cat Act 2011 Delegations

## 4 Cat Act 2011 Delegations

### 4.1 Council to CEO

#### 4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Cat Act 2011: s.44 Delegation by local government
Express Power or Duty Delegated:	Cat Act 2011: s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags Cat Regulations 2012 Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to make a determination on a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to 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)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to 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)].</li> <li>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> <li>b. Sub-Delegation does not apply to clause 5 of the CEO delegation</li> </ol>
Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer
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4. Cat Act 2011 Delegations

	Customer Service and Records Officer Finance Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<p>Cat Regulations 2012</p> <ul style="list-style-type: none"> <li>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</li> <li>r.12 Period of registration (s.9(7))</li> <li>r.11 Changes in registration</li> <li>r.14 Registration certificate (s.11(1)(b))</li> <li>r.15 Registration tags (s.76(2))</li> </ul> <p>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.</p>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 4. Cat Act 2011 Delegations

#### 4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Cat Act 2011: s.44 Delegation by local government
Express Power or Duty Delegated:	Cat Act 2011: s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<a href="#">Cat Regulations 2012</a> r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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# Delegation Register

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### 4. Cat Act 2011 Delegations

#### 4.1.3 Approval to Breed Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Cat Act 2011: s.44 Delegation by local government
Express Power or Duty Delegated:	Cat Act 2011: s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</li> <li>2. Authority to 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)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</li> </ol>
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer Customer Service and Records Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<a href="#">Cat Regulations 2012</a>  r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18

4. *Cat Act 2011 Delegations*

	& s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.
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### 4. Cat Act 2011 Delegations

#### 4.1.4 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Cat Act 2011: s.44 Delegation by local government
Express Power or Duty Delegated:	Cat Act 2011: s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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4. Cat Act 2011 Delegations

4.1.5 Authorise a person to perform specified functions under the Cat Act 2011

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Cat Act 2011: s.44 Delegation by local government
Express Power or Duty Delegated:	Cat Act 2011: s.73 Prosecutions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to authorise a person to commence a prosecution for an offence against the <i>Cat Act 2011</i> and the <i>Cat Local Law 2019</i> [s.73(1)(b) & (2)(b)]
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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4. Cat Act 2011 Delegations

4.1.6 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Cat Act 2011: s.44 Delegation by local government
Express Power or Duty Delegated:	Cat (Uniform Local Provisions) Regulations 2013: r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>2. Authority to 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)].</li> <li>2. Authority to 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].</li> </ol>
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 4. Cat Act 2011 Delegations

#### 4.1.7 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Cat Act 2011: s.44 Delegation by local government
Express Power or Duty Delegated:	Cat Regulations 2012: Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express Power to Sub-Delegate:	Cat Act 2011: s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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4. Cat Act 2011 Delegations

## 4.2 Cat Act Delegations - CEO to Employees

### 4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Cat Act 2011: s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	Cat Act 2011: s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	Manager Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</li> </ol>
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> <li>1. The delegate who issued the initial infringement must not authorise the withdrawal of said infringement.</li> </ol>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Cat Regulations 2012: r.28 Withdrawal of infringement notice (s.65(1))
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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5. Dog Act 1976 Delegations

## 5 Dog Act 1974 Delegations

### 5.1 Dog Act Delegations Council to CEO

#### 5.1.1 Appoint Registration Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.3 Terms Used ( <i>Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i> )
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to authorise a person for the purposes of performing the prescribed office of Registration Officer under the Dog Act 1976 [s.3].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. The Chief Executive Officer is permitted to sub-delegate to persons [s.10AA(3)].</li> <li>b. A register of Authorisations is to be maintained as a Local Government Record.</li> <li>c. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> </ol>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18

5. Dog Act 1976 Delegations

	& s.5.46 the State Records Act 2000, Record Keeping Policy & relevant processes.
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5. Dog Act 1976 Delegations

5.1.2 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	Dog Act 1976: s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>2. Authority to 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"> <li>i. 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</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)].</li> <li>4. Authority to 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"> <li>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in</li> </ol> </li> </ol>

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5. Dog Act 1976 Delegations

	contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to persons [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	<a href="#">Dog Act 1976</a> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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5. Dog Act 1976 Delegations

5.1.3 Grant Exemption as to Number of Dogs Kept at Premises

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.26(3) Limitation as to numbers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].
Council Conditions on this Delegation:	<p>a. The Chief Executive Officer is permitted to sub-delegate to persons. [s.10AA(3)].</p> <p>b. Decisions under this delegation must comply with the relevant provisions of the <i>Dog Act 1976</i>, the <i>Dogs Amendment Local Law 2018</i> and R 9.1 Multiple Dog Policy including:</p> <ul style="list-style-type: none"> <li>• Consider and be satisfied that for any particular premises the provisions of the <i>Dog Act 1976</i> relating to kennel establishments need not be applied in the circumstances [s.26(3)].</li> <li>• Apply the provisions of s.26(4).</li> </ul> <p>c. Conditions that must be applied to an approved exemption, include those listed in R 9.1 Multiple Dog Policy.</p>
Express Power to Sub-Delegate:	<a href="#"><u>Dog Act 1976</u></a> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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5. Dog Act 1976 Delegations

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### 5. Dog Act 1976 Delegations

#### 5.1.4 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	Dog Act 1976: s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to persons [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the <i>Dogs Amendment Local Law 2018</i> .
Express Power to Sub-Delegate:	<a href="#">Dog Act 1976</a> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Governance Executive Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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5. Dog Act 1976 Delegations

5.1.5 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	Dog Act 1976: s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to persons [s.10AA(3)].
Express Power to Sub-Delegate:	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Includes recovery of expenses relevant to: <a href="#">Dog Act 1976</a> s.30A(3) Operator of dog management facility may have dog microchipped at <b>owner's expense</b> s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government <a href="#">Dog Regulations 2013</a> r.31 Local government expenses as to dangerous dogs (declared)
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 5. Dog Act 1976 Delegations

#### 5.1.6 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	Dog Act 1976: s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to persons [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express Power to Sub-Delegate:	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Manager of Works
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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5. Dog Act 1976 Delegations

5.1.7 Declare Dangerous Dog

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	Dog Act 1976: s.33E(1) Individual dog may be declared to be dangerous dog (declared) s.40 Destruction of dogs etc.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)]. 2. Authority to carry out an order of the State Administrative Tribunal in relation to a dangerous dog [s.40]
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to persons [s.10AA(3)].
Express Power to Sub-Delegate:	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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5. Dog Act 1976 Delegations

5.1.8 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to 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)] <ol style="list-style-type: none"> <li>i. Authority to, 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)].</li> </ol> </li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. The Chief Executive Officer is permitted to sub-delegate to persons [s.10AA(3)].</li> <li>b. This delegation should not be delegated to the same person / position who initially declared the dog dangerous.</li> </ol>
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil.

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### 5. Dog Act 1976 Delegations

Conditions on the delegation also apply to sub-delegation.	
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Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – See s.33H(5) of the <i>Dog Act 1976</i>
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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5. Dog Act 1976 Delegations

5.1.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]:  (a) a notice declaring a dog to be dangerous; or  (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to persons [s.10AA(3)].  b. This delegation should not be delegated to the same person / position who initially declared the dog dangerous.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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5. Dog Act 1976 Delegations

5.1.10 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	Dog Act 1976: s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to persons [s.10AA(3)].
Express Power to Sub-Delegate:	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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## 6 Food Act 2008 Delegations

### 6.1 Council to CEO

#### 6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	Chief Executive Officer Manager Corporate Services Governance Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to 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)]. 2. Authority to 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)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$30,000. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL. – <i>Food Regulations 2009</i> do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18

6. Food Act 2008 Delegations

	& s.5.46 the State Records Act 2000, Record Keeping Policy & relevant processes.
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6. Food Act 2008 Delegations

6.1.2 Prohibition Orders and Certificates of Clearance

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Authority to 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)].</li> </ol>
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL. – <i>Food Regulations 2009</i> do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 6. Food Act 2008 Delegations

#### 6.1.3 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to 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)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
Council Conditions on this Delegation:	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul>
Express Power to Sub-Delegate:	NIL. – <i>Food Regulations 2009</i> do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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6. Food Act 2008 Delegations

6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> </li> </ol>
Express Power to Sub-Delegate:	NIL. – <i>Food Regulations 2009</i> do not provide for sub-delegation.

6. Food Act 2008 Delegations

Compliance Links:	<p><a href="#">Public Health Act 2016</a></p> <p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

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6. Food Act 2008 Delegations

6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to 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. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL. – <i>Food Regulations 2009</i> do not provide for sub-delegation.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 6. Food Act 2008 Delegations

#### 6.1.6 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL. – <i>Food Regulations 2009</i> do not provide for sub-delegation.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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7. Graffiti Vandalism Act 2016 Delegations

## 7 Graffiti Vandalism Act 2016 Delegations

### 7.1 Council to CEO

#### 7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to 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)].</li> <li>2. Authority, 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)].</li> </ol>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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7. Graffiti Vandalism Act 2016 Delegations

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### 7. Graffiti Vandalism Act 2016 Delegations

#### 7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 7. Graffiti Vandalism Act 2016 Delegations

#### 7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 7. Graffiti Vandalism Act 2016 Delegations

#### 7.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to 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].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil.

Compliance Links:	Nil.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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## 8 Public Health Act 2016 Delegations

### 8.1 Council to CEO

#### 8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil. – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

Compliance Links:	<a href="#">Criminal Procedure Act 2004</a> – Part 2
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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### 8. Public Health Act 2016 Delegations

#### 8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire [s.22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Nil. – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<a href="#">Public Health Act 2016</a> s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

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8. Public Health Act 2016 Delegations

8.1.3 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> <li>i. The <i>Public Health Act 2016</i> or other specified Act</li> <li>ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act</li> <li>iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two. [s.24(1) and (3)].</li> </ol>
Council Conditions on this Delegation:	<ol style="list-style-type: none"> <li>a. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> </ol>
Express Power to Sub-Delegate:	Nil. – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<p><a href="#">Public Health Act 2016</a></p> <p>s.20 Conditions on performance of functions by enforcement agencies.</p> <p>s.25 Certain authorised officers required to have qualifications and experience.</p> <p>s.26 Further provisions relating to designations</p> <p>s.27 Lists of authorised officers to be maintained</p>
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8. Public Health Act 2016 Delegations

	<p>s.28 When designation as authorised officer ceases  s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers  s.30 Certificates of authority  s.31 Issuing and production of certificate of authority for purposes of other written laws  s.32 Certificate of authority to be returned.  s.136 Authorised officer to produce evidence of authority</p> <p><a href="#">Criminal Investigation Act 2006</a>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p><i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
Record Keeping:	<p>Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 &amp; s.5.46 the <i>State Records Act 2000</i>, Record Keeping Policy &amp; relevant processes.</p>

Version Control:

1	Adoption of Model Delegation Register
2	
3	

8. Public Health Act 2016 Delegations

8.1.4 Determine Compensation for Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.260 Return of seized item s.262 Cost of destruction or disposal of forfeited items s.263 Return of forfeited items s.264 Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine if no contravention of the <i>Public Health Act 2016</i> has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263].</li> <li>2. Authority to recover the cost of destruction or disposal of forfeited items [s.262].</li> <li>3. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].</li> </ol>
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of \$5000, with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	Nil. – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<a href="#">Public Health Act 2016</a>  s.20 Conditions on performance of functions by enforcement agencies.  Note – Decisions about compensation may be referred for review by the State Administration Tribunal [s.265]
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

Version Control:

1	Adoption of Model Delegation Register
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Delegation Register  
Shire of Wyalkatchem

8. *Public Health Act 2016 Delegations*

2	
3	

8. Public Health Act 2016 Delegations

8.1.5 Appoint Designated Officer – Information Sharing

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.299 Information Sharing
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, to appoint Designated Officer/s for the purposes of s.299 [s.299(1)].
Council Conditions on this Delegation:	a. Appointments must be consistent with requirements outlined in the <a href="#">Chief Health Officer's Information Sharing Guideline</a> , prepared in accordance with s.300.
Express Power to Sub-Delegate:	Nil. – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<a href="#">Public Health Act 2016</a>  s.300 Guidelines relating to information sharing.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

Version Control:

1	Adoption of Model Delegation Register
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## 9 Planning and Development Act 2005 Delegations

### 9.1 Council to CEO

#### 9.1.1 Illegal Development

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) 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 and Development Act 2005:</i> s.214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development:             <ol style="list-style-type: none"> <li>(a) to remove, pull down, take up, or alter the development; and</li> <li>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> <li>4. Instruct legal action in respect of any breach, contravention or offence under <i>the Planning &amp; Development Act 2005</i>, gazetted Local Planning Schemes, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and all subsidiary legislation made under those acts.</li> </ol>

# Delegation Register

## Shire of Wyalkatchem

### 10. Local Planning Scheme Delegations

Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	The CEO has exercised the right not to sub-delegate this delegation
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	

Compliance Links:	<a href="#">Planning and Development Act 2005</a> - Part 13 Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Details pertaining to this delegation should be recorded and maintained in accordance with the <i>Local Government Act 1995</i> s.5.18 & s.5.46 the <i>State Records Act 2000</i> , Record Keeping Policy & relevant processes.

#### Version Control:

1	Adoption of Model Delegation Register
2	
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## 10 Statutory Authorisations and Delegations to Local Government from State Government Entities

### 10.1 Environmental Protection Act 1986

#### 10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:  
Environment

**GOVERNMENT GAZETTE**  
Western Australia  
[Previous](#) [Close](#) [Next](#)

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No. 47. 19-Mar-2004  
Page: 919 [Pdf](#) - 476kb

**EV401**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

##### **Section 20**

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9<sup>th</sup> day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

11. Statutory Authorisations and Delegations to Local  
Government from State Government

10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices,  
Calibration and Approval of Non-Complying Events

Published by:  
Environment

**GOVERNMENT GAZETTE**  
Western Australia  
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No. 232. 20-Dec-2013  
Page: 6282 [Pdf](#) - 3Mb

**EV402**

**ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
  - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

10.1.3 Noise Management Plans – Construction Sites

Published by:  
Environment

**GOVERNMENT GAZETTE**  
Western Australia  
[Previous](#) [Close](#) [Next](#)

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No. 71. 16-May-2014  
Page: 1548 [Pdf](#) - [2Mb](#)

**EV405**

**ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

## 10.2 Planning and Development Act 2005

### 10.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner

**DoL FILE 1738/2002v8; 858/2001v9**

#### **PLANNING AND DEVELOPMENT ACT 2005**

#### **INSTRUMENT OF AUTHORISATION**

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2<sup>nd</sup> day of June 2016



**HON DONALD TERENCE REDMAN MLA  
MINISTER FOR LANDS**

11. Statutory Authorisations and Delegations to Local Government from State Government

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> <li>• a reserve managed by the local government pursuant to section 46 of the Land Administration Act 1997 and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>• the land is a road of which the local government has the care, control and management under section 55(2) of the Land Administration Act 1997 and where there is no balcony or other structure proposed to be constructed over that road unless that structure complies within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or third" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road.</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <ul style="list-style-type: none"> <li>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</li> <li>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</li> <li>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</li> <li>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</li> <li>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</li> <li>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</li> <li>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</li> </ul>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Baywater City of Belmont Shire of Bevinchy Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brooking Shire of Broome Shire of Brookton Shire of Brookton-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Cannington Shire of Capel Shire of Caprivi Shire of Carnarvon Shire of Chapman Valley Shire of Chittaring Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocks (Geelong) (Mead) Shire of Collie Shire of Dardanup Shire of Dardanup Shire of Denmark Shire of Derby-West Kimberley Shire of Dongara-Murray Shire of Doreen Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Eremaia City of Fremantle City of Gasper-Geraldton</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Goswells Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Jondalup Shire of Kalamunda City of Kalbarrie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kunena Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Maelkathama City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Meaman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose of a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

11. Statutory Authorisations and Delegations to Local  
Government from State Government

Shire of Nannup  
Shire of Narrobin  
Shire of Narragin  
Town of Narrogin  
City of Nedlands  
Shire of Ngaanyatjaraku  
Shire of Northam  
Shire of Northampton  
Shire of Nungarin  
Shire of Peppermint Grove  
Shire of Perenjori  
City of Perth  
Shire of Pingelly  
Shire of Plantagenet  
Town of Port Hedland  
Shire of Quairading  
Shire of Ravensthorpe  
City of Rockingham  
Shire of Roebourne  
Shire of Sandstone  
Shire of Serpentine Jarrahdale  
Shire of Shark Bay  
City of South Perth  
City of Stirling  
City of Subiaco  
City of Swan

Shire of Tembin  
Shire of Three Springs  
Shire of Toodyay  
Shire of Trayning  
Shire of Upper Gascoyne  
Town of Victoria Park  
Shire of Victoria Plains  
Town of Vincent  
Shire of Wagin  
Shire of Wandering  
City of Warburton  
Shire of Waroona  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickham  
Shire of Williams  
Shire of Wiluna  
Shire of Wongan-Bellard  
Shire of Woodanning  
Shire of Wyalkatchem  
Shire of Wyndham-East Kimberley  
Shire of Yalgoo  
Shire of Yilgarn  
Shire of York



HON DONALD TERENCE REDMAN MLA  
MINISTER FOR LANDS

*2<sup>nd</sup>*  
..... day of *June* ..... 2016

11. Statutory Authorisations and Delegations to Local  
Government from State Government

10.2.2 WA Planning Commission – Powers of Local Governments - s.15 of the  
Strata Titles Act 1985 (DEL.2020/01)

29 January 2021

GOVERNMENT GAZETTE, WA

449

**PL402**

**PLANNING AND DEVELOPMENT ACT 2005**

**INSTRUMENT OF DELEGATION**

**Del 2020/01 Powers of Local Governments**

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

**Preamble**

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

**Schedule 1**

**1. Applications made under section 15 of the *Strata Titles Act 1985***

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - i. a type of development; and/or
  - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

**2. Applications under sections 21 and 22 of the *Strata Titles Act 1985***

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

**3. Reporting requirements**

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

11. Statutory Authorisations and Delegations to Local  
Government from State Government

## 10.3 Main Roads Act 1930

### 10.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#).

**WESTERN AUSTRALIA**  
**ROAD TRAFFIC CODE 2000**  
**REGULATION 297(2)**  
INSTRUMENT OF AUTHORISATION

RELATING TO  
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Delegation Register  
Shire of Wyalkatchem

11. Statutory Authorisations and Delegations to Local  
Government from State Government

Dated:

**THE COMMON SEAL OF THE** )  
**COMMISSIONER OF MAIN ROADS** )  
  
WAS AFFIXED BY )  
  
  
COMMISSIONER OF MAIN ROADS )  
  
FOR THE TIME BEING IN THE )  
PRESENCE OF:

\_\_\_\_\_  
*Signature of Witness*

\_\_\_\_\_  
*Name of Witness (please print)*

**ACKNOWLEDGMENT BY AUTHORISED BODY**

.....(*Insert name of Local Government*)..... agrees to unconditionally observe,  
perform and be bound by the above conditions.

**THE COMMON SEAL of** )  
 )  
 )  
 )  
\_\_\_\_\_  
*[Insert name of Local Government]* )  
 )  
Was hereunto affixed pursuant to a )  
resolution of the Council in the )  
presence of. )  
 )

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Signature of Witness*

\_\_\_\_\_  
*Name of Witness (please print)*

11. Statutory Authorisations and Delegations to Local  
Government from State Government

10.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

**WESTERN AUSTRALIA  
ROAD TRAFFIC CODE 2000  
REGULATION 297(2)  
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads (“the Commissioner”) hereby authorises ..... (“Authorised Body”) by itself, its employees, consultants, agents and contractors (together “Representatives”) to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the “Traffic Management for Works on Roads Code of Practice” (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia (“the Code”) referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner’s delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Delegation Register  
Shire of Wyalkatchem

11. Statutory Authorisations and Delegations to Local  
Government from State Government

Dated:

THE COMMON SEAL OF THE )  
COMMISSIONER OF MAIN ROADS )  
WAS AFFIXED BY )  
)  
)  
COMMISSIONER OF MAIN ROADS )  
FOR THE TIME BEING IN THE PRESENCE OF: )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness

**ACKNOWLEDGMENT BY AUTHORISED BODY**

..... agrees to observe, perform and be  
bound by the above conditions.

THE COMMON SEAL OF THE )  
..... )  
WAS AFFIXED PURSUANT TO A RESOLUTION )  
OF THE COUNCIL IN THE PRESENCE OF )

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Witness

11. Statutory Authorisations and Delegations to Local  
Government from State Government

## 10.4 Road Traffic (Vehicles) Act 2012

### 10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia  
Department of Transport  
Driver and Vehicle Services

#### **ROAD TRAFFIC (VEHICLES) ACT 2012**

*Road Traffic (Vehicles) Regulations 2014*

**RTVR-2017-202046**

#### **APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES**

Pursuant to the *Road Traffic (Vehicles) Regulations 2014 (the Regulations)*, I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph 'f' of the definition of 'special use vehicle' in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

#### **CONDITIONS**

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:

11. Statutory Authorisations and Delegations to Local  
Government from State Government



Government of **Western Australia**  
Department of **Transport**  
**Driver and Vehicle Services**

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

A handwritten signature in blue ink, appearing to read 'Christopher Davers', written over a horizontal line.

Christopher Davers  
Assistant Director, Strategy and Policy  
Driver and Vehicle Services  
Department of Transport

Dated the 31<sup>st</sup> day of September 2017

[Approval for ranger vehicles to fit and use yellow flashing lights \(transport.wa.gov.au\)](http://transport.wa.gov.au)

Extracted on line on 15 March 2021

## 11. PLANNING AND BUILDING

### 11.1.1. DEVELOPMENT APPROVAL (DA) APPLICATION – 36 FLINT ST, WYALKATCHEM

Applicant:	Wyalkatchem Men's Shed
Location:	36 Flint St, Wyalkatchem
Date:	11 June 2026
Reporting Officer:	Claire Trenorden, Manager Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	07.02
Attachment Reference:	11.1.1 Development Application as submitted

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

*That Council approves the proposed shed as submitted, subject to:*

- *drainage to be to the satisfaction of the local government,*

*plus the addition of footnotes to address approval times, appeal rights and the need for a building permit.*

## 1 INTRODUCTION

A Development Approval (DA) application was submitted by the Wyalkatchem Men's Shed to build a 12m long x 6m wide x 3.5m high shed extension.

The DA was accompanied by;

- a signed DA application form,
- a set of plans showing floor plans and elevations of the proposed shed,
- a copy of the certificate of title,
- development specifications, and
- a site plan.

## 2 LOCATION

The proposed shed is located at the front right (as you view the property from Flint St) of the property that has two existing sheds and an existing building. The lot is about 20m x 50m measuring 1012m<sup>2</sup>.

**Figure 1** provides a location plan. The property is not affected by the Bushfire Prone mapping issued by DFES.

The management orders are vested in the Wyalkatchem Men's Shed.

