

Ordinary Council Meeting

13 June 2018

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 (left at 7:28pm)
DEPUTY MAYOR P FEASEY
CR W COOPER
CR S LEE
CR S MILLS
CR M ROWSE

MS J ABBISS	-	Chief Executive Officer
MS C MIHOVILOVICH	-	Director City Strategy
MRS B POWELL	-	Director City Engagement
MRS M COOKE	-	Director City Regulation
MR D ELKINS	-	Director City Infrastructure
MS M BELL	-	Director City Legal
MR T HOSSEN	-	Lawyer
MS A MCKENZIE	-	Council Administration Officer

Members of the Press	0
Members of the Public	0

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:

Councillor Wendy Cooper 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 Dennis Wood from 31 May 2018 to 24 June 2018 inclusive.

Councillor Merv Kearney from 31 May 2018 to 22 June 2018 inclusive.

4 Public Question Time:

Nil

5 Applications for Leave of Absence:

Nil

6 Declarations of Interest by Members and City Officers:

Mayor Carol Adams declared an indirect financial interest in item 21.1, Request for Extension of Financial Close Date for Waste Supply Agreement with Kwinana WTE Project Co Pty Ltd due to the proponent company, Phoenix Energy being a member of Kwinana Industries Council whom is her husband's employer.

Councillor Sheila Mills declared a proximity interest in item 15.2, Consideration of Petition Requesting Sensor Lights and Mirrors in Bisley Lane due to living in close vicinity.

7 Community Submissions:

Nil

8 Minutes to be Confirmed:

8.1 Ordinary Meeting of Council held on 23 May 2018:

COUNCIL DECISION

188

MOVED CR S LEE

SECONDED CR S MILLS

That the Minutes of the Ordinary Meeting of Council held on 23 May 2018 be confirmed as a true and correct record of the meeting.

CARRIED
6/0

8.2 Special Meeting of Council held on 30 May 2018:

COUNCIL DECISION

189

MOVED CR P FEASEY

SECONDED CR S LEE

That the Minutes of the Special Meeting of Council held on 30 May 2018 be confirmed as a true and correct record of the meeting.

CARRIED
6/0

9 Referred Standing / Occasional / Management /Committee Meeting Reports:

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 Adoption of Local Planning Policy No.8: Designing Out Crime

DECLARATION OF INTEREST:

There were no declarations of interest.

SUMMARY:

This report presents a draft Local Planning Policy No.8: Designing Out Crime (draft LPP8) for adoption under the City's Local Planning Scheme No.2 (LPS2) that will provide guidance to landowners, developers and City of Kwinana (City) Officers on the principles regarding crime prevention through environmental design (CPTED) and their application in the assessment of planning and development applications.

The need for a local planning policy was the subject of a briefing at the 5 February 2018 Elected Members' Forum within the broader context of the Safe Kwinana Communities 2018-2022 (Community Safety and Crime Prevention Plan) [adopted by Council at its 28 February 2018 Ordinary Council Meeting].

At its 28 February 2018 Ordinary Council Meeting, Council adopted draft LPP8 for advertising, with draft LPP8 subsequently being advertised for 21 days from 23 March 2018 until 13 April 2018 inclusive. During the advertising period, there were no formal submissions received on draft LPP8.

City Officers propose no changes to the draft LPP8 (refer to Attachment A) and recommend it be adopted to provide a guide to land use planning and development in the City to ensure that crime prevention becomes an intrinsic component in all proposals received and assessed by City Officers.

OFFICER RECOMMENDATION:

That Council:-

1. Adopt Local Planning Policy No.8: Designing Out Crime (LPP8) (Attachment A) without modification;
2. Publish notice of the adoption of LPP8 in a newspaper circulating in the City of Kwinana.
3. Publish notice of the adoption of LPP8 on the City's Facebook page and website.

DISCUSSION:

Draft LPP8 is based on the document 'Designing Out Crime Planning Guidelines' (WAPC, 2006) and forms one of the actions arising from the Safe Kwinana Communities 2018-2022 (Community Safety and Crime Prevention Plan).

15.1 ADOPTION OF LOCAL PLANNING POLICY NO.8: DESIGNING OUT CRIME

Draft LPP8 comprises a number of design measures that can be achieved via three identified 'levels of principle application', depicted in the table below:

Level of Principle Application	Planning Framework	Designing Out Crime Considerations
Large-scale	District Structure Plan	Land Uses
Large-scale	Local Structure Plan	Land Uses, Local Movement Networks and Location of Public Open Space
Medium-scale	Subdivision Referral	Detailed Movement Networks and Intensity of Urban Development
Medium and small-scale	Local Development Plan	Building Orientation
Small-scale	Development Application	Built Form, Materials, Fencing and Landscaping

Table 1 – Level of Principle Application

Draft Local Planning Policy

The objectives of the draft LPP are to:

- Encourage urban development within the City to incorporate 'designing out crime principles';
- Provide guidance in relation to built form outcomes that support the reduction in actual and perceived crime and anti-social behaviour; and,
- Offer guidance on design and assessment of planning proposals.

There is no prescriptive method to designing out crime, as each planning application is required to be dealt with on a case-by-case basis. That being said, there are five key principles which inform CPTED in all instances, as follows:

- **Surveillance** - when people perceive that they can be seen, they are less likely to engage in anti-social behaviour and crime.
- **Access Control** - important to provide wayfinding and directional guidance for legitimate users, while denying access to targets during non-use and reducing escape opportunities.
- **Territorial Reinforcement** - People are more likely to take pride in a space they feel they have a level of ownership over.
- **Target Hardening (securing measures)** - to ensure that buildings are secure and access is denied to offenders.
- **Management and Maintenance** - management and maintenance seeks to remove indicators of crime and acts as a deterrent to anti-social behaviour.

When a planning application is made to the City, the proposal shall take into account the aforementioned five key CPTED principles.

The City will require a statement to be prepared detailing how the proposal responds to the five CPTED principles for the following types of development:

- New construction within the Kwinana Town Centre Zone, Commercial Zone, Mixed Business Zone, Service Commercial Zone, General Industry and Light Industry Zones;

15.1 ADOPTION OF LOCAL PLANNING POLICY NO.8: DESIGNING OUT CRIME

- Multiple Dwelling development of over 10 units;
- Any other development with an estimated cost exceeding \$2 million; or
- Any other development, which in the opinion of City Officers, may affect the perception of public safety.

The statement shall be prepared by a suitably qualified consultant (for example a Town Planner or Urban Designer) and be accompanied by the Designing Out Crime checklist described in further detail below.

The 'Designing Out Crime' checklist, shown as Appendix A to the draft LPP8, aims to assist City Officers, landowners and developers during the preparation and assessment of planning and development applications. The checklist includes such categories as Open and Public Space, Design, Landscaping, Car Parking and Footpaths/Walkways, amongst others, to ensure that crime prevention principles are actively considered and incorporated within all aspects of the early design phase of a structure plan, local development plans, subdivision or development.

Draft LPP8 was advertised during March and April 2018, with no submissions being received. Draft LPP8 is recommended for approval without modification.

LEGAL/POLICY IMPLICATIONS:

City of Kwinana

City of Kwinana Local Planning Scheme No. 2

Clause 8.6 of LPS2 sets out general preparation and operational aspects of a Local Planning Policy.

State Government

Planning and Development (Local Planning Schemes) Regulations 2015

Deemed Provision Clause 3 allows Council to 'prepare a Planning Policy in respect of any matter related to the planning and development of the Scheme Area ...'

A Planning Policy is required to be advertised for public comment for no less than 21 days prior to the final adoption by Council, as per Clause 4.1 of the Deemed Provisions.

FINANCIAL/BUDGET IMPLICATIONS:

The preparation and advertising of draft LPP8 has been and will be undertaken within the City's existing budget. There are no other direct financial implications associated with draft LPP8.

ENVIRONMENTAL IMPLICATIONS:

No direct environmental implications are associated with the draft LPP8.

15.1 ADOPTION OF LOCAL PLANNING POLICY NO.8: DESIGNING OUT CRIME

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal supports the achievement of the following objective and strategy detailed in the Corporate Business Plan.

Plan	Objective	Strategy
Corporate Business Plan	1.3 – Facilitate improved community safety and reduced crime levels.	1.3.1 – Develop a Community Safety and Crime Prevention Plan (<i>within which CPTED principles are referenced</i>).

COMMUNITY ENGAGEMENT:

Draft LPP8 has been advertised in accordance with the requirements of the *Planning and Development Act 2005* in conjunction with the City's Community Engagement Policy.

The advertising of draft LPP8 involved:

- Advertising draft LPP8 for 21 days;
- Notices in the local newspapers,
- A public notification on the City's website detailing the objectives and nature of draft LPP8; and,
- Written letters to key stakeholders, including the Western Australian Police, Urban Development Institute of Australia (UDIA), the Office of Crime Prevention and the Department of Fire and Emergency Services (DFES), advising of the opportunity to provide a submission on the draft LPP.

RISK IMPLICATIONS:

Council approves development under its Scheme to meet its statutory obligations and facilitate proper and orderly development of the municipality to accommodate development in accordance with the objectives of Council's Strategic Plan.

RISK ANALYSIS	DESCRIPTION
Risk Event	Lack of a local policy focus in relation to the CPTED principles to highlight the importance of early consideration and incorporation of these into the early design stage of planning and development applications.
Risk Theme	Reactive land use planning and retrofitting of places and built form in aid of crime prevention
Risk Effect/Impact	Property
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Possible
Rating (before treatment)	Moderate

15.1 ADOPTION OF LOCAL PLANNING POLICY NO.8: DESIGNING OUT CRIME

Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Adoption of the draft LPP provides greater clarity and guidance to developers and the City regarding the principles of crime prevention through environmental design that are applicable during the development assessment and approvals process, thereby mitigating the risk.
Rating (after treatment)	Low

COUNCIL DECISION

190

MOVED CR W COOPER**SECONDED CR M ROWSE****That Council:-**

- 1. Adopt Local Planning Policy No.8: Designing Out Crime (LPP8) (Attachment A) without modification;**
- 2. Publish notice of the adoption of LPP8 in a newspaper circulating in the City of Kwinana.**
- 3. Publish notice of the adoption of LPP8 on the City's Facebook page and website.**

CARRIED
6/0

Local Planning Policy 8

Designing Out Crime



[Type here]



Local Planning Policy 8

Designing Out Crime

D18/6557

1. Title

Local Planning Policy 8: Designing Out Crime

2. Purpose

This Policy sets out design guidelines to reduce the likelihood of crime and anti-social behavior in the City of Kwinana.

The design guidelines are to be implemented by City Officers, landowners and developers during the design and assessment of structure plans, subdivision applications, detailed area plans and development applications.

3. Objectives

The objectives of this Policy are to:

- Encourage urban development within the City to incorporate “designing out crime principles”;
- Provide guidance in relation to built outcomes that support the reduction in actual and perceived crime and anti-social behaviour; and
- Offer guidance on design and assessment of planning proposals.

4. Definitions

Open and Public Space

Open space is any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public¹. **Public Space** refers to land that has been reserved for the purpose of formal and informal sport and recreation, preservation of natural environments, provision of green space and/or urban storm water management².

5. Background

Good urban and environmental planning directly contributes to a safer community. Among many considerations during the development process, the City of Kwinana recognises the need to adopt environmental design principles to reduce the likelihood of crime occurring.

Crime Prevention Through Environmental Design or CPTED is a crime prevention strategy that focuses on the design, planning and structure of cities and neighbourhoods. The proper design of buildings and plans using CPTED principles reduces crime and fear by reducing criminal opportunity.

Supporting the reduction in anti-social behaviour through appropriate design decisions improves the liveability, vitality, accessibility, diversity and social wellbeing of both residents

¹ Definition sourced from <https://www3.epa.gov/region1/eco/uep/openspace.html>

² Definition sourced from <https://www.healthyplaces.org.au/userfiles/file/Parks%20and%20Open%20Space%20June09.pdf>

and those who do business in the City. This is particularly important for vulnerable groups as the fear of crime inhibits their ability to move freely and enjoy the opportunities that should be available to everyone.

There is no prescriptive method to designing out crime and as such, each planning application will be dealt with on a case by case basis. However, there are five key principles which inform CPTED in all instances. These are:

- Surveillance.
- Access control.
- Territorial reinforcement.
- Target hardening (securing measures).
- Management and maintenance.

These principles can be applied to all planning applications ranging from structure plans through to individual development applications. To achieve the objectives of the policy, the combined effort of the community, developers and the City will be required to encourage crime prevention within our community.

6. Policy Application and Interpretation

The principles contained within this Policy apply to all applications for planning approval, including structure plans, local development plans, subdivision and development.

The use of terminology within this policy shall have the same meaning as the Western Australian Planning Commission document entitled 'Designing Out Crime Planning Guidelines' (2006).

7. Policy Statement

This policy is written in the context of establishing a set of key principles that all applications and proposals which are submitted or referred to the City will need to address.

To ensure that all planning proposals are captured, the following Planning Framework has been established to take into account the various applications and plans:

Level of Principle Application	Planning Framework	Designing Out Crime Considerations
Large-scale	District Structure Plan	Land Uses
Large-scale	Local Structure Plan	Land Uses, Local Movement Networks and Location of Public Open Space
Medium-scale	Subdivision Referral	Detailed Movement Networks and Intensity of Urban Development
Medium and small-	Local Development Plan	Building Orientation

scale		
Small-scale	Development Application	Built Form, Materials, Fencing and Landscaping

Table 1 – Planning Framework

The City will use this policy as one of the many tools that guide the preparation and assessment of planning proposals. For example, a proponent that prepares a Local Structure Plan will be guided by the large-scale principles within the policy concerning land uses, local movement networks and location of public open space, whereas a Development Application will be guided by small-scale principles of built form, materials, fencing and landscaping. Plans and all other associated planning documents will be prepared and assessed in the context of their implications to subsequent phases of design and the impact in this regard.

PRINCIPLE 1 - SURVEILLANCE

Surveillance is one of the most simple and effective principles of crime prevention. In this regard, when people perceive that they can be seen, they are less likely to engage in anti-social behaviour and crime. Most environmental settings can be designed to have opportunities for natural surveillance whereby clear sightlines are created. Placing physical features, activities and people (for example, through design which promotes increased pedestrian activity) in ways that maximise the ability to see what is happening discourages crime, encourages a feeling of openness, provides neighbourhood surveillance and a perception of increased risk of detection for intruders and of increased surveillance for legitimate uses.

Barriers such as blank walls or building facades without windows that reduce visual permeability can make it difficult to observe non-desirable activities.

Large-scale	Medium-scale	Small-scale
Land uses should be compatible with neighbouring uses.	Lots should be located to ensure adequate surveillance of public realm spaces.	Ensure clear sightlines to public realm areas from adjacent buildings.
Streets, footpaths and cycleways to be in view of adjacent land uses.	Locate uses that can provide natural surveillance wherever possible.	Illuminate primary pedestrian routes.
'Big box uses' should be arranged to have no public access to the sides of buildings.	Effective lighting of public places	Ensure level changes do not obscure public places.
Avoid over use of buffer and security zones which push land uses apart to the point of isolation.	Avoid concave building envelopes.	Front boundary fencing should be visually permeable.
Design out unwanted congregation areas and entrapment spots.		Avoid 'seas of car parks'.
Provide overlooking opportunities for power line easements.		Effective lighting of public places
Landscaping is designed to maximise sightlines with		Avoid concave building envelopes.

lighting to prevent opportunity.		
Locate uses that can provide natural surveillance wherever possible.		Lots should be located to ensure adequate surveillance of public realm spaces.

Table 2 - Surveillance Principles

PRINCIPLE 2 – ACCESS CONTROL

Natural and built access control involves the use of the environment and built form to clearly mark borders and transitional zones to physically and psychologically deter movement of illegitimate users into protected space. Access control is important to provide wayfinding and directional guidance for legitimate users, while denying access to targets during non use and reducing escape opportunities.

Large-scale	Medium-scale	Small-scale
Avoid culs-de-sac linked by pedestrian routes unless part of a wider open space connection with surveillance.	Create places and streets that support legitimate uses in full view of the community.	Secure access to property with gates and defining structures.
Delineation and alignment of public access routes away from inappropriate environments.	Avoid culs-de-sac linked by pedestrian routes unless part of a wider open space connection with surveillance.	Ramps and steps can create effective local access controls.
	Avoid use of back lanes.	Restrict access to internal areas by fences, gates, doors and shrubs.
	Link all bicycle, pedestrian paths and staged development.	Integrate security screens, bollards and bars as design elements not afterthoughts
	Design of public spaces to attract people into the area (eg. Lighting and fencing).	Careful consideration of scalable fences and bollards which may inhibit pursuit of offenders.
		Design of public spaces to attract people into the area (eg. Lighting and fencing).

Table 3 – Access Control Principles

PRINCIPLE 3 – TERRITORIAL REINFORCEMENT

People are more likely to take pride in a space they feel they have a level of ownership over. It is therefore important to identify private and public land through the use of appropriate territorial reinforcement measures.

Territorial reinforcement is the use of physical features designed to express ownership and control of the environment and delineate, semi-private and public spaces. Territorial reinforcement reduces the ambiguity of space ownership.

People usually maintain territory that they feel is their own and have a certain respect for the territory of others. Identifying intruders is much easier in well-defined space. An area that looks protected gives the impression that greater effort is required to commit a crime.

Large-scale	Medium-scale	Small-scale
Define public and private land use areas and ownership boundaries clearly.	Create sub-neighbourhoods to engender local character areas.	Clearly define private ownership by structures and surface materials.
Align major transport infrastructure to minimise land take.	Plan and design communities with supporting facilities and land uses.	Avoid ambiguity of ownership and responsibility.
Plan and design communities with supporting facilities and land uses.		
Create sub-neighbourhoods to engender local character areas.		

Table 4 – Territorial Reinforcement

PRINCIPLE 4 – TARGET HARDENING (SECURITY MEASURES)

Target hardening is often provided for at the detailed planning stage and usually includes security doors, roller shutters, security cameras and security fencing. The objective of this Principle is to ensure that buildings are secure and access is denied to offenders. By incorporating these elements into the urban form, it can actively discourage antisocial behaviour. It is important to strike a balance between designing out crime principles and other outcomes to ensure the amenity of an area is not adversely affected.

If required, target hardening elements including fencing and roller shutters should be utilised as sparingly as possible, be visually permeable and sympathetic to the built form design. Target hardening should be the last approach taken, after all other designing out crime principles have been utilised.

Primary Principles	Secondary Principles	Tertiary Principles
No elements at the primary level other than the potential to address increased security through policy statements on land use mix, access arrangements, building design and site planning.	Consider the installation of traffic management elements to discourage vehicle-enhanced break-ins to shops and commercial premises in streetscapes.	Should be based on and justified by individual need assessment.
	Ensure individual site security measures do not adversely affect local area security considerations.	Incorporate shuttering and window barring as integral design elements where openings are susceptible to break-in and concealed crime exit.
		Ensure building parapets do not conceal unlawful access
		Install closed circuit television where natural surveillance is poor.
		Where fencing is required for security it should be no less than 1.8 metres in height, though visually permeable above 1.2

*Table 5 – Target Hardening (Security Measures)***PRINCIPLE 5 – MANAGEMENT AND MAINTENANCE**

Good management and consistent maintenance of a space will be a deterrent to anti-social behaviour. If areas are run down and subject to graffiti and vandalism it is likely they will be less visited by the community and generally more intimidating to those users. Management and maintenance seeks to remove indicators of crime and the use of lighting, painting and vegetation management creates a cared for environment that can reduce the fear of crime and induce legitimate behaviour.

Large-scale	Medium-scale	Small-scale
Establish effective maintenance plans for public spaces.	Incorporate management conditions such as shopping trolley collection points where practical in planning approvals.	Remove graffiti as soon as possible after occurrences.
Consider durability, adaptive re-use and robustness of built form and open spaces in the design and decision-making process.	Ensure spatial management responsibility is clear between public and private sector organisations.	Establish effective maintenance plans for public spaces.
	Establish systems for reporting of problems and fixing them.	Maintain plants to retain visibility where required.
	Establish effective maintenance plans for public spaces.	Train maintenance staff to identify and report potential problems.

*Table 6 – Management and Maintenance***IMPLEMENTATION**

When a planning or development application is made to the City, the proposal shall take into consideration the five principles of crime prevention through environmental design.

In the event that a planning or development application has the potential to affect the surrounding community's safety or perception of safety, the City will require an applicant to provide a statement, in the context of the scale of development proposed as per *Table 1 – Planning Framework* of this Policy, detailing how the development responds to the five CPTED principles. The statement provided to the City must be prepared by a suitably qualified consultant, for example a Town Planner or Urban Designer. Appendix A contains a checklist to assist in this regard, which should accompany the statement.

Statements **must** be provided for the following types of development:

- New construction within the Kwinana Town Centre Zone, Commercial Zone, Mixed Business, Service Commercial Zone, General Industry and Light Industry Zones;
- Multiple Dwelling development of over 10 units;
- Any other development with an estimated cost exceeding \$2 million; or
- Any other development which in the opinion of City Officers may affect the perception of public safety.

APPENDIX A

Designing Out Crime Checklist

The purpose of this checklist is to assist City Officers, landowners and developers in the preparation and assessment of planning and development applications to ensure that crime prevention principles are incorporated within the design of the development or subdivision.

DESIGN	✓
The design encourages natural surveillance by people and activities	
The design allows clear sightlines and visibility	
Adequate security lighting is provided	
The design achieves an aesthetically pleasing environment which addresses safety and security concerns	
If there is an entrapment spot, can it be eliminated? Or can it be closed after hours?	
Architectural elements (down pipes, bin storage, balconies, timber fences etc) are placed in such a way that they prevent access to windows or upper storeys	
Shopfront security bars, shutters and doors allow observation of the street (i.e. they are see-through)	
OPEN AND PUBLIC SPACE	✓
The area is designed to encourage natural surveillance	
If there is more than one entry point, are these visible from nearby streets and footpaths?	
Signage is provided for easy identification of nearby amenities and help points, parking areas and the intended uses of the space	
FOOTPATHS/WALKWAYS	✓
Safe pedestrian routes are adequately signed and lit after dark	
Footpaths and walkways are visible from nearby residences/buildings, parking areas and the street	
Sharp corners or sudden changes that reduce sight lines are avoided or modified	
Barriers along paths are visually permeable/see-through where possible	
LANDSCAPING	✓
The design and landscaping encourages solutions which maintain natural surveillance	
The landscaping clearly defines public and private space	
The landscaping is designed to reduce spaces where intruders can hide	
The landscaping allows for entrances/exits that are clearly visible from the street and from parking areas	
CAR PARKING	✓
The most commonly used car parking area is visible from the main entrance	
The parking area is adequately lit	
Parking is satisfactorily integrated with the building and landscaping	
LIGHTING	✓
If the place is intended to be used at night – does the lighting allow adequate visibility (comply with Australian Standards)?	
A sensor or automated lighting is installed near entrances/exits and walkways to provide safety after hours	
Lighting provides uniform spread and reduces contrast between shadow and illuminated areas	
The location of lighting fixtures illuminates pedestrian routes, entrapment areas or other areas requiring visibility	
Lighting is protected against vandalism or uses vandal resistant materials	
SIGNAGE	✓
Entrance, car parking and other significant uses have been identified with a suitable sign	
Signage is clearly visible, easy to read and simple to understand	
Signage in the parking area is advising users to lock their cars	
If exits are closed after hours – does signage provide this information at the car parking entrance?	

