



Shire of Kulin Register of Delegations

Adopted at the Ordinary Meeting of Council held on 16 June 2024

REVIEW

Reviewed by	Date approved	References
Council	16 Jun 2024	OCM 16 June 2024

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INTRODUCTION

Introduction

The *Local Government Act 1995* (the Act) allows for 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. All delegations made by the Council must be by absolute majority decision. The following are functions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act relating to the payment of fees to council members; borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of his powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if he desires.

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

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.

DELEGATIONS

01 Administration

Delegation	A.1 Acting Chief Executive Officer
Category	01 Administration
Delegator	Council
Function	That Council delegate authority to the Chief Executive Officer to appoint the Executive Manager of Financial Services, or if unavailable, then appoint either the Executive Manager of Corporate Governance & Risk, Executive Manager of Works or the Executive Manager of Community Services as Acting CEO during a period of absence.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> section 5.36 and 5.42
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.2 Agreements for Payments of Debts to Council
Category	01 Administration
Delegator	Council
Function	The CEO is authorised to make agreements with debtors for the re-payment of debts to Council, including rates and other debts.
Delegates	CEO
Subdelegates	Executive Manager Financial Services
Statutory framework	<i>Local Government Act 1995</i> section 6.49
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.3 Casual Hirers Liability
Category	01 Administration
Delegator	Council
Function	That Council delegate authority to the Chief Executive Officer, Executive Manager of Financial Services, the Executive Manager of Corporate Governance & Risk, the Executive Manager of Works, the Executive Manager of Community Services and the Freebairn Recreation Centre Manager to ensure hirers of Shire facilities carry adequate insurance before hire takes place.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> section 2.7 (2) (b)
Date adopted	24 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.4 Complaint Handling
Category	01 Administration
Delegator	Council
Function	That Council delegate authority to the Chief Executive Officer to seek legal advice in respect to the implications of suspected malicious, frivolous, unreasonable, persistent or vexatious complaint.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.5 Fees & Charges - Discounts
Category	01 Administration
Delegator	Council
Function	<p>That Council delegate authority to the Chief Executive Officer to offer up to a 30% reduction of the hire fee or charge without reference to Council.</p> <p>The CEO then delegates authority to Executive Manager of Financial Services, Executive Manager of Corporate Governance & Risk, Executive Manager of Works, Executive Manager of Community Services and the Freebairn Recreation Centre Manager to offer a 10% discount on the fees and charges applicable to their services, as a direct response to a request by the payee, correcting a service or expectation requirement.</p>
Delegates	CEO
Subdelegates	<p>Executive Manager Community Services Executive Manager Corporate Governance and Risk Executive Manager Financial Services Executive Manager of Works & Services Freebairn Recreation Centre Manager</p>
Subdelegate conditions	<p>The Executive Manager of Financial Services, Executive Manager of Governance & Risk, Executive Manager of Works & Executive Manager of Community Services and the FRC Manager be permitted to offer up to a 10% reduction of the hire fee or charge without reference to the CEO; as a direct response to a request by the payee, correcting a service or expectation requirement;</p> <p>All delegations exercised to be recorded.</p>
Statutory framework	<i>Local Government Act 1995</i>
Policy	APOG A13 Fees & Charges - Discounts
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	A.6 Investment of Surplus Funds
Category	01 Administration
Delegator	Council
Function	The Chief Executive Officer and the Executive Manager of Financial Services are authorised to invest money held in any Council fund that is not required for immediate use, in an approved investment as defined by the Trustees Act, Part III, provided that sufficient working funds are retained at all times. Where possible, preference is to be given to investing in local bank branches.
Delegates	CEO
Subdelegates	Executive Manager Financial Services
Statutory framework	<i>Local Government Act 1995, section 6.14. Financial Management Regulations Section 19c</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.7 IT & Social Media – Use Of
Category	01 Administration
Delegator	Council
Function	That Council delegate authority to the Chief Executive Officer to authorise officers of the Council to access and maintain social media sites.
Delegates	CEO
Subdelegates	Executive Manager Community Services Executive Manager Financial Services Manager Executive Support Services
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.8 Legal Advice, Representation & Cost Reimbursement
Category	01 Administration
Delegator	Council
Function	That Council delegate authority to the Chief Executive Officer (with conditions) to seek legal advice in connection with the proper legal administration of the Shire and to support urgent responses to claims for financial assistance to members and staff, advice to the value of \$5,000,without reference to Council.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> Section 5.42
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.9 Payments from Municipal and Trust Funds
Category	01 Administration
Delegator	Council
Function	The CEO is authorised to make payments from the Municipal and Trust Funds. This includes the authority to sign cheques and permit EFT payments.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. That an order be issued for the purchase of goods and services except in the case of small purchases from Petty Cash; 2. That where feasible and practical, a price be negotiated in advance of purchase and recorded on the order form; 3. That invoices, where practicable, be certified by the person who placed the order so as to indicate; <ol style="list-style-type: none"> a. That the purchase was under an authority delegated to that person b. That the goods and services were received in a satisfactory condition, or to a satisfactory standard, and the price and computations are correct; 4. That the Chief Executive Officer continue to place a list of creditors before the Council on a monthly basis together with vouchers and invoices; <ol style="list-style-type: none"> a. For the recording in the minutes after payment for those accounts paid by the Chief Executive Officer under delegated authority. 5. That at least two (2) signatories be required on all cheques or online authorisations; <p>For those paid by the Chief Executive Officer under delegated authority either the CEO, Executive Manager of Financial Services, jointly with either the Manager of Executive Services or Accounts Payable Officer.</p>
Subdelegates	<p>Aquatic Centre Manager Environmental Health Officer Executive Manager Community Services Executive Manager Corporate Governance and Risk Executive Manager Financial Services Executive Manager of Works & Services Freebairn Recreation Centre Manager Manager Executive Support Services Plant Mechanic Technical Officer Town Mtce Supervisor / BMO Works Supervisor</p>