FIGURE 1 – AERIAL PHOTOGRAPH OF SITE



### 3 PROPOSED DEVELOPMENT

The proposal seeks approval for a new shed measuring 6m x 12m and 4.083m high at its highest ridge point with side walls at 3.5m. The estimated cost of the development is stated as just under \$40,000.

The application form indicates that the shed will be used for the 'Storage shed'.

The floor area of the proposed shed is just over 126m<sup>2</sup> which is less than 10% of the site area.

The plans show a side setback is 1.55m.

### 4 LOCAL PLANNING SCHEME

The land is zoned 'Residential' with a density of R10/30 in Local Planning Scheme No 4 (the Scheme). **Figure 2** shows an extract from the Scheme mapping of the property and surrounding land.

The Scheme requires that all residential development must comply with the R-Codes (Residential Design Codes). The Deemed Provisions (of the *Planning and Development (Local Planning Schemes) Regulations 2015*) do not exempt this development from requiring a DA (clause 61) as the development is not 'deemed-to-comply' with R-Code requirements.

Although not relevant in this case, the split density code implies that, where deep sewerage is available, the density can comply with the R30 code – otherwise the R10 applies.

The split density provides for the higher density (R30) where deep sewerage is available. This density has a minimum site area requirement of 260m<sup>2</sup> and average of 300m<sup>2</sup> per grouped dwelling. A lot of 1012m<sup>2</sup> has a theoretical potential of 3 dwellings.

**FIGURE 2 – LOCAL PLANNING SCHEME EXTRACT**



The Deemed-to-comply R-Codes for large and multiple outbuildings require a wall height of less than 2.4m, a ridge height of less than 4.2m and collectively (all outbuildings) does not exceed 60m<sup>2</sup> or 10% in aggregate of the site area (Lot).

It is clear that these requirements are not met by the proposed shed, however, the Design principles for Outbuildings is that '*Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties*'.

### **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005*

*Shire of Wyalkatchem Local Planning Scheme No 4*

### **POLICY IMPLICATIONS**

This are no policy implications.

### **FINANCIAL IMPLICATIONS**

There are no financial implications with this report.

### **COMMUNITY & STRATEGIC OBJECTIVES**



The matter before the Council generally accords with the Shire's desired outcome, as expressed in the revised Shire of Wyalkatchem Strategic Community Plan 2024-2034.

<b>Pillar 4 Civic Leadership</b>	<b>Statement of Strategic Outcome:</b> We lead with accountability, connection and openness through best-practice systems, policies and financial controls
<b>Goal No.</b>	<b>GOAL 11.</b> High standard of governance

# SHIRE OF WYALKATCHEM



## Application for development approval

Owner details		
Name: WYALKATCHEM MENS SHEDS INC		
ABN (if applicable): 78805772780		
Address: 38 FLINT ST WYALKATCHEM Postcode: 6485		
Phone:	Fax:	Email:
Work: .....	.....	r/k 6644@yahoo.com
Home: .....	.....	
Mobile: 0406 944 201		
Contact person for correspondence: Rod LAWSON KEER DENNIS PRASER		
Signature: 	Date: 5/5/26	
Signature: 	Date: 5/5/26	
<p><i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i></p>		

Applicant details (if different from owner)		
Name:		
Address,		
..... Postcode: .....		
Phone:	Fax:	Email:
Work: .....	.....	.....
Home: .....		
Mobile: .....		
Contact person for correspondence:		
<p>The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
Signature:	Date:	

Property details		
Lot No: 56	House/Street No: 36	Location No:
Plan No: Diagram: 223232	Certificate of Title Vol. No: LR3020	Folio: 990
Title encumbrances (e.g. easements, restrictive covenants): Street name: Suburb: Nearest street intersection:		

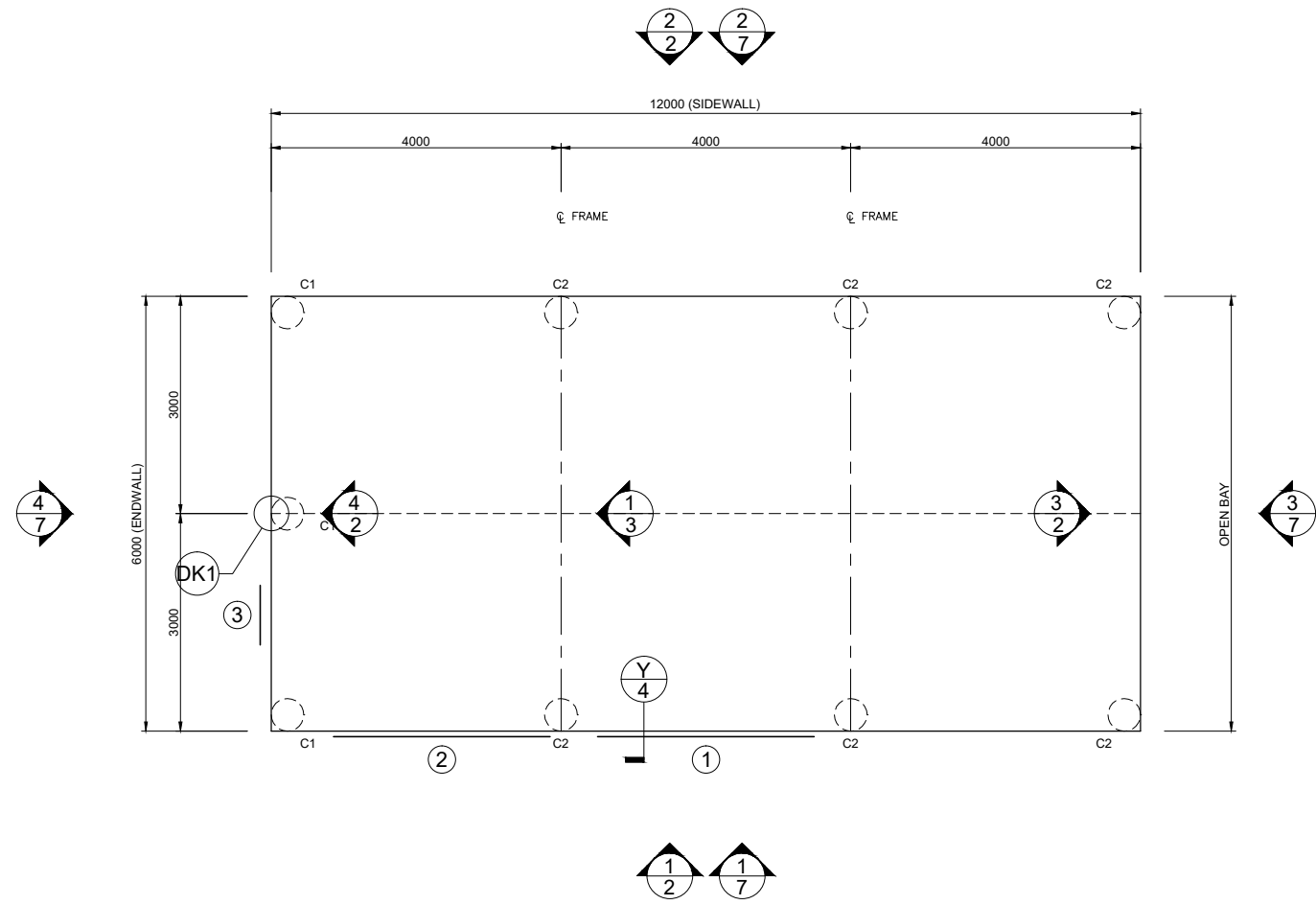
Proposed development	
Nature of development:	<input checked="" type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use
Description of proposed works and/or land use:	EXTENSION OF EXISTING SHED STRUCTURE
Description of exemption claimed (if relevant):	
Nature of any existing buildings and/or land use:	BUILDINGS CONSIST OF SHEDS AND ADMIN/MENS SHED USE ONLY
Approximate cost of proposed development:	440,000
Estimated time of completion:	

OFFICE USE ONLY	
Acceptance Officer's initials: <i>BJ</i>	Date received: 5/5/26
Local government reference No:	

Shire of Wyalkatchem  
 PO Box 224, Wyalkatchem WA 6488  
 Office Hours: Monday to Friday 8.30am to 4.30pm

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IF IN DOUBT, ASK.



1 FOUNDATION PLAN AND MEMBER LAYOUT  
SCALE: 1 = 100

MEMBER LEGEND

C1	C15012
C2	C15019

DO NOT SCALE THIS DRAWING. USE FIGURED DIMENSIONS ONLY. ALL DIMENSIONS TO BE VERIFIED ON SITE.

1 OF 7 SHEET

JOB NO. FDM/O100839

DATE 18/3/2026

CHECKED TM

DRAWN FDB

STEEL BUILDING BY (CONTACT)  
**FAIR DINKUM BUILDS MOORA**  
 08 9653 1888  
**WYALKATCHEM MENS SHED**  
 36 FLINT STREET  
 WYALKATCHEM



**NORTHERN CONSULTING** engineers

Civil & Structural Engineers  
 50 Punari Street  
 Currajong, Qld 4812  
 Fax: 07 4725 5850  
 Email: design@nceng.com.au  
 ABN 341 008 173 56

Registered Chartered Professional Engineer  
 Registered Professional Engineer (Civil & Structural) QLD  
 Registered Certifying Engineer (Structural) N.T.  
 Registered Engineer - (Civil) VIC  
 Registered Engineer - (Civil) TAS

Regn. No. 2558980  
 Regn. No. 9985  
 Regn. No. 116373ES  
 Regn. No. PE0002216  
 Regn. No. CC5648M

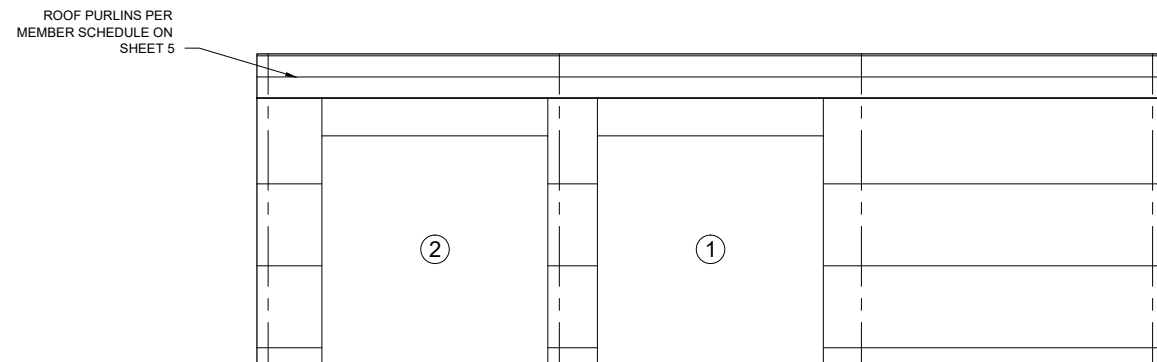
Mr Timothy Roy Messer BE MIEAust RPEQ

Signature *T. Messer*

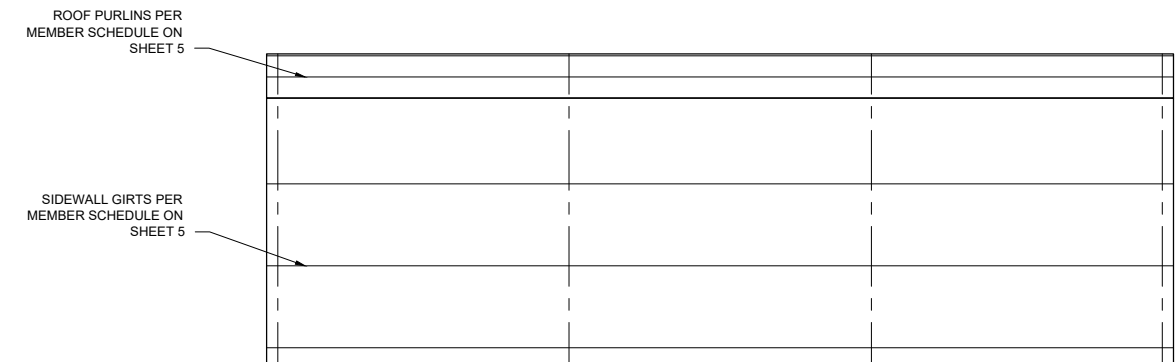
Date 18/3/2026

Registered on the NPER in the areas of practice  
 of Civil & Structural National Professional  
 Engineers Register

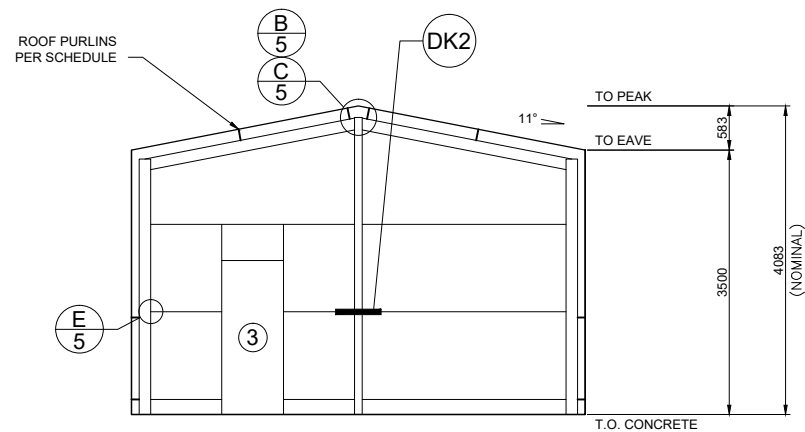
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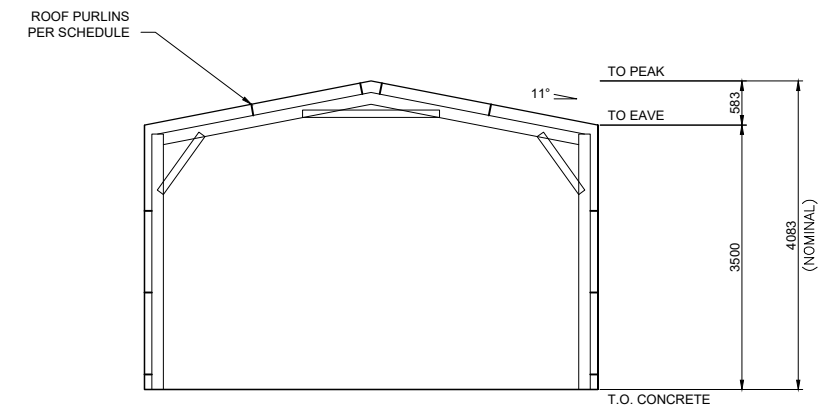
1 SIDEWALL EXTERIOR ELEVATION  
2 SCALE: 1 = 100



2 SIDEWALL EXTERIOR ELEVATION  
2 SCALE: 1 = 100










4 ENDWALL INTERIOR ELEVATION  
2 SCALE: 1 = 100



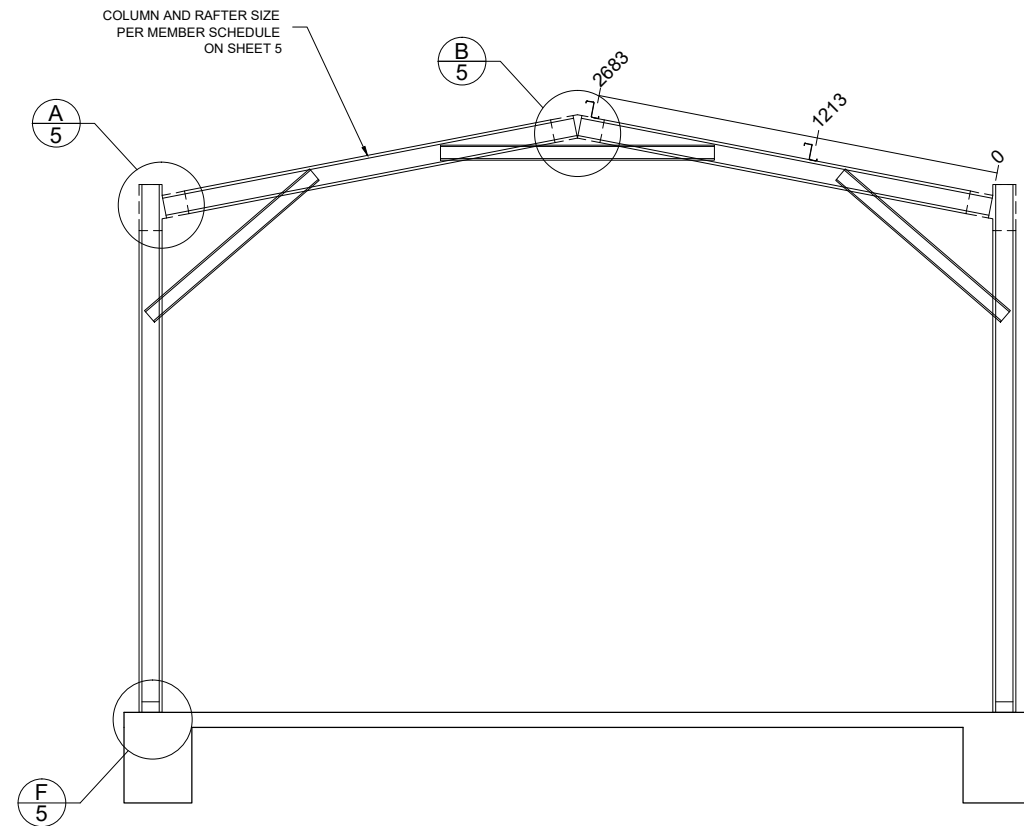
3 ENDWALL INTERIOR ELEVATION  
2 SCALE: 1 = 100

DIAGONAL X BRACING NOT REQUIRED IN THIS BUILDING.

CLADDING DIAPHRAGM SUFFICIENT. FLY BRACING IS INCLUDED TO BE PLACED ON EVERY SECOND PURLIN AND GIRT ON ENDWALL MULLIONS, INTERNAL COLUMNS AND INTERNAL RAFTERS.


2 OF 7	SHEET	JOB NO. FDM/O100839	DATE 18/3/2026	CHECKED TM	DRAWN FDB	STEEL BUILDING BY <b>FAIR DINKUM BUILDS MOORA</b> (CONTACT) 08 9653 1888 <b>WYALKATCHEM MENS SHED</b> 36 FLINT STREET WYALKATCHEM	FOR AT	 	 Civil & Structural Engineers 50 Punari Street Currajong, Qld 4812 Fax: 07 4725 5850 Email: design@nceng.com.au ABN 341 008 173 56 Registered Chartered Professional Engineer Registered Professional Engineer (Civil & Structural) QLD Registered Certifying Engineer (Structural) N.T. Registered Engineer - (Civil) VIC Registered Engineer - (Civil) TAS	Mr Timothy Roy Messer BE MIEAust RPEQ Signature  Date ..... 18/3/2026 ..... Registered on the NPER in the areas of practice of Civil & Structural National Professional Engineers Register
	<p style="text-align: center;">    </p>									

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1 INTERNAL FRAME SECTION  
3 SCALE: 1 = 50

Refer to Sheet #4 for concrete specification.

3 OF 7	SHEET	JOB NO. FDM/O100839	DATE 18/3/2026	CHECKED TM	DRAWN FDB	STEEL BUILDING BY <b>FAIR DINKUM BUILDS MOORA</b> (CONTACT) 08 9653 1888 <b>WYALKATCHEM MENS SHED</b> 36 FLINT STREET WYALKATCHEM			 Civil & Structural Engineers 50 Punari Street Currajong, Qld 4812 Fax: 07 4725 5850 Email: design@nceng.com.au ABN 341 008 173 56	Mr Timothy Roy Messer BE MIEAust RPEQ Signature  Date ..... 18/3/2026 ..... Registered on the NPER in the areas of practice of Civil & Structural National Professional Engineers Register
							Registered Chartered Professional Engineer Registered Professional Engineer (Civil & Structural) QLD Registered Certifying Engineer (Structural) N.T. Registered Engineer - (Civil) VIC Registered Engineer - (Civil) TAS	Regn. No. 2558980 Regn. No. 9985 Regn. No. 116373ES Regn. No. PE0002216 Regn. No. CC5648M		

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### STRUCTURAL GENERAL NOTES