BUILDING IDENTIFICATION		✓
The building address/number is clearly visible from the street by both pedestrians and vehicles		
Street numbers are made of durable materials, preferably reflective or luminous		
FENCING		✓
The fencing allows natural surveillance from the street to the building and from the building to the street		
ENTRANCE/EXITS		✓
The main entrances/exits are clearly visible from the street and from nearby parking areas		
MAINTENANCE/MANAGEMENT		✓
The design allows for easy maintenance		
The signage in the public domain displays how maintenance problems are reported		
Garbage and recycling bins are adequately located and proper lighting is installed		

Name of Policy	Local Planning Policy 8: Designing Out Crime
Date of Adoption and resolution No	<i>Insert the date on which the Policy was first adopted by Council and the resolution No</i>
Review dates and resolution No #	<i>List the dates on which the Policy was reviewed by Council and the resolution Nos</i>
Next review due date	<i>Insert the date on which the next review should be completed by</i>
Legal Authority	Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 deemed provisions (Division 2)
Directorate	City Regulation
Department	Planning
Related documents	<i>This Policy shall be read in conjunction with Designing Out Crime – Planning Guidelines (WAPC 2006)</i>

15.2 Consideration of Petition Requesting Sensor Lights and Mirrors in Bisley Lane

DECLARATION OF INTEREST:

Councillor Sheila Mills declared a proximity interest due to living in close vicinity and exited the Council Chambers at 7:04pm.

SUMMARY:

Council is asked to consider the requests made by City residents within the attached petition (Attachment A). Essentially, the petition requests the installation of sensor lighting and convex mirrors within Bisley Lane, Leda, in order to remove 'hiding spaces' within the lane. It is recommended that Council request the Western Australian Police South Metropolitan Community Engagement Unit to meet with residents on Bisley Lane and Kemble Lane.

OFFICER RECOMMENDATION:

In response to the petition received at Attachment A, Council request the Western Australian Police South Metropolitan Community Engagement Unit to meet with residents on Bisley Lane and Kemble Lane.

DISCUSSION:

This issue has previously been addressed directly by Officers. In investigating the issue, when originally raised, it was determined that the laneway is not a known problem area for either the Police or City Assist. When contacted, the Police were unaware of any issue in this particular laneway. On inspection by Officers, it was determined that Bisley Lane has no hiding spots, with the retaining walls and fences being continuous straight lines on either side of the intersecting lane (Kemble Lane). The laneway already has street lighting, with the design lux level greater than is required by the Australian Standard for street lighting in the laneway. As the walls are straight, mirrors would serve no purpose.

Crossing Bisley Lane is Kemble Lane. Kemble Lane is similar to many lanes within the City, with setback garages and boundary fences. The effect of the garage setbacks is to create hiding spaces and dark spots. These hiding spaces and dark spots are all located on private property. When originally responding to the resident, it was suggested that private landowners could effect the requested solution through the installation of sensor lights on their garages. It is noted that the petition is asking for sensor lights, but for Bisley Lane. As Bisley Lane has continuous straight fences and retaining walls, and is already lit greater than the requirements of the Australian Standards, further lighting of any type is not required. However, although not requested in the petition, the use of sensor lights on the rear of garages, would be an appropriate response by individual residences along Kemble Lane. This would light the driveway and access for each individual landowner, and collectively, this would resolve any dark spots along the laneway.

In terms of overall priority of the request, the proposal to install sensor lighting in a laneway (whether Bisley Lane or to light the private property on Kemble Lane) needs to be considered in the context of the whole City. As noted above, this laneway has no known complaint for the Police and is not a known area of concern for City Assist. In terms of overall crime figures within the City, this area is in a low crime rate area.

15.2 CONSIDERATION OF PETITION REQUESTING SENSOR LIGHTS AND MIRRORS IN BISLEY LANE

Accordingly, if Council was inclined to commence a program of lighting private property in laneways, it is unlikely that the program would start at this location.

While there is no need for Council to install additional infrastructure, it is considered that the concerns of residents may be addressed through meetings with the Western Australian Police South Metropolitan Community Engagement Unit. Furthermore, there is still the opportunity for the residents to install sensor lighting on their own garages, to light the private land adjacent to Kemble Lane. Accordingly, it is recommended that Council request the Western Australian Police South Metropolitan Community Engagement Unit to meet with these residents. In responding to the petitioner, officers will restate the opportunity for the landowners to install their own sensor lights.

LEGAL/POLICY IMPLICATIONS:

Council has recently adopted a Safe Kwinana Communities 2018-2022 (Community Safety and Crime Prevention Plan). Sensor lighting and mirrors is not a recommendation of this plan. However, the plan does acknowledge the opportunity for good planning to resolve issues with hiding places, dark spots and surveillance for laneway blocks.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications associated with this report.

Pensioners may be eligible for a subsidy to assist with the cost of installing sensor lights on their garages.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications related to this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications related to this report.

STRATEGIC/SOCIAL IMPLICATIONS:

There are no strategic/social implications related to this report. In accordance with the following outcome and objective, Bisley Lane is already lit, and contains no hiding places. The use of sensor lights on garages in the adjacent Kemble Lane, will also add to the desired outcome.

Plan	Outcome	Objective
Strategic Community Plan	A safe and welcoming place.	1.3 Facilitate improved community safety and reduced crime levels.

15.2 CONSIDERATION OF PETITION REQUESTING SENSOR LIGHTS AND MIRRORS IN BISLEY LANE

COMMUNITY ENGAGEMENT:

Officers have previously discussed this issue with the petitioner, and after investigating, suggested the opportunity for private landowners to install sensor lights, to light their private property adjacent to Kemble Lane. The signatories to the petition are addressed at Kemble Lane and Leda Boulevard.

The development of the Safe Kwinana Communities 2018-2022 (Community Safety and Crime Prevention Plan) was subject to the following consultation:

- Community Perceptions Survey – May 2016;
- Plan for the Future Community Workshop – September/October 2016;
- Plan for the Future Online Survey – December 2016 to January 2017; and
- Ongoing feedback received from the community through various social media platforms.

RISK IMPLICATIONS:

The issue does not fit within one of the City's risk themes. The actual request is for lighting on a section of laneway that is already lit to a standard that exceeds the requirements of the Australian Standards, and has continuous straight walls and fences. On the adjacent laneway, the areas of darkness are on the private property, and can be sensibly lit from the garages at each property. If the City was to enter into the business of lighting private land, by attaching sensor lights to private garages, a new liability could be created, if the lights fail or if the lights cause an injury. However, facilitating this outcome, through the private residents, does not create a risk.

COUNCIL DECISION

191

MOVED CR P FEASEY

SECONDED CR W COOPER

In response to the petition received at Attachment A, Council request the Western Australian Police South Metropolitan Community Engagement Unit to meet with residents on Bisley Lane and Kemble Lane.

**CARRIED
5/0**

Councillor Sheila Mills returned to the Council Chambers at 7:06pm

34 Signatures

Name: Nigel D. L. Ross

Address: 18 Kemble
Lane
Welland

Telephone: 0447 022196

26.2. 2018

City of Kwinana
ATTN: Chief Executive Officer
PO Box 21
KWINANA WA 6966

Dear Chief Executive Officer

PETITION – Sensor Lighting + Mirrors on Bisely Lane.

It is respectfully requested that the Council consider: these items
to be placed to avert vicious crimes.

The ratepayers and residents of Kwinana, whose names, details and signatures are set out on the attached list support this proposal.

A summary of reasons for the proposal are;

- increased visual perception behind walls (mirrors)
- lighting up behind walls + mirrors so no one hides.
- " " " " " " " " " " " "

The proposal contains 24 signatures and is served on behalf of the listed signatories by myself.

Yours sincerely

Name: Nigel D. L. Ross

Signature: NDRon.



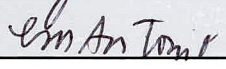

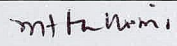


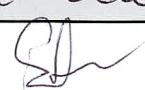
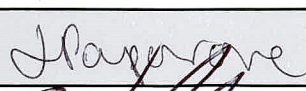
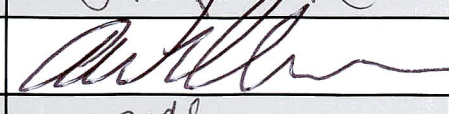
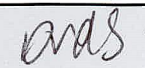
Date: 13.2.2018

City of Kwinana
PO Box 21
KWINANA WA 6966

We, the undersigned electors of the City of Kwinana request that Council considers __

As the initiator of this petition, my name is Nigel David Leslie Ross

I can be contacted on 0447022196 if further information to this matter is required.

Full Name	Full Address	Signature
DONACER OCA-BERNARDINO	12 KEMBLE LANE WELLARD 6170	
ELDER Q. AMBO	12 KEMBLE LANE WELLARD 6170 ✓	
CRISTIE V. MACLANG	18 KEMBLE LANE WELLARD 6170 ✓	
GREGORIO ANTONIO	10 KEMBLE LANE WELLARD 6170	
MA. TERESSA TALLORIN	18 KEMBLE LANE WELLARD	
GILBERTO TALLORIN	18 KEMBLE LANE	
ORLY HERRERO	Sign over page	
JUVY HERRERO		
YAN TWEEDIE	6 KEMBLE LANE	
Sutso Banda	38 Leda Blvd	
Laura Paparone	22 Leda Boulevard	
Anthony Williams	28 LEDA BOULEVARD	
Hanne Vanderschaaf	"	

CHRIS RAMSAY






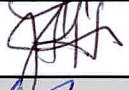











14 KEMBLE LANE



Petition:

[illegible]

Petition: _____

Full Name	Full Address	Signature
SUVARNA APPUKUTTAN	36 LEDA Blvd WELLARD	
MITHUN NANDAKUMAR	"	
Waleed Aljran	32 LEDA Blvd Wellard	
AMY GRAY-SMITH	32 Leda boulevard ^{WELLARD}	
ORLANDO HERRERO	42 LEDA BLVD ^{WELLARD}	
JOVY A. HERRERO	42 LEDA BLVD WELLARD	
Michelle Heedes	4 Kemble lane Wellard	
Glenice DIXON	24 Kemble LN	
Alexander Yuile	26 Leda boulevard Wellard	
Rachel Smith	26 leda boulevard	
PHILIP RODNEY	2 KEMBLE LANE	
Chris Meyer.	44 leda buld	
Shannon Deans	30 Leda Blvd.	
Josh Ditchfield	22 KEMBLE L	
ANDREW BAKER	16 KEMBLE LANE	
GAGAN ARORA	40 Leda BLVD	
Meenakshi	34 Leda BLVD	

16 Reports – Civic Leadership

16.1 Review of Elected Members and Chief Executive Officer Training and Development Council Policy

DECLARATION OF INTEREST:

There were no declarations of interest.

SUMMARY:

A review of the Elected Members and Chief Executive Officer Training and Development Council Policy (Policy) has identified that the City does not explicitly state that personal loyalty reward programs cannot be claimed when the travel and accommodation is paid for by the City. The following clause is recommended to be included in the Policy:

5.5.1 (d) Elected Members and the Chief Executive Officer must not receive any personal frequent flyer or accommodation loyalty points for air travel or accommodation booked and paid for by the City.

Note, there are no other changes that are being proposed to the Policy.

OFFICER RECOMMENDATION:

That Council approve the amendment to the Elected Members and Chief Executive Officer Training and Development Council Policy, as detailed in Attachment A.

DISCUSSION:

A copy of the Policy is detailed in Attachment A with the proposed amendment highlighted in red in section 5.5.1(d).

As explained in the summary section of this report, City Officers have identified that the Elected Members and Chief Executive Officer Training and Development Council Policy does not explicitly state that Elected Members and the Chief Executive Officer cannot receive any personal loyalty reward benefits such as frequent flyer points when the travel expenses are booked and paid for by the City.

In February 2005 the Department of the Premier and Cabinet released the Guidelines for Official Air Travel by Government Officers where it states in clause 8.1, Frequent Flyer Points:

“Consistent with the principle of not using public expenditure for private advantage, frequent flyer points or benefits under other incentive or loyalty schemes accumulated in the course of official air travel must not be used for private purposes. They may be used only for further official purposes.”

16.1 REVIEW OF ELECTED MEMBERS AND CHIEF EXECUTIVE OFFICER TRAINING AND DEVELOPMENT COUNCIL POLICY

Current practice is not to allow Elected Members and the Chief Executive Officer to claim these personal loyalty reward points when booking work related travel expenses. This is consistent with the Staff Policy where City Officers are not allowed to claim personal loyalty reward points when booking work related travel expenses. Elected Members and City Officers must not receive any personal benefit from performing a role as a representative of the City of Kwinana and it is recommended that the current practice be formalised by the inclusion of a clause that states:

- 5.5.1 (d) Elected Members and the Chief Executive Officer must not receive any personal frequent flyer or accommodation loyalty points for air travel or accommodation booked and paid for by the City.

LEGAL/POLICY IMPLICATIONS:**Local Government (Rules of Conduct) Regulations 2007****7. Securing personal advantage or disadvantaging others**

- (1) *A person who is a council member must not make improper use of the person's office as a council member —*
- (a) *to gain directly or indirectly an advantage for the person or any other person; or*
 - (b) *to cause detriment to the local government or any other person.*
- (2) *Subregulation (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.*

8. Misuse of local government resources

A person who is a council member must not either directly or indirectly use the resources of a local government —

- (a) *for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918; or*
- (b) *for any other purpose, unless authorised under the Act, or authorised by the council or the CEO, to use the resources for that purpose.*

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications related to this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications related to this report.

16.1 REVIEW OF ELECTED MEMBERS AND CHIEF EXECUTIVE OFFICER TRAINING AND DEVELOPMENT COUNCIL POLICY

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following outcome and objective detailed in the Corporate Business Plan.

Plan	Outcome	Objective
Corporate Business Plan 2017 - 2022	Civic Leadership	5.1 An active and engaged Local Government, focussed on achieving the community's vision

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report.

RISK IMPLICATIONS:

Risk Event	Apply personal loyalty points for travel expenses paid for by the City of Kwinana
Risk Theme	Ineffective employment practices
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Provide an adequate Policy stating that personal benefit is not allowed
Rating (after treatment)	Moderate

COUNCIL DECISION

192

MOVED CR S LEE

SECONDED CR S MILLS

That Council approve the amendment to the Elected Members and Chief Executive Officer Training and Development Council Policy, as detailed in Attachment A.

**CARRIED
6/0**

Council Policy

Elected Members and Chief Executive Officer Training and Development



Council Policy

Elected Members and Chief Executive Officer Training and Development

D14/82821[v2]

1. Title

Elected Members and Chief Executive Officer Training and Development.

2. Purpose

The purpose of this policy is to –

- (a) provide access to training and development by Elected Members and the Chief Executive Officer in order to enhance their knowledge, representation and decision making ability; and
- (b) encourage Elected Members and the Chief Executive Officer to attend training and development in order to enhance their knowledge, develop their skills and decision making ability.

3. Scope

3.1 Eligible Events

3.1 Events to which this policy applies are generally limited to those coordinated and/or run by either:

- (a) The Australian or Western Australian Local Government Associations (ALGA / WALGA).
- (b) The major professional bodies associated with local government.
- (c) Accredited organisations offering training relevant to the role and responsibilities of Elected Members and the Chief Executive Officer.
- (d) Other local government specific events where the Chief Executive Officer or Council is of the opinion attendance would benefit the Elected Members, Chief Executive Officer and the City.
- (e) Study tours, arranged by the City or by a third party, where there is a benefit to Council for Elected Members and the Chief Executive Officer to attend.

3.2 Professional Membership

In addition to eligible events, Elected Members may elect to utilise a portion of their budget allocation for Professional Membership. Professional Membership must relate to their role as an Elected Member in local government and be approved by the Chief Executive Officer.

4. Definitions

Event means conferences, seminars, forums, workshops, courses, study tours, information training sessions and other like events conducted within Australia and internationally.

5. Policy Statement

5.1 Request for Attendance

Elected Members or the Chief Executive Officer who wish to attend an event may make application by completing a training and development application form detailing the following:

- (a) Title, location and dates
- (b) Program
- (c) Anticipated benefits to the City from attendance
- (d) Total estimated costs including accommodation, travel and sundry expenses.
- (e) If applicable, name of accompanying person requesting to attend an official event dinner which the Elected Member will be responsible for payment of. The City will arrange the booking of the accompanying person; however, the payment of the accompanying person must be made by the Elected Member (refer to section 8 of this Policy for further details).

All applications are to be forwarded to the Chief Executive Officer in reasonable time to meet the event registration deadline, and preferably to meet any 'early bird' registration deadline. Approvals in respect to the Chief Executive Officer must be forwarded to the Mayor.

5.2 Attendance Approval

5.2.1 Conditions for granting approval include:

- (a) Generally, no more than two Elected Members may attend a particular event outside Western Australia at the same time, unless Council has resolved for additional Elected Members to attend. If the Mayor requests the Chief Executive Officer to attend, this will be in addition to the maximum number of Elected Members attending. The maximum number of two Elected Members attending an event outside of Western Australia does not apply to study tours. All Elected Members are entitled to attend a study tour if they meet the conditions set out in 5.2.2 and section 6 of this Policy.
- (b) That approval of attendance at events does not impede a quorum at any scheduled Council or Committee meetings.

5.2.2 Approval for Elected Members attendance may be granted by:

- (a) The Chief Executive Officer where the:
 - (i) Application complies with this policy;
 - (ii) Event is to be held within Australia or New Zealand; and
 - (iii) Estimated expenses incurred by the City for each event are less than \$4000 per Elected Member.
- (b) Resolution of Council; where the:
 - (i) Application does not comply with this policy;

- (ii) Estimated event expenses exceed the available balance of the Elected Member's annual expense allocation;
- (iii) Event is to be held outside of Australia or New Zealand; or
- (iv) Estimated expenses incurred by the City for each event are greater than \$4000 per Elected Member.

5.2.3 Approval the Chief Executive Officer attendance may be granted by:

- (a) The Mayor where the:
 - (i) Application complies with this policy;
 - (ii) Event is to be held within Australia or New Zealand; and
 - (iii) Estimated expenses incurred by the City for each event are less than \$4000.
- (b) Resolution of Council; where the:
 - (i) Application does not comply with this policy;
 - (ii) Estimated event expenses exceed the available balance of the Chief Executive Officer's annual expense allocation;
 - (iii) Event is to be held outside of Australia or New Zealand; or
 - (iv) Estimated expenses incurred by the City for each event are greater than \$4000.

5.3 Professional Membership and Attendance – Interstate and Intrastate Restrictions

5.3.1 An Elected Member or the Chief Executive Officer who has failed to fulfil the obligations of this Policy in attending a prior event, namely;

- (a) Acquittal of cash advance expenditure in accordance with Clause 5.7; or
- (b) Provision of a report arising from attendance at an interstate event, in accordance with Clause 5.8;

is ineligible to attend any future event unless authorisation is granted by Council.

5.3.2 Elected Members who only have two calendar months of their term of office remaining are not eligible to attend events.

Elected Members can attend an event at their own expense if they only have two calendar months of their term of office remaining.

5.3.3 Elected Members who request professional membership to be paid in a year that their term of office is not a full financial year will only have the proportion paid for the days of the membership period they hold office.

5.4 Event Registration and Bookings

Air fares, conference registration fees and accommodation are to be arranged directly by the City. Delegates are not to pay such costs and seek reimbursement, except in the case of an emergency or unique circumstances, following the approval of either the Mayor or the Chief Executive Officer. In respect to an application by the Chief Executive Officer approval of the Mayor will be required.

5.5 Expenses

Subject to approval being granted to attend an event, by the Mayor (in the case of the applicant being the Chief Executive Officer), Chief Executive Officer or Council as applicable, the following expenses are to be met:

5.5.1 Travel

Where travel is involved, the actual cost of travel to and from the event venue are to be met by the City for the respective Elected Member or the Chief Executive Officer.

- (a) All air travel is to be by Economy Class (unless otherwise provided for by Council Policy) at a time that is convenient to the Elected Member or the Chief Executive Officer. As far as is practicable, advantage should be taken of any available discount fares including advance purchased fares. Upgraded seats can be secured at the Elected Member or the Chief Executive Officer's cost (noting that the cost difference is to be determined as the amount between the lowest discounted economy fare available and the upgraded cost).
- (b) Airline tickets purchased are to be insured to enable the ticket purchase price to be refunded, on occasions whereby a delegate is unable to travel.
- (c) Where in particular circumstances an Elected Member or the Chief Executive Officer desire to travel interstate or intrastate by private motor vehicle, they are to be reimbursed for vehicle costs in accordance with the State Public Service Award 1992, but only up to an equivalent amount that would have been expended had arrangements been made to travel by air.
- (d) Elected Members and the Chief Executive Officer must not receive any personal frequent flyer or accommodation loyalty points for air travel or accommodation booked and paid for by the City.

5.5.2 Registration

Registration fees may include, where applicable, event registration, Conference program dinners, technical tours and accompanying workshops identified within the event program.

5.5.3 Accommodation

Reasonable accommodation for the Elected Member or the Chief Executive Officer for a room at or in close proximity to the event venue. Allowance for delegates to arrive the day prior to the start of the event and depart the day following the close of the event are acceptable if it is not reasonable to expect travel to occur on the days of the conference.

Should an Elected Member or the Chief Executive Officer wish to upgrade their accommodation standard or extend their visit for personal reasons not associated with approved City business, all extended stay and additional costs associated with that stay are to be met by the Elected Member or the Chief Executive Officer (including any additional airfare costs).

5.5.5 Meals and Incidental Expenses

Funding for meals and incidental expenses is to be provided in accordance with the State Public Service Award 1992 conditions of service and allowances.

- (a) Meals expenses are to be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch and dinner where these are not provided at the event or in travel. The extent to which an Elected Member or the Chief Executive Officer can be reimbursed for intra state or interstate travel and accommodation costs is at the same rate applicable to reimbursement of travel and accommodation costs in the same or similar circumstances under the State Public Service Award 1992. The cash advance is stated in clause 5.7, in which the Elected Member or Chief Executive Officer must acquit the expenditure against the advance and refund any cash advance not used.

Note: When meals are included and have been paid for as part of the registration fee or accommodation costs, claims for alternative meals at venues other than the event is not to be paid by the City.

