

Ordinary Council Meeting

10 February 2016

Minutes



Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Agendas and Minutes are available on the City's website www.kwinana.wa.gov.au

Vision Statement

Kwinana 2030

***Rich in spirit, alive with opportunities,
surrounded by nature – it's all here!***

Mission

**Strengthen community spirit, lead
exciting growth, respect the environment
- create great places to live.**



We will do this by –

- providing strong leadership in the community;
- promoting an innovative and integrated approach;
- being accountable and transparent in our actions;
- being efficient and effective with our resources;
- using industry leading methods and technology wherever possible;
- making informed decisions, after considering all available information; and
- providing the best possible customer service.

Values

We will demonstrate and be defined by our core values, which are:

- Lead from where you stand – Leadership is within us all.
- Act with compassion – Show that you care.
- Make it fun – Seize the opportunity to have fun.
- Stand Strong, stand true – Have the courage to do what is right.
- Trust and be trusted – Value the message, value the messenger.
- Why not yes? – Ideas can grow with a yes.

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Present:

HER WORSHIP MAYOR C ADAMS
DEPUTY MAYOR P FEASEY
CR R ALEXANDER
CR W COOPER
CR S MILLS
CR B THOMPSON
CR D WOOD

MS J ABBISS	-	Chief Executive Officer
MS C MIHOVILOVICH	-	Acting Director City Strategy
MS M BELL	-	Corporate Lawyer
MR P NEILSON	-	Acting Director City Development
MRS B POWELL	-	Director City Living
MR E LAWRENCE	-	Director Engineering and Corporate Services
MS A MCKENZIE	-	Council Administration Officer

Members of the Press	1
Members of the Public	1

1 Declaration of Opening:

Presiding Member declared the meeting open at 7:00pm and welcomed Councillors, City Officers and gallery in attendance and read the Welcome.

“IT GIVES ME GREAT PLEASURE TO WELCOME YOU ALL HERE AND BEFORE COMMENCING THE PROCEEDINGS, I WOULD LIKE TO ACKNOWLEDGE THAT WE COME TOGETHER TONIGHT ON THE TRADITIONAL LAND OF THE NOONGAR PEOPLE”

2 Prayer:

Deputy Mayor Peter Feasey read the Prayer

“OH LORD WE PRAY FOR GUIDANCE IN OUR MEETING. PLEASE GRANT US WISDOM AND TOLERANCE IN DEBATE THAT WE MAY WORK TO THE BEST INTERESTS OF OUR PEOPLE AND TO THY WILL. AMEN”

3 Apologies/Leave(s) of Absence (previously approved)

Apologies

Nil

Leave(s) of Absence (previously approved):

Councillor Sandra Lee from 1 February 2016 to 29 February 2016 inclusive.

4 Public Question Time:

Public Question Time commenced at 7:02pm

4.1 Mr Kevin Desmond, Medina

Question 1

When will the Phoenix Energy Plant be ready to burn waste?

Response

The Mayor advised Mr Desmond he would need to ask Phoenix Energy that question.

Question 2

If this plant is never built what is the City of Kwinana going to do about its waste?

Response

The Mayor advised that the plant is being built and that there has been indication that the sod turning event will occur around May, which is the commencement of construction.

Question 3

Was due diligence carried out on Phoenix Energy before the contract was signed? Mr Desmond explained if you have a company that is worth six hundred thousand dollars and they are building something worth four hundred million dollars you would want to see their capacity for raising the money.

Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer advised that the contractual terms protected the City in relation to any eventuality.

The Mayor added that it took about two years to go through the contractual obligations and the City's Solicitors were involved throughout the entire process.

Question 4

Has it been confirmed to the City of Kwinana that Phoenix Energy have actually raised the money to build the plant?

Response

The Mayor said that as she understands Phoenix Energy are the Project Managers and they are not raising the funds.

The Mayor advised Mr Desmond that he would need to refer the question to Phoenix Energy.

Question 5

How much has Phoenix Energy paid in rates so far?

Response

The Mayor took the question on notice.

4 PUBLIC QUESTION TIME CONTINUED

Question 6

What will Phoenix Energy's yearly rates bill amount to using 2015/2016 figures?

Response

The Mayor confirmed that Phoenix Energy are paying rates on premises currently in the industrial area. The Mayor took the question on notice.

Question 7

Why is the City of Kwinana promoting the Indian Ocean Gateway on Facebook?, what is the purpose?

Response

The Mayor replied because it is a key piece of infrastructure, to provide jobs to the 750,000 anticipated people coming to the region by 2050. The Indian Ocean Gateway proposal is the City's project which we are advocating for and is a resolution of this Council. The Mayor referred to question to the Chief Executive Officer for comment.

The Chief Executive Officer advised that Facebook is a fantastic mechanism to promote the economic, social and employment opportunities a new Port in Kwinana will bring to the region.

Question 8

How much does it cost to promote on Facebook?

Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer said she believed it would be a minimal amount and took the question on notice.

Question 9

At a previous meeting I attended you were talking about stakeholders were consulted before this document was completed, is it possible to get a list of the stakeholders consulted?

Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer advised that the City conferred with technical experts prior to releasing the consultative draft. The Chief Executive Officer advised that she would seek permission from the parties to disclose their attendance.

The Mayor advised she was able to state that there were representatives from industry, investment sector, environment, government and local government.

Question 10

A lot of time has gone into promoting this to Politicians, Federal and State, how many of them have backed it so far?

Response

The Mayor advised that 98% of those persons they have briefed are supportive of a new Port in Kwinana.

4 PUBLIC QUESTION TIME CONTINUED

Question 11

How many Federal and State Politician's have you conferred with?

Response

The Mayor said that a list would have to be prepared and the question was taken on notice.

Deputy Mayor Peter Feasey requested that the City keep note of the costs involved to answer Mr Desmond's questions.

Public Question Time ceased at 7:09pm

5 Applications for Leave of Absence:

COUNCIL DECISION

103

MOVED CR W COOPER

SECONDED CR B THOMPSON

That Councillor Sheila Mills be granted a leave of absence from 21 March 2016 to 23 March 2016 inclusive.

That Councillor Sheila Mills be granted a leave of absence from 19 May 2016 to 29 May 2016 inclusive.

That Councillor Sheila Mills be granted a leave of absence from 16 July 2016 to 25 July 2016 inclusive.

That Deputy Mayor Peter Feasey be granted a leave of absence from 14 March 2016 to 16 March 2016 inclusive.

That Deputy Mayor Peter Feasey be granted a leave of absence from 9 July 2016 to 19 July 2016 inclusive.

That Councillor Ruth Alexander be granted a leave of absence from 1 June 2016 to 12 June 2016 inclusive.

That Councillor Dennis Wood be granted a leave of absence from 15 February 2016 to 17 February 2016 inclusive.

**CARRIED
7/0**

6 Declarations of Interest by Members and City Officers:

Nil

7 Community Submissions:

Nil

8 Minutes to be Confirmed:

8.1 Ordinary Meeting of Council held on 20 January 2016:

COUNCIL DECISION

103

MOVED CR S MILLS

SECONDED CR D WOOD

That the Minutes of the Ordinary Meeting of Council held on 20 January 2016 be confirmed as a true and correct record of the meeting.

**CARRIED
7/0**

9 Referred Standing / Occasional / Management /Committee Meeting:

Nil

10 Petitions:

Nil

11 Notices of Motion:

Nil

12 Reports – Community

Nil

13 Reports – Economic

Nil

14 Reports – Natural Environment

Nil

15 Reports – Built Infrastructure

15.1 Proposed Road Names for the remainder of the Cassia Rise development, Parmelia

SUMMARY:

McMullen Nolan Group, the surveyors for the developer of Cassia Rise, have submitted details of the proposed road names, as well as alternative road names, for the remainder of the Cassia Rise development, as indicated in Attachment A. McMullen Nolan Group are now seeking Council approval of these names. One of the adjacent roads, Tunncliffe Street, has been extended into this development. This is shown in Attachment A.

The proposed road names have been entered into Landgate's "request road name" web page and have all passed preliminary validation. The listed alternative road names will be used as a replacement for any proposed road name that is not approved by the Geographic Names Committee. The theme for the roads throughout this development is "Western Australian Mountains and Hills" which suits the topography of the development area and the name of 'Cassia Rise'. The origin information for the proposed road names is contained in Attachment B.

OFFICER RECOMMENDATION:

That Council approve the following road names for use within the Cassia Rise development, as shown in Attachment A:

Proposed Names:	Alternative Names:
Amherst	Baring
Augustus	Gardner
Glyde	Hilditch
Reeder	Regal
Tate	Trio
Crofton	Winifred
Randall	Watkins
Norcott	Latham
Hinckley	

DISCUSSION:

Before the developer of a subdivision can lodge survey diagrams for clearance, all road names need to be approved and indicated on the survey diagram. The process for naming roads must adhere to Geographic Names Committee guidelines to ensure no duplication of road names occurs within the surrounding areas.

The Geographic Names Committee has granted in principle approval for the use of these road names via passing preliminary validation on Landgate's "request road name" web page. The naming theme for these roads is Western Australian Mountains and hills. Eight road names are proposed as alternative road names for use in the event that the proposed names are not approved by the Geographic Names Committee. Origin information for these road names is contained in Attachment B. The extension of Tunncliffe Street to suit this development is shown in Attachment A

15.1 PROPOSED ROAD NAMES FOR THE REMAINDER OF THE CASSIA RISE DEVELOPMENT, PARMELIA

The proposed road names for the Cassia Rise development are;

Proposed Names:	Alternative Names:
Amherst	Baring
Augustus	Gardner
Glyde	Hilditch
Reeder	Regal
Tate	Trio
Crofton	Winifred
Randall	Watkins
Norcott	Latham
Hinckley	

LEGAL/POLICY IMPLICATIONS:

Council Policy – Street Naming

FINANCIAL/BUDGET IMPLICATIONS:

No financial/budget implications have been identified as a result of this report or recommendation.

ASSET MANAGEMENT IMPLICATIONS:

No asset management implications have been identified as a result of this report or recommendation.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications have been identified as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

No strategic/social implications have been identified as a result of this report or recommendation.

RISK IMPLICATIONS:

The approval of the road names is required for titles to be issued for the lots within the subdivision. Should Council not approve these road names, clearances will be delayed which will have implications for the developer and the owners of these lots.

15.1 PROPOSED ROAD NAMES FOR THE REMAINDER OF THE CASSIA RISE DEVELOPMENT,
PARMELIA

COUNCIL DECISION

104

MOVED CR W COOPER

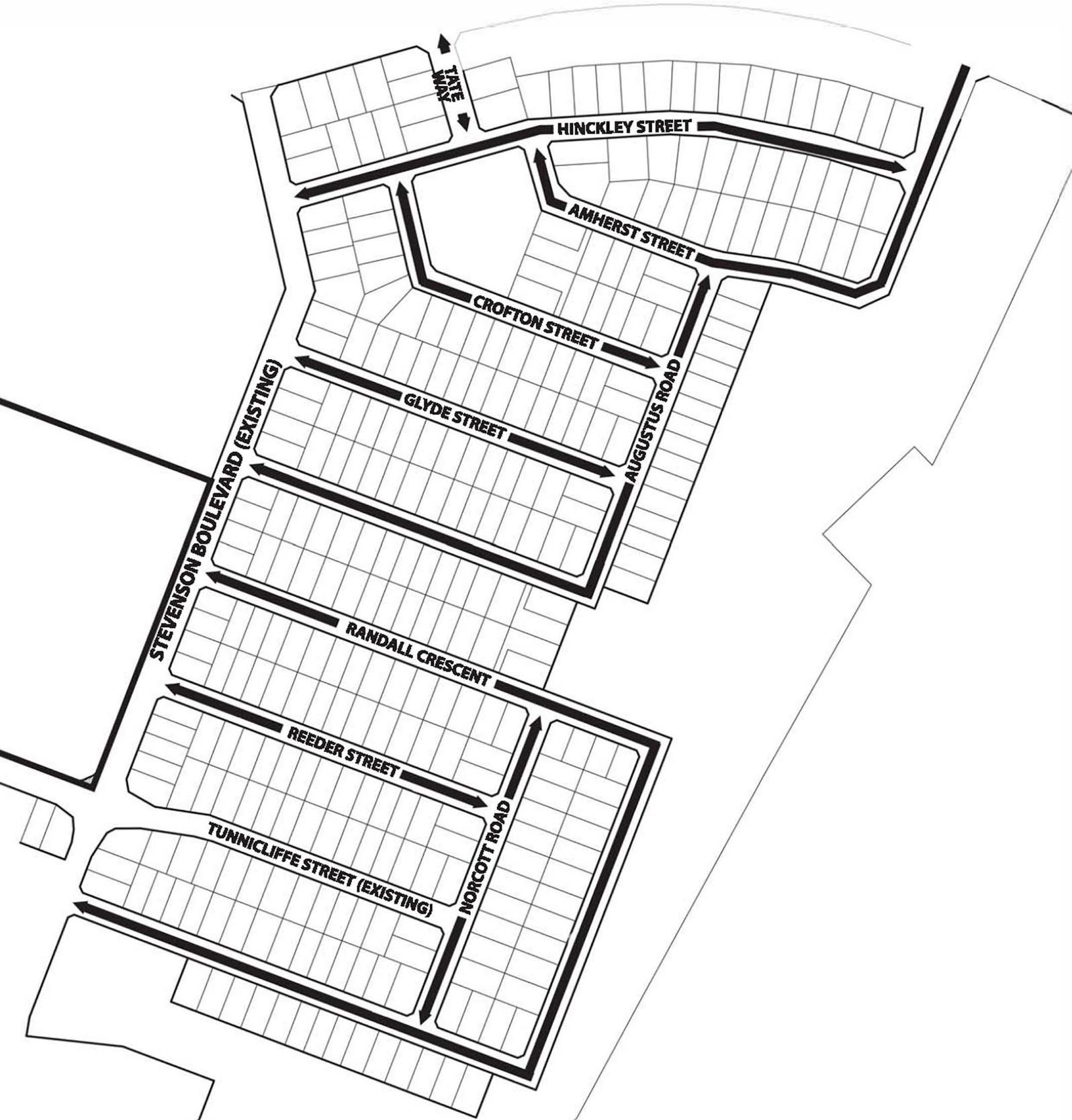
SECONDED CR R ALEXANDER

That Council approve the following road names for use within the Cassia Rise development, as shown in Attachment A:

Proposed Names:	Alternative Names:
Amherst	Baring
Augustus	Gardner
Glyde	Hilditch
Reeder	Regal
Tate	Trio
Crofton	Winifred
Randall	Watkins
Norcott	Latham
Hinckley	

**CARRIED
7/0**

CHALLENGER AVENUE (EXISTING)



Proposed Name	Proposed Suffix	Source of info	Background/origin/meaning/justification
Amherst	Street	http://maps.bonzie.com/c/a?a=p&p=27719&cmd=sp&st=WA&place=Mount%20Amherst&file=Mount%5FAmherst%2Ehtm	Mount Amherst is a mountain in northeast Western Australia. Mount Amherst is at an altitude of about 694m above sea level.
Augustus	Road	http://www.bonzie.com/c/a?a=p&p=34237&cmd=sp	Mount Augustus is a mountain within the Mount Augustus National Park in west Western Australia. At about 1060m above sea level, Mount Augustus is one of the highest mountains in Western Australia.
Glyde	Street	http://maps.bonzie.com/c/a?a=p&p=27269&cmd=sp&st=WA&place=Mount%20Glyde&file=Mount%5FGlyde%2Ehtm	Mount Glyde is a mountain in east Western Australia. Mount Glyde is at an altitude of about 610m above sea level.
Reeder	Street	http://maps.bonzie.com/c/a?a=p&p=22674&cmd=sp&st=WA&place=Mount%20Reeder%20Nichols&file=Mount%5FReeder%5FNichols%2Ehtm	Mount Reeder Nichols is a mountain in west Western Australia. At about 1110m above sea level, Mount Reeder Nichols is the twelfth highest mountain in Western Australia.
Tate	Way	http://maps.bonzie.com/c/a?a=p&p=33232&cmd=sp&st=WA&place=Mount%20Tate&file=Mount%5FTate%2Ehtm	Mount Tate is a mountain in central Western Australia. Mount Tate is at an altitude of about 595m above sea level.
Crofton	Street	http://maps.bonzie.com/c/a?a=p&p=29303&cmd=sp&st=WA&place=Mount%20Crofton&file=Mount%5FCrofton%2Ehtm	Mount Crofton is a mountain in central Western Australia. Mount Crofton is at an altitude of about 356m above sea level.
Randall	Crescent	http://maps.bonzie.com/c/a?a=p&p=36334&cmd=sp&st=WA&place=Mount%20Norcott&file=Mount%5FNorcott%2Ehtm	Mount Randall is a mountain within the Monadnocks Conservation Reserve in southwest Western Australia. Mount Randall is at an altitude of about 514m above sea level.
Norcott	Road	http://maps.bonzie.com/c/a?a=p&p=36334&cmd=sp&st=WA&place=Mount%20Norcott&file=Mount%5FNorcott%2Ehtm	Mount Norcott is a mountain in south Western Australia. Mount Norcott is at an altitude of about 418m above sea level.
Hinckley	Street	http://www.bonzie.com/c/a?a=p&p=30559&cmd=sp	Mount Hinckley is a mountain in east Western Australia. Mount Hinckley is at an altitude of about 999m above sea level.
Backup Proposed Name		Source of info	Background/origin/meaning/justification
Baring		http://maps.bonzie.com/c/a?a=p&p=27188&cmd=sp&st=WA&place=Mount%20Baring&file=Mount%5FBaring%2Ehtm	Mount Baring is a mountain located near the Southern Ocean within the Cape Arid National Park in the south of Western Australia. Mount Baring is at an altitude of about 264m above sea level.
Gardner		http://maps.bonzie.com/c/a?a=p&p=28877&cmd=sp&st=WA&place=Mount%20Gardner&file=Mount%5FGardner%2Ehtm	Mount Gardner is a mountain located on the Southern Ocean within the Two Peoples Bay Nature Reserve in the southwest of Western Australia. Mount Gardner is at an altitude of about 341m above sea level.
Hilditch		http://www.bonzie.com/c/a?a=p&p=25692&cmd=sp	Mount Hilditch is a mountain in central Western Australia. At about 1122m above sea level, Mount Hilditch is the tenth highest mountain in Western Australia.
Regal		http://maps.bonzie.com/c/a?a=p&p=35782&cmd=sp&st=WA&place=Mount%20Regal&file=Mount%5FRegal%2Ehtm	Mount Regal is a mountain located near the Indian Ocean in the northwest of Western Australia. Mount Regal is at an altitude of about 158m above sea level.
Trio		http://maps.bonzie.com/c/a?a=p&p=38144&cmd=sp&st=WA&place=Mount%20Trio&file=Mount%5FTrio%2Ehtm	Mount Trio is a mountain within the Stirling Range National Park in southwest Western Australia. Mount Trio is at an altitude of about 723m above sea level.
Winifred		http://maps.bonzie.com/c/a?a=p&p=34092&cmd=sp&st=WA&place=Mount%20Winifred&file=Mount%5FWinifred%2Ehtm	Mount Winifred is a mountain in northeast Western Australia. Mount Winifred is at an altitude of about 296m above sea level.
Watkins		http://maps.bonzie.com/c/a?a=p&p=33683&cmd=sp&st=WA&place=Mount%20Watkins&file=Mount%5FWatkins%2Ehtm	Mount Watkins is a mountain in west Western Australia. Mount Watkins is at an altitude of about 778m above sea level.
Latham		http://maps.bonzie.com/c/a?a=p&p=38406&cmd=sp&st=WA&place=Mount%20Latham&file=Mount%5FLatham%2Ehtm	Mount Latham is a mountain in southwest Western Australia. Mount Latham is at an altitude of about 387m above sea level.

16 Reports – Civic Leadership

16.1 Budget Variations

SUMMARY:

To amend the 2015/2016 budget to reflect various adjustments to the General Ledger with nil effect to the overall budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

OFFICER RECOMMENDATION:

That the required budget variations to the Adopted Budget for 2015/2016 as outlined in the report be approved.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

ITEM #	LEDGER ACCOUNT	DESCRIPTION	OPERATING BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	600015.1002	Capital Expense	(311,472)	(20,000)	(331,472)
	700011.1898	Transfer from Reserve	Nil	20,000	20,000
	600019.1002	Capital Expense	(858,127)	20,000	(838,127)
	700013.1002	Transfer to Reserve	219,030	(20,000)	199,030
	Reason:	<i>Governance Facility - transfer from identified savings from Arts Centre fire detection system as works came in under budget to Contingency (for all buildings) as there has been an increase in expenditure due to multiple unforeseen breakdowns. Transfer from Asset Management Reserve.</i>			
2	400047.1125	Operating Expense	Nil	(60,000)	(60,000)
	400046.1031	Operating Expense - Salaries	(107,000)	60,000	(47,000)
	Reason:	<i>Economic Development - transfer from identified savings in salaries from Economic Development Officer not commencing as anticipated to consultancy to carry out economic development initiatives.</i>			

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995 Part 6 Division 4 s 6.8 (1) requires the local government not to incur expenditure from its municipal fund for an additional purpose except where the expenditure-

(b) is authorised in advance by resolution*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

*requires an absolute majority of Council.

16.1 BUDGET VARIATIONS

FINANCIAL/BUDGET IMPLICATIONS:

Budget Item Name:	Various items as listed above.
Budgeted Amount:	
Expenditure to Date:	
Proposed Cost:	Nil effect.
Balance:	

*NOTE: All figures are exclusive of GST

ASSET MANAGEMENT IMPLICATIONS:

The allocation of funds towards the upgrading and renewal of existing City assets in the capital expenditure items is in line with the Asset Management Strategy and will reduce the current asset management gap.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications have been identified as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

Council's Strategic Community Plan for the period 2015 to 2025 provides that Council will ensure the future sustainability of the City of Kwinana through the implementation of sound revenue and expenditure policies, and seeking additional revenue sources.

RISK IMPLICATIONS:

Refer to Legal/Policy comments for risk implications.

COUNCIL DECISION

105

MOVED CR R ALEXANDER**SECONDED CR B THOMPSON**

That the required budget variations to the Adopted Budget for 2015/2016 as outlined in the report be approved.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

7/0

16.2 Local Public Notice of Proposed Disposition of Offices 4, 5, 6 and 7 within the 'Zone Youth Centre', Lot 109 (7) Skerne Street, Kwinana – Therapy Focus

SUMMARY:

The City was approached by Therapy Focus seeking office accommodation in the Zone Youth Centre. Therapy Focus delivers services to children with disabilities under the WA Government Disability Services Commission's My Way program. Therapy Focus is interested in leasing offices 4, 5, 6 and 7.

OFFICER RECOMMENDATION:

That Council:

1. Give local public notice of the proposed disposition of offices 4, 5, 6 and 7 within the 'Zone Youth Centre', Lot 109 (7) Skerne Street, Kwinana to Therapy Focus in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.
2. Approve a 30% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.
3. Advertise the proposed rent to be \$13,709.50 per annum.

DISCUSSION:

Therapy Focus is a not-for-profit organisation that delivers services to more than 2,000 children and adults with a range of disabilities under the WA Government Disability Services Commission's My Way program and a registered provider for the National Disability Insurance Scheme (NDIS). The heart of Therapy Focus' strategic plan is 'helping children grow'.

The City was approached by Therapy Focus seeking office accommodation in the Zone Youth Centre, legally described as Lot 109 on Plan 70670 contained in Certificate of Title Volume 2786 and Folio 116. Therapy Focus is the proposed tenant for offices 4, 5, 6 and 7.

The market rent valuation has been carried out on the premises by Griffin Valuation Advisory, and was received on 24 December 2015. The Market rental value, as detailed in confidential attachment A, has been determined to be \$19,585 excluding GST and outgoings.

16.2 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF OFFICES 4, 5, 6 AND 7 WITHIN THE 'ZONE YOUTH CENTRE', LOT 109 (7) SKERNE STREET, KWINANA – THERAPY FOCUS

The Zone Youth Centre is a community facility and in accordance with Council's Leasing of Community Facilities Policy, Therapy Focus must meet the compulsory organisational criteria:

Compulsory Criteria	Therapy Focus
The organisation must be an organisation, which applies any surpluses towards its purposes, prohibits any dividends or profits from being paid to its members and is exempt from paying income tax;	Yes
The organisation is a legal entity incorporated under appropriate legislation (such as the Associations Incorporation Act 1987);	Yes
The organisation is financially viable and able to demonstrate good financial management and record-keeping practices to the satisfaction of the City;	Yes
The organisation complies with relevant legislation governing its activities and holds any licences or registration certificates required for it to operate;	Yes
The organisation has a committee of management and appropriate governance arrangements, with established accountability and reporting methods to members of the organisation and / or to the community, including the capacity to maintain appropriate financial records for audit purposes;	Yes
The organisation adheres to all relevant Council local laws including the Local Government Property Local Law, Council policies and has complied with the terms of any previous lease or licence and/or grant from the City;	Yes
Demand exists for the service or activity to be provided through the facility;	Yes
Facility use is consistent with City objectives and current Business Plan;	Yes
Use of the facility will increase social engagement and promote health and wellbeing of the Kwinana community;	Yes
The service or activity is non-discriminatory. It will be open to all residents who meet the criteria for participation that are directly related to the nature of the service or activity or geographic catchment area; and	Yes
Disadvantaged groups can access the service or activity and strategies are in place to review and remove any barriers to participation.	Yes
Proposed use of the facility is suitable for the nature of the site and the neighbourhood;	Yes
The organisation is prepared to maximise utilisation of the facility as requested by the City; and	Yes
The organisation agrees to provide the City with requested information including current and projected opening hours and participant and/or membership numbers.	Yes

Council's Leasing of Community Facilities Policy allows for discounted market rent in some circumstances.

16.2 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF OFFICES 4, 5, 6 AND 7 WITHIN THE 'ZONE YOUTH CENTRE', LOT 109 (7) SKERNE STREET, KWINANA – THERAPY FOCUS

The Discounted Market Rent is the market rent with a reduction from this rate to be negotiated based on community benefit criteria, level of maintenance responsibility and capital contributions made by the lessee, on a sliding scale basis providing discounts of between 30% and 70%. Therapy Focus is eligible to receive a discounted market rent based on meeting all the essential organisational criteria in the table below:

Lessee Category	Peppercorn	Dis. Market Rent	Market Rent	Therapy Focus
The organisation meets an identified community need	E	E	D	Yes
The organisation provides equitable access to services primarily to Kwinana community	E	E	D	Yes
The organisation's activities complement the City's services	E	E	D	Yes
The organisation offers programs otherwise unavailable to Kwinana residents	E	E	D	Yes
There is a long standing community expectation that the City accommodates the organisation	E	E	D	Yes
The organisation is not part of a larger organisation with alternative accommodation options	E	D	D	No
The organisation is accessible to a broad resident base	E	D	D	Yes
The organisation has participation by volunteers	E	D	D	Yes
The organisation has limited capacity to generate revenue net of operating costs	D	D	D	Yes
The organisation does not receive funds from the State or Commonwealth Government	D	D	D	No

Key: E – Essential
D - Desirable

It is recommended that Therapy Focus receive 30% discount of the market rental valuation and therefore the first year's annual rent is proposed to be \$13,709.50 excluding GST and outgoings.

LEGAL / POLICY IMPLICATIONS:

Local Government Act 1995

Section 3.58 (3) and (4). Disposing of property

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*

16.2 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF OFFICES 4, 5, 6 AND 7 WITHIN THE 'ZONE YOUTH CENTRE', LOT 109 (7) SKERNE STREET, KWINANA – THERAPY FOCUS

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

FINANCIAL/BUDGET IMPLICATIONS:

The City has received payment of the lease administration fee in the amount of \$440 from Therapy Focus to meet the costs for the initiation of the subject disposal process.

The provision of the Local Public Notice will cost approximately \$400 and will be funded from the GOVADV account.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications identified as a result of this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications identified as a result of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic/social implications identified as a result of this report.

RISK IMPLICATIONS:

Should Council resolve not to give local public notice, as per Section 3.58(3) of the Local Government Act 1995, the disposition cannot proceed.

16.2 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF OFFICES 4, 5, 6 AND 7 WITHIN THE 'ZONE YOUTH CENTRE', LOT 109 (7) SKERNE STREET, KWINANA – THERAPY FOCUS

COUNCIL DECISION

106

MOVED CR W COOPER

SECONDED CR S MILLS

That Council:

1. **Give local public notice of the proposed disposition of offices 4, 5, 6 and 7 within the 'Zone Youth Centre', Lot 109 (7) Skerne Street, Kwinana to Therapy Focus in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.**
2. **Approve a 30% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.**
3. **Advertise the proposed rent to be \$13,709.50 per annum.**

**CARRIED
7/0**

16.3 Local Public Notice of Proposed Disposition of Consultant Room No. 1 within 'William Bertram Community Centre', Lot 453, Corner of Johnson Road and Hero Crescent – Child and Adolescent Community Health (CACH)

SUMMARY:

Child and Adolescent Community Health (CACH) approached the City in relation to leasing space in the newly built William Bertram Community Centre, on 30 December 2014. Prior to any lease negotiations commencing, the subject reserve had to undergo a reserve purpose amendment, from "Public Recreation" to "Community Centre". The reserve purpose was successfully amended from "Public Recreation" to "Community Centre" on 17 July 2015 and the Management Order reflecting the amendment was issued on 29 October 2015.

The valuation report for the subject reserve was recently received on 24 December 2015. The Local Government Act 1995, Section 3.58(4), requires the market value of the disposition as ascertained by a valuation to be carried out not more than 6 months before the proposed disposition.

Currently there is not a formal agreement in place between the City and CACH.

OFFICER RECOMMENDATION:

That Council:

1. Give local public notice of the proposed disposition of Consultant Room No. 1 within 'William Bertram Community Centre', Lot 453 Corner of Johnson Road and Hero Crescent, Bertram to Child and Adolescent Community Health (CACH) in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.
2. Approve a 99% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.
3. Advertise the proposed rent to be \$100 per annum.

DISCUSSION:

Child and Adolescent Community Health (CACH) provides a comprehensive range of health promotion and early identification and intervention community based services to children and families, focussing on growth and development in the early years, promoting wellbeing during childhood and adolescence. Service delivery is both universal and targeted. Groups at risk of poorer health outcomes, such as Aboriginal and Torres Strait Islander peoples and newly arrived refugees, are of particular focus.

16.3 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF CONSULTANT ROOM NO. 1 WITHIN 'WILLIAM BERTRAM COMMUNITY CENTRE', LOT 453, CORNER OF JOHNSON ROAD AND HERO CRESCENT – CHILD AND ADOLESCENT COMMUNITY HEALTH (CACH)

Statewide policy advice, workforce development and research on child and adolescent community health issues are also provided, with CACH's core business as follows:

Statewide policy advice, workforce development and research on child and adolescent community health issues are also provided, with CACH's core business as follows:

- Child Health Services;
- School Health Services;
- Child Development Services;
- Immunisations
- At risk services, with a focus on Aboriginal and Torres Strait Islander and refugee families; and
- Health promotion, capacity building and community development

CACH's vision is supporting families to raise happy, healthy children and adolescents.

The market rental valuation has been carried out on the premises by Griffin Valuation Advisory, and was received on 24 December 2015. The market rental value, as detailed in confidential Attachment A, has been determined to be \$7,020 per annum excluding GST for Consultant Room No. 1.

Due to CACH providing a comprehensive range of health based services to children and families, the agreement will be a peppercorn lease and it is recommended that \$100 annually be charged plus monthly outgoings. This equates to a 99% discount off the market rent.

CACH is a community facility and in accordance with Council's Leasing of Community Facilities Policy, CACH must meet the compulsory organisational criteria:

Compulsory Criteria	CACH
The organisation must be an organisation, which applies any surpluses towards its purposes, prohibits any dividends or profits from being paid to its members and is exempt from paying income tax;	Yes
The organisation is a legal entity incorporated under appropriate legislation (such as the Associations Incorporation Act 1987);	Yes
The organisation is financially viable and able to demonstrate good financial management and record-keeping practices to the satisfaction of the City;	Yes
The organisation complies with relevant legislation governing its activities and holds any licences or registration certificates required for it to operate;	Yes
The organisation has a committee of management and appropriate governance arrangements, with established accountability and reporting methods to members of the organisation and / or to the community, including the capacity to maintain appropriate financial records for audit purposes;	Yes
The organisation adheres to all relevant Council local laws including the Local Government Property Local Law, Council policies and has complied with the terms of any previous lease or licence and/or grant from the City;	Yes

16.3 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF CONSULTANT ROOM NO. 1 WITHIN 'WILLIAM BERTRAM COMMUNITY CENTRE', LOT 453, CORNER OF JOHNSON ROAD AND HERO CRESCENT – CHILD AND ADOLESCENT COMMUNITY HEALTH (CACH)

Demand exists for the service or activity to be provided through the facility;	Yes
Facility use is consistent with City objectives and current Business Plan;	Yes
Use of the facility will increase social engagement and promote health and wellbeing of the Kwinana community;	Yes
The service or activity is non-discriminatory. It will be open to all residents who meet the criteria for participation that are directly related to the nature of the service or activity or geographic catchment area; and	Yes
Disadvantaged groups can access the service or activity and strategies are in place to review and remove any barriers to participation.	Yes
Proposed use of the facility is suitable for the nature of the site and the neighbourhood;	Yes
The organisation is prepared to maximise utilisation of the facility as requested by the City; and	Yes
The organisation agrees to provide the City with requested information including current and projected opening hours and participant and/or membership numbers.	Yes

Council's Leasing of Community Facilities Policy allows for discounted market rent in some circumstances.