- GOVERNING CODE** : NATIONAL CONSTRUCTION CODE (NCC), LOADING TO AS1170 - ALL SECTIONS. BUILDING SUITABLE AS EITHER A PRIVATE GARAGE CLASS 10a, OR A FARM SHED (CLASS 7 OR 8), UNLESS OTHERWISE SPECIFICALLY NOTED. FOR USE AS A FARM SHED, IT MUST MEET THE FOLLOWING REQUIREMENTS:
  - BE LESS THAN 2000 SQM IN AREA (INCLUSIVE OF ANY MEZZANINE FLOOR AREA).
  - MUST BE LOCATED ON A FARM AND USED IN CONNECTION WITH FARMING PURPOSES.
  - BUILDING IS NOT TO BE OCCUPIED FREQUENTLY NOR FOR EXTENDED PERIODS BY PEOPLE, WITH A MAXIMUM OF 1 PERSON PER 200 SQM OR 2 PERSONS MAXIMUM IN TOTAL WHICHEVER IS THE LESSER.
- DRAWING OWNERSHIP** : THESE DRAWINGS REMAIN THE PROPERTY OF FBHS (AUST) PTY LIMITED. ENGINEERING SIGNATURE AND CERTIFICATION IS ONLY VALID WHEN BUILDING IS SUPPLIED BY A DISTRIBUTOR OF FBHS. DRAWINGS ARE PROVIDED FOR THE DUAL PURPOSE OF OBTAINING BUILDING PERMITS AND AIDING CONSTRUCTION. ANY OTHER USE OR REPRODUCTION IS PROHIBITED WITHOUT WRITTEN APPROVAL FROM FBHS.
- DRAWING SIGNATURE REQUIREMENTS** : THESE DRAWINGS ARE NOT VALID UNLESS SIGNED BY THE ENGINEER. THE ENGINEER ACCEPTS NO LIABILITY OR RESPONSIBILITY FOR DRAWINGS WITHOUT A SIGNATURE. EACH TITLE BLOCK CONTAINS A WATER MARK UNDER THE CUSTOMERS NAME CONTAINING THE DATE OF PRODUCTION OF THE DRAWINGS; THE DRAWINGS ARE TO BE SUBMITTED TO COUNCIL WITHIN 21 DAYS OF THIS DATE. THIS IS TO ENSURE THAT ONLY CURRENT DRAWINGS ARE IN CIRCULATION.
- CONTRACTOR RESPONSIBILITIES** : CERTIFIER AND CONTRACTOR TO CONFIRM (ON SITE) THAT THE WIND LOADINGS APPLIED TO THIS DESIGN ARE TRUE AND CORRECT FOR THE ADDRESS STATED IN THE TITLE BLOCK. CONTRACTOR SHALL VERIFY AND CONFIRM ALL EXISTING CONDITIONS AND DIMENSIONS. ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES BETWEEN DRAWINGS AND EXISTING CONDITIONS PRIOR TO START OF WORK. CONTRACTOR MUST NOT MAKE ANY DEVIATION FROM THE PROVIDED PLANS WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM ONE OF THE UNDERSIGNING ENGINEERS. THE ENGINEER / FBHS TAKE NO RESPONSIBILITY FOR CHANGES MADE WITHOUT WRITTEN APPROVAL. CONTRACTOR IS RESPONSIBLE FOR ENSURING NO PART OF THE STRUCTURE BECOMES OVERSTRESSED DURING CONSTRUCTION. BUILDING IS NOT STRUCTURALLY ADEQUATE UNTIL THE INSTALLATION OF ALL COMPONENTS AND DETAILS SHOWN IS COMPLETED IN ACCORDANCE WITH THESE DRAWINGS. THE INDICATED DRAWING SCALES ARE APPROXIMATE. DO NOT SCALE DRAWINGS FOR CONSTRUCTION PURPOSES. FOR FURTHER DIRECTIONS ON CONSTRUCTION THE CONTRACTOR SHOULD CONSULT THE APPROPRIATE INSTRUCTION MANUAL.
- ENGINEERING** : THE ENGINEER / FBHS ARE NOT ACTING AS PROJECT MANAGERS FOR THIS DEVELOPMENT, AND WILL NOT BE PRESENT DURING CONSTRUCTION. THE UNDERSIGNING ENGINEERS HAVE REVIEWED THIS BUILDING FOR CONFORMITY ONLY TO THE STRUCTURAL DESIGN PORTIONS OF THE GOVERNING CODE. THE PROJECT MANAGER IS RESPONSIBLE FOR ADDRESSING ANY OTHER CODE REQUIREMENTS APPLICABLE TO THIS DEVELOPMENT. THESE DOCUMENTS ARE STAMPED ONLY AS TO THE COMPONENTS SUPPLIED BY FBHS. IT IS THE RESPONSIBILITY OF THE PURCHASER TO COORDINATE DRAWINGS PROVIDED BY FBHS WITH OTHER PLANS AND/OR OTHER COMPONENTS THAT ARE PART OF THE OVERALL PROJECT. IN CASES OF DISCREPANCIES, THE LATEST DRAWINGS PROVIDED BY FBHS SHALL GOVERN. NO ALTERATIONS TO THIS STRUCTURE (INCLUDING REMOVAL OF CLADDING) ARE TO BE UNDERTAKEN WITHOUT THE CONSENT OF THE CERTIFYING ENGINEER. OPENINGS SUCH AS WINDOWS AND DOORS NEED TO BE INSTALLED AS PER THE PRODUCT MANUFACTURER'S INFORMATION/DETAILS. THE BUILDING IS DESIGNED AS A STAND-ALONE BUILDING, NOT RELYING ON ANY ADJACENT BUILDING. IF THE PERMANENT OPENING IS OBSTRUCTED BY ANY ADJACENT BUILDING AND WITHIN A DISTANCE OF 0.5M OF SAID OPENING, THE DESIGN SHOULD BE REFERRED TO THE DESIGN ENGINEER FOR REVIEW OF INTERNAL PRESSURES AND POSSIBLE REDESIGN.
- INSPECTIONS** : NO SPECIAL INSPECTIONS ARE REQUIRED BY THE GOVERNING CODE ON THIS JOB. ANY OTHER INSPECTIONS REQUESTED BY THE LOCAL BUILDING DEPARTMENT SHALL BE CONDUCTED AT THE OWNER'S EXPENSE.
- SOIL REQUIREMENTS** : SITE CLASSIFICATION TO BE A, S OR M ONLY. SOIL SAFE BEARING CAPACITY VALUE INDICATED ON DRAWING SHEET 4 OCCURS AT 100mm BELOW FINISH GRADE, EXISTING NATURAL GRADE, OR AT FROST DEPTH SPECIFIED BY LOCAL BUILDING DEPARTMENT, WHICHEVER IS THE LOWEST ELEVATION. REGARDLESS OF DETAIL Y ON SHEET 4 THE MINIMUM FOUNDATION DEPTH SHOULD BE 100MM INTO NATURAL GROUND OR BELOW FROST DEPTH SPECIFIED BY LOCAL COUNCIL. ROLLED OR COMPACTED FILL MAY BE USED UNDER SLAB, COMPACTED IN 150mm LAYERS TO A MAXIMUM DEPTH OF 900mm. CONCRETE FOUNDATION EMBEDMENT DEPTHS DO NOT APPLY TO LOCATIONS WHERE ANY UNCOMPACTED FILL OR DISTURBED GROUND EXISTS OR WHERE WALLS OF THE EXCAVATION WILL NOT STAND WITHOUT SUPPLEMENTAL SUPPORT, IN THIS CASE SEEK FURTHER ENGINEERING ADVICE.
- CLASS 10a or Class 7 FOOTING DESIGNS** : THE FOUNDATION DOCUMENTED IS ALSO APPROPRIATE FOR CLASS 10a or CLASS 7 BUILDING DESIGNS ON 'M-D', 'H', 'H-D' OR 'E' CLASS SOILS, IF TOTAL SLAB AREA IS UNDER 100m SQUARE AND THE MAXIMUM SLAB DIMENSION (LENGTH AND WIDTH) IS LESS THAN OR EQUAL TO 12m. PLEASE BE AWARE THAT THE SLAB DESIGN FOR H & E CLASS SOILS IN THESE INSTANCES ARE DESIGNED TO EXPERIENCE SOME CRACKING. THIS CRACKING IS NOT CONSIDERED A STRUCTURAL FLAW OR DESIGN ISSUE, AND IS SIMPLY COSMETIC IN NATURE. IF THIS IS A CONCERN TO THE CLIENT IT IS ADVISED THEY DISCUSS OTHER OPTIONS WITH THE RELEVANT DISTRIBUTOR PRIOR TO THE POURING OF THE SLAB.
- CONCRETE REQUIREMENTS** : ALL CONCRETE DETAILS AND PLACEMENT SHALL BE PERFORMED IN ACCORDANCE WITH AS2870 AND AS3600. CONCRETE SHALL HAVE A MIN. 28-DAY STRENGTH OF 20MPa FOR EXPOSURE A1, 25MPa FOR EXPOSURE A2, 32MPa FOR EXPOSURE B1, 40MPa FOR EXPOSURE B2 AND 50MPa FOR EXPOSURE C, IN ACCORDANCE WITH SECTION 4, AS3600. CEMENT TO BE TYPE A. MAX AGGREGATE SIZE OF 20mm. SLUMP TO BE 80mm +/- 15mm. SLABS TO BE CURED FOR 7 DAYS BY WATERING OR COVERING WITH A PLASTIC MEMBRANE, AFTER WHICH CONSTRUCTION CAN BEGIN, DUE CARE GIVEN NOT TO OVER-TIGHTEN HOLD DOWN BOLTS. GIVEN ALLOWABLE SOIL TYPES 1 LAYER OF SL72 REINFORCING MESH IS TO BE INSTALLED ON STANDARD SLABS WITH A MINIMUM 30MM COVER FROM CONCRETE SURFACE. CONCRETE REINFORCING TO CONFORM TO AS 1302, AS1303 & AS 1304. ALL REINFORCING COVER TO BE A MINIMUM OF 30mm.
- STRUCTURAL STEEL REQUIREMENTS** : ALL STRUCTURAL STEEL, INCLUDING SHEETING THOUGH EXCLUDING CONCRETE REINFORCING, SHALL CONFORM TO AS 1397 (GAUGE <= 1mm fy = 550MPa, GAUGE > 1mm < 1.5mm fy = 500MPa, GAUGE >= 1.5mm fy = 450MPa). NO WELDING IS TO BE PERFORMED ON THIS BUILDING. ALL STRUCTURAL MEMBERS AND CONNECTIONS DESIGNED TO AS4600. ALL BOLT HOLE DIAMETERS TO STRAIT GENERAL PUNCHINGS.
- FOOT TRAFFIC** : FOR ERECTION AND MAINTENANCE PLEASE NOTE THE FOLLOWING DEFINED FOOT TRAFFIC ZONES:
  - CORRUGATED: WALK ONLY WITHIN 200MM OF SCREW LINES. FEET SPREAD OVER AT LEAST TWO RIBS.
  - MONOCLAD: WALK ONLY IN PANS, OR ON RIBS AT SCREW LINES.
- METAL SHEETING COMPLIANCE** : METAL ROOFING TO COMPLY WITH AS1562.1

### PROJECT DESIGN CRITERIA

ROOF LIVE LOAD: 0.25 kPa  
 BASIC WIND SPEED: VR 45 m/s  
 SITE WIND SPEED: V<sub>sitB</sub> 35.2 m/s  
 WIND REGION: Reg A1  
 TOPOGRAPHY FACTOR, Mt: 1  
 SHIELDING FACTOR, Ms: 0.9  
 MAX GROUND SNOW LOAD: N/A  
 MAX ROOF SNOW LOAD: N/A  
 SITE ALTITUDE: N/A  
 TERRAIN CATEGORY: TCat 2.5  
 SOIL SAFE BEARING CAPACITY: 100 kPa  
 RETURN PERIOD: 1:500  
 LIMITING CPI 1: -0.59  
 LIMITING CPI 2: 0.48  
 IMPORTANCE LEVEL: 2

### DETAIL KEYS

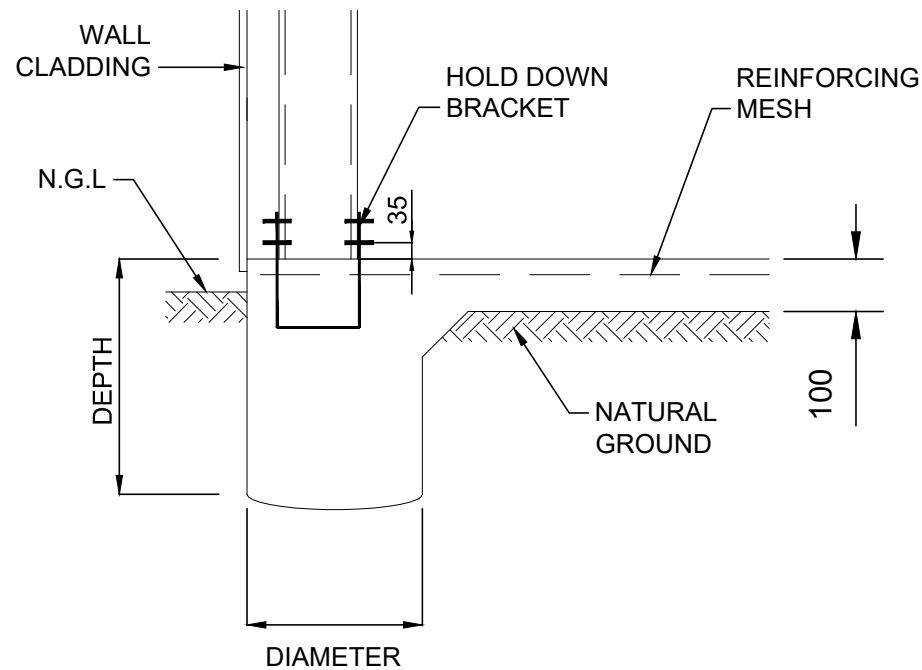
- (DK1) ENDWALL VERTICAL MULLION (SEE DETAIL C/5 FOR TOP CONN. AND F/5 FOR BASE CONN.)
- (DK2) FLYBRACING PER SCHEDULE C/6
- (DK3) X-BRACING IN ROOF ABOVE (SEE DETAIL M/5)
- (DK4) DOUBLE X-BRACING IN ROOF ABOVE (SEE DETAIL M/5)

### SCHEDULE OF OPENINGS

DOOR	OPENING WIDTH	OPENING HEIGHT	OPENING TYPE	HEADER GIRT	OPENING JAMBS	WIND RATED
①	2990	3000*	3.10H X 3.05 CB 'SERIES A #	SINGLE	XSRDZ10036	NO
②	2990	3000*	3.10H X 3.05 CB 'SERIES A #	SINGLE	XSRDZ10036	NO
③	820	2040	EXTERNAL PA DOOR 180 DEG	SINGLE		YES

NOTES: 1) SEE SHEET 5 FOR DOOR OPENING FRAMING INFORMATION.  
 2) ALL DOOR SCHEDULE MEASUREMENTS ARE ACTUAL DOOR/WINDOW SIZE NOT OPENING SIZE.

\* ROLLER DOOR OPENING HEIGHT DEPENDENT ON FINAL BUILD LOCATION.



450 x 600  
 Diameter x Depth (mm)

N.G.L. - NATURAL GROUND LINE

Y	BORED LOCAL THICKENING DETAIL	DWG NO. SBOHDB
---	-------------------------------	----------------

4 OF 7 SHEET	JOB NO. FDMO100839	DATE 18/3/2026	CHECKED TM	DRAWN FDB	STEEL BUILDING BY (CONTACT)
	FAIR DINKUM BUILDS MOORA 08 9653 1888 WYALKATCHEM MENS SHED 36 FLINT STREET WYALKATCHEM				



SHED SAFE ACCREDITED



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Registered Professional Engineer (Civil & Structural) QLD	Regn. No. 9985
Registered Certifying Engineer (Structural) N.T.	Regn. No. 116373ES
Registered Engineer - (Civil) VIC	Regn. No. PE0002216
Registered Engineer - (Civil) TAS	Regn. No. CC5648M

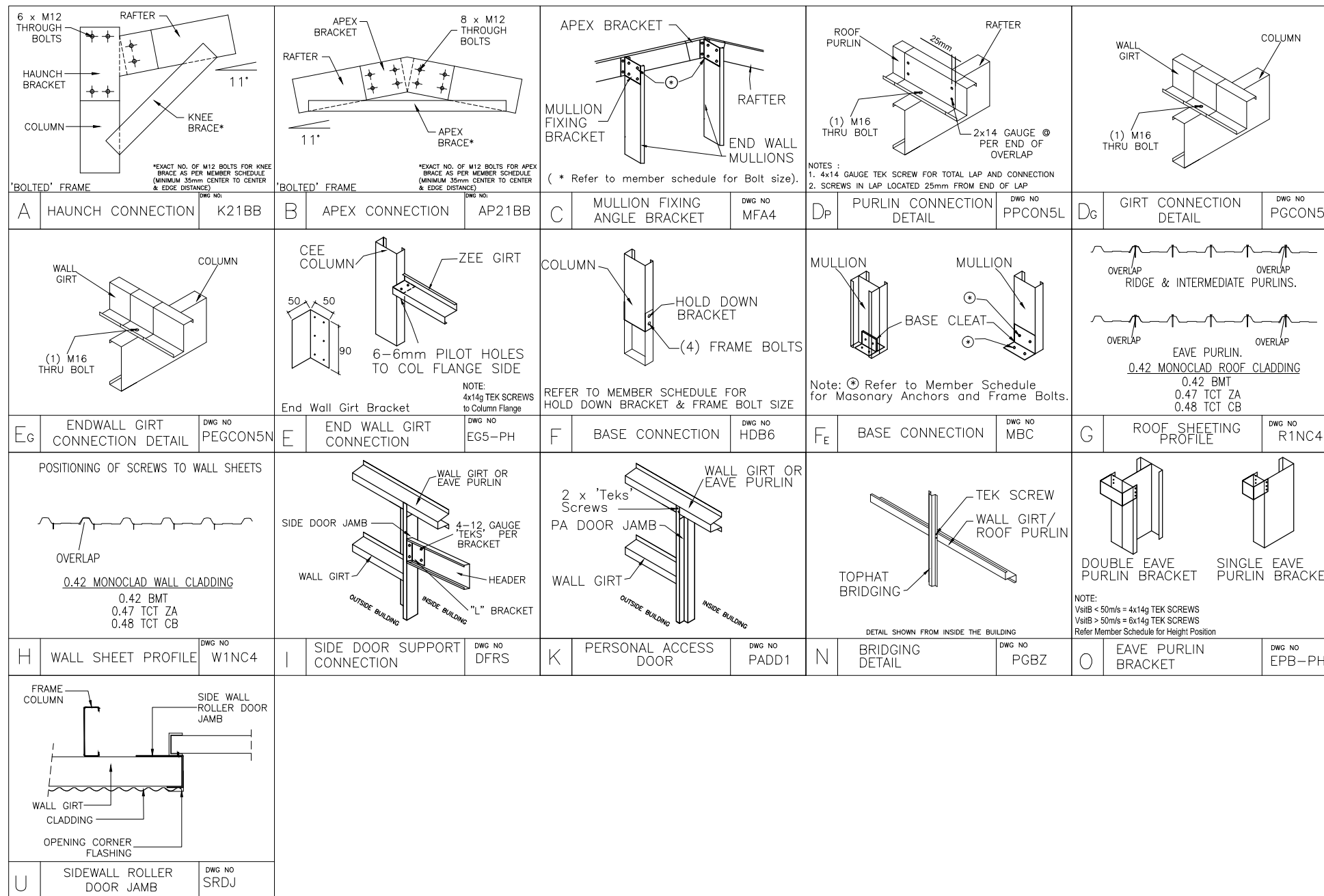
Mr Timothy Roy Messer BE MIEAust RPEQ

Signature *T. Messer*

Date 18/3/2026

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**MEMBER AND MATERIAL SCHEDULE**

1	END WALL FULLY OPEN RAFTER	Single C15015
2	END WALL RAFTER	Single C15012
3	C.S. FRAME RAFTER	Single C15015
4	END FRAME COLUMN (C1)	Single C15012
5	END FRAME FULLY OPEN COLUMN (C2)	Single C15019
6	C.S. FRAME COLUMN (C2)	Single C15019
7	MULLION (C1)	Single C15012
8	C.S. FRAME KNEE BRACE	Single C10010 @ 1.58 LONG 2 bolts each end
9	KNEE BRACE HEIGHT UP COLUMN	2.58m
10	KNEE BRACE LENGTH UP RAFTER	1.07m
11	C.S. FRAME APEX BRACE	Single C10010 @ 1.81 LONG 2 bolts each end
12	APEX POSITION FROM RAFTER END	0.89m
13	END ANCHOR BRACKETS (# PER DETS.)	HOLD DOWN BRKTS 150 X 50 X 4-400 DEEP GAL FLAT
14	MAIN SNG ANCHOR BRACKETS (# PER DETS.)	Hold Down Brackets 150 X 50 X 4 Gal Flat
15	MULLION ANCHOR BOLTS (# PER DETS.)	Screw Anchor 12mm x 100 Galv
16	EAVE PURLIN	C10010 (Eave Purlin Bracket 0mm from top of column)
17	TYP. ROOF PURLIN SIZE	Z10010 (1 rows of bridging)
18	MAIN BLDG. PURLIN SPACING	1.470 m. (2 rows) (Max Allow. 1.500m)
19	MAIN BLDG. PURLIN LENGTH	4.4 m. (0.4m Overlap)
20	ROOF PURLIN BRIDGING	Tophat 64 x 0.75
21	TYP. SIDEWALL GIRTS SIZE	Z10010 (1 rows of bridging)
22	MAIN BLDG. SIDEWALL GIRTS SPACING	1.083 m. (3 rows) (Max Allow. 1.250m)
23	MAIN BLDG. SIDEWALL GIRTS LENGTH	4.3 m. (0.3m Overlap)
24	SIDEWALL GIRTS BRIDGING	Tophat 64 x 0.75
25	TYP. ENDWALL GIRTS SIZE	Z10010
26	MAIN BLDG. ENDWALL GIRTS SPACING	1.159 m. (3 rows) (Max Allow. 1.600m)
27	MAIN BLDG. ENDWALL GIRTS LENGTH	3.05 m. (0.3m Overlap)
28	FRAME SCREW FASTENERS	14-13x22 Hex C/S (SP HD 5/16" Hex Drive)
29	FRAME BOLT FASTENERS	Purlin Assy M12x30 Z/P
30	PURLIN/GIRTS FASTENERS	Purlin Assy M16x30 Z/P
31	X-BRACING STRAP AND FASTENERS	Single Bracing Strap Per Roll Light
32	WALL COLOUR	CLASSIC_CREAM
33	ROOF COLOUR	CLASSIC_CREAM
34	ROLLER DOOR COLOUR	CLASSIC_CREAM
35	P.A. DOOR COLOUR	CLASSIC_CREAM
36	DOWNPIPE COLOUR	CLASSIC_CREAM
37	GUTTER COLOUR	BASALT
38	CORNER FLASHING COLOUR	CLASSIC_CREAM
39	BARGE FLASHING COLOUR	BASALT
40	OPENING FLASHING COLOUR	CLASSIC_CREAM
41	OPEN BAY HEADER HEIGHT	0.3

"C.S." = CLEARSPAN "L." = LEFT "R." = RIGHT

5 OF 7 SHEET

JOB NO. FDM0100839

DATE 18/3/2026

CHECKED TM

DRAWN FDB

STEEL BUILDING BY (CONTACT)

**FAIR DINKUM BUILDS MOORA**

08 9653 1888

**WYALKATCHEM MENS SHED**

36 FLINT STREET WYALKATCHEM

FOR AT



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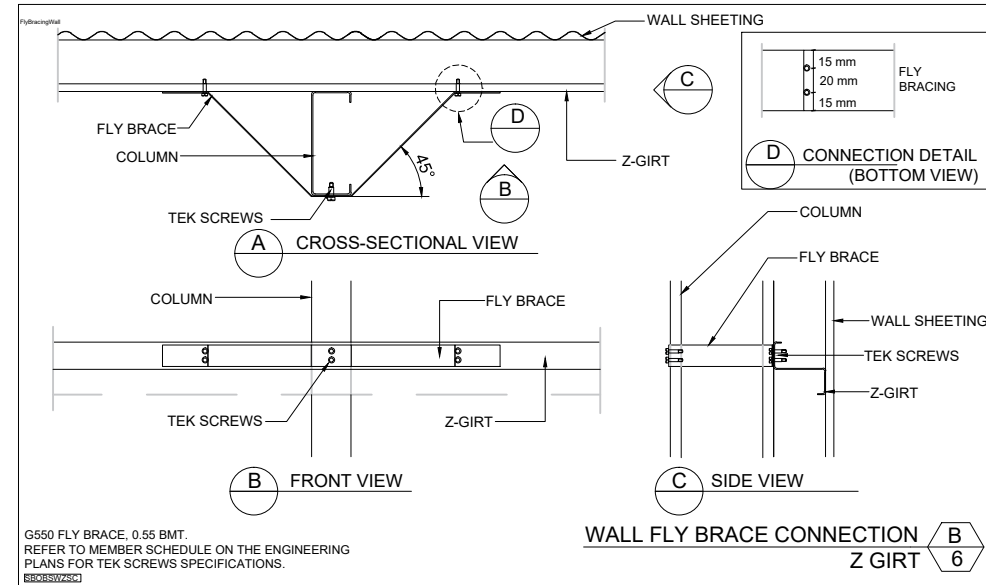
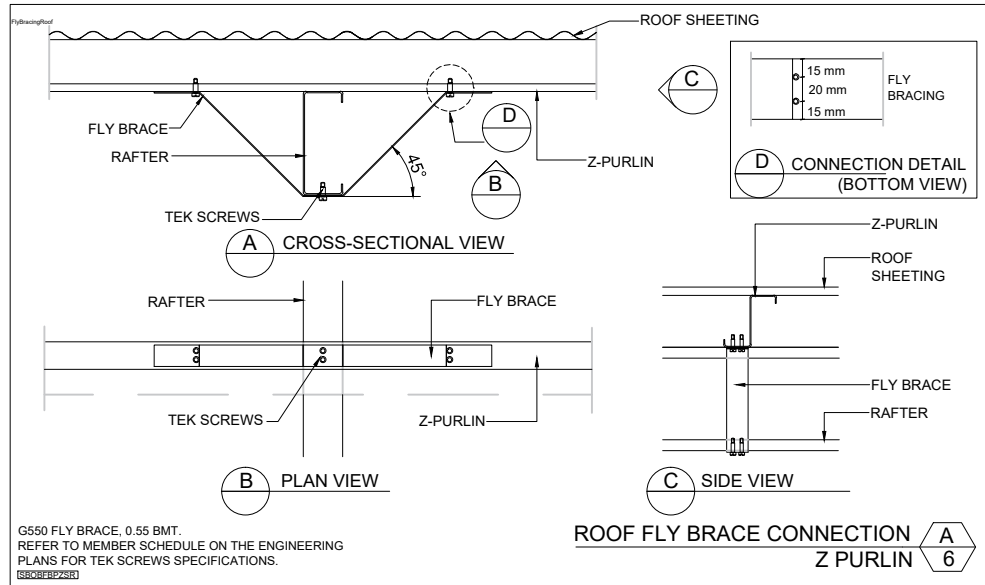
Mr Timothy Roy Messer BE MIEAust RPEQ