- (b) Incidental expenses are to be interpreted as reasonable expenses incurred by the delegate for telephone calls, newspapers, laundry, public transport and sundry food and beverages.
- (c) In accordance with the State Public Service Award 1992, the current cash advance of \$128 per day for interstate or international travel, and \$93 for intrastate travel, will be made to cover meals, incidental expenses and intra-City transport as mentioned in 7.4(a) and (b). The advance can be sought by the delegate prior to departure for the event. These expenses are to be reconciled, and any cash advance not used must be refunded to the City, within seven working days of return (with receipts provided). The cash advance is broken down accordingly:

Meal	Perth	Interstate/International
Breakfast	16.30	21.20
Lunch	16.30	33.20
Dinner	46.50	52.20
Incidentals	14.55	21.70
Total \$	93.65	128.30

5.5.6 Transport

Transport to and from the airport and necessary intra-City movement is via taxi, or any other more cost effective reasonable alternatives are to be provided for by the City. Please note, that cab charges are available from the Executive Assistant to the Chief Executive Officer.

5.5.7 Travel Insurance – Intrastate, Interstate and International

Elected Members and the Chief Executive Officer may be covered by the City's travel insurance for the duration of their travel, however it may not be adequate for their own personal level of health and eligibility.

Any Elected Member or the Chief Executive Officer should make themselves familiar with the conditions of the City's Corporate Travel Insurance Policy and Schedule so that the City and/or the delegates can make any alternative decisions and arrangements if need be regarding the intended travel.

5.6 Accompanying persons/entertainment costs

Elected Members are responsible and will be required to pay all costs associated with an accompanying person attending an event (including conference dinners and functions). The City may register the accompanying person to an event dinner or function, however all costs must be incurred by the Elected Member.

5.7 Acquittal of Expenses

Although receipts cannot always be obtained, every reasonable attempt should be made to do so to support acquittal of expenses and claims for reimbursement.

5.7.1 Attendees are to, within seven working days of return from the event, provide a complete daily breakdown of expenditure relating to the cash advance and other out of pocket expenses, itemising individual purchases, and where possible supported by receipts. Any surplus funds from the cash advance is to be returned at the same time.

5.7.2 Claims for valid event related expenditure, in excess of the cash advance is only to be considered for payment when full details and receipts are provided.

5.7.3 Elected Members failing to acquit expenses in accordance with this policy are to have the full value of the cash advance deducted from the next monthly payment of their meeting attendance fees.

5.7.4 Acquittals not completed by the Chief Executive Officer in accordance with this Policy are to be invoiced to the Chief Executive Officer.

5.8 Sharing of Knowledge

Within a reasonable time (the period of time is not to exceed 30 days) of attendance at an interstate event the Elected Member or the Chief Executive Officer is to provide a written report or presentation (including copies of conference papers where appropriate) concerning the event for the information of other Elected Members and for the City records.

The Chief Executive Officer is to distribute the report to all other Elected Members.

6. Financial/Budget Implications

6.1 To enable attendance by Elected Members or the Chief Executive Officer at events, the following is to be considered when preparing the budget annually:

- (a) A budget allocation of \$4000 per Elected Member and the Chief Executive Officer to cover costs associated with attendance at events relevant to the role and responsibilities of

an Elected Member or Chief Executive Officer that may include in a financial year any combination of the following:

- (i) One interstate / New Zealand event;
- (ii) The annual WALGA Convention;
- (iii) Metropolitan / intrastate events;
- (iv) Accredited training;
- (v) International event; and/or
- (vi) Study tour

- (b) Elected Members, in addition to that referred to in paragraph (a) above, are entitled to a further allocation of \$2500 per year in the first two years of their term of office when training needs are highest for governance and general local government familiarity (this amount cannot be carried forward).

6.2 Elected Members or the Chief Executive Officer are to only be registered for an event if the Elected Member or the Chief Executive Officer has sufficient funds in their annual expense allocation to meet the costs, unless Council resolves that attendance by that Elected Member or the Chief Executive Officer would be of specific benefit to the City and resolves to allocate additional funding, or the Elected Member or Chief Executive Officer funds any shortfall.

6.3 The maximum carried forward amount of unspent allocation from previous years is to be no more \$2000 for each Elected Member and the Chief Executive Officer.

7. Asset Management Implications

There are no specific asset management implications associated with this policy.

8. Environmental Implications

There are no specific environmental implications associated with this policy.

9. Strategic/Social Implications

Corporate Business Plan 2017 - 2022

Objective 5.14 Develop and implement training and development programs/activities that meet current and future skills and competency needs.

10. Occupational Safety and Health (OSH) Implications

There are not specific OSH implications associated with this policy.

11. Risk Assessment

A risk assessment conducted as part of the policy review has indicated that the risk to the City by poor decision making by Elected Members and the Chief Executive Officer as a result of inadequate training and development would result in a risk rating of high.

It is assessed that the risk rating following the implementation of this Policy would reduce the risk rating to low.

12. References

Name of Policy	Elected Members and Chief Executive Officer Training and Development
Date of Adoption and resolution No	21/07/2012 #163
Review dates and resolution No #	26/02/2014 #104 12/11/2014 #304 24/04/2018 #150
Next review date due	24/04/2020
Legal Authority	Local Government Act 1995 Section 2.7 – Role of Council
Directorate	City Strategy
Department	Governance and Civic Services
Related documents	<p>Acts/Regulations Local Government Act 1995</p> <p>State Public Service Award 1992</p> <p>Plans/Strategies Corporate Business Plan 2016 – 2021</p> <p>Policies Nil</p> <p>Work Instructions D10/3923[v5] – GCS - WI 04 – Elected Members Expenses</p> <p>Other documents D15/37523[v3] – Code of Conduct Clause 6.2 – Travelling and sustenance expenses</p> <p>D12/48178[v5] – Elected Members Training and Development Application</p> <p>D14/87288[v2 – Elected Members Training and Development Report</p>

Note: Changes to References may be made without the need to take the policy to Council for review.

16.2 Southern Metropolitan Regional Council Draft Budget - 2018/19

DECLARATION OF INTEREST:

There were no declarations of interest.

SUMMARY:

The Southern Metropolitan Regional Council (SMRC) Draft Budget 2018/19 as per Confidential Attachment A has been accepted by the SMRC at its meeting on 19 April 2018 for submission to member Councils for consideration and comment, prior to adoption by the SMRC on 21 June 2018. Following the meeting a letter (Confidential Attachment B) was provided including updated population estimates and associated changes to the contributions by participants.

The City of Kwinana's share of the 'SMRC Existing Undertakings' for governance, research and development and education has been determined to be \$89,626 representing an increase of \$8,206. The increase includes a 1.5% budget increase and a 9% increase based on population. As a Member Council of the SMRC and a project participant in the Office Project at Booragoon, the City is obliged to pay this contribution.

In 2017/18, the City paid an annual fee of \$42,550 to the SMRC for the 'RRRC [Regional Resource Recovery Centre] Education Annual Contribution'. The SMRC Draft Budget shows an increase to \$47,301 for these services in 2018/19. This contribution is not mandatory for the City but has provided many benefits to the community and to the City Officers. It should be noted that the Waste Management Services – Waste and Recycling Collections, Processing and Disposal Tender recently awarded to SUEZ by the City of Kwinana does not include the provision of education services.

It is therefore being recommended that Council note the SMRC Draft Budget for 2018/19, accept the proposed share of governance charges termed SMRC Existing Undertakings and the proposed RRRC Education Annual Contribution 18/19 as part of being a member and project participant.

OFFICER RECOMMENDATION:

That Council:

1. Notes the Southern Metropolitan Regional Council Draft Budget for 2018/19 as per Confidential Attachments A and B.
2. Advises the Southern Metropolitan Regional Council that the City of Kwinana accepts its share of the proposed contribution towards the Existing Undertakings Annual Contribution for 2018/19 in accordance with the Establishment Agreement.
3. Advises the Southern Metropolitan Regional Council that the City of Kwinana accepts its share towards the RRRC Education Annual Contribution for 2018/19.

16.2 SOUTHERN METROPOLITAN REGIONAL COUNCIL DRAFT BUDGET - 2018/19

DISCUSSION:Background

The City of Kwinana is a member of the SMRC under the Establishment Agreement and is a project participant in the Office Project at Booragoon. The City is not a member of the RRRC project at Canning Vale. Under the Establishment Agreement the City is afforded the right to comment on the draft budget 2018/19, before it is adopted by the SMRC on 21 June 2018.

The SMRC draft budget parameters report is attached (Confidential Attachment A) for reference and consideration. This report provides budget estimates based on the April 2016 population estimates. Confidential Attachment B is a copy of a letter that the SMRC sent subsequently updating the draft budget contributions with the 2017 estimated population figures released by the Australian Bureau of Statistics on 24 April 2018.

SMRC Existing Undertakings Contribution

As per Confidential Attachment B, the proposed annual operating increase for the City towards the SMRC Existing Undertakings for governance, research and development, and education functions is \$8,206. The total contribution towards the SMRC Existing Undertakings in 2018/19 is \$89,626. The increase includes a 9% increase in the population from last year's estimates which adjusts the proportional share to 14.34% of the total member population.

The City of Kwinana contribute 14.34% of the annual contribution towards the SMRC Governance budget of \$349,000. This includes:

- Members Fees of \$101,000 (\$14,480)
- WALGA MWAC fees \$50,000 (\$7,170)
- Office Loan interest \$58,500 (\$8,389)
- CEO and Administration % allocation \$139,500 (\$19,941)

The City of Kwinana contribute 14.34% of the annual contribution towards the SMRC R&D budget of \$70,222. This includes:

- CEO and Administration % allocation \$70,222 (\$10,070)

The City of Kwinana contribute 14.34% of the annual contribution towards the SMRC Education (Corporate Communications) budget of \$206,240. This includes

- Community Engagement Officer's % allocation
- CEO and Administration % allocation
- Media Statements, Advertising, community surveys, general waste education awareness publications across the region.

Total Expenses \$206,240 (\$29,575)

It should be noted that the Booragoon Office Project loan is \$1.8 million and is an interest only loan. The annual interest payable is \$58,500 which would be the annual rental of a commercial office. The City of Kwinana's annual contribution is \$8,389 based on the 14.34% share. This cost is included in the SMRC Governance Budget outlined above.

The City of Kwinana's share of the loan liability as at 30 June 2019 (see Attachment B) is \$258,132 (14.34% of the member population) as at April 2017.

16.2 SOUTHERN METROPOLITAN REGIONAL COUNCIL DRAFT BUDGET - 2018/19

Regional Resource Recovery Centre (RRRC) Education Annual Contribution

The SMRC proposes to continue with charges for the RRRC Education Annual Contribution introduced by the SMRC and accepted by the City of Kwinana in the 2017/18 budget. The City's budgeted share in 2018/19 as per Attachment B is \$47,301. Whilst the population has grown by 9% in the City of Kwinana between 2016 and 2017, it is important to note that the proportional contribution of the City of Kwinana to the RRRC Project has increased to 23.01% reflecting the City of Cockburn's withdrawal from the RRRC Project effective from 30 June 2017. Please see the revised table below:

POPULATION	Est Pop 2016		Est Pop 2017		Change	
East Fremantle	7,770	4.22%	7,864	4.29%	94	1%
Fremantle	31,114	16.91%	30,925	16.88%	(189)	-1%
Kwinana	38,790	21.09%	42,147	23.01%	3,357	9%
Melville	106,294	57.78%	102,252	55.82%	(4,042)	-4%
Total	183,968	100.00%	183,188	100.00%	(780)	0%

Essentially this contribution from the City of Kwinana sees the following service provided as part of the RRRC Recycle Right Program:

- Inclusion of the annual design and printing of the waste and recycle calendar (value circa \$5 k per annum)
- Free unrestricted access to tours of the Regional Resource Recovery Centre and use of the Education Centre.
- Free access to school incursions and presentations from the SMRC's Education Officer.
- On average, almost 6,000 individual community contacts per annum are made via incursions and excursions to the RRRC Participant community.
- Induction and training of the Kwinana Waste Officer or designates/ so they have the ability to assist and or conduct facility tours independently of SMRC if required or when large groups are visiting.
- Access to and involvement in educational and promotional campaigns and events such as the Garage Sale Trail, the Royal Show, shopping centre events etc.
- The SMRC receives support and funding for joint council initiatives between its member councils primarily from the Waste Authority. This leverages the Participant's investment significantly- i.e. \$400k has been received from the Waste Authority over 4 years to develop programmes such as bus back advertising, waste collection truck livery, smart phone app development, website development, billboard advertising etc
- Access to a highly experienced in-house graphic designer who can design a range of materials, providing far greater value compared to the commercial market cost of these services.
- A higher level of input, advice and assistance of communications and education from the SMRC with City of Kwinana Officers and vice versa.

16.2 SOUTHERN METROPOLITAN REGIONAL COUNCIL DRAFT BUDGET - 2018/19

The City's Waste Minimisation Officer has recently been appointed as a full time ongoing position and continues to receive significant support from the RRRC Program. It is recommended that the City continue to support the RRRC Education Annual Contribution in 18/19.

RRRC Operating Costs

The RRRC project operational costs do not directly have an impact on the City. This report therefore does not consider the RRRC project operational costs and overheads.

Fee for Processing of Recyclables

The SMRC provided a fee proposal for processing of recyclables at the RRRC facility in 2018/19. This was considered in conjunction with the Waste and Recycling Tender On 30 May 2018, Council determined to award the Waste Management Services – Waste and Recycling Collections, Processing and Disposal contract to SUEZ Recycling and Recovery Pty Ltd, including the disposal of waste and processing of recyclables options to dispose the City's waste at SUEZ owned Bannister landfill facility (until the Phoenix Waste to Energy plant is operational); and to process the City's recyclables at the SUEZ owned materials recovery facility (MRF) at Bibra Lake.

LEGAL/POLICY IMPLICATIONS:

The City, under the SMRC Establishment Agreement, is afforded the opportunity to comment on the 2018/2019 draft Budget prior to its adoption by the SMRC on 21 June 2018.

FINANCIAL/BUDGET IMPLICATIONS:

The City of Kwinana draft waste budget for 2018/19 makes provision for the City's contribution to the SMRC Existing Undertakings and includes a budget allocation to support waste and recycling education initiatives as proposed by the RRRC Education Annual Contribution.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following outcome and objective detailed in the Corporate Business Plan.

16.2 SOUTHERN METROPOLITAN REGIONAL COUNCIL DRAFT BUDGET - 2018/19

Plan	Outcome	Objective
Corporate Business Plan	Community Services	6.1 Encourage waste minimisation, recovery and recycling as well as ensure appropriate disposal and reuse

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	SMRC 2018/19 draft budget is not considered by the City
Risk Theme	Failure to fulfil statutory regulations or compliance requirements.
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Unlikely
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Preparation of Council report
Rating (after treatment)	Low

16.2 SOUTHERN METROPOLITAN REGIONAL COUNCIL DRAFT BUDGET - 2018/19

COUNCIL DECISION

193

MOVED CR M ROWSE

SECONDED CR S MILLS

That Council:

- 1. Notes the Southern Metropolitan Regional Council Draft Budget for 2018/19 as per Confidential Attachments A and B.**
- 2. Advises the Southern Metropolitan Regional Council that the City of Kwinana accepts its share of the proposed contribution towards the Existing Undertakings Annual Contribution for 2018/19 in accordance with the Establishment Agreement.**
- 3. Advises the Southern Metropolitan Regional Council that the City of Kwinana accepts its share towards the RRRC Education Annual Contribution for 2018/19.**

**CARRIED
6/0**

16.3 Council Policy: Prohibition on the Organised Release of Balloons

DECLARATION OF INTEREST:

There were no declarations of interest.

SUMMARY

At the Ordinary Council Meeting held on 28 February 2018, Council resolved (as per Attachment B) to adopt the Draft Policy: Prohibition on the Organised Release of Balloons (draft Policy) (see Attachment A) for the purposes of advertising.

As per the requirements of the Community Engagement Policy, the City provided Public Notice in the Weekend Courier, advertised the draft Policy on the City's website and in the Spirit of Kwinana newsletter and published a media release for the purpose of public comment for a period of 21 days.

The City received two submissions and some feedback after the closing date. All responses were encouraging and supported Council's draft policy to ban the organised release of balloons.

This report therefore recommends that Council adopt the draft Policy with minor typographical changes as shown in red in Attachment A.

OFFICER RECOMMENDATION:

That Council:

Adopt the Draft Policy: Prohibition on the Organised Release of Balloons (as per Attachment A).

DISCUSSION

At the Ordinary Council Meeting held on 28 February 2018, Council resolved to:

1. *Adopt the Draft Policy: Prohibition on the Organised Release of Balloons (as per the attachment) for the purposes of advertising.*
2. *Publically advertise the Draft Policy: Prohibition on the Organised Release of Balloons for a period of 21 days.*
3. *Require a report back to Council that details the submissions received during the advertising period and make a recommendation that the Draft Policy: Prohibition on the Organised Release of Balloons be either adopted with or without modification, or not to proceed.*
4. *Authorise the CEO to write to the Hon Robin Chapple advising of the City's Position supporting legislation to ban the release of balloons in public places.*

As per resolution 2 above, the City published the Public Notice in the Weekend Courier and on the City of Kwinana website on 16 March 2018, advertised the draft Policy in the Spirit of Kwinana newsletter on 18 April 2018 and published a media release on 23 April 2018. The final due date for all submissions was 14 May 2018.

The City received two submissions in relation to the Draft Policy. The Pro Environment Balloon Alliance (PEBA) also provided feedback following the closing date.

16.3 COUNCIL POLICY: PROHIBITION ON THE ORGANISED RELEASE OF BALLOONS

Submission 1 - Mrs Pearl Benskin, Port Kennedy stated,

"I was so pleased to read in the weekend courier that there is to be a balloon ban policy. Not before time I say! As was pointed out the balloon fragments are not biodegradable, and the balloons all have to come down somewhere, causing untold damage to wildlife. Wildlife has a difficult enough time, without us humans adding to it. ... Lets hope that in time we can all be educated to the destruction that balloons wreak on society."

Submission 2 – Anonymous

"Marvellous news, the" Ban the Balloon "on a mass scale. This idea SHOULD GO WA wide, then Australia, then the World. I do see other forward thinking areas around the World eg USA, have done what you the Kwinana City are planning."

Late feedback – Brian Gray, PEBA

Congratulations, on the fantastic bi-law [the Draft Policy] you have proposed.

The Pro Environment Balloon Alliance has found this to be the best proposed bi-law, we have seen, in regards to balloons and the environment. It is both logical and enforceable. It prevents littering, while allowing a biodegradable product to be disposed of correctly. When, and if, this bi-law is passed, PEBA would like permission to provide the bi-law, as an example, to local governments around Australia and around the world. (#belikekwinana).

PEBA's aim is for Australia to be the first "Balloon release free continent" in the world. As mentioned in our meeting, PEBA is keen to educate the public to not release balloons anywhere, not just on council property and we will continue this work.

Conclusion -

The City received only positive comments reinforcing the ban on the organised release of balloons as per the draft Policy. Therefore, the draft Policy is recommended for adoption by Council without modification with minor typographical changes as shown in red in Attachment A.

LEGAL/POLICY IMPLICATIONS

Local Government Act 1995

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

16.3 COUNCIL POLICY: PROHIBITION ON THE ORGANISED RELEASE OF BALLOONS**Local Government Property Local Law****3.3 Decision on application for permit**

- (1) The local government may –
- (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.

3.4 Conditions which may be imposed on a permit

- (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to –
- (b) compliance with a standard or a policy of the local government adopted by the local government;

3.5 Imposing conditions under a policy

- (1) In this clause –

"policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

FINANCIAL/BUDGET IMPLICATIONS

There are no anticipated financial implications.

ASSET MANAGEMENT IMPLICATIONS

City venue hire policies and application forms would require amendment to include a condition of hire as per the requirements of the draft Policy.

ENVIRONMENTAL IMPLICATIONS

A prohibition on the organised release of balloons in the City of Kwinana will assist in reducing the detrimental impact of balloon fragments in the environment.

STRATEGIC/SOCIAL IMPLICATIONS

This proposal will support the achievement of the following objective and strategy detailed in the Strategic Community Plan.

Plan	Objective	Strategy
Strategic Community Plan – A beautiful natural environment	3.2 Educate and promote improved environmental land management	Environmental Education Strategy

16.3 COUNCIL POLICY: PROHIBITION ON THE ORGANISED RELEASE OF BALLOONS**COMMUNITY ENGAGEMENT**

The Draft Policy: Prohibition on the Organised Release of Balloons Policy is subject to a 'Lower Impact: All of Kwinana' classification as per the matrix of the Community Engagement Policy (CEP). In accordance with the requirements of the CEP, the Policy was advertised by media release, notice in the local newspaper, notice in the Spirit of Kwinana newsletter and a post on the website for a period of 21 days.

Two submissions were received in support of the draft Policy during advertising. A further submission was received after the close of submissions and has been included within this report.

RISK IMPLICATIONS

The risk implications in relation to this proposal are as follows:

Risk Event	The organised/mass release of balloons into the environment.
Risk Theme	Inadequate engagement practices
Risk Effect/Impact	Environment Reputation
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Adoption of a Council Policy – Prohibition on the Organised Release of Balloons Ensuring that organised release of balloons is not permitted at events organised or funded by the City of Kwinana and on City of Kwinana land, reserves, buildings and venues for hire.
Rating (after treatment)	Low

16.3 COUNCIL POLICY: PROHIBITION ON THE ORGANISED RELEASE OF BALLOONS

COUNCIL DECISION

194

MOVED CR W COOPER

SECONDED CR M ROWSE

That Council:

Adopt the Draft Policy: Prohibition on the Organised Release of Balloons (as per Attachment A).

**CARRIED
6/0**

Council Policy (Draft)

Prohibition on the Organised Release of Balloons



Council Policy

Prohibition on the Organised Release of Balloons

D18/5877[v2]

1. Title

Prohibition on the Organised Release of Balloons

2. Purpose

Balloon releases as part of community events or special commemorative occasions have not previously been considered potentially harmful to the environment. However, as per the Western Australian Local Government Association's Helium Balloon Litter Background Paper, research indicates that releasing helium balloons can have a detrimental environmental impact.

While balloons may eventually break down into smaller pieces in the environment, they do not biodegrade or breakdown quickly. There may also be attachments to the balloons, such as strings which also do not break down easily. The balloon fragments and attachments have the potential to be consumed by turtles and marine birds, resulting in the depletion of marine fauna.

This Policy has been developed to reduce the environmental harm caused by balloon fragments generated in the City of Kwinana and to promote greater awareness in the community of the impact of balloons and other litter in the environment.

3. Scope

This policy provides guidance to City of Kwinana elected members and staff and to members of the public in relation to the prohibition on the organised release of balloons during events organised and funded by the City of Kwinana and from City of Kwinana land, reserves, buildings and venues for hire.

4. Definitions

Organised release of balloons – The planned release of balloons into the environment.

5. Policy Statement

The Policy prohibits the organised release of balloons at City of Kwinana events and on City of Kwinana land, reserves, buildings and venues for hire.

5.1 The organised release of balloons is prohibited at events and functions, organised and/or funded by the City of Kwinana.

5.2 The organised release of balloons is prohibited on City of Kwinana land, reserves, buildings and venues for hire.

5.2.1 Persons ~~required to~~ hire City of Kwinana buildings and reserves will be required to acknowledge the prohibition on the organised release of balloons:

- a) with relevant information provided in the application forms as a Condition of Hire; and
- b) as a condition on any relevant permit/approval.

6. Financial/Budget Implications

There are no anticipated financial implications as a result of this Policy.