The peppercorn rent proposed to be charged is based on CACH meeting all the essential organisational criteria in the table below:

Lessee Category	Peppercorn	Dis. Market Rent	Market Rent	CACH
The organisation meets an identified community need	E	E	D	Yes
The organisation provides equitable access to services primarily to Kwinana community	E	E	D	Yes
The organisation's activities complement the City's services	E	E	D	Yes
The organisation offers programs otherwise unavailable to Kwinana residents	E	E	D	Yes
There is a long standing community expectation that the City accommodates the organisation	E	E	D	Yes
The organisation is not part of a larger organisation with alternative accommodation options	E	D	D	No
The organisation is accessible to a broad resident base	E	D	D	Yes
The organisation has participation by volunteers	E	D	D	Yes
The organisation has limited capacity to generate revenue net of operating costs	D	D	D	Yes
The organisation does not receive funds from the State or Commonwealth Government	D	D	D	No

Key: E – Essential
D – Desirable

16.3 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF CONSULTANT ROOM NO. 1 WITHIN 'WILLIAM BERTRAM COMMUNITY CENTRE', LOT 453, CORNER OF JOHNSON ROAD AND HERO CRESCENT – CHILD AND ADOLESCENT COMMUNITY HEALTH (CACH)

It is recommended that CACH receive 99% discount of the market rental valuation even though it does not meet one of the essential criteria, being that the organisation is not part of a larger organisation with alternative accommodation options, and therefore the first year's annual rent is proposed to be \$100.00 excluding GST and outgoings.

LEGAL / POLICY IMPLICATIONS:

Local Government Act 1995

Section 3.58 (3) and (4). Disposing of property

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

FINANCIAL/BUDGET IMPLICATIONS:

The provision of Local Public Notice will cost approximately \$400 and will be funded from the GOVADV account.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications identified as a result of this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications identified as a result of this report.

16.3 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF CONSULTANT ROOM NO. 1 WITHIN 'WILLIAM BERTRAM COMMUNITY CENTRE', LOT 453, CORNER OF JOHNSON ROAD AND HERO CRESCENT – CHILD AND ADOLESCENT COMMUNITY HEALTH (CACH)

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic/social implications identified as a result of this report.

RISK IMPLICATIONS:

Should Council resolve not to give local public notice, as per Section 3.58(3) of the Local Government Act 1995, the disposition cannot proceed.

COUNCIL DECISION

107

MOVED CR P FEASEY

SECONDED CR S MILLS

That Council:

- 1. Give local public notice of the proposed disposition of Consultant Room No. 1 within 'William Bertram Community Centre', Lot 453 Corner of Johnson Road and Hero Crescent, Bertram to Child and Adolescent Community Health (CACH) in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.**
- 2. Approve a 99% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.**
- 3. Advertise the proposed rent to be \$100 per annum.**

**CARRIED
7/0**

16.4 Local Public Notice of Proposed Disposition of Suites 9-17 within 'Kwinana Technology Business Centre', 11 Stidworthy Way, Kwinana Town Centre – Business Foundations

SUMMARY:

Business Foundations assumed management of suites 8–17 in late 2011, following the winding up of the organisation that had prior management responsibility. Shortly after Business Foundations commenced operations, the City required additional space and some Business Foundations services were shifted to Rockingham. Currently, there is not a formal agreement in place between the City and Business Foundations. It is the intention of both the City and Business Foundations to establish a lease agreement, expiring 31 December 2016, with an option to extend for an additional three years.

OFFICER RECOMMENDATION:

That Council:

1. Give local public notice of the proposed disposition of suites 9-17 within the 'Kwinana Technology Business Centre', 11 Stidworthy Way, Kwinana to Business Foundations in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.
2. Approve a 58% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.
3. Advertise the proposed rent to be \$13,453 per annum.

DISCUSSION:

Business Foundations is contracted by the State Government to deliver the "Business Local" program (formerly known as the Small Business Centre program). This program provides advisory services to any operating, existing business located in the Kwinana/Rockingham region. During the 2014/15 financial year, over fifty Kwinana residents made use of this service. Business advisor, Tony Beard mentors licensees on a needs basis, generally on business planning and growth strategies, and day to day business issues as they arise.

In addition, Business Foundations provides three Federal Government programs targeting small to medium sized businesses.

1. **Australian Small Business Advisory Service (ASBAS)**

Workshop and one to one mentoring service on topics/issues affecting small business operators.

2. **Entrepreneurs' Programme (EP)**

An initiative to enhance the competitiveness and productivity in businesses with a minimum turnover of \$1.5 million and operating in one of the five industry priorities – food and agribusiness, advanced manufacturing, oil and gas, mining, engineering and technical services and medical technology.

16.4 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF SUITES 9-17 WITHIN 'KWINANA TECHNOLOGY BUSINESS CENTRE', 11 STIDWORTHY WAY, KWINANA TOWN CENTRE – BUSINESS FOUNDATIONS

3. Self employment NEIS (New Enterprise Incentive Scheme)

Nationally accredited certificate based management training for clients of Centrelink to start their own small business, with twelve months of one to one mentoring, and financial support.

There is an opportunity to partner with the City of Kwinana to deliver components of these programs in the incubator training room, when appropriate and available.

Business Foundations is always happy to partner with the City to deliver workshops on small or home businesses to residents when asked.

The market rent valuation has been carried out on the premises by Pember Wilson & Eftos (pwe), and was received on 18 December 2015. The market rental value, as detailed in Confidential Attachments A and B, has been determined to be \$32,000 per annum excluding GST for Suites 9-17.

Currently there is not a formal agreement in place between the City and Business Foundations, in relation to the contribution in the form of rent or outgoings.

Business Foundations is a community facility and in accordance with Council's Leasing of Community Facilities Policy, Business Foundations must meet the compulsory organisational criteria:

Compulsory Criteria	Business Foundations
The organisation must be an organisation, which applies any surpluses towards its purposes, prohibits any dividends or profits from being paid to its members and is exempt from paying income tax;	Yes
The organisation is a legal entity incorporated under appropriate legislation (such as the Associations Incorporation Act 1987);	Yes
The organisation is financially viable and able to demonstrate good financial management and record-keeping practices to the satisfaction of the City;	Yes
The organisation complies with relevant legislation governing its activities and holds any licences or registration certificates required for it to operate;	Yes
The organisation has a committee of management and appropriate governance arrangements, with established accountability and reporting methods to members of the organisation and / or to the community, including the capacity to maintain appropriate financial records for audit purposes;	Yes
The organisation adheres to all relevant Council local laws including the Local Government Property Local Law, Council policies and has complied with the terms of any previous lease or licence and/or grant from the City;	Yes
Demand exists for the service or activity to be provided through the facility;	Yes

16.4 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF SUITES 9-17 WITHIN 'KWINANA TECHNOLOGY BUSINESS CENTRE', 11 STIDWORTHY WAY, KWINANA TOWN CENTRE – BUSINESS FOUNDATIONS

Facility use is consistent with City objectives and current Business Plan;	Yes
Use of the facility will increase social engagement and promote health and wellbeing of the Kwinana community;	Yes
The service or activity is non-discriminatory. It will be open to all residents who meet the criteria for participation that are directly related to the nature of the service or activity or geographic catchment area; and	Yes
Disadvantaged groups can access the service or activity and strategies are in place to review and remove any barriers to participation.	Yes
Proposed use of the facility is suitable for the nature of the site and the neighbourhood;	Yes
The organisation is prepared to maximise utilisation of the facility as requested by the City; and	Yes
The organisation agrees to provide the City with requested information including current and projected opening hours and participant and/or membership numbers.	Yes

Council's Leasing of Community Facilities Policy allows for discounted market rent in some circumstances.

The Discounted Market Rent is the market rent with a reduction from this rate to be negotiated based on community benefit criteria, level of maintenance responsibility and capital contributions made by the lessee, on a sliding scale basis providing discounts of between 30% and 70%. Business Foundations is eligible to receive a discounted market rent based on meeting all the essential organisational criteria in the table below:

Lessee Category	Peppercorn	Dis. Market Rent	Market Rent	Business Foundations
The organisation meets an identified community need	E	E	D	Yes
The organisation provides equitable access to services primarily to Kwinana community	E	E	D	Yes
The organisation's activities complement the City's services	E	E	D	Yes
The organisation offers programs otherwise unavailable to Kwinana residents	E	E	D	Yes
There is a long standing community expectation that the City accommodates the organisation	E	E	D	Yes
The organisation is not part of a larger organisation with alternative accommodation options	E	D	D	No
The organisation is accessible to a broad resident base	E	D	D	Yes
The organisation has participation by volunteers	E	D	D	No
The organisation has limited capacity to generate revenue net of operating costs	D	D	D	Yes

16.4 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF SUITES 9-17 WITHIN 'KWINANA TECHNOLOGY BUSINESS CENTRE', 11 STIDWORTHY WAY, KWINANA TOWN CENTRE – BUSINESS FOUNDATIONS

The organisation does not receive funds from the State or Commonwealth Government	D	D	D	Yes
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Key: E – Essential
D – Desirable

It is recommended that Business Foundations receive 58% discount of the market rental valuation and therefore the first year's annual rent is proposed to be \$13,453.00 excluding GST and outgoings.

LEGAL / POLICY IMPLICATIONS:

Local Government Act 1995

Section 3.58 (3) and (4). Disposing of property

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

FINANCIAL/BUDGET IMPLICATIONS:

The provision of Local Public Notice will cost approximately \$400 and will be funded from the GOVADV account.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications identified as a result of this report.

16.4 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF SUITES 9-17 WITHIN 'KWINANA TECHNOLOGY BUSINESS CENTRE', 11 STIDWORTHY WAY, KWINANA TOWN CENTRE – BUSINESS FOUNDATIONS

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications identified as a result of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic/social implications identified as a result of this report.

RISK IMPLICATIONS:

Should Council resolve not to give local public notice, as per Section 3.58(3) of the Local Government Act 1995, the disposition cannot proceed.

COUNCIL DECISION

108

MOVED CR B THOMPSON

SECONDED CR D WOOD

That Council:

1. **Give local public notice of the proposed disposition of suites 9-17 within the 'Kwinana Technology Business Centre', 11 Stidworthy Way, Kwinana to Business Foundations in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.**
2. **Approve a 58% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.**
3. **Advertise the proposed rent to be \$13,453 per annum.**

**CARRIED
7/0**

16.5 Road Closure of a portion of Tamblyn Place, Wellard – Local Public Notice

SUMMARY:

The City was approached by McMullen Nolan Group Pty Ltd (MNG) to initiate a formal application to permanently close a portion of Tamblyn Place, Wellard, near the intersection of Tamblyn Place and Johnson Road, Wellard, as detailed in Attachment A.

OFFICER RECOMMENDATION:

That Council give local public notice of the proposed road closure of a portion of Tamblyn Place, Wellard as detailed in Attachment A.

DISCUSSION:

As detailed in Attachment A, the portions shown in green, blue and brown are Part 1 of the road closure. Part 2 of the road closure shown in yellow (1385 sqm) will become part of the public open space (POS). The road closure is necessary to accommodate lodgement of a subdivision application for Lots 502, 503, 504 and 900.

LEGAL/POLICY IMPLICATIONS:

Land Administration Act 1997

58. Closing roads

- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

FINANCIAL/BUDGET IMPLICATIONS:

The City has received payment of the administration fee in the amount of \$1,500 from McMullen Nolan Group Pty Ltd to meet the costs for the initiation of this road closure process.

The provision of the Local Public Notice advertisement will cost approximately \$400 and will be funded from the GOVADV account.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications identified as a result of this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications identified as a result of this report.

16.5 ROAD CLOSURE OF A PORTION OF TAMBLYN PLACE, WELLARD – LOCAL PUBLIC NOTICE

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic/social implications as a result of this report.

RISK IMPLICATIONS:

Should Council resolve not to give local public notice, as per Section 58 of the Land Administration Act 1997, the closure process cannot proceed.

COUNCIL DECISION

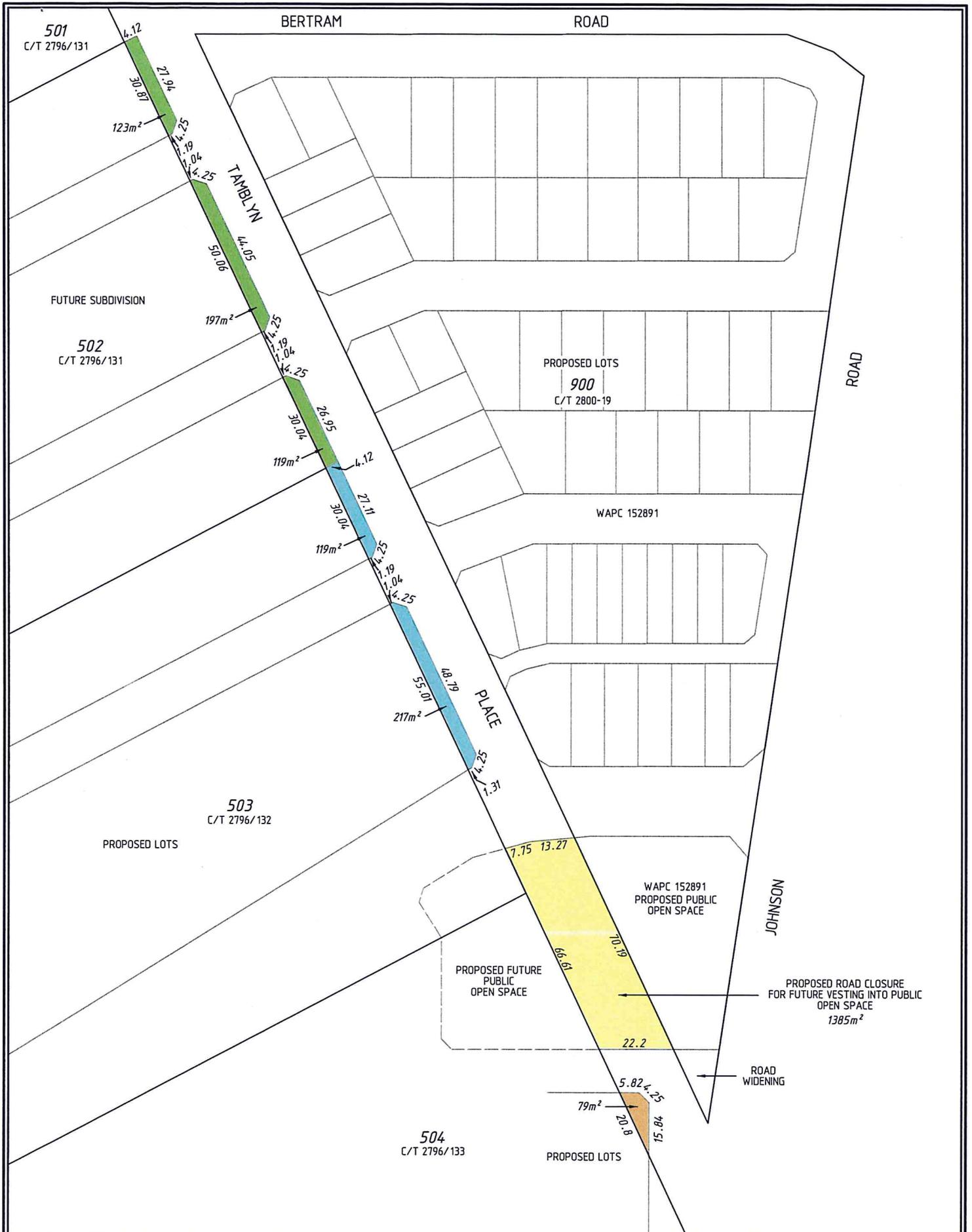
109

MOVED CR W COOPER

SECONDED CR R ALEXANDER

That Council give local public notice of the proposed road closure of a portion of Tamblyn Place, Wellard as detailed in Attachment A.

**CARRIED
7/0**



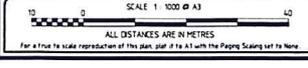
Ver.	Description	Drawn	Date	Checked
B	Amend to Amalgamate Southern Lot Road Closures into one Road Closure for Future Public Open Space, add Future POS Lot Design and Annotation	SSW	17/12/2015	CAY
A	Initial Issue	GEC	25/11/2015	CAY

FILES
 map0000 - N/A
 Control Register - 98839
 File Name - 98839k-01b.dgn

PRECAL LEGEND
 - Current boundaries
 - Proposed boundaries



PROPOSED ROAD CLOSURE
 TAMBLYN PLACE
 Wellard



Ver.	Description	Drawn	Date	Checked
B	Amend to Amalgamate Southern Lot Road Closures into one Road Closure for Future Public Open Space, add Future POS Lot Design and Annotation	SSW	17/12/2015	CAY
A	Initial Issue	GEC	25/11/2015	CAY

All areas and dimensions depicted on this plan are subject to survey and Landgate registration of this plan. All subsequent alterations to the plan are subject to the approval of the Surveyor General. The plan is not guaranteed and is not intended as a guarantee.



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 Westport, WA 6160
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 Fax: 08 9416 1500
 www.mcgillermiller.com.au
 WA Reg No. 1026, 10262
 M.A. 53624, Australia

Client	Project	Author	Date	PCOs
LWP	Charles Young	SSW	17/12/2015	CAY

88839 - 011 - B

16.6 Road Closure of a portion of Tunncliffe Street, Parmelia – Local Public Notice

SUMMARY:

The City was approached by McMullen Nolan Group Pty Ltd (MNG) to initiate a formal application to permanently close a portion of Tunncliffe Street, Parmelia, at the roundabout intersection of Parmelia Avenue and St Vincents School.

OFFICER RECOMMENDATION:

That Council give local public notice of the proposed road closure of a portion of Tunncliffe Street, Parmelia as detailed in Attachments A and B.

DISCUSSION:

This closure request has come about because the area of land was created in error as a portion of Tunncliffe Street, Parmelia. A subsequent application has been lodged to use the area as a land exchange for the land required to accommodate a roundabout at the intersection of Tunncliffe and Stevenson. The portion of land should not have been a road reserve.

LEGAL/POLICY IMPLICATIONS:

Land Administration Act 1997

58. Closing roads

- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

FINANCIAL/BUDGET IMPLICATIONS:

The City has received payment of the administration fee in the amount of \$1,500 from McMullen Nolan Group Pty Ltd to meet the costs for the initiation of this road closure process.

The provision of the Local Public Notice advertisement will cost approximately \$400 and will be funded from the GOVADV account.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications identified as a result of this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications identified as a result of this report.

16.6 ROAD CLOSURE OF A PORTION OF TUNNICLIFFE STREET, PARMELIA – LOCAL PUBLIC NOTICE

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic/social implications as a result of this report.

RISK IMPLICATIONS:

Should Council resolve not to give local public notice, as per Section 58 of the Land Administration Act 1997, the closure process cannot proceed.

COUNCIL DECISION

110

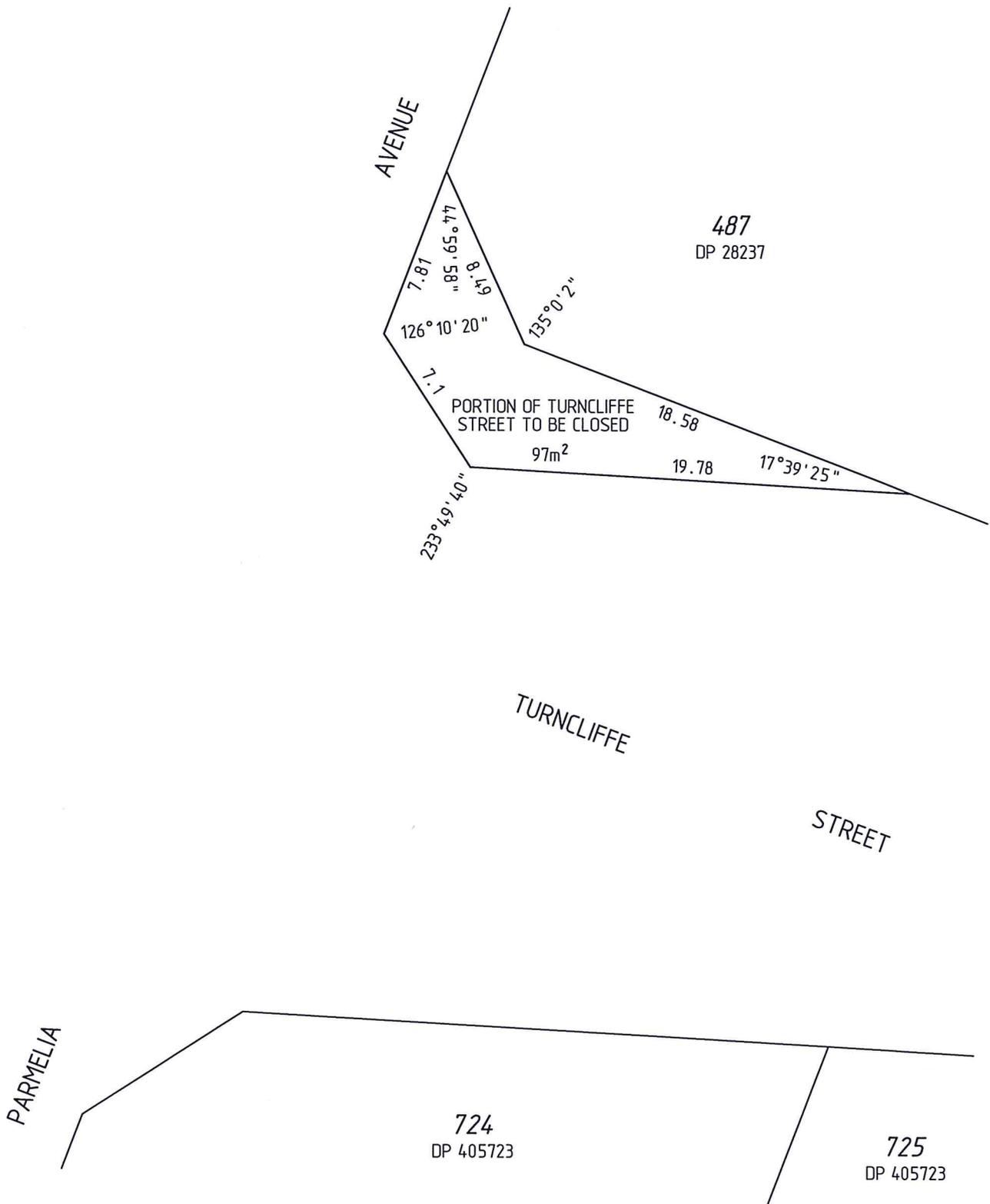
MOVED CR D WOOD

SECONDED CR S MILLS

That Council give local public notice of the proposed road closure of a portion of Tunnicliffe Street, Parmelia as detailed in Attachments A and B.

**CARRIED
7/0**





MC MULLEN NOLAN GROUP
 Level 1, 2 Sabre Crescent
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 info@mngsurvey.com.au
 www.mngsurvey.com.au
 ABN 90 009 363 311

MNG Ref:- 91442mp-062a.dgn Date:- 14/10/2015

PORTION OF TURNCLIFFE
 STREET TO BE CLOSED



Scale 1 : 250

16.7 Monthly Statement of Financial Activity for the Period Ending 31 December 2015

SUMMARY:

The Monthly Statement of Financial Activity and explanation of material variances for the period ending 31 December 2015 has been prepared for Council acceptance.

OFFICER RECOMMENDATION:

That Council accepts:

1. The Monthly Statements of Financial Activity for the period ending 31 December 2015; and
2. The explanations for material variances for the period ending 31 December 2015.

DISCUSSION:

Variance percentages between budget estimates to the end of December and actual amounts to the end of December have been presented in the attached Statement of Financial Activity.

The material variances that are required to be reported on are:

Description	Actual	Y-T-D Budget		Variance (%)
Directorate Corporate and Engineering Services Revenue	4,186,953	5,691,076	▼	(26.43%)
Directorate City Development Revenue	2,544,602	8,347,781	▼	(69.52%)
Directorate City Strategy Expenditure	(2,047,376)	(2,758,191)	▼	25.77%
Directorate Corporate and Engineering Services Expenditure	(10,005,393)	(14,159,754)	▼	29.34%
Directorate City Living Expenditure	(12,305,647)	(13,884,092)	▼	11.37%
Directorate City Development Expenditure	(1,704,435)	(2,298,592)	▼	25.85%
Depreciation on Assets	3,715,403	5,779,418	▼	35.71%
Purchase Computing Equipment	(145,971)	(401,900)	▼	63.68%

16.7 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 DECEMBER 2015

Description	Actual	Y-T-D Budget		Variance (%)
Purchase Plant and Machinery	(232,295)	(551,082)	▼	57.85%
Purchase Transportation Vehicles	(538,702)	(954,225)	▼	43.55%
Purchase Land and Buildings	(712,748)	(1,394,704)	▼	48.90%
Purchase Reserve Development	(399,602)	(1,022,868)	▼	60.93%
Purchase Playground Equipment	(225,059)	(45,850)	▲	(390.86%)
Purchase Infrastructure – Urban Road Grant	(1,513,521))	(2,314,135)	▼	34.60%
Purchase Infrastructure – Black Spot Grant	(1,960,099)	(2,245,458)	▼	12.71%
Purchase Infrastructure – Roads to Recovery	(828)	(528,519)	▼	99.84%
Purchase Infrastructure – Road Resurfacing	(726)	(226,825)	▼	99.68%
Purchase Infrastructure – Drainage	(324,863)	(662,957)	▼	51.00%
Transfer to Reserves (Restricted Assets)	(2,404,365)	(8,010,547)	▼	69.99%

Note: A negative (%) variance indicates additional expenditure or reduced revenue than budgeted. A positive % variance indicates additional revenue or reduced expenditure than budgeted.

Directorate Corporate and Engineering Services Revenue – (26.43%)

This area shows reduced income mainly due to the following areas:

- a. Financial Services (Finance) – Lower investment rates available to Council have resulted in less interest on Municipal Fund investments than forecasted to date.
- b. Engineering Services (*Infrastructure Development*) – The timing of Urban Road, Black Spot and Roads to Recovery grant revenue has resulted in a timing variance.

Directorate City Development Revenue – (69.52%)

This area shows reduced income mainly due to the following areas:

- a. Planning and Building Services (Developer Contributions Administration) – Developer Contributions towards the Hard and Soft Infrastructure in the Wandi, Bertram and Anketell areas were less than had been projected to date. This relates to:
 - a. DCA1 where it was forecasted that stages II and III of a Private Estate would commence however stage II occurred earlier than expected in late 2014/15 and Stage III is now expected to be cleared in Feb/March 2016. It is further expected that the delay in gazettal of Amendment 132 will affect this budget forecast.
 - b. DCA 5 Honeywood Rise where it was anticipated that 67 lots (Stage 3) and 53 lots (Stage 4) would be cleared in the first half of FY 15/16. These clearances have not occurred.

16.7 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 DECEMBER 2015

- c. DCA 9 Honeywood Rise where it was anticipated that 67 lots (Stage 3) and 53 lots (Stage 4) would be cleared in the first half of FY 15/16. These clearances have not occurred.
- d. DCA11 Initial estimates included Sunrise Estate Stage 8 (61 lots) as well as Wellard Glen Private Estate Stage 2 clearances in the first half of FY 15/16. These clearances have not occurred.
- e. DCA13 – the Draft Community Infrastructure Plan 2015 for population/dwelling projections for 15/16 informed this budget. The plan estimates about 25 dwellings per quarter; however little development has occurred in this DCA to date.

Director City Strategy Expenditure – 25.77%

This area shows reduced expenditure mainly due to the following areas:

- a. Economic Development (*Development Initiatives*) – Recruitment of the new Economic Development Officer is not due to occur until the third quarter resulting in a timing variance.
- b. Executive Office (*Marketing and Communications*) – expenditure in relation to the new Corporate Website had been forecasted to occur in previous months however this project has been delayed due to the Indian Ocean Gateway proposal.
- c. Governance (*Governance and Compliance*) – expenditure in relation to the Transformation project is yet to be approved until project documentation is complete.

Director Corporate and Engineering Expenditure – 29.34%

This area shows reduced expenditure mainly due to the following;

- a. Software Applications – the monthly Managed Services invoices had not been processed due to queries with the service. A purchase order has since been raised and accounts will be processed in January 2016 resulting in a timing variance.
- b. General Financing (*Finance*) – Loan interest expense less than anticipated due to Government guarantee fee payment changed to biannual resulting in a timing variance. Next payment due in January 2016.

Director City Living Expenditure – 11.37%

This area shows reduced expenditure mainly due to the following;

- a. Environmental Health Services (*Waste Management*) – purchase orders have been raised in the system; services on-going and costs expected. Variance is also due to budgeting costs evenly over 12 month period and delays in receiving invoices, timing variance.
- b. Facilities Management (*Building Services*). Costs associated with facilities maintenance are lower than had been anticipated however purchase orders are in the system; works on going and costs expected.

Director City Development Expenditure – 25.85%

This area shows reduced expenditure mainly due to the following areas:

- a. Planning and Building Services (*Developer Contributions Administration*) – Consultants are either yet to be engaged in relation to Hard Infrastructure or invoices are yet to be received in relation to general Developer Contribution projects.
- b. Planning and Building Services (*Statutory Planning/Approvals*) – The temporary secondment of an Officer to Community Emergency Services has resulted in a variance.

16.7 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 DECEMBER 2015

- c. Planning and Building Services (*Strategic Planning*) – Recruitment for the vacant position will not commence until the new Organisational Structure is finalised resulting in savings in salaries, this is partially offset to date by increased costs associated with contract salaries. In addition, consultants are yet to be engaged to finalise the Local Planning Strategy and undertake related planning studies.

Depreciation on Assets – 35.71%

- a. Nil effect on rates as non-cash. Depreciation less than budgeted due to depreciation processing in system is at 31 October 2015, resulting in a timing variance.

Purchase Computing Equipment – 63.68%

Re-cabling of the Recquatic centre had been delayed pending receipt of an updated quote. Purchase orders have now been raised and works scheduled. Purchase of software to enable online bookings of the City's facilities will be delayed until all project documentation is complete.

Purchase Plant and Machinery – 57.85%

Purchase of Depot 4.5T Drainage Truck was budgeted to commence in December however will go to request for quote at the end of January 2016. Evaluation is anticipated to take up to 4 weeks at which time funds will be committed.

Purchase Transportation Vehicles – 43.55%

Purchase orders have been raised for all remaining vehicles and deliveries are scheduled over the coming months.

Purchase Land and Buildings – 48.90%

Delayed adoption of the annual budget made it necessary to reschedule a number of projects. The contract for the Koorliny Arts Centre Emergency systems renewal and upgrades was awarded in October and works have commenced. The project is expected to be complete in late January subject to centre availability. Re-roofing of the Rotary Building is now scheduled to commence in February/March 2016. Aged Persons projects are due to be completed in January 2016. The final contract for the CCTV project is yet to be drawn up however installation and commissioning is forecasted to occur mid January 2016.

Purchase Reserve Development – 60.93%

Delayed adoption of the annual budget contributed to postponements for all projects. Works on carried forward projects, Hennessy and Skottowe Parks were further delayed by the tender process however are now substantially complete and invoices are expected. The M^cGuigan Park upgrade was initially delayed by the contractor and availability of equipment, works are now due to be complete at the end of February 2016. The discovery of asbestos at Kwinana Beach Road delayed the streetscape beautification project. Completion will now occur in April/May when the weather is more conducive to the planting of tube stock. Tender process timeframes also resulted in the delayed award of contract for the Meares Avenue upgrade. Intermittent attendance by the irrigation contractor at the site to undertake Irrigation works, has caused further delays and completion is now expected in late January early February 2016. Bore replacements are hard to predict however scheduled replacements are now expected to occur after the summer season. The City Centre irrigation system was designed without the need to replace the iron filtration unit and is therefore now complete.

16.7 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 DECEMBER 2015**Purchase Playground Equipment – (390.86%)**

Works on the Calista Oval Destination Adventure Playground have commenced with purchase orders in the system. Initial works involved the demolition of buildings at Calista Oval.

Purchase Infrastructure – Urban Road Grant – 34.60%

Sulphur Road/Meares Avenue works were programmed to commence in late October however design work resulted in the revised commencement and expected completion to be December. However the design of Mandurah Road works has resulted in a revised commencement in the new year. Guard rails are to be installed on the newly constructed Gilmore Avenue dual carriageway that had not been anticipated as being necessary. Works are now complete and awaiting final invoice. Structure plans submitted by land owners adjoining Bertram Road dual carriageway for subdivision have resulted in the deferment of the project possibly until 2017/18.

Infrastructure – Black Spot Grant – 12.71%

Anketell roadworks are significantly progressed and works are ongoing. Costs are expected over the next 2 to 3 months. The contract has been issued for commencement of the Chisham, Gilmore and Harlow project with forecasted completion to be March 2016.

Infrastructure – Roads to Recovery – 99.84%

Delayed adoption of the annual budget made it necessary to reschedule a number of projects. Ougden Way is due to be complete in February 2016.

Infrastructure – Road Resurfacing – 99.68%

Delayed adoption of the annual budget made it necessary to reschedule a number of projects.

Infrastructure – Drainage – 51.00%

Mandurah Road drainage works were incomplete due to the contractor being in liquidation. A replacement contractor was engaged and works are substantially complete. Invoices are expected during the next month.

Transfers to Reserves – 69.99%

Transfers to Reserves are processed monthly as funds are received.

Investment activity November 2015

- *Tier 1* – Investment rates available to the City were not favourable therefore no funds were invested in this tier.
- *Tier 2* – Funds were allocated in accordance with the guidelines of the Investment Policy.
- *Tier 3* – Funds were allocated in accordance with the guidelines of the Investment Policy.
- *Tier 4* – Funds were allocated in accordance with the guidelines of the Investment Policy.

LEGAL/POLICY IMPLICATIONS:

Local Government (Financial Management) Regulations – Clause 34.

16.7 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 DECEMBER 2015

FINANCIAL/BUDGET IMPLICATIONS:

As outlined in the 'Discussion' and 'Risk' sections.

ASSET MANAGEMENT IMPLICATIONS:

No asset management implications have been identified as a result of this report or recommendation.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications have been identified as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

Continuous monitoring and review ensures the future sustainability of the City through the implementation of sound revenue and expenditure policies, and seeking additional revenue sources.