Subdelegate conditions	<p>The authority to issue Municipal Fund purchase orders only. As follows;</p> <p>Executive Manager of Financial Services (including trust) \$50,000 Executive Manager of Works \$50,000 Executive Manager of Corporate Governance & Risk \$50,000 Executive Manager of Community Services \$50,000 Manager of Executive Support Services \$5,000 Plant Mechanic \$5,000 Freebairn Recreation Centre Manager \$5,000 Aquatic Centre Manager \$5,000 Works Supervisor \$5,000 Technical Officer \$1,000 Environmental Health Officer \$1,000 Building Maintenance Officer \$1,000</p> <p><i>*Orders for items of a capital nature, or major operational items such as fuel that have been dealt with at a Council level (e.g. tenders) may be signed /authorised by an Executive Manager in excess of the purchase orders limit.</i></p>
Statutory framework	<i>Local Government (Financial Management) Regulations 1996, Regulation 12</i>
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	A.10 Use of Common Seal
Category	01 Administration
Delegator	Council
Function	That Council delegate authority to the Chief Executive Officer to permit the affixing of the Common Seal when required.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> section 9.49A (4)
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.11 Writing Off Debts
Category	01 Administration
Delegator	Council
Function	That Council delegate authority to the Chief Executive Officer to write off debts where the individual debt is not more than \$100. In exercising this authority, the Chief Executive Officer is to take into consideration Council Policy and the prospects of recovering the debt.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> section 6.12
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.12 Housing
Category	01 Administration
Delegator	Council
Function	<p>To the Chief Executive Officer to;</p> <ul style="list-style-type: none"> • to recover from bonds the cost of damage repair, cleaning and carpet cleaning from tenants if they fail to do such; • take action to recover costs of water usage if other reduction remedies have failed to reduce consumption; • determine applications from tenants to allow a pet in the residence; • determine applications from staff to receive the "own your own residence" allowance;
Delegates	CEO
Subdelegates	Executive Manager Financial Services
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.13 Recovery of Rates and Other Debts
Category	01 Administration
Delegator	Council
Function	To the Chief Executive Officer to determine the granting of an extension of time to pay rates.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	A.14 Sale of Land and Housing
Category	01 Administration
Delegator	Council
Function	Disposal of vacant land can be sold without reference to Council where the market value of the property to be disposed of is ascertained by a value contained in the Reserve Price of Vacant Land Report where the valuations are less than 6 months old.
Delegates	CEO
Statutory framework	Section 3.58(3) of the Local Government Act 1995
Policy	APOG A14A Sale of Land and Housing
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	A.15 Fuel Sale Price Setting
Category	01 Administration
Delegator	Council
Function	That Council delegate the authority in setting the fuel sale price on the appropriate margin to add to the cost of fuel.
Delegates	CEO Executive Manager Financial Services
Policy	APOG A13a
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	A.16 Operation of Closed Circuit Television (CCTV)
Category	01 Administration
Delegator	Council
Function	To provide approval to any media organisation, journalist, individual or group to access images retained in the Shire of Kulin's CCTV.
Delegates	CEO
Subdelegates	Executive Manager Financial Services
Policy	APOG A29 Closed Circuit Television (CCTV) Operations Policy
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	A.17 Disposal of ICT Assets
Category	01 Administration
Delegator	Council
Function	Council delegates authority to the Chief Executive Officer to dispose of information and communication technology assets eg. laptop computers, desktop computers and mobile phones.
Delegates	CEO
Conditions	Details of the disposal, including officer responsible for the asset, evidence of removal of software & data and who the disposal has been made to, must be reported to the Executive Manager of Financial Services and documented on the Portable and Attractive Assets Register.
Policy	APOG A31 Disposal of ICT Assets
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	A.18 Disposal of Plant, Equipment and Light Vehicles
Category	01 Administration
Delegator	Council
Function	The CEO is authorised to dispose of plant, equipment and light vehicles that might otherwise be sold privately rather than traded as part of a changeover with a dealer.
Delegates	CEO
Conditions	The private sale price must exceed the trade price. Where available the Chief Executive Officer shall obtain market value or trade value of item to be disposed of i.e. (Redbook Certificate or Dealership Appraisal). Prescribed value for Disposal of Plant and Equipment under this delegation is from \$20,000 to \$200,000. Any Plant and Equipment to be disposed of must be included in the relevant financial year adopted budget of the Shire.
Statutory framework	Local Government Act 1995 Disposing of property – Section 3.58 and Section 5.43
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	A.19 Discounts - Rates
Category	01 Administration
Delegator	Council
Express power or duty delegated	To apply the early payment discount to Interim Rates notices sent in accordance with APOG Policy A32
Function	The CEO is able to apply the discount percentage adopted in the Annual Budget to properties subject to an interim rates adjustment prior to 30 June and up to the due date of full year rates notices. The discount will be offered on the rates portion on the interim rates notice.
Delegates	CEO
Conditions	For properties subject to interim rates adjustments between 26 May and the due date of full year rates notices.
Statutory framework	Local Government Act 1995
Policy	A32 Discounts - Rates
Date adopted	18 September 2024
Adoption references	Council Resolution 11/0924 OCM 18 September 2024
Last reviewed	16 June 2024