Signature *T. Messer*

Date 18/3/2026

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### FLY BRACING SCHEDULE

FRAME	GIRT/PURLIN	PRODUCT
C150	Z100	FBS150100ZA0573

FLY BRACE SCHEDULE C  
6

REFER TO MEMBER SCHEDULE ON THE ENGINEERING PLANS FOR TEK SCREWS SPECIFICATIONS. BSC050725C1

6  
OF  
7

SHEET

JOB NO. FDM/O100839

DATE 18/3/2026

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STEEL BUILDING BY (CONTACT)

## FAIR DINKUM BUILDS MOORA

08 9653 1888

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36 FLINT STREET  
WYALKATCHEM

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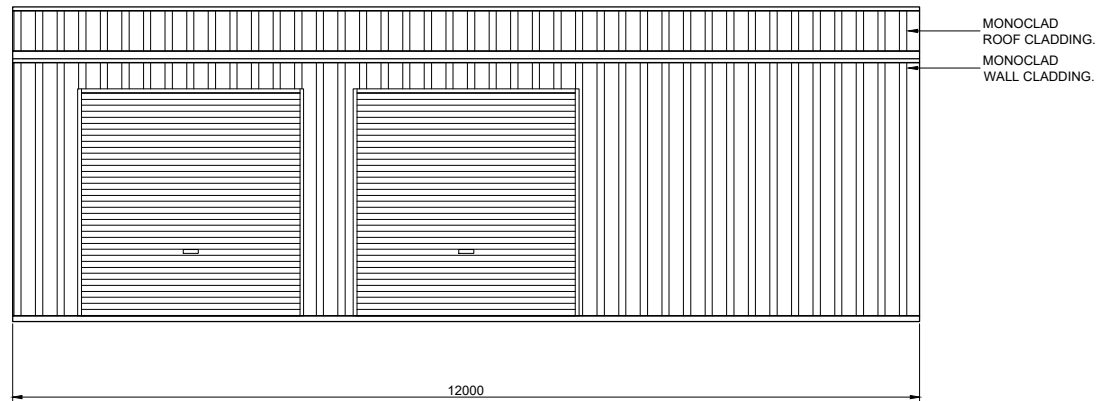
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Signature *T. Messer*

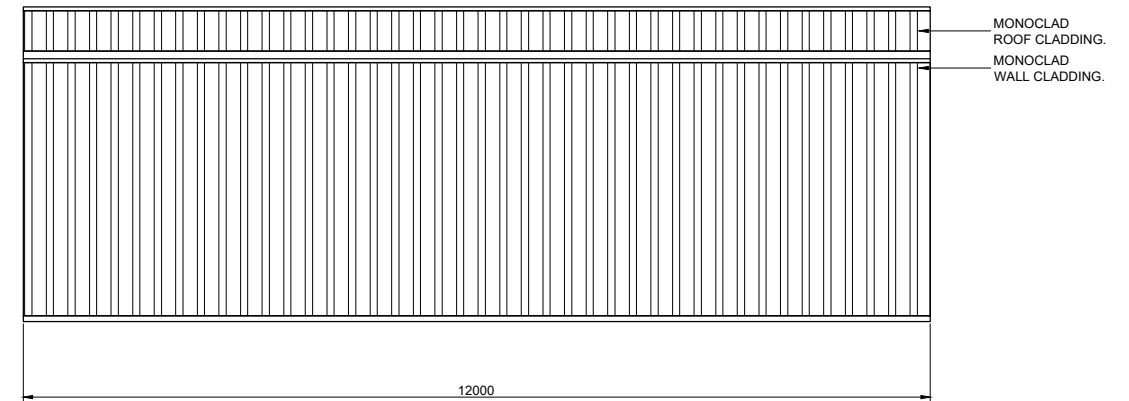
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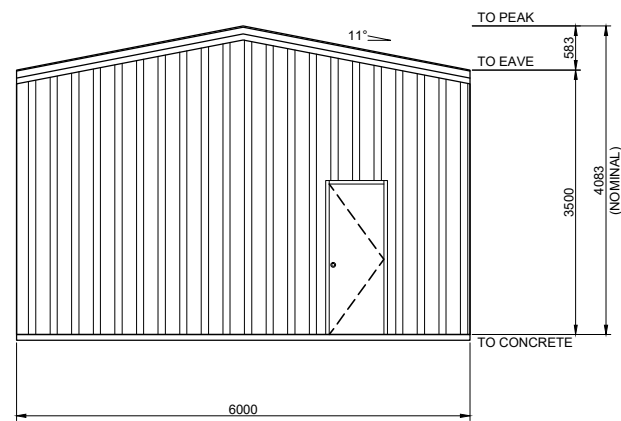
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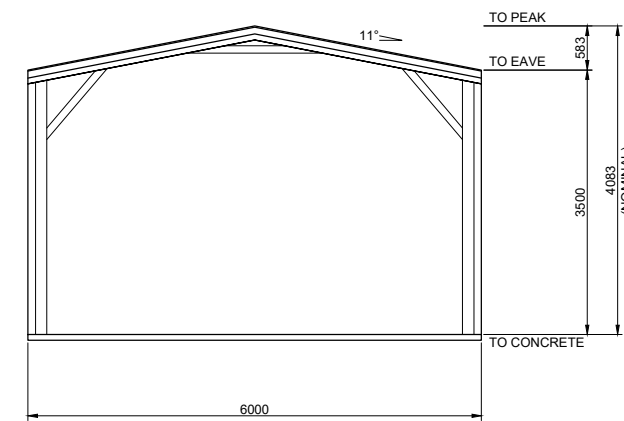
1  
7 SIDEWALL EXTERIOR ELEVATION  
SCALE: 1 = 100



2  
7 SIDEWALL EXTERIOR ELEVATION  
SCALE: 1 = 100



4  
7 ENDWALL EXTERIOR ELEVATION  
SCALE: 1 = 100



3  
7 ENDWALL EXTERIOR ELEVATION  
SCALE: 1 = 100

BUILDING COLOURS

WALL	CLASSIC CREAM
ROOF	CLASSIC CREAM
ROLLER DOOR	CLASSIC CREAM
P.A. DOOR	CLASSIC CREAM
DOWNPIPE	CLASSIC CREAM
GUTTER	BASALT
CORNER FLASHING	CLASSIC CREAM
BARGE FLASHING	BASALT
OPENING FLASHING	CLASSIC CREAM

7 OF 7  
SHEET  
JOB NO. FDM/O100839  
DATE 18/3/2026  
CHECKED TM  
DRAWN FDB

STEEL BUILDING BY (CONTACT)  
**FAIR DINKUM BUILDS MOORA**  
08 9653 1888  
**WYALKATCHEM MENS SHED**  
36 FLINT STREET  
WYALKATCHEM



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# GUIDE TO THE INSTALLATION OF TEMPORARY BRACING

(REFER TO INSTALLATION GUIDE MANUAL FOR THE TWO METHODS OF CONSTRUCTION)

**NOTES:**

**BRACING MATERIALS** - THE SHED ERECTOR TO SUPPLY SPECIFIC BRACING.

SUITABLE RIGID MEMBERS CAPABLE OF TENSION AND COMPRESSION OR OPPOSING CHAINS OR OPPOSING LOAD RATED RATCHET STRAPS TO BE USED. (RIGID BRACING AS SHOWN ON DIAGRAM) ROPE BRACING SUITABLE ONLY FOR SMALLER STRUCTURES IN IDEAL CONDITIONS.

**BRACING LOCATION** - TEMPORARY BRACING TO BE ERECTED AS CLOSE TO 45 DEGREE ANGLE AND FIXED TO THE TOP OF THE COLUMN OR MULLION TO ACHIEVE THE OPTIMUM EFFECTIVENESS. IF THERE IS NOT ENOUGH SPACE FOR A 45 DEGREE ANGLE, THEN 20 DEGREE ANGLE IS TO BE THE MINIMUM ANGLE ALLOWED (REFER TO DIAGRAM). RIGID TEMPORARY BRACING MEMBER TO BE BOLTED TO HEAVY ANGLE PEGS HAMMERED INTO THE GROUND OR TO A BRACKET, MASONRY ANCHORED TO THE SLAB.

**BRACING REMOVAL** - TEMPORARY BRACING TO REMAIN IN PLACE UNTIL CLADDING IS FULLY INSTALLED WHERE POSSIBLE. IN NO CASE SHOULD TEMPORARY BRACING BE REMOVED UNTIL ALL PURLINS, GIRTS (AND PERMANENT CROSS BRACING WHERE USED) ARE FIXED.

**SITE SAFETY** - DUE CONSIDERATION TO BE GIVEN TO SITE SAFETY IN REGARD TO LOCATIONS OF BRACING AND PEGS.

**GUIDE APPLICATION** - TEMPORARY BRACING AS DESCRIBED IS A MINIMUM REQUIREMENT FOR AN AVERAGE, STANDARD SITE CONDITION. PROVIDE ADDITIONAL BRACING FOR MORE SEVERE AND/OR HIGH EXPOSURE SITE CONDITIONS. ADDITIONAL BRACING TO BE USED AS AND WHERE NECESSARY TO ENSURE THAT ENTIRE FRAME IS RIGID THROUGHOUT CONSTRUCTION. RESPONSIBILITY FOR ENSURING STABILITY OF STRUCTURE REMAINS WITH THE BUILDER.

**TILT UP METHOD**

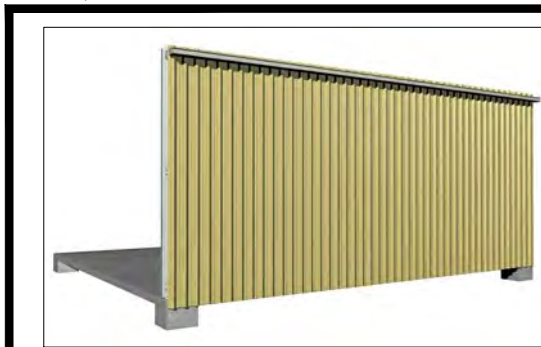
FOR STRUCTURES UNDER 9M SPAN, LESS THAN 3M HIGH AND LESS THAN 12M LONG

- ASSEMBLE THE FIRST SIDEWALL FRAME (COMPLETE WITH WALL SHEETING, BRACING AND GUTTER) ON THE GROUND AND LIFT ASSEMBLED SIDEWALL FRAME INTO POSITION. FIX OFF TEMPORARY SIDE BRACING TO EACH END (REFER TO DIAGRAM). FIX BASE CLEATS.
- ASSEMBLE THE SECOND SIDEWALL FRAME AS PER FIRST SIDEWALL FRAME. LIFT INTO POSITION. FIX OFF TEMPORARY WALL BRACING TO EACH END (REFER TO DIAGRAM) FIX BASE CLEATS.
- FIX GABLE END RAFTERS TO COLUMNS TO TIE WALLS. PROP APEX UNTIL ENDWALL MULLION AND APEX TEMPORARY BRACE ARE FIXED OFF. IF NO MULLION IS REQUIRED THEN PROP AND BRACE APEX UNTIL CLADDING IS COMPLETE.
- INSTALL REMAINING RAFTERS. AS EACH RAFTER PAIR IS INSTALLED, AT LEAST ONE PURLIN PER 3M OF RAFTER LENGTH IS TO BE INSTALLED TO SECURE RAFTERS.
- INSTALL REMAINING PURLINS
- INSTALL KNEE AND APEX BRACES IF AND WHERE APPLICABLE.
- REPEAT FOR LEANTO'S.

**FRAME FIRST METHOD**

FOR STRUCTURES OVER 9M SPAN, GREATER THAN 3M HIGH AND GREATER THAN 12M LONG

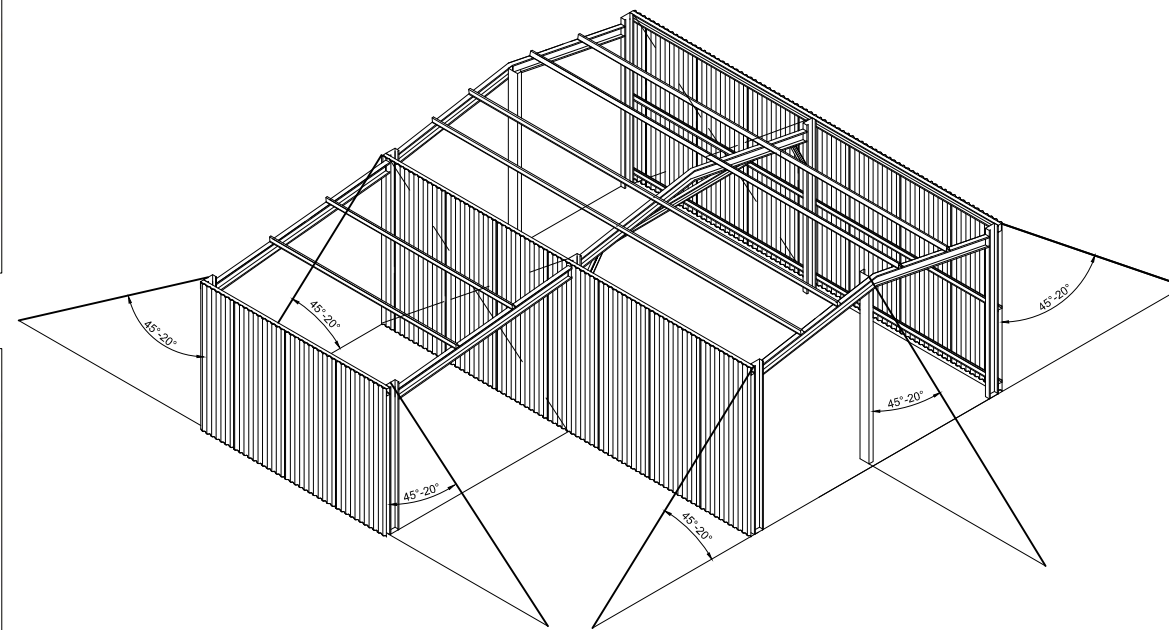
- ASSEMBLE PORTAL FRAMES ON THE GROUND (WITH KNEE AND APEX BRACES IF AND WHERE APPLICABLE). LIFT THE FIRST PORTAL FRAME ASSEMBLY INTO POSITION. FIX OFF TEMPORARY END BRACING (REFER TO DIAGRAM). FIX BASE CLEATS.
- PROP APEX UNTIL ENDWALL MULLION AND APEX TEMPORARY BRACE ARE FIXED OFF. IF NO MULLION IS REQUIRED THEN PROP AND BRACE APEX UNTIL CLADDING IS COMPLETE.
- THE SECOND PORTAL FRAME ASSEMBLY TO BE LIFTED INTO POSITION. FIX EAVE PURLINS AND AT LEAST ONE PURLIN PER 3M OF RAFTER TO SECURE FRAME ASSEMBLY. FIX BASE CLEATS. FIX TEMPORARY SIDEWALL BRACING.
- STAND REMAINING PORTAL FRAME ASSEMBLY AS PER STEP C, FIXING TEMPORARY SIDE WALL BRACING TO EVERY SECOND BAY. BRACE OTHER END PORTAL FRAME AS PER FIRST PORTAL FRAME.
- INSTALL REMAINING PURLINS AND GIRTS.
- REPEAT FOR LEANTO'S.



1A FIRST SIDEWALL FRAME  
1 REFER 1C FOR TEMPORARY BRACING LOCATION



1B SECOND SIDEWALL FRAME  
1 REFER 1C FOR TEMPORARY BRACING LOCATION



1C TILT UP METHOD DIAGRAM  
1 TEMPORARY BRACING LOCATION

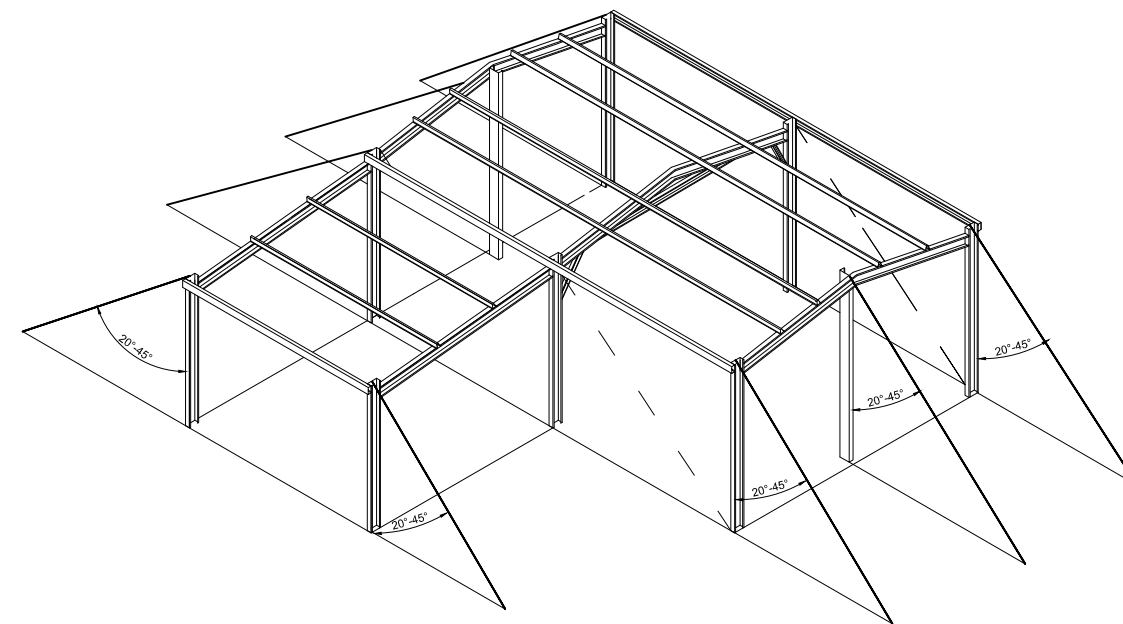
1 TILT UP METHOD DIAGRAM  
1 SCALE: NTS



2A FIRST & SECOND PORTAL FRAME ASSEMBLY  
1 REFER 2C FOR TEMPORARY BRACING LOCATION



2B COMPLETE PORTAL FRAME ASSEMBLY  
1 REFER 2C FOR TEMPORARY BRACING LOCATION



2C FRAME FIRST METHOD DIAGRAM  
1 TEMPORARY BRACING LOCATION

2 FRAME FIRST METHOD DIAGRAM  
1 SCALE: NTS

↓  
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Please review prior to commencing your build

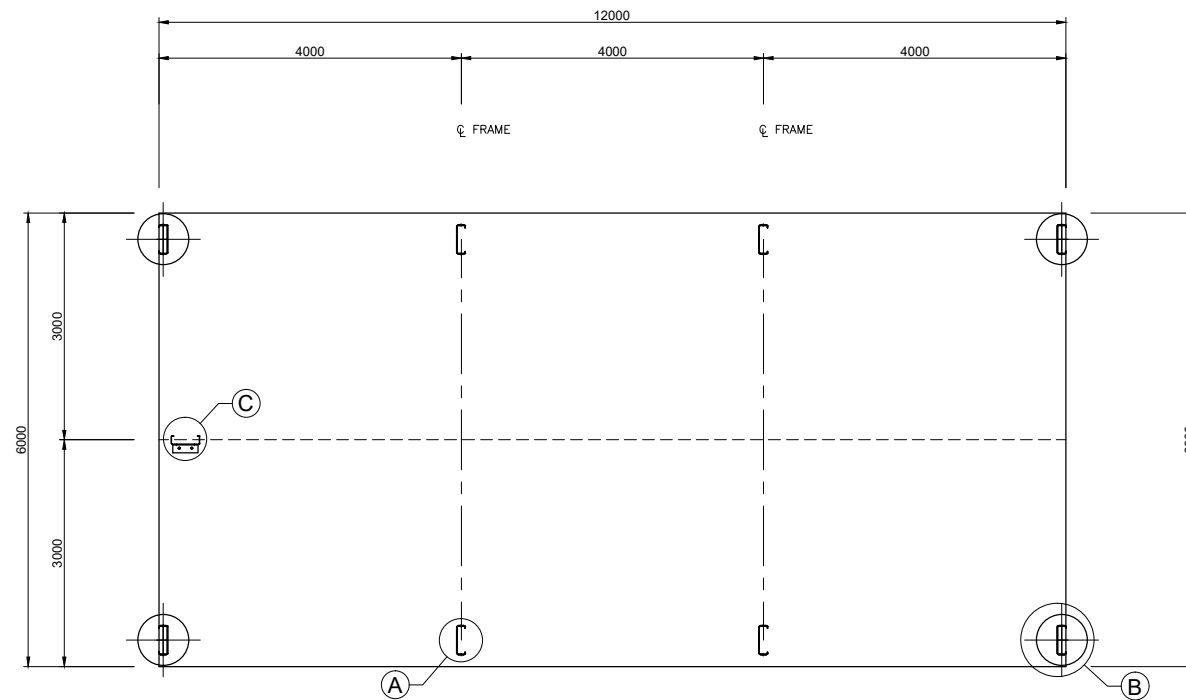
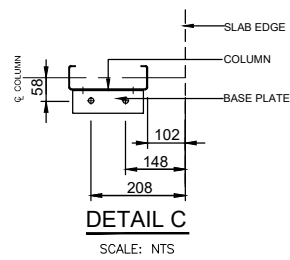
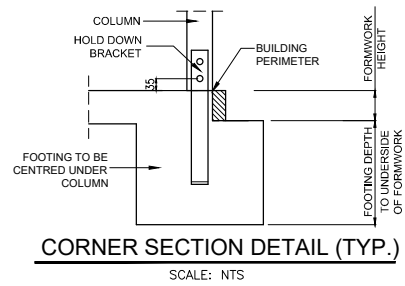
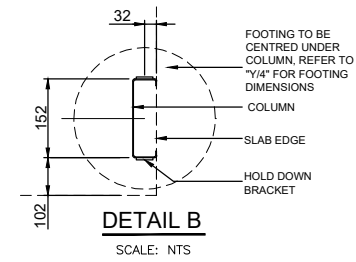
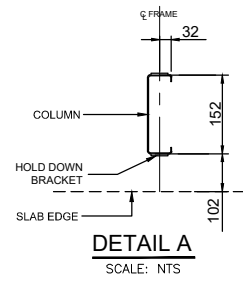
NOT PART OF COUNCIL APPLICATION DOCUMENTATION

JOB NO. FDMO100839	DATE 18/3/2026	CHECKED TM	DRAWN FDB	STEEL BUILDING BY <b>FAIR DINKUM BUILDS MOORA</b> 08 9653 1888 FOR <b>WYALKATCHEM MENS SHED</b> AT 36 FLINT STREET WYALKATCHEM
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# TEMP BRACING

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1 HOLD DOWN BRACKET LAYOUT  
SCALE: 1 = 100

NOT PART OF COUNCIL APPLICATION DOCUMENTATION

IF YOU HAVE A ROLLER DOOR IN THE GABLE END OF YOUR SHED, CONTACT YOUR DISTRIBUTOR TO SEE IF MULLION NEEDS TO BE ROTATED FOR USE AS A DOOR JAMB.