7. Asset Management Implications

There are no anticipated asset management implications as a result of this Policy.

8. Environmental Implications

A prohibition on the organised release of balloons in the City of Kwinana is likely to assist in the reduction of the detrimental impact of balloon fragments and associated hazardous attachments in the environment.

9. Strategic/Social Implications

This proposal will support the achievement of the following objectives ~~s-and-strategies~~ detailed in the Strategic Community Plan.

Plan	Objective	Measure
Strategic Community Plan – A beautiful natural environment	3.2 Educate and promote improved environmental land management	Environmental Education Strategy

It is possible that some residents, groups and/or associations may be opposed to the prohibition on the organised release of balloons.

10. Occupational Safety and Health Implications

There are no anticipated occupational safety and health implications as a result of this Policy.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not providing an adequate policy to address the issue of organised release of balloons would result in a risk rating of moderate.

It is further assessed that the risk rating following the implementation of this policy would result in a risk rating of low.

12. References

Name of Policy	Prohibition on the Organised Release of Balloons
Date of Adoption and resolution No	
Review dates and resolution No #	
Next review due	
Legal Authority	<i>Local Government Act 1995</i> Section 2.7 – The Role of Council.
Directorate	City Regulation
Department	Environmental Health
Related documents	Acts/Regulations <i>Local Government Act 1995</i> Plans/Strategies

	<p>City of Kwinana Strategic Community Plan Environmental Education Strategy</p> <p>Policies Nil</p> <p>Work Instructions The Policy is to be circulated to all staff once adopted. The Reserves, Ovals and Public Open Space Hire Form is to be updated with the relevant information as a Condition of Hire.</p> <p>Other documents Nil</p>
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Note: Changes to References may be made without the need to take the Policy to Council for review.

16.3 Prohibiting the Organised Release of Balloons

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY

Balloon fragments caused by the release of balloons into the environment have a detrimental impact on the environment as they take years to biodegrade.

A draft Council Policy has been prepared to help articulate a formal response to the Hon. Robin Chapple MLC in relation to the City of Kwinana's position on banning the release of helium balloons in public spaces.

In summary, the draft Policy requires that:

1. The organised release of balloons is prohibited at events and functions, organised and/or funded by the City of Kwinana.
2. The organised release of balloons is prohibited on City of Kwinana land, reserves, buildings and venues for hire.
3. It be made an acknowledgment and a Condition of Hire on the relevant booking forms that the event organisers do not partake in the organised release of balloons.

OFFICER RECOMMENDATION:

That Council:

1. Adopt the Draft Policy: Prohibition on the Organised Release of Balloons (as per the attachment) for the purposes of advertising.
2. Publically advertise the Draft Policy: Prohibition on the Organised Release of Balloons for a period of 21 days.
3. Require a report back to Council that details the submissions received during the advertising period and make a recommendation that the Draft Policy: Prohibition on the Organised Release of Balloons be either adopted with or without modification, or not to proceed.
4. Authorise the CEO to write to the Hon Robin Chapple advising of the City's Position supporting legislation to ban the release of balloons in public places.

DISCUSSION

A letter from the Hon. Robin Chapple MLC was received on 20 October 2017: -

- Seeking Council's position on legislating to ban the release of helium balloons in public spaces; and
- Informing that –
 - Cottesloe Council passed such a ban, with City of Cockburn to follow suit;
 - the release of balloons constitutes littering; and
 - balloons are an environmental hazard.

16.3 PROHIBITING THE ORGANISED RELEASE OF BALLOONS

Note - Since receiving the letter, the Town of East Fremantle have also moved to ban the release of balloons and are advocating to make the release of balloons an offence under the *Litter Act 1979*.

The Town of Victoria Park had previously also adopted a Council position to:

- Not organise the release of balloons at public events planned by the Town;
- Not endorse the organised release of balloons at outdoor events held on reserves within the Town; and
- Include information regarding Council's position on balloon releases in reserve booking information.

The Western Australian Local Government Association (WALGA) Helium Balloon Litter Background Paper states:

"Historically, balloon releases have occurred as part of community events or special commemorative occasions. It is often seen as an activity which does not have an environmental impact. However, research indicates that releasing helium balloons can have a detrimental environmental impact."

While balloons may eventually break down into smaller pieces in the environment, they do not break down quickly or biodegrade. There may also be attachments to the balloons which do not break down. Recent Australian research shows that turtles consume balloon fragments in preference to other types of plastic marine debris. Studies also show that balloons are consumed by marine birds."

Local Governments have the ability to control what activities occur at their events and events held on Local Government property. Council can adopt a position which prohibits the release of helium balloons at Local Government events and include this prohibition when requests to use Local Government reserves are received."

WALGA's discussion paper released on 24 June 2015 further recommends –

"The following are ways that Local Governments could reduce balloon litter:

1. *Not undertake the organised release of helium balloons at public events held by Local Government.*
2. *Prohibit the organised release of helium balloons at events held on public reserves.*
3. *Promote that Local Government does not support helium balloon releases in reserve booking information, and as a condition of use.*
4. *Promote greater awareness in the community of the impact of balloons and other litter in the environment.*
5. *Encourage alternatives to the release of helium balloons."*

On 13 November 2017, the above information was presented and three options were discussed with Council:

- Option 1 - To ban the use of all balloons on land controlled by the City.
 - This measure would mean balloons of any nature would not be permitted even if they are not to be released in to the environment.

16.3 PROHIBITING THE ORGANISED RELEASE OF BALLOONS

- It is the strongest stance possible. However, it impinges on the rights of residents to use balloons, affects the balloon industry and would be impractical to enforce.
 - This is considered an extreme measure and is therefore not the recommended option.
- Option 2 -To take the position that 'The City of Kwinana supports a state-wide ban on the mass release of helium balloons in public places'.
 - This option requires no further involvement on the City's part.
 - After advising the City's position, it leaves the responsibility of the ban on release of balloons to the State of Western Australia.
 - This is also not the preferred position as balloons could continue to be released into the local environment until a state-wide ban is in place.
- Option 3 - To enact WALGA's recommendations as listed above and to support a state-wide ban on the organised release of helium balloons.
 - A ban on all balloons in all private and public areas of the City is impractical for local government to enforce and goes beyond the City's governance responsibilities and the Local Law. It may also evoke a negative response from residents and businesses who may consider this as an unnecessary constraint. That being said, not taking sufficient action would continue to result in environmental harm.
 - Local government can take an active role in this space by limiting a ban on the organised release of balloons to land, buildings, reserves and other venues that it manages and are available for public hire. In addition, it can enforce this requirement with all events and functions that are organised and/funded by the City of Kwinana.
 - This option offers the City of Kwinana an appropriate level of control and the opportunity to take ownership on a sustainable initiative that affects the local environment. It also enables the City to support a state wide ban
 - This report therefore recommends the formal position of adopting the Draft Policy: Prohibition on the Organised Release of Balloons and to advise the Hon. Robin Chapple of the City's position to support a state-wide ban on the organised release of helium balloons.

It is important to note that differentiating helium from gas-filled balloons could lead to confusion, as the organised release of air-filled balloons, similar to helium balloons, could also have a detrimental impact on the environment. For these reasons, the Policy is not restricted to gas-filled or helium balloons but captures the organised release of all balloons. Further, the Policy does not in any way impede the use of balloons on private property; or restrict the use of balloons for parties or events on City land, venues, buildings or reserves for hire, provided that they are not intended to be released into the environment.

The draft Policy requires that:

1. The organised release of balloons is prohibited at events and functions, organised and/or funded by the City of Kwinana.
2. The organised release of balloons is prohibited on City of Kwinana land, reserves, buildings and venues for hire.
3. It be made an acknowledgement and a Condition of Hire on the relevant booking forms that the event organisers do not partake in the organised release of balloons.

16.3 PROHIBITING THE ORGANISED RELEASE OF BALLOONS

The adoption of the Policy will create public awareness about the prohibition and will provide the City of Kwinana further opportunities to encourage alternatives as per WALGA's suggestions.

LEGAL/POLICY IMPLICATIONS

Local Government Act 1995

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Local Government Property Local Law

3.3 Decision on application for permit

- (1) The local government may —
 - (a) approve an application for a permit unconditionally or subject to any conditions;
 - or
 - (b) refuse to approve an application for a permit.

3.4 Conditions which may be imposed on a permit

- (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to -
 - (b) compliance with a standard or a policy of the local government adopted by the local government;

3.5 Imposing conditions under a policy

- (1) In this clause —

"policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

FINANCIAL/BUDGET IMPLICATIONS

There are no anticipated financial implications.

16.3 PROHIBITING THE ORGANISED RELEASE OF BALLOONS**ASSET MANAGEMENT IMPLICATIONS**

City venue hire policies and application forms would require amendment to include a condition of hire as per the requirements of the draft Policy.

ENVIRONMENTAL IMPLICATIONS

A prohibition on the organised release of balloons in the City of Kwinana will assist in the reduction of the detrimental impact of balloon fragments in the environment.

STRATEGIC/SOCIAL IMPLICATIONS

This proposal will support the achievement of the following objectives and strategies detailed in the Strategic Community Plan.

Plan	Objective	Strategy
Strategic Community Plan – A beautiful natural environment	3.2 Educate and promote improved environmental land management	Environmental Education Strategy

It is possible that a small minority of residents, groups and/or associations may be opposed to the prohibition on the organised release of balloons.

COMMUNITY ENGAGEMENT

The Draft Policy: Prohibition on the Organised Release of Balloons Policy is subject to a 'Lower Impact: All of Kwinana' classification as per the matrix of the Community Engagement Policy (CEP). In accordance with the requirements of the CEP, the Policy will be advertised by media release, notice in the local newspaper, notice in the newsletter and a post on the website for a period of 21 days.

RISK IMPLICATIONS

The risk implications in relation to this proposal are as follows:

Risk Event	The organised/mass release of balloons into the environment.
Risk Theme	Inadequate engagement practices
Risk Effect/Impact	Environment Reputation
Risk Assessment Context	Operational

16.3 PROHIBITING THE ORGANISED RELEASE OF BALLOONS

Consequence	Minor
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Adoption of a Council Policy – Prohibition on the Organised Release of Balloons Ensuring that organised release of balloons is not permitted at events organised or funded by the City of Kwinana and on City of Kwinana land, reserves, buildings and venues for hire.
Rating (after treatment)	Low

COUNCIL DECISION

106

MOVED CR W COOPER**SECONDED CR S MILLS****That Council:**

- 1. Adopt the Draft Policy: Prohibition on the Organised Release of Balloons (as per the attachment) for the purposes of advertising.**
- 2. Publically advertise the Draft Policy: Prohibition on the Organised Release of Balloons for a period of 21 days.**
- 3. Require a report back to Council that details the submissions received during the advertising period and make a recommendation that the Draft Policy: Prohibition on the Organised Release of Balloons be either adopted with or without modification, or not to proceed.**
- 4. Authorise the CEO to write to the Hon Robin Chapple advising of the City's Position supporting legislation to ban the release of balloons in public places.**

CARRIED
8/0

Council Policy (Draft)

Prohibition on the Organised Release of Balloons



Council Policy

Prohibition on the Organised Release of Balloons

D18/5877[v2]

1. Title

Prohibition on the Organised Release of Balloons

2. Purpose

Balloon releases as part of community events or special commemorative occasions have not previously been considered potentially harmful to the environment. However, as per the Western Australian Local Government Associations Helium Balloon Litter Background Paper, research indicates that releasing helium balloons can have a detrimental environmental impact.

While balloons may eventually break down into smaller pieces in the environment, they do not biodegrade or breakdown quickly. There may also be attachments to the balloons, such as strings which also do not break down easily. The balloon fragments and attachments have the potential to be consumed by turtles and marine birds, resulting in the depletion of marine fauna.

This Policy has been developed to reduce the environmental harm caused by balloon fragments generated in the City of Kwinana and to promote greater awareness in the community of the impact of balloons and other litter in the environment.

3. Scope

This policy provides guidance to City of Kwinana elected members and staff and to members of the public in relation to the prohibition on the organised release of balloons during events organised and funded by the City of Kwinana and from City of Kwinana land, reserves, buildings and venues for hire.

4. Definitions

Organised release of balloons – The planned release of balloons into the environment.

5. Policy Statement

The Policy prohibits the organised release of balloons at City of Kwinana events and on City of Kwinana land, reserves, buildings and venues for hire.

5.1 The organised release of balloons is prohibited at events and functions, organised and/or funded by the City of Kwinana.

5.2 The organised release of balloons is prohibited on City of Kwinana land, reserves, buildings and venues for hire.

5.2.1 Persons required to hire City of Kwinana buildings and reserves will be required to acknowledge the prohibition on the organised release of balloons:

- a) with relevant information provided in the application forms as a Condition of Hire; and
- b) as a condition on any relevant permit/approval.

6. Financial/Budget Implications

There are no anticipated financial implications as a result of this Policy.

7. Asset Management Implications

There are no anticipated asset management implications as a result of this Policy.

8. Environmental Implications

A prohibition on the organised release of balloons in the City of Kwinana is likely to assist in the reduction of the detrimental impact of balloon fragments and associated hazardous attachments in the environment.

9. Strategic/Social Implications

This proposal will support the achievement of the following objectives and strategies detailed in the Strategic Community Plan.

Plan	Objective	Measure
Strategic Community Plan – A beautiful natural environment	3.2 Educate and promote improved environmental land management	Environmental Education Strategy

It is possible that some residents, groups and/or associations may be opposed to the prohibition on the organised release of balloons.

10. Occupational Safety and Health Implications

There are no anticipated occupational safety and health implications as a result of this Policy.

11. Risk Assessment

A risk assessment conducted as part of the Policy review has indicated that the risk to the City by not providing an adequate policy to address the issue of organised release of balloons would result in a risk rating of moderate.

It is further assessed that the risk rating following the implementation of this policy would result in a risk rating of low.

12. References

Name of Policy	Prohibition on the Organised Release of Balloons
Date of Adoption and resolution No	
Review dates and resolution No #	
Next review due	
Legal Authority	<i>Local Government Act 1995</i> Section 2.7 – The Role of Council.
Directorate	City Regulation
Department	Environmental Health
Related documents	Acts/Regulations <i>Local Government Act 1995</i> Plans/Strategies

	<p>City of Kwinana Strategic Community Plan Environmental Education Strategy</p> <p>Policies Nil</p> <p>Work Instructions The Policy is to be circulated to all staff once adopted. The Reserves, Ovals and Public Open Space Hire Form is to be updated with the relevant information as a Condition of Hire.</p> <p>Other documents Nil</p>
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Note: Changes to References may be made without the need to take the Policy to Council for review.

16.4 Installation of Parking Restriction Signage on Sulphur Road, Parmelia and Bertram, adjacent to Kwinana Railway Station

DECLARATION OF INTEREST:

There were no declarations of interest.

SUMMARY:

The City has received numerous complaints about commuters who are catching the train at the Kwinana Railway Station and parking their vehicles in the road reserve areas of Sulphur Road rather than in the parking station. The complaints are in relation to footpath obstructions and visual impediments as well as damage to the City's infrastructure as a result of the vehicles parking on the verge areas and the edge of the road.

The vehicles that are parking in the road reserve of Sulphur Road, are parking on property which is controlled by the City of Kwinana. This section of Sulphur Road is between the roundabout on Sicklemore Road, Parmelia and Price Parkway, Bertram. The uncontrolled parking is resulting in obstructions to pedestrians, hazards caused by sand on the footpaths, congestion and sightline issues entering and exiting the railway station carpark and damage to the City's infrastructure including the road shoulders, verges and footpaths.

Over the last few months, City Officers have been driving through Kwinana Railway Station to note the parking habits of users. It was noted that on most days there is between 20 -30 vacant car park bays within the facility itself. It is further noted that there are some 1,000 car parking bays available at the recently opened Aubin Grove Railway Station.

At a Council briefing held on 14 May 2018, Elected Members were presented with a summary of options to deal with this ongoing issue on Sulphur Road.

Clause 1.8 of the City's *Parking and Parking Facilities Local Law 2010*, allows that the local government by resolution, may prohibit or regulate by signs or otherwise the stopping or parking of any vehicle or any class of vehicles in any part of the parking region, but must do so consistently with the provisions of this local law.

It is recommended that Council resolve to regulate by way of parking prohibition signage on Sulphur Road, between the roundabouts of Sicklemore Road, Parmelia and Price Parkway, Bertram. This signage is to be installed and displayed on both sides of the road preventing vehicles from parking both on the road and verge areas. A diagram of the proposed layout of the parking prohibition signage to be installed is at Attachment A

OFFICER RECOMMENDATION:

That Council resolve to –

1. regulate parking by way of parking prohibition signage on Sulphur Road, between the roundabouts of Sicklemore Road, Parmelia and Price Parkway, Bertram, and
2. the signage to be installed and displayed on both sides of Sulphur Road preventing vehicles from parking both on the road and verge as shown in Attachment A.

16.4 INSTALLATION OF PARKING RESTRICTION SIGNAGE ON SULPHUR ROAD, PARMELIA AND BERTRAM, ADJACENT TO KWINANA RAILWAY STATION

3. request that the City Assist Team monitor the implementation of the prohibition signage and provide a further report and recommendations to Council on the impact that the prohibition signage has had on the area in the six months following installation.

DISCUSSION:

Kwinana Railway Station was opened December 2007 as part of the Perth to Mandurah railway line program. The development of this site also resulted in a parking facility built at the complex. In November 2010, the State Government declared all railway parking stations as 'pay 'n' display' car park facilities in which a fee of \$2 per day is charged between 7am to 9pm, Monday to Friday.

Around the same time, the number of car parking bays at Kwinana Railway Station was increased to approximately 600. The imposition of a daily parking fee has had a flow on effect of vehicles being parked outside of the parking facility on adjacent road reserves including the verge areas and over footpaths.

On a daily basis, there can be anywhere between 20 - 30 vacant car bays available at Kwinana Railway Station and a further 1,000 vacant car bays at Aubin Grove Railway Station.

Regularly, on any weekday, there are also anywhere between 20 - 30 cars parked on the road reserves including the verges or over footpaths outside of Kwinana Railway Station. This seems largely as a result of users not wanting to pay the \$2 per day parking fee.

Since the implementation of the 'pay 'n' display' concept introduced by the State Government in 2010, the City has regularly received complaints from users of the facility and others using Sulphur Road itself, in relation to concerns about:

- Parking on the footpath;
- Parking obstruction issues such as parking within 10 metres of an intersection;
- Sand constantly covering the footpath;
- Unable to get prams or wheel chairs along the footpath area;
- Safety to other traffic using the area, obstructions and impedance, and
- Pedestrian safety due to the way vehicles are parked.

Currently, the City's authorised officers have the ability to issue infringements to offenders at this location using the provisions of the City's *Parking and Parking Facilities Local Law 2010*. The local law prohibits at clauses 4.11(1) (a) or 5.14 (1)(a) the parking or stopping on verges without consent of the landowner adjacent to the verge, or for stopping or parking on or any portion over a path or footpath area section (clauses 4.5 (2)(f) and 5.13), or for parking within 10 metres of an intersection, (clause 4.5 (k)). However, it is recommended that this matter could be better administered by Council resolving to regulate parking by way of parking prohibition signage on Sulphur Road, between the roundabouts of Sicklemore Road, Parmelia and Price Parkway, Bertram and for this signage to be installed and displayed on both sides of the road preventing vehicles from parking both on the road and the verge.

16.4 INSTALLATION OF PARKING RESTRICTION SIGNAGE ON SULPHUR ROAD, PARMELIA AND BERTRAM, ADJACENT TO KWINANA RAILWAY STATION

The advice displayed on the signage will state:

**No Parking Road or Verge
Monday – Friday
Between the hours of 6am – 6pm**

A diagram of the proposed layout of the parking prohibition signage to be installed is at Attachment A.

It is believed by implementing these parking regulations and signage on this section of Sulphur Road, the City will be able to reduce many of the issues being raised by residents and City staff, including:

- Reducing vehicular access issues and interference to the pedestrian traffic;
- Reducing maintenance costs of the City verges and footpaths as a result of intentional and accidental damage;
- Enhancing the ability of City Officers to enforce breaches of the City's *Parking and Parking Facilities Local Law 2010*; and
- Maintain a greater public awareness of these legal requirements.

LEGAL/POLICY IMPLICATIONS:***City of Kwinana Parking and Parking Facilities Local Law 2010******1.8 Powers of the local government***

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region, but must do so consistently with the provisions of this local law.

FINANCIAL/BUDGET IMPLICATIONS:

There will be an initial cost outlay for the supply and installation of the 14 signs and sign posts for this site as well as minor costs for ongoing maintenance, repair and replacement.

There will also be a cost incurred in the advertising, promotion and displaying of a variable message board for a two-week period of education once the signage is installed at this location.

Below is a detailed cost break down of the cost of installation of 14 Parking Prohibition signage at this location

16.4 INSTALLATION OF PARKING RESTRICTION SIGNAGE ON SULPHUR ROAD, PARMELIA AND BERTRAM, ADJACENT TO KWINANA RAILWAY STATION

NO PARKING SIGNS: DELIVERY & INSTALLATION

		Delivery & Install			
Item No	Description	Unit	Qty	Rate	Amount
1	Supply 14 x No Parking Signs	Each	14	\$15.50	\$217.00
2	Supply 14 x Sign Posts (Galvanised CHS Post)	Each	14	\$25.40	\$355.60
3	Post Caps (Galvanised)	Each	14	\$1.50	\$21.00
4	Rapid Set Concrete 28 Bags (1 bag 20kg each)	Each	28	\$10.00	\$280.00
5	Install 14 x No Parking Signs (2 Crew, 12 hours each)	Hour	24	\$76.00	\$1,824.00
	Total (Excl. GST)				\$2,697.60

The cost for two variable traffic signs from Quality Traffic Management is as below,

Description	Unit	Qty	Rate	Amount
Electronic Notification Boards (Variable Traffic Message signs)	Day	2	80.56	\$161.12
Total Cost	14 Days			\$2,255.68

The total cost for supply and installation of the parking signs and the use of Variable Traffic Message Sign (VMS) displays for a period of two weeks is \$4,935.28. These costs will be accommodated within existing City budgets.

ASSET MANAGEMENT IMPLICATIONS:

The establishment of the new signage for this location will produce new assets for the City to manage and control. Additional cost implications would need to also be considered in future budgets for the care, maintenance or repair of signage at this location as a result of this report.

ENVIRONMENTAL IMPLICATIONS:

The environmental implications are positive as with the installation of parking prohibition signage this will deter illegal parking from occurring therefore allowing for the regeneration of flora at these locations, particularly the verge areas.

16.4 INSTALLATION OF PARKING RESTRICTION SIGNAGE ON SULPHUR ROAD, PARMELIA AND BERTRAM, ADJACENT TO KWINANA RAILWAY STATION

The positives include:

- Re-establishment of flora and grass along the verge areas;
- Reduction in sand drift;
- Unfettered pedestrian access along the City's designated footpath area leading to and from the Train station; and
- Reduced traffic congestion at Peak Period times.