RISK IMPLICATIONS:

The report is provided to highlight 'over' and 'under' provisions, revenues and expenditures. Monitoring the City's financials enables the City to suitably manage these financial risks by allowing for suitable responsible adjustments to be proposed if necessary. No such adjustments are considered to be required at this point in time.

COUNCIL DECISION

111

MOVED CR B THOMPSON

SECONDED CR R ALEXANDER

That Council accepts:

1. **The Monthly Statements of Financial Activity for the period ending 31 December 2015; and**
2. **The explanations for material variances for the period ending 31 December 2015.**

**CARRIED
7/0**



CITY OF KWINANA

MONTHLY STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

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CITY OF KWINANA
RATE SETTING STATEMENT by DIRECTORATE
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	NOTE	December		2015/2016 Revised Budget \$	Variance Budget to Actual	
		2015 Actual \$	2015 Y-T-D Budget \$		YTD \$	Y-T-D %
Revenues						
Directorate City Strategy	1	173,875	116,253	3,712,212		
Directorate Corporate & Engineering Services		4,186,953	5,691,076	11,739,239	▼	1,504,123 26.43%
Directorate City Living		12,526,987	11,581,726	15,869,016		
Directorate City Development		2,544,602	8,347,781	17,538,093	▼	5,803,179 69.52%
		<u>19,432,417</u>	<u>25,736,836</u>	<u>48,858,560</u>		
Expenses						
Directorate City Strategy	1	(2,047,376)	(2,758,191)	(5,058,768)	▼	(710,815) 25.77%
Directorate Corporate & Engineering Services		(10,005,393)	(14,159,754)	(28,378,168)	▼	(4,154,361) 29.34%
Directorate City Living		(12,305,647)	(13,884,092)	(27,740,063)	▼	(1,578,445) 11.37%
Directorate City Development		(1,704,435)	(2,298,592)	(4,659,209)	▼	(594,157) 25.85%
		<u>(26,062,851)</u>	<u>(33,100,629)</u>	<u>(65,836,208)</u>		
NET OPERATING RESULT EXCLUDING RATES		<u>(6,630,434)</u>	<u>(7,363,793)</u>	<u>(16,977,648)</u>		
Adjustments for Cash Budget Requirements:						
Non-Cash Expenditure and Revenue						
(Profit)/Loss on Asset Disposals	4	(17,394)	(32,664)	22,651		
Depreciation on Assets		3,715,403	5,779,418	11,558,780	▼	2,064,015 35.71%
Movement in Deferred Pensioner Rates		23,869	-	-		
Movement in Employee Leave Provision		-	-	-		
Capital Expenditure						
Purchase Furniture and Equipment	3	(47,699)	(141,735)	(146,735)		
Purchase Computing Equipment	3	(145,971)	(401,900)	(441,900)	▼	(255,929) 63.68%
Purchase Plant and Machinery	3	(232,295)	(551,082)	(561,750)	▼	(318,787) 57.85%
Purchase Transportation Vehicles	3	(538,702)	(954,225)	(954,225)	▼	(415,523) 43.55%
Purchase Land and Buildings	3	(712,748)	(1,394,704)	(2,566,205)	▼	(681,956) 48.90%
Purchase Reserve Development	3	(399,602)	(1,022,868)	(1,579,018)	▼	(623,266) 60.93%
Purchase Playground Equipment	3	(225,059)	(45,850)	(6,461,268)	▲	179,209 (390.86%)
Purchase Infrastructure - Urban Road Grant	3	(1,513,521)	(2,314,135)	(2,314,135)	▼	(800,614) 34.60%
Purchase Infrastructure - Black Spot Grant	3	(1,960,099)	(2,245,458)	(2,245,458)	▼	(285,359) 12.71%
Purchase Infrastructure - Roads to Recovery	3	(828)	(528,519)	(1,159,269)	▼	(527,691) 99.84%
Purchase Infrastructure - Road Resurfacing	3	(726)	(226,825)	(301,825)	▼	(226,099) 99.68%
Purchase Infrastructure - Street Lights	3	(1,200)	(25,000)	(25,000)		
Purchase Infrastructure - Bus Shelters	3	-	-	(20,000)		
Purchase Infrastructure - Footpaths	3	(18,813)	(113,000)	(113,000)		
Purchase Infrastructure - Drainage	3	(324,863)	(662,957)	(1,092,957)	▼	(338,094) 51.00%
Purchase Infrastructure - Other Structures	3	-	-	-		
Purchase Infrastructure - Municipal Roadworks	3	(458,437)	(534,550)	(904,550)		
Purchase Infrastructure - Car Parks	3	-	-	-		
		<u>(6,580,563)</u>	<u>(11,162,808)</u>	<u>(20,887,295)</u>		
Capital Revenue						
Proceeds from Disposal of Assets	4	193,663	239,700	1,956,800		
		<u>193,663</u>	<u>239,700</u>	<u>1,956,800</u>		
Financing Expenditure & Revenue						
Repayment of Loans Principal	5	(409,376)	(409,377)	(670,482)		
Repayment of Liquidity Advance	5	-	-	(2,500,000)		
Self-Supporting Loan Principal Revenue	5	33,049	32,895	66,272		
Proceeds from New Loan Borrowings	5	-	-	3,274,377		
Transfer from Loan Fund for Capital	5	6,866	-	94,435		
Transfers to Reserves (Restricted Assets)	6	(2,404,365)	(8,010,547)	(23,643,655)	▼	(5,606,182) 69.99%
Transfers from Reserves (Restricted Assets)	6	4,748,224	5,000,851	11,366,111		
		<u>2,343,859</u>	<u>(3,009,696)</u>	<u>(12,277,544)</u>		
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	7	2,917,706	2,699,961	2,699,961		
LESS Estimated Surplus/(Deficit) Year to Date	7	29,342,379	20,113,329	-		
Amount Required to be Raised from Rates	8	<u>(33,745,731)</u>	<u>(33,339,693)</u>	<u>(33,639,693)</u>		

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

CITY OF KWINANA
STATEMENT OF COMPREHENSIVE INCOME BY PROGRAM
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	NOTE	December 2015 Actual \$	December 2015 Y-T-D Budget \$	2015/2016 Revised Budget \$
Revenues	1			
General Purpose Funding		36,069,759	35,426,552	37,465,082
Governance		80,542	33,593	35,971
Law, Order, Public Safety		234,505	240,474	439,128
Health		69,682	170,069	239,815
Education and Welfare		3,539,439	2,699,098	5,315,501
Community Amenities		8,792,345	14,397,958	23,342,691
Recreation and Culture		1,334,120	1,355,589	2,764,369
Transport		161,729	194,878	272,867
Economic Services		667,818	597,862	1,220,044
Other Property and Services		177,090	111,474	235,140
		<u>51,127,029</u>	<u>55,227,547</u>	<u>71,330,608</u>
Expenses Excluding Finance Costs	1			
General Purpose Funding		(614,563)	(765,025)	(1,652,948)
Governance		(2,441,511)	(3,194,826)	(5,617,767)
Law, Order, Public Safety		(950,060)	(1,126,397)	(2,402,509)
Health		(499,247)	(615,751)	(1,209,851)
Education and Welfare		(4,352,760)	(3,900,066)	(7,655,761)
Community Amenities		(3,815,041)	(5,672,492)	(11,622,295)
Recreation & Culture		(7,021,521)	(8,613,580)	(16,961,791)
Transport		(3,441,729)	(5,777,962)	(11,771,132)
Economic Services		(636,584)	(883,905)	(1,754,233)
Other Property and Services		(1,822,362)	(1,941,660)	(3,886,574)
		<u>(25,595,378)</u>	<u>(32,491,664)</u>	<u>(64,534,861)</u>
		25,531,651	22,735,883	6,795,747
Finance Costs	1			
Governance		(30,396)	(34,561)	(67,973)
Education and Welfare		(42,067)	(49,380)	(98,385)
Recreation & Culture		(352,456)	(413,680)	(830,099)
Transport		(41,334)	(87,160)	(169,766)
Economic Services		(1,220)	(2,336)	(2,336)
		<u>(467,473)</u>	<u>(587,117)</u>	<u>(1,168,559)</u>
Grants/Contributions for the Development of Assets				
Governance		3,129	-	-
Law, Order, Public Safety		135,000	150,000	150,000
Recreation and Culture		395,619	427,631	3,166,305
Transport		1,226,178	2,956,405	4,023,072
Economic Services		273,799	260,434	3,718,131
		<u>2,033,725</u>	<u>3,794,470</u>	<u>11,057,508</u>
Profit/(Loss) on Disposal of Assets	4			
Profit on Disposal				
Governance		-	4,379	4,379
Law, Order, Public Safety		-	3,664	3,664
Health		-	6,552	6,552
Community Amenities		-	1,893	1,893
Recreation and Culture		-	1,417	1,417
Transport		17,273	17,000	17,000
Economic Services		-	3,125	53,125
Other Property and Services		121	16,482	22,107
		<u>17,394</u>	<u>54,512</u>	<u>110,137</u>
(Loss) on Disposal				
Governance		-	(12,913)	(12,913)
Law, Order, Public Safety		-	(4,554)	(4,554)
Community Amenities		-	(4,381)	(4,381)
Economic Services		-	-	(110,940)
		<u>-</u>	<u>(21,848)</u>	<u>(132,788)</u>
NET RESULT		<u>27,115,297</u>	<u>25,975,900</u>	<u>16,662,045</u>
Other Comprehensive Income		-	-	-
TOTAL COMPREHENSIVE INCOME		<u>27,115,297</u>	<u>25,975,900</u>	<u>16,662,045</u>

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

CITY OF KWINANA
STATEMENT OF COMPREHENSIVE INCOME BY NATURE & TYPE
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

	NOTE	December 2015 Actual \$	December 2015 Y-T-D Budget \$	2015/2016 Revised Budget \$
Revenues	1			
Rates	8	33,745,731	33,339,693	33,639,693
Operating Grants, Subsidies & Contributions		5,982,755	10,648,115	22,124,646
Reimbursements and Donations		347,985	245,890	463,609
Fines & Penalties		107,583	99,246	198,000
Fees and Charges		9,013,244	8,974,520	11,435,604
Interest Earnings		1,017,045	1,096,708	1,858,409
Income from Property		826,443	743,393	1,514,505
Other Revenue		86,243	79,982	96,142
		<u>51,127,029</u>	<u>55,227,547</u>	<u>71,330,608</u>
Expenses Excluding Finance Costs	1			
Employee Costs		(11,565,265)	(12,862,597)	(25,261,395)
Materials and Contracts		(8,312,017)	(11,841,352)	(23,485,696)
Utilities Charges (gas, electricity, water, etc)		(1,044,819)	(1,076,060)	(2,224,757)
Leases		(99,210)	(171,480)	(342,951)
Depreciation on Non-current Assets		(3,715,403)	(5,779,418)	(11,558,780)
Insurance Expenses		(524,862)	(458,521)	(536,187)
Other Expenditure		(333,802)	(302,236)	(1,125,095)
		<u>(25,595,378)</u>	<u>(32,491,664)</u>	<u>(64,534,861)</u>
Finance Costs				
Interest Expenses	5	(467,473)	(587,117)	(1,168,559)
		<u>25,064,178</u>	<u>22,148,766</u>	<u>5,627,188</u>
Grants/Contributions for the Development of Assets				
Non-operating Grants, Subsidies & Contributions		1,756,797	3,534,036	10,797,074
Non-operating Reimbursements & Donations		276,928	260,434	260,434
		<u>2,033,725</u>	<u>3,794,470</u>	<u>11,057,508</u>
Profit/(Loss) on Disposal of Assets	4			
Profit on Asset Disposals		17,394	54,512	110,137
Loss on Asset Disposals		-	(21,848)	(132,788)
		<u>17,394</u>	<u>32,664</u>	<u>(22,651)</u>
NET RESULT		<u>27,115,297</u>	<u>25,975,900</u>	<u>16,662,045</u>
Other Comprehensive Income		-	-	-
TOTAL COMPREHENSIVE INCOME		<u>27,115,297</u>	<u>25,975,900</u>	<u>16,662,045</u>

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

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

1. SIGNIFICANT ACCOUNTING POLICIES

The significant accounting policies which have been adopted in the preparation of this statement of financial activity are:

(a) Basis of Accounting

The budget has been prepared in accordance with applicable Australian Accounting Standards, other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended).

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this statement.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statement, but a separate statement of those monies appears at Note 9 to this budget.

(c) Rounding Off Figures

All figures shown in this statement, other than a rate in the dollar, are rounded to the nearest dollar.

(d) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(e) Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables are stated inclusive of applicable GST.

(f) Fixed Assets

Property, plant and equipment and infrastructure assets are brought to account at cost or fair value less, where applicable, any accumulated depreciation or amortisation and any accumulated impairment balances.

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(g) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are:

ASSET CLASS	ASSET DESCRIPTION	Economic Life	Depreciation Rate
Land	Land	Nil	
	Vested Land	Nil	
	Other Vested Land	Nil	
Buildings	Fencing	20 to 50	5% to 2%
	Building Structure	40 to 60	2.5% to 1.67%
	Air conditioning	10 to 30	10% to 3.33%
	Soft Furnishings	10	0.10%
	Fixtures	10	0.10%
	Other	10 to 30	10% to 3.33%
	Alarms	3 to 10	33.33% to 10%
Plant & Equipment	Vehicles	5 to 10	20% to 10%
	Major Plant	5 to 10	20% to 10%
	Minor Plant & Equipment	3 to 10	33.33% to 10%
Furniture & Equipment	Computing Equipment	2 to 7	50% to 14.29%
	Office Furniture	7 to 13	14.29% to 7.69%
	Office Equipment	3 to 10	33.33% to 10%
	Audio Visual Equipment	3 to 10	33.33% to 10%
	Specialised Equipment	7 to 13	14.29% to 7.69%
	White Goods	7 to 13	14.29% to 7.69%
Infrastructure - Roads	Art Works	Nil	
		50	0.02%
Infrastructure - Footpaths		50	0.02%
Infrastructure - Drainage	Drainage	75	0.0133%
	Sewerage	75	0.0133%
Infrastructure - Crossovers		50	0.02%
Infrastructure - Car Parks		20 to 40	5% to 2.5%
Infrastructure - Bus Shelters		20	0.05%
Infrastructure - Street Lights	Street Lights	30	0.0333%
	Other Lights	30	0.0333%
Infrastructure – Parks & Ovals	Playground Equipment	5 to 15	20% to 6.67%
	Bores/Pumps/Irrigation	8 to 20	12.5% to 5%
	BBQ's	10 to 20	10% to 5%
	Streetscapes	20 to 50	5% to 2%
	Landscape Surrounds	10 to 50	10% to 2%
	Sportsgrounds - Reticulated	15 to 25	6.67% to 4%
	Public Open Space Not Reticul:	20 to 50	5% to 2%
	Jetties	20 to 40	5% to 2.5%
Infrastructure - Other Structures	Other Structures	20 to 50	5% to 2%
	Tennis Courts	30 to 50	3.33% to 2%

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

2. STATEMENT OF OBJECTIVE

In order to discharge its responsibilities to the community, the City has developed a set of operational and financial objectives. These objectives have been established both on an overall basis, reflected by the City's Vision, and for each of its broad activities/programmes.

CITY'S VISION

"Kwinana 2030: Rich in spirit, alive with opportunities, surrounded by nature - it's all here!"

Council operations as disclosed in this budget encompass the following service orientated activities/programmes:

GENERAL PURPOSE FUNDING

Rates Income and Expenditure, Grants Commission and Pensioner Deferred Rates interest and interest on Investments. Principal and Interest payments on borrowings.

GOVERNANCE

Members of Council and Governance (includes Audit and other costs associated with reporting to council). Administration, Financial and Computing Services are included.

LAW, ORDER, PUBLIC SAFETY

Supervision of various local laws, fire prevention and animal control.

HEALTH

Prevention and treatment of human illness, including inspection of premises/food control, immunisation and child health services.

EDUCATION AND WELFARE

Provision, management and support of services for families, children and the aged and disabled within the community; including pre-school playgroups, day and after school care, assistance to schools, senior citizens support groups, meals on wheels provision and Aged Persons Units and Resident Funded Units.

COMMUNITY AMENITIES

City planning and development, rubbish collection services, stormwater drainage, the provision of public conveniences, bus shelters, roadside furniture and litter control.

RECREATION AND CULTURE

Provision of facilities and support for organisations concerned with leisure time activities and sport, support for the performing and creative arts and the preservation of the national estate. This includes maintenance of halls, aquatic centre, recreation and community centres, parks, gardens, sports grounds and the operation of Libraries.

TRANSPORT

Construction, maintenance and cleaning of streets, roads, bridges, drainage works, footpaths, parking facilities, traffic signs and the City depot, including plant purchase and maintenance.

ECONOMIC SERVICES

Rural services and pest control and the implementation of building controls.

OTHER PROPERTY & SERVICES

Private works, public works overheads, council plant operations, materials, salaries and wages. With the exception of private works, the above activities listed are mainly summaries of costs that are allocated to all works and services undertaken by the council.

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

3. ACQUISITION OF ASSETS

The following assets are budgeted to be acquired during the period under review:

<u>By Directorate</u>	December 2015 Actual \$	2015/16 Revised Budget \$
City Strategy		
Transportation Vehicles	(117,289)	(132,000)
Land & Buildings	-	-
	(117,289)	(132,000)
Corporate & Engineering Services		
Furniture & Equipment	(29,628)	(38,025)
Computing Equipment	(145,971)	(441,900)
Plant & Equipment	(184,343)	(500,250)
Transportation Vehicles	(175,687)	(458,500)
Land & Buildings	(629,514)	(1,780,783)
Reserve Development	(399,602)	(1,579,018)
Playground Equipment	(225,059)	(6,441,268)
Urban Road Grant	(1,513,521)	(2,314,135)
Black Spot Grant	(1,960,099)	(2,245,458)
Roads to Recovery Grant	(828)	(1,159,269)
Road Resurfacing	(726)	(301,825)
Street Lighting	(1,200)	(25,000)
Bus Shelter Construction	-	(20,000)
Footpath Construction	(18,813)	(113,000)
Drainage Construction	(324,863)	(1,092,957)
Municipal Roadworks	(458,437)	(904,550)
	(6,068,291)	(19,415,938)
City Living		
Furniture & Equipment	(18,071)	(108,710)
Plant & Equipment	(47,952)	(61,500)
Transportation Vehicles	(176,285)	(293,725)
Land & Buildings	(83,234)	(785,422)
Playground Equipment	-	(20,000)
	(325,542)	(1,269,357)
City Development		
Transportation Vehicles	(69,441)	(70,000)
	(69,441)	(70,000)
	<u>(6,580,563)</u>	<u>(20,887,295)</u>

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

3. ACQUISITION OF ASSETS (Continued)

By Class	December 2015 Actual \$	2015/16 Revised Budget \$
Furniture and Equipment	(47,699)	(146,735)
Computing Equipment	(145,971)	(441,900)
Plant and Equipment	(232,295)	(561,750)
Transportation Vehicles	(538,702)	(954,225)
Land and Buildings	(712,748)	(2,566,205)
Reserve Development	(399,602)	(1,579,018)
Playground Equipment	(225,059)	(6,461,268)
Infrastructure - Urban Road Grant	(1,513,521)	(2,314,135)
Infrastructure - Black Spot Grant	(1,960,099)	(2,245,458)
Infrastructure - Roads to Recovery	(828)	(1,159,269)
Infrastructure - Road Resurfacing	(726)	(301,825)
Infrastructure - Street Lights	(1,200)	(25,000)
Infrastructure - Bus Shelters	-	(20,000)
Infrastructure - Footpaths	(18,813)	(113,000)
Infrastructure - Drainage	(324,863)	(1,092,957)
Infrastructure - Municipal Roadworks	(458,437)	(904,550)
	<u>(6,580,563)</u>	<u>(20,887,295)</u>

4. DISPOSALS OF ASSETS

The following assets have been disposed of during the period under review;

By Class	Net Book Value	Sale Proceeds	Profit(Loss)
	December Actual \$	December Actual \$	December Actual \$
Furniture and Equipment	(3,300)	3,300	-
Plant and Equipment	-	17,394	17,394
Transportation Vehicles	(172,969)	172,969	-
Buildings	-	-	-
Reserve Development	-	-	-
Land	-	-	-
Other	-	-	-
	<u>(176,269)</u>	<u>193,663</u>	<u>17,394</u>

Summary

	December Actual \$
Profit on Asset Disposals	17,394
(Loss) on Asset Disposals	-
	<u>17,394</u>

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

5. INFORMATION ON BORROWINGS

(a) Loan Repayments

Particulars	Principal 1-Jul-15	Interest Rate	Maturity Date	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
					Dec-15 Actual \$	Dec-15 Actual \$	2015/16 Budget \$	Dec-15 Actual \$	2015/16 Budget \$	Dec-15 Actual \$
Governance										
Loan 99 - Administration Office Renovations	1,000,000	6.25%	25-Jun-25	-	36,745	74,638	963,255	925,362	30,396	67,973
Education & Welfare										
Loan 96 - Youth Specific Space	213,599	7.53%	19-Jun-23	-	9,973	20,321	203,626	193,278	7,515	17,107
Loan 100 - Youth Specific Space	1,521,312	4.67%	25-Jun-28	-	-	-	1,521,312	1,521,312	34,552	81,278
Recreation & Culture										
Loan 90 - Kwinana Bowling Club*	29,996	6.42%	30-Apr-16	-	14,761	29,996	15,235	-	627	1,576
Loan 94 - Wellard Sports Pavilion	327,987	6.38%	04-May-22	-	18,950	38,505	309,037	289,482	7,204	22,449
Loan 95 - Orelia Oval Pavilion	512,637	7.53%	19-Jun-23	-	23,934	48,770	488,703	463,867	18,035	41,055
Loan 97 - Orelia Oval Pavilion Extension	2,212,711	6.25%	25-Jun-25	-	81,305	165,153	2,131,406	2,047,558	67,258	150,404
Loan 102 - Resource & Knowledge Centre	7,421,567	4.54%	28-Jun-29	-	-	-	7,421,567	7,421,567	163,867	386,856
Loan 103 - Kwinana Golf Club	334,010	4.07%	25-Jun-23	-	17,871	36,106	316,139	297,904	6,611	15,409
Loan 104 - Recquatic Upgrade	3,350,000	4.05%	26-Jun-30	-	-	-	3,350,000	3,350,000	67,838	154,000
Loan 105 - Bertram Community Centre	1,296,840	3.25%	27-Mar-30	-	-	-	1,296,840	1,296,840	21,016	50,850
New - Calista Destination Park	-	-	-	-	-	-	-	3,083,017	-	7,500
New - Darius Wells Building Solar Panels	-	-	-	-	-	-	-	191,360	-	-
Transport										
Loan 92 - Sulphur Rd Bridge	87,880	5.94%	19-Oct-15	-	87,880	87,880	-	-	1,569	3,003
Loan 98 - Streetscape Beautification	1,350,000	6.25%	25-Jun-25	-	49,606	100,762	1,300,394	1,249,238	41,035	91,763
Loan 101 - City Centre Road Network**	2,500,000	2.33%	24-Jun-16	-	-	2,500,000	2,500,000	-	(1,270)	75,000
Economic Services										
Loan 93 - DOE Building	68,351	5.94%	18-Oct-15	-	68,351	68,351	-	-	1,220	2,336
	22,226,890			-	409,376	3,170,482	21,817,514	22,330,785	467,473	1,168,559

Principal Repayments - Debentures	409,376	670,482
Liquidity Advance Repayments	-	2,500,000
	<u>409,376</u>	<u>3,170,482</u>

(*) Self Supporting loan financed by payments from third parties

(**) Short Term Facility Loans

All loan repayments were financed by general purpose revenue.

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

5. INFORMATION ON BORROWINGS (Continued)

(b) New Debentures

Particulars/Purpose	Amount Borrowed		Institution	Loan Type	Term (Years)	Total Interest & Charges	Interest Rate	Amount Used		Balance Unspent \$
	Actual	Budget						Actual	Budget	
Calista Destination Park	-	3,083,017	WA Treasury	Debenture	15	144,902	4.0% & 0.7%	-	3,083,017	-
Darius Wells Building Solar Panels	-	191,360	WA Treasury	Debenture	15	8,994	4.0% & 0.7%	-	191,360	-
	-	3,274,377				153,896		-	3,274,377	-

(c) Unspent Debentures

Particulars	Date Borrowed	Balance 1-Jul-15 \$	Borrowed During Year \$	Expended During Year	Liquidity Repayment \$	Balance 31-Dec-15 \$
Loan 99 - Administration Office Renovations	25-Jun-10	94,436	-	6,866		87,570
		94,436	-	6,866	-	87,570

(d) Self Supporting Loan Repayments

Particulars	Principal 1-Jul-15	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Dec-15 Actual \$	2015/16 Budget \$	Dec-15 Actual \$	2015/16 Budget \$	Dec-15 Actual \$	2015/16 Budget \$
Recreation & Culture								
Loan 90 - Kwinana Bowling Club	30,166	-	14,841	30,166	15,325	-	656	1,483
Loan 103 - Kwinana Golf Club	334,010	-	18,208	36,106	315,802	297,904	7,060	13,455
	364,176	-	33,049	66,272	331,127	297,904	7,716	14,938

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

6. RESERVES

Reserve Accounts Transactions

RESERVE FUND DETAILS	Opening Balance 1 July 2015	Transfers			Closing Balance 31 December 2015
		To Reserve	Interest	From Reserve	
Aged Persons Units Reserve	404,358	-	4,456	(27,736)	381,078
Asset Management Reserve	1,277,498	-	16,128	(39,607)	1,254,019
Asset Replacement Reserve	457,328	-	5,145	(160,070)	302,403
Banksia Park Reserve	173,273	-	2,068	(66,802)	108,539
Carried Forward Projects Reserve	4,065,475	-	-	(4,065,475)	-
CLAG Reserve	180,211	-	2,143	-	182,354
Community Services & Emergency Relief Reserve	24,542	-	309	-	24,851
Employee Leave Reserve	3,695,958	-	-	-	3,695,958
Family Day Care Reserve	1,282,200	-	15,731	-	1,297,931
Future Community Infrastructure Reserve	2,215,240	282,707	28,701	-	2,526,648
Golf Course Cottage Reserve	25,677	-	324	-	26,001
Infrastructure Reserve	167,558	-	2,168	(49,252)	120,474
Refuse Reserve	6,351,966	-	77,897	(19,590)	6,410,273
Settlement Agreement Reserve	150,000	-	-	-	150,000
Un-Restricted Reserves Sub Total	20,471,284	282,707	155,070	(4,428,532)	16,480,529

RESERVE FUND DETAILS	Opening Balance 1 July 2015	Transfers			Closing Balance 31 December 2015
		To Reserve	Interest	From Reserve	
DCA 1 - Hard Infrastructure - Bertram	1,758,122	-	22,144	-	1,780,266
DCA 2 - Hard Infrastructure - Wellard East	816,633	429,156	14,652	-	1,260,441
DCA 5 - Hard Infrastructure - Wandii	2,634,885	-	33,187	-	2,668,072
DCA 8 - Soft Infrastructure - Mandogalup	-	-	-	-	-
DCA 9 - Soft Infrastructure - Wandii/Anketell	8,422,111	39,018	106,483	(1,135)	8,566,477
DCA 10 - Soft Infrastructure - Casuarina/Anketell	-	-	-	-	-
DCA 11 - Soft Infrastructure - Wellard East	2,513,635	620,932	37,799	(17,864)	3,154,502
DCA 12 - Soft Infrastructure - Wellard West	4,651,447	209,493	59,225	(10,846)	4,909,319
DCA 13 - Soft Infrastructure - Bertram	260,897	4,766	3,308	(1,333)	267,638
DCA 14 - Soft Infrastructure - Wellard/Leda	268,434	229,540	3,850	(177,593)	324,231
DCA 15 - Soft Infrastructure - Townsite	83,377	151,737	1,298	(110,921)	125,491
Developer Contribution Reserves Sub Total	21,409,541	1,684,642	281,946	(319,692)	23,056,437
Reserves Total	41,880,825	1,967,349	437,016	(4,748,224)	39,536,966

All of the above reserve accounts are to be supported by money held in financial institutions.

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

6. RESERVES

	December Actual \$	2015/16 Budget \$
Cash/Investment Backed Reserves		
(a) Aged Persons Units Reserve		
Opening Balance	404,358	404,358
Amount Set Aside / Transfer to Reserve	-	287,984
Interest Applied to Reserve	4,456	8,997
Amount Used / Transfer from Reserve	<u>(27,736)</u>	<u>(275,315)</u>
	<u>381,078</u>	<u>426,024</u>
(b) Asset Management Reserve		
Opening Balance	1,277,498	1,277,498
Amount Set Aside / Transfer to Reserve	-	-
Interest Applied to Reserve	16,128	20,692
Amount Used / Transfer from Reserve	<u>(39,607)</u>	<u>(817,377)</u>
	<u>1,254,019</u>	<u>480,813</u>
(c) Asset Replacement Reserve		
Opening Balance	457,328	457,328
Amount Set Aside / Transfer to Reserve	-	250,000
Interest Applied to Reserve	5,145	7,308
Amount Used / Transfer from Reserve	<u>(160,070)</u>	<u>(434,900)</u>
	<u>302,403</u>	<u>279,736</u>
(d) Banksia Park DMF Reserve		
Opening Balance	173,273	173,273
Amount Set Aside / Transfer to Reserve	-	-
Interest Applied to Reserve	2,068	2,705
Amount Used / Transfer from Reserve	<u>(66,802)</u>	<u>(126,047)</u>
	<u>108,539</u>	<u>49,931</u>
(e) Carried Forward Projects Reserve		
Opening Balance	4,065,475	4,065,475
Amount Set Aside / Transfer to Reserve	-	-
Interest Applied to Reserve	-	-
Amount Used / Transfer from Reserve	<u>(4,065,475)</u>	<u>(4,065,475)</u>
	<u>-</u>	<u>-</u>
(f) CLAG Reserve		
Opening Balance	180,211	180,211
Amount Set Aside / Transfer to Reserve	-	48,450
Interest Applied to Reserve	2,143	4,176
Amount Used / Transfer from Reserve	<u>-</u>	<u>(56,620)</u>
	<u>182,354</u>	<u>176,217</u>
(g) Community Services & Emergency Relief Reserve		
Opening Balance	24,542	24,542
Amount Set Aside / Transfer to Reserve	-	-
Interest Applied to Reserve	309	664
Amount Used / Transfer from Reserve	<u>-</u>	<u>-</u>
	<u>24,851</u>	<u>25,206</u>
(h) Employee Leave Reserve		
Opening Balance	3,695,958	3,695,958
Amount Set Aside / Transfer to Reserve	-	-
Interest Applied to Reserve	-	-
Amount Used / Transfer from Reserve	<u>-</u>	<u>-</u>
	<u>3,695,958</u>	<u>3,695,958</u>
(i) Family Day Care Reserve		
Opening Balance	1,282,200	1,282,200
Amount Set Aside / Transfer to Reserve	-	-
Interest Applied to Reserve	15,731	26,674
Amount Used / Transfer from Reserve	<u>-</u>	<u>(563,000)</u>
	<u>1,297,931</u>	<u>745,874</u>

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

6. RESERVES

	December Actual \$	2015/16 Budget \$
Cash/Investment Backed Reserves		
(j) Future Community Infrastructure Reserve		
Opening Balance	2,215,240	2,215,240
Amount Set Aside / Transfer to Reserve	282,707	815,716
Interest Applied to Reserve	28,701	62,898
Amount Used / Transfer from Reserve	-	-
	<u>2,526,648</u>	<u>3,093,854</u>
(k) Golf Course Cottage Reserve		
Opening Balance	25,677	25,677
Amount Set Aside / Transfer to Reserve	-	-
Interest Applied to Reserve	324	262
Amount Used / Transfer from Reserve	-	-
	<u>26,001</u>	<u>25,939</u>
(l) Infrastructure Reserve		
Opening Balance	167,558	167,558
Amount Set Aside / Transfer to Reserve	-	5,285,864
Interest Applied to Reserve	2,168	11,848
Amount Used / Transfer from Reserve	(49,252)	(2,650,343)
	<u>120,474</u>	<u>2,814,927</u>
(m) Refuse Reserve		
Opening Balance	6,351,966	6,351,966
Amount Set Aside / Transfer to Reserve	-	-
Interest Applied to Reserve	77,897	139,221
Amount Used / Transfer from Reserve	(19,590)	(685,533)
	<u>6,410,273</u>	<u>5,805,654</u>
(n) Settlement Agreement Reserve		
Opening Balance	150,000	150,000
Amount Set Aside / Transfer to Reserve	-	64,042
Interest Applied to Reserve	-	-
Amount Used / Transfer from Reserve	-	(214,042)
	<u>150,000</u>	<u>-</u>
Un-Restricted Reserves Sub Total	<u>16,480,529</u>	<u>17,620,133</u>
Developer Contributions Reserve - DCA 1 - Hard		
(o) Infrastructure Bertram		
Opening Balance	1,758,122	1,758,122
Amount Set Aside / Transfer to Reserve	-	1,321,737
Interest Applied to Reserve	22,144	39,885
Amount Used / Transfer from Reserve	-	(308,167)
	<u>1,780,266</u>	<u>2,811,577</u>
Developer Contributions Reserve - DCA 2 - Hard		
(p) Infrastructure Wellard		
Opening Balance	816,633	816,633
Amount Set Aside / Transfer to Reserve	429,156	1,788,421
Interest Applied to Reserve	14,652	22,298
Amount Used / Transfer from Reserve	-	-
	<u>1,260,441</u>	<u>2,627,352</u>
Developer Contributions Reserve - DCA 5 - Hard		
(q) Infrastructure Wandii		
Opening Balance	2,634,885	2,634,885
Amount Set Aside / Transfer to Reserve	-	2,422,620
Interest Applied to Reserve	33,187	2,187
Amount Used / Transfer from Reserve	-	-
	<u>2,668,072</u>	<u>5,059,692</u>

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

6. RESERVES

	December Actual \$	2015/16 Budget \$
Cash/Investment Backed Reserves		
Developer Contributions Reserve - DCA 8 -Soft		
(r) Infrastructure Mandogalup		
Opening Balance	-	-
Amount Set Aside / Transfer to Reserve	-	2,739,088
Interest Applied to Reserve	-	(97,492)
Amount Used / Transfer from Reserve	-	-
	<u>-</u>	<u>2,641,596</u>
Developer Contributions Reserve - DCA 9 -Soft		
(s) Infrastructure Wandii/Anketell		
Opening Balance	8,422,111	8,422,111
Amount Set Aside / Transfer to Reserve	39,018	1,340,314
Interest Applied to Reserve	106,483	189,773
Amount Used / Transfer from Reserve	(1,135)	(96,339)
	<u>8,566,477</u>	<u>9,855,859</u>
Developer Contributions Reserve - DCA 10 -Soft		
(t) Infrastructure Casuarina/Anketell		
Opening Balance	-	-
Amount Set Aside / Transfer to Reserve	-	-
Interest Applied to Reserve	-	710
Amount Used / Transfer from Reserve	-	-
	<u>-</u>	<u>710</u>
Developer Contributions Reserve - DCA 11 -Soft		
(u) Infrastructure Wellard East		
Opening Balance	2,513,635	2,513,635
Amount Set Aside / Transfer to Reserve	620,932	3,952,278
Interest Applied to Reserve	37,799	75,035
Amount Used / Transfer from Reserve	(17,864)	(166,390)
	<u>3,154,502</u>	<u>6,374,558</u>
Developer Contributions Reserve - DCA 12 -Soft		
(v) Infrastructure Wellard West		
Opening Balance	4,651,447	4,651,447
Amount Set Aside / Transfer to Reserve	209,493	1,309,184
Interest Applied to Reserve	59,225	157,233
Amount Used / Transfer from Reserve	(10,846)	(67,217)
	<u>4,909,319</u>	<u>6,050,647</u>
Developer Contributions Reserve - DCA 13 -Soft		
(w) Infrastructure Bertram		
Opening Balance	260,897	260,897
Amount Set Aside / Transfer to Reserve	4,766	480,481
Interest Applied to Reserve	3,308	18,715
Amount Used / Transfer from Reserve	(1,333)	(147,617)
	<u>267,638</u>	<u>612,476</u>
Developer Contributions Reserve - DCA 14 -Soft		
(x) Infrastructure Wellard/Leda		
Opening Balance	268,434	268,434
Amount Set Aside / Transfer to Reserve	229,540	506,716
Interest Applied to Reserve	3,850	6,595
Amount Used / Transfer from Reserve	(177,593)	(430,352)
	<u>324,231</u>	<u>351,393</u>
Developer Contributions Reserve - DCA 15 -Soft		
(y) Infrastructure Townsite		
Opening Balance	83,377	83,377
Amount Set Aside / Transfer to Reserve	151,737	230,760
Interest Applied to Reserve	1,298	2,124
Amount Used / Transfer from Reserve	(110,921)	(163,886)
	<u>125,491</u>	<u>152,375</u>
Developer Contributions Reserves Sub Total	<u>23,056,437</u>	<u>36,538,235</u>
Total Cash/Investment Backed Reserves	<u>39,536,966</u>	<u>54,158,368</u>

All of the above reserve accounts are to be supported by money held in financial institutions.