02 Governance

Delegation	G.1 Applications for Planning Consent
Category	02 Governance
Delegator	Council
Function	<p>The CEO is authorised to issue planning consent for development applications that fully comply with all requirements. The CEO is authorised to reduce or waive development application fees where:</p> <ul style="list-style-type: none"> • the development has a perceived benefit to the community, and • the application is of such a nature that very little investigate work is required prior to the application being submitted to Council for consideration. <p>Compliance with the Town Planning Scheme, Regulations and Codes, and Council's Planning Policies, is mandatory. Any application not complying is to be referred to Council for decision.</p>
Delegates	CEO
Conditions	No officer other than the CEO is permitted to authorise expenditure by outside agencies for development applications.
Statutory framework	Town Planning Development Act and Town Planning Scheme No 2, 2017
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	G.2 Building Licences and Swimming Pools
Category	02 Governance
Delegator	Council
Function	The CEO is authorised to approve or not approve plans submitted and issue building licences. This includes the authority to conduct inspections and issue orders for private swimming pools.
Delegates	CEO
Conditions	The authority does not include approval of development applications as required under Council's Town Planning Scheme, nor the expenditure of money prior to consultation with the CEO. All building applications must conform with the Building Code of Australia and all other relevant legislation.
Subdelegates	Environmental Health Officer
Statutory framework	<i>Local Government (Miscellaneous Provisions) Act 1960 section 374</i>
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	G.3 Cemeteries Act 1986
Category	02 Governance
Delegator	Council
Function	The CEO is authorised to carry out all of the powers and duties conferred to Council by section 6 of the <i>Cemeteries Act 1986</i> and carry out in accordance with this section, when required, the exhumation of a body buried in the Kulin, Dudinin or Pingaring cemeteries and the reburial of the body in the Kulin, Dudinin or Pingaring cemeteries.
Delegates	CEO
Statutory framework	<i>Cemeteries Act 1986</i> sections 6 and 59
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	G.4 Public Health Act 2016
Category	02 Governance
Delegator	Council
Function	<ol style="list-style-type: none"> 1. Delegation to the Chief Executive Officer for the appointment of 'authorised officer/s' under section 9.10(1) including the authority to the giving of infringement notice/s under section 9.16 by the authorised officer/s pursuant to the <i>Local Government Act 1995</i> for the purpose of the administration of the Shire of Kulin Animal Environment and Nuisance Local law 2016; 2. That pursuant to the <i>Local Government Act 1995</i> Subdivision 2 - Infringement notices, the Shire of Kulin appoints the Chief Executive Officer as an authorised officer for the functions of: <ol style="list-style-type: none"> i. Section 9.17. Notice, content of – to authorise persons for the purposes of receiving payment of modified penalties; ii. Section 9.19. Extension of time; and iii. Section 9.20. Withdrawal of notice. <p style="margin-left: 40px;">This appointment is to be affected by instrument in writing and signed by the Shire President</p> 3. Delegation to the Chief Executive Officer for the purpose of designating authorised officers, appointing environmental health officers and the appointment of authorised officers to issue infringement notices pursuant to the Health (Asbestos) Regulations 1992; and 4. The appointment of the Chief Executive Officer as an 'approved officer' pursuant to Regulation 15D(5) of the <i>Health (Asbestos) Regulations 1992</i> for the purposes of Part 2 of the <i>Criminal Procedure Act 2004</i> as the person authorised to extend the period to pay or withdraw an infringement notice. This appointment is to be affected by instrument in writing and signed by the Shire President. (Note: Adopted by Council resolution 11/0217)
Delegates	CEO
Subdelegates	Environmental Health Officer
Statutory framework	<i>Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911, Health (asbestos) Regulations 1994, Food Act 2008</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	G.5 Various Acts and Local Laws
Category	02 Governance
Delegator	Council
Function	<p>To the Chief Executive Officer for the appointment of 'authorised officer/s' required by the Shire of Kulin under;</p> <ul style="list-style-type: none"> • Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper); • Local Government Act 1995, Part 3, Subdivision 4 and part 9 Division 2 – Executive Functions of Local Government and Part 9 Miscellaneous Provisions; • s. 17(1) <i>Caravan Parks and Camping Grounds Act 1995</i>; • s. 29 (1) <i>Dog Act 1976</i> and Regulations; • s. 48 <i>Cat Act 2011</i> and Regulations; • s. 59(3) <i>Bush Fires Act 1954</i> and Regulations; • s. 26 of the <i>Litter Act 1979</i> and Regulations; • s. 38(3) <i>Control of Vehicles (Off Road Areas) Act 1978</i> and Regulations; • All Shire of Kulin Local Laws. • All appointments to be advertised annually in the Government Gazette or by local circulation for interim or part year appointments
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> and Various Acts as detailed
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

03 Human Resources

Delegation	H.1 Grievance Procedures
Category	03 Human Resources
Delegator	Council
Function	To the Chief Executive Officer to engage a competent human resource professional to hear and determine a grievance against the CEO or where a grievance requires specialist mediation or assistance because the topic is outside the knowledge or capacities of Shire staff.
Delegates	CEO
Statutory framework	<i>LocalGovernment Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