These issues can be managed through compliance by the City's authorised officers based on the signage installed at this location, when and where required.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following objectives detailed in the City of Kwinana Strategic Community Plan 2017 - 2027:

Plan	Outcome	Objective
City of Kwinana Strategic Community Plan 2017 – 2027	Reduction in number of vehicles parking on the City's verge and footpath areas	1.3 “Facilitate improved community safety and reduce crime levels”
City of Kwinana Strategic Community Plan 2017 – 2027	Reduce impedance on those using the footpath area to access the Kwinana Train Station	1.10 Improve levels of disability access and inclusion throughout the community”
City of Kwinana Strategic Community Plan 2017 – 2027	Revegetation and regeneration of the City verge areas around the Kwinana Train Station	3.1 “Improve conservation of biodiversity and protection of native vegetation”

COMMUNITY ENGAGEMENT:

There has been no direct community consultation in regard to this matter. The recommendation is based on the number of ongoing complaints the City has received since 2010 in regard to this location.

Should Council approve by resolution the installation of the parking prohibition signage, an education and awareness program will be undertaken for a period of 2 weeks upon signage being installed to all users of this location.

The education and awareness program will comprise a mix of visual display board signage being placed at the location advising users of the new prohibition signage being installed, as well as the use of the City's electronic mediums in alerting City residents and ratepayers of the changes that have occurred at this location.

The City's communications team will also be engaged to assist in promoting these changes on its media platforms (Facebook, City's website, etc.).

RISK IMPLICATIONS:

Currently the City's authorised officers can legally infringe for parking or stopping on the verge without consent of the landowner adjacent to the verge, or stopping or parking on or over any portion of the path or footpath area section.

16.4 INSTALLATION OF PARKING RESTRICTION SIGNAGE ON SULPHUR ROAD, PARMELIA AND BERTRAM, ADJACENT TO KWINANA RAILWAY STATION

An Authorised Officer can issue an infringement in circumstances where there has been a contravention of the City's Parking Local Law at clause 4.11(1)(a) or 5.14 (1)(a).

The installation of prohibition signage will provide clarity that parking is not allowed within the area.

Risk Event	Limited control on Vehicle Parking along Sulphur Road- Parmelia /Bertram
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Major
Likelihood	Almost certain
Rating (before treatment)	Extreme
Risk Treatment in place	Reduce – mitigate risk
Response to risk treatment required/in place	The report seeks to introduce parking prohibition controls outside the Kwinana Railway Station along Sulphur Road between Sicklemore Road, Parmelia and Price Parkway, Bertram on both sides of the road
Rating (after treatment)	Medium/High

COUNCIL DECISION

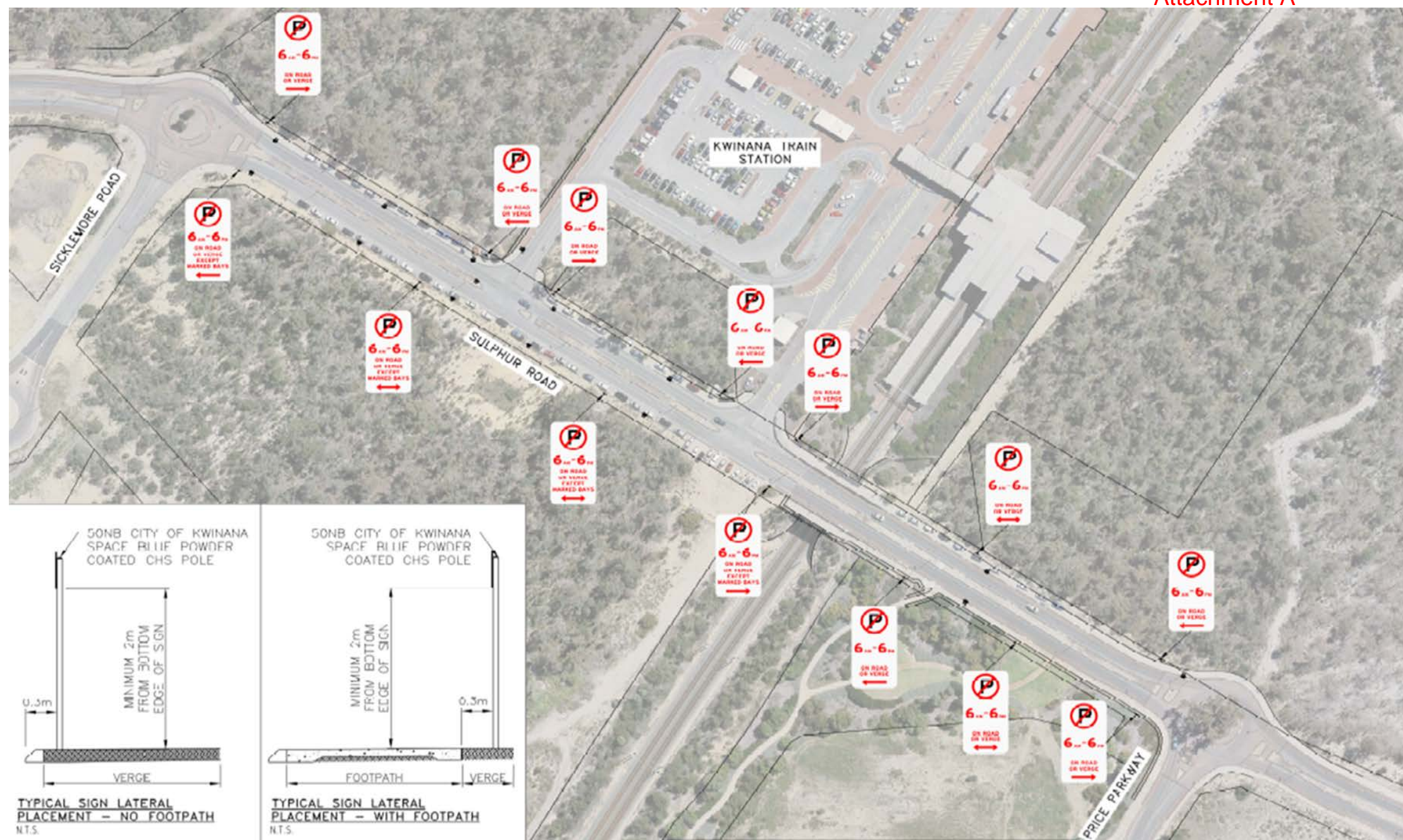
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MOVED CR S MILLS**SECONDED CR S LEE**

That Council resolve to –

- 1. regulate parking by way of parking prohibition signage on Sulphur Road, between the roundabouts of Sicklemore Road, Parmelia and Price Parkway, Bertram, and**
- 2. the signage to be installed and displayed on both sides of Sulphur Road preventing vehicles from parking both on the road and verge as shown in Attachment A.**
- 3. request that the City Assist Team monitor the implementation of the prohibition signage and provide a further report and recommendations to Council on the impact that the prohibition signage has had on the area in the six months following installation**

CARRIED
6/0



16.5 Annual Review of Delegated Authority and Council Appointment of Officers

DECLARATION OF INTEREST:

There were no declarations of interest.

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 2018', as detailed in Attachment A.

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 document 'Council Appointment of Officers - Local Government to Officers 2018', as detailed in Attachment B.

OFFICER RECOMMENDATION:

That Council:

1. 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, Officers and Committees 2017'.
2. Revoke the Appointment of Officers under the relevant Acts as per Attachment D, entitled 'Council Appointment of Officers – Local Government to Officers 2017'.
3. Authorise and grant the Delegated Authority, as per Attachment A, entitled 'Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2018'.
4. Appoint Officers as per Attachment B, entitled 'Council Appointment of Officers – Local Government to Officers 2018'.

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.

16.5 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 also 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 (Miscellaneous Provisions) Act 2016	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.

16.5 ANNUAL REVIEW OF DELEGATED AUTHORITY AND COUNCIL APPOINTMENT OF OFFICERS

No changes to the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2017

Since the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2017 was adopted by Council in June 2017 there have been some amendments adopted by Council throughout the year to reflect changes in legislation and/or processes and procedures of City Officers. The Delegations that Council adopted throughout 2017 are incorporated in the document provided in Attachment A. There are no other changes recommended.

Recommended changes to the Council Appointment of Officers – Local Government to Officers 2017 are detailed below:

A summary of Council Appointment of Officers (with recommended amendments) is included within the Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees (Attachment B). The amendments are described below:

Appointments 1.3 – Control of Vehicles (Off-road Areas) Act 1978

This Appointment has been amended by removing individual names of Officers and only listing the role of that Officer as is the case with other appointments and delegations.

The power to appoint persons to be Authorised Persons for the purposes of this Act is found in section 38(3) where it states:

Control of Vehicles (Off-road Areas) Act 1978***38. Authorised officers, who are, functions of etc.***

- (1) *For the purposes of this Act an authorised officer is —*
 - (a) *any member of the Police Force;*
 - (b) *any person appointed as such pursuant to subsection (2) within the area of jurisdiction entrusted to him by the appointment;*
 - (c) *any person appointed as such pursuant to subsection (3) within the area of jurisdiction entrusted to him by the appointment.*
- (3) *A local government may by resolution appoint —*
 - (a) *any employee of the local government; and*
 - (b) *where the Minister by notice published in the Government Gazette authorises the local government to do so, any member of the council of that local government, to be an authorised officer for the purposes of this Act either in respect of the whole of its district or any part thereof defined in the appointment.*

While the clause above requires that the local government may appoint 'any employee', the ability to name the role the Officer holds, instead of naming an individual officer, is addressed in the *Interpretation Act 1984*, where at Clause 53 it states:

16.5 ANNUAL REVIEW OF DELEGATED AUTHORITY AND COUNCIL APPOINTMENT OF OFFICERS

Interpretation Act 1984**53. Appointments may be by name or office**

Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) perform any function; or
- (b) be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or
- (c) be or do any other thing, that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

Appointments 1.4 – Library Board of Western Australia Act 1951 - Appointment of Librarian and delegates

The powers of Officers appointed to undertake function of the Library Board of Western Australia Act 1951 and its Regulations is stated in the Regulations where it states:

Library Board (Registered Public Libraries) Regulations 1985**2. Interpretation**

“librarian” means –

the person for the time being appointed by the library authority to be in charge of the library; or

the duly appointed delegate of that person.

These appointments has been amended for the same reasons as stated in Appointment 1.3 above so that only Officers roles are stated, not individual named Officers.

LEGAL/POLICY IMPLICATIONS:**Local Government Act 1995****5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;

16.5 ANNUAL REVIEW OF DELEGATED AUTHORITY AND COUNCIL APPOINTMENT OF OFFICERS

- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

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.

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.

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following objectives and strategies detailed in the Corporate Business Plan:

Plan	Outcome	Objective
Corporate Business Plan 2017 - 2022	Business Performance	5.8 Apply best practice principles and processes to maximise efficiencies and quality.

16.5 ANNUAL REVIEW OF DELEGATED AUTHORITY AND COUNCIL APPOINTMENT OF OFFICERS

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	Officers not appointed or provided with delegated authority to undertake certain functions.
Risk Theme	Failure to fulfil statutory or compliance requirements.
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Unlikely
Rating (before treatment)	Moderate
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Ensure officers are appointed or delegated in accordance with the relevant legislation.
Rating (after treatment)	Low

COUNCIL DECISION

196

MOVED CR S LEE**SECONDED CR W COOPER**

That Council:

- 1. 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, Officers and Committees 2017'.**
- 2. Revoke the Appointment of Officers under the relevant Acts as per Attachment D, entitled 'Council Appointment of Officers – Local Government to Officers 2017'.**

16.5 ANNUAL REVIEW OF DELEGATED AUTHORITY AND COUNCIL APPOINTMENT OF OFFICERS

3. **Authorise and grant the Delegated Authority, as per Attachment A, entitled 'Register of Delegated Authority – Local Government to Chief Executive Officer, Officers and Committees 2018'.**
4. **Appoint Officers as per Attachment B, entitled 'Council Appointment of Officers – Local Government to Officers 2018'.**

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL
6/0

Register of Delegated Authority Local Government to Chief Executive Officer, Officers and Committees 2018



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 section 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 section 20 Environmental Protection Act 1986 to the holder of the offices listed.</i></p>	<p>Government Gazette WA dated 22 June 2007 Delegation Number: 112 EV402*</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) Waste collection and other works – noise management plans related to specified works Under regulation 14A or 14B b) bellringing or amplified calls to worship – the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi); c) community activities – noise control notices in respect of community noise under regulation 16; d) motor sport venues – noise management plans in relation to motor sport venues under Part 2 Division 3; e) shooting venues – noise management plans in relation to shooting venues under Part 2 Division 4; f) calibration results – requesting under regulation 23(b), details of calibration results undertaken and

Department - Legislation	Notice Details / Conditions If Any
	<p>Obtained under Schedule 4;</p> <p>g) sporting, cultural and entertainment events – approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation –</p> <p>(i) Subregulation 18(13)(b) is not delegated.</p>
<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 - PL409*</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</p>

Department - Legislation	Notice Details / Conditions If Any
	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>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 1. Terms used 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> <p>(c)(ii) an employee of the local government</p> <p>s26(3) A person holding office as an authorised officer by virtue of subsection (1)(c) —</p>

Department - Legislation	Notice Details / Conditions If Any
	<p>(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;</p> <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>

Council Appointment of Officers

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

This section is a summary of the appointments - Council Appointment of Officers – Local Government to Officers 2017. The details of these appointments are set out below and updated from time to time.

Appointment No Description	Notice Details / Conditions If Any
1.1 Public Health Act 2016 – designation of authorised officers	<p>Function: To designate classes of persons as authorised officers for the purposes of s312(1)(b) of the Public Health Act 2016 and authorise to issue infringement notices under regulation 15D of the Health (Asbestos) Regulations 1992.</p> <p>Authority: Public Health Act 2016 s24 (1) Designation of authorised officers</p> <p>Health (Asbestos) Regulations 1992 15D(5). Infringement notices</p> <p>Appointment of: Environmental health officers as a class of persons.</p>
1.2 Caravan Parks and Camping Grounds Act 1995 – Appointment of authorised persons	<p>Function: Appointment of such persons to be Authorised Persons for the purposes of this Act.</p> <p>Authority: Caravan Parks and Camping Grounds Act 1995 s17(1) Appointment of Authorised Persons</p> <p>Appointment of: 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: Director City Regulation Manager Building Services Manager Environmental Health Manager Essential Services.</p> <p>For the purposes of section 23(2) of the Caravan Parks and Camping Grounds Act 1995: Coordinator Environmental Health and Waste Services Coordinator Environmental Health (Health and</p>

Appointment No Description	Notice Details / Conditions If Any
	Food Safety) All Environmental Health Officers All Building Surveyors Building Technician Coordinator City Assist Senior City Assist Officer All City Assist Officers
1.3 Control of Vehicles (Off-Road Areas) Act 1978- Appointment of authorised officers	Function: Appointment of such persons to be Authorised Persons for the purposes of this Act. Authority: Control of Vehicles (Off-Road Areas) Act 1978 s38(3)(a) employees of Local Government Chief Executive Officer Director City Legal Manager Essential Services Coordinator City Assist All City Assist Officers
1.4 Library Board of Western Australia Act 1951 – Appointment of Librarian and delegates	Function: Appointment of such person to be the Librarian and delegates for the purposes of this Act. Authority: Library Board (Registered Public Libraries) Regulations 1985 Appointment of: 1. Appointment of Librarian Manager Library Services 2. Appointment of delegates of Librarian Library Technician E-Services Librarian Library Clerk Library Clerk

CITY OF KWINANA DELEGATED AUTHORITY REGISTER

Local Government to Chief Executive Officer, Officers and Committees 2018

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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 s3.42(1) Impounded non-perishable goods 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:	<p>February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513</p>
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 Resolution #485 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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"> Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 Resolution #485 10 February 2016 D16/1283 14 June 2017 Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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; or 2. If such a sponsorship or grant is opportunistic in nature, not in current plans but has a clear benefit to the community. 3. 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:	<div> <div>10 June 2015</div> <div>Council Resolution #485</div> </div> <div> <div>10 February 2016</div> <div>D16/1283</div> </div> <div> <div>14 June 2017</div> <div>Council Resolution #513</div> </div>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>As determined by the Act under which the function is to be performed.</p> <p>A memorandum to Elected Members in the event of intention to enter into prosecution if the amount is over \$50,000.</p>
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> <p>As determined by the Act under which the function is to be performed.</p>
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 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:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.13 Administration of local laws	
Function to be performed:	<p>Authorised to:</p> <p>Administer the City of Kwinana's local laws and do things required by those local laws that are necessary or convenient to be done for, or in connection with, performing its functions under the Local Government Act 1995.</p>
Legislative power or duty delegated:	<p>Local Government Act 1995 s3.18 Performing executive functions</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>24 February 2016 Council Resolution #125 14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	<p>Local Government Act 1995 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.

1.14 Administration of hire agreements– Promotional Street Banners on Gilmore Avenue	
Function to be performed:	Authorised to enter into and administer hire agreements for advertising on promotional street banners in Gilmore Avenue on behalf of the City of Kwinana, including determining whether the requests is from a not-for-profit or community group or where the use is primarily a social or community benefit.
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:	11 May 2016 Council Resolution #197 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	The CEO is authorised to enter into and administer hire agreements for advertising on promotional street banners in Gilmore Avenue on behalf of the City of Kwinana in accordance with the Council Policy 'Promotional Street Banners on Gilmore Avenue'.
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. 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.

1.15 Administration of agreements– Illuminated Street Name Signs	
Function to be performed:	Authorised to enter into and administer agreements for illuminated street name signs 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:	11 May 2016 Council Resolution #196 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	The CEO is authorised to enter into and administer agreements for illuminated street name signs on behalf of the City of Kwinana as permitted by Council's Policy – Advertising and Directional Signage in Thoroughfares and on Local Government Property.
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. 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.

1.16 Approval or refusal of Restricted Access Vehicles on local government roads	
Function to be performed:	Authorised to approve, refuse and/or impose conditions onto an operator of a Restricted Access Vehicle access to roads controlled by the City of Kwinana under the RAV Network.
Legislative power or duty delegated:	Main Roads WA – Framework for Local Government Approval on the RAV Network - Condition CA07.
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	22 June 2016 Council Resolution #245 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	While a local government has discretion, it must ensure equity, i.e. if the road is already approved by Main Roads and included on the RAV Network, then justification to decline access or only provide access to certain operators must be provided.
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. Approval to be provided to the applicant in the form required by Main Roads.

1.17	Administration of Leases – providing consent and authority to execute documents in relation to any assignment or sublease where there is request by a lessee operating under a lease agreement that Council has approved.	
Function to be performed:	Authorised to provide consent and execute documents in relation to any assignment or sublease where there is a request by a lessee operating under a lease agreement that Council has approved.	
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 August 2016 Council Resolution #290 14 June 2017 Council Resolution #513	
Delegation to:	Chief Executive Officer	
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The sublease must be consistent with the use of the premise permitted by the lease as well as other conditions relating to assignment and sub-letting approved between the City of Kwinana and the lessee. 2. Obtain consent from other parties required under the terms of the lease or at law. 3. Terms of the sub lease must be consistent with the lease approved by Council. 	
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. 	

1.18 Administration of Tenancy Agreements – Callistemon Court Aged Persons Villas	
Function to be performed:	Authorised to sign documents in relation to the administration of tenancy agreements for Callistemon Court Aged Persons Villas.
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:	14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	For housing within the Callistemon Court Aged Persons Villas in accordance with the: <ol style="list-style-type: none"> 1. Department of Housing's eligibility requirements; and 2. City's Aged Persons Rental Accommodation Policy.
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.

1.19 Authorised to enter into, make variations and execute documents in relation to the administration of a Corporate Discount Agreement on behalf of the City of Kwinana.	
Function to be performed:	Authorised to enter into, make variations and execute documents in relation to the administration of a Corporate Discount Agreement 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:	24 August 2016 Council Resolution #304 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. No cost to the City of Kwinana 2. Aligns with the Health Lifestyles Council Policy where relevant. 3. Requires adequate consideration to be provided by the employee
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.

1.20 Make variations and execute legal agreements on behalf of the City of Kwinana in accordance with Local Planning Policy (LPP) No 2 - Streetscapes.	
Function to be performed:	Authorised to make variations and execute legal agreements on behalf of the City of Kwinana in accordance with Local Planning Policy (LPP) No 2 - Streetscapes.
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:	26 April 2017 Council Resolution #480 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Any variations can be delegated to the Chief Executive Officer if the variation is consistent with the overall intent of LPP No 2 and achieves good amenity in the area.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 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.

1.21 Authorised to sign Memorandums of Understanding.	
Function to be performed:	Authorised to sign Memorandums of Understanding.
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:	14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>Authorised to sign Memorandums of Understanding (MOU) if they satisfy the following conditions –</p> <ul style="list-style-type: none"> • Formalises an existing working relationship between the City and a government agency/ies, department/s or other government/s; • There is no additional financial contribution in excess of existing budgets required to give effect to the City's obligations under the MOU; and • The usage of City assets or human resources in order to give effect to the City's obligations under the MOU will not unreasonably interfere with the expected provision of services to the community.
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.

1.22	Authorised to enter into an agreement on behalf of the City of Kwinana, with any successful applicants of a Local Commercial and Activity Centre Improvement Grant.
Function to be performed:	Authorised to enter into an agreement on behalf of the City of Kwinana, with any successful applicants of a Local Commercial and Activity Centre Improvement Grant.
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:	12 July 2017 Council Resolution #541
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	In accordance with the requirements of the Local Commercial and Activity Centre Improvement Grant Funding Policy.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 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.

1.23 Appointment of Acting Chief Executive Officer.	
Function to be performed:	Authorised to appoint an Acting Chief Executive Officer for a period not exceeding eight weeks.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 5.36. Local government employees (1) A local government is to employ — (a) a person to be the CEO of 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:	9 August 2017 Council Resolution #562
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>Local Government Act 1995 5.36. Local government employees (1) A local government is to employ — (a) a person to be the CEO of the local government.</p> <p>(2) A person is not to be employed in the position of CEO unless the council — (a) believes that the person is suitably qualified for the position.</p> <p>To satisfy the requirement of sub-clause 5.36(2)(a), Council considers those persons employed in the following positions suitable -</p> <ul style="list-style-type: none"> • Director City Strategy • Director City Engagement • Director City Infrastructure • Director City Regulation • Director City Legal <p>The Chief Executive Officer may appoint one or more of the those Officers listed above to the role of Acting Chief Executive Officer either singularly or consecutively for a period not exceeding eight weeks at his or her discretion, to ensure and provide for best business continuity during the required period(s).</p>

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.

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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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; and 3. Notice to be provided to the person of the decision made.