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

6. RESERVES

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Aged Persons Units Reserve

This Reserve has been established to provide funds for the capital acquisition and maintenance of the Aged Persons Units, Callistemon Court

Arts Centre Reserve

This Reserve was established to cover any increases in the cost of operations and maintenance for the Kwinana Arts Centre

Asset Management Reserve

This Reserve is utilised to provide funds for renewal projects for the City's building and infrastructure assets.

Asset Replacement Reserve

This Reserve is utilised to replace existing fleet, plant and other City assets

Banksia Park Reserve

This Reserve has been established to provide funds for the capital acquisition and maintenance of the Banksia Park Retirement Village

Carried Forward Projects Reserve

The Reserve is utilised to restrict funds required to complete projects from prior financial years

CLAG Reserve

This Reserve has been established to provide funds for the prevention and education of Mosquito management.

Community Services & Emergency Relief Reserve

This Reserve is established to provide funding to alleviate the effect of any disaster within the City of Kwinana boundaries and to provide funds to

Employee Leave Reserve

This Reserve is established for the purpose of ensuring that adequate funds are available to finance employee leave entitlements

Family Day Care Reserve

This Reserve provides for the capital acquisitions and maintenance of this facility

Future Community Infrastructure Reserve

This Reserve is established to accumulate the City's contributions for the capital funding of future community infrastructure in accordance with Town Planning Scheme #2

Golf Course Cottage Reserve

This Reserve was established to provide funds for the maintenance of this building

Infrastructure Reserve

This Reserve was established to provide funds to create new City assets

Refuse Reserve

This Reserve was established to provide funds for the costs and subsidy of Waste Management in the City

Settlement Agreement Reserve

This Reserve was established to provide funds to account for future negotiated settlement agreement payments.

DCA 1 - Hard Infrastructure - Bertram

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 1 - Hard Infrastructure Bertram

DCA 2 - Hard Infrastructure - Wellard

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 2 - Hard Infrastructure Wellard

DCA 5 - Hard Infrastructure - Wandí

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 5 - Hard Infrastructure Wandí

DCA 8 - Soft Infrastructure - Mandogalup

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 8 - Soft Infrastructure Mandogalup

DCA 9 - Soft Infrastructure - Wandí/Anketell

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 9 - Soft Infrastructure Wandí/Anketell

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

6. RESERVES

DCA 10 - Soft Infrastructure - Casuarina/Anketell

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 10 - Soft Infrastructure Casuarina/Anketell

DCA 11 - Soft Infrastructure - Wellard East

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 11 - Soft Infrastructure Wellard East

DCA 12 - Soft Infrastructure - Wellard West

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 12 - Soft Infrastructure Wellard West

DCA 13 - Soft Infrastructure - Bertram

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 13 - Soft Infrastructure Bertram

DCA 14 - Soft Infrastructure - Wellard/Leda

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 14 - Soft Infrastructure Wellard/Leda

DCA 15 - Soft Infrastructure - Townsite

This Reserve is established to restrict funds received from Developers for contributions towards future infrastructure costs and administrative costs for DCA 15 - Soft Infrastructure Townsite

7. NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position

	December 2015 Actual \$	Brought Forward 1-Jul \$
CURRENT ASSETS		
Cash - Unrestricted	17,152,335	6,397,721
Cash - Restricted (Reserves)	39,536,966	41,880,825
Cash - Restricted (Unspent Loan Funds)	87,570	94,436
Cash - Restricted (Restricted Creditors)	4,051,235	5,628,468
Rates - Current	12,442,551	1,429,979
Sundry Debtors	642,941	508,044
GST Receivable	-	531,719
Accrued Receivables	-	676,467
Inventories	30,447	20,926
	<u>73,944,045</u>	<u>57,168,585</u>
LESS: CURRENT LIABILITIES		
Sundry Creditors	(925,895)	(5,019,833)
Accrued payables - Current	-	(1,627,317)
Current Borrowings	(3,170,480)	(3,170,480)
Provisions - Current	(4,101,552)	(4,101,552)
	<u>(8,197,927)</u>	<u>(13,919,182)</u>
Net Current Asset Position (Prior to Adjustment)	65,746,118	43,249,403
Less:		
Cash Restricted - (Unspent Loan Funds)	(87,570)	(94,436)
Cash Restricted - (Restricted Creditors)	(4,051,235)	(5,628,468)
Cash Restricted - (Reserves)	(39,536,966)	(41,880,825)
	<u>(43,675,771)</u>	<u>(47,603,729)</u>
Add Back:		
Cash Backed Leave Reserve - Current	4,101,552	4,101,552
Current Loan Liability	3,170,480	3,170,480
	<u>7,272,032</u>	<u>7,272,032</u>
	<u><u>\$ 29,342,379</u></u>	<u><u>\$ 2,917,706</u></u>

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

8. RATING INFORMATION

<u>RATE TYPE</u>	Rate in \$	Number of Properties	Rateable Value \$	2015/16 Actual Rate Revenue \$	2015/16 Actual Interim Rates \$	2015/16 Back Rates \$	2015/16 Total Revenue \$	2015/16 Total Budget \$
Differential General Rate								
Gross Rental Value (GRV)								
1928 Improved Residential	0.07090	9,505	164,440,828	11,658,854	734,092	-	12,392,946	12,508,855
1929 Vacant Residential	0.17450	582	8,342,505	1,455,767	505,342	-	1,961,109	1,455,767
1933 Improved Special Rural	0.06199	712	16,742,680	1,037,879	7,049	-	1,044,928	1,037,879
1966 Light Industrial and Commercial	0.08817	151	22,840,315	2,013,831	(35,791)	-	1,978,040	2,013,831
1967 General Industry and Service Commercial	0.07510	311	33,179,469	2,491,778	20,866	-	2,512,644	2,491,778
1968 Large Scale General Industry and Service Commercial	0.07792	47	50,218,935	3,913,059	164,462	-	4,077,521	3,913,059
Improved Value (UV)								
1969 General Industrial	0.03464	3	121,200,000	4,198,368	-	-	4,198,368	4,198,368
1970 Rural	0.00450	188	182,787,000	822,542	(30,471)	-	792,071	822,542
1971 Mining	0.00770	13	27,291,000	210,141	11,562	-	221,703	210,141
1972 Urban/Urban Deferred	0.00594	294	229,856,000	1,365,345	(421,072)	-	944,273	1,365,345
		11,806	856,898,732	29,167,564	956,039	-	30,123,603	30,017,565

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY

.. RATING INFORMATION (Continued)

	Minimum \$	Number of Properties	Rateable Value \$	2015/16 Actual Rate Revenue \$	2015/16 Actual Interim Rates \$	2015/16 Back Rates \$	2015/16 Total Revenue \$	2015/16 Total Budget \$
Minimum Payments								
Gross Rental Value (GRV)								
1928	916	2,655	31,262,248	2,431,980	-	-	2,431,980	2,431,980
1929	916	1,117	5,038,102	1,023,172	-	-	1,023,172	1,023,172
1933	916	5	68,260	4,580	-	-	4,580	4,580
1966	1190	19	168,058	22,610	-	-	22,610	22,610
1967	1190	36	287,043	42,840	-	-	42,840	42,840
1968	1190	0	-	-	-	-	-	-
Improved Value (UV)								
1969	1190	0	-	-	-	-	-	-
1970	916	11	1,453,000	10,076	-	-	10,076	10,076
1971	1190	1	15,000	1,190	-	-	1,190	1,190
1972	1190	72	13,589,600	85,680	-	-	85,680	85,680
Sub-Totals		3,916	51,881,311	3,622,128	-	-	3,622,128	3,622,128
							33,745,731	33,639,693
Specified Area Rates								
Totals		15,722	908,780,043	32,789,692	956,039	-	33,745,731	33,639,693

The City of Kwinana raises rates on all land within its boundaries, except exempt land, using a combination of dual rating and differential rating. Generally land within the urban area is rated at Gross Rental Value (GRV) and land within the rural area being rated with Unimproved Valuations (UV). Certain Town Planning zonings have attracted different rates so as to achieve greater equity within the urban and rural sectors.

The general rates detailed above for the 2015/16 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

CITY OF KWINANA
NOTES TO AND FORMING PART OF THE FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2015 TO 31 DECEMBER 2015

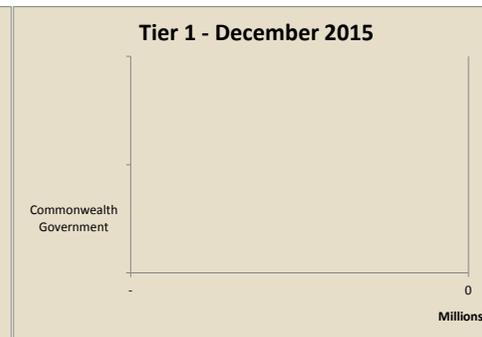
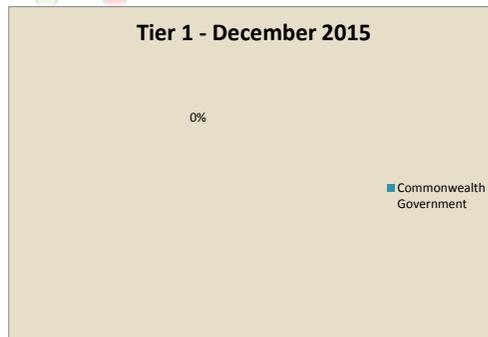
9. TRUST FUNDS

Funds held at balance date over which the Municipality has no control and which are not included in this financial statements are as follows:

	Balance 1-Jul-15 \$	Amounts Received \$	Amounts Paid \$	Balance 2015/16 \$
Apex - Kwinana Carols by Candlelight	1,403	-	(1,403)	-
Kwinana Basketball Courts	1,813	-	(1,813)	-
	<u>3,216</u>	<u>-</u>	<u>(3,216)</u>	<u>-</u>

Tier 1 - AAA rated authorised institutions
Direct Investment Maximum 100%
Per Institution Maximum Limit 45% of Total Portfolio

Rating	Compliance Indicators
1 Commonwealth Government	AAA
2	



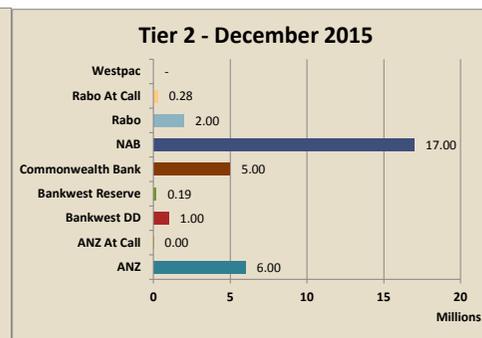
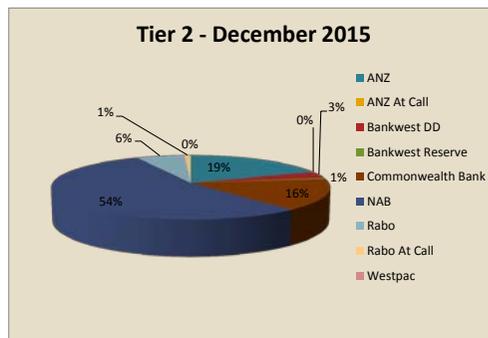
Indicates the distribution of funds across Tier 1 by percentage

Indicates the distribution of funds across Tier 1 by dollar value

Comment: Tier 1 rates available to the City were not favourable and therefore no funds were invested in this tier.

Tier 2 - AA rated issuers that are incorporated in Australia
Direct Investment Maximum 100%
Per Institution Maximum Limit 35% of Total Portfolio

1 ANZ	AA-	6,000,000.00	●
2 ANZ At Call	AA-	552.12	●
3 Bankwest DD	AA-	1,000,000.00	●
4 Bankwest Reserve	AA-	189,680.04	●
5 Commonwealth Bank	AA-	5,000,000.00	●
6 NAB	AA-	17,000,000.00	●
7 Rabo	AA-	2,000,000.00	●
8 Rabo At Call	AA-	275,681.23	●
9 Westpac	AA-	-	●
		31,465,913.39	



Indicates the distribution of funds across Tier 2 by percentage

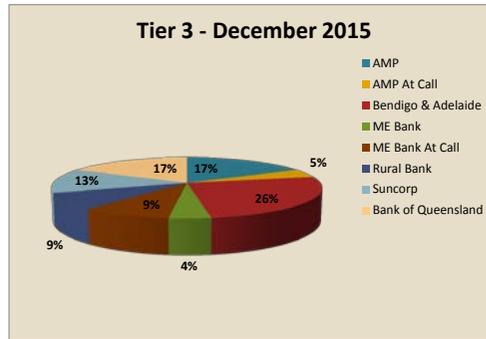
Indicates the distribution of funds across Tier 2 by dollar value

Comment: Funds were allocated in accordance with the guidelines of Investment Policy.

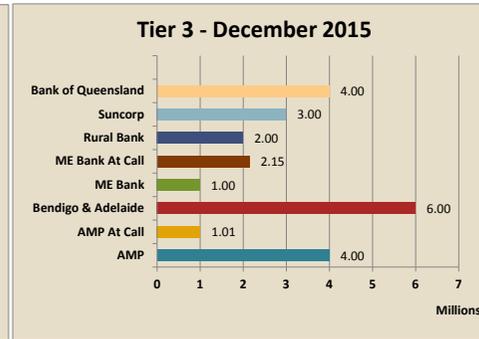
Tier 3 - other investment grade authorised institutions
Direct Investment Maximum 40%
Per Institution Maximum Limit 20% of Total Portfolio

1	AMP	A+	4,000,000.00	●
2	AMP At Call	A+	1,008,561.95	●
3	Bendigo & Adelaide	A-	6,000,000.00	●
4	ME Bank	BBB	1,000,000.00	●
5	ME Bank At Call	BBB	2,146,469.13	●
6	Rural Bank	A-	2,000,000.00	●
7	Suncorp	A+	3,000,000.00	●
8	Bank of Queensland	A-	4,000,000.00	●

23,155,031.08



Indicates the distribution of funds across Tier 3 by percentage



Indicates the distribution of funds across Tier 3 by dollar value

Comment: Funds were allocated in accordance with the guidelines of Investment Policy.

Tier 4 - other compliant authorised institutions

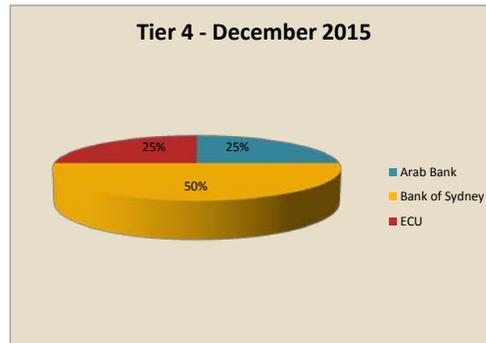
Direct Investment Maximum 30%
Per Institution Maximum Limit 5% of Total Portfolio

Term Deposits				
1	Arab Bank	BB+	1,000,000.00	●
2	Bank of Sydney	UR	2,000,000.00	●
3	ECU	UR	1,000,000.00	●

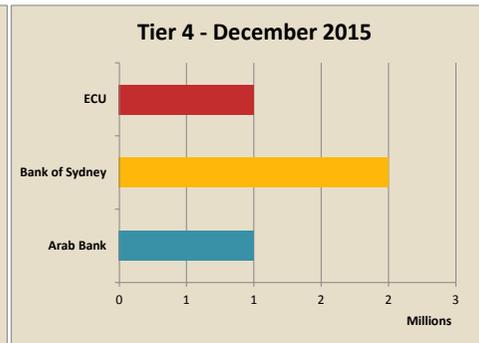
FRNs				
-				
CDOs				
-				
	MA S6-7 (Parkes IA'AAA)	NR		
	MA S6-7 (Parkes IIA'AAA)	NR		

4,000,000.00

\$ 58,620,944.47



Indicates the distribution of funds across Tier 4 by percentage



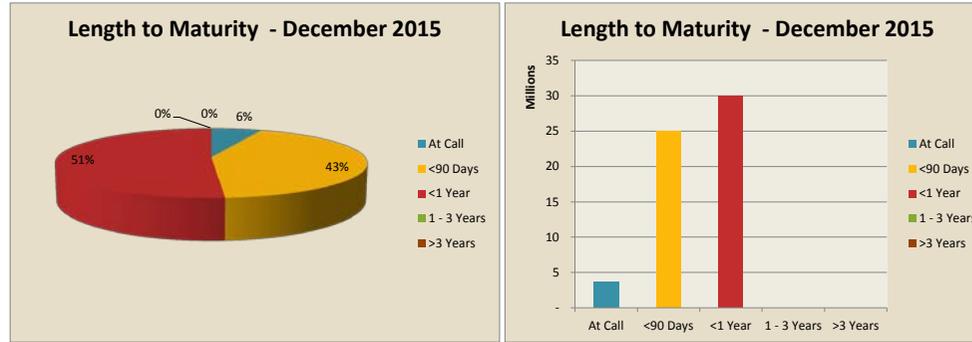
Indicates the distribution of funds across Tier 4 by dollar value

Comment: Funds were allocated in accordance with the guidelines of Investment Policy.

Legend

FRNs Floating Rate Notes
CDOs Collateralised Debt Obligations

At Call	3,620,944.47	<input checked="" type="checkbox"/>
<90 Days	25,000,000.00	<input checked="" type="checkbox"/>
<1 Year	30,000,000.00	<input checked="" type="checkbox"/>
1 - 3 Years	-	<input checked="" type="checkbox"/>
>3 Years	-	<input checked="" type="checkbox"/>
	<hr/>	
\$	58,620,944.47	



Portfolio Term to Maturity Limits

At Call investment

	At Call	<90 Days	<1 Year	1-3 Years	>3 Years
\$	3,620,944.47				
	6.18%				
Compliance Indicator	<input checked="" type="checkbox"/>				
Funds invested for 90 days or less		\$ 25,000,000.00			
100% (with 10% minimum) of Total Portfolio		42.65%			
Compliance Indicator		<input checked="" type="checkbox"/>			
Funds invested for between 90 days and up to 1 year			\$ 30,000,000.00		
100% (with 40% minimum) of Total Portfolio			51.18%		
Compliance Indicator			<input checked="" type="checkbox"/>		
Funds invested for between 1 and 3 years				\$ -	
60% (Bonds Only) of Total Portfolio				0.00%	
Compliance Indicator				<input checked="" type="checkbox"/>	
Funds invested for greater than 3 years					\$ -
0% of Total Portfolio					0.00%
Compliance Indicator					<input checked="" type="checkbox"/>

Comment: Portfolio compliant with the Policy

Portfolio Credit Framework

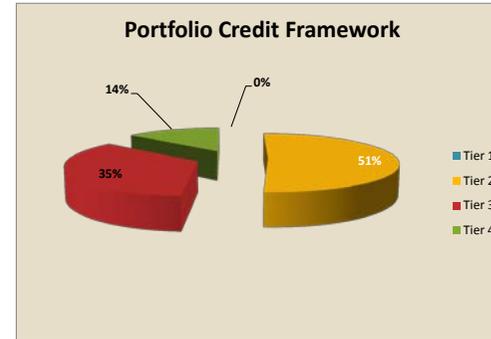
Direct Investment Maximum 100%
 Per Institution Maximum Limit 45% of Total Portfolio

Direct Investment Maximum 100%
 Per Institution Maximum Limit 35% of Total Portfolio

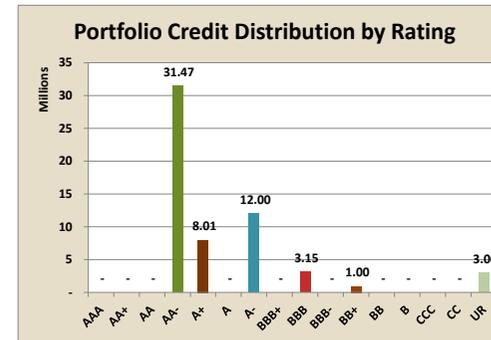
Direct Investment Maximum 40%
 Per Institution Maximum Limit 20% of Total Portfolio

Direct Investment Maximum 30%
 Per Institution Maximum Limit 5% of Total Portfolio

Tier 1	Tier 2	Tier 3	Tier 4
0.00%			
	53.68%		
		39.50%	
			6.82%

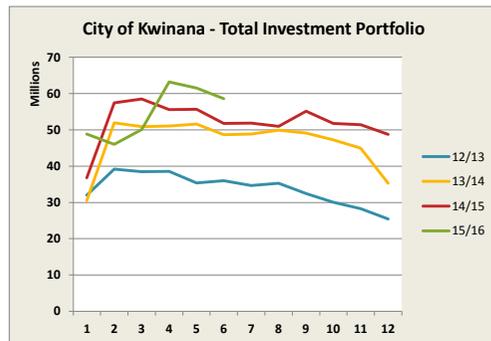


Indicates the distribution of funds across the 4 Tiers

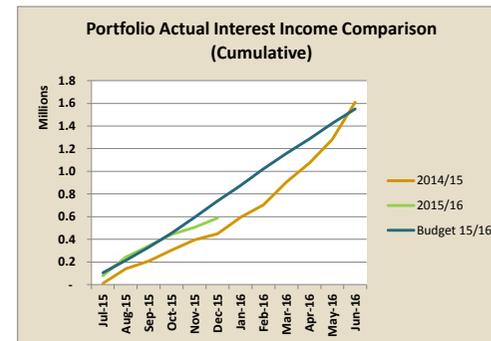


Indicates the distribution of funds by credit rating

Comment: Portfolio compliant with the Policy



Indicates the total amount invested at the report date compared to prior years



Indicates the amount of interest earned on investments for the period to report date

16.8 Annual Review of Delegated Authority and Council Appointment of Officers

SUMMARY:

Council is required to undertake a review of all delegations each financial year. All delegations have been reviewed to ensure that the Chief Executive Officer, Officers and Committees have the discretion to exercise delegated authority under the relevant legislation. These delegations are reflected in the 'Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016', as detailed in Attachment A. Committees have been added to the title to reflect that some delegations to committees are included in the register.

The only change made to the Register of Delegated Authority – Local Government to Chief Executive Officer and Officers 2015 is the inclusion of Delegation 7.2 – Audit Committee. The purpose of this delegation is to authorise the Audit Committee to meet with the City's Auditor in accordance with section 7.12A(2) of the Local Government Act 1995.

A local government is authorised to exercise powers and duties under various Acts and Regulations, whereby they must appoint particular officers to carry out the duties of the local government. These appointments are reflected in the 'Council Appointment of Officers - Local Government to Officers 2016', as detailed in Attachment B.

OFFICER RECOMMENDATION:

That Council:

1. Authorise and grant the Delegated Authority, as per Attachment A, entitled 'Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016'.
2. Appoint Officers as per Attachment B, entitled 'Council Appointment of Officers – Local Government to Officers 2016'.
3. Revoke the Delegated Authority to the Chief Executive Officer and Officers as per Attachment C, entitled 'Register of Delegated Authority – Local Government to Chief Executive Officer and Officers 2015'.
4. Revoke the Appointment of Officers under the relevant Acts as per Attachment D, entitled 'Council Appointment of Officers – Local Government to Officers 2015'.

NOTE – AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

Sections 5.42 and 5.44 of the Local Government Act 1995, prescribes that Council may delegate certain powers and duties to the Chief Executive Officer and other officers. A delegation authorises persons or a class of persons to exercise powers that the Council would ordinarily exercise. The City of Kwinana has established a Delegated Authority Register to improve the timeliness and efficiency of decision making for stakeholders.

16.8 ANNUAL REVIEW OF DELEGATED AUTHORITY AND COUNCIL APPOINTMENT OF OFFICERS

Section 5.43 of the Local Government Act 1995 prescribes the limitations on the powers that a local government can delegate to the Chief Executive Officer. There are powers and duties that the Chief Executive Officer could have been delegated authority to perform, however due to the sensitivity of the matters, these powers and duties have not been included in the delegations and are detailed below:

Section in Local Government Act 1995	Function of the Local Government
3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management
3.54(1)	A local government may do anything it could do under the Parks and Reserves Act 1895 if it were a Board appointed under the Act, to control and manage any land reserved under the control and management of the local government
5.27(2)	Discretion on calling (i.e. setting date) of the General Meeting of electors in accordance with section 5.27(2)
5.37(1)	A local government may designate employees to be senior employees
5.50(1)	A local government must prepare a policy in relation to employees whose employment with the local government is finishing setting out the circumstances in which additional payments to any amount employee is entitled to under a contract or award relates
6.26(3)	If Co-operative Bulk Handling Ltd and a local government cannot reach an agreement under section 6.26(2)(i), the local government may refer the matter to the Minister for determination
Section 2.2 Schedule 2.2 4(1)	A local government must consider any submission about ward changes made under clause 3
Section 2.2 Schedule 2.2 6	A local government which is not divided into wards may carry out reviews as to whether the district should be divided into wards and if so boundaries and number of councillors for each ward

Section in Regulations	Function of the Local Government
Local Government (Administration) Regulations 1996 19C(6)	A local government may modify its strategic community plan, including extending the period the plan is made in respect of
Local Government (Administration) Regulations 1996 29A(2)	Information that is confidential but that, under section 5.95(7), may be available for inspection if a local government so resolves

Section in Health Act 1911	Function of the Local Government
Part 15 Section 353	A Power to take possession of and lease land or premises on which expenses are due

Section 5.16 of the Local Government Act 1995 prescribes that Council may delegate to a committee any of its powers and duties other than the power of delegation. Section 5.16 and section 7.1B allows an audit committee to be delegated some powers and duties other than a power of delegation.

16.8 ANNUAL REVIEW OF DELEGATED AUTHORITY AND COUNCIL APPOINTMENT OF OFFICERS

The Register titled Council Appointment of Officers – Local Government to Officers 2016 details the Acts and Regulations that require Council to make a direct appointment to a person or class of persons, and is in Attachment B. For example, the Health Act 1911 is an Act that allows a Deputy of the Local Government to be appointed. There is no ability under the Health Act 1911 for the Council to give delegated authority to the CEO to then appoint a deputy for the local government. The Deputy under the Health Act 1911 may be authorised to exercise powers and functions of the Local Government and the scope of this discretion is identified in the delegated authority for the powers and duties of the Deputy. It is recommended that the City's previous appointments detailed in Attachment D are revoked.

Where legislation provides for the direct delegation to authorise a person or class of persons by other agencies or decision makers, no delegation is required from the local government. For example: the Environmental Protection Act 1986 allows for the appointment by the CEO of the Department of Environment Regulation to grant delegated authority direct to local government Environmental Health Officers. The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the appointment is advertised in the Government Gazette.

Where the local government is able to exercise a power under an Act or Regulation but has no discretion in how that power is exercised, officers are able to carry out that power without having a written delegation from Council. This is known as "acting through". For example, if a provision of an Act specified that a local government must refuse an application that does not contain the applicants' name, there is no need for the Council to provide delegation to officers to refuse applications without the applicants name as officers are unable to exercise any discretion, they must refuse it.

The Delegated Authority Register has been reviewed to ensure that all powers and duties delegated are consistent with legislation, Council's authority for the Chief Executive Officer to make decisions on behalf of the Council and the requirement of the Local Government Act 1995 to review delegations at least once every financial year. The proposed Delegated Authority Register is in Attachment A. It is recommended that the City's previous delegations as detailed in Attachment C are revoked.

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995

s5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

FINANCIAL/BUDGET IMPLICATIONS:

There are no direct financial implications related to this report.

16.8 ANNUAL REVIEW OF DELEGATED AUTHORITY AND COUNCIL APPOINTMENT OF OFFICERS

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to this report.

ENVIRONMENTAL IMPLICATIONS:

There are no direct environmental implications related to this report.

STRATEGIC/SOCIAL IMPLICATIONS:

The role of Council is to ensure that the Council's delegations are aligned with the key goals and aspirations as set out in our Plan for the Future.

RISK IMPLICATIONS:

There are no risk implications related to this report.

COUNCIL DECISION

112

MOVED CR B THOMPSON

SECONDED CR P FEASEY

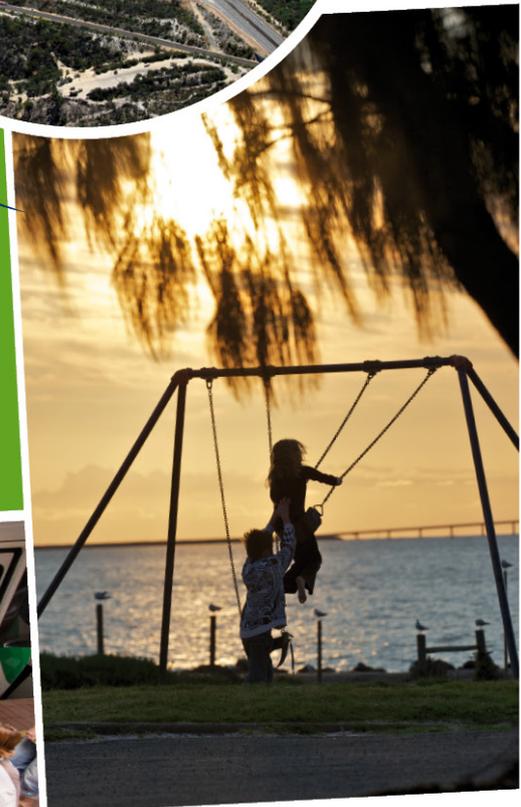
That Council:

1. **Authorise and grant the Delegated Authority, as per Attachment A, entitled 'Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2016'.**
2. **Appoint Officers as per Attachment B, entitled 'Council Appointment of Officers – Local Government to Officers 2016'.**
3. **Revoke the Delegated Authority to the Chief Executive Officer and Officers as per Attachment C, entitled 'Register of Delegated Authority – Local Government to Chief Executive Officer and Officers 2015'.**
4. **Revoke the Appointment of Officers under the relevant Acts as per Attachment D, entitled 'Council Appointment of Officers – Local Government to Officers 2015'.**

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

7/0

Register of Delegated Authority Local Government to Chief Executive Officer, Officers and Committees 2016



Introduction

Purpose of Delegating Authority

The aim of delegating is to appoint another person to exercise a power or discharge a duty to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

Where a person has been granted a delegation, any exercising of a power and discharging of a duty must be recorded in the delegation register. The delegation register record is to contain the following information:

- 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 (*Local Government (Administration) Regulations* 1996 Regulation 19).

Teams responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.

This delegated authority register will be reviewed in accordance with the Act on an annual basis. The coordination of the review will be performed through the Governance area.

Legislation

The Local Government Act 1995 (the Act) allows for a local government (Council) 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 except those listed in section 5.43. All delegations made by the Council must be by absolute majority decision (s5.42(1)).