JOB NO. FDMO100839	DATE 18/3/2026	CHECKED TM	DRAWN FDB	STEEL BUILDING BY	<b>FAIR DINKUM BUILDS MOORA</b> 08 9653 1888 <b>WYALKATCHEM MENS SHED</b> 36 FLINT STREET WYALKATCHEM	 	<h1>BRACKET LAYOUT</h1>
				FOR			
				AT			

# COMPLIANCE CERTIFICATE FOR BUILDING DESIGN

<p><b>Property Description</b> Street address (include number, street, suburb/locality &amp; postcode)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">36 FLINT STREET</td> <td style="width: 40%;"></td> </tr> <tr> <td>WYALKATCHEM</td> <td style="text-align: right;">Postcode : 6485</td> </tr> </table>	36 FLINT STREET		WYALKATCHEM	Postcode : 6485																							
36 FLINT STREET																												
WYALKATCHEM	Postcode : 6485																											
<p><b>Description of Component/s Certified</b> Clearly describe the extent of work covered by this certificate.</p>	<p>Steel Portal Frame Structure.</p> <p>6m span x 12m O/A length x 3.5m eaves height.</p> <p>Consisting of 3 bays at 4m spacing.</p>																											
<p><b>Basis of Certification</b> Detail the basis for giving the certificate and the extent to which tests, specifications, rules, standards, codes of practice and other publications, were relied upon.</p>	<p>Australian Standards (list) AS/NZS 4600-2018, AS/NZS 1170.0, 1-2002, 1170.2-2021, 1170.3-2003, 1170.4-2007, AS2870-2011, AS3600-2018, AS5216-2021</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">2022 National Construction Code of Australia</td> <td style="width: 50%;">NCC Building Classification: Class 10a</td> </tr> <tr> <td>Region AS1170.2 = Reg A1</td> <td>Factor for Region = NA</td> </tr> <tr> <td>NCC Importance Level = 2</td> <td>NCC Equivalent Wind class = N/A</td> </tr> <tr> <td>Annual Probability Exceedance wind = 1:500</td> <td>Design Roof Live Load = 0.25 kPa</td> </tr> <tr> <td>Regional 3 s Gust Wind Speed for annual probability of exceedance <math>V_R = 45</math> m/s</td> <td></td> </tr> <tr> <td>Wind directional multipliers for the 8 cardinal directions <math>M_d = 1.00</math></td> <td></td> </tr> <tr> <td>Terrain/Height multiplier (<math>M_z, Cat</math>) = 0.87</td> <td>Shielding Multiplier <math>M_s = 0.9</math></td> </tr> <tr> <td>Topographic multiplier <math>M_t = 1</math></td> <td>Design Wind Speed = 35 m/s</td> </tr> <tr> <td>Ext. Pressure Coefficient <math>c_{pe} = -0.65, 0.70</math></td> <td>Int. Pressure Coefficient <math>c_{pi} = -0.59, 0.48</math></td> </tr> </table>	2022 National Construction Code of Australia	NCC Building Classification: Class 10a	Region AS1170.2 = Reg A1	Factor for Region = NA	NCC Importance Level = 2	NCC Equivalent Wind class = N/A	Annual Probability Exceedance wind = 1:500	Design Roof Live Load = 0.25 kPa	Regional 3 s Gust Wind Speed for annual probability of exceedance $V_R = 45$ m/s		Wind directional multipliers for the 8 cardinal directions $M_d = 1.00$		Terrain/Height multiplier ( $M_z, Cat$ ) = 0.87	Shielding Multiplier $M_s = 0.9$	Topographic multiplier $M_t = 1$	Design Wind Speed = 35 m/s	Ext. Pressure Coefficient $c_{pe} = -0.65, 0.70$	Int. Pressure Coefficient $c_{pi} = -0.59, 0.48$									
2022 National Construction Code of Australia	NCC Building Classification: Class 10a																											
Region AS1170.2 = Reg A1	Factor for Region = NA																											
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Topographic multiplier $M_t = 1$	Design Wind Speed = 35 m/s																											
Ext. Pressure Coefficient $c_{pe} = -0.65, 0.70$	Int. Pressure Coefficient $c_{pi} = -0.59, 0.48$																											
<p><b>Reference Documentation</b> Clearly identify any relevant documentation, e.g numbered structural engineering plans</p>	<p>Drawing Nos: 'Fair Dinkum Builds' Structural Design Drawing</p> <p>To be read in conjunction with Pages 1 to 7</p> <p>For Job Number: FDM0100839 DATED : 18/3/2026</p> <p>Specifications:</p> <p>Computations:</p> <p>Test Reports:</p> <p>Other Documentation:</p>																											
<p><b>Competent Person Details</b> A competent person for building work, means a person who is assessed by the building certifier for the work as competent to practise in aspect of the design, building or inspection of the building work because of the person's skill and experience in the aspect. The competent person must also be registered or licensed under a law applying in the state to practice the aspect.</p> <p>A COPY OF A CURRENT CV AND PROFESSIONAL REGISTRATION DETAILS MUST BE PROVIDED WITH THE CERTIFICATE</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Name:</td> <td colspan="2">Timothy Roy Messer</td> </tr> <tr> <td>Company Name (If applicable):</td> <td colspan="2">Northern Consulting Engineers</td> </tr> <tr> <td>Postal Address:</td> <td colspan="2">50 Punari Street, Currajong 4812</td> </tr> <tr> <td>Contact Person:</td> <td colspan="2">Timothy Roy Messer</td> </tr> <tr> <td>Telephone Number:</td> <td colspan="2">07 4725 5550</td> </tr> <tr> <td>Mobile Number:</td> <td colspan="2">N/A</td> </tr> <tr> <td>Fax Number:</td> <td colspan="2">07 4725 5850</td> </tr> <tr> <td>Email Address:</td> <td colspan="2">design@nceng.com.au</td> </tr> <tr> <td>License or Registration Number:</td> <td>2558980</td> <td>Copy of CV Attached: <input type="checkbox"/> Tick Box</td> </tr> </table> <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> Y <input checked="" type="checkbox"/> or N <input checked="" type="checkbox"/> </div>	Name:	Timothy Roy Messer		Company Name (If applicable):	Northern Consulting Engineers		Postal Address:	50 Punari Street, Currajong 4812		Contact Person:	Timothy Roy Messer		Telephone Number:	07 4725 5550		Mobile Number:	N/A		Fax Number:	07 4725 5850		Email Address:	design@nceng.com.au		License or Registration Number:	2558980	Copy of CV Attached: <input type="checkbox"/> Tick Box
Name:	Timothy Roy Messer																											
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Mobile Number:	N/A																											
Fax Number:	07 4725 5850																											
Email Address:	design@nceng.com.au																											
License or Registration Number:	2558980	Copy of CV Attached: <input type="checkbox"/> Tick Box																										
<p><b>Signature of Competent Person</b> This form may be used by competent persons to certify the design of a material, system, method of building, building element design or other thing.</p> <p>If the competent person is a licensed company the authorised person of the company is to sign the form.</p>	<p>I certify that the item/s described above, if installed or carried out in accordance with the information contained in this certificate, including any referenced documentation, will comply with the National Construction Code of Australia/relevant Australian or International Standard.</p> <p>Signature of competent person:  Date: 18/3/2026</p>																											

LOCAL GOVERNMENT USE ONLY			
Date received		Reference Number/s	

Site Calculations

SITE AREA	1,011.94m <sup>2</sup>
EXISTING FLOOR AREA	164.93m <sup>2</sup>
PROPOSED AREA	126.00m <sup>2</sup>

Notes

- 1 JH 18/3/26 5:41 pm  
EXISTING RESIDENCE / DWELLING
- 2 JH 18/3/26 5:42 pm  
EXISTING OUTBUILDING - 6M X 9M
- 3 JH 18/3/26 5:43 pm  
NEW COLOUR BOND STEEL SHED EXTENSION - 6M X 12M



Disrupted by Canibuild.



Client Name \_\_\_\_\_ Client Email \_\_\_\_\_ Client Phone \_\_\_\_\_ Signature \_\_\_\_\_

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ALL DIMENSIONS ARE IN METERS.

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john@nusteelbuilding.com.au

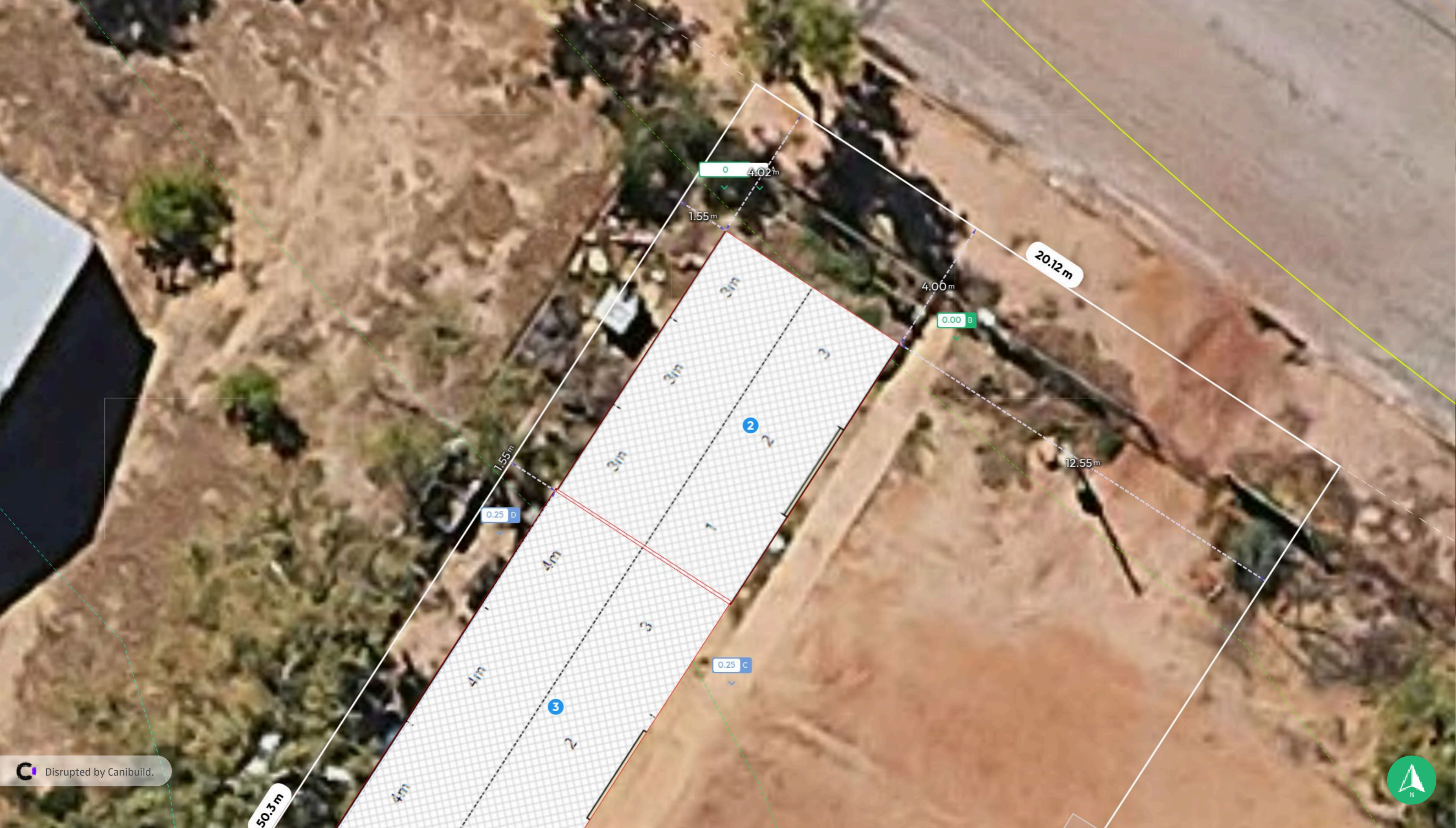
Sheet Name	Sheet no.	Lic no.	Job no.
Site Plan	1		

Property Details  
Lot 56 Flint St, Wyalkatchem, WA 6485, Australia Lot 1  
Lot/DP: R 19226

Design	Scale
100839	1:500@A3

1 <sup>st</sup> version date:	Current version date:	Version #
18/03/2026	18/03/2026	1





Disrupted by Canibuild.

Client Name	Client Email	Client Phone	Signature
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 john@nusteelbuilding.com.au

**Property Details**  
 Lot 56 Flint St, Wyalkatchem, WA 6485, Australia Lot 1  
 Lot/DP: R 19226

<b>Sheet Name</b> Site Plan	<b>Sheet no.</b> 3	<b>Lic no.</b>	<b>Job no.</b>
<b>Design</b> KERR			<b>Scale</b> 1:100@A3

<b>1<sup>st</sup> version date:</b> 18/03/2026	<b>Current version date:</b> 18/03/2026	<b>Version #</b> 1
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Client Name \_\_\_\_\_ Client Email \_\_\_\_\_ Client Phone \_\_\_\_\_ Signature \_\_\_\_\_

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**Generated by** John Hughes  
 john@nusteelbuilding.com.au

**Property Details**  
 Lot 56 Flint St, Wyalkatchem, WA 6485, Australia Lot 1  
 Lot/DP: R 19226

Sheet Name	Sheet no.	Lic no.	Job no.
Site Plan	4		
<b>Design</b> 100839			<b>Scale</b> 1:100@A3
<b>1<sup>st</sup> version date:</b> 18/03/2026		<b>Current version date:</b> 18/03/2026	<b>Version #</b> 1



**11.1.2. DEVELOPMENT APPROVAL (DA) APPLICATION – 63 JOHNSTON ST,  
WYALKATCHEM**

Applicant:	David Bower
Location:	63 Johnston St, Wyalkatchem
Date:	11 June 2026
Reporting Officer:	Paul Bashall, Planwest (WA) Pty Ltd
Disclosure of Interest:	No interest to disclose
File Number:	07.02
Attachment Reference:	11.1.1 Development Application as submitted

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

*That the Council approves the Development Approval application subject to the following conditions.*

- 1. The issue of a BAL rating PRIOR to construction of the house.*
- 2. The lodgment and approval of plans for the location of a garage or carport and where a driveway will require a crossover to a public street, to the satisfaction of the local government.*
- 3. The two sea-containers are to be removed when the house is deemed fit for occupation.*

**Executive Summary**

This report considers a proposal to build a new modular dwelling measuring about 10.9m x 20m (including verandas), and two sea-containers (for building supplies) on a town lot in Johnston Street, Wyalkatchem.

**1.1 Background**

A Development Approval (DA) application was submitted by David Bower; Veronda Bower being the owner of the property. The DA was accompanied by;

- a signed DA application form,
- a set of floor plans and elevations of the proposed dwelling, and
- a site plan showing the location of the house and the 2 sea-containers.

**1.2 Location**

The proposed dwelling is proposed to be located on the vacant property facing Thurston Street (westwards). Lot 336 is a triangular-shaped lot measuring about 1,304m<sup>2</sup> with access to Thurston Street, Johnston Street and part of a 5m ROW (Right of Way). The 2 sea-containers are proposed to be placed on the boundary shared with the neighbouring house on Lot 337 (HN 61) Johnston Street.

**Figure 1** provides a location plan showing how the property is affected by the Bushfire Prone mapping issued by DFES.

**Figure 2** provides an enlargement of the property clearly showing the vacant land and the surrounding development.

### 1.3 Proposed Development

The proposal seeks approval for a new modular dwelling measuring about 10.9m x 20m with a ridge height of 4.6m. The estimated cost of the development is stated to be \$80,000 and to be completed within 18 months.

The site plan submitted is of poor quality, but it does clearly show setbacks from boundaries. The dwelling is well setback (for the R30 density code) from Thurston Street (8m) and Johnston Street (8m). There are no distances shown between the existing boundary to Lot 337 for the proposed sea-containers.

**FIGURE 1 – LOCATION PLAN**



Source: Landgate, DFES, Planwest

**FIGURE 2 – ENLARGEMENT OF PROPERTY**



**Source:** Landgate, Planwest

The plans show no carport or garage on the site plan. The location of a crossover to a street will be required when a driveway location is decided.

The applicant has provided an example of what the development may look like. This is shown in **Figure 3** below.

**FIGURE 3 – APPEARANCE OF DEVELOPMENT**



**Source:** Applicant, Planwest

### Local Planning Scheme

The land is zoned 'Residential' with a density of R10/30 in Local Planning Scheme No 4 (the Scheme). **Figure 4** shows an extract from the Scheme mapping of the property and surrounding land.

The Scheme requires that all residential development must comply with the R-Codes (Residential Design Codes). The Deemed Provisions (of the *Planning and Development (Local Planning Schemes) Regulations 2015*) do not exempt this development from requiring a DA (clause 61) as the development is within a Bushfire Prone area and shows no carport/garage location as required by the R-Codes.

Because the land is within the Bushfire Prone mapping area, and the lot is greater than the 1,100m<sup>2</sup> size exemption, it will require compliance with a BAL (Bushfire Attack Level) rating. The determination of a BAL rating will need to be imposed as a condition of any approval. The building would subsequently need to comply with the rating requirements.

The Scheme provides for Local Planning Policies (LPP) to cover more detailed aspects of development within the Scheme area. These LPPs are prepared and adopted under the provisions of the Scheme (Part 2).

**FIGURE 4 – SCHEME MAP EXTRACT**



Source: DPLH, Landgate, Planwest

The LPP No 1 – Moveable Buildings, is one such LPP that was adopted by the Council to safeguard the quality of the streetscape in established residential areas by restricting the use of moveable buildings, like containers, dongas and transportable structures. It is

considered that these structures may detract from an established streetscape. Notwithstanding the intent of this LPP, the proposed house may be considered a moveable building, however its appearance and location is considered acceptable in the streetscape.

**Attachment A** provides copy of LPP 1.

#### **1.4 Consultation**

Nil.

#### **Statutory Environment**

- Planning and Development Act 2005
- Shire of Wyalkatchem Local Planning Scheme No 4

#### **Policy Implications**

There are policy implications applicable to this item relating to the LPP 1 – Moveable Buildings, however, the appearance of the proposed structure is considered acceptable.

#### **Financial Implications**

There are no financial implications applicable to this item.

#### **Strategic/Risk Implications**

There are no strategic risk implications.

#### **Discussion**

The proposed house appears to be acceptable in the streetscape in this area as shown in **Figure 3**. It is doubtful that this house can be constructed for \$80,000 unless it is second-hand. Conditions will need to be imposed including a BAL assessment, vehicular access to the house and removal of the sea-containers when the house has been completed.



**ATTACHMENT A**

**SHIRE OF WYALKATCHEM  
LOCAL PLANNING SCHEME No. 4**

The Shire of Wyalkatchem under and by virtue of the provisions and powers conferred upon it in that behalf by Local Planning Scheme No. 4, hereby adopts the following Policy.

**LOCAL PLANNING POLICY No. 1  
MOVEABLE BUILDINGS**

DATE ADVERTISED:

DATE FINALLY ADOPTED:

**1. DISCUSSION**

Recent land price increases and substantially increased prices for dwellings within the metropolitan and major regional centres has resulted in a substantial portion of the community unable to purchase property. This has resulted in an increased demand for land within smaller communities and in particular the sale of homestead lots within the satellite towns.

The Council is experiencing an increase in the demand for more affordable housing types within the Shire. These 'affordable' housing types are often in the form of moveable, recycled and converted shed type structures. The Council is keen to restrict these types of dwellings amongst the existing residential areas as they are considered inappropriate to, the standard of existing housing stock, and the expectations of residents or owners already established in the area. The Council considers it reasonable to protect existing owners' investments in the town from development that may detract from the amenity of the residential character.

**2. DEFINITIONS**

A PERMANENT building is generally not designed to be moved and includes the following;

- a) **'Site Built'** structures are built on location as new permanent structures. They are of traditional appearance with pitched roofs and typical house layout, designed to accommodate families.
- b) **'Relocated'** dwellings are structures that have previously been constructed on a site elsewhere. The structures that are relocated are not necessarily designed to be relocated.

A MOVEABLE building is generally any structure capable of being transported from one location to another. There are three basic types as follows;

- a) **'Transportable'** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings prefabricated in Perth, transported in sections to their building site, and assembled on location.
- b) **'Donga Type'** structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those (such as

ATCO, Western Portables or Durabuilt units) with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.

- c) **'Containers'**. These structures, although considered 'buildings' by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes 'seainers' and other large vessels designed to carry, and be carried on specially designed vehicles or transporters.

### 3 BACKGROUND

Due to the historic uncertainty in the permanence of mining activities, and the mobility of mining operations, the establishment of permanent workforce accommodation in the region may not always be desirable or viable.

The use and reuse of moveable buildings is common. The downside of this trend is that the building stock may be second-hand, may contain undesirable materials like asbestos, and may be visually out of harmony with existing buildings in the locality. Many other Councils are not permitting buildings within their districts which contain asbestos. Without the appropriate controls Wyalkatchem could become a 'dumping ground' for such structures.

To ensure that the Council has the opportunity to consider such proposals, all applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence.