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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 and extensions.
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513</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 Council Resolution #551 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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.
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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:	<p>Local Government Act 1995 – Part 6, Division 4</p> <p>s6.12(1)(b) waive or grant concessions in relation to any amount of money; or</p> <p>s6.12 (1)(c) write off any amount of money, which is owed to the Local Government</p> <p>s6.12(3) the grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government</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>November 2011 D11/90333</p> <p>December 2012 D12/77148</p> <p>February 2015 D15/8358</p> <p>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>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.</p> <p>The CEO's delegated authority is subject to the following limitations:</p> <ol style="list-style-type: none"> 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:	<p>Local Government Act 1995</p> <p>s5.44 CEO may delegate some powers and duties to other employees</p>

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 waiver, concession or write off to be recorded on the appropriate financial record.
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2.9 Signing of a Memorandum of Consent Order on behalf of the Local Government	
Function to be performed:	Authorised to sign a Memorandum of Consent Order on behalf of the local government in relation to court proceedings for recovery of rates in arrears.
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:	13 December 2017 Council Resolution #054
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	A Memorandum of Consent Order on behalf of the local government may be signed to dismiss a claim - 1. If there was an administration error and claim was invalid, or 2. Payment of all outstanding amounts were paid in full and the fee, as set out in the City's Fees and Charges, has been paid for a Notice of Discontinuance.
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 decision made under this delegation are to be recorded in the rate record.

2.10 Make alternative arrangement for payment of rates and services charges	
Function to be performed:	To make alternative arrangement for payment of rates and services charges.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 6 s6.49 Agreement as to payment of rates and service charges
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	13 December 2017 Council Resolution #054
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>This delegation is subject to section 6.47 of the Local Government Act 1995.</p> <p>The CEO's delegated authority is subject to the following limitations:</p> <ol style="list-style-type: none"> 1. Make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extensions which will be completed within the current financial year; 2. Allow extended instalment arrangements, which will be finalised outside the current financial year; 3. Subject to Rates and Charges (Rebates and Deferments) Act 1992; 4. Must comply with relevant Council policies.
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 payment arrangement 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:	<table> <tr> <td>November 14 2012</td><td>Council Resolution #234</td></tr> <tr> <td>December 12 2012</td><td>Council Resolution #258</td></tr> <tr> <td>February 2015</td><td>D15/8358</td></tr> <tr> <td>May 2015</td><td>Council Resolution #475</td></tr> <tr> <td>August 2015</td><td>Council Resolution #551</td></tr> <tr> <td>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	November 14 2012	Council Resolution #234	December 12 2012	Council Resolution #258	February 2015	D15/8358	May 2015	Council Resolution #475	August 2015	Council Resolution #551	10 February 2016	D16/1283	14 June 2017	Council Resolution #513
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August 2015	Council Resolution #551														
10 February 2016	D16/1283														
14 June 2017	Council Resolution #513														
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 Town of Kwinana Town Planning Scheme No. 3</p> <p>Planning & Development Act 2005</p> <table border="0"> <tr> <td>Part 7</td><td>Planning Control Areas</td></tr> <tr> <td>Part 8</td><td>Improvement Plans and Schemes</td></tr> <tr> <td>Part 13</td><td>Enforcement and Legal Proceedings</td></tr> </table>	Part 7	Planning Control Areas	Part 8	Improvement Plans and Schemes	Part 13	Enforcement and Legal Proceedings								
Part 7	Planning Control Areas														
Part 8	Improvement Plans and Schemes														
Part 13	Enforcement and Legal Proceedings														
Legislative Power to Delegate:	<p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <table border="0"> <tr> <td>Schedule 2 – Part 10 - Clause 82(1)</td><td>Delegations by local government</td></tr> </table>	Schedule 2 – Part 10 - Clause 82(1)	Delegations by local government												
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24 February 2016	Council Resolution #125														
14 June 2017	Council Resolution #513														
Delegation to:	Chief Executive Officer														
Conditions and Exceptions:	<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>Table 1 - Use Classes; and Table 1A Use Classes for Other Applications. (attached)</p> <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> <p>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> <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
Reporting Requirements:	<p>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register.</p> <p>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.</p>

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							
Boatell					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 Local Planning Policy (LLP) No 4 - Administration of development contribution plans.	
Function to be performed:	Authorised to enter into legal agreements on behalf of the City of Kwinana, in accordance with Local Planning Policy (LLP) No 4 - 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:	27 May 2015 Council Resolution #474 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	In accordance with Local Planning Policy (LLP) No 4 - 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"> Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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.

3.5 Determine applications pursuant to the requirements of Local Planning Policy (LLP) No 5 – Development Contribution towards Public Art	
Function to be performed:	Authorised to determine applications pursuant to the requirements of Local Planning Policy (LLP) No 5 – Development Contribution towards Public Art.
Legislative power or duty delegated:	<p>Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p>Schedule 2 – Part 2 – Division 2 – Local planning policies</p> <p>3. Local planning policies</p> <p>(5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.</p>
Legislative Power to Delegate:	<p>Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p>Schedule 2 – Part 10 – Division 2 – Delegations</p> <p>82. Delegations by local government</p> <p>(5) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's duties under this Scheme other than this power of delegation.</p>
Date Delegation made or reviewed:	14 February 2018 #080
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	In accordance with Local Planning Policy (LLP) No 5 - Development Contribution Towards Public Art including consideration of the recommendation of the Review Panel.
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.

PART 4
HEALTH

4.1 Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 – Power or duty of the local government (enforcement agency) under any provision of these Acts.	
Function to be performed:	To authorise the Manager Environmental Health to exercise and discharge all or any of the powers and functions of the local government (enforcement agency).
Legislative power or duty delegated:	All powers exercisable by the Local Government under the Public Health Act 2016, the Health (Miscellaneous Provisions) Act 1911 and Regulations made there under; and the City's Health Local Laws.
Legislative Power to Delegate:	Public Health Act 2016 s21(1)(c) Enforcement agency may delegate Health (Miscellaneous Provisions) Act 1911 s26 Powers of Local Government
Date Delegation made or reviewed:	14 June 2017 Council Resolution #513
Delegation to:	Manager Environmental Health
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Public Health Act 2016 s20. Conditions on performance of functions by enforcement agencies <ol style="list-style-type: none"> (a) The Chief Health Officer, after consultation with another enforcement agency, may, in writing, impose conditions or restrictions on the performance of functions under this Act by the enforcement agency. (b) The performance by an enforcement agency of functions under this Act is subject to any conditions or restrictions imposed under subsection (1). 2. 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	Not in use
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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:	<table border="0"> <tr> <td>13 October 2010</td><td>Council Resolution #199</td></tr> <tr> <td>23 November 2011</td><td>Council Resolution #31</td></tr> <tr> <td>12 December 2012</td><td>Council Resolution #258</td></tr> <tr> <td>February 2015</td><td>D15/8358</td></tr> <tr> <td>August 2015</td><td>Council Resolution #535</td></tr> <tr> <td>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	13 October 2010	Council Resolution #199	23 November 2011	Council Resolution #31	12 December 2012	Council Resolution #258	February 2015	D15/8358	August 2015	Council Resolution #535	10 February 2016	D16/1283	14 June 2017	Council Resolution #513
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August 2015	Council Resolution #535														
10 February 2016	D16/1283														
14 June 2017	Council Resolution #513														
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:	<div> <div>13 October 2010</div> <div>Council Resolution #199</div> </div> <div> <div>23 November 2011</div> <div>Council Resolution #31</div> </div> <div> <div>12 December 2012</div> <div>Council Resolution #258</div> </div> <div> <div>February 2015</div> <div>D15/8358</div> </div> <div> <div>10 February 2016</div> <div>D16/1283</div> </div> <div> <div>14 June 2017</div> <div>Council Resolution #513</div> </div>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>In accordance with section 126 of the Food Act 2008 Infringement Notices.</p> <p>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.</p>
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.

4.5 Food Act 2008 – Functions of enforcement agency		
Function to be performed:	<ol style="list-style-type: none"> (1) Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the Food Act 2008. (2) Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s66 of the Food Act 2008. (3) Give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection in accordance with s67 of the Food Act 2008. (4) Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s110 and s112 of the Food Act 2008. (5) Institute proceedings for an offence under the Food Act 2008 in accordance with s125 of the Food Act 2008. 	
Legislative power or duty delegated:	<p>Food Act 2008</p> <p>s65(1) Prohibition orders</p> <p>s66 Certificate of clearance to be given in certain circumstances</p> <p>s67(4) Request for re-inspection</p> <p>s110 Registration of food businesses</p> <p>s112 Variation of conditions or cancellation of registration of food businesses</p> <p>s125 Institution of proceedings</p>	
Legislative Power to Delegate:	Food Act 2008 s118(2)(b)	Local Government (Enforcement Agency)
Date Delegation made or reviewed:	9 March 2016 14 June 2017	Council Resolution #129 Council Resolution #513
Delegation to:	<p>Chief Executive Officer</p> <ul style="list-style-type: none"> • Institute proceedings for an offence under the Food Act 2008 in accordance with s125 of the Food Act 2008. <p>Manager Environmental Health</p> <ul style="list-style-type: none"> • Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the Food Act 2008. • Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s66 of the Food Act 2008. • Give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision 	

	<p>not to give a Certificate of Clearance after an inspection in accordance with s67 of the Food Act 2008.</p> <ul style="list-style-type: none"> Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s110 and s112 of the Food Act 2008. <p>Coordinator Environmental Health (Health and Food Safety)</p> <ul style="list-style-type: none"> Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s66 of the Food Act 2008. Give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection in accordance with s67 of the Food Act 2008. Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s110 and s112 of the Food Act 2008.
Conditions and Exceptions:	<ol style="list-style-type: none"> In accordance with the requirements of the sections under which the function is to be performed. Any proceedings of an offence must be reported in accordance with s121(2) of the Food Act 2008.
Statutory Power to sub-delegate:	<p>Food Act 2008 s118(4) Sub-delegation only permissible if expressly provided in Regulations.</p>
Reporting Requirements:	<p>Food Act 2008</p> <ol style="list-style-type: none"> s121 Reports by and about enforcement agencies <ol style="list-style-type: none"> An enforcement agency (other than the CEO) must report to the CEO, at the intervals that the CEO requires, on the performance of functions under this Act by persons employed or engaged by the agency. In addition to any report required under subsection (1), an enforcement agency must forward to the CEO details of any proceedings for an offence under this Act taken by an officer of the agency within one month after the proceedings have been finally dealt with. 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> <p>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
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:	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.

5.2 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:	<p>November 2011 D11/90333</p> <p>December 2012 D12/77148</p> <p>February 2015 D15/8358</p> <p>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Schedule 3.1 of the Local Government Act 1995.
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Schedule 3.2 of the Local Government Act 1995.
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	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.

5.8 Road Traffic Administration Act 2008 – Damage to road infrastructure	
Function to be performed:	<ol style="list-style-type: none"> 1. Recover by proceedings in a court of competent jurisdiction damage caused to road infrastructure due to an MLDR offence (Mass, Dimensions, or Loading Requirements). 2. Service any certificate(s) as detailed in section 125 in regard to the local government's authority to maintain the road and the estimating of road values and repairs. 3. Recover expenses of damage caused by heavy traffic.
Legislative power or duty delegated:	<p>Road Traffic Administration Act 2008</p> <p>s124(2) A compensation order may be made on the application of the prosecutor, the road authority or the CEO.</p> <p>s126(2) Service of certificates - If a road authority proposes to use a certificate, the road authority must serve a copy of the certificate on the accused at least 28 days before the day on which the matter is set down for hearing.</p> <p>s132(2) Where it appears to the road authority that has functions in relation to the repair of road infrastructure that, having regard to the average expense of repairing road infrastructure in the vicinity, extraordinary expenses have been incurred by the road authority in repairing the road infrastructure because of damage caused by heavy traffic, the road authority may recover the amount of the expenses as may be proved to the satisfaction of the court to have been incurred by the road authority because of damage caused by heavy traffic.</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>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Compensation orders made under section 124 may only be made for an MDLR offence as defined in section 28 of the Act.

	All proceedings for the recovery of expenses or compensation for damage to be made in accordance with Part 7 of the Act.
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.

5.9 Dampier to Bunbury Pipeline Act 1997 – Deed of indemnity	
Function to be performed:	Authorised to execute any deed of indemnity between the City of Kwinana and the DBNGP Land Access Minister in respect to works undertaken in the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor.
Legislative power or duty delegated:	Local Government Act 1995 – Part 9, Division 3 s49A(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:	14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	A deed of indemnity to be executed in accordance with section 41 of the Dampier to Bunbury Pipeline Act 1997.
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. 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 6
PUBLIC SAFETY

6.1 Bush Fires Act 1954 – Functions of a local government	
Function to be performed:	Perform any of the functions of a local government for the purposes of the Bush Fires Act 1954.
Legislative power or duty delegated:	Bush Fires Act 1954 s48(1) Delegation by Local Government
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513 9 August 2017 Council Resolution #564
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>Bush Fires Act 1954 s48(4) Nothing in s48 is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.</p> <p>This delegation excludes powers and duties that:</p> <ul style="list-style-type: none"> a. are prescribed in the Act with the requirement for a resolution by the local government; b. are prescribed in the Act for performance by appointed Officers; c. are subject to separate delegated authority within this register; or d. s33(5a) – making of local laws.
Statutory Power to sub-delegate:	Bush Fires Act 1954 s48 (3) No power provided to sub-delegate.
Reporting Requirements:	1. Any exercise of this delegation is to be recorded in the Register Delegation of Authority.

	<ol style="list-style-type: none"> 2. Records to be maintained in accordance with section 50 of the Bush Fire Act. 3. 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).
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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) shortening, 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) shortening, 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> <p>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	<p>Chief Bush Fire Control Officer</p> <p>Mayor and Chief Bush Fire Control Officer to act 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"> Any exercise of this delegation is to be recorded in the Delegated Authority Register. 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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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.
Legislative power or duty delegated:	Dog Act 1976 s29(1) 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 Council Resolution #551 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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. s29(1) A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.
Statutory Power to sub-delegate:	Not to be sub-delegated
Reporting Requirements:	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> <tr> <td>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	November 2013	D13/89678	February 2015	D15/8358	10 February 2016	D16/1283	14 June 2017	Council Resolution #513
November 2013	D13/89678								
February 2015	D15/8358								
10 February 2016	D16/1283								
14 June 2017	Council Resolution #513								
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 Council Resolution #199 November 23 2011 Council Resolution #31 December 12 2012 Council Resolution #258 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer Director City Regulation 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:	<ol style="list-style-type: none"> Any exercise of this delegation is to be recorded in the Register Delegation of Authority. 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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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												
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												
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 border="0"> <tr> <td>16 December 2015</td><td>Council resolution #077</td></tr> <tr> <td>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	16 December 2015	Council resolution #077	10 February 2016	D16/1283	14 June 2017	Council Resolution #513						
16 December 2015	Council resolution #077												
10 February 2016	D16/1283												
14 June 2017	Council Resolution #513												
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.

6.9 Graffiti Vandalism Act 2016 – Administration and Enforcement.	
Function to be performed:	Authorised to exercise any of the City's powers or the discharge of any of its duties under the Graffiti Vandalism Act 2016.
Legislative power or duty delegated:	Graffiti Vandalism Act 2016 Part 3 Powers of local government
Legislative Power to Delegate:	Graffiti Vandalism Act 2016 s16 Delegation by local government
Date Delegation made or reviewed:	28 September 2016 Council Resolution #334 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Must be in accordance with the Graffiti and Vandalism Policy
Statutory Power to sub-delegate:	Graffiti Vandalism Act 2016 s17 Delegation by CEO of local government
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

6.10 Dog Act 1976 - Power or duty of the local government under any provision of this Act.	
Function to be performed:	Any power or duty of the local government under any provision of this Act.
Legislative power or duty delegated:	Dog Act 1976 s10AA(1) Delegation to CEO
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 Council Resolution #551 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>Dog Act 1976 s10AA(4) A local government's Chief Executive Officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.</p> <p>s10AA(5) Nothing in this section limits the ability of a local government's Chief Executive Officer to perform a function through an officer or agent.</p>
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

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:	<table> <tr> <td>13 October 2010</td><td>Council Resolution #199</td></tr> <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>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	13 October 2010	Council Resolution #199	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358	10 February 2016	D16/1283	14 June 2017	Council Resolution #513
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10 February 2016	D16/1283												
14 June 2017	Council Resolution #513												
Delegation to:	Executive Appraisal Committee												
Conditions and Exceptions:	The Executive Appraisal Committee will recommend the proposed remuneration and key performance indicators for the proceeding 12 months 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"> Any exercise of this delegation is to be recorded in the Register Delegation of Authority; and Recorded in the Register of delegations to committees 												

7.2 Audit Committee	
Function to be performed:	<ol style="list-style-type: none"> 1. Authority to terminate the appointment of an Auditor; 2. Meet with the City's Auditor at least once per year; 3. Examine the report of the auditor prepared under section 7.9(1) of the Local Government Act 1995, and any report prepared under section 7.9(3) under that Act and forwarded to the local government; and 4. Have a report prepared on any actions under subsection 7.12 (3) of the Local Government Act 1995 in respect of an audit conducted in respect of a financial year; and have a copy forwarded to the Minister,
Legislative power or duty delegated:	<p>Local Government Act 1995</p> <p>s7.6(2)(f) Term of office of an auditor</p> <p>s7.12A(2) Meet with the auditor of the local government</p> <p>s7.12A(3) Examine the report of an auditor</p> <p>s7.12A(4) Prepare a report on actions in respect to an audit and forward it to the Minister.</p>
Legislative Power to Delegate:	<p>Local Government Act 1995 – Part 5 Division 2</p> <p>s5.16 Delegation of some powers and duties to certain committees</p>
Date Delegation made or reviewed:	<p>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Audit Committee
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. If the Audit Committee have resolved to terminate the employment of an Auditor under s7.6(2)(f), an information bulletin is to be provided to Council on the matter. 2. When examining the report of an auditor under s7.12(A)(3) in respect to audits under s7.9(1) and s 7.9(3), the Audit Committee is to have a report prepared by the Chief Executive Officer, determine any matters raised by the auditors report and ensure that appropriate action is taken in respect to those matters. 3. the Audit Committee is to have a report on any actions under clause 7.12A(3) prepared by the Chief Executive Officer and have that report forwarded to the Minister by the end of the next financial year, or 6 months after the last report prepared under s7.9 is received by the local government, whichever is the latest in time.

	<p>4. 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.</p>
Statutory Power to sub-delegate:	This Authority cannot be sub-delegated
Reporting Requirements:	<p>1. Any exercise of this delegation is to be recorded in the Register Delegation of Authority; and</p> <p>2. Recorded in the Register of delegations to committees</p>

Council Appointment of Officers

Local Government to Officers 2018



Introduction

Purpose of Appointment of Officers

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

COUNCIL APPOINTMENT OF OFFICERS

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1.3 Control of Vehicles (Off-Road Areas) Act 1978- Appointment of authorised officers	7
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1.1 Public Health Act 2016 – Designation of authorised officers	
Function to be performed:	To designate environmental health officers as a class of persons to be authorised officers for the purposes of s312(1)(b) of the Public Health Act 2016 and authorised to issue infringement notices under regulation 15D of the Health (Asbestos) Regulations 1992.
Power to appoint:	Public Health Act 2016 s24 (1) Designation of authorised officers
Date of Appointment:	14 June 2017 Resolution #513
Appointment of:	Public Health Act 2016 s24(3) Designation of authorised persons Environmental health officers as a class of persons.
Special Requirements:	<p>Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No 22 of 24 January 2017 - Public Health Act 2016 – Guidelines on the Designation of Authorised Officer.</p> <p>Copy of Government Gazette notice attached at Annexure 1.1 (TRIM Ref: D17/36111)</p> <p>Public Health Act 2016</p> <p>s18. Chief Health Officer to approve qualifications and experience required by environmental health officers</p> <p>(1) The Chief Health Officer must, by notice published in the Gazette, approve the qualifications and experience that persons to be appointed as environmental health officers must have.</p> <p>s29. Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>The Chief Health Officer may issue guidelines in relation to the appropriate qualifications and experience for a person or class of persons to be designated as authorised officers.</p> <p>s30. Certificates of authority</p> <p>(1) An enforcement agency must issue to each person who is an authorised officer by virtue of a designation by the agency a certificate of authority as an authorised officer.</p>

	<p>s312 Environmental health officers to be authorised officers for certain purposes</p> <p>(1)(b) to have been so designated for the purposes of —</p> <ul style="list-style-type: none"> (i) Parts 8, 9, 14 and 16; and (ii) the Health Act sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375; and (iii) the Tobacco Products Control Act 2006; and (v) the Food Act 2008. <p>NOTE: This designation does not include the;</p> <ul style="list-style-type: none"> • Cat Act 2011; or • Dog Act 1976 <p>Health (Asbestos) Regulations 1992</p> <p>15D. Infringement notices</p> <ul style="list-style-type: none"> (5) A local government may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2. (6) Each local government that appoints a person as an authorised officer under subregulation (5) must issue to the officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
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1.2 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] 10 February 2016 D16/1305 13 July 2016 Resolution #267 14 June 2017 Resolution #513
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>Director City Regulation Manager Building Services Manager Environmental Health Manager Essential Services.</p> <p>For the purposes of section 23(2) of the Caravan Parks and Camping Grounds Act 1995:</p> <p>Coordinator Environmental Health and Waste Services Coordinator Environmental Health (Health and Food Safety) All Environmental Health Officers All Building Surveyors Building Technician 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>

1.3 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 10 February 2016 D16/1305 13 April 2016 Resolution #158 14 December 2016 Resolution #408 14 June 2017 Resolution #513 26 July 2017 Resolution #552 08 November 2017 Resolution #020 14 February 2018 Resolution #088
Appointment of:	Chief Executive Officer Director City Legal Manager Essential Services Coordinator City Assist All City Assist Officers
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.

1.4 Library Board of Western Australia Act 1951 - Appointment of Librarian and delegates	
Function to be performed:	Appointment of such person to be the Librarian or their delegates for the purposes of this Act.
Power to appoint:	Library Board (Registered Public Libraries) Regulations 1985
Date of Appointment:	14 June 2017 Resolution #513
Appointment of:	<ol style="list-style-type: none"> 1. Appointment of Librarian Manager Library Services 2. Appointment of delegates of Librarian Library Technician E-Services Librarian All Library Clerks
Special Requirements:	<p>Library Board (Registered Public Libraries) Regulations 1985</p> <ol style="list-style-type: none"> 1. Librarian appointed for the purposes of Regulation 28 – Librarian's general authority. 2. Delegates appointed for the purposes of undertaking certain functions of a librarian under the Regulations, as directed by the Librarian.

Register of Delegated Authority

Local Government to Chief Executive Officer, Officers and Committees 2017



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 section 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 section 20 Environmental Protection Act 1986 to the holder of the offices listed.</i></p>	<p>Government Gazette WA dated 22 June 2007 Delegation Number: 112 EV402*</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) Waste collection and other works – noise management plans related to specified works Under regulation 14A or 14B b) bellringing or amplified calls to worship – the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi); c) community activities – noise control notices in respect of community noise under regulation 16; d) motor sport venues – noise management plans in relation to motor sport venues under Part 2 Division 3; e) shooting venues – noise management plans in relation to shooting venues under Part 2 Division 4; f) calibration results – requesting under regulation 23(b), details of calibration results undertaken and

Department - Legislation	Notice Details / Conditions If Any
	<p>Obtained under Schedule 4;</p> <p>g) sporting, cultural and entertainment events – approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation –</p> <p>(i) Subregulation 18(13)(b) is not delegated.</p>
<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 - PL409*</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</p>

Department - Legislation	Notice Details / Conditions If Any
	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>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> <p>(c)(ii) an employee of the local government</p> <p>s26(3) A person holding office as an authorised officer by virtue of subsection (1)(c) —</p>

Department - Legislation	Notice Details / Conditions If Any
	<p>(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;</p> <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>

Council Appointment of Officers

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

This section is a summary of the appointments - Council Appointment of Officers – Local Government to Officers 2017. The details of these appointments are set out below and updated from time to time.