Associated Legislation

Delegations or authorisations may occur under legislation other than the Local Government Act, its regulations and the local government's local laws including:

- Planning and Development Act 2005 including regulations;
- Dog Act 1976 and regulations;
- Bush Fires Act 1954, regulations and local law created under that Act;
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provisions) 1960 as amended;
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations;

NB – This is not an exhaustive list.

Matters which cannot be Delegated

The following cannot be delegated by Council to the Chief Executive Officer under the *Local Government Act 1995* (section 5.43);

- any power or duty that requires a decision of an absolute majority or special (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, 5.98A, 5.99A, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of any 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.

Delegation by the Chief Executive Officer

The Act allows for the Chief Executive Officer to delegate powers to another employee (s5.44 (4)). This must be done in writing and, if desired, the delegation can be subject to conditions. There is no power for a person other than the Chief Executive Officer to delegate a power. When an employee is "acting" in a position they are deemed to be authorised under those delegations relevant to that position.

Acting through another Person

Where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept (s5.45(2)). Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for a person to have that authority.

The difference between a delegated authority to exercise a discretion on behalf of the City and acting through another person to undertake a function on behalf of the City where no discretion exists is reinforced by Section 56 of the *Interpretation Act 1984* which states –

56. "May" imports discretion, "shall" is imperative

- (1) *Where in a written law the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) *Where in a written law the word "shall" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

Powers under the Act that could have been Delegated

The following sections of the Act allow for the function to be delegated to another person, however functions are not recommended to be delegated as due to their significance it is considered that they are most appropriately exercised by the Council:

Section in Local Government Act 1995	Function of the Local Government
3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management
3.54(1)	A local government may do anything it could do under the Parks and Reserves Act 1895 if it were a Board appointed under the Act, to control and manage any land reserved under the control and management of the local government
5.27(2)	Discretion on calling (i.e. setting date) of the General Meeting of electors in accordance with section 5.27(2)
5.37(1)	A local government may designate employees to be senior employees
6.26(3)	If Co-operative Bulk Handling Ltd and a local government cannot reach an agreement under section 6.26(2)(i), the local government may refer the matter to the Minister for determination
Section 2.2 Schedule 2.2 4(1)	A local government must consider any submission about ward changes made under clause 3
Section 2.2 Schedule 2.2 6	A local government which is not divided into wards may carry out reviews as to whether the district should be divided into wards and if so boundaries and number of councillors for each ward

Section in Regulations	Function of the Local Government
Local Government (Administration) Regulations 1996 19C(6)	A local government may modify its strategic community plan, including extending the period the plan is made in respect of
Local Government (Administration) Regulations 1996 29A(2)	Information that is confidential but that, under section 5.95(7), may be available for inspection if a local government so resolves

Delegations from other Agencies and Instruments of Delegation or Other Acts

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers, no delegation is required from the local government for example: *the Environmental Protection Act allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.*

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

The details of these delegations are set out below and updated from time to time.

Department - Legislation	Notice Details / Conditions If Any
<p>Department of Environment</p> <p><i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection (Noise) Regulations 1997</i></p> <p><i>Pursuant to 20 Environmental Protection Act 1986 to the holder of the offices listed.</i></p>	<p>Government Gazette WA dated 16 May 2014 Delegation Number: 119 EV405*</p> <p>Delegation to:</p> <ul style="list-style-type: none"> a) CEO under Local Government Act; and b) Employee of local government, appointed as Authorised Person under s87 of the Act <p>All powers and duties in relation to noise management plans under Regulation 13 of <i>Environmental Protection (Noise) Regulations 1997</i> * other than power of delegation</p>
<p>Department of Environment</p> <p><i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection (Noise) Regulations 1997</i></p> <p><i>Pursuant to 20 Environmental Protection Act 1986 to the holder of the offices listed.</i></p>	<p>Government Gazette WA dated 22 June 2007 Delegation Number: 68 EV401*</p> <p>Delegation to the CEO under <i>Local Government Act</i>,</p> <p>Powers and duties in relation to noise management plans under Regulation 13 of <i>Environmental Protection (Noise) Regulations 1997</i> in relation to:</p> <ul style="list-style-type: none"> a) Requesting the keeping of a log recording the date, time and duration of all bell ringing or amplified calls to worship under regulation 15; b) Preparation, service, amendment and revocation of noise control notices under regulation 16; c) Requesting details of calibration laboratory, under regulation 23; and d) Approval of non-complying events under regulation subject to the following limitation – sub regulation 18(13) is NOT delegated.

Department - Legislation	Notice Details / Conditions If Any
<p>Planning and Development Act 2005</p> <p><i>In accordance with section 16 Planning and Development Act 2005</i></p> <p><i>By Resolution of WA Planning Commission (WAPC) any function may be delegated to a local government, or an employee of the local government</i></p>	<p>Government Gazette WA dated 4 February 2011 Delegation Number: 2011/01 - PL408*</p> <p><i>Powers of Local Governments (Hope Valley-Wattleup Redevelopment Act 2000 and Master Plan)</i></p> <p>Powers and functions in accordance with the Instrument of Delegation – Schedule 1</p> <ul style="list-style-type: none"> ▪ Council of Town of Kwinana ▪ Chief Executive Officer ▪ Director of Operational and Technical Services ▪ Manager of Planning and Development
<p>Western Australian Planning Commission</p> <p>Planning and Development Act 2005</p> <p>Pursuant to section 16 of the Act (delegation) WAPC resolved on 26 May 2009 –</p>	<p>Government Gazette WA dated 9 June 2009 Delegation Number: DEL 2009/03 - PI409*</p> <p>Strata Titles Act 1985</p> <p>a) To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 25 of the Strata Titles Act 1985 as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.</p>
<p>Western Australian Planning Commission</p> <p>Planning and Development Act 2005</p> <p>Pursuant to section 16 of the Act (delegation) WAPC Resolved on 15 December 2015 –</p>	<p>Government Gazette WA dated 18 December 2015 Delegation Number: DEL 2015/02 - PL403</p> <p>a) Delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;</p> <p>b) Revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the Government Gazette on 10 June 2014, to give effect to this delegation.</p>

Department - Legislation	Notice Details / Conditions If Any
<p>Biosecurity and Agriculture Management Act 2007</p> <p>Pursuant to Section 162(2) and (4) – Appointment of Inspectors</p>	<p>To be appointed an Inspector for the purpose of the Biosecurity and Agriculture Management (Stable Fly) Management Plan 2013 in the local government district of Kwinana</p> <p>s162(2) The Director General may, by instrument in writing, appoint a person as an inspector.</p> <p>s162(4) The appointment of an inspector may specify that the appointment is subject to conditions or restrictions relating to –</p> <ul style="list-style-type: none"> (a) the functions that may be performed by the inspector: or (b) when, where and in what circumstances the inspector may perform the functions of an inspector.
<p>Freedom of Information Act 1992</p> <p>Pursuant to Section 100 - Who in agency makes its decisions</p>	<p>Glossary</p> <p>1. Terms used</p> <p>principal officer of an agency means –</p> <p>(c) in relation to a local government — the chief executive officer of the local government;</p> <p>s100(1) Decisions made under this Act by an agency are to be made by –</p> <ul style="list-style-type: none"> (a) the principal officer of the agency; or (b) an officer of the agency directed by the principal officer, <p>for that purpose, either generally or in a particular case.</p>
<p>Litter Act 1979</p> <p>Pursuant to Section 26 – Authorised officers, appointment and jurisdiction of etc.</p>	<p>s26(1) For the purposes of this Act an authorised person is –</p> <ul style="list-style-type: none"> (c)(ii) an employee of the local government <p>s26(3) A person holding office as an authorised officer by virtue of subsection (1)(c) –</p> <ul style="list-style-type: none"> (a) has within the district in respect of which he holds office the duties of and powers of an authorised officer under this Act, and may exercise those powers within that district;

Department - Legislation	Notice Details / Conditions If Any
	<p>(b) may exercise the powers conferred on him by this Act in relation to any person whom he has reason to believe is concerned in a contravention of this Act notwithstanding that such person is not then within the district in respect of which he holds office if that person was pursued from that district or is known to have been in that district at the time of the contravention.</p>

CITY OF KWINANA DELEGATED AUTHORITY REGISTER

Local Government to Chief Executive Officer, Officers and Committees 2016

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PART 1

GOVERNANCE AND ADMINISTRATION

1.1 Appointment of authorised persons – Local Government Act 1995	
Function to be performed:	The authority to appoint persons or classes of persons to be authorised for the purpose of performing particular functions pursuant to the <i>Local Government Act 1995</i> and to issue a certificate to persons so appointed that states that the person is authorised for that purpose.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 2 s9.10 Appointment of authorised persons Local Government Act 1995 - Part 3, Division 3 s3.24 Authorising persons under this Subdivision s3.39 Power to remove and impound s3.40A Abandoned vehicle wreck may be taken s3.48 Power to recover expenses incurred (s3.39) when offender convicted
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. A Certificate of Authorisation is to be issued to each authorised person stating the authority that has been granted; 2. The circumstances in which the authority can be exercised or discharged; and 3. The Certificate of Authorisation is to be produced by the authorised person as required.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; 2. A copy of the Certificate of Authorisation for each authorised person to be retained by the City; and 3. Each Certificate of Authorisation is to be reviewed and updated annually.

1.2 Execution of documents	
Function to be performed:	Authorised to sign documents on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.3 Approval of the cash advance for reimbursement of expenses	
Function to be performed:	Approve payment to a person as a cash advance for an expense that the person is entitled to be reimbursed for.
Legislative power or duty delegated:	Local Government Act 1995 - Part 5, Division 3 s5.98 Fees etc. for council members; s5.101 Payments for employee committee members; s5.102 Expense may be funded before actually incurred; Local Government (Administration) Regulations 1996 – Part 8 r32 Expenses that can be approved for reimbursement
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The expenses incurred are in respect to an expense for which the person is entitled to be reimbursed, subject to Part 5, Division 8 of the <i>Local Government Act 1995</i>; and 2. The payment request is submitted and authorised in accordance with the City's policies and work procedures.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.4 Authorisation of legal expenses in an emergency – elected members and officers	
Function to be performed:	To authorise an application for financial assistance for legal expenses by Elected Members and Officers in an emergency.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 4 s6.7 Municipal Fund
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The delegation is only applicable where a delay in the approval of an application would be detrimental to the legal rights of the applicant; 2. The amount approved is to a maximum of \$10,000 in respect of each application; 3. All approved applications are to be presented to the next Ordinary Council Meeting; and 4. The delegation is exercised in conjunction with Council’s current policy regarding legal representation for Elected Members and Officers.
Statutory Power to sub-delegate:	This authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. The approved application to be reported at the next Ordinary Council Meeting.

1.5 Action, notices, proceedings, prosecutions and withdrawals – Local Government Act 1995	
Function to be performed:	The taking of any action, serving of notice or otherwise, commencement of legal proceedings or prosecution on behalf of the City of Kwinana.
Legislative power or duty delegated:	The exercise of any powers, the enforcement of any statutory provisions or the protection of any legal interests under the Local Government Act 1995 and Regulations and the City of Kwinana Local Laws.
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.6 Scrutiny of the affairs of local government	
Function to be performed:	Authority to provide information to the Minister, give advice of what actions the local government has or will do to comply with an enquiry from the Minister, a person authorised by the Minister or to comply with an Inquiry Panel's report within the specified timeframes.
Legislative power or duty delegated:	Local Government Act 1995 – Part 8, Division 1 s8.2(2); s8.14(3) and s8.23(4) - Inquiries by the Minister or an authorised person
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.7 Administration of leases– Banksia Park Retirement Estate	
Function to be performed:	Authorised to sign documents in relation to the administration of leases for Banksia Park Retirement Estate on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	The CEO is authorised to sign lease documents for Banksia Park Retirement Estate which includes new leases and Deeds of Surrender.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 3. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 4. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.8 Appointment of proxies – strata meetings	
Function to be performed:	Authorised to nominate City of Kwinana employees as Proxies when required to attend strata meetings and vote on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 5, Division 4 s5.41(i) Functions of CEO
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Appoint proxies to vote on behalf of the City of Kwinana when required to attend strata meetings. 2. Proxies must vote in a manner that is consistent with any existing Council decision and must not vote in favour of motions that are outside the budget allocation. 3. If the matter exceeds the budget allocated, then this must be referred to Council for a decision.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.9 Appointment of proxies – meeting of creditors	
Function to be performed:	Authorised to nominate City of Kwinana employees as Proxies when required to attend Meetings of Creditors and vote on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 5, Division 4 s5.41(i) Functions of CEO
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Appoint proxies to vote on behalf of the City of Kwinana when required to attend Meetings of Creditors. 2. Proxies must vote in a manner that is consistent with any existing Council decision and must not vote in favour of motions that are outside the budget allocation. 3. If the matter exceeds the budget allocated, then this must be referred to Council for a decision.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.10 Sponsorship and grant applications, agreements and acquittals	
Function to be performed:	Authorised to sign sponsorship or grant applications, agreements and acquittals on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The CEO is authorised to apply for and execute sponsorship and grant agreements where the City's contribution component falls within budget, or is consistent with a Council resolution to consider a budget allocation in a future budget, or relates to a future project that forms part of a forward works program. 2. Any additional contribution funds required in excess of the City's budget amount will require a budget variation to be approved by Council before the CEO can exercise this delegation.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.11 Action, notices, proceedings, prosecutions and withdrawals – any other written law	
Function to be performed:	The taking of any action, serving or withdrawal of a notice or otherwise, commencement of legal proceedings or prosecution on behalf of the City of Kwinana.
Legislative power or duty delegated:	The exercise of any powers, the enforcement of any statutory provisions or the protection of any legal interests under any other written law (other than the Local Government Act 1995 and Regulations and the City of Kwinana Local Laws which is covered by a separate delegation) for which the local government has responsibility.
Legislative Power to Delegate:	As determined by the Act under which the function is to be performed.
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	As determined by the Act under which the function is to be performed. A memorandum to Elected Members in the event of intention to enter into prosecution if the amount is over \$50,000.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees. As determined by the Act under which the function is to be performed.
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.12 Authorisation of community funding	
Function to be performed:	To approve an application for funding under the Community Funding Policy.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 4 s6.7 Municipal Fund
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	16 December 2015 Council resolution #084
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Where Council have delegated the funding opportunity to the Chief Executive Officer or delegated officer, that the approval is to a be: <ol style="list-style-type: none"> 1. in accordance with the relevant funding opportunity as specified in Council's Community Funding Policy; and 2. within budget allocation.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees.
Reporting Requirements:	1. Any exercise of this delegation is to be recorded in the Delegated Authority Register.

PART 2

CORPORATE AND FINANCE

2.1 Objections to the rates record	
Function to be performed:	Authority to make decisions regarding objections to the rates record including extending the time for a person to make an objection and following consideration, make a decision whether to allow or disallow the objection, either wholly or in part.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 6 s6.76(4),(5) Grounds of objection
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 8 March 2015 D15/8358[v2] Council Resolution #429
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Objection to be received within the required timeframe identifying all relevant information as required by s6.76(2), unless an application for extension has been granted (4); 2. Objection is to be considered promptly; 3. Written notice of the decision, including a statement of the reasons for the decision to be promptly served on the person who has made the objection; and 4. Objections that are allowed must not exceed \$50,000 in lost revenue per property per financial year. Amounts greater than this must be referred to Council for determination. 5. Amendments to the rate record must be within budget. 6. Amendments to the rate record must not exceed \$50,000 in lost or increased revenue per property. Amounts greater than this must be referred to Council for determination.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees

Reporting Requirements:	<ol style="list-style-type: none">1. Any exercise of this delegation is to be recorded in the Delegated Authority Register;2. The full details of the decision made under this delegation are to be recorded in the rate record; and3. Notice to be provided to the person of the decision made.
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2.2 Recovery of rates and services charges from lessee	
Function to be performed:	Authorises the recovery of rent to offset an unpaid rate or service charge from the lessee of land.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 6 Rates and service charges s6.56(1) Rates or service charges recoverable in court s6.60 Local government may require lessee to pay rent
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Recovery action is in accordance with Section 6.60 of the Local Government Act 1995; 2. Recovery action is in accordance with the City's policies and work procedures.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. The full details of the decision and actions taken under this delegation to be recorded on the rate record.

2.3 Recovery and actions against land where rates or service charges are unpaid	
Function to be performed:	Authorised to recover outstanding rates or services charges, as well as the cost of proceedings for recovery in Court or any action against the land that is required.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 6 Rates and service charges s6.56 Rates or service charges recoverable in court s6.64 Actions to be taken
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The recovery action is taken in accordance with sections 6.64(3), 6.69(2), 6.71(1) (subject to conditions set out in the disposal of property delegations limits), and 6.74 of the Local Government Act 1995; 2. The recovery action is taken in accordance with the regulation 77(3) of the Local Government (Financial Management) Regulations 1996; and 3. Recovery and actions is in accordance with the City’s policies and work procedures.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. The full details of the decision made under this delegation are to be recorded in the rate record.

2.4 Payments from municipal and trust funds	
Function to be performed:	To make payments from the municipal fund or the trust fund.
Legislative power or duty delegated:	Local Government (Financial Management) Regulations 1996 r12(1)(a) Payments from municipal fund or trust fund Local Government Act 1995 - Part 6, Division 4 s6.9(4) Trust Fund
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Ensure efficient systems and procedures record the accounts and records of transactions in accordance with Regulation 5 of the Local Government (Financial Management) Regulations 1996; and 2. May transfer money held in trust for 10 years to its municipal fund. Authorised to approve to repay it to a person who establishes a right to the repayment, together with any interest earned on the investment - 6.9(4) Trust Fund.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. A list of accounts paid by the CEO from the municipal fund and trust fund under this delegation is to be presented to Council each month.

2.5 Power to invest	
Function to be performed:	Authority to invest money in the municipal fund or the trust fund that is not for the time being, required.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 4 s6.14(1) Power to invest
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Must establish, document and adhere to internal control procedures and the relevant Council policies to ensure control over investments; 2. In accordance with Regulation 19 of the Local Government (Financial Management) Regulations 1996; and 3. In accordance with section 20 of the Trustees Act 1962.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; 2. An investment report must be presented to each monthly Council meeting including the details of investments in accordance with the investment control procedures that have been established.

2.6 Expressions of interest and tenders for supply of goods and services									
Function to be performed:	<ol style="list-style-type: none"> 1. Authority to establish criteria for, invite, consider, seek clarification on and determine expressions of interest and tenders for the supply of goods and services; and 2. Authority to negotiate and execute related contracts including minor variations. 								
Legislative power or duty delegated:	<p>Local Government Act 1995 Part 3, Division 3 s3.57 Tenders for providing goods or services</p> <p>Local Government (Functions and General) Regulations 1996 r11 When tenders have to be publicly invited r13 Requirements when local government invites tenders though not required to do so r14(2a) & (5) Requirements for publicly inviting tenders r18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r20 Variation of requirements before entry into contract r21 Procedure for limiting who can tender r23 Rejecting and accepting expressions of interest to be an acceptable tenderer</p>								
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO								
Date Delegation made or reviewed:	<table border="0"> <tr> <td>November 2011</td> <td>D11/90333</td> </tr> <tr> <td>December 2012</td> <td>D12/77148</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> <tr> <td>24 June 2015</td> <td>Resolution #503</td> </tr> </table>	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358	24 June 2015	Resolution #503
November 2011	D11/90333								
December 2012	D12/77148								
February 2015	D15/8358								
24 June 2015	Resolution #503								
Delegation to:	Chief Executive Officer								
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Where there is a budget provision up to a value of \$1,000,000; or 2. Where a multiple year contract (including extension thereof) up to a total value of \$1,875,000; and 3. In accordance with the requirements of the <ul style="list-style-type: none"> - Local Government Act 1995; - Local Government (Financial Management) Regulations 1996; and - Council's policies and work procedures. 4. Where the budget has not been adopted, the Chief Executive Officer can perform all functions outlined in this delegation with the exception of determining a tender, so long as in the specifications of the invitation to tender, it includes a provision that states that this tender will only be awarded subject to the 								

	budget being adopted by Council.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Details recorded in the Tender Register.

2.7 Disposing of property	
Function to be performed:	Dispose of property by public auction, public tender or in accordance with other methods deemed acceptable under the <i>Local Government Act 1995</i> and <i>Local Government (Functions and General) Regulations 1996</i> .
Legislative power or duty delegated:	Local Government Act 1995 - Part 3, Division 3 s3.58 Disposing of property s3.47 Disposal of confiscated or uncollected goods
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 August 2015 Resolution 551
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The disposal is included in the City's Annual Budget or by Council Resolution. 2. The disposal must be in accordance with section 3.58 of the Local Government Act 1995. 3. The disposal must be in accordance with regulation 30 of the Local Government (Functions and General) Regulations 1996. 4. In the case of disposal of land, the intended sale price being greater than or equal to the valuation; 5. For the purposes of the administration of leases, exercise any option(s) available under the lease for established leases. 6. Plant and equipment, not identified in the City's Annual Budget, with a written down value of less than \$10,000 that has been lost, or is no longer used or serves no other purpose, may be removed from the asset register and disposed of.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Details of any tender to be recorded and maintained in the Tender Register and available for public inspection.

2.8 Write off, grant a concession or authorise a waiver for monies owing	
Function to be performed:	To write off, grant a concession or authorise a waiver in relation to any amount of money that it is owed to the local government
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 4 s6.12(1)(b) waive or grant concessions in relation to any amount of money; or s6.12 (1)(c) write off any amount of money, which is owed to the Local Government s6.12(3) the grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	This delegation is subject to section 6.12(2) of the Local Government Act 1995, which specifies that a local government cannot grant a waiver or concession for a rate or service charge. The CEO's delegated authority is subject to the following limitations: 1. A write off of the debt incurred as a result of an administrative error on behalf of the City not exceeding \$10,000; 2. Any grant of concession or waiver not exceeding \$1,000 per occurrence; and 3. Any write off of a debt, not being due to an administrative error, for debts not exceeding \$1,000.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. The full details of the waiver, concession or write off to be recorded on the appropriate financial record.

PART 3

BUILDING AND DEVELOPMENT

3.1 Building Act 2011 – powers and duties	
Function to be performed:	Authorised to exercise and discharge all or any of the powers and duties of the local government as a permit authority under the <i>Building Act 2011</i> .
Legislative power or duty delegated:	All powers and duties exercised by the Local Government as a permit authority under the <i>Building Act 2011</i> .
Legislative Power to Delegate:	Building Act 2011 s127 A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.
Date Delegation made or reviewed:	November 14 2012 Resolution 234 December 12 2012 Resolution 258 February 2015 D15/8358 May 2015 Resolution 475 August 2015 Resolution 551
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	Building Act 2011, s127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

3.2 Subdivision and development control	
Function to be performed:	<p>Authority to:</p> <ol style="list-style-type: none"> 1 Determine applications for Planning Approval in regards to development including change of use and variations to development standards; 2 Make objections or recommendations in respect of Subdivision Applications to the West Australian Planning Commission, including recommendations for the imposition of subdivision conditions; 3 Make recommendations for approval or refusal of development within Planning Control Areas; and 4 Determine applications for variations to previously approved Planning Applications 5 Give a written direction in accordance with section 214 of the Planning and Development act 2005 to the owner or any other person undertaking a development.
Legislative power or duty delegated:	<p>Town of Kwinana Town Planning Scheme No. 2 – clause 2.6 Town of Kwinana Town Planning Scheme No. 3 - clause 1.7 Part II – Planning Approval</p> <p>Planning & Development Act 2005 Part 7 Planning Control Areas Part 8 Improvement Plans and Schemes Part 13 Enforcement and Legal Proceedings</p>
Legislative Power to Delegate:	<p>Town of Kwinana Town Planning Scheme No. 2 cl. 2.6 Delegations Town of Kwinana Town Planning Scheme No. 3 cl.1.7 Relationship to the Operative TPS</p>
Date Delegation made or reviewed:	<p>November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 August 2015 Resolution 551</p>
Delegation to:	<p>Chief Executive Officer Director City Development Co-Coordinator Statutory Planning Senior Statutory Planner Planning Compliance Officer Planning Compliance Technical Officer</p>

<p>Conditions and Exceptions:</p>	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The authority is only to be exercised for those uses or other applications specified in: <p style="text-align: center;"><i>Table 1 - Use Classes; and Table 1A Use Classes for Other Applications.</i> (attached)</p> 2. May determine variations to Planning Applications including Planning Applications previously approved by resolution of Council, that are of a minor nature and if amended, would not substantially change the development approved and for which no objection has been received during advertising (if applicable). 3. Prosecutions The authority to proceed with any prosecution under the Planning and Development Act 2005 must be approved by the Chief Executive Officer prior to commencement. <p>Exceptions: Excluding <u>variations</u> to Planning Applications as stated in Condition (2) above, this delegation does not include the following:</p> <ul style="list-style-type: none"> • The acceptance of mediated outcomes or determinations of s31 reconsiderations for appeals lodged with the State Administrative Tribunal • Local Development Plans • Local Planning Policies including amendments • Major development within the Town Centre <p>Planning Compliance Officer Planning Compliance Technical Officer</p> <ul style="list-style-type: none"> • Part 13 Enforcement and Legal Proceedings only
<p>Reporting Requirements:</p>	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register. 2. In relation to Condition (2) above, any variation to a Planning Approval for which a prior resolution by Council applies, must be preceded by a memo to Council prior to any determination being made.

Table 1. – Use classes

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Aged/Dependent Persons Dwelling	D	D					D					D	
Ancillary Accommodation	D						D		D	D		D	Provided Compliance With LPP 3.3.30
Amenity Building	D	D	D	D	D	D	D	D				D	
Amusement Centre		D	D	D			D					D	
Aqua Culture							D						
Boat Sales			D	D	D	D							
Boatel					D	D							
Bus Station					D								
Car Park	D	D	D		D	D	D	D				D	
Caravan park						D	D	D					
Caretakers House/Flat	D	D	D	D	D	D	D	D					Where Incidental to Existing Use
Chicken farm							D						
Child Care Centre	D	D										D	
Civic Building		D	D	D		D						D	
Club		D	D									D	
Commercial Hall		D	D	D								D	
Consultation Rooms		D	D			D						D	
Dog Kennels						D	D						
Drive-in Takeaway Food Shop		D				D						D	
Drive-In Theatre						D						D	
Dry Cleaning Premises		D	D	D		D							
Eating House	D	D	D		D	D						D	Where no objection received during advertising

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Educational Establishment	D	D			D	D	D					D	
Equestrian uses							D			D			Provided No Clearing of vegetation is required Outside Building Envelopes and consistent with scheme TPS 2
Extractive Industry					D	D	D	D					
Factory Units				D	D	D							
Family Day Care centre	D	D	D		D	D	D	D				D	
Fish Shop		D	D									D	
Forestry (selective)							D	D					
Fuel Depot			D		D	D		D					
Funeral parlour		D	D	D	D	D	D					D	
General Industry					D			D					
Grouped Dwelling	D	D											
Hazardous Industry					D								Where no objection received during advertising
Health Centre		D	D		D	D							
Health Studio	D	D	D		D	D						D	
Holiday Accommodation				D		D	D	D					
Home Occupation	D	D					D		D	D		D	
Hospital	D	D	D	D		D	D	D				D	Where no objection received during advertising
Hotel		D		D								D	Where no objection received during advertising
Intensive Agriculture							D						
Laundry (Industrial)			D	D	D	D							
Laundrette		D	D	D		D						D	
Licensed Restaurant	D	D	D			D						D	Where no objection received during advertising

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Light Industry					D	D		D					
Liquor Sore		D	D	D								D	
Local Shop	D	D	D	D	D	D	D					D	Where no objection received during advertising
Lodging House	D	D				D						D	
Marina					D	D							
Medical Clinic	D	D	D	D		D	D					D	Where no objection received during advertising
Motel	D	D	D	D									Where no objection received during advertising
Motor Racing Track			D		D		D						
Motor Repair Station		D	D		D	D						D	
Multiple Dwelling	D	D										D	
Museum	D	D	D									D	
Non-residential Health Centre	D	D	D	D	D	D						D	Where no objection received during advertising
Noxious Industry					D								Where no objection received during advertising
Office		D	D	D	D	D						D	
Open Air Display		D	D	D	D	D						D	
Open Air Storage Yard				D	D	D							
Petrol Filling Station		D	D	D	D	D		D				D	
Piggery					D		D						Where no objection received during advertising
Private Hotel		D	D	D								D	
Private Recreation		D	D	D		D	D					D	
Private Utility	D	D	D	D	D	D	D	D				D	
Professional Office		D	D	D								D	
Public Amusement	D	D	D	D			D	D				D	Where no objection received during advertising

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Public Assembly – Place of	D	D	D	D	D	D	D					D	Where no objection received during advertising
Public Recreation	D	D	D	D	D	D	D	D				D	
Public Utility	D	D	D	D	D	D	D	D	D	D	D	D	
Public Worship	D	D	D	D	D	D	D	D				D	Where no objection received during advertising
Recreation facilities	D	D	D	D	D	D	D	D				D	
Residential Building	D						D		D	D		D	
Restricted Premises		D	D	D		D						D	Where no objection received during advertising
Retail Plant Nurseries		D	D	D		D	D						Where no objection received during advertising
Rural Industry					D	D	D	D					
Rural Produce Stall							D						
Service Industry		D	D	D	D	D						D	Where no objection received during advertising
Service Station		D	D	D	D	D						D	
Shop		D		D								D	
Showroom,		D	D	D	D	D						D	
Single House	D	D	D		D	D	D		D	D	D	D	
Stables							D	D		D			
Tailing Ponds								D					
Tavern		D	D	D								D	
Telecommunication Infrastructure	D	D	D	D	D	D	D	D				D	Where no objection received during advertising
Trade Display		D	D	D	D	D						D	
Transport Depot				D	D	D		D					
Vehicles Sales		D	D	D		D						D	

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Vehicle Wreckers					D	D							
Veterinary Clinic	D	D	D	D	D	D	D					D	Where no objection received during advertising
Veterinary Hospital			D	D	D	D	D					D	
Warehouse		D	D	D	D	D						D	

Table 1A

Use classes for other applications

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Other Applications													
Amalgamation	D	D	D	D	D	D	D	D	D	D	D	D	
Antennae (attached to building <5m height)	D	D	D	D	D	D	D	D	D	D	D	D	
Building Envelope Variations									D	D			In accordance with TPS No. 2
Satellite Dishes	D	D	D		D	D	D	D	D	D	D	D	In accordance with TPS No.2
Second Storey Addition	D						D		D	D			
Setback Variation		D	D		D	D						D	
Signs	D	D	D	D	D	D	D	D	D	D		D	Provided compliance with Local Law
Subdivision (Freehold/Strata)	D	D	D	D	D	D	D	D	D	D		D	
Vegetation removal (Diseased or Dangerous)							D		D	D			
Verandahs (within road reserves)		D										D	

3.3 Entering into legal agreements in accordance with planning policy - Administration of development contribution plan	
Function to be performed:	Authorised to enter into legal agreements on behalf of the City of Kwinana, that in accordance with the planning policy: Administration of development contribution plans.
Legislative power or duty delegated:	Local Government Act 1995 – Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	May 27 2015 Resolution 474
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	In accordance with the Planning Policy: Administration of Development Contribution Plans.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

3.4 Planning, building and other development related applications where the City is the applicant	
Function to be performed:	Authorised to sign planning, building and other development related applications where the City is the applicant.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Must be in accordance with works identified in the budget.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

PART 4

HEALTH

4.1 Health Act 1911 – Powers and duties of deputy	
Function to be performed:	To authorise the Deputy to exercise and discharge all or any of the powers and functions of the local government.
Legislative power or duty delegated:	All powers exercisable by the Local Government under the <i>Health Act 1911</i> and Regulations made there under; and the City's Health Local Laws.
Legislative Power to Delegate:	Health Act 1911 s26 Powers of Local Government
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358
Delegation to:	Manager Environmental Health Services – Peter McKenzie
Conditions and Exceptions:	Manager Environmental Health Services is authorised to: <ol style="list-style-type: none"> 1. Notwithstanding s358(2), the initiation of a prosecution will not be undertaken without the express approval of the CEO or where deemed necessary by the CEO, the approval of the Council. 2. Does not include s353 3. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

4.2 Health Act 1911 - Duties of environmental health officers	
Function to be performed:	To authorise environmental health officers to perform such duties as the local government from time to time directs
Legislative power or duty delegated:	All duties directed by Local Government and in accordance with the Health Act 1911 and Regulations made there under and the City's Health Local Laws
Legislative Power to Delegate:	Health Act 1911 s27 (2) Officers of Local Government
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358 August 2015 Resolution 535 September 2015 Resolution 570
Delegation to:	Peter McKenzie Manager Environmental Health Services Christopher Tanner Coordinator Environmental Health and Waste Services Vicky Chui Coordinator Environmental Health (Health and Food Safety) Gladys Nyashanu Environmental Health Officer Jarod Griffiths Environmental Health Officer Louis DeKlerk Environmental Health Officer
Conditions and Exceptions:	A. Manager Environmental Health Services is authorised to: <ul style="list-style-type: none"> 1. Notwithstanding s358(2), the initiation of a prosecution will not be undertaken without the express approval of the CEO or where deemed necessary by the CEO, the approval of the Council 2. Does not include s353 3. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council <p>B. Coordinator Environmental Health and Waste Services is authorised to:</p> <p>Administer the provisions of the <i>Health Act 1911</i>, and regulations made there under; and the City's Health Local Laws with the exception of :</p> <ul style="list-style-type: none"> 1. Notwithstanding s358(2), the initiation of a prosecution will

	<p>not be undertaken without the express approval of the CEO or where deemed necessary by the CEO, the approval of the Council;</p> <ol style="list-style-type: none"> 2. Does not include s353; 3. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council; and 4. Any limitations imposed by the Deputy 5. Act as Deputy during approved periods of absence of the appointed Deputy, Peter McKenzie, Manager Environmental Health Services <p>C. Coordinator Environmental Health (Health and Food Safety) and Environmental Health Officers are authorised to:</p> <p>Administer the provisions of the Health Act 1911, and regulations made there under; and the City’s Health Local Laws with the exception of :</p> <ol style="list-style-type: none"> 1. Notwithstanding s358(2), the initiation of a prosecution will not be undertaken without the express approval of the CEO or where deemed necessary by the CEO, the approval of the Council; 2. Does not include s353; 3. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council; and 4. Any limitations imposed by the Deputy
<p>Statutory Power to sub-delegate:</p>	<p>This Authority is not to be sub-delegated</p>
<p>Reporting Requirements:</p>	<p>Any exercise of this delegation is to be recorded in the Delegated Authority Register</p>

4.3 Food Act 2008 – Appointment of authorised officers	
Function to be performed:	To appoint such persons to be Authorised Officers for the purposes of this Act.
Legislative power or duty delegated:	Food Act 2008 s122(1)(a)& (b) Appointment of Authorised Officers
Legislative Power to Delegate:	Food Act 2008 s118(2)(b) Local Government (Enforcement Agency)
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358 August 2015 Resolution 535
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	A certificate of authority must be issued in accordance with section 123 of the Food Act 2008.
Statutory Power to sub-delegate:	Food Act 2008 s118(2)(b) Functions of enforcement agencies and delegation
Reporting Requirements:	<ol style="list-style-type: none"> 1. Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency in accordance with s122(3) of the Food Act 2008. 2. Any exercise of this delegation is to be recorded in the Delegated Authority Register.