The Council has delegated authority to its Building Surveyor to determine Applications for Planning Consent for all applications for **transportable** and **relocated** dwellings in zones of the Scheme where dwellings are permitted. The Building Surveyor may impose appropriate conditions including the requirement for a bond or bank guarantee.

**Donga type** and **Containers** are subject to Council consideration.

### 4 POLICY

#### 4.1 Council Policy on Moveable Buildings

a) All applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence. Generally the Council is not in favour of the use of moveable buildings, especially in the townsite areas, however the Council will consider each application on its merits.

b) The Council shall not permit the establishment, occupation or erection of **donga type** structures for residential purposes within a Townsite Boundary in Scheme Area, unless the site is set aside for Group Housing Accommodation and used as a camp site for accommodating a workforce. In these circumstances it may be argued that the development is not a permanent improvement, and may justify the use of such structures. In this case the Council must be satisfied that the development will not detract from the amenity of the surrounding area.

c) The Council will only permit **donga type** structures for uses *other than* residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.

d) The Council will only permit **site built** and **relocated** structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.

e) The Council will not permit the storing or use of a '**container**', as defined above, within a townsite area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.

f) The Council may give special consideration for the use of '**containers**' outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of the '**containers**' will not detract from the amenity of the locality.

#### **4.2 Measures to ensure Compliance with Planning Consent**

When an application for Planning Consent for a Moveable Building is considered by the Council, or the Building Surveyor, that Consent may be granted subject to conditions requiring the applicant, or owner, to:

- a) lodge a bond or bank guarantee with the Council. The bond or bank guarantee will provide the surety for the completion of the moveable building to a standard acceptable to the Council;
- b) specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council.
- c) obtain a special building licence of a specified duration.

### **5 OBJECTIVES OF POLICY**

- a) To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.
- b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.
- c) To ensure that the moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (eg. asbestos).
- d) To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas.
- e) To prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.
- f) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of '**containers**' within the non-industrial areas of the townsite.

**CHIEF EXECUTIVE OFFICER**

**Date**



LG Ref: %%%

*Planning and Development Act 2005*

## Shire of Wyalkatchem

### Notice of determination on application for development approval

**Location:** 63 Johnston Street, Wyalkatchem.

**Lots:** 336

**Plan/Diagram:** 170397

**Vol. No:** 1611

**Folio No:** 585

**Application date:** 27 May 2026

**Received on:** 27 May, 2026

**Description of proposed development:**

The construction of a house and two sea-containers.  
The application for development approval received on 27 May 2026 is:

- Approved subject to the following conditions  
 Refused for the following reason(s)

**Conditions/Reasons for refusal:**

1. The issue of a BAL rating PRIOR to construction of the house.
2. The lodgment and approval of plans for the location of a garage or carport and where a driveway will require a crossover to a public street, to the satisfaction of the local government.
3. The two sea-containers are to be removed when the house is deemed fit for occupation.

**Footnotes**

- If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
- If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
- The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site.

**Date of determination:** 18 June 2026

# SHIRE OF WYALKATCHEM



## Application for development approval

Owner details		
Name: VERONDA BOWER		
ABN (if applicable):		
Address: UNIT 11/24 GLADSTONE RD ARMADALE Postcode: 6112		
Phone:	Fax:	Email:
Work:		bower.electrics@LIVE
Home:		.COM.AU
Mobile: 0407575535		
Contact person for correspondence:		
Signature: <i>V Bower</i>	Date: 13/5/2026	
Signature: <i>V D Bower</i>	Date: 13/5/2026	
<p>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</p>		

Applicant details (if different from owner)		
Name: DAVID BOWER		
Address: UNIT 11/24 GLADSTONE RD ARMADALE Postcode: 6112		
Phone:	Fax:	Email:
Work:		bower.electrics@
Home:		LIVE.COM.AU
Mobile: 0407575535		
Contact person for correspondence:		
<p>The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
Signature: <i>D Bower</i>	Date: 13/5/2026	

Property details		
Lot No: 336	House/Street No: 63	Location No: 1611
Plan No: 170397 Diagram:	Certificate of Title Vol. No: 1611	Folio: 585
Title encumbrances (e.g. easements, restrictive covenants):		
Street name: JOHNSTON		Suburb: WYALKATCHEM
Nearest street intersection: THURSTON		

Proposed development	
Nature of development:	<input type="checkbox"/> Works <input checked="" type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use
* Description of proposed works and/or land use: BUILDING OF HOUSE AND 2 SEA CONTAINERS FOR BUILDING	
Description of exemption claimed (if relevant):	SUPPLIES
Nature of any existing buildings and/or land use:	
Approximate cost of proposed development: \$80,000	
Estimated time of completion: 18 MONTHS	

OFFICE USE ONLY	
Acceptance Officer's initials:	Date received:
Local government reference No:	

Shire of Wyalkatchem  
 PO Box 224, Wyalkatchem WA 6488  
 Office Hours: Monday to Friday 8.30am to 4.30pm

4 MTRS

SEA CONT  
6 x 2.4  
FRONT

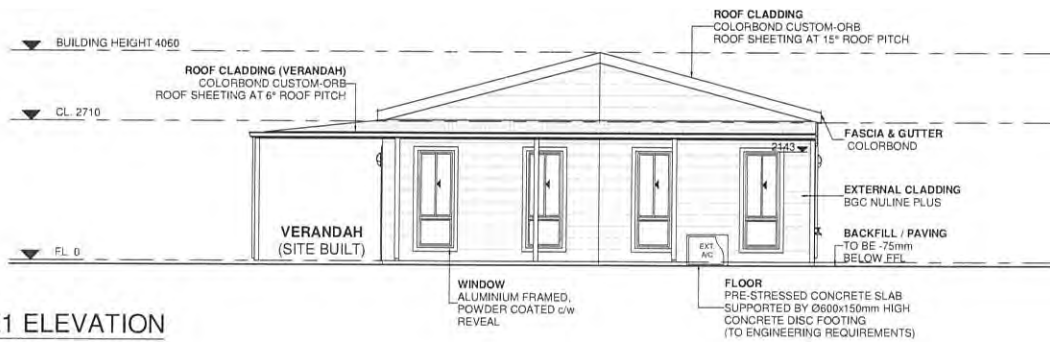
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12 MTR x 2.4 MTR  
FRONT

50.17

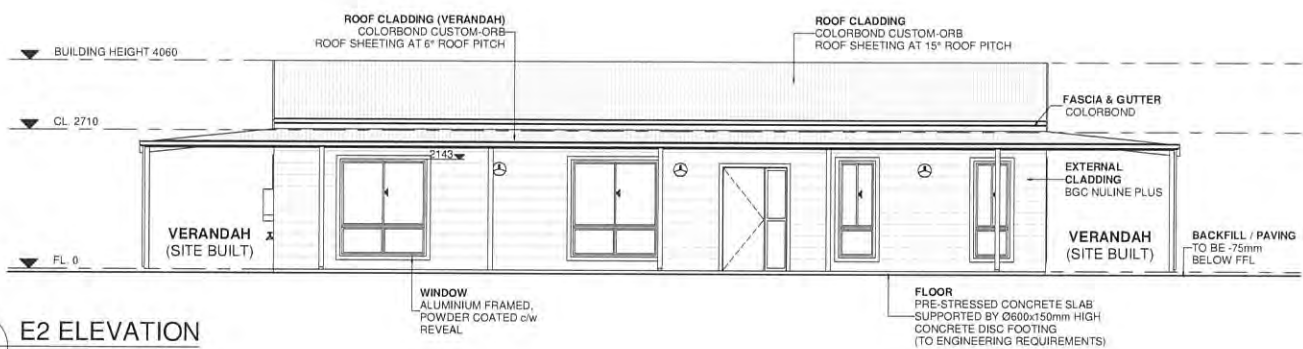
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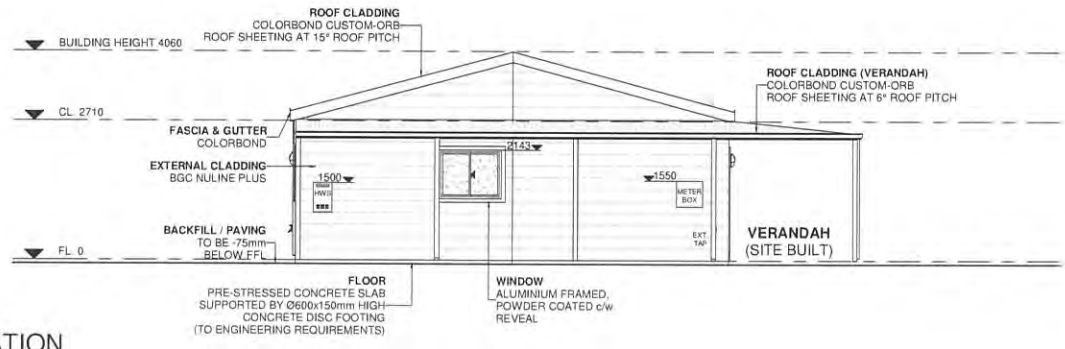




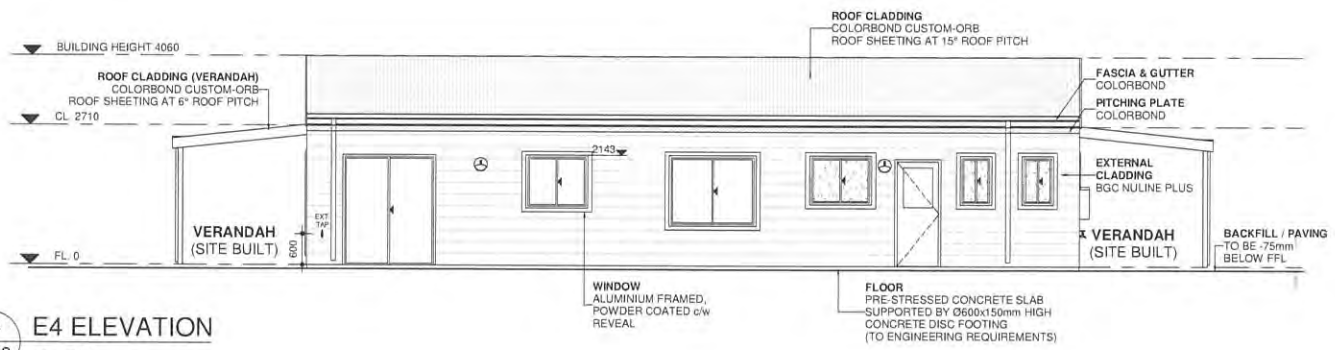
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A103 **E1 ELEVATION**  
1 : 100



**E2**  
A103 **E2 ELEVATION**  
1 : 100



**E3**  
A103 **E3 ELEVATION**  
1 : 100



**E4**  
A103 **E4 ELEVATION**  
1 : 100

CLIENT:	-
ADDRESS:	-
HOUSE TYPE:	NEW JASPER DISPLAY

Rev	Description	Date

JOB No.	-
DATE	15/09/2020 3:01:14 PM
DRAWN:	-
CHECKED:	-
REV:	SHEET
SCALE:	1 : 100

**modularwa**

T: 08 64540919 F: 08 64540918  
 W: modularwa.com.au  
 e: sales@modularwa.com.au  
 Builders reg # 101630

Use figured dimensions in preference to scaled.  
 All dimensions to be verified and checked on the job. Copyright

## ELECTRICAL LEGEND

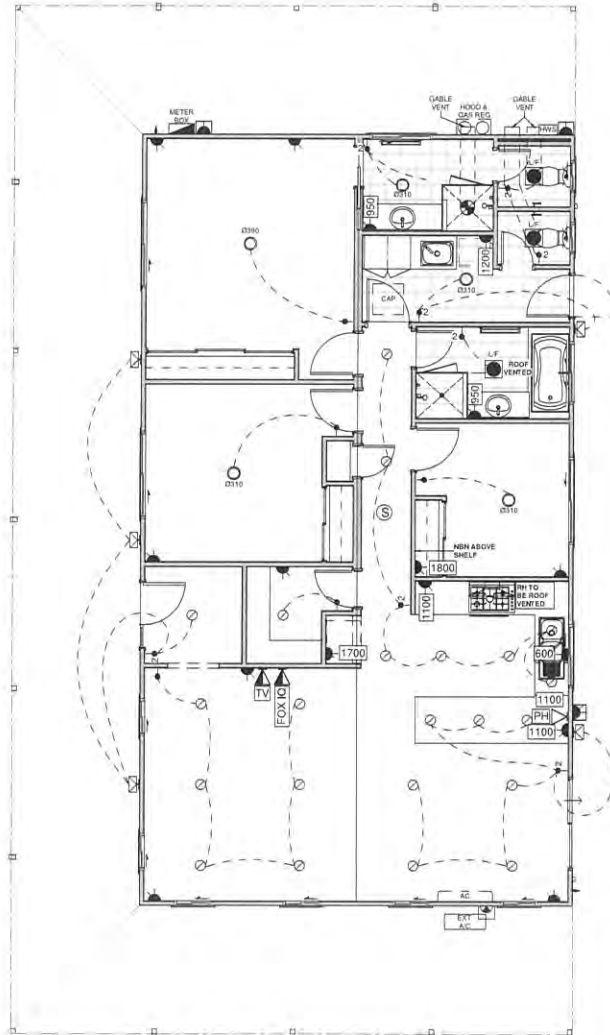
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	CEILING LIGHT - L.E.D DOWNLIGHT FITTING
	EXTERNAL WALL LIGHT
	EXTERNAL WALL LIGHT UP/DOWN
	L.E.D. SURFACE MOUNTED BATTEN
	MOTION SENSOR
	SINGLE GPO
	DOUBLE GPO
	QUAD GPO
	SINGLE WEATHERPROOF GPO
	DOUBLE WEATHERPROOF GPO
	ISOLATION SWITCH
	AIR CONDITIONER UNIT ISOLATOR
	PHONE / DATA OUTLET
	TV POINT
	LIGHT SWITCH
	HARDWIRED SMOKE DETECTOR c/w BATTERY BACKUP
	EXHAUST FAN FLUMED
	HEAT / LIGHT / FAN
	LIGHT / FAN
	CEILING FAN
	CEILING FAN c/w LIGHT
	METER BOX

### ELECTRICAL NOTES:

1. ALL ELECTRICAL HEIGHTS ARE MEASURED FROM FINISHED FLOOR LEVEL.
2. ALL LIGHT SWITCHES TO BE 1200mm ABOVE FINISHED FLOOR LEVEL UNLESS OTHERWISE NOTED
3. INTERNAL GENERAL POWER OUTLETS, PHONE & DATA POINTS TO BE 300mm ABOVE FINISHED FLOOR LEVEL UNLESS OTHERWISE NOTED
4. EXTERNAL GENERAL POWER OUTLETS AND EXTERNAL ISO SWITCH TO BE 1200mm ABOVE FINISHED FLOOR LEVEL UNLESS OTHERWISE NOTED
5. EXTERNAL LIGHT FITTINGS TO BE 1900mm ABOVE FINISHED FLOOR LEVEL - MEASURED TO UNDERSIDE OF FITTING
6. POWER TO DISHWASHER RECESS, ELECTRIC OVEN, RANGEHOOD, HOT PLATE, HOT WATER SYSTEM.

### AIR CONDITIONING NOTE:

1. ALL EXTERNAL A/C BOOTS TO BE LOCATED MIN. 400mm ABOVE FFL.
2. FIRE BLANKET TO BE INSTALLED AROUND PIPES PRIOR TO INSTALLING ALL EXTERNAL A/C BOOTS.



1 ELECTRICAL PLAN  
A104 1 : 100

CLIENT:	-
ADDRESS:	-
HOUSE TYPE:	NEW JASPER DISPLAY

Rev	Description	Date

JOB No.	-
DATE:	15/09/2020 3:01:15 PM
DRAWN:	-
CHECKED:	-
REV:	SHEET
SCALE:	1 : 100

modularwa

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e: sales@modularwa.com.au  
Builders reg # 101630

Use figured dimensions in preference to scaled. All dimensions to be verified and checked on the job. Copyright

A104



### ELECTRICAL LEGEND

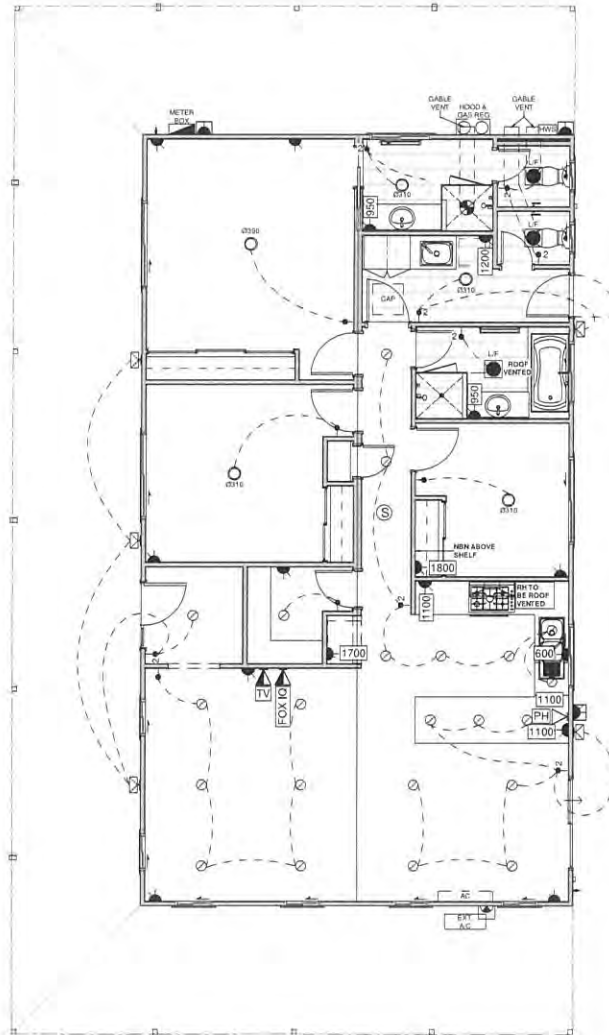
	CEILING LIGHT - L.E.D OYSTER FITTING
	CEILING LIGHT - L.E.D DOWNLIGHT FITTING
	EXTERNAL WALL LIGHT
	EXTERNAL WALL LIGHT - UP/DOWN
	L.E.D. SURFACE MOUNTED BATTEN
	MOTION SENSOR
	SINGLE GPO
	DOUBLE GPO
	QUAD GPO
	SINGLE WEATHERPROOF GPO
	DOUBLE WEATHERPROOF GPO
	ISOLATION SWITCH
	AIR CONDITIONER UNIT ISOLATOR
	PHONE / DATA OUTLET
	TV POINT
	LIGHT SWITCH
	HARDWIRED SMOKE DETECTOR c/w BATTERY BACKUP
	EXHAUST FAN FLUMED
	HEAT / LIGHT / FAN
	LIGHT / FAN
	CEILING FAN
	CEILING FAN c/w LIGHT
	METER BOX

#### ELECTRICAL NOTES:

1. ALL ELECTRICAL HEIGHTS ARE MEASURED FROM FINISHED FLOOR LEVEL.
2. ALL LIGHT SWITCHES TO BE 1200mm ABOVE FINISHED FLOOR LEVEL UNLESS OTHERWISE NOTED
3. INTERNAL GENERAL POWER OUTLETS, PHONE & DATA POINTS TO BE 300mm ABOVE FINISHED FLOOR LEVEL UNLESS OTHERWISE NOTED
4. EXTERNAL GENERAL POWER OUTLETS AND EXTERNAL ISO SWITCH TO BE 1200mm ABOVE FINISHED FLOOR LEVEL UNLESS OTHERWISE NOTED
5. EXTERNAL LIGHT FITTINGS TO BE 1900mm ABOVE FINISHED FLOOR LEVEL - MEASURED TO UNDERSIDE OF FITTING
6. POWER TO DISHWASHER RECESS, ELECTRIC OVEN, RANGEHOOD, HOT PLATE, HOT WATER SYSTEM.

#### AIR CONDITIONING NOTE:

1. ALL EXTERNAL A/C BOOTS TO BE LOCATED MIN. 400mm ABOVE FFL.
2. FIRE BLANKET TO BE INSTALLED AROUND PIPES PRIOR TO INSTALLING ALL EXTERNAL A/C BOOTS.



1 ELECTRICAL PLAN  
A104 1 : 100

CLIENT:	-
ADDRESS:	-
HOUSE TYPE:	NEW JASPER DISPLAY

Rev	Description	Date

JOB No.	-
DATE:	15/09/2020 3:01:15 PM
DRAWN:	-
CHECKED:	-
REV:	SHEET
SCALE:	1 / 100

modularwa  
T: 08 64540919 F: 08 64540918  
W: modularwa.com.au  
e: sales@modularwa.com.au  
Builders reg # 101630

Use figured dimensions in preference to scaled. Copyright  
All dimensions to be verified and checked on the job.

A104

**GENERAL NOTES:**

- DO NOT SCALE FROM THIS DRAWING. ALL CONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO COMMENCEMENT OF ANY WORKS AND ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- DIMENSIONS SHOWN ON THIS PLAN ARE TO STEEL FRAME AND DOES NOT INCLUDE EXTERNAL CLADDING OR INTERNAL LINING WIDTH.

**CLIENT NOTE:**

THIS PLAN IS TO BE READ IN CONJUNCTION WITH MODULAR WA ADDENDA AND ENGINEERED CERTIFIED DRAWINGS.