04 Community Resources

Delegation	C.1 Bushfire Control – Shire Plant Use Including Adjoining Shires
Category	04 Community Resources
Delegator	Council
Function	To the Chief Executive Officer to spend up to \$5,000 to hire plant or equipment (above positioning and mobilisation costs) if and when a bushfire cannot be effectively controlled by other means, or where it is considered necessary to engage additional resources to protect life or property.
Delegates	CEO
Subdelegates	Executive Manager of Works & Services
Statutory framework	Local Government Act sections 5.42 and 5.44 Bush Fires Act section 38 (3) (4) (5)
Policy	APOG CS3 Bushfire Control - Plant Use for Adjoining Shires APOG CS4 Bushfire Control - Shire Plant for Use of
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	C.2 Bushfire Administration
Category	04 Community Resources
Delegator	Council
Function	The Chief Executive Officer is granted the authority to confirm the appointment of Dual Fire Control Officer applications from neighbouring Shires without reference to Council.
Delegates	CEO
Statutory framework	Local Government Act sections 5.42 and 5.44 Bush Fires Act section 48 (1)
Policy	APOG CS1 Bushfire Administration
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	C.3 Bushfire Prohibited/Restricted Burning Periods – Changes to
Category	04 Community Resources
Delegator	Council
Function	<p>In accordance with Section 17(10) of the <i>Bush Fires Act 1954</i> (as amended), Council delegate it's power to the Chief Executive Officer, who will consult with the Chief Bush Fire Control Officer to vary the "Prohibited Burning Period".</p> <p>In accordance with the <i>Bush Fires Act 1954</i> (as amended), the Chief Bush Fire Control Officer and the Chief Executive Officer are delegated authority to vary the "Restricted Burning Period".</p>
Delegates	CEO Chief Bush Fire Control Officer
Statutory framework	<i>Local Government Act 1995 & Bush Fires Act 1954</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.4 Bushfire Training Administration
Category	04 Community Resources
Delegator	Council
Function	To the Chief Executive Officer and the Bush Fire Brigades Advisory Committee to incur expenditure for the planning and development of training opportunities without reference to Council for volunteers, Fire Control Officers and Captains. Costs associated with training programs to be allocated to Council's Emergency Services Levy.
Delegates	Bush Fire Brigades Advisory Committee CEO
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.5 Cat Ownership Limit – Cat Control
Category	04 Community Resources
Delegator	Council
Function	To the Chief Executive Officer to determine applications to keep cats under the Cat Foster Carer provision as per Council policy.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995 Cat Act 2011 and Cat Regulations 2012</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.6 Dog Control - Attacks
Category	04 Community Resources
Delegator	Council
Function	Without reference to the Council the Chief Executive Officer is delegated authority to instigate legal and/or infringement proceedings against the owner of a dog involved in a dog attack on a person or other animal.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> <i>Dog Act 1976</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.7 Dog Ownership Limit – Dog Control
Category	04 Community Resources
Delegator	Council
Function	Without reference to the Council the Chief Executive Officer is delegated authority to determine applications in the first instance.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> <i>Dog Act 1976</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.8 Sea Containers Use Of – Town Planning
Category	04 Community Resources