4.4 Food Act 2008 – Appointment of designated officers	
Function to be performed:	To appoint officers to be Designated Officers for the purposes of this Act for either issuing infringements or extending, withdrawing or accepting payment for infringements.
Legislative power or duty delegated:	Food Act 2008 s126 (13) Infringements - Appointment of Designated Officers
Legislative Power to Delegate:	Food Act 2008 s118(2)(b) Local Government (Enforcement Agency) may delegate a function conferred on it.
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	In accordance with section 126 of the Food Act 2008 Infringement Notices. The Local Government can designate authorised officers to be designated officers for the purposes of section 126 of the Food Act 2008 subsection (2), (3), (6) or (7) or for the purposes of 2 or more of those subsections, but a person who is a designated officer for the purposes of giving infringement notices under subsection (2) is not eligible to be a designated officer for the purposes of any of the other subsections.
Statutory Power to sub-delegate:	Food Act 2008 s118 (2)(b) Functions of enforcement agencies and delegation
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

PART 5

ENGINEERING AND PROPERTY

5.1 Road closures	
Function to be performed:	<ol style="list-style-type: none"> 1. Authorised to close, revoke or vary the closure, of a thoroughfare to vehicles, wholly or partially, to vehicles for a period not exceeding 4 weeks; and 2. For periods exceeding 4 weeks, after considering any submissions that are received, having given local public notice of the proposed closure of the thoroughfare; 3. Authorised to give notice of the fixing, altering, alignment or draining of a public thoroughfare or other public place.
Legislative power or duty delegated:	<p>Local Government Act 1995 – Part 3, Division 3</p> <p>Certain Provisions about thoroughfares</p> <p>s3.50 Closing certain thoroughfares to vehicles</p> <p>s3.50A Partial closure of thoroughfares for repairs or maintenance</p> <p>s3.51 Affected owners to be notified of certain proposals</p>
Legislative Power to Delegate:	<p>Local Government Act 1995</p> <p>s5.42 Delegation of some powers to the CEO</p>
Date Delegation made or reviewed:	<p>February 2015 D15/8358</p>
Delegation to:	<p>Chief Executive Officer</p>
Conditions and Exceptions:	<p>3.50A exception to local public notice</p> <p>3.50(4) before it makes an order, wholly or partially closing a thoroughfare, exceeding 4 weeks give local public notice: including location, where, when and why and inviting submissions; and give written notice to each person who is prescribed for the purposes or owns land that is prescribed for the purposes of this section; and allow a reasonable time for submissions to be made; and consider any submissions made.</p> <p>3.51(3) affected owners to be notified of certain proposals</p>
Statutory Power to sub-delegate:	<p>Local Government Act 1995</p> <p>s5.44 CEO may delegate some powers and duties to other</p>

	employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

5.2 Notices requiring certain things to be done by property owner/occupier							
Function to be performed:	<p>Authorised to:</p> <ol style="list-style-type: none"> 1. Serve notices requiring certain things to be done, including but not restricted to the removal of overgrown vegetation, rubbish or disused material from land considered untidy 2. Recover the cost of anything the City has done to achieve the purpose for which notice is given as a debt due from the person who failed to comply with the notice 						
Legislative power or duty delegated:	<p>Local Government Act 1995, Part 3, Division 3</p> <p>s3.25 Notices requiring things to be done by owner or occupier of land</p> <p>s3.26 Additional powers when giving notices</p>						
Legislative Power to Delegate:	<p>Local Government Act 1995</p> <p>s5.42 Delegation of some powers to the CEO</p>						
Date Delegation made or reviewed:	<table> <tr> <td>November 2011</td> <td>D11/90333</td> </tr> <tr> <td>December 2012</td> <td>D12/77148</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> </table>	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358
November 2011	D11/90333						
December 2012	D12/77148						
February 2015	D15/8358						
Delegation to:	Chief Executive Officer						
Conditions and Exceptions:	Schedule 3.1						
Statutory Power to sub-delegate:	<p>Local Government Act 1995</p> <p>s5.44 CEO may delegate some powers and duties to other employees</p>						
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.						

5.3 Particular things local government can do on land that is not local government property	
Function to be performed:	Authorised to do any of the things prescribed in Schedule 3.2 of the Local Government Act 1995 on land which is not local government property.
Legislative power or duty delegated:	Local Government Act 1995, Part 3, Division 3 s3.27 Particular things local governments can do on land that is not local government property
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Schedule 3.2
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

5.4 Crossing from public thoroughfare to private land or private thoroughfare	
Function to be performed:	Upon application, approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land.
Legislative power or duty delegated:	Local Government (Uniform Local Provisions) Regulations 1996 r12(1) Crossing from public thoroughfare
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Conditions: Approvals are subject to: Local Government (Uniform Local Provisions) Regulations 1996 r12(2) crossing from public thoroughfare to private land or private thoroughfare r14(2)(a) Role of Commissioner of Main Roads in some cases
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

5.5 Requirement to construct and repair crossing							
Function to be performed:	<ol style="list-style-type: none"> 1. Give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare. 2. Construct or repair the crossing and recover 50% of the cost if the person fails to comply with the notice. 						
Legislative power or duty delegated:	Local Government (Uniform Local Provisions) Regulations 1996 r13(1) and (2) Requirement to construct or repair crossover						
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO						
Date Delegation made or reviewed:	<table> <tr> <td>November 2011</td> <td>D11/90333</td> </tr> <tr> <td>December 2012</td> <td>D12/77148</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> </table>	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358
November 2011	D11/90333						
December 2012	D12/77148						
February 2015	D15/8358						
Delegation to:	Chief Executive Officer						
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Local Government (Uniform Local Provisions) Regulations 1996 r14(2)(b) Role of Commissioner of Main Roads 2. That due process be followed for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> for a notice served under Regulation 14(3) 						
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees						
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.						

5.6 Private works, on, over or under public places	
Function to be performed:	Grant permission or conditional permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property.
Legislative power or duty delegated:	Local Government (Uniform Local Provisions) Regulations 1996 r17(4) & (5) Private works on, over, or under public places r17(5) Imposition of conditions
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

5.7 Local Government Act 1995 - Power of entry									
Function to be performed:	<ol style="list-style-type: none"> 1. Give a notice of entry 2. Execute an entry in an emergency 3. Give notice and execute the opening of a fence 4. The power of entry conferred, may be used for performing any function that a local government has under this Act if entry is required for the performance of the function or in any other case in which entry is authorised by this Act other than by a local law. 								
Legislative power or duty delegated:	Local Government Act 1995, Part 3, Division 3 s3.28 When the subdivision applies s3.32 Notice of entry s3.34 Entry in an Emergency s3.36 Opening Fences								
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO								
Date Delegation made or reviewed:	<table border="0"> <tr> <td>November 2011</td> <td>D11/90333</td> </tr> <tr> <td>December 2012</td> <td>D12/77148</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> </table>	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358		
November 2011	D11/90333								
December 2012	D12/77148								
February 2015	D15/8358								
Delegation to:	Chief Executive Officer								
Conditions and Exceptions:	<table border="0"> <tr> <td>3.31(1)(a)</td> <td>consent obtained from the owner or occupier;</td> </tr> <tr> <td>3.31(1)(b)</td> <td>notice has been given under 3.32</td> </tr> <tr> <td>3.34(2)</td> <td>Entry in emergency</td> </tr> <tr> <td>3.36 (3)</td> <td>Opening fences</td> </tr> </table>	3.31(1)(a)	consent obtained from the owner or occupier;	3.31(1)(b)	notice has been given under 3.32	3.34(2)	Entry in emergency	3.36 (3)	Opening fences
3.31(1)(a)	consent obtained from the owner or occupier;								
3.31(1)(b)	notice has been given under 3.32								
3.34(2)	Entry in emergency								
3.36 (3)	Opening fences								
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees								
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.								

PART 6

PUBLIC SAFETY

6.1 Bush Fires Act 1954 - Appointment of Bush Fire Control Officers	
Function to be performed:	Appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of the Bush Fires Act.
Legislative power or duty delegated:	Bush Fires Act 1954 s38(1) Appointment of Bush Fire Control Officers
Legislative Power to Delegate:	Bush Fires Act 1954 s48(1) Delegation by Local Government
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Bush Fires Act 1954 s38(1) must be a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer s38(2A) local notice of appointment s38A(2) unless FES Commissioner appoints s38(2E) shall be issued with certificate of appointment
Statutory Power to sub-delegate:	Bush Fires Act 1954 s48 (3) No power provided to sub-delegate
Reporting Requirements:	<ol style="list-style-type: none"> 1. Notice of an appointment made under the provisions of subsection (1), shall be published at least once in a newspaper circulating in its district in accordance with 38(2A). 2. Any exercise of this delegation is to be recorded in the Register Delegation of Authority. 3. Records to be maintained in accordance with section 50 of the Bush Fire Act.

6.2 Bush Fires Act 1954 - Restricted and prohibited burning times	
Function to be performed:	After consultation with an authorised CALM Act Officer if forest land is situated in the district, vary the prohibited and restricted burning times in respect of that year in the district or a part of the district.
Legislative power or duty delegated:	<p>Bush Fires Act 1954</p> <p>s17(7)(a) shorten, extending, suspending or reimposing a period of prohibited burning times</p> <p>s17(7)(b) impose a further period of prohibited burning times</p> <p>s17(8) give notice of any variation</p> <p>s18(5)(a)(i) shorten, extending, suspending or reimposing a period of restricted burning times;</p> <p>s18(5)(a)(ii) imposing a further period of restricted burning times;</p> <p>s18(5)(b) vary the prescribed conditions by modifying or suspending all or any of those conditions</p>
Legislative Power to Delegate:	<p>Bush Fires Act 1954</p> <p>s17(10) Delegation by Local Government</p>
Date Delegation made or reviewed:	<p>November 2011 D11/90333</p> <p>December 2012 D12/77148</p> <p>February 2015 D15/8358</p>
Delegation to:	<p>Chief Bush Fire Control Officer</p> <p>Mayor and Chief Bush Fire Control Officer to acting jointly</p>
Conditions and Exceptions:	Vary prohibited and restricted burning times in accordance with Section 17(7)(b), Section 17(8) and section 18(5B), 18(5C) of the Bush Fires Act 1954
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register. 2. Any variations to be recorded

6.3 Local Government (Miscellaneous Provisions) Act 1960 - Appointment of Pound Keepers and Rangers	
Functions to be performed	To appoint fit and proper persons to be pound keepers and rangers of the City of Kwinana.
Legislative power or duty delegated:	Local Government (Miscellaneous Provisions) Act 1960 s449 Appointment of Pound keepers and Rangers
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Local Public notice of the appointment / removal of fit and proper persons to be pound keepers and rangers of the City of Kwinana.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

6.4 Dog Act 1976 - Appointment of authorised persons and registration officers	
Function to be performed:	To appoint Authorised Persons and Registration Officers and any power or duty of the local government under any provision of this Act.
Legislative power or duty delegated:	Dog Act 1976 s29(2) Appointment of authorised persons s11(1) Appointment of registration officers
Legislative Power to Delegate:	Dog Act 1976 s10AA(1) Delegation to CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 August 2015 Resolution 551
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Dog Act 1976 s11(3) A person who is authorised by a local government to exercise any power under this Act shall be furnished with a certificate in the prescribed form evidencing his appointment and shall provide that certificate on being required so to do by a person in respect of any power he exercises, has exercised or is about to exercise.
Statutory Power to sub-delegate:	Dog Act 1976 s10(AA)(3) The delegation may expressly authorise the delegate to further delegate the power or duty
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register. 2. Any actions taken or notices issued are to be recorded on the appropriate file or record

6.5 Cat Act 2011 – Administration and enforcement					
Function to be performed:	<p>Authorised to:</p> <ol style="list-style-type: none"> 1. Exercise any of the City's powers or the discharge of any of its duties under the Cat Act 2011 2. Appoint such persons to be Authorised Persons for performing particular functions under this Act 				
Legislative power or duty delegated:	Cat Act 2011 s48(1) Authorised Persons				
Legislative Power to Delegate:	Cat Act 2011 s44(1) Delegation by local government				
Date Delegation made or reviewed:	<table> <tr> <td>November 2013</td> <td>D13/89678</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> </table>	November 2013	D13/89678	February 2015	D15/8358
November 2013	D13/89678				
February 2015	D15/8358				
Delegation to:	Chief Executive Officer				
Conditions and Exceptions:	Cat Act 2011 s48(2) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of s62 (Infringement notices)				
Statutory Power to sub-delegate:	<p>Cat Act 2011 s45 Delegation by CEO of local government</p> <p>Note: s45(6) A power or duty under section 63, 64 or 65 cannot be delegated to an authorised person.</p>				
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; 2. Any actions taken or notices issued are to be recorded on the appropriate file or record 				

6.6 Litter Act 1979 - Appointment of persons authorised to withdraw infringement notices	
Function to be performed:	To approve the withdrawal of infringement notices issued under the Litter Act 1979
Legislative power or duty delegated:	Litter Act 1979 s30(4) Withdrawal of infringement notice
Legislative Power to Delegate:	Litter Act 1979 s30(4a) Appointed Person
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358
Delegation to:	Chief Executive Officer Director Corporate and Engineering Services Manager Essential Services
Conditions and Exceptions:	Litter Act 1979 s30(4a) Withdrawal notice sent under s30(4) shall be signed by a person appointed in writing to withdraw infringement notices.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	1. Any exercise of this delegation is to be recorded in the Register Delegation of Authority. 2. Withdrawals of notices are to be retained on the appropriate file or record

6.7 Disposal of sick or injured animals	
Function to be performed:	Authorised to humanely destroy an impounded animal where it is determined to be too ill or injured to be treated.
Legislative power or duty delegated:	Local Government Act 1995, Part 3, Division 3 s3.47A Dispose of sick or injured animals
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	s3.47 (2)(3)
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Register Delegation of Authority.

6.8 Firearms Act 1973													
Function to be performed:	<p>Authorised to:</p> <ol style="list-style-type: none"> 1. Exercise any of the City's powers or the discharge of any of its duties under the Firearms Act 1973 2. Appoint such persons to be authorised to possess, carry or use a firearm in accordance with the licence and for performing particular functions under this Act. 												
Legislative power or duty delegated:	<p>Firearms Act 1973</p> <table> <tr> <td>s9A(4)</td> <td>Duration and renewal of licence</td> </tr> <tr> <td>s16(2)(a)</td> <td>Authorisation of employees</td> </tr> <tr> <td>s30A</td> <td>Sale and disposal of firearms</td> </tr> <tr> <td>s30B</td> <td>Loss, theft, destruction, or disposal out of State to be reported</td> </tr> <tr> <td>s31(2)</td> <td>Records</td> </tr> </table> <p>Firearms Regulations 1974</p> <table> <tr> <td>r11A</td> <td>Storage security requirements</td> </tr> </table>	s9A(4)	Duration and renewal of licence	s16(2)(a)	Authorisation of employees	s30A	Sale and disposal of firearms	s30B	Loss, theft, destruction, or disposal out of State to be reported	s31(2)	Records	r11A	Storage security requirements
s9A(4)	Duration and renewal of licence												
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s30A	Sale and disposal of firearms												
s30B	Loss, theft, destruction, or disposal out of State to be reported												
s31(2)	Records												
r11A	Storage security requirements												
Legislative Power to Delegate:	<p>Local Government Act 1995</p> <p>s5.42 Delegation of some powers to the CEO</p>												
Date Delegation made or reviewed:	16 December 2015 Council resolution # 077												
Delegation to:	Chief Executive Officer												
Conditions and Exceptions:	<p>Firearms Act 1973</p> <p>This delegation is subject to:</p> <ol style="list-style-type: none"> 1. Annual renewal of the corporate firearm licence as permitted by Section 16(1)(c). 2. Authorisation of employees to possess, carry or use a firearm in accordance with the licence. Authorisation only to be given to persons employed by the City and approved by the Chief Executive Officer. 3. Sale or disposal of firearms to comply with section 30A and section 3.58 of the <i>Local Government Act 1995</i>. 4. Any loss, theft, destruction, or disposal out of State, to be reported to the Commissioner. 5. Compile, maintain and furnish records in such manner as is prescribed. <p>Firearms Regulations 1974</p> <ol style="list-style-type: none"> 6. Ensure that firearms and ammunition are stored in accordance with regulation 11A. 												

Statutory Power to sub-delegate:	This delegation cannot be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Compile, maintain and furnish records in such manner as is prescribed by the Firearms Act 1973 and subsidiary legislation.

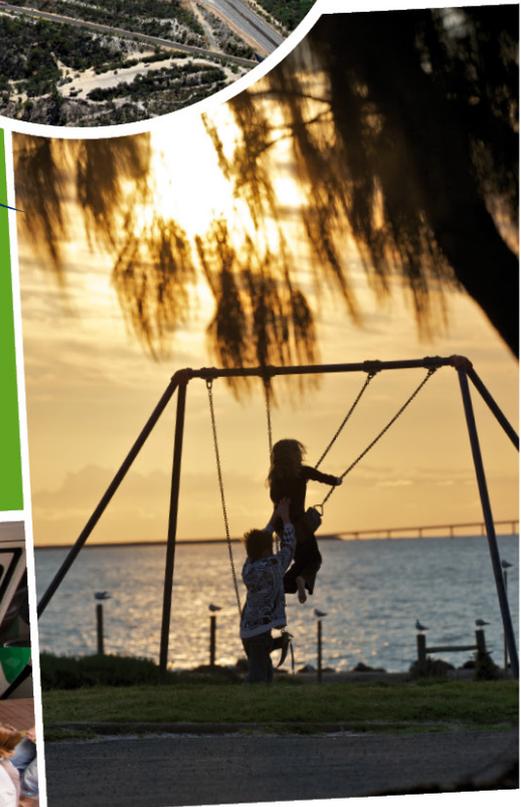
PART 7

COUNCIL TO EXECUTIVE COMMITTEES

7.1 Executive Appraisal Committee	
Function to be performed:	To undertake a review of the Chief Executive Officer's performance and appoint a suitably qualified independent reviewer to assist with the review process.
Legislative power or duty delegated:	Local Government Act 1995 s5.38 Annual review of certain employees' performance
Legislative Power to Delegate:	Local Government Act 1995 – Part 5 Division 2 s5.16 Delegation of some powers and duties to certain committees
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Executive Appraisal Committee
Conditions and Exceptions:	The remuneration review will be conducted as a separate process, and the proposed remuneration package is to be presented to Council for approval.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Register Delegation of Authority; and 2. Recorded in the Register of delegations to committees

7.2 Audit Committee	
Function to be performed:	To meet with the City's Auditor at least once per year.
Legislative power or duty delegated:	Local Government Act 1995 s7.12A(2) Duties of local government with respect to audits
Legislative Power to Delegate:	Local Government Act 1995 – Part 5 Division 2 s5.16 Delegation of some powers and duties to certain committees
Date Delegation made or reviewed:	January 2016
Delegation to:	Audit Committee
Conditions and Exceptions:	The audit committee is to report and provide appropriate advice and recommendations to Council on matters relevant to its Term of Reference in order to facilitate informed decision making by Council in respect to audits of the local government.
Statutory Power to sub-delegate:	This Authority cannot be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Register Delegation of Authority; and 2. Recorded in the Register of delegations to committees

Council Appointment of Officers Local Government to Officers 2016



Introduction

Purpose of Appointment of Officers

The Local Government has been authorised to exercise powers and duties under the relevant Acts and Regulations.

The Health Act 1911 is an Act that allows for a Deputy of the Local Government to be appointed. There is no ability under the Health Act 1911 for the Council to give delegated authority to the CEO to then appoint a deputy for the local government.

The Deputy under the Health Act 1911 may be authorised to exercise powers and functions of the Local Government and the scope of this discretion is identified in the delegated authority for the powers and duties of the Deputy.

COUNCIL APPOINTMENT OF OFFICERS

CONTENTS

Introduction	2
1.1 Health Act 1911 - Appointment of deputy	4
1.2 Health Act 1911 - Appointment of environmental health officers	4
1.3 Caravan Parks and Camping Grounds Act 1995 – Appointment of authorised persons.....	5
1.4 Control of Vehicles (Off-Road Areas) Act 1978- Appointment of authorised officers	6
1.5 Town of Kwinana Town Planning Scheme – Power of entry	7

1.1 Health Act 1911 - Appointment of deputy	
Function to be performed:	To appoint a person to be the deputy of the local government.
Power to appoint:	Health Act 1911 s26 Powers of Local Government
Date of Appointment:	25 February 2015 D15/8364[v2]
Appointment of :	Peter McKenzie, Manager Environmental Health Services

1.2 Health Act 1911 - Appointment of environmental health officers	
Function to be performed:	To appoint Environmental Health Officers of the local government
Power to appoint:	Health Act 1911 s27 (1) Officers of Local Government
Date of Appointment:	25 February 2015 D15/8364[v2] August 2015 Resolution 535 September 2015 Resolution 570
Appointment of:	Peter McKenzie Manager Environmental Health Services Christopher Tanner Coordinator Environmental Health and Waste Services Vicky Chui Coordinator Environmental Health (Health and Food Safety) Gladys Nyashanu Environmental Health Officer Jarod Griffiths Environmental Health Officer Louis DeKlerk Environmental Health Officer
Special Requirements:	Health Act 1911 s28 (1) Appointments to be approved by Executive Director Public Health

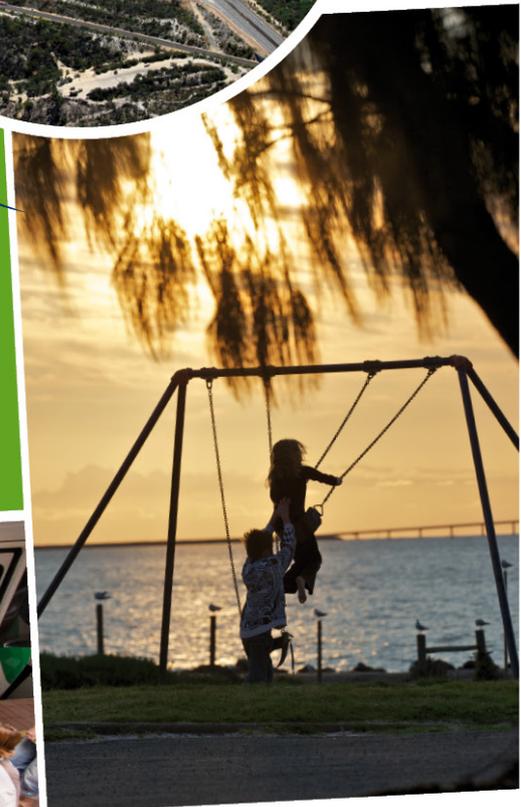
1.3 Caravan Parks and Camping Grounds Act 1995 – Appointment of authorised persons	
Function to be performed:	Appointment of such persons to be Authorised Persons for the purposes of this Act.
Power to appoint:	Caravan Parks and Camping Grounds Act 1995 s17(1) Appointment of Authorised Persons
Date of Appointment:	25 February 2015 D15/8364[v2]
Appointment of:	<p>For the purposes of Division 1 of Part 2 and Sections 22, 23(3), 23(5) and 23(7) of the Caravan Parks and Camping Grounds Act 1995:</p> <p style="padding-left: 40px;">Director City Living Director Corporate and Engineering Services Principal Building Surveyor Manager Environmental Health Services Manager Essential Services.</p> <p>For the purposes of section 23(2) of the Caravan Parks and Camping Grounds Act 1995:</p> <p style="padding-left: 40px;">Coordinator Environmental Health and Waste Services All Environmental Health Officers All Building Surveyors Coordinator City Assist Senior City Assist Officer All City Assist Officers</p>
Special Requirements:	<p>Caravan Parks and Camping Grounds Act 1995: s17(2) authorised person is to produce the identity card whenever required to do so.</p> <p>Caravan Parks and Camping Grounds Regulations 1997 Regulation 68 ; Schedule 1, Division 1 Identity Card to be in prescribed form - Form 5</p>

1.4 Control of Vehicles (Off-Road Areas) Act 1978- Appointment of authorised officers																									
Function to be performed:	Appointment of such persons to be Authorised Persons for the purposes of this Act.																								
Power to appoint:	Control of Vehicles (Off-Road Areas) Act 1978 s38(3)(a) employees of Local Government																								
Date of Appointment:	24 June 2015 Resolution #500																								
Appointment of:	<table border="0"> <tr> <td>Joanne Abbiss</td> <td>Chief Executive Officer</td> </tr> <tr> <td>Errol Lawrence</td> <td>Director Corporate and Engineering Services</td> </tr> <tr> <td>Clinton Venables</td> <td>Manager Essential Services</td> </tr> <tr> <td>Cecil Wells</td> <td>Coordinator City Assist</td> </tr> <tr> <td>Christoph Matzen</td> <td>Senior City Assist Officer</td> </tr> <tr> <td>Brad Casserly</td> <td>City Assist Officer</td> </tr> <tr> <td>Rodney De San Miguel</td> <td>City Assist Officer</td> </tr> <tr> <td>Trevor Jones</td> <td>City Assist Officer</td> </tr> <tr> <td>Ian Abel</td> <td>City Assist Officer</td> </tr> <tr> <td>Kieran Togher</td> <td>City Assist Officer</td> </tr> <tr> <td>Paul Lucas</td> <td>City Assist Officer</td> </tr> <tr> <td>Mark Allies</td> <td>City Assist Officer</td> </tr> </table>	Joanne Abbiss	Chief Executive Officer	Errol Lawrence	Director Corporate and Engineering Services	Clinton Venables	Manager Essential Services	Cecil Wells	Coordinator City Assist	Christoph Matzen	Senior City Assist Officer	Brad Casserly	City Assist Officer	Rodney De San Miguel	City Assist Officer	Trevor Jones	City Assist Officer	Ian Abel	City Assist Officer	Kieran Togher	City Assist Officer	Paul Lucas	City Assist Officer	Mark Allies	City Assist Officer
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Special Requirements:	Control of Vehicles (Off-Road Areas) Act 1978 s38(4) A person who is appointed as an authorised officer pursuant to subsection (2) or subsection (3) — (d) shall be issued with a certificate of his appointment as an authorised officer in the prescribed form, evidencing the area of jurisdiction entrusted to him under this Act, which he shall, on reasonable demand, produce for inspection by any person.																								

1.5 Town of Kwinana Town Planning Scheme – Power of entry

Function to be performed:	Appointment of such persons to be authorised for the purposes of entering into any building or onto any land for the purposes of ascertaining whether the provisions of the scheme are being served.																																																		
Power to appoint:	Town of Kwinana Town Planning Scheme No 2 Clause 8.1(c) Powers of the scheme																																																		
Date of Appointment:																																																			
Appointment of:	<table border="0"> <tr> <td>Paul Neilson</td> <td>Director City Development</td> </tr> <tr> <td>Brenton Scambler</td> <td>Coordinator Statutory Planning</td> </tr> <tr> <td>Felicitas Dhliwayo</td> <td>Senior Planning Officer</td> </tr> <tr> <td>Janni Curtis</td> <td>Planning Officer</td> </tr> <tr> <td>Gary Williams</td> <td>Planning Officer</td> </tr> <tr> <td>Belinda Hill</td> <td>Planning Officer</td> </tr> <tr> <td>Adam Prestige</td> <td>Planning Officer</td> </tr> <tr> <td>Jessica Birbeck</td> <td>Planning Officer</td> </tr> <tr> <td>Louis DeKlerk</td> <td>Planning Compliance Officer</td> </tr> <tr> <td>Vacant</td> <td>Planning Compliance Technical Officer</td> </tr> <tr> <td>Peter McKenzie</td> <td>Manager Environmental Health Services</td> </tr> <tr> <td>Chris Tanner</td> <td>Coordinator Environmental Health and Waste Services</td> </tr> <tr> <td>Vicki Chui</td> <td>Coordinator Environmental Health (Health and Food Safety)</td> </tr> <tr> <td>Gladys Nyashanu</td> <td>Environmental Health Officer</td> </tr> <tr> <td>Jarrod Griffiths</td> <td>Environmental Health Officer</td> </tr> <tr> <td>Clinton Venables</td> <td>Manager Essential Services</td> </tr> <tr> <td>Cecil Wells</td> <td>Coordinator City Assist</td> </tr> <tr> <td>Christoph Matzen</td> <td>Senior City Assist Officer</td> </tr> <tr> <td>Brad Casserly</td> <td>City Assist Officer</td> </tr> <tr> <td>Rodney De San Miguel</td> <td>City Assist Officer</td> </tr> <tr> <td>Trevor Jones</td> <td>City Assist Officer</td> </tr> <tr> <td>Ian Abel</td> <td>City Assist Officer</td> </tr> <tr> <td>Kieran Togher</td> <td>City Assist Officer</td> </tr> <tr> <td>Paul Lucas</td> <td>City Assist Officer</td> </tr> <tr> <td>Mark Allies</td> <td>City Assist Officer</td> </tr> </table>	Paul Neilson	Director City Development	Brenton Scambler	Coordinator Statutory Planning	Felicitas Dhliwayo	Senior Planning Officer	Janni Curtis	Planning Officer	Gary Williams	Planning Officer	Belinda Hill	Planning Officer	Adam Prestige	Planning Officer	Jessica Birbeck	Planning Officer	Louis DeKlerk	Planning Compliance Officer	Vacant	Planning Compliance Technical Officer	Peter McKenzie	Manager Environmental Health Services	Chris Tanner	Coordinator Environmental Health and Waste Services	Vicki Chui	Coordinator Environmental Health (Health and Food Safety)	Gladys Nyashanu	Environmental Health Officer	Jarrod Griffiths	Environmental Health Officer	Clinton Venables	Manager Essential Services	Cecil Wells	Coordinator City Assist	Christoph Matzen	Senior City Assist Officer	Brad Casserly	City Assist Officer	Rodney De San Miguel	City Assist Officer	Trevor Jones	City Assist Officer	Ian Abel	City Assist Officer	Kieran Togher	City Assist Officer	Paul Lucas	City Assist Officer	Mark Allies	City Assist Officer
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Special Requirements:	Nil																																																		

Register of Delegated Authority Local Government to Chief Executive Officer and Officers 2015



INTRODUCTION

Purpose of Delegating Authority

The aim of delegating is to appoint another person to exercise a power or discharge a duty to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

Where a person has been granted a delegation, any exercising of a power and discharging of a duty must be recorded in the delegation register. The delegation register record is to contain the following information:

- 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 (*Local Government (Administration) Regulations* 1996 Regulation 19).

Teams responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.

This delegated authority register will be reviewed in accordance with the Act on an annual basis. The coordination of the review will be performed through the Governance and Marketing Directorate.

Legislation

The Local Government Act 1995 (the Act) allows for a local government (Council) 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 except those listed in section 5.43. All delegations made by the Council must be by absolute majority decision (s5.42(1)).

Associated Legislation

Delegations or authorisations may occur under legislation other than the Local Government Act, its regulations and the local government's local laws including:

- Planning and Development Act 2005 including regulations;
- Dog Act 1976 and regulations;
- Bush Fires Act 1954, regulations and local law created under that Act;
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provisions) 1960 as amended;
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations;

NB – This is not an exhaustive list.

Matters which cannot be Delegated

The following cannot be delegated by Council to the Chief Executive Officer under the *Local Government Act 1995* (section 5.43);

- any power or duty that requires a decision of an absolute majority or special (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, 5.98A, 5.99A, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of any 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.

Delegation by the Chief Executive Officer

The Act allows for the Chief Executive Officer to delegate powers to another employee (s5.44 (4)). This must be done in writing and, if desired, the delegation can be subject to conditions. There is no power for a person other than the Chief Executive Officer to delegate a power. When an employee is "acting" in a position they are deemed to be authorised under those delegations relevant to that position.

Acting through another Person

Where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept (s5.45(2)). Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for a person to have that authority.