**CARPENTERS NOTE:**

SILICONE BEAD REQUIRED AT BASE OF WALL FRAMES TO ALL TILED WET AREAS

**INTERNAL OPENINGS:**

DHO: FLUSHED DOOR HEIGHT OPENING 2040mm A.F.L.  
FHO: FULL HEIGHT OPENING

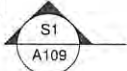
**WINDOWS**

WINDOW HEAD HEIGHT TO BE 2143mm A.F.L. UNLESS NOTED OTHERWISE

**ABBREVIATION LEGEND**

- HP HOT PLATE
- RH RANGEHOOD
- UBO UNDERBENCH OVEN
- OHC OVERHEAD CUPBOARD
- DR DRAWER
- FR/FZ REC FRIDGE / FREEZER RECESS
- DW REC DISHWASHER RECESS
- TR TROUGH
- WM REC WASHING MACHINE RECESS
- TRH TOILET ROLL HOLDER
- DTR DOUBLE TOWEL RAIL
- TRG TOWEL RING
- SR SHOWER RAIL / ROSE
- CAP CEILING ACCESS PANEL
- BRM BROOM
- V VANITY
- B BASIN
- OBS OBSCURE
- TF TIMBER FRAME
- D DOOR
- SD SLIDING DOOR
- W WINDOW
- COL COLUMN
- H/H HEAD HEIGHT
- RWP RAIN WATER PIPE
- SV SUB-FLOOR VENT
- P PRIVACY LATCH

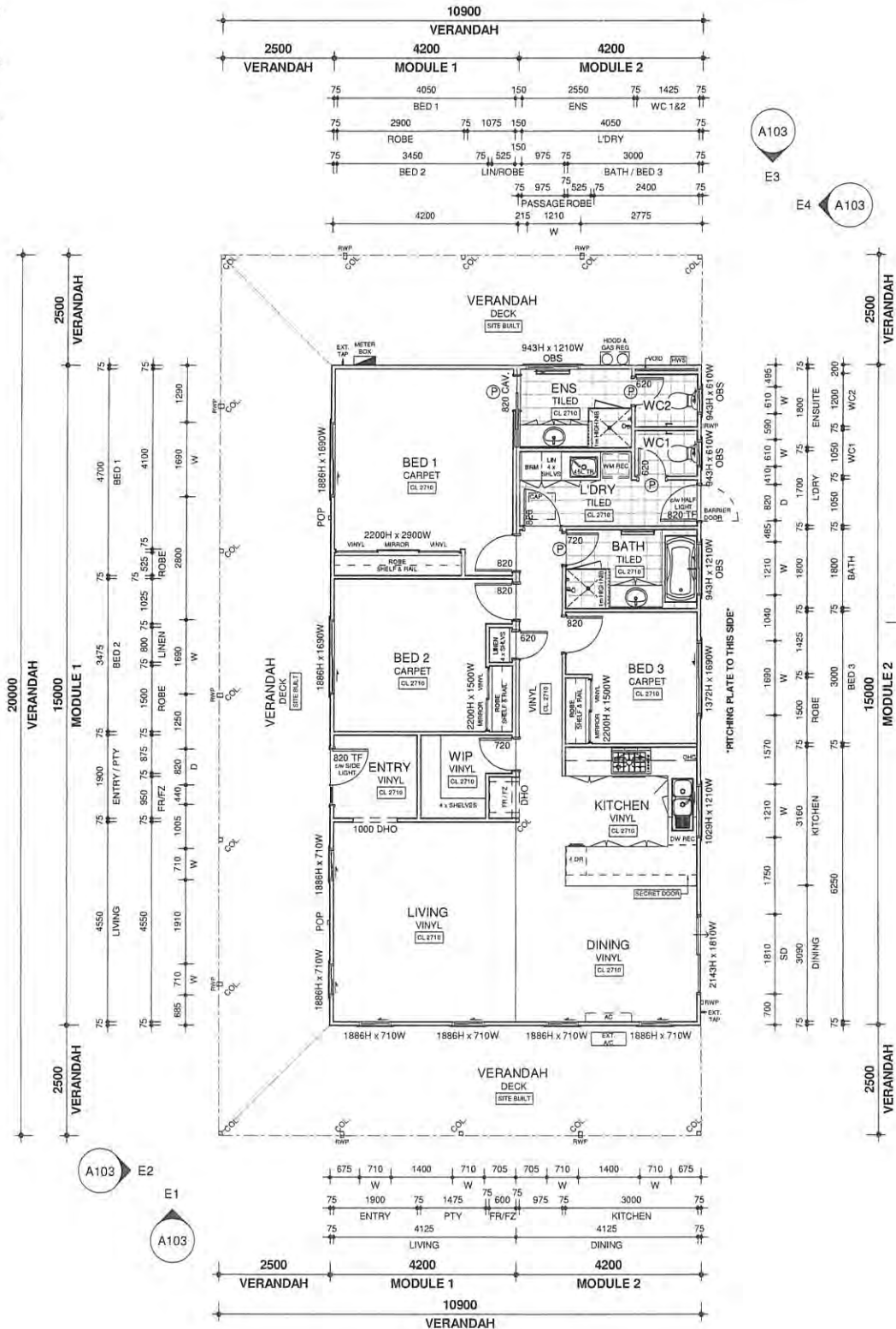
WATER FEED LOCATION TO BE CONFIRMED



**BUSHFIRE ATTACK LEVEL (BAL): TBA**

**WIND CLASSIFICATION: REGION A**

**SOIL CLASSIFICATION: "TBA"**



BUILDING AREA	
BUILDING	126.00m <sup>2</sup>
VERANDAH	92.00m <sup>2</sup>
GARAGE / CARPORT	N/A
PORCH	N/A
<b>TOTAL</b>	<b>218.00m<sup>2</sup></b>

ROOF AREA	
ROOF (YARD BUILT)	130.87m <sup>2</sup>
ROOF (SITE BUILT)	92.30m <sup>2</sup>
<b>TOTAL</b>	<b>223.17m<sup>2</sup></b>

**1 FLOOR PLAN**  
A102 1 : 100

CLIENT:	-
ADDRESS:	-
HOUSE TYPE:	NEW JASPER DISPLAY

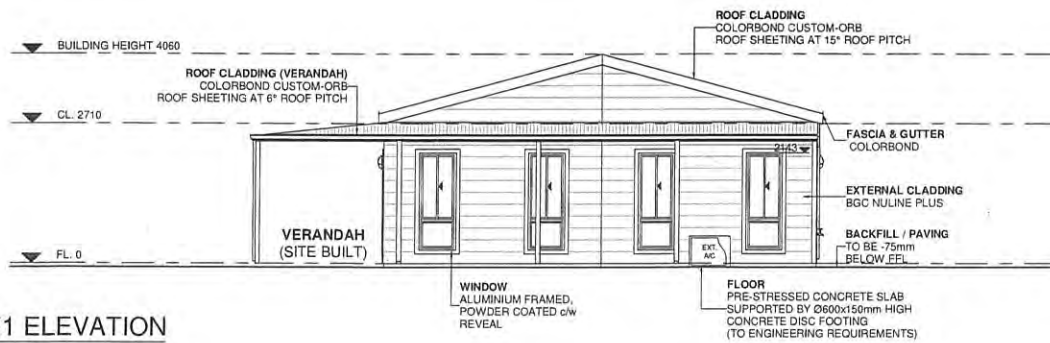
Rev	Description	Date

JOB No.:	-
DATE:	15/09/2020 3:01:13 PM
DRAWN:	-
CHECKED:	-
REV:	SHEET
SCALE:	A102 1 : 100

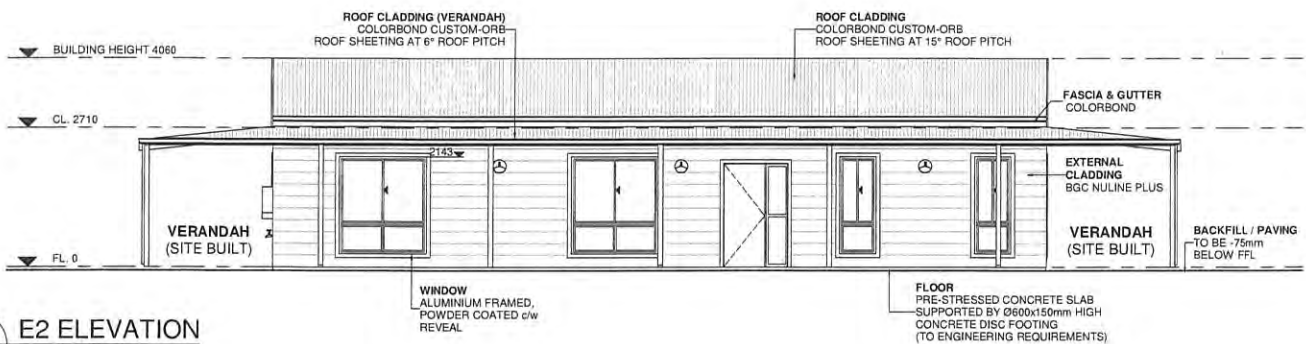
**modularwa**

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W: modularwa.com.au  
e: sales@modularwa.com.au  
Builders reg # 101630

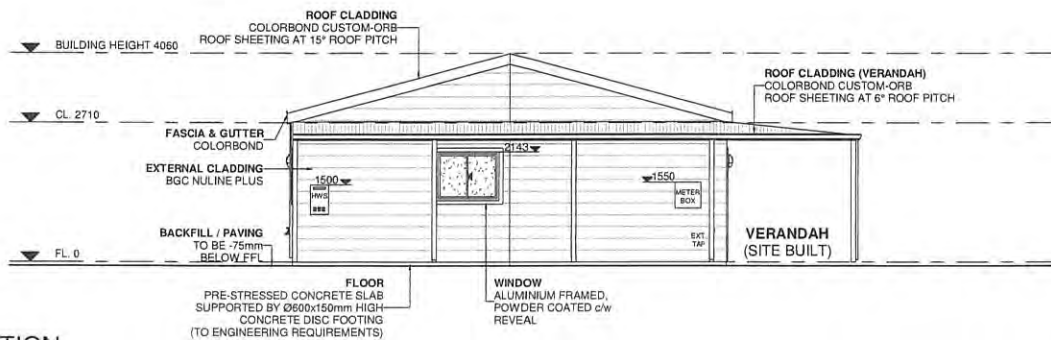
Use figured dimensions in preference to scaled.  
All dimensions to be verified and checked on the job. © Copyright



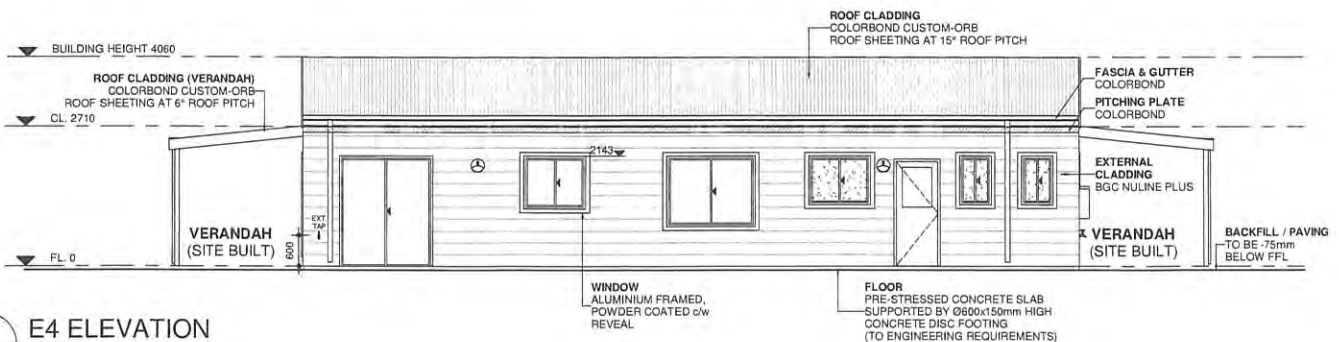
**E1 E1 ELEVATION**  
A103 1 : 100



**E2 E2 ELEVATION**  
A103 1 : 100



**E3 E3 ELEVATION**  
A103 1 : 100



**E4 E4 ELEVATION**  
A103 1 : 100

CLIENT:	-
ADDRESS:	-
HOUSE TYPE:	NEW JASPER DISPLAY

Rev	Description	Date

JOB No.	-
DATE:	15/09/2020 3:01:14 PM
DRAWN:	-
CHECKED:	-
REV:	SHEET
SCALE:	A103 1 : 100



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Use figured dimensions in preference to scaled.  
All dimensions to be verified and checked on the job. ©

### 11.1.3. DEVELOPMENT APPROVAL (DA) APPLICATION – 59 JOHNSTON ST, WYALKATCHEM

Applicant:	Pawel and Karolina Kadlubicki
Location:	59 Johnston St, Wyalkatchem
Date:	11 June 2026
Reporting Officer:	Paul Bashall, Planwest (WA) Pty Ltd
Disclosure of Interest:	No interest to disclose
File Number:	07.02
Attachment Reference:	11.1.1 Development Application as submitted

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

*That the Council refuses the Development Approval application on the following grounds:*

- *The proposal does not comply with the Council's adopted Local Planning Policy No 1 – Moveable Buildings.*
- *The undesirable impact of container-type housing on the streetscape of an established residential street.*
- *The establishment of moveable-type buildings in prominent streetscape locations will compromise the visual aesthetics of residential areas.*
- *The introduction of moveable buildings are generally out of character with the predominant housing style in the locality.*

#### **Executive Summary**

This report considers a proposal to build a new transportable container dwelling measuring about 6m x 8.5m (54m<sup>2</sup>) at the front of a town lot in Johnston Street, Wyalkatchem.

#### **Background**

A Development Approval (DA) application was submitted by Pawel and. Karolina Kadlubicki, the owners. The DA was accompanied by;

- a signed DA application form,
- a set of floor plans and elevations of the proposed dwelling,
- a copy of the certificate of title,
- a few development specifications, and
- a site plan.

## Location

The proposed dwelling is proposed to be located at the front of the property in Johnston Street that has an existing house located at the rear. Lot 1 is about 18m x 50m measuring about 908m<sup>2</sup> with access to a rear 5m laneway.

**Figure 1** provides a location plan showing how the property is affected by the Bushfire Prone mapping issued by DFES.

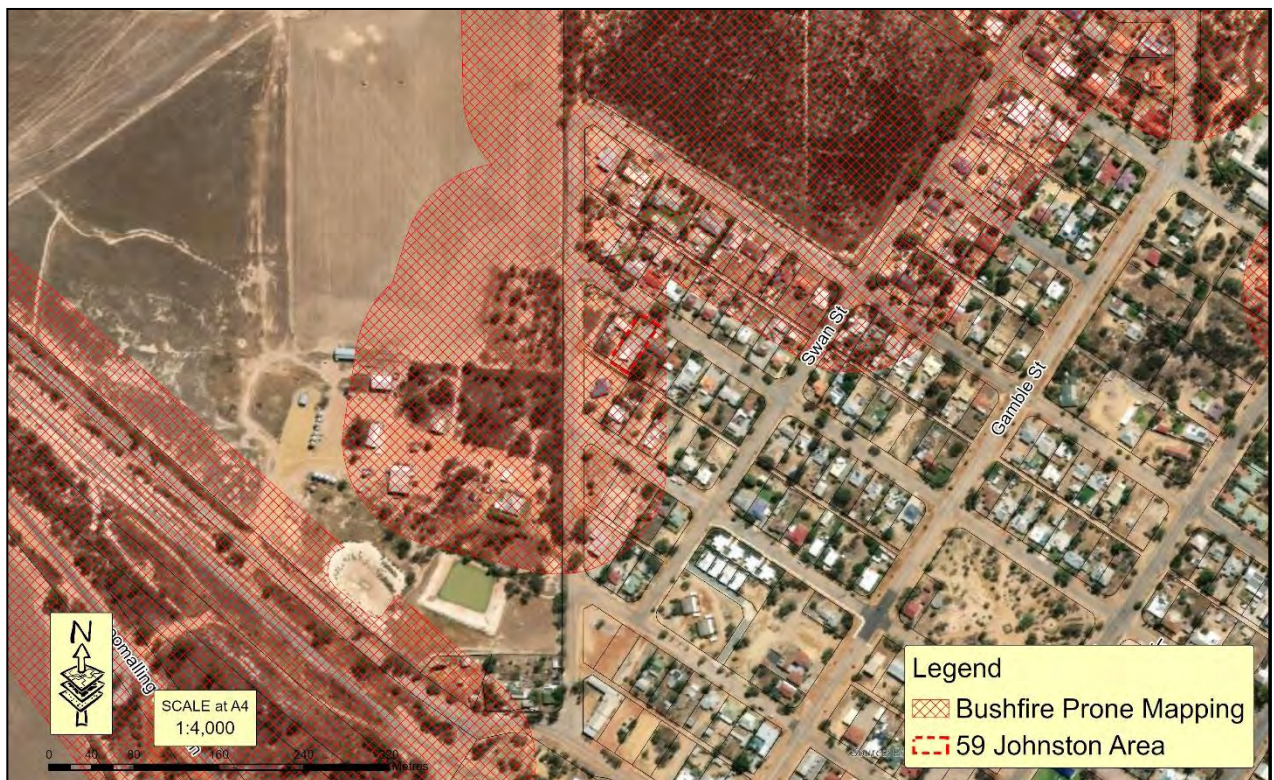
**Figure 2** provides an enlargement of the property clearly showing the existing house at the rear of the lot. The house appears to have solar panels installed since the aerial photograph was taken. The front part – according to Google Streetview - has three caravan stored on site.

## Proposed Development

The proposal seeks approval for a new container dwelling measuring about 6m x 8.5m and 2.5m high at the eaves. The estimated cost of the development is stated as just under \$130,000 to be completed within 6 months.

The plans submitted are of poor quality as they do not clearly show setbacks from boundaries and the ridge height of the dwelling. However, it is clear that the dwelling is well setback (for the R30 density code) from the road (Johnston Street) and side setbacks, and a second dwelling on the property is acceptable given the R-Code designation (R10/30). There are no distances shown between the existing and proposed dwelling, however, it appears to be adequate.

**FIGURE 1 – LOCATION PLAN**



Source: Landgate, DFES, Planwest

**FIGURE 2 – ENLARGEMENT OF PROPERTY**



Source: Landgate, Planwest

The application form also indicates that the existing development on the property is a 6x10m shed, however the address on the certificate of title provides this address as the owners' residence.

The DA form also says the nature of the proposed development is 'Use' instead of 'Works'.

The plans show a carport on Johnston Street; however, it is unclear whether this is setback in accordance with the Residential Design Codes (R-Codes).

The site plans appear to be drawn incorrectly showing the width of the lot to be 17m rather than 18m.

The applicant has provided an example of what the development may look like. This is shown in **Figure 3** below.

### FIGURE 3 – APPEARANCE OF DEVELOPMENT



Source: Applicant, Planwest

### Local Planning Scheme

The land is zoned 'Residential' with a density of R10/30 in Local Planning Scheme No 4 (the Scheme). **Figure 4** shows an extract from the Scheme mapping of the property and surrounding land.

### FIGURE 4 – SCHEME MAP EXTRACT



The Scheme requires that all residential development must comply with the R-Codes (Residential Design Codes). The Deemed Provisions (of the *Planning and Development (Local Planning Schemes) Regulations 2015*) do not exempt this development from requiring a DA (clause 61) as the development is not a single house (the only house on the lot). The addition of a second dwelling makes them both termed 'grouped dwellings'.

The split density code implies that, where deep sewerage is available, the density can comply with the R30 code – otherwise the R10 code applies.

Although the land is within the Bushfire Prone mapping, there is an exemption for development on lots less than 1,100m<sup>2</sup>, from requiring a Bushfire Management Plan. Nevertheless, if approved, the applicant will require a Bushfire Attack Level assessment to determine the building standards required.

The Scheme provides for Local Planning Policies (LPP) to cover more detailed aspects of development within the Scheme area. These LPPs are prepared and adopted under the provisions of the Scheme (Part 2).

The LPP No 1 – Moveable Buildings is one such LPP that was adopted by the Council to safeguard the quality of the streetscape in established residential areas by restricting the use of moveable buildings, like containers, dongas and transportable structures. It is considered that these structures may detract from an established streetscape. Although the design of the current proposal may well hide the underlying container, it still presents as a building without the character and features of a typical dwelling found elsewhere in the residential areas of Wyalkatchem.

**Attachment A** provides copy of LPP 1.

These types of buildings may be acceptable in grouped environments like an aged persons' complex or a workers' accommodation location, however, this is not consistent with objectives outlined in LPP.

Other circumstances where these may be more acceptable include a second dwelling at the rear of a property, or an ancillary dwelling, where it is less likely to impact the streetscape.

## **Consultation**

Nil.

## **Statutory Environment**

- Planning and Development Act 2005
- Shire of Wyalkatchem Local Planning Scheme No 4

## **Policy Implications**

There are policy implications applicable to this item relating to the LPP 1 – Moveable Buildings.

### **Financial Implications**

There are no financial implications applicable to this item.

### **Strategic/Risk Implications**

There are strategic risk implications applicable to this item by approving the DA against the principles of an adopted policy that may create a precedence for future similar applications.

### **Discussion**

The temptation, especially in the current housing stock shortage, is to welcome 'any' accommodation, however, this must be weighed against the longer-term implications of approving this DA. The risk of the Council approving 'moveable buildings' in existing residential areas is that there may be a flood of similar applications that will be difficult to object to – and will be there for the long-term.

There is little information on the durability of these types of structures that may be difficult to manage in the long term.



**ATTACHMENT A**

**SHIRE OF WYALKATCHEM  
LOCAL PLANNING SCHEME No. 4**

The Shire of Wyalkatchem under and by virtue of the provisions and powers conferred upon it in that behalf by Local Planning Scheme No. 4, hereby adopts the following Policy.

**LOCAL PLANNING POLICY No. 1  
MOVEABLE BUILDINGS**

DATE ADVERTISED:

DATE FINALLY ADOPTED:

**1. DISCUSSION**

Recent land price increases and substantially increased prices for dwellings within the metropolitan and major regional centres has resulted in a substantial portion of the community unable to purchase property. This has resulted in an increased demand for land within smaller communities and in particular the sale of homestead lots within the satellite towns.

The Council is experiencing an increase in the demand for more affordable housing types within the Shire. These 'affordable' housing types are often in the form of moveable, recycled and converted shed type structures. The Council is keen to restrict these types of dwellings amongst the existing residential areas as they are considered inappropriate to, the standard of existing housing stock, and the expectations of residents or owners already established in the area. The Council considers it reasonable to protect existing owners' investments in the town from development that may detract from the amenity of the residential character.

**2. DEFINITIONS**

A PERMANENT building is generally not designed to be moved and includes the following;

- a) **'Site Built'** structures are built on location as new permanent structures. They are of traditional appearance with pitched roofs and typical house layout, designed to accommodate families.
- b) **'Relocated'** dwellings are structures that have previously been constructed on a site elsewhere. The structures that are relocated are not necessarily designed to be relocated.

A MOVEABLE building is generally any structure capable of being transported from one location to another. There are three basic types as follows;

- a) **'Transportable'** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings prefabricated in Perth, transported in sections to their building site, and assembled on location.
- b) **'Donga Type'** structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those (such as

ATCO, Western Portables or Durabuilt units) with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.

- c) **'Containers'**. These structures, although considered 'buildings' by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes 'seainers' and other large vessels designed to carry, and be carried on specially designed vehicles or transporters.

### 3 BACKGROUND

Due to the historic uncertainty in the permanence of mining activities, and the mobility of mining operations, the establishment of permanent workforce accommodation in the region may not always be desirable or viable.

The use and reuse of moveable buildings is common. The downside of this trend is that the building stock may be second-hand, may contain undesirable materials like asbestos, and may be visually out of harmony with existing buildings in the locality. Many other Councils are not permitting buildings within their districts which contain asbestos. Without the appropriate controls Wyalkatchem could become a 'dumping ground' for such structures.

To ensure that the Council has the opportunity to consider such proposals, all applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence.

The Council has delegated authority to its Building Surveyor to determine Applications for Planning Consent for all applications for **transportable** and **relocated** dwellings in zones of the Scheme where dwellings are permitted. The Building Surveyor may impose appropriate conditions including the requirement for a bond or bank guarantee.