Delegator	Council
Function	To the Chief Executive Officer for the approval of applications for the use of sea containers.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> Shire of Kulin Town Planning Scheme No. 2 Shire Policy
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.9 Second Hand Dwellings – Use of – Building Control
Category	04 Community Resources
Delegator	Council
Function	To the Chief Executive Officer to approve Development Applications for the use of second hand relocated or transportable dwellings.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.10 Temporary Accommodation
Category	04 Community Resources
Delegator	Council
Function	To the Chief Executive Officer to approve applications for temporary accommodation in caravans that meet the guideline conditions.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> <i>Caravan and Camping Ground Regulations 1997: Regulation 6 and 11(2)(a)</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.11 Unauthorised Structures – Building Control
Category	04 Community Resources
Delegator	Council
Function	To the Chief Executive Officer to seek legal advice or to prepare a “Stop Work” order where Notice to the owner fails to illicit any response or results in the hastening of action to complete the structure.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i> <i>Building Regulations 1989</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.13 Freebairn Recreation Centre Club Committee
Category	04 Community Resources
Delegator	Council
Function	That Council delegate authority to the Freebairn Recreation Centre Club Committee to manage all aspects of the Freebairn Recreation Centre on behalf of Council, subject to budget constraints and under the constraints imposed by the <i>Local Government Act 1995</i> and other relevant legislation.
Delegates	Freebairn Recreation Club Committee
Conditions	The following areas remain the responsibility of Council: <ul style="list-style-type: none"> • Staffing • Liquor licence • Capital Expenditure Purchases • Sale of Assets • Waiver of Hire Charges
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.14 Kulin Child Care Management Committee
Category	04 Community Resources
Delegator	Council
Function	That Council delegate authority to the Kulin Child Care Management Committee to manage all aspects of the Kulin Child Care Centre on behalf of Council, subject to budget constraints, and under those constraints imposed by the <i>Local Government Act 1995</i> and other relevant legislation.
Delegates	Kulin Child Care Centre Management Committee
Conditions	The following areas remain the responsibility of Council:- <ul style="list-style-type: none"> • Staffing • Capital expenditure purchases • Sale of Assets
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	C.15 General – Community Services Practices
Category	04 Community Resources
Delegator	Council
Function	<p>To the Chief Executive Officer to;</p> <ul style="list-style-type: none"> • appoint officers for the purpose of infringement notices and administration of; <ul style="list-style-type: none"> ◦ the Shire of Kulin Animal Environment and Nuisance Local Law; Health (Asbestos) regulation 1992. • appoint officers for the purposes of the Caravan and Camping Grounds Act 1995; <ul style="list-style-type: none"> ◦ Power of Entry and inspection and, ◦ The issue of Infringement Notices. <p>approve or reject applications to consume liquor in Shire buildings or on Shire controlled reserves.</p> <p>approve applications to hire the Kulin Bush Races facility in accordance with terms and conditions.</p>
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	19 June 2024
Adoption references	OCM 090624
Last reviewed	16 June 2024