The difference between a delegated authority to exercise a discretion on behalf of the City and acting through another person to undertake a function on behalf of the City where no discretion exists is reinforced by Section 56 of the *Interpretation Act 1984* which states –

56. "May" imports discretion, "shall" is imperative

- (1) *Where in a written law the word "**may**" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) *Where in a written law the word "**shall**" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

Powers under the Act that could have been Delegated

The following sections of the Act allow for the function to be delegated to another person, however functions are not recommended to be delegated as due to their significance it is considered that they are most appropriately exercised by the Council:

Section in Local Government Act 1995	Function of the Local Government
3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management
3.54(1)	A local government may do anything it could do under the Parks and Reserves Act 1895 if it were a Board appointed under the Act, to control and manage any land reserved under the control and management of the local government
5.27(2)	Discretion on calling (i.e. setting date) of the General Meeting of electors in accordance with section 5.27(2)
5.37(1)	A local government may designate employees to be senior employees
6.26(3)	If Co-operative Bulk Handling Ltd and a local government cannot reach an agreement under section 6.26(2)(i), the local government may refer the matter to the Minister for determination
Section 2.2 Schedule 2.2 4(1)	A local government must consider any submission about ward changes made under clause 3
Section 2.2 Schedule 2.2 6	A local government which is not divided into wards may carry out reviews as to whether the district should be divided into wards and if so boundaries and number of councillors for each ward

Section in Regulations	Function of the Local Government
Local Government (Administration) Regulations 1996 19C(6)	A local government may modify its strategic community plan, including extending the period the plan is made in respect of
Local Government (Administration) Regulations 1996 29A(2)	Information that is confidential but that, under section 5.95(7), may be available for inspection if a local government so resolves

Delegations from other Agencies and Instruments of Delegation or Other Acts

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers, no delegation is required from the local government for example: *the Environmental Protection Act allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.*

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

The details of these delegations are set out below and updated from time to time.

Department - Legislation	Notice Details / Conditions If Any
<p>Department of Environment</p> <p><i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection (Noise) Regulations 1997</i></p> <p><i>Pursuant to 20 Environmental Protection Act 1986 to the holder of the offices listed.</i></p>	<p>Government Gazette WA dated 16 May 2014 Delegation Number: 119 EV405*</p> <p>Delegation to:</p> <ul style="list-style-type: none"> a) CEO under Local Government Act; and b) Employee of local government, appointed as Authorised Person under s87 of the Act <p>All powers and duties in relation to noise management plans under Regulation 13 of <i>Environmental Protection (Noise) Regulations 1997</i> * other than power of delegation</p>
<p>Department of Environment</p> <p><i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection (Noise) Regulations 1997</i></p> <p><i>Pursuant to 20 Environmental Protection Act 1986 to the holder of the offices listed.</i></p>	<p>Government Gazette WA dated 22 June 2007 Delegation Number: 68 EV401*</p> <p>Delegation to the CEO under <i>Local Government Act</i>,</p> <p>Powers and duties in relation to noise management plans under Regulation 13 of <i>Environmental Protection (Noise) Regulations 1997</i> in relation to:</p> <ul style="list-style-type: none"> a) Requesting the keeping of a log recording the date, time and duration of all bell ringing or amplified calls to worship under regulation 15; b) Preparation, service, amendment and revocation of noise control notices under regulation 16; c) Requesting details of calibration laboratory, under regulation 23; and d) Approval of non-complying events under regulation subject to the following limitation – sub regulation 18(13) is NOT delegated.

Department - Legislation	Notice Details / Conditions If Any
<p><i>Planning and Development Act 2005</i></p> <p><i>In accordance with section 16 Planning and Development Act 2005</i></p> <p><i>By Resolution of WA Planning Commission (WAPC) any function may be delegated to a local government, or an employee of the local government</i></p>	<p>Government Gazette WA dated 4 February 2011 Delegation Number: 2011/01 - PL408*</p> <p><i>Powers of Local Governments (Hope Valley-Wattleup Redevelopment Act 2000 and Master Plan)</i></p> <p>Powers and functions in accordance with the Instrument of Delegation – Schedule 1</p> <ul style="list-style-type: none"> ▪ Council of Town of Kwinana ▪ Chief Executive Officer ▪ Director of Operational and Technical Services ▪ Manager of Planning and Development
<p>Western Australian Planning Commission</p> <p><i>Planning and Development Act 2005</i></p> <p>Pursuant to section 16 of the Act (delegation) WAPC resolved on 26 May 2009 –</p>	<p>Government Gazette WA dated 9 June 2009 Delegation Number: DEL 2009/03 - PI409*</p> <p><i>Strata Titles Act 1985</i></p> <p>a) To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 25 of the Strata Titles Act 1985 as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.</p>
<p>Western Australian Planning Commission</p> <p><i>Planning and Development Act 2005</i></p> <p>Pursuant to section 16 of the Act (delegation) WAPC Resolved on 15 December 2015 –</p>	<p>Government Gazette WA dated 18 December 2015 Delegation Number: DEL 2015/02 - PL403</p> <p>a) Delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;</p> <p>b) Revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the Government Gazette on 10 June 2014, to give effect to this delegation.</p>

Department - Legislation	Notice Details / Conditions If Any
<p>Biosecurity and Agriculture Management Act 2007</p> <p>Pursuant to Section 162(2) and (4) – Appointment of Inspectors</p>	<p>To be appointed an Inspector for the purpose of the Biosecurity and Agriculture Management (Stable Fly) Management Plan 2013 in the local government district of Kwinana</p> <p>s162(2) The Director General may, by instrument in writing, appoint a person as an inspector.</p> <p>s162(4) The appointment of an inspector may specify that the appointment is subject to conditions or restrictions relating to –</p> <ul style="list-style-type: none"> (a) the functions that may be performed by the inspector: or (b) when, where and in what circumstances the inspector may perform the functions of an inspector.
<p>Freedom of Information Act 1992</p> <p>Pursuant to Section 100 - Who in agency makes its decisions</p>	<p>Glossary</p> <p>1. Terms used</p> <p>principal officer of an agency means —</p> <p>(c) in relation to a local government — the chief executive officer of the local government;</p> <p>s100(1) Decisions made under this Act by an agency are to be made by —</p> <ul style="list-style-type: none"> (a) the principal officer of the agency; or (b) an officer of the agency directed by the principal officer, <p>for that purpose, either generally or in a particular case.</p>

CITY OF KWINANA DELEGATED AUTHORITY REGISTER

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PART 1

GOVERNANCE AND ADMINISTRATION

1.1 Appointment of Authorised Persons – Local Government Act 1995	
Function to be performed:	The authority to appoint persons or classes of persons to be authorised for the purpose of performing particular functions pursuant to the <i>Local Government Act 1995</i> and to issue a certificate to persons so appointed that states that the person is authorised for that purpose.
Legislative power or duty delegated:	<p>Local Government Act 1995 - Part 9, Division 2 s9.10 Appointment of authorised persons</p> <p>Local Government Act 1995 - Part 3, Division 3 s3.24 Authorising persons under this Subdivision s3.39 Power to remove and impound s3.40A Abandoned vehicle wreck may be taken s3.48 Power to recover expenses incurred (s3.39) when offender convicted</p>
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. A Certificate of Authorisation is to be issued to each authorised person stating the authority that has been granted; 2. The circumstances in which the authority can be exercised or discharged; and 3. The Certificate of Authorisation is to be produced by the authorised person as required.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; 2. A copy of the Certificate of Authorisation for each authorised person to be retained by the City; and 3. Each Certificate of Authorisation is to be reviewed and updated annually.

1.2 Execution of Documents	
Function to be performed:	Authorised to sign documents on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.3 Approval of the Cash Advance or Reimbursement of Expenses	
Function to be performed:	Approve payment to a person as a cash advance or an expense that the person is entitled to be reimbursed for.
Legislative power or duty delegated:	Local Government Act 1995 - Part 5, Division 3 s5.98 Fees etc. for council members; s5.101 Payments for employee committee members; s5.102 Expense may be funded before actually incurred; Local Government (Administration) Regulations 1996 – Part 8 r32 Expenses that can be approved for reimbursement
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The expenses incurred are in respect to an expense for which the person is entitled to be reimbursed, subject to Part 5, Division 8 of the <i>Local Government Act 1995</i>; and 2. The payment request is submitted and authorised in accordance with the City's policies and work procedures.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.4 Authorisation of Legal Expenses in an Emergency – Elected Members and Officers	
Function to be performed:	To authorise an application for financial assistance for legal expenses by Elected Members and Officers in an emergency.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 4 s6.7 Municipal Fund
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The delegation is only applicable where a delay in the approval of an application would be detrimental to the legal rights of the applicant; 2. The amount approved is to a maximum of \$10,000 in respect of each application; 3. All approved applications are to be presented to the next Ordinary Council Meeting; and 4. The delegation is exercised in conjunction with Council’s current policy regarding legal representation for Elected Members and Officers.
Statutory Power to sub-delegate:	This authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. The approved application to be reported at the next Ordinary Council Meeting.

1.5 Action, Notices, Proceedings, Prosecutions and Withdrawals – Local Government Act 1995	
Function to be performed:	The taking of any action, serving of notice or otherwise, commencement of legal proceedings or prosecution on behalf of the City of Kwinana.
Legislative power or duty delegated:	The exercise of any powers, the enforcement of any statutory provisions or the protection of any legal interests under the Local Government Act 1995 and Regulations and the City of Kwinana Local Laws.
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.6 Scrutiny of the affairs of local government	
Function to be performed:	Authority to provide information to the Minister, give advice of what actions the local government has or will do to comply with an enquiry from the Minister, a person authorised by the Minister or to comply with an Inquiry Panel's report within the specified timeframes.
Legislative power or duty delegated:	Local Government Act 1995 – Part 8, Division 1 s8.2(2); s8.14(3) and s8.23(4) - Inquiries by the Minister or an authorised person
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.7 Administration of Leases– Banksia Park Retirement Estate	
Function to be performed:	Authorised to sign documents in relation to the administration of leases for Banksia Park Retirement Estate on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	The CEO is authorised to sign lease documents for Banksia Park Retirement Estate which includes new leases and Deeds of Surrender.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 3. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 4. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.8 Appointment of Proxies – Strata Meetings	
Function to be performed:	Authorised to nominate City of Kwinana employees as Proxies when required to attend strata meetings and vote on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 5, Division 4 s5.41(i) Functions of CEO
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Appoint proxies to vote on behalf of the City of Kwinana when required to attend strata meetings. 2. Proxies must vote in a manner that is consistent with any existing Council decision and must not vote in favour of motions that are outside the budget allocation. 3. If the matter exceeds the budget allocated, then this must be referred to Council for a decision.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.9 Appointment of Proxies – Meeting of Creditors	
Function to be performed:	Authorised to nominate City of Kwinana employees as Proxies when required to attend Meetings of Creditors and vote on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 5, Division 4 s5.41(i) Functions of CEO
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Appoint proxies to vote on behalf of the City of Kwinana when required to attend Meetings of Creditors. 2. Proxies must vote in a manner that is consistent with any existing Council decision and must not vote in favour of motions that are outside the budget allocation. 3. If the matter exceeds the budget allocated, then this must be referred to Council for a decision.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.10 Sponsorship and Grant Applications, Agreements and Acquittals	
Function to be performed:	Authorised to sign sponsorship or grant applications, agreements and acquittals on behalf of the City of Kwinana.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The CEO is authorised to apply for and execute sponsorship and grant agreements where the City's contribution component falls within budget, or is consistent with a Council resolution to consider a budget allocation in a future budget, or relates to a future project that forms part of a forward works program. 2. Any additional contribution funds required in excess of the City's budget amount will require a budget variation to be approved by Council before the CEO can exercise this delegation.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

1.11 Action, Notices, Proceedings, Prosecutions and Withdrawals – any other written law	
Function to be performed:	The taking of any action, serving or withdrawal of a notice or otherwise, commencement of legal proceedings or prosecution on behalf of the City of Kwinana.
Legislative power or duty delegated:	The exercise of any powers, the enforcement of any statutory provisions or the protection of any legal interests under any other written law (other than the Local Government Act 1995 and Regulations and the City of Kwinana Local Laws which is covered by a separate delegation) for which the local government has responsibility.
Legislative Power to Delegate:	As determined by the Act under which the function is to be performed.
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	As determined by the Act under which the function is to be performed. A memorandum to Elected Members in the event of intention to enter into prosecution if the amount is over \$50,000.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees. As determined by the Act under which the function is to be performed.
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.12 Authorisation of community funding	
Function to be performed:	To approve an application for funding under the Community Funding Policy.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 4 s6.7 Municipal Fund
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	16 December 2015 Council resolution #084
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Where Council have delegated the funding opportunity to the Chief Executive Officer or delegated officer, that the approval is to a be: <ol style="list-style-type: none"> 1. in accordance with the relevant funding opportunity as specified in Council’s Community Funding Policy; and 2. within budget allocation.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees.
Reporting Requirements:	1. Any exercise of this delegation is to be recorded in the Delegated Authority Register.

PART 2

CORPORATE AND FINANCE

2.1 Objections to the Rates Record	
Function to be performed:	Authority to make decisions regarding objections to the rates record including extending the time for a person to make an objection and following consideration, make a decision whether to allow or disallow the objection, either wholly or in part.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 6 s6.76(4),(5) Grounds of objection
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 8 March 2015 D15/8358[v2] Council Resolution #429
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Objection to be received within the required timeframe identifying all relevant information as required by s6.76(2), unless an application for extension has been granted (4); 2. Objection is to be considered promptly; 3. Written notice of the decision, including a statement of the reasons for the decision to be promptly served on the person who has made the objection; and 4. Objections that are allowed must not exceed \$50,000 in lost revenue per property per financial year. Amounts greater than this must be referred to Council for determination. 5. Amendments to the rate record must be within budget. 6. Amendments to the rate record must not exceed \$50,000 in lost or increased revenue per property. Amounts greater than this must be referred to Council for determination.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees

Reporting Requirements:	<ol style="list-style-type: none">1. Any exercise of this delegation is to be recorded in the Delegated Authority Register;2. The full details of the decision made under this delegation are to be recorded in the rate record; and3. Notice to be provided to the person of the decision made.
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2.2 Recovery of Rates and Services Charges from Lessee	
Function to be performed:	Authorises the recovery of rent to offset an unpaid rate or service charge from the lessee of land.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 6 Rates and service charges s6.56(1) Rates or service charges recoverable in court s6.60 Local government may require lessee to pay rent
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Recovery action is in accordance with Section 6.60 of the Local Government Act 1995; 2. Recovery action is in accordance with the City's policies and work procedures.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. The full details of the decision and actions taken under this delegation to be recorded on the rate record.

2.3 Recovery and Actions against Land where Rates or Service Charges are Unpaid	
Function to be performed:	Authorised to recover outstanding rates or services charges, as well as the cost of proceedings for recovery in Court or any action against the land that is required.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 6 Rates and service charges s6.56 Rates or service charges recoverable in court s6.64 Actions to be taken
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The recovery action is taken in accordance with sections 6.64(3), 6.69(2), 6.71(1) (subject to conditions set out in the disposal of property delegations limits), and 6.74 of the Local Government Act 1995; 2. The recovery action is taken in accordance with the regulation 77(3) of the Local Government (Financial Management) Regulations 1996; and 3. Recovery and actions is in accordance with the City's policies and work procedures.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. The full details of the decision made under this delegation are to be recorded in the rate record.

2.4 Payments from Municipal and Trust Funds	
Function to be performed:	To make payments from the municipal fund or the trust fund.
Legislative power or duty delegated:	Local Government (Financial Management) Regulations 1996 r12(1)(a) Payments from municipal fund or trust fund Local Government Act 1995 - Part 6, Division 4 s6.9(4) Trust Fund
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Ensure efficient systems and procedures record the accounts and records of transactions in accordance with Regulation 5 of the Local Government (Financial Management) Regulations 1996; and 2. May transfer money held in trust for 10 years to its municipal fund. Authorised to approve to repay it to a person who establishes a right to the repayment, together with any interest earned on the investment - 6.9(4) Trust Fund.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. A list of accounts paid by the CEO from the municipal fund and trust fund under this delegation is to be presented to Council each month.

2.5 Power to Invest	
Function to be performed:	Authority to invest money in the municipal fund or the trust fund that is not for the time being, required.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 4 s6.14(1) Power to invest
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Must establish, document and adhere to internal control procedures and the relevant Council policies to ensure control over investments; 2. In accordance with Regulation 19 of the Local Government (Financial Management) Regulations 1996; and 3. In accordance with section 20 of the Trustees Act 1962.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; 2. An investment report must be presented to each monthly Council meeting including the details of investments in accordance with the investment control procedures that have been established.

2.6 Expressions of Interest and Tenders for Supply of Goods and Services	
Function to be performed:	<ol style="list-style-type: none"> 1. Authority to establish criteria for, invite, consider, seek clarification on and determine expressions of interest and tenders for the supply of goods and services; and 2. Authority to negotiate and execute related contracts including minor variations.
Legislative power or duty delegated:	<p>Local Government Act 1995 Part 3, Division 3 s3.57 Tenders for providing goods or services</p> <p>Local Government (Functions and General) Regulations 1996 r11 When tenders have to be publicly invited r13 Requirements when local government invites tenders though not required to do so r14(2a) & (5) Requirements for publicly inviting tenders r18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r20 Variation of requirements before entry into contract r21 Procedure for limiting who can tender r23 Rejecting and accepting expressions of interest to be an acceptable tenderer</p>
Legislative Power to Delegate:	<p>Local Government Act 1995 s5.42 Delegation of some powers to the CEO</p>
Date Delegation made or reviewed:	<p>November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 24 June 2015 Resolution #503</p>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Where there is a budget provision up to a value of \$1,000,000; or 2. Where a multiple year contract (including extension thereof) up to a total value of \$1,875,000; and 3. In accordance with the requirements of the <ul style="list-style-type: none"> - Local Government Act 1995; - Local Government (Financial Management) Regulations 1996; and - Council's policies and work procedures. 4. Where the budget has not been adopted, the Chief Executive Officer can perform all functions outlined in this delegation with the exception of determining a tender, so long as in the specifications of the invitation to tender, it includes a provision that states that this tender will only be awarded subject to the

	budget being adopted by Council.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Details recorded in the Tender Register.

2.7 Disposing of Property	
Function to be performed:	Dispose of property by public auction, public tender or in accordance with other methods deemed acceptable under the <i>Local Government Act 1995</i> and <i>Local Government (Functions and General) Regulations 1996</i> .
Legislative power or duty delegated:	Local Government Act 1995 - Part 3, Division 3 s3.58 Disposing of property s3.47 Disposal of confiscated or uncollected goods
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 August 2015 Resolution 551
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The disposal is included in the City's Annual Budget or by Council Resolution. 2. The disposal must be in accordance with section 3.58 of the Local Government Act 1995. 3. The disposal must be in accordance with regulation 30 of the Local Government (Functions and General) Regulations 1996. 4. In the case of disposal of land, the intended sale price being greater than or equal to the valuation; 5. For the purposes of the administration of leases, exercise any option(s) available under the lease for established leases. 6. Plant and equipment, not identified in the City's Annual Budget, with a written down value of less than \$10,000 that has been lost, or is no longer used or serves no other purpose, may be removed from the asset register and disposed of.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Details of any tender to be recorded and maintained in the Tender Register and available for public inspection.

2.8 Write Off, Grant a Concession or Authorise a Waiver for Monies Owning	
Function to be performed:	To write off, grant a concession or authorise a waiver in relation to any amount of money that it is owed to the local government
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 4 s6.12(1)(b) waive or grant concessions in relation to any amount of money; or s6.12 (1)(c) write off any amount of money, which is owed to the Local Government s6.12(3) the grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	This delegation is subject to section 6.12(2) of the Local Government Act 1995, which specifies that a local government cannot grant a waiver or concession for a rate or service charge. The CEO's delegated authority is subject to the following limitations: 1. A write off of the debt incurred as a result of an administrative error on behalf of the City not exceeding \$10,000; 2. Any grant of concession or waiver not exceeding \$1,000 per occurrence; and 3. Any write off of a debt, not being due to an administrative error, for debts not exceeding \$1,000.
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. The full details of the waiver, concession or write off to be recorded on the appropriate financial record.

PART 3

BUILDING AND DEVELOPMENT

3.1 Building Act 2011 – Powers and Duties	
Function to be performed:	Authorised to exercise and discharge all or any of the powers and duties of the local government as a permit authority under the <i>Building Act 2011</i> .
Legislative power or duty delegated:	All powers and duties exercised by the Local Government as a permit authority under the <i>Building Act 2011</i> .
Legislative Power to Delegate:	Building Act 2011 s127 A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.
Date Delegation made or reviewed:	November 14 2012 Resolution 234 December 12 2012 Resolution 258 February 2015 D15/8358 May 2015 Resolution 475 August 2015 Resolution 551
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	Building Act 2011, s127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

3.2 Subdivision and Development Control

<p>Function to be performed:</p>	<p>Authority to:</p> <ol style="list-style-type: none"> 1 Determine applications for Planning Approval in regards to development including change of use and variations to development standards; 2 Make objections or recommendations in respect of Subdivision Applications to the West Australian Planning Commission, including recommendations for the imposition of subdivision conditions; 3 Make recommendations for approval or refusal of development within Planning Control Areas; and 4 Determine applications for variations to previously approved Planning Applications 								
<p>Legislative power or duty delegated:</p>	<p>Town of Kwinana Town Planning Scheme No. 2 – clause 2.6 Town of Kwinana Town Planning Scheme No. 3 - clause 1.7 Part II – Planning Approval</p> <p>Planning & Development Act 2005 Part 7 Planning Control Areas Part 8 Improvement Plans and Schemes Part 13 Enforcement and Legal Proceedings</p>								
<p>Legislative Power to Delegate:</p>	<p>Town of Kwinana Town Planning Scheme No. 2 cl. 2.6 Delegations Town of Kwinana Town Planning Scheme No. 3 cl.1.7 Relationship to the Operative TPS</p>								
<p>Date Delegation made or reviewed:</p>	<table border="0"> <tr> <td>November 2011</td> <td>D11/90333</td> </tr> <tr> <td>December 2012</td> <td>D12/77148</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> <tr> <td>August 2015</td> <td>Resolution 551</td> </tr> </table>	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358	August 2015	Resolution 551
November 2011	D11/90333								
December 2012	D12/77148								
February 2015	D15/8358								
August 2015	Resolution 551								
<p>Delegation to:</p>	<p>Director City Development Co-Coordinator Statutory Planning Senior Statutory Planner</p>								

<p>Conditions and Exceptions:</p>	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The authority is only to be exercised for those uses or other applications specified in: <p style="text-align: center;"><i>Table 1 - Use Classes; and Table 1A Use Classes for Other Applications.</i> (attached)</p> 2. May determine variations to Planning Applications including Planning Applications previously approved by resolution of Council, that are of a minor nature and if amended, would not substantially change the development approved and for which no objection has been received during advertising (if applicable). <p>Exceptions: Excluding <u>variations</u> to Planning Applications as stated in Condition (2) above, this delegation does not include the following:</p> <ul style="list-style-type: none"> • The acceptance of mediated outcomes or determinations of s31 reconsiderations for appeals lodged with the State Administrative Tribunal • Local Development Plans • Local Planning Policies including amendments • Major development within the Town Centre
<p>Reporting Requirements:</p>	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register. 2. In relation to Condition (2) above, any variation to a Planning Approval for which a prior resolution by Council applies, must be preceded by a memo to Council prior to any determination being made.

Table 1. – Use Classes

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Aged/Dependent Persons Dwelling	D	D					D					D	
Ancillary Accommodation	D						D		D	D		D	Provided Compliance With LPP 3.3.30
Amenity Building	D	D	D	D	D	D	D	D				D	
Amusement Centre		D	D	D			D					D	
Aqua Culture							D						
Boat Sales			D	D	D	D							
Boatel					D	D							
Bus Station					D								
Car Park	D	D	D		D	D	D	D				D	
Caravan park						D	D	D					
Caretakers House/Flat	D	D	D	D	D	D	D	D					Where Incidental to Existing Use
Chicken farm							D						
Child Care Centre	D	D										D	
Civic Building		D	D	D		D						D	
Club		D	D									D	
Commercial Hall		D	D	D								D	
Consultation Rooms		D	D			D						D	
Dog Kennels						D	D						
Drive-in Takeaway Food Shop		D				D						D	
Drive-In Theatre						D						D	
Dry Cleaning Premises		D	D	D		D							
Eating House	D	D	D		D	D						D	Where no objection received during advertising

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Educational Establishment	D	D			D	D	D					D	
Equestrian uses							D			D			Provided No Clearing of vegetation is required Outside Building Envelopes and consistent with scheme TPS 2
Extractive Industry					D	D	D	D					
Factory Units				D	D	D							
Family Day Care centre	D	D	D		D	D	D	D				D	
Fish Shop		D	D									D	
Forestry (selective)							D	D					
Fuel Depot			D		D	D		D					
Funeral parlour		D	D	D	D	D	D					D	
General Industry					D			D					
Grouped Dwelling	D	D											
Hazardous Industry					D								Where no objection received during advertising
Health Centre		D	D		D	D							
Health Studio	D	D	D		D	D						D	
Holiday Accommodation				D		D	D	D					
Home Occupation	D	D					D		D	D		D	
Hospital	D	D	D	D		D	D	D				D	Where no objection received during advertising
Hotel		D		D								D	Where no objection received during advertising
Intensive Agriculture							D						
Laundry (Industrial)			D	D	D	D							
Laundrette		D	D	D		D						D	
Licensed Restaurant	D	D	D			D						D	Where no objection received during advertising

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Light Industry					D	D		D					
Liquor Sore		D	D	D								D	
Local Shop	D	D	D	D	D	D	D					D	Where no objection received during advertising
Lodging House	D	D				D						D	
Marina					D	D							
Medical Clinic	D	D	D	D		D	D					D	Where no objection received during advertising
Motel	D	D	D	D									Where no objection received during advertising
Motor Racing Track			D		D		D						
Motor Repair Station		D	D		D	D						D	
Multiple Dwelling	D	D										D	
Museum	D	D	D									D	
Non-residential Health Centre	D	D	D	D	D	D						D	Where no objection received during advertising
Noxious Industry					D								Where no objection received during advertising
Office		D	D	D	D	D						D	
Open Air Display		D	D	D	D	D						D	
Open Air Storage Yard				D	D	D							
Petrol Filling Station		D	D	D	D	D		D				D	
Piggery					D		D						Where no objection received during advertising
Private Hotel		D	D	D								D	
Private Recreation		D	D	D		D	D					D	
Private Utility	D	D	D	D	D	D	D	D				D	
Professional Office		D	D	D								D	
Public Amusement	D	D	D	D			D	D				D	Where no objection received during advertising

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Public Assembly – Place of	D	D	D	D	D	D	D					D	Where no objection received during advertising
Public Recreation	D	D	D	D	D	D	D	D				D	
Public Utility	D	D	D	D	D	D	D	D	D	D	D	D	
Public Worship	D	D	D	D	D	D	D	D				D	Where no objection received during advertising
Recreation facilities	D	D	D	D	D	D	D	D				D	
Residential Building	D						D		D	D		D	
Restricted Premises		D	D	D		D						D	Where no objection received during advertising
Retail Plant Nurseries		D	D	D		D	D						Where no objection received during advertising
Rural Industry					D	D	D	D					
Rural Produce Stall							D						
Service Industry		D	D	D	D	D						D	Where no objection received during advertising
Service Station		D	D	D	D	D						D	
Shop		D		D								D	
Showroom,		D	D	D	D	D						D	
Single House	D	D	D		D	D	D		D	D	D	D	
Stables							D	D		D			
Tailing Ponds								D					
Tavern		D	D	D								D	
Telecommunication Infrastructure	D	D	D	D	D	D	D	D				D	Where no objection received during advertising
Trade Display		D	D	D	D	D						D	
Transport Depot				D	D	D		D					
Vehicles Sales		D	D	D		D						D	

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Vehicle Wreckers					D	D							
Veterinary Clinic	D	D	D	D	D	D	D					D	Where no objection received during advertising
Veterinary Hospital			D	D	D	D	D					D	
Warehouse		D	D	D	D	D						D	

Table 1A

Use Classes for Other Applications

USE CLASS	Residential	Commercial	Service Commercial	Mixed Business 1	General Industry	Light Industry	Rural A	Rural B	Special Residential	Special Rural	Special use	Town centre	COMMENTS
Other Applications													
Amalgamation	D	D	D	D	D	D	D	D	D	D	D	D	
Antennae (attached to building <5m height)	D	D	D	D	D	D	D	D	D	D	D	D	
Building Envelope Variations									D	D			In accordance with TPS No. 2
Satellite Dishes	D	D	D		D	D	D	D	D	D	D	D	In accordance with TPS No.2
Second Storey Addition	D						D		D	D			
Setback Variation		D	D		D	D						D	
Signs	D	D	D	D	D	D	D	D	D	D		D	Provided compliance with Local Law
Subdivision (Freehold/Strata)	D	D	D	D	D	D	D	D	D	D		D	
Vegetation removal (Diseased or Dangerous)							D		D	D			
Verandahs (within road reserves)		D										D	

3.3 Entering into Legal Agreements in accordance with Planning Policy Administration of Development Contribution Plan	
Function to be performed:	Authorised to enter into legal agreements on behalf of the City of Kwinana, that in accordance with the Planning Policy: Administration of Development Contribution Plans.
Legislative power or duty delegated:	Local Government Act 1995 – Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	May 27 2015 Resolution 474
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	In accordance with the Planning Policy: Administration of Development Contribution Plans.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

3.4 Planning, Building and other Development related Applications where the City is the applicant	
Function to be performed:	Authorised to sign planning, building and other development related applications where the City is the applicant.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 s9.49A(4) Execution of documents
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	10 June 2015 Council Resolution #485
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Must be in accordance with works identified in the budget.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.

PART 4

HEALTH

4.1 Health Act 1911 – Powers and Duties of Deputy	
Function to be performed:	To authorise the Deputy to exercise and discharge all or any of the powers and functions of the local government.
Legislative power or duty delegated:	All powers exercisable by the Local Government under the <i>Health Act</i> 1911 and Regulations made there under; and the City's Health Local Laws.
Legislative Power to Delegate:	Health Act 1911 s26 Powers of Local Government
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358
Delegation to:	Manager Environmental Health Services – Peter McKenzie
Conditions and Exceptions:	Manager Environmental Health Services is authorised to: <ol style="list-style-type: none"> 1. Notwithstanding s358(2), the initiation of a prosecution will not be undertaken without the express approval of the CEO or where deemed necessary by the CEO, the approval of the Council. 2. Does not include s353 3. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

4.2 Health Act 1911 - Duties of Environmental Health Officers	
Function to be performed:	To authorise environmental health officers to perform such duties as the local government from time to time directs
Legislative power or duty delegated:	All duties directed by Local Government and in accordance with the Health Act 1911 and Regulations made there under and the City's Health Local Laws
Legislative Power to Delegate:	Health Act 1911 s27 (2) Officers of Local Government
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358 August 2015 Resolution 535 September 2015 Resolution 570
Delegation to:	Peter McKenzie Manager Environmental Health Services Christopher Tanner Coordinator Environmental Health and Waste Services Vicky Chui Coordinator Environmental Health (Health and Food Safety) Gladys Nyashanu Environmental Health Officer Jarod Griffiths Environmental Health Officer Louis DeKlerk Environmental Health Officer
Conditions and Exceptions:	A. Manager Environmental Health Services is authorised to: <ul style="list-style-type: none"> 1. Notwithstanding s358(2), the initiation of a prosecution will not be undertaken without the express approval of the CEO or where deemed necessary by the CEO, the approval of the Council 2. Does not include s353 3. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council <p>B. Coordinator Environmental Health and Waste Services is authorised to:</p> <p>Administer the provisions of the <i>Health Act 1911</i>, and regulations made there under; and the City's Health Local Laws with the exception of :</p> <ul style="list-style-type: none"> 1. Notwithstanding s358(2), the initiation of a prosecution will

	<p>not be undertaken without the express approval of the CEO or where deemed necessary by the CEO, the approval of the Council;</p> <ol style="list-style-type: none"> 2. Does not include s353; 3. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council; and 4. Any limitations imposed by the Deputy 5. Act as Deputy during approved periods of absence of the appointed Deputy, Peter McKenzie, Manager Environmental Health Services <p>C. Coordinator Environmental Health (Health and Food Safety) and Environmental Health Officers are authorised to:</p> <p>Administer the provisions of the Health Act 1911, and regulations made there under; and the City’s Health Local Laws with the exception of :</p> <ol style="list-style-type: none"> 1. Notwithstanding s358(2), the initiation of a prosecution will not be undertaken without the express approval of the CEO or where deemed necessary by the CEO, the approval of the Council; 2. Does not include s353; 3. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council; and 4. Any limitations imposed by the Deputy
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register

4.3 Food Act 2008 – Appointment of Authorised Officers	
Function to be performed:	To appoint such persons to be Authorised Officers for the purposes of this Act.
Legislative power or duty delegated:	Food Act 2008 s122(1)(a)& (b) Appointment of Authorised Officers
Legislative Power to Delegate:	Food Act 2008 s118(2)(b) Local Government (Enforcement Agency)
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358 August 2015 Resolution 535
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	A certificate of authority must be issued in accordance with section 123 of the Food Act 2008.
Statutory Power to sub-delegate:	Food Act 2008 s118(2)(b) Functions of enforcement agencies and delegation
Reporting Requirements:	<ol style="list-style-type: none"> 1. Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency in accordance with s122(3) of the Food Act 2008. 2. Any exercise of this delegation is to be recorded in the Delegated Authority Register.