Appointment No Description	Notice Details / Conditions If Any
1.1 Public Health Act 2016 – designation of authorised officers	<p>Function: To designate classes of persons as authorised officers for the purposes of s312(1)(b) of the Public Health Act 2016 and authorise to issue infringement notices under regulation 15D of the Health (Asbestos) Regulations 1992.</p> <p>Authority: Public Health Act 2016 s24 (1) Designation of authorised officers</p> <p>Health (Asbestos) Regulations 1992 15D(5). Infringement notices</p> <p>Appointment of: Environmental health officers as a class of persons.</p>
1.2 Caravan Parks and Camping Grounds Act 1995 – Appointment of authorised persons	<p>Function: Appointment of such persons to be Authorised Persons for the purposes of this Act.</p> <p>Authority: Caravan Parks and Camping Grounds Act 1995 s17(1) Appointment of Authorised Persons</p> <p>Appointment of: 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: Director City Regulation Manager Building Services Manager Environmental Health Manager Essential Services.</p> <p>For the purposes of section 23(2) of the Caravan Parks and Camping Grounds Act 1995: Coordinator Environmental Health and Waste Services Coordinator Environmental Health (Health and</p>

Appointment No Description	Notice Details / Conditions If Any																						
	Food Safety) All Environmental Health Officers All Building Surveyors Building Technician Coordinator City Assist Senior City Assist Officer All City Assist Officers																						
1.3 Control of Vehicles (Off-Road Areas) Act 1978- Appointment of authorised officers	<p>Function: Appointment of such persons to be Authorised Persons for the purposes of this Act.</p> <p>Authority: Control of Vehicles (Off-Road Areas) Act 1978 s38(3)(a) employees of Local Government</p> <p>Appointment of:</p> <table border="0"> <tr> <td>Joanne Abbiss</td><td>Chief Executive Officer</td></tr> <tr> <td>Michelle Bell</td><td>A/Director City Regulation</td></tr> <tr> <td>Bruce Mentz</td><td>Manager Essential Services</td></tr> <tr> <td>Kieran Togher</td><td>A/Senior City Assist Officer</td></tr> <tr> <td>Christoph Matzen</td><td>City Assist Officer</td></tr> <tr> <td>Geoff Copley</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>Hayley Goodwin</td><td>City Assist Officer</td></tr> <tr> <td>Paul Lucas</td><td>City Assist Officer</td></tr> </table>	Joanne Abbiss	Chief Executive Officer	Michelle Bell	A/Director City Regulation	Bruce Mentz	Manager Essential Services	Kieran Togher	A/Senior City Assist Officer	Christoph Matzen	City Assist Officer	Geoff Copley	City Assist Officer	Rodney De San Miguel	City Assist Officer	Trevor Jones	City Assist Officer	Ian Abel	City Assist Officer	Hayley Goodwin	City Assist Officer	Paul Lucas	City Assist Officer
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1.4 Library Board of Western Australia Act 1951 – Appointment of Librarian and delegates	<p>Function: Appointment of such person to be the Librarian and delegates for the purposes of this Act.</p> <p>Authority: Library Board (Registered Public Libraries) Regulations 1985</p> <p>Appointment of:</p> <ol style="list-style-type: none"> Appointment of Librarian Brett Hatwell Manager Library Services Appointment of delegates of Librarian <table border="0"> <tr> <td>Alison Rogers</td><td>Library Technician</td></tr> <tr> <td>Colleen Williams</td><td>E-Services Librarian</td></tr> <tr> <td>Osman Masnor</td><td>Library Clerk</td></tr> <tr> <td>Samantha Hay</td><td>Library Clerk</td></tr> </table> 	Alison Rogers	Library Technician	Colleen Williams	E-Services Librarian	Osman Masnor	Library Clerk	Samantha Hay	Library Clerk														
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Samantha Hay	Library Clerk																						

CITY OF KWINANA DELEGATED AUTHORITY REGISTER

Local Government to Chief Executive Officer, Officers and Committees 2017

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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 s3.42(1) Impounded non-perishable goods 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:	<p>February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513</p>
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 Resolution #485 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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"> Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 Resolution #485 10 February 2016 D16/1283 14 June 2017 Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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; or 2. If such a sponsorship or grant is opportunistic in nature, not in current plans but has a clear benefit to the community. 3. 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:	<div> <div>10 June 2015</div> <div>Council Resolution #485</div> </div> <div> <div>10 February 2016</div> <div>D16/1283</div> </div> <div> <div>14 June 2017</div> <div>Council Resolution #513</div> </div>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>As determined by the Act under which the function is to be performed.</p> <p>A memorandum to Elected Members in the event of intention to enter into prosecution if the amount is over \$50,000.</p>
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> <p>As determined by the Act under which the function is to be performed.</p>
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

1.13 Administration of local laws	
Function to be performed:	<p>Authorised to:</p> <p>Administer the City of Kwinana's local laws and do things required by those local laws that are necessary or convenient to be done for, or in connection with, performing its functions under the Local Government Act 1995.</p>
Legislative power or duty delegated:	<p>Local Government Act 1995 s3.18 Performing executive functions</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>24 February 2016 Council Resolution #125 14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Nil
Statutory Power to sub-delegate:	<p>Local Government Act 1995 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.

1.14 Administration of hire agreements– Promotional Street Banners on Gilmore Avenue	
Function to be performed:	Authorised to enter into and administer hire agreements for advertising on promotional street banners in Gilmore Avenue on behalf of the City of Kwinana, including determining whether the requests is from a not-for-profit or community group or where the use is primarily a social or community benefit.
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:	11 May 2016 Council Resolution #197 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	The CEO is authorised to enter into and administer hire agreements for advertising on promotional street banners in Gilmore Avenue on behalf of the City of Kwinana in accordance with the Council Policy 'Promotional Street Banners on Gilmore Avenue'.
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"> Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 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.

1.15 Administration of agreements– Illuminated Street Name Signs	
Function to be performed:	Authorised to enter into and administer agreements for illuminated street name signs 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:	11 May 2016 Council Resolution #196 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	The CEO is authorised to enter into and administer agreements for illuminated street name signs on behalf of the City of Kwinana as permitted by Council's Policy – Advertising and Directional Signage in Thoroughfares and on Local Government Property.
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. 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.

1.16 Approval or refusal of Restricted Access Vehicles on local government roads	
Function to be performed:	Authorised to approve, refuse and/or impose conditions onto an operator of a Restricted Access Vehicle access to roads controlled by the City of Kwinana under the RAV Network.
Legislative power or duty delegated:	Main Roads WA – Framework for Local Government Approval on the RAV Network - Condition CA07.
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	22 June 2016 Council Resolution #245 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	While a local government has discretion, it must ensure equity, i.e. if the road is already approved by Main Roads and included on the RAV Network, then justification to decline access or only provide access to certain operators must be provided.
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. Approval to be provided to the applicant in the form required by Main Roads.

1.17	Administration of Leases – providing consent and authority to execute documents in relation to any assignment or sublease where there is request by a lessee operating under a lease agreement that Council has approved.	
Function to be performed:	Authorised to provide consent and execute documents in relation to any assignment or sublease where there is a request by a lessee operating under a lease agreement that Council has approved.	
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 August 2016 Council Resolution #290 14 June 2017 Council Resolution #513	
Delegation to:	Chief Executive Officer	
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. The sublease must be consistent with the use of the premise permitted by the lease as well as other conditions relating to assignment and sub-letting approved between the City of Kwinana and the lessee. 2. Obtain consent from other parties required under the terms of the lease or at law. 3. Terms of the sub lease must be consistent with the lease approved by Council. 	
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. 	

1.18 Administration of Tenancy Agreements – Callistemon Court Aged Persons Villas	
Function to be performed:	Authorised to sign documents in relation to the administration of tenancy agreements for Callistemon Court Aged Persons Villas.
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:	14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	For housing within the Callistemon Court Aged Persons Villas in accordance with the: <ul style="list-style-type: none"> 1. Department of Housing's eligibility requirements; and 2. City's Aged Persons Rental Accommodation Policy.
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.

1.19 Authorised to enter into, make variations and execute documents in relation to the administration of a Corporate Discount Agreement on behalf of the City of Kwinana.	
Function to be performed:	Authorised to enter into, make variations and execute documents in relation to the administration of a Corporate Discount Agreement 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:	24 August 2016 Council Resolution #304 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. No cost to the City of Kwinana 2. Aligns with the Health Lifestyles Council Policy where relevant. 3. Requires adequate consideration to be provided by the employee
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.

1.20 Make variations and execute legal agreements on behalf of the City of Kwinana in accordance with Local Planning Policy (LPP) No 2 - Streetscapes.	
Function to be performed:	Authorised to make variations and execute legal agreements on behalf of the City of Kwinana in accordance with Local Planning Policy (LPP) No 2 - Streetscapes.
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:	26 April 2017 Council Resolution #480 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Any variations can be delegated to the Chief Executive Officer if the variation is consistent with the overall intent of LPP No 2 and achieves good amenity in the area.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 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.

1.21 Authorised to sign Memorandums of Understanding.	
Function to be performed:	Authorised to sign Memorandums of Understanding.
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:	14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>Authorised to sign Memorandums of Understanding (MOU) if they satisfy the following conditions –</p> <ul style="list-style-type: none"> • Formalises an existing working relationship between the City and a government agency/ies, department/s or other government/s; • There is no additional financial contribution in excess of existing budgets required to give effect to the City's obligations under the MOU; and • The usage of City assets or human resources in order to give effect to the City's obligations under the MOU will not unreasonably interfere with the expected provision of services to the community.
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.

1.22 Authorised to enter into an agreement on behalf of the City of Kwinana, with any successful applicants of a Local Commercial and Activity Centre Improvement Grant.	
Function to be performed:	Authorised to enter into an agreement on behalf of the City of Kwinana, with any successful applicants of a Local Commercial and Activity Centre Improvement Grant.
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:	12 July 2017 Council Resolution #541
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	In accordance with the requirements of the Local Commercial and Activity Centre Improvement Grant Funding Policy.
Statutory Power to sub-delegate:	This Authority is not to be sub-delegated.
Reporting Requirements:	<ol style="list-style-type: none"> Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 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.

1.23 Appointment of Acting Chief Executive Officer.	
Function to be performed:	Authorised to appoint an Acting Chief Executive Officer for a period not exceeding eight weeks.
Legislative power or duty delegated:	Local Government Act 1995 - Part 9, Division 3 5.36. Local government employees (1) A local government is to employ — (a) a person to be the CEO of 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:	9 August 2017 Council Resolution #562
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>Local Government Act 1995 5.36. Local government employees (1) A local government is to employ — (a) a person to be the CEO of the local government.</p> <p>(2) A person is not to be employed in the position of CEO unless the council — (a) believes that the person is suitably qualified for the position.</p> <p>To satisfy the requirement of sub-clause 5.36(2)(a), Council considers those persons employed in the following positions suitable -</p> <ul style="list-style-type: none"> • Director City Strategy • Director City Engagement • Director City Infrastructure • Director City Regulation • Corporate Lawyer <p>The Chief Executive Officer may appoint one or more of the those Officers listed above to the role of Acting Chief Executive Officer either singularly or consecutively for a period not exceeding eight weeks at his or her discretion, to ensure and provide for best business continuity during the required period(s).</p>

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.

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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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; and4. 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; and 3. Notice to be provided to the person of the decision made.

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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 and extensions.
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513</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 Council Resolution #551 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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.
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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:	<p>Local Government Act 1995 – Part 6, Division 4</p> <p>s6.12(1)(b) waive or grant concessions in relation to any amount of money; or</p> <p>s6.12 (1)(c) write off any amount of money, which is owed to the Local Government</p> <p>s6.12(3) the grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government</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>November 2011 D11/90333</p> <p>December 2012 D12/77148</p> <p>February 2015 D15/8358</p> <p>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>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.</p> <p>The CEO's delegated authority is subject to the following limitations:</p> <ol style="list-style-type: none"> 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:	<p>Local Government Act 1995</p> <p>s5.44 CEO may delegate some powers and duties to other employees</p>

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 waiver, concession or write off to be recorded on the appropriate financial record.
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2.9 Signing of a Memorandum of Consent Order on behalf of the Local Government	
Function to be performed:	Authorised to sign a Memorandum of Consent Order on behalf of the local government in relation to court proceedings for recovery of rates in arrears.
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:	13 December 2017 Council Resolution #054
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	A Memorandum of Consent Order on behalf of the local government may be signed to dismiss a claim - 1. If there was an administration error and claim was invalid, or 2. Payment of all outstanding amounts were paid in full and the fee, as set out in the City's Fees and Charges, has been paid for a Notice of Discontinuance.
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 decision made under this delegation are to be recorded in the rate record.

2.10 Make alternative arrangement for payment of rates and services charges	
Function to be performed:	To make alternative arrangement for payment of rates and services charges.
Legislative power or duty delegated:	Local Government Act 1995 – Part 6, Division 6 s6.49 Agreement as to payment of rates and service charges
Legislative Power to Delegate:	Local Government Act 1995 s5.42 Delegation of some powers to the CEO
Date Delegation made or reviewed:	13 December 2017 Council Resolution #054
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>This delegation is subject to section 6.47 of the Local Government Act 1995.</p> <p>The CEO's delegated authority is subject to the following limitations:</p> <ol style="list-style-type: none"> 1. Make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extensions which will be completed within the current financial year; 2. Allow extended instalment arrangements, which will be finalised outside the current financial year; 3. Subject to Rates and Charges (Rebates and Deferments) Act 1992; 4. Must comply with relevant Council policies.
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 payment arrangement 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 Council Resolution #234 December 12 2012 Council Resolution #258 February 2015 D15/8358 May 2015 Council Resolution #475 August 2015 Council Resolution #551 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 Town of Kwinana Town Planning Scheme No. 3</p> <p>Planning & Development Act 2005</p> <table border="0"> <tr> <td>Part 7</td><td>Planning Control Areas</td></tr> <tr> <td>Part 8</td><td>Improvement Plans and Schemes</td></tr> <tr> <td>Part 13</td><td>Enforcement and Legal Proceedings</td></tr> </table>	Part 7	Planning Control Areas	Part 8	Improvement Plans and Schemes	Part 13	Enforcement and Legal Proceedings								
Part 7	Planning Control Areas														
Part 8	Improvement Plans and Schemes														
Part 13	Enforcement and Legal Proceedings														
Legislative Power to Delegate:	<p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>Schedule 2 – Part 10 - Clause 82(1) Delegations by local government</p>														
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>August 2015</td><td>Council Resolution #551</td></tr> <tr> <td>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>24 February 2016</td><td>Council Resolution #125</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358	August 2015	Council Resolution #551	10 February 2016	D16/1283	24 February 2016	Council Resolution #125	14 June 2017	Council Resolution #513
November 2011	D11/90333														
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24 February 2016	Council Resolution #125														
14 June 2017	Council Resolution #513														
Delegation to:	Chief Executive Officer														
Conditions and Exceptions:	<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>Table 1 - Use Classes; and Table 1A Use Classes for Other Applications. (attached)</p> <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> <p>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> <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
Reporting Requirements:	<p>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register.</p> <p>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.</p>

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 Local Planning Policy (LLP) No 4 - Administration of development contribution plans.	
Function to be performed:	Authorised to enter into legal agreements on behalf of the City of Kwinana, in accordance with Local Planning Policy (LLP) No 4 - 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:	27 May 2015 Council Resolution #474 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	In accordance with Local Planning Policy (LLP) No 4 - 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"> Any exercise of this delegation is to be recorded in the Delegated Authority Register; and 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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 – Power or duty of the local government (enforcement agency) under any provision of these Acts.	
Function to be performed:	To authorise the Manager Environmental Health to exercise and discharge all or any of the powers and functions of the local government (enforcement agency).
Legislative power or duty delegated:	All powers exercisable by the Local Government under the Public Health Act 2016, the Health (Miscellaneous Provisions) Act 1911 and Regulations made there under; and the City's Health Local Laws.
Legislative Power to Delegate:	Public Health Act 2016 s21(1)(c) Enforcement agency may delegate Health (Miscellaneous Provisions) Act 1911 s26 Powers of Local Government
Date Delegation made or reviewed:	14 June 2017 Council Resolution #513
Delegation to:	Manager Environmental Health
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. Public Health Act 2016 s20. Conditions on performance of functions by enforcement agencies <ol style="list-style-type: none"> (a) The Chief Health Officer, after consultation with another enforcement agency, may, in writing, impose conditions or restrictions on the performance of functions under this Act by the enforcement agency. (b) The performance by an enforcement agency of functions under this Act is subject to any conditions or restrictions imposed under subsection (1). 2. 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	Not in use
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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:	<table border="0"> <tr> <td>13 October 2010</td><td>Council Resolution #199</td></tr> <tr> <td>23 November 2011</td><td>Council Resolution #31</td></tr> <tr> <td>12 December 2012</td><td>Council Resolution #258</td></tr> <tr> <td>February 2015</td><td>D15/8358</td></tr> <tr> <td>August 2015</td><td>Council Resolution #535</td></tr> <tr> <td>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	13 October 2010	Council Resolution #199	23 November 2011	Council Resolution #31	12 December 2012	Council Resolution #258	February 2015	D15/8358	August 2015	Council Resolution #535	10 February 2016	D16/1283	14 June 2017	Council Resolution #513
13 October 2010	Council Resolution #199														
23 November 2011	Council Resolution #31														
12 December 2012	Council Resolution #258														
February 2015	D15/8358														
August 2015	Council Resolution #535														
10 February 2016	D16/1283														
14 June 2017	Council Resolution #513														
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:	13 October 2010 Council Resolution #199 23 November 2011 Council Resolution #31 12 December 2012 Council Resolution #258 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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.

4.5 Food Act 2008 – Functions of enforcement agency		
Function to be performed:	<ol style="list-style-type: none"> (1) Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the Food Act 2008. (2) Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s66 of the Food Act 2008. (3) Give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection in accordance with s67 of the Food Act 2008. (4) Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s110 and s112 of the Food Act 2008. (5) Institute proceedings for an offence under the Food Act 2008 in accordance with s125 of the Food Act 2008. 	
Legislative power or duty delegated:	<p>Food Act 2008</p> <ul style="list-style-type: none"> s65(1) Prohibition orders s66 Certificate of clearance to be given in certain circumstances s67(4) Request for re-inspection s110 Registration of food businesses s112 Variation of conditions or cancellation of registration of food businesses s125 Institution of proceedings 	
Legislative Power to Delegate:	Food Act 2008 s118(2)(b)	Local Government (Enforcement Agency)
Date Delegation made or reviewed:	9 March 2016 14 June 2017	Council Resolution #129 Council Resolution #513
Delegation to:	<p>Chief Executive Officer</p> <ul style="list-style-type: none"> • Institute proceedings for an offence under the Food Act 2008 in accordance with s125 of the Food Act 2008. <p>Manager Environmental Health</p> <ul style="list-style-type: none"> • Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the Food Act 2008. • Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s66 of the Food Act 2008. • Give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision 	

	<p>not to give a Certificate of Clearance after an inspection in accordance with s67 of the Food Act 2008.</p> <ul style="list-style-type: none"> Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s110 and s112 of the Food Act 2008. <p>Coordinator Environmental Health (Health and Food Safety)</p> <ul style="list-style-type: none"> Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s66 of the Food Act 2008. Give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection in accordance with s67 of the Food Act 2008. Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s110 and s112 of the Food Act 2008.
Conditions and Exceptions:	<ol style="list-style-type: none"> In accordance with the requirements of the sections under which the function is to be performed. Any proceedings of an offence must be reported in accordance with s121(2) of the Food Act 2008.
Statutory Power to sub-delegate:	<p>Food Act 2008 s118(4) Sub-delegation only permissible if expressly provided in Regulations.</p>
Reporting Requirements:	<p>Food Act 2008</p> <ol style="list-style-type: none"> s121 Reports by and about enforcement agencies <ol style="list-style-type: none"> An enforcement agency (other than the CEO) must report to the CEO, at the intervals that the CEO requires, on the performance of functions under this Act by persons employed or engaged by the agency. In addition to any report required under subsection (1), an enforcement agency must forward to the CEO details of any proceedings for an offence under this Act taken by an officer of the agency within one month after the proceedings have been finally dealt with. 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> <p>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
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:	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.

5.2 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:	<p>November 2011 D11/90333</p> <p>December 2012 D12/77148</p> <p>February 2015 D15/8358</p> <p>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Schedule 3.1 of the Local Government Act 1995.
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Schedule 3.2 of the Local Government Act 1995.
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	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.

5.8 Road Traffic Administration Act 2008 – Damage to road infrastructure	
Function to be performed:	<ol style="list-style-type: none"> 1. Recover by proceedings in a court of competent jurisdiction damage caused to road infrastructure due to an MLDR offence (Mass, Dimensions, or Loading Requirements). 2. Service any certificate(s) as detailed in section 125 in regard to the local government's authority to maintain the road and the estimating of road values and repairs. 3. Recover expenses of damage caused by heavy traffic.
Legislative power or duty delegated:	<p>Road Traffic Administration Act 2008</p> <p>s124(2) A compensation order may be made on the application of the prosecutor, the road authority or the CEO.</p> <p>s126(2) Service of certificates - If a road authority proposes to use a certificate, the road authority must serve a copy of the certificate on the accused at least 28 days before the day on which the matter is set down for hearing.</p> <p>s132(2) Where it appears to the road authority that has functions in relation to the repair of road infrastructure that, having regard to the average expense of repairing road infrastructure in the vicinity, extraordinary expenses have been incurred by the road authority in repairing the road infrastructure because of damage caused by heavy traffic, the road authority may recover the amount of the expenses as may be proved to the satisfaction of the court to have been incurred by the road authority because of damage caused by heavy traffic.</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>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Compensation orders made under section 124 may only be made for an MDLR offence as defined in section 28 of the Act.

	All proceedings for the recovery of expenses or compensation for damage to be made in accordance with Part 7 of the Act.
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.

5.9 Dampier to Bunbury Pipeline Act 1997 – Deed of indemnity	
Function to be performed:	Authorised to execute any deed of indemnity between the City of Kwinana and the DBNGP Land Access Minister in respect to works undertaken in the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor.
Legislative power or duty delegated:	Local Government Act 1995 – Part 9, Division 3 s49A(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:	14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	A deed of indemnity to be executed in accordance with section 41 of the Dampier to Bunbury Pipeline Act 1997.
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. 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 6
PUBLIC SAFETY

6.1 Bush Fires Act 1954 – Functions of a local government	
Function to be performed:	Perform any of the functions of a local government for the purposes of the Bush Fires Act 1954.
Legislative power or duty delegated:	Bush Fires Act 1954 s48(1) Delegation by Local Government
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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513 9 August 2017 Council Resolution #564
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	<p>Bush Fires Act 1954 s48(4) Nothing in s48 is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.</p> <p>This delegation excludes powers and duties that:</p> <ol style="list-style-type: none"> are prescribed in the Act with the requirement for a resolution by the local government; are prescribed in the Act for performance by appointed Officers; are subject to separate delegated authority within this register; or s33(5a) – making of local laws.
Statutory Power to sub-delegate:	Bush Fires Act 1954 s48 (3) No power provided to sub-delegate.
Reporting Requirements:	1. Any exercise of this delegation is to be recorded in the Register Delegation of Authority.