Delegation	C.16 Bushfire Control – Confirmation Appointment of Dual Fire Control Officers
Category	04 Community Resources
Delegator	Council
Function	That Council delegate to the Chief Executive Officer that following receipt of correspondence or a written email request from a neighbouring Shire, the Chief Executive Officer under delegation made possible by the <i>Bush Fires Act 1954</i> , S.48 (1) is granted the authority to confirm the appointment of Dual Fire Control Officer applications from neighbouring Shires without reference to Council.
Delegates	CEO
Statutory framework	Local Government Act sections 5.42 and 5.44 Bush Fires Act section 48 (1)
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.17 Seed Collection – Issue of Approval to Collect Seeds
Category	04 Community Resources
Delegator	Council
Function	That Council delegate to the Chief Executive Officer approval to determine requests to collect seeds from Shire of Kulin managed and controlled land without reference to Council in accordance with the guidelines of APOG CS20.
Delegates	CEO
Statutory framework	Local Government Act
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	C.18 Kulin Caravan Park Operation
Category	04 Community Resources
Delegator	Council
Function	Council delegates to the Chief Executive Officer to approve applications for extended periods of stay at the Kulin Caravan Park.
Delegates	CEO
Statutory framework	Caravan and Camping Ground Regulations 1997: Regulation 6 and 11(2)(a)
Policy	APOG CS21 Kulin Caravan Park Operation
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