4.4 Food Act 2008 – Appointment of Designated Officers	
Function to be performed:	To appoint officers to be Designated Officers for the purposes of this Act for either issuing infringements or extending, withdrawing or accepting payment for infringements.
Legislative power or duty delegated:	Food Act 2008 s126 (13) Infringements - Appointment of Designated Officers
Legislative Power to Delegate:	Food Act 2008 s118(2)(b) Local Government (Enforcement Agency) may delegate a function conferred on it.
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	In accordance with section 126 of the Food Act 2008 Infringement Notices. The Local Government can designate authorised officers to be designated officers for the purposes of section 126 of the Food Act 2008 subsection (2), (3), (6) or (7) or for the purposes of 2 or more of those subsections, but a person who is a designated officer for the purposes of giving infringement notices under subsection (2) is not eligible to be a designated officer for the purposes of any of the other subsections.
Statutory Power to sub-delegate:	Food Act 2008 s118 (2)(b) Functions of enforcement agencies and delegation
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

PART 5

ENGINEERING AND PROPERTY

5.1 Road Closures	
Function to be performed:	<ol style="list-style-type: none"> 1. Authorised to close, revoke or vary the closure, of a thoroughfare to vehicles, wholly or partially, to vehicles for a period not exceeding 4 weeks; and 2. For periods exceeding 4 weeks, after considering any submissions that are received, having given local public notice of the proposed closure of the thoroughfare; 3. Authorised to give notice of the fixing, altering, alignment or draining of a public thoroughfare or other public place.
Legislative power or duty delegated:	<p>Local Government Act 1995 – Part 3, Division 3</p> <p>Certain Provisions about thoroughfares</p> <p>s3.50 Closing certain thoroughfares to vehicles</p> <p>s3.50A Partial closure of thoroughfares for repairs or maintenance</p> <p>s3.51 Affected owners to be notified of certain proposals</p>
Legislative Power to Delegate:	<p>Local Government Act 1995</p> <p>s5.42 Delegation of some powers to the CEO</p>
Date Delegation made or reviewed:	<p>February 2015 D15/8358</p>
Delegation to:	<p>Chief Executive Officer</p>
Conditions and Exceptions:	<p>3.50A exception to local public notice</p> <p>3.50(4) before it makes an order, wholly or partially closing a thoroughfare, exceeding 4 weeks give local public notice: including location, where, when and why and inviting submissions; and give written notice to each person who is prescribed for the purposes or owns land that is prescribed for the purposes of this section; and allow a reasonable time for submissions to be made; and consider any submissions made.</p> <p>3.51(3) affected owners to be notified of certain proposals</p>
Statutory Power to sub-delegate:	<p>Local Government Act 1995</p> <p>s5.44 CEO may delegate some powers and duties to other</p>

	employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

5.2 Notices Requiring Certain Things to be Done by Property Owner/Occupier

<p>Function to be performed:</p>	<p>Authorised to:</p> <ol style="list-style-type: none"> 1. Serve notices requiring certain things to be done, including but not restricted to the removal of overgrown vegetation, rubbish or disused material from land considered untidy 2. Recover the cost of anything the City has done to achieve the purpose for which notice is given as a debt due from the person who failed to comply with the notice 						
<p>Legislative power or duty delegated:</p>	<p>Local Government Act 1995, Part 3, Division 3</p> <p>s3.25 Notices requiring things to be done by owner or occupier of land</p> <p>s3.26 Additional powers when giving notices</p>						
<p>Legislative Power to Delegate:</p>	<p>Local Government Act 1995</p> <p>s5.42 Delegation of some powers to the CEO</p>						
<p>Date Delegation made or reviewed:</p>	<table border="0"> <tr> <td>November 2011</td> <td>D11/90333</td> </tr> <tr> <td>December 2012</td> <td>D12/77148</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> </table>	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358
November 2011	D11/90333						
December 2012	D12/77148						
February 2015	D15/8358						
<p>Delegation to:</p>	<p>Chief Executive Officer</p>						
<p>Conditions and Exceptions:</p>	<p>Schedule 3.1</p>						
<p>Statutory Power to sub-delegate:</p>	<p>Local Government Act 1995</p> <p>s5.44 CEO may delegate some powers and duties to other employees</p>						
<p>Reporting Requirements:</p>	<p>Any exercise of this delegation is to be recorded in the Delegated Authority Register.</p>						

5.3 Particular Things Local Government can do on Land that is not Local Government Property	
Function to be performed:	Authorised to do any of the things prescribed in Schedule 3.2 of the Local Government Act 1995 on land which is not local government property.
Legislative power or duty delegated:	Local Government Act 1995, Part 3, Division 3 s3.27 Particular things local governments can do on land that is not local government property
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Schedule 3.2
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

5.4 Crossing from Public Thoroughfare to Private Land or Private Thoroughfare	
Function to be performed:	Upon application, approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land.
Legislative power or duty delegated:	Local Government (Uniform Local Provisions) Regulations 1996 r12(1) Crossing from public thoroughfare
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Conditions: Approvals are subject to: Local Government (Uniform Local Provisions) Regulations 1996 r12(2) crossing from public thoroughfare to private land or private thoroughfare r14(2)(a) Role of Commissioner of Main Roads in some cases
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

5.5 Requirement to Construct and Repair Crossing							
Function to be performed:	<ol style="list-style-type: none"> 1. Give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare. 2. Construct or repair the crossing and recover 50% of the cost if the person fails to comply with the notice. 						
Legislative power or duty delegated:	Local Government (Uniform Local Provisions) Regulations 1996 r13(1) and (2) Requirement to construct or repair crossover						
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO						
Date Delegation made or reviewed:	<table> <tr> <td>November 2011</td> <td>D11/90333</td> </tr> <tr> <td>December 2012</td> <td>D12/77148</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> </table>	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358
November 2011	D11/90333						
December 2012	D12/77148						
February 2015	D15/8358						
Delegation to:	Chief Executive Officer						
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Local Government (Uniform Local Provisions) Regulations 1996 r14(2)(b) Role of Commissioner of Main Roads 2. That due process be followed for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> for a notice served under Regulation 14(3) 						
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees						
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.						

5.6 Private Works, On, Over or Under Public Places	
Function to be performed:	Grant permission or conditional permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property.
Legislative power or duty delegated:	Local Government (Uniform Local Provisions) Regulations 1996 r17(4) & (5) Private works on, over, or under public places r17(5) Imposition of conditions
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

5.7 Power of Entry									
Function to be performed:	<ol style="list-style-type: none"> 1. Give a notice of entry 2. Execute an entry in an emergency 3. Give notice and execute the opening of a fence 4. The power of entry conferred, may be used for performing any function that a local government has under this Act if entry is required for the performance of the function or in any other case in which entry is authorised by this Act other than by a local law. 								
Legislative power or duty delegated:	Local Government Act 1995, Part 3, Division 3 s3.28 When the subdivision applies s3.32 Notice of entry s3.34 Entry in an Emergency s3.36 Opening Fences								
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO								
Date Delegation made or reviewed:	<table border="0"> <tr> <td>November 2011</td> <td>D11/90333</td> </tr> <tr> <td>December 2012</td> <td>D12/77148</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> </table>	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358		
November 2011	D11/90333								
December 2012	D12/77148								
February 2015	D15/8358								
Delegation to:	Chief Executive Officer								
Conditions and Exceptions:	<table border="0"> <tr> <td>3.31(1)(a)</td> <td>consent obtained from the owner or occupier;</td> </tr> <tr> <td>3.31(1)(b)</td> <td>notice has been given under 3.32</td> </tr> <tr> <td>3.34(2)</td> <td>Entry in emergency</td> </tr> <tr> <td>3.36 (3)</td> <td>Opening fences</td> </tr> </table>	3.31(1)(a)	consent obtained from the owner or occupier;	3.31(1)(b)	notice has been given under 3.32	3.34(2)	Entry in emergency	3.36 (3)	Opening fences
3.31(1)(a)	consent obtained from the owner or occupier;								
3.31(1)(b)	notice has been given under 3.32								
3.34(2)	Entry in emergency								
3.36 (3)	Opening fences								
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees								
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.								

PART 6

PUBLIC SAFETY

6.1 Appointment of Bush Fire Control Officers	
Function to be performed:	Appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of the Bush Fires Act.
Legislative power or duty delegated:	Bush Fires Act 1954 s38(1) Appointment of Bush Fire Control Officers
Legislative Power to Delegate:	Bush Fires Act 1954 s48(1) Delegation by Local Government
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Bush Fires Act 1954 s38(1) must be a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer s38(2A) local notice of appointment s38A(2) unless FES Commissioner appoints s38(2E) shall be issued with certificate of appointment
Statutory Power to sub-delegate:	Bush Fires Act 1954 s48 (3) No power provided to sub-delegate
Reporting Requirements:	<ol style="list-style-type: none"> 1. Notice of an appointment made under the provisions of subsection (1), shall be published at least once in a newspaper circulating in its district in accordance with 38(2A). 2. Any exercise of this delegation is to be recorded in the Register Delegation of Authority. 3. Records to be maintained in accordance with section 50 of the Bush Fire Act.

6.2 Bush Fires Act 1954 - Restricted and Prohibited Burning Times	
Function to be performed:	After consultation with an authorised CALM Act Officer if forest land is situated in the district, vary the prohibited and restricted burning times in respect of that year in the district or a part of the district.
Legislative power or duty delegated:	<p>Bush Fires Act 1954</p> <p>s17(7)(a) shorten, extending, suspending or reimposing a period of prohibited burning times</p> <p>s17(7)(b) impose a further period of prohibited burning times</p> <p>s17(8) give notice of any variation</p> <p>s18(5)(a)(i) shorten, extending, suspending or reimposing a period of restricted burning times;</p> <p>s18(5)(a)(ii) imposing a further period of restricted burning times;</p> <p>s18(5)(b) vary the prescribed conditions by modifying or suspending all or any of those conditions</p>
Legislative Power to Delegate:	<p>Bush Fires Act 1954</p> <p>s17(10) Delegation by Local Government</p>
Date Delegation made or reviewed:	<p>November 2011 D11/90333</p> <p>December 2012 D12/77148</p> <p>February 2015 D15/8358</p>
Delegation to:	<p>Chief Bush Fire Control Officer</p> <p>To Mayor and Chief Bush Fire Control Officer acting jointly</p>
Conditions and Exceptions:	Vary prohibited and restricted burning times in accordance with Section 17(7)(b), Section 17(8) and section 18(5B), 18(5C) of the Bush Fires Act 1954
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register. 2. Any variations to be recorded

6.3 Appointment of Pound Keepers and Rangers - Local Government (Miscellaneous Provisions) Act 1960	
Functions to be performed	To appoint fit and proper persons to be pound keepers and rangers of the City of Kwinana.
Legislative power or duty delegated:	Local Government (Miscellaneous Provisions) Act 1960 s449 Appointment of Pound keepers and Rangers
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Local Public notice of the appointment / removal of fit and proper persons to be pound keepers and rangers of the City of Kwinana.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

6.4 Dog Act 1976 - Appointment of Authorised Persons and Registration Officer	
Function to be performed:	To appoint Authorised Persons and Registration Officers and any power or duty of the local government under any provision of this Act.
Legislative power or duty delegated:	Dog Act 1976 s29(2) Appointment of authorised persons s11(1) Appointment of registration officers
Legislative Power to Delegate:	Dog Act 1976 s10AA(1) Delegation to CEO
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 August 2015 Resolution 551
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Dog Act 1976 s11(3) A person who is authorised by a local government to exercise any power under this Act shall be furnished with a certificate in the prescribed form evidencing his appointment and shall provide that certificate on being required so to do by a person in respect of any power he exercises, has exercised or is about to exercise.
Statutory Power to sub-delegate:	Dog Act 1976 s10(AA)(3) The delegation may expressly authorise the delegate to further delegate the power or duty
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register. 2. Any actions taken or notices issued are to be recorded on the appropriate file or record

6.5 Cat Act 2011 – Administration and Enforcement					
Function to be performed:	<p>Authorised to:</p> <ol style="list-style-type: none"> 1. Exercise any of the City's powers or the discharge of any of its duties under the Cat Act 2011 2. Appoint such persons to be Authorised Persons for performing particular functions under this Act 				
Legislative power or duty delegated:	Cat Act 2011 s48(1) Authorised Persons				
Legislative Power to Delegate:	Cat Act 2011 s44(1) Delegation by local government				
Date Delegation made or reviewed:	<table border="0"> <tr> <td>November 2013</td> <td>D13/89678</td> </tr> <tr> <td>February 2015</td> <td>D15/8358</td> </tr> </table>	November 2013	D13/89678	February 2015	D15/8358
November 2013	D13/89678				
February 2015	D15/8358				
Delegation to:	Chief Executive Officer				
Conditions and Exceptions:	Cat Act 2011 s48(2) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of s62 (Infringement notices)				
Statutory Power to sub-delegate:	<p>Cat Act 2011 s45 Delegation by CEO of local government</p> <p>Note: s45(6) A power or duty under section 63, 64 or 65 cannot be delegated to an authorised person.</p>				
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; 2. Any actions taken or notices issued are to be recorded on the appropriate file or record 				

6.6 Litter Act 1979 - Appointment of persons authorised to withdraw Infringement Notices	
Function to be performed:	To approve the withdrawal of infringement notices issued under the Litter Act 1979
Legislative power or duty delegated:	Litter Act 1979 s30(4) Withdrawal of infringement notice
Legislative Power to Delegate:	Litter Act 1979 s30(4a) Appointed Person
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 23 2011 Resolution 31 December 12 2012 Resolution 258 February 2015 D15/8358
Delegation to:	Chief Executive Officer Director Corporate and Engineering Services Manager Ranger, Security and Emergency Services
Conditions and Exceptions:	Litter Act 1979 s30(4a) Withdrawal notice sent under s30(4) shall be signed by a person appointed in writing to withdraw infringement notices.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Register Delegation of Authority. 2. Withdrawals of notices are to be retained on the appropriate file or record

6.7 Disposal of sick or injured animals	
Function to be performed:	Authorised to humanely destroy an impounded animal where it is determined to be too ill or injured to be treated.
Legislative power or duty delegated:	Local Government Act 1995, Part 3, Division 3 s3.47A Dispose of sick or injured animals
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	February 2015 D15/8358
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	s3.47 (2)(3)
Statutory Power to sub-delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Register Delegation of Authority.

6.8 Firearms Act 1973													
Function to be performed:	<p>Authorised to:</p> <ol style="list-style-type: none"> 1. Exercise any of the City's powers or the discharge of any of its duties under the Firearms Act 1973 2. Appoint such persons to be authorised to possess, carry or use a firearm in accordance with the licence and for performing particular functions under this Act. 												
Legislative power or duty delegated:	<p>Firearms Act 1973</p> <table border="0"> <tr> <td>s9A(4)</td> <td>Duration and renewal of licence</td> </tr> <tr> <td>s16(2)(a)</td> <td>Authorisation of employees</td> </tr> <tr> <td>s30A</td> <td>Sale and disposal of firearms</td> </tr> <tr> <td>s30B</td> <td>Loss, theft, destruction, or disposal out of State to be reported</td> </tr> <tr> <td>s31(2)</td> <td>Records</td> </tr> </table> <p>Firearms Regulations 1974</p> <table border="0"> <tr> <td>r11A</td> <td>Storage security requirements</td> </tr> </table>	s9A(4)	Duration and renewal of licence	s16(2)(a)	Authorisation of employees	s30A	Sale and disposal of firearms	s30B	Loss, theft, destruction, or disposal out of State to be reported	s31(2)	Records	r11A	Storage security requirements
s9A(4)	Duration and renewal of licence												
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s30A	Sale and disposal of firearms												
s30B	Loss, theft, destruction, or disposal out of State to be reported												
s31(2)	Records												
r11A	Storage security requirements												
Legislative Power to Delegate:	<p>Local Government Act 1995</p> <p>s5.42 Delegation of some powers to the CEO</p>												
Date Delegation made or reviewed:	16 December 2015 Council resolution # 077												
Delegation to:	Chief Executive Officer												
Conditions and Exceptions:	<p>Firearms Act 1973</p> <p>This delegation is subject to:</p> <ol style="list-style-type: none"> 1. Annual renewal of the corporate firearm licence as permitted by Section 16(1)(c). 2. Authorisation of employees to possess, carry or use a firearm in accordance with the licence. Authorisation only to be given to persons employed by the City as a Ranger. 3. Sale or disposal of firearms to comply with section 30A and section 3.58 of the <i>Local Government Act 1995</i>. 4. Any loss, theft, destruction, or disposal out of State, to be reported to the Commissioner. 5. Compile, maintain and furnish records in such manner as is prescribed. <p>Firearms Regulations 1974</p> <ol style="list-style-type: none"> 6. Ensure that firearms and ammunition are stored in accordance with regulation 11A. 												

Statutory Power to sub-delegate:	This delegation cannot be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 2. Compile, maintain and furnish records in such manner as is prescribed by the Firearms Act 1973 and subsidiary legislation.

PART 7

COUNCIL TO EXECUTIVE COMMITTEES

7.1 Executive Appraisal Committee	
Function to be performed:	To undertake a review of the Chief Executive Officer's performance and appoint a suitably qualified independent reviewer to assist with the review process.
Legislative power or duty delegated:	Local Government Act 1995 s5.38 Annual review of certain employees' performance
Legislative Power to Delegate:	Local Government Act 1995 – Part 5 Division 2 s5.16 Delegation of some powers and duties to certain committees
Date Delegation made or reviewed:	October 13 2010 Resolution 199 November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358
Delegation to:	Executive Appraisal Committee
Conditions and Exceptions:	The remuneration review will be conducted as a separate process, and the proposed remuneration package is to be presented to Council for approval.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated
Reporting Requirements:	<ol style="list-style-type: none"> 1. Any exercise of this delegation is to be recorded in the Register Delegation of Authority; and 2. Recorded in the Register of delegations to committees

Council Appointment of Officers

Local Government to Officers

2015



Introduction

Purpose of Appointment of Officers

The Local Government has been authorised to exercise powers and duties under the relevant Acts and Regulations.

The Health Act 1911 is an Act that allows for a Deputy of the Local Government to be appointed. There is no ability under the Health Act 1911 for the Council to give delegated authority to the CEO to then appoint a deputy for the local government.

The Deputy under the Health Act 1911 may be authorised to exercise powers and functions of the Local Government and the scope of this discretion is identified in the delegated authority for the powers and duties of the Deputy.

COUNCIL APPOINTMENT OF OFFICERS

CONTENTS

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1.1 Health Act 1911 - Appointment of Deputy.....	4
1.2 Health Act 1911 - Appointment of Environmental Health Officers.....	4
1.3 Caravan Parks and Camping Grounds Act 1995 – Appointment of Authorised Persons	5
1.4 Control of Vehicles (Off-Road Areas) Act 1978- Appointment of Authorised Officers	6

1.1 Health Act 1911 - Appointment of Deputy	
Function to be performed:	To appoint a person to be the deputy of the local government.
Power to appoint:	Health Act 1911 s26 Powers of Local Government
Date of Appointment:	25 February 2015 D15/8364[v2]
Appointment of :	Peter McKenzie, Manager Environmental Health Services

1.2 Health Act 1911 - Appointment of Environmental Health Officers	
Function to be performed:	To appoint Environmental Health Officers of the local government
Power to appoint:	Health Act 1911 s27 (1) Officers of Local Government
Date of Appointment:	25 February 2015 D15/8364[v2] August 2015 Resolution 535 September 2015 Resolution 570
Appointment of:	Peter McKenzie Manager Environmental Health Services Christopher Tanner Coordinator Environmental Health and Waste Services Vicky Chui Coordinator Environmental Health (Health and Food Safety) Gladys Nyashanu Environmental Health Officer Jarod Griffiths Environmental Health Officer Louis DeKlerk Environmental Health Officer
Special Requirements:	Health Act 1911 s28 (1) Appointments to be approved by Executive Director Public Health

1.3 Caravan Parks and Camping Grounds Act 1995 – Appointment of Authorised Persons	
Function to be performed:	Appointment of such persons to be Authorised Persons for the purposes of this Act.
Power to appoint:	Caravan Parks and Camping Grounds Act 1995 s17(1) Appointment of Authorised Persons
Date of Appointment:	25 February 2015 D15/8364[v2]
Appointment of:	<p>For the purposes of Division 1 of Part 2 and Sections 22, 23(3), 23(5) and 23(7) of the Caravan Parks and Camping Grounds Act 1995:</p> <p style="padding-left: 40px;">Director City Living Director Corporate and Engineering Services Principal Building Surveyor Manager Environmental Health Services Manager Ranger, Security and Emergency Services.</p> <p>For the purposes of section 23(2) of the Caravan Parks and Camping Grounds Act 1995:</p> <p style="padding-left: 40px;">Coordinator Environmental Health and Waste Services All Environmental Health Officers All Building Surveyors Ranger Coordinator and Fire Control Officer All Rangers</p>
Special Requirements:	<p>Caravan Parks and Camping Grounds Act 1995: s17(2) authorised person is to produce the identity card whenever required to do so.</p> <p>Caravan Parks and Camping Grounds Regulations 1997 Regulation 68 ; Schedule 1, Division 1 Identity Card to be in prescribed form - Form 5</p>

1.4 Control of Vehicles (Off-Road Areas) Act 1978- Appointment of Authorised Officers															
Function to be performed:	Appointment of such persons to be Authorised Persons for the purposes of this Act.														
Power to appoint:	Control of Vehicles (Off-Road Areas) Act 1978 s38(3)(a) employees of Local Government														
Date of Appointment:	24 June 2015 Resolution #500														
Appointment of:	<table border="0"> <tr> <td>Joanne Abbiss</td> <td>Chief Executive Officer</td> </tr> <tr> <td>Errol Lawrence</td> <td>Director Corporate and Engineering Services</td> </tr> <tr> <td>Clinton Venables</td> <td>Manager, Ranger, Security and Emergency Services</td> </tr> <tr> <td>Cecil Wells</td> <td>Ranger Coordinator</td> </tr> <tr> <td>Christoph Matzen</td> <td>Ranger</td> </tr> <tr> <td>Brad Casserly</td> <td>Ranger</td> </tr> <tr> <td>Rodney De San Miguel</td> <td>Ranger</td> </tr> </table>	Joanne Abbiss	Chief Executive Officer	Errol Lawrence	Director Corporate and Engineering Services	Clinton Venables	Manager, Ranger, Security and Emergency Services	Cecil Wells	Ranger Coordinator	Christoph Matzen	Ranger	Brad Casserly	Ranger	Rodney De San Miguel	Ranger
Joanne Abbiss	Chief Executive Officer														
Errol Lawrence	Director Corporate and Engineering Services														
Clinton Venables	Manager, Ranger, Security and Emergency Services														
Cecil Wells	Ranger Coordinator														
Christoph Matzen	Ranger														
Brad Casserly	Ranger														
Rodney De San Miguel	Ranger														
Special Requirements:	Control of Vehicles (Off-Road Areas) Act 1978 s38(4) A person who is appointed as an authorised officer pursuant to subsection (2) or subsection (3) — (d) shall be issued with a certificate of his appointment as an authorised officer in the prescribed form, evidencing the area of jurisdiction entrusted to him under this Act, which he shall, on reasonable demand, produce for inspection by any person.														

16.9 Local Public Notice of Proposed Disposition of the First Floor in the 'Margaret Feilman Building', Lot 22 (18) Hutchins Cove, Kwinana – Department of Fire and Emergency Services (DFES)

SUMMARY:

The City was approached by the Department of Fire and Emergency Services (DFES), specifically seeking office accommodation on the first floor, in the Margaret Feilman building.

The valuation report for the subject property's first floor was recently received on 25 January 2016. Section 3.58(3)(a) and (4) of the Local Government Act 1995 requires the market value of the disposition as ascertained by a valuation to be carried out not more than 6 months before the proposed disposition.

OFFICER RECOMMENDATION:

That Council:

1. Give local public notice of the proposed disposition of the First Floor in the 'Margaret Feilman Building', Lot 22 (18) Hutchins Cove, Kwinana to Department of Fire and Emergency Services (DFES) in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.
2. Advertise the proposed rent to be \$66,000 per annum.

DISCUSSION:

DFES performs a critical role coordinating emergency services for a range of natural disasters and emergency incidents threatening life and property, and is Western Australia's leading hazard management agency, formerly the Fire and Emergency Services Authority of WA. DFES operates 24 hours a day, every day of the year, providing emergency services across Western Australia's vast 2.5 million square kilometres on land, by sea and air.

The market rental valuation has been carried out on the premises by Pember Wilson & Eftos (pwe), and was received on 25 January 2016. The market rental value, as detailed in Confidential Attachment A, has been determined to be \$66,000 per annum excluding GST and outgoings for the first floor, in the Margaret Feilman building.

LEGAL / POLICY IMPLICATIONS:

Local Government Act 1995

Section 3.58 (3) and (4). Disposing of property

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

16.9 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF THE FIRST FLOOR IN THE 'MARGARET FEILMAN BUILDING', LOT 22 (18) HUTCHINS COVE, KWINANA – DEPARTMENT OF FIRE AND EMERGENCY SERVICES (DFES)

- and*
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

FINANCIAL/BUDGET IMPLICATIONS:

The provision of Local Public Notice will cost approximately \$400 and will be funded from the GOVADV account.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications identified as a result of this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications identified as a result of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic/social implications identified as a result of this report.

RISK IMPLICATIONS:

Should Council resolve not to give local public notice, as per Section 3.58(3) of the Local Government Act 1995, the disposition cannot proceed.

16.9 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF THE FIRST FLOOR IN THE 'MARGARET FEILMAN BUILDING', LOT 22 (18) HUTCHINS COVE, KWINANA – DEPARTMENT OF FIRE AND EMERGENCY SERVICES (DFES)

COUNCIL DECISION

113

MOVED CR W COOPER

SECONDED CR B THOMPSON

That Council:

- 1. Give local public notice of the proposed disposition of the First Floor in the 'Margaret Feilman Building', Lot 22 (18) Hutchins Cove, Kwinana to Department of Fire and Emergency Services (DFES) in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.**
- 2. Advertise the proposed rent to be \$66,000 per annum.**

**CARRIED
7/0**

16.10 Local Public Notice of Proposed Disposition of 'Wandi Community Centre', 302 De Haer Road, Wandi – Wandi Progress Association

SUMMARY:

Wandi Progress Association manages the Wandi Community Centre and the initial agreement between the City and Wandi Progress Association was in the form of a management licence, which expired on 1 July 2004. A new agreement is currently required and due to the exclusive use that Wandi Progress Association enjoys, the agreement will be in the form of a lease.

The valuation report for the subject property was recently received on 25 January 2016. Section 3.58(3)(a) and (4) of the Local Government Act 1995 requires the market value of the disposition as ascertained by a valuation to be carried out not more than 6 months before the proposed disposition.

Currently there is not a formal agreement in place between the City and Wandi Progress Association.

OFFICER RECOMMENDATION:

That Council:

1. Give local public notice of the proposed disposition of Wandi Community Centre', 302 De Haer Road, Wandi to Wandi Progress Association in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.
2. Approve a 99% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.
3. Advertise the proposed rent to be \$100 per annum.

DISCUSSION:

The Wandi Progress Association is dedicated to managing the Wandi Community Centre facilities and as an arbitrator / go-between for concerned Wandi residents on issues that concern the City of Kwinana and other entities. Residents are asked to join the Wandi Progress Association to build its member base and consequently its real representation of the wishes of the Wandi, Honeywood and Anketell communities.

The market rental valuation has been carried out on the premises by Pember Wilson & Eftos (pwe), and was received on 25 January 2016. The market rental value, as detailed in Confidential Attachment A, has been determined to be \$65,000 per annum excluding GST and outgoings for the Wandi Community Centre.

Due to Wandi Progress Association serving as an arbitrator / go-between for residents on issues that concern the City of Kwinana, the agreement will be a peppercorn lease and it is recommended that \$100 annually be charged plus monthly outgoings. This equates to over a 99% discount off the market rent.

16.10 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF 'WANDI COMMUNITY CENTRE',
302 DE HAER ROAD, WANDI – WANDI PROGRESS ASSOCIATION

Wandi Progress Association is a community facility and in accordance with Council's Leasing of Community Facilities Policy, Wandi Progress Association must meet the compulsory organisational criteria:

Compulsory Criteria	Wandi Progress Association
The organisation must be an organisation, which applies any surpluses towards its purposes, prohibits any dividends or profits from being paid to its members and is exempt from paying income tax;	Yes
The organisation is a legal entity incorporated under appropriate legislation (such as the Associations Incorporation Act 1987);	Yes
The organisation is financially viable and able to demonstrate good financial management and record-keeping practices to the satisfaction of the City;	Yes
The organisation complies with relevant legislation governing its activities and holds any licences or registration certificates required for it to operate;	Yes
The organisation has a committee of management and appropriate governance arrangements, with established accountability and reporting methods to members of the organisation and / or to the community, including the capacity to maintain appropriate financial records for audit purposes;	Yes
The organisation adheres to all relevant Council local laws including the Local Government Property Local Law, Council policies and has complied with the terms of any previous lease or licence and/or grant from the City;	Yes
Demand exists for the service or activity to be provided through the facility;	Yes
Facility use is consistent with City objectives and current Business Plan;	Yes
Use of the facility will increase social engagement and promote health and wellbeing of the Kwinana community;	Yes
The service or activity is non-discriminatory. It will be open to all residents who meet the criteria for participation that are directly related to the nature of the service or activity or geographic catchment area; and	Yes
Disadvantaged groups can access the service or activity and strategies are in place to review and remove any barriers to participation.	Yes
Proposed use of the facility is suitable for the nature of the site and the neighbourhood;	Yes
The organisation is prepared to maximise utilisation of the facility as requested by the City; and	Yes
The organisation agrees to provide the City with requested information including current and projected opening hours and participant and/or membership numbers.	Yes

Council's Leasing of Community Facilities Policy allows for discounted market rent in some circumstances.

16.10 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF 'WANDI COMMUNITY CENTRE',
302 DE HAER ROAD, WANDI – WANDI PROGRESS ASSOCIATION

The peppercorn rent proposed to be charged is based on Wandi Progress Association meeting all the essential organisational criteria in the table below:

Lessee Category	Peppercorn	Dis. Market Rent	Market Rent	Wandi Progress Association
The organisation meets an identified community need	E	E	D	Yes
The organisation provides equitable access to services primarily to Kwinana community	E	E	D	Yes
The organisation's activities complement the City's services	E	E	D	Yes
The organisation offers programs otherwise unavailable to Kwinana residents	E	E	D	Yes
There is a long standing community expectation that the City accommodates the organisation	E	E	D	Yes
The organisation is not part of a larger organisation with alternative accommodation options	E	D	D	No
The organisation is accessible to a broad resident base	E	D	D	Yes
The organisation has participation by volunteers	E	D	D	Yes
The organisation has limited capacity to generate revenue net of operating costs	D	D	D	Yes
The organisation does not receive funds from the State or Commonwealth Government	D	D	D	Yes

Key: E – Essential
D - Desirable

It is recommended that Wandi Progress Association receive 99% discount of the market rental valuation even though it does not meet one of the essential criteria, being that the organisation is not part of a larger organisation with alternative accommodation options and therefore the first year's annual rent is proposed to be \$100.00 excluding GST and outgoings.

LEGAL / POLICY IMPLICATIONS:

Local Government Act 1995

Section 3.58 (3) and (4). Disposing of property

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*

**16.10 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF 'WANDI COMMUNITY CENTRE',
302 DE HAER ROAD, WANDI – WANDI PROGRESS ASSOCIATION**

- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*

 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

FINANCIAL/BUDGET IMPLICATIONS:

The provision of Local Public Notice will cost approximately \$400 and will be funded from the GOVADV account.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications identified as a result of this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications identified as a result of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic/social implications identified as a result of this report.

RISK IMPLICATIONS:

Should Council resolve not to give local public notice, as per Section 3.58(3) of the Local Government Act 1995, the disposition cannot proceed.

16.10 LOCAL PUBLIC NOTICE OF PROPOSED DISPOSITION OF 'WANDI COMMUNITY CENTRE',
302 DE HAER ROAD, WANDI – WANDI PROGRESS ASSOCIATION

COUNCIL DECISION

114

MOVED CR B THOMPSON

SECONDED CR R ALEXANDER

That Council:

- 1. Give local public notice of the proposed disposition of Wandi Community Centre', 302 De Haer Road, Wandi to Wandi Progress Association in accordance with Section 3.58(3)(a) and (4) of the Local Government Act 1995.**
- 2. Approve a 99% discount in the market rental value to be advertised as the proposed rent to be paid to the City of Kwinana.**
- 3. Advertise the proposed rent to be \$100 per annum.**

**CARRIED
7/0**

NOTE – That Council would seek clarity as regard to cleaning arrangements on any draft lease prepared.

17 Urgent Business

Nil

18 Councillor Reports

Nil

19 Response to Previous Questions

Nil

20 Mayoral Announcements (without discussion)

Mayor Carol Adams mentioned the City of Kwinana Australia Day event and congratulated the Citizen of the Year.

The Mayor advised that she attended the opening of the new BP Service Station in Baldivis and she believes that it had broken nearly all records when they opened in December 2015 with the Christmas holiday trading.

The Mayor reported that she had attended the Medina Residents Group meeting with the Acting Director City Development and discussed topics including Medina Revitalisation, Harry McGuigan Park and answered general queries of interest.

The Mayor mentioned that she had attended a lengthy Councillor Forum regarding the Long Term Financial Plan.

The Mayor advised that the Indian Ocean Gateway briefings are continuing and she has had several media events and a meeting with one of the companies in the Australian Marine Complex (AMC).

The Mayor raised upcoming events that she would be attending including an Indian Ocean Gateway meeting with Senator Glenn Sterle, a City of Kwinana Citizenship Ceremony, the Thank you event for the Christmas Lolly Run Volunteers and the Kings College 30th Anniversary.

21 Matters Behind Closed Doors

COUNCIL DECISION

115

MOVED CR B THOMPSON

SECONDED CR S MILLS

That in accordance with Section 5.23(2)(d) of the Local Government Act 1995, Council move behind closed doors to allow discussion of the Matters Behind Closed Doors items.

CARRIED
7/0

The press and gallery exited the Council Chambers at 7:24pm

21.1 [Reward for information: Reference Police Investigation Case IR0980812 1020 14457](#)

AMENDMENT MOTION

MOVED CR B THOMPSON

SECONDED CR D WOOD

That Council approve the City officer's recommendation as detailed in the discussion section of this report with a decrease of 50% of the monetary value proposed.

LOST
2/5

COUNCIL DECISION

116

MOVED CR W COOPER

SECONDED CR R ALEXANDER

That Council approve the City officer's recommendation as detailed in the discussion section of this report.

CARRIED
5/2

COUNCIL DECISION

117

MOVED CR P FEASEY

SECONDED CR R ALEXANDER

That Council return from Behind Closed Doors.

CARRIED
7/0

The Council Chambers reopened at 7:35pm

22 Meeting Closure

The Mayor declared the Meeting closed 7:36pm.

Chairperson:

24 February 2016