**Donga type** and **Containers** are subject to Council consideration.

### 4 POLICY

#### 4.1 Council Policy on Moveable Buildings

a) All applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence. Generally the Council is not in favour of the use of moveable buildings, especially in the townsite areas, however the Council will consider each application on its merits.

b) The Council shall not permit the establishment, occupation or erection of **donga type** structures for residential purposes within a Townsite Boundary in Scheme Area, unless the site is set aside for Group Housing Accommodation and used as a camp site for accommodating a workforce. In these circumstances it may be argued that the development is not a permanent improvement, and may justify the use of such structures. In this case the Council must be satisfied that the development will not detract from the amenity of the surrounding area.

c) The Council will only permit **donga type** structures for uses *other than* residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.

- d) The Council will only permit **site built** and **relocated** structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.
- e) The Council will not permit the storing or use of a **'container'**, as defined above, within a townsite area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.
- f) The Council may give special consideration for the use of **'containers'** outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of the **'containers'** will not detract from the amenity of the locality.

#### **4.2 Measures to ensure Compliance with Planning Consent**

When an application for Planning Consent for a Moveable Building is considered by the Council, or the Building Surveyor, that Consent may be granted subject to conditions requiring the applicant, or owner, to:

- a) lodge a bond or bank guarantee with the Council. The bond or bank guarantee will provide the surety for the completion of the moveable building to a standard acceptable to the Council;
- b) specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council.
- c) obtain a special building licence of a specified duration.

### **5 OBJECTIVES OF POLICY**

- a) To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.
- b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.
- c) To ensure that the moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (eg. asbestos).
- d) To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas.
- e) To prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.
- f) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of **'containers'** within the non-industrial areas of the townsite.

**CHIEF EXECUTIVE OFFICER**

**Date**



*Planning and Development Act 2005*

## Shire of Wyalkatchem

### Notice of determination on application for development approval

**Location:** 59 Johnston Street, Wyalkatchem.

**Lots:** 1

**Plan/Diagram:** 35214

**Vol. No:** 502

**Folio No:** 115A

**Application date:** 4 May, 2026

**Received on:** 4 May, 2026

#### **Description of proposed development:**

The construction of a container dwelling.

The application for development approval received on 4 May 2026 is:

Approved subject to the following conditions

Refused for the following reason(s)

#### **Conditions/Reasons for refusal:**

1. The proposal does not comply with the Council's adopted Local Planning Policy No 1 – Moveable Buildings.
2. The undesirable impact of container-type housing on the streetscape of an established residential street.
3. The establishment of moveable-type buildings in prominent streetscape locations will compromise the visual aesthetics of residential areas.
4. The introduction of moveable buildings are generally out of character with the predominant housing style in the locality.

**Date of determination:** 18 June, 2026

# SHIRE OF WYALKATCHEM



## Application for development approval

Owner details		
Name: PAWEŁ, KAROLINA KADLUBICKI		
ABN (if applicable):		
Address: 59 JOHNSTON ST WYALKATCHEM WA Postcode: 6485		
Phone:	Fax:	Email:
Work: .....	.....	pawelkad6@gmail.com
Home: .....		
Mobile: 0477037718		
Contact person for correspondence: PAWEŁ KADLUBICKI A/A		
Signature: Paweł Kadlubicki		Date: 15.04.2026
Signature: Karolina Kadlubicka		Date: 15.04.2026
<p><i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i></p>		

Applicant details (if different from owner)		
Name:		
Address, .....		
Postcode: .....		
Phone:	Fax:	Email:
Work: .....	.....	.....
Home: .....		
Mobile: .....		
Contact person for correspondence:		
<p>The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
Signature:		Date:

Property details		
Lot No: 1	House/Street No: 59 JOHNSTON ST	Location No:
Plan No: Diagram: 35214	Certificate of Title Vol. No: 502	Folio: 115A
Title encumbrances (e.g. easements, restrictive covenants): Street name: JOHNSTON ST Suburb: WYALKATCHEM WA 6485 Nearest street intersection:		

Proposed development	
Nature of development:	<input type="checkbox"/> Works <input checked="" type="checkbox"/> Use <input type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, is the exemption for:	<input type="checkbox"/> Works <input type="checkbox"/> Use
Description of proposed works and/or land use: CONTAINER HOUSE 54m <sup>2</sup>	
Description of exemption claimed (if relevant):	
Nature of any existing buildings and/or land use: 10m x 6m SHED	
Approximate cost of proposed development: \$ 130 000	
Estimated time of completion: 6 month	

OFFICE USE ONLY	
Acceptance Officer's initials: <i>CSO</i>	Date received: 17/4/25
Local government reference No:	

Shire of Wyalkatchem  
 PO Box 224, Wyalkatchem WA 6488  
 Office Hours: Monday to Friday 8.30am to 4.30pm

SHIRE OF WYALKATCHEM

RECEIVED

- 4 MAY 2026

ATTENTION: MCS, BS, TP  
DOCUMENT REF: L040526  
FILE:

OWNER:

PAWEL KADLUBICKI  
59 JOHNSTON STREET  
WYALKATCHEM WA 6485

SCALE 1:500

DRAWN BY: T. Justat



JOHNSTON STREET

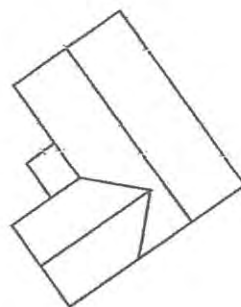
GROUND PLAN WITH  
THE CONTAINER HOUSE

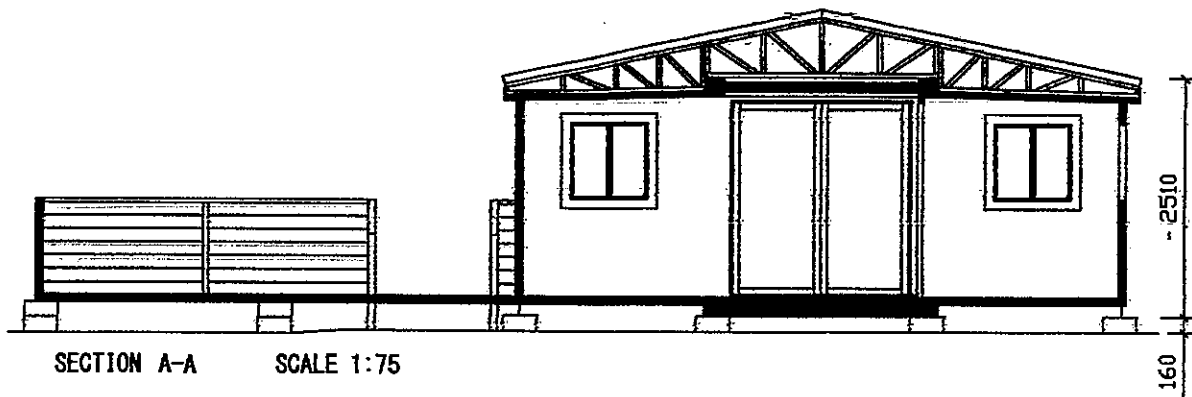
OUTDOOR  
RECREATION  
AREA

OUTDOOR  
RECREATION  
AREA

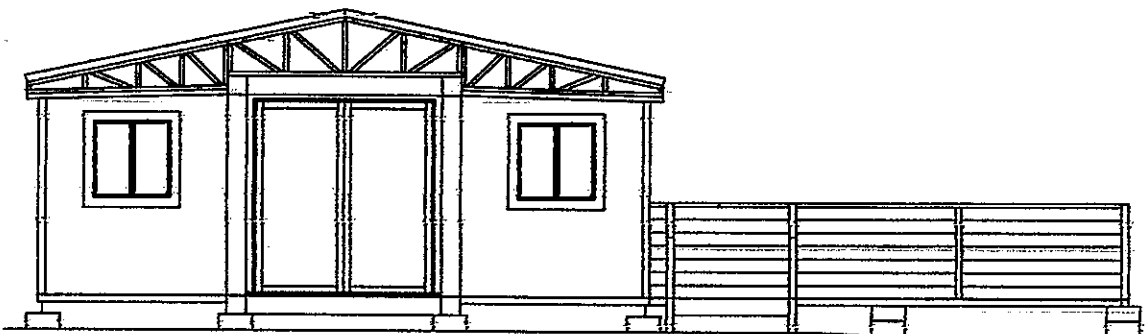
CONTAINER  
HOUSE

EXISTING  
BUILDING

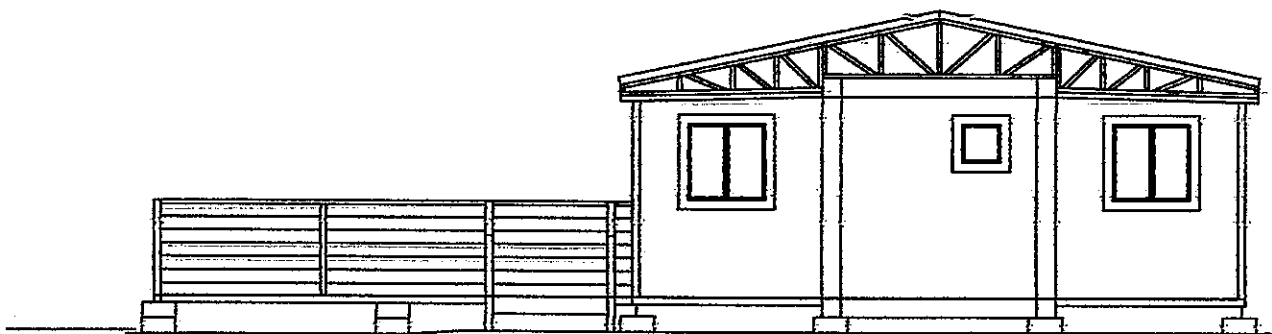




SECTION A-A SCALE 1:75



NORTH ELEVATION SCALE 1:75



SOUTH ELEVATION SCALE 1:75

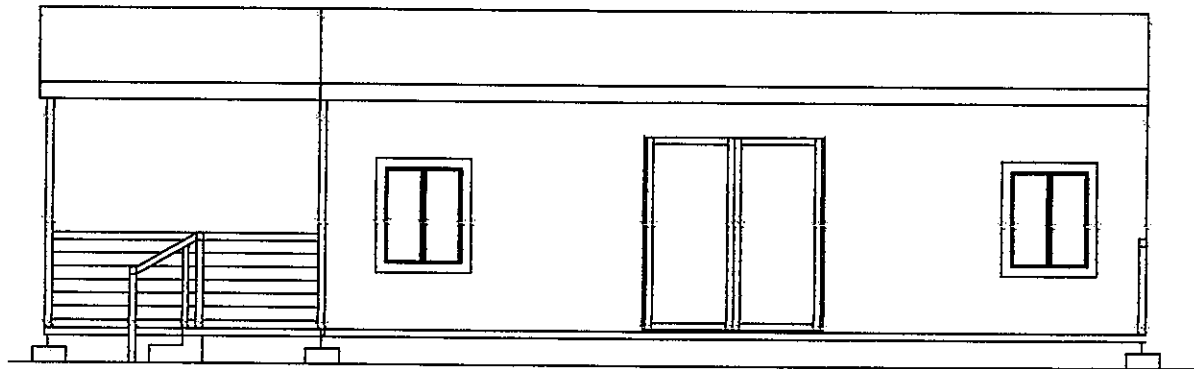
**ATTANTION:**

LEVEL AND EVEN OUT THE ENTIRE AREA FOR THE CONTAINER HOUSE, AND SPREAD CRUSHED STONE FOR THE CONCRETE BASE. THEN COMPACT THIS RUBBLE AND LEVEL IT AGAIN. ON THIS BASE SET THE CONCRETE SUPPORT SLABS FOR THE CONTAINER HOUSE ACCORDING TO THE DESIGNE AND REAL DIMATIONS.

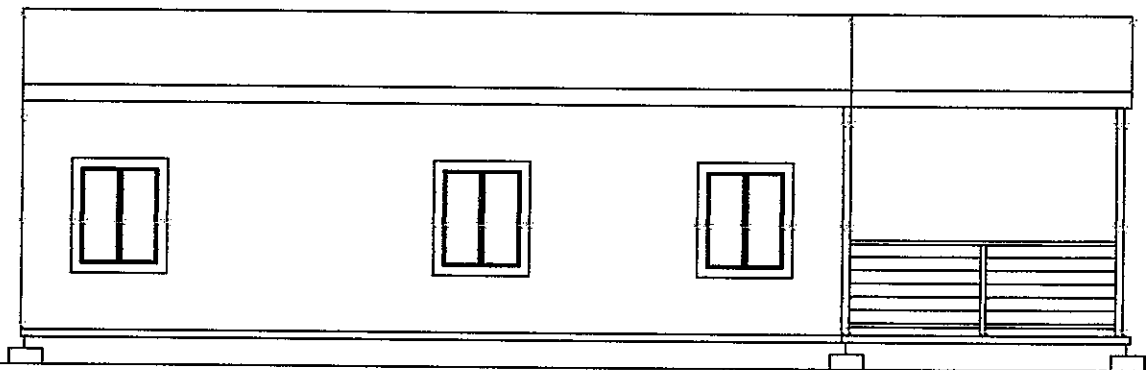
**OWNER:**

PAWEL KADLUBICKI  
59 JOHNSTON STREET  
WYALKATCHEM WA 6485 SCALE 1:75

DRAWN BY: T. Justat



WEST ELEVATION SCALE 1:75



EAST ELEVATION SCALE 1:75

**ATTENTION:**

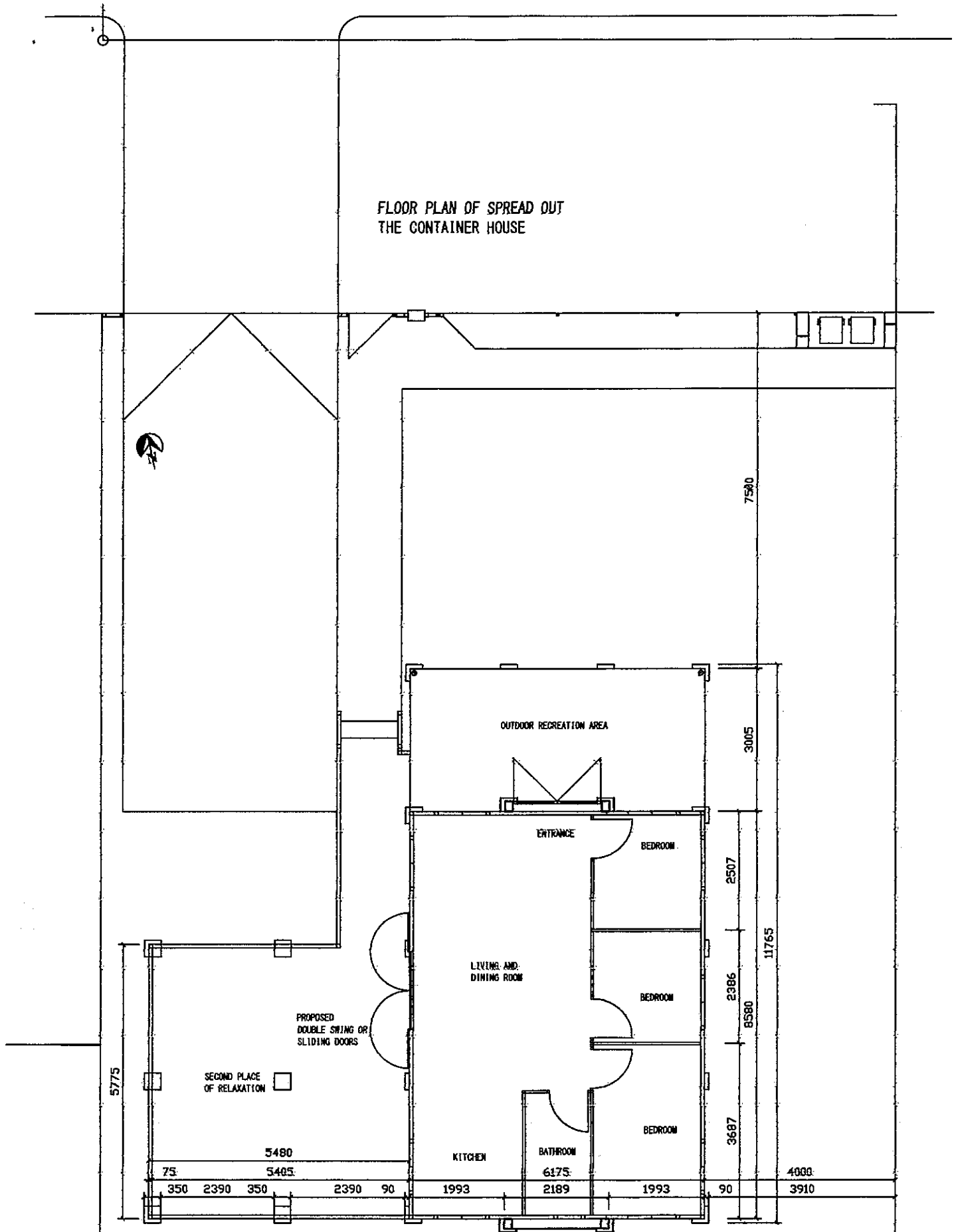
LEVEL AND EVEN OUT THE ENTIRE AREA FOR THE CONTAINER HOUSE, AND SPREAD CRUSHED STONE FOR THE CONCRETE BASE. THEN COMPACT THIS RUBBLE AND LEVEL IT AGAIN. ON THIS BASE SET THE CONCRETE SUPPORT SLABS FOR THE CONTAINER HOUSE ACCORDING TO THE DESIGN AND REAL DIMENSIONS.

**OWNER:**

PAWEL KADLUBICKI  
59 JOHNSTON STREET  
WYALKATCHEM WA 6485 SCALE 1:75

DRAWN BY: T. Justat

FLOOR PLAN OF SPREAD OUT  
THE CONTAINER HOUSE



ATTENTION:

LEVEL AND EVEN OUT THE ENTIRE AREA FOR THE CONTAINER HOUSE, AND SPREAD CRUSHED STONE FOR THE CONCRETE BASE. THEN COMPACT THIS RUBBLE AND LEVEL IT AGAIN. ON THIS BASE SET THE CONCRETE SUPPORT SLABS FOR THE CONTAINER HOUSE ACCORDING TO THE

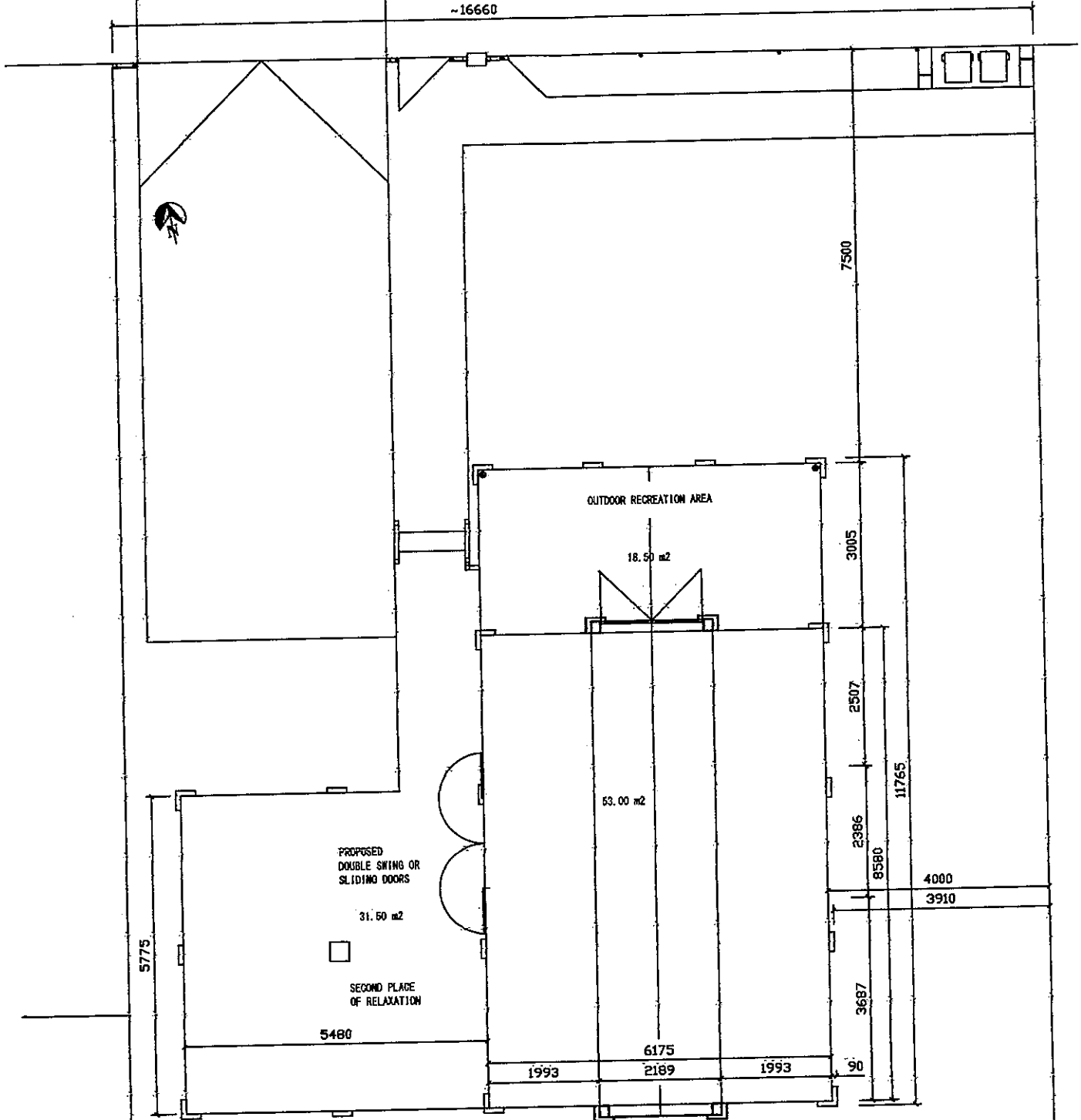
OWNER:

PAWEŁ KADŁUBICKI  
59 JOHNSTON STREET  
WYALKATCHEM WA 6485

SCALE 1:100

GROUND PLAN WITH  
THE CONTAINER HOUSE

~16660



ATTANTION:

LEVEL AND EVEN OUT THE ENTIRE AREA FOR THE CONTAINER HOUSE, AND SPREAD CRUSHED STONE FOR THE CONCRETE BASE. THEN COMPACT THIS RUBBLE AND LEVEL IT AGAIN. ON THIS BASE SET THE CONCRETE SUPPORT SLABS FOR THE CONTAINER HOUSE ACCORDING TO THE DESIGNER AND REAL DIMMATIONS.

OWNER:

PAWEŁ KADŁUBICKI  
59 JOHNSTON STREET  
WYALKATCHEM WA 6485

DRAWN BY: T. Justat

SCALE 1:100



**59 Johnston St - P and K Kadlubicki**

1. Appearance of finished design (not colour)
2. Colour of design

1.



2.



**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**14. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**15. MATTERS BEHIND CLOSED DOORS**

**16. CLOSURE OF THE MEETING**