05 Works

Delegation	W.1 Gravel Supplies
Category	05 Works
Delegator	Council
Function	To the Chief Executive Officer and the Executive Manager of Works & Services to negotiate the supply of gravel with landholders, which may incur a quid pro quo cost to the Shire and to initiate the resumption of land for the purpose of obtaining gravel where no alternate suitable supplies exist.
Delegates	CEO
Subdelegates	Executive Manager of Works & Services
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.2 Roads - Clearing
Category	05 Works
Delegator	Council
Function	<p>To the Chief Executive Officer the power to;</p> <ul style="list-style-type: none"> • consider and authorise the removal of vegetation from fence lines; • to issue approval to service authorities to remove vegetation on Shire roads in relation to their works; • to determine the suitability of roadside vegetation planting applications submitted by community groups or individuals.
Delegates	CEO
Statutory framework	<p><i>Local Government Act 1995</i> <i>Soil and Land Conservation Act 1945 (Agriculture WA)</i> <i>Wildlife Conservation Act 1950 – 1979</i> <i>Aboriginal Heritage Act 1972</i> <i>Agriculture and Related Resources Protection Act 1976</i> <i>Bush Fires Act 1954</i> <i>Conservation and Land Management Act 1984</i> <i>Environmental Protection and Biodiversity Conservation Act 1999</i> <i>Environmental Protection Act 1986</i> <i>Heritage of WA Act 1990</i> <i>Land Act 1933</i> <i>Main Roads Act 1930</i> <i>Mining Act 1978</i> <i>State Energy Commission Supply Act 1979</i> <i>Water Authority Act 1987</i></p>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.3 Roads – Damage To
Category	05 Works
Delegator	Council
Function	To the Chief Executive Officer to take action to recover the cost of damage to a Shire road or verge asset and issue Notice to request the return of the road or verge to a clean and tidy condition.
Delegates	CEO
Subdelegates	Executive Manager of Works & Services
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.4 Roads – Roadside Markers – Management Of
Category	05 Works
Delegator	Council
Function	To the Chief Executive Officer to determine roadside markers applications.
Delegates	CEO
Subdelegates	Executive Manager of Works & Services
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.5 Stormwater Drainage
Category	05 Works
Delegator	Council
Function	To the Chief Executive Officer to approve applications for connection to the Shire stormwater drainage from landowners on advice from the Executive Manager of Works & Services.
Delegates	CEO
Subdelegates	Executive Manager of Works & Services
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.6 Street Trees
Category	05 Works
Delegator	Council
Function	To the Chief Executive Officer to determine applications for approval to plant street trees in accordance with this guideline.
Delegates	CEO
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.7 Streetscape – Improvements
Category	05 Works
Delegator	Council
Function	To the Chief Executive Officer to approve streetscape improvements.
Delegates	CEO
Statutory framework	<i>LocalGovernment Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.8 Roadside Vegetation Management
Category	05 Works
Delegator	Council
Function	To the Chief Executive Officer for the burning or spraying of road verges following agreement of the Executive Manager of Works & Services in accordance with the listed conditions.
Delegates	CEO
Subdelegates	Executive Manager of Works & Services
Statutory framework	<i>Local Government Act 1995 Bush Fires Act 1954 25 Occupational Health & Safety Road Traffic Act 1974</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.9 Temporary Road Closures
Category	05 Works
Delegator	Council
Function	The Chief Executive Officer is authorised to temporarily close thoroughfares to vehicles.
Delegates	CEO
Subdelegates	Executive Manager of Works & Services
Statutory framework	<i>Local Government Act 1995 section 3.50 Bush Fires Act 1954 25 Occupational Health & Safety Road Traffic Act 1974</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.10 General – Works Practices
Category	05 Works
Delegator	Council
Function	To the Chief Executive Officer to; <ul style="list-style-type: none"> • Determine applications to beautify grave sites at Shire Cemetery's; • Approve Niche Wall plaque design and placement; • Approve the use of the depot for the servicing of private vehicles and equipment; • Determine requests from local Clubs and Organisations to use Shire plant;
Delegates	CEO
Subdelegates	Executive Manager of Works & Services
Subdelegate conditions	To the Deputy Chief Executive Officer to; <ul style="list-style-type: none"> • Approve the use of the depot for the servicing of private vehicles and equipment; • Determine requests from local Clubs and Organisations to use Shire plant. To the Executive Manager of Works & Services to; <ul style="list-style-type: none"> • Approve the use of the depot for the servicing of private vehicles and equipment; • Determine requests from local Clubs and Organisations to use Shire plant.
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	17 May 2023
Adoption references	OCM 17 May 2023
Last reviewed	16 June 2024

Delegation	W.11 Use of Depot and Use of Plant
Category	05 Works
Delegator	Council
Function	CEO can delegate the approval of the use of the depot for the servicing and maintenance of private vehicles and equipment; and CEO can delegate the authority to approve requests from clubs and community organisations to use Shire plant. The plant must be operated by a Shire employee with the club or organisation being responsible for payment of wages (if required) to the employee for time worked.
Delegates	CEO Executive Manager Financial Services Executive Manager of Works & Services
Policy	APOG W1 General - Works Practices
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

Delegation	W.12 Restricted Access Vehicles (RAV)
Category	05 Works
Delegator	Council
Function	To the Chief Executive Officer to determine Restricted Access Vehicle categorisation of Shire of Kulin Roads.
Delegates	CEO
Policy	APOG W10 Restricted Access Vehicles
Date adopted	19 June 2024
Adoption references	OCM 190624
Last reviewed	16 June 2024

AMENDMENTS

There are no amendments to display