	<ol style="list-style-type: none"> 2. Records to be maintained in accordance with section 50 of the Bush Fire Act. 3. 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).
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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:	Bush Fires Act 1954 s17(7)(a) shortening, extending, suspending or reimposing a period of prohibited burning times s17(7)(b) impose a further period of prohibited burning times s17(8) give notice of any variation s18(5)(a)(i) shortening, extending, suspending or reimposing a period of restricted burning times; s18(5)(a)(ii) imposing a further period of restricted burning times; s18(5)(b) vary the prescribed conditions by modifying or suspending all or any of those conditions
Legislative Power to Delegate:	Bush Fires Act 1954 s17(10) Delegation by Local Government
Date Delegation made or reviewed:	November 2011 D11/90333 December 2012 D12/77148 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Bush Fire Control Officer Mayor and Chief Bush Fire Control Officer to act jointly
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:	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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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.
Legislative power or duty delegated:	Dog Act 1976 s29(1) 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 Council Resolution #551 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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. s29(1) A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.
Statutory Power to sub-delegate:	Not to be sub-delegated
Reporting Requirements:	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> <tr> <td>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	November 2013	D13/89678	February 2015	D15/8358	10 February 2016	D16/1283	14 June 2017	Council Resolution #513
November 2013	D13/89678								
February 2015	D15/8358								
10 February 2016	D16/1283								
14 June 2017	Council Resolution #513								
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 Council Resolution #199 November 23 2011 Council Resolution #31 December 12 2012 Council Resolution #258 February 2015 D15/8358 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer Director City Regulation 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 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
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												
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												
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>16 December 2015</td><td>Council resolution #077</td></tr> <tr> <td>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	16 December 2015	Council resolution #077	10 February 2016	D16/1283	14 June 2017	Council Resolution #513						
16 December 2015	Council resolution #077												
10 February 2016	D16/1283												
14 June 2017	Council Resolution #513												
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.

6.9 Graffiti Vandalism Act 2016 – Administration and Enforcement.	
Function to be performed:	Authorised to exercise any of the City's powers or the discharge of any of its duties under the Graffiti Vandalism Act 2016.
Legislative power or duty delegated:	Graffiti Vandalism Act 2016 Part 3 Powers of local government
Legislative Power to Delegate:	Graffiti Vandalism Act 2016 s16 Delegation by local government
Date Delegation made or reviewed:	28 September 2016 Council Resolution #334 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Must be in accordance with the Graffiti and Vandalism Policy
Statutory Power to sub-delegate:	Graffiti Vandalism Act 2016 s17 Delegation by CEO of local government
Reporting Requirements:	Any exercise of this delegation is to be recorded in the Delegated Authority Register.

6.10 Dog Act 1976 - Power or duty of the local government under any provision of this Act.	
Function to be performed:	Any power or duty of the local government under any provision of this Act.
Legislative power or duty delegated:	Dog Act 1976 s10AA(1) Delegation to CEO
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 Council Resolution #551 10 February 2016 D16/1283 14 June 2017 Council Resolution #513
Delegation to:	Chief Executive Officer
Conditions and Exceptions:	Dog Act 1976 s10AA(4) A local government's Chief Executive Officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown. s10AA(5) Nothing in this section limits the ability of a local government's Chief Executive Officer to perform a function through an officer or agent.
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:	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

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:	<table border="0"> <tr> <td>13 October 2010</td><td>Council Resolution #199</td></tr> <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>10 February 2016</td><td>D16/1283</td></tr> <tr> <td>14 June 2017</td><td>Council Resolution #513</td></tr> </table>	13 October 2010	Council Resolution #199	November 2011	D11/90333	December 2012	D12/77148	February 2015	D15/8358	10 February 2016	D16/1283	14 June 2017	Council Resolution #513
13 October 2010	Council Resolution #199												
November 2011	D11/90333												
December 2012	D12/77148												
February 2015	D15/8358												
10 February 2016	D16/1283												
14 June 2017	Council Resolution #513												
Delegation to:	Executive Appraisal Committee												
Conditions and Exceptions:	The Executive Appraisal Committee will recommend the proposed remuneration and key performance indicators for the proceeding 12 months 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"> Any exercise of this delegation is to be recorded in the Register Delegation of Authority; and Recorded in the Register of delegations to committees 												

7.2 Audit Committee	
Function to be performed:	<ol style="list-style-type: none"> 1. Authority to terminate the appointment of an Auditor; 2. Meet with the City's Auditor at least once per year; 3. Examine the report of the auditor prepared under section 7.9(1) of the Local Government Act 1995, and any report prepared under section 7.9(3) under that Act and forwarded to the local government; and 4. Have a report prepared on any actions under subsection 7.12 (3) of the Local Government Act 1995 in respect of an audit conducted in respect of a financial year; and have a copy forwarded to the Minister,
Legislative power or duty delegated:	<p>Local Government Act 1995</p> <p>s7.6(2)(f) Term of office of an auditor</p> <p>s7.12A(2) Meet with the auditor of the local government</p> <p>s7.12A(3) Examine the report of an auditor</p> <p>s7.12A(4) Prepare a report on actions in respect to an audit and forward it to the Minister.</p>
Legislative Power to Delegate:	<p>Local Government Act 1995 – Part 5 Division 2</p> <p>s5.16 Delegation of some powers and duties to certain committees</p>
Date Delegation made or reviewed:	<p>10 February 2016 D16/1283</p> <p>14 June 2017 Council Resolution #513</p>
Delegation to:	Audit Committee
Conditions and Exceptions:	<ol style="list-style-type: none"> 1. If the Audit Committee have resolved to terminate the employment of an Auditor under s7.6(2)(f), an information bulletin is to be provided to Council on the matter. 2. When examining the report of an auditor under s7.12(A)(3) in respect to audits under s7.9(1) and s 7.9(3), the Audit Committee is to have a report prepared by the Chief Executive Officer, determine any matters raised by the auditors report and ensure that appropriate action is taken in respect to those matters. 3. the Audit Committee is to have a report on any actions under clause 7.12A(3) prepared by the Chief Executive Officer and have that report forwarded to the Minister by the end of the next financial year, or 6 months after the last report prepared under s7.9 is received by the local government, whichever is the latest in time.

	<p>4. 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.</p>
Statutory Power to sub-delegate:	This Authority cannot be sub-delegated
Reporting Requirements:	<p>1. Any exercise of this delegation is to be recorded in the Register Delegation of Authority; and</p> <p>2. Recorded in the Register of delegations to committees</p>

Council Appointment of Officers

Local Government to

Officers

2017



Introduction

Purpose of Appointment of Officers

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

COUNCIL APPOINTMENT OF OFFICERS

CONTENTS

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1.1 Public Health Act 2016 – Designation of authorised officers	4
1.2 Caravan Parks and Camping Grounds Act 1995 – Appointment of authorised persons.....	6
1.3 Control of Vehicles (Off-Road Areas) Act 1978- Appointment of authorised officers	7
1.4 Library Board of Western Australia Act 1951 - Appointment of Librarian and delegates	8

1.1 Public Health Act 2016 – Designation of authorised officers	
Function to be performed:	To designate environmental health officers as a class of persons to be authorised officers for the purposes of s312(1)(b) of the Public Health Act 2016 and authorised to issue infringement notices under regulation 15D of the Health (Asbestos) Regulations 1992.
Power to appoint:	Public Health Act 2016 s24 (1) Designation of authorised officers
Date of Appointment:	14 June 2017 Resolution #513
Appointment of:	Public Health Act 2016 s24(3) Designation of authorised persons Environmental health officers as a class of persons.
Special Requirements:	<p>Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No 22 of 24 January 2017 - Public Health Act 2016 – Guidelines on the Designation of Authorised Officer.</p> <p>Copy of Government Gazette notice attached at Annexure 1.1 (TRIM Ref: D17/36111)</p> <p>Public Health Act 2016</p> <p>s18. Chief Health Officer to approve qualifications and experience required by environmental health officers</p> <p>(1) The Chief Health Officer must, by notice published in the Gazette, approve the qualifications and experience that persons to be appointed as environmental health officers must have.</p> <p>s29. Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>The Chief Health Officer may issue guidelines in relation to the appropriate qualifications and experience for a person or class of persons to be designated as authorised officers.</p> <p>s30. Certificates of authority</p> <p>(1) An enforcement agency must issue to each person who is an authorised officer by virtue of a designation by the agency a certificate of authority as an authorised officer.</p>

	<p>s312 Environmental health officers to be authorised officers for certain purposes</p> <p>(1)(b) to have been so designated for the purposes of —</p> <ul style="list-style-type: none"> (i) Parts 8, 9, 14 and 16; and (ii) the Health Act sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375; and (iii) the Tobacco Products Control Act 2006; and (v) the Food Act 2008. <p>NOTE: This designation does not include the;</p> <ul style="list-style-type: none"> • Cat Act 2011; or • Dog Act 1976 <p>Health (Asbestos) Regulations 1992</p> <p>15D. Infringement notices</p> <p>(5) A local government may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2.</p> <p>(6) Each local government that appoints a person as an authorised officer under subregulation (5) must issue to the officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.</p>
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1.2 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] 10 February 2016 D16/1305 13 July 2016 Resolution #267 14 June 2017 Resolution #513
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>Director City Regulation Manager Building Services Manager Environmental Health Manager Essential Services.</p> <p>For the purposes of section 23(2) of the Caravan Parks and Camping Grounds Act 1995:</p> <p>Coordinator Environmental Health and Waste Services Coordinator Environmental Health (Health and Food Safety) All Environmental Health Officers All Building Surveyors Building Technician 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>

1.3 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 10 February 2016 D16/1305 13 April 2016 Resolution #158 14 December 2016 Resolution #408 14 June 2017 Resolution #513 26 July 2017 Resolution #552 08 November 2017 Resolution #020 14 February 2018 Resolution #088	
Appointment of:	Joanne Abbiss Chief Executive Officer Michelle Bell Director City Legal Bruce Mentz Manager Essential Services Louis DeKlerk Coordinator City Assist Christoph Matzen City Assist Officer Geoff Copley City Assist Officer Trevor Jones City Assist Officer Ian Abel City Assist Officer Paul Lucas City Assist Officer Sandra Ross City Assist Officer Sharna Freeman City Assist Officer Mohammad Iqbal City Assist Officer Sharon Banks City Assist Officer	
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.	

1.4 Library Board of Western Australia Act 1951 - Appointment of Librarian and delegates	
Function to be performed:	Appointment of such person to be the Librarian or their delegates for the purposes of this Act.
Power to appoint:	Library Board (Registered Public Libraries) Regulations 1985
Date of Appointment:	14 June 2017 Resolution #513
Appointment of:	<ol style="list-style-type: none"> 1. Appointment of Librarian Brett Hatwell Manager Library Services 2. Appointment of delegates of Librarian Alison Rogers Library Technician Colleen Williams E-Services Librarian Osman Masnor Library Clerk Samantha Hay Library Clerk
Special Requirements:	<p>Library Board (Registered Public Libraries) Regulations 1985</p> <ol style="list-style-type: none"> 1. Librarian appointed for the purposes of Regulation 28 – Librarian's general authority. 2. Delegates appointed for the purposes of undertaking certain functions of a librarian under the Regulations, as directed by the Librarian.

16.6 Budget Variations

DECLARATION OF INTEREST:

There were no declarations of interest.

SUMMARY:

To amend the 2017/2018 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 Council approves the required budget variations to the Adopted Budget for 2017/2018 as outlined in the report.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

ITEM #	LEDGER ACCOUNT	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
1	600019.1002	Capital Expense – Building Construction – Adventure Park Caretakers shed	(42,232)	(36,500)	(78,732)
	600008.1568	Capital Expense – Adventure Park - Bin Enclosure	(40,000)	16,500	(23,500)
	600008.1568	Capital Expense – Adventure Park - Calista Oval - Building Renewal	(100,000)	20,000	(80,000)
	Reason:	<i>Recreation and Culture Grounds – The original estimates for the Caretakers Shed at the Adventure Park did not allow for the connection of services. The additional budget allocation covers the service installation costs.</i>			
2	400467.1144	Operating Expense – Depot Expendable Equipment	(40,000)	(10,000)	(50,000)
	400508.2008	Operating Expense – Plant Operating Costs – Minor Plant	(10,000)	(15,000)	(25,000)
	600013.1000	Capital Expense – Plant and Equipment – Minor Plant	(25,000)	25,000	Nil
	Reason:	<i>Depot Operating Overheads – As part of the revised Council Policy – Recognition and Depreciation of Assets, purchases of items of plant and equipment that are less than \$5,000 do not meet the criteria for recognition as capital expenditure. As the policy was revised after the adoption of the 2017/2018 budget, the associated budget for the purchases of the minor plant and equipment were represented as capital expenditure. The transfer of the budget is required to match the expenditure required within the operating budget.</i>			

16.6 BUDGET VARIATIONS

3	400479.1004	Operating Expense – Beach Emergency Number Signs (BEN Program)	Nil	(4,115)	(4,115)
	300233.1004	Operating Revenue - Beach Emergency Number Signs (BEN Program) grant funding	Nil	4,115	4,115
Reason:		<i>Recreation and Culture Maintenance - Grant funding has been approved from the Department of Local Government, Sport and Cultural Industries for the installation of beach emergency number signs at beaches located in the City of Kwinana.</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.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications are detailed in this report.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications in relation to items two and three. Item one will require the City to maintain the Caretakers Shed at the Adventure Park on an ongoing basis.

ENVIRONMENTAL IMPLICATIONS:

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

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following outcome and objective detailed in the Corporate Business Plan.

16.6 BUDGET VARIATIONS

Plan	Outcome	Objective
Corporate Business Plan	Business Performance	5.4 Ensure the financial sustainability of the City of Kwinana into the future

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	The City does not manage its finances adequately and allows budget expenditure to exceed allocation and the City then finds itself unable to fund its services that have been approved through the budget process
Risk Theme	Failure to fulfil statutory regulations or compliance Providing inaccurate advice/information
Risk Effect/Impact	Financial Reputation Compliance
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Rare
Rating (before treatment)	Low
Risk Treatment in place	Reduce (mitigate risk)
Response to risk treatment required/in place	Submit budget variation requests to Council as they arise, identifying financial implications and ensuring there is nil effect on the budget adopted
Rating (after treatment)	Low

COUNCIL DECISION

197

MOVED CR S LEE**SECONDED CR P FEASEY**

That Council approves the required budget variations to the Adopted Budget for 2017/2018 as outlined in the report.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

6/0

17 Urgent Business

COUNCIL DECISION

198

MOVED CR W COOPER

SECONDED CR P FEASEY

That Council deal with the one item of urgent business as presented in the Addendum to the Agenda.

**CARRIED
5/1**

17.1 Application A865205923 by Woolworths Group Limited

OFFICER RECOMMENDATION:

That Council submit to the Director of Liquor Licensing the submission as detailed in Attachment A for Application A865205923 by Woolworths Group Limited.

COUNCIL DECISION

199

MOVED CR P FEASEY

SECONDED CR S LEE

That Council submit to the Director of Liquor Licensing the submission as detailed in Attachment A for Application A865205923 by Woolworths Group Limited.

**CARRIED
5/1**

Director of Liquor Licensing
PO Box 6119
East Perth WA 6892

Dear Sir/Madam

Application A865205923 by Woolworths Group Limited

The City would like to acknowledge the community concern that the above mentioned application has generated. I understand that a number of submissions are being made in relation to the proposed BWS in Kwinana Marketplace and the City would request that the Department give careful consideration to the issues raised.

The City's role as administrator of the planning and building laws that are set out in legislation, require us to consider applications for approval objectively and without consideration of competition in the area. To that end, the City is bound to approve shops (whether they sell liquor, clothes or food) in a shopping centre, as such uses are permitted. The City performed this duty as a delegate of the Western Australian Planning Commission and has granted planning permission for BWS to locate in the Kwinana Shopping Centre.

However, the City has a broader role to act in the best interests of our community, beyond the regulatory functions it carries out. The relocation of BWS from the Leda Shopping Centre to the Kwinana City Centre, presents another liquor store in the area. Currently, within the City Centre, residents are serviced by Dan Murphys, Liquorland and Thirsty Camel. In addition, the area is serviced by a tavern.

The City has spent the past decade proactively working to improve the reputation of Kwinana and address instances of anti-social behaviour. This has included developing youth programs focused on early intervention with at risk youth. In addition, the City has invested in the upgrade of the public realm, facilitated redevelopment of a traditional pub into a family oriented tavern and encouraged the development of cafes with alfresco options. Further, the City has developed a major skate park and adventure playground, of regional significance, to ensure that there are activities in the area that add to the vibrancy and reduce opportunities for anti-social behaviour.

The City also employs a community engagement team, whose primary role is to tackle issues such as street drinking, by supporting local residents and identifying services to help support our community. Unfortunately, Kwinana remains low on the SEIFA index for socio economic conditions. While an additional liquor store may arguably add to competition in the area and I note that the store's relocation from the Leda location will result in a reduction in opening hours, it is the impact on the community that will need to be at the heart of the Department's deliberations.

For these reasons, I would request that the Department give careful consideration to the submissions of the community in determining whether the presence of an additional liquor store in Kwinana would best serve the needs of this local community.

Yours sincerely

Carol Adams
MAYOR, CITY OF KWINANA

18 Councillor Reports

18.1 Councillor Wendy Cooper

Councillor Wendy Cooper advised that she had provided her Elected Member report of the 2018 Future of Local Government National Summit to all Elected Members for their review.

18.2 Councillor Sandra Lee

Councillor Sandra Lee reported that she had attended the Thank a Volunteer Quiz Night and she passed on her congratulations to Ashley Towns whom was presented the 2018 City of Kwinana Volunteer of the Year Award.

Councillor Lee mentioned that she had attended the Kwinana Industries Council (KIC) Communities Industries Forum.

Councillor Lee advised that she had attended the Beeliar Regional Park Meeting.

Councillor Lee reported that she had attended the World Environment Day Challenge at Sloan's Reserve where teams of corporate businesses planted 4,300 plants during the morning, which was a great effort.

Councillor Lee mentioned that she had attended the City of Kwinana Community Planting Day at Wellard Park and further mentioned that 750 plants were planted.

18.3 Councillor Sheila Mills

Councillor Sheila Mills Elected Member report regarding the 2018 Future of Local Government National Summit:

I recently attended the conference called Future of Local Government.

The focus was community led governance.

There were presentations of community led projects which were really excellent examples of community led initiatives.

But that is not governance or accountability.

Overall the conference failed to place these theories and examples of the future of local governments into the wider relevant parameters of the state/national/international political economy.

Demographics, differences in urban/rural/ communities and the differences in geographic size of council areas influencing demands for the provision of services and facilities were not addressed.

Comments at a presentation I attended are relevant to my comments today re the conference:

18 COUNCILLOR REPORTS

- A. *State/Federal government approach to development approvals are impacting on local government outcomes.*
- B. *Uncertainties in the waste industry - locally, nationally and globally - is not an issue that was addressed by the conference which focused on such a narrow and insular interpretation of the future of local government.*

For local government to survive it needs a realistic approach to an analysis of its future - not a modernistic vision of a return to the medieval world.

18.4 Councillor Matthew Rowse

Councillor Matthew Rowse reported that he had attended the City of Kwinana Citizenship Ceremony where he had the luxury of leading the Aussie, Aussie, Aussie chant.

Councillor Rowse mentioned that he had attended Evacuation Centre Training, which was designed to provide the best way to open and run our evacuation centres and help those affected in the event of an emergency.

19 Response to Previous Questions

Questions taken on notice at the Ordinary Council Meeting held on 11 April 2018

19.1 Mr Kevin Desmond, Parmelia

Question 10

Could you explain when a complaint is made about a Councillor or the Chief Executive Officer, what the procedure is and how confidential would the complaint be?

Response

The Presiding Member took the question on notice.

Further response from the City of Kwinana

The City requests parties involved maintain confidentiality and complaints are dealt with in a number of ways depending on their nature and type in accordance with the City of Kwinana Code of Conduct, the Local Government Act 1995, the Local Government (Rules of Conduct) Regulations 2007, Public Interest Disclosure Act 2003 or the Corruption and Crime Commission Act 2014.

19 RESPONSE TO PREVIOUS QUESTIONS

Complaints procedures ensure the principles of natural justice and procedural fairness are followed.

Questions taken on notice at the Ordinary Council Meeting held on 24 April 2018

19.2 Mr Kevin Desmond, Parmelia

Question 11

Can Council tell me with their discussions with Alcoa, how long Alcoa need the present tailings on the land that the tailing ponds are on?

Response

The Mayor took the question on notice.

Further response from the City of Kwinana

City Officers have no information on Alcoa's commercial requirements in regards to the tailing ponds.

Question 12

When Alcoa is finished with this land will the area be regenerated back to the standard of light industrial use as its previous ponds were?

Response

The Mayor took the question on notice.

Further response from the City of Kwinana

City Officers cannot speculate on the ultimate land use zoning of the tailing ponds but refer Mr Desmond to the Perth and Peel @ 3.5 million Subregional Planning Framework which identifies the Alcoa site for industrial land use.

20 Mayoral Announcements (without discussion)

Mayor Carol Adams reported that she had attended the 50th Anniversary of the Lions Club of Kwinana, where she presented a certificate of appreciation on behalf of the City of Kwinana.

The Mayor mentioned that she had attended the second meeting of the Kwinana Conciliation Advisory Group and further mentioned that stage one is called a "REFLECT" RAP (Reconciliation Action Plan). The Mayor was pleased to report that Charne Hayden, Chief Executive Officer (CEO) of the Medina Aboriginal Corporation was elected as the Community Co-Chair.

The Mayor advised that the City welcomed 40 new Australians at the recent City of Kwinana Citizenship Ceremony held on 5 June 2018. The Mayor added that it was good to see three tiers of government represented, namely local government, Reece Whitby MLA for Baldivis and Madeleine King, Federal Member for Brand.

The Mayor reported that in her role as State Councillor, that she had attended the Western Australian Local Government Association (WALGA) Special Council Meeting to pass the association budget for 2018/19.

20 MAYORAL ANNOUNCEMENTS (WITHOUT DISCUSSION)

The Mayor mentioned that last Friday was World Environment Day, which was celebrated throughout Australia and New Zealand with a tree planting corporate challenge. The Mayor explained that this year's event was held at Sloan's Reserve in Kwinana and several corporate teams representing AON, RIO Tinto, Chevron and Viola competed. The Mayor further explained that 4,228 trees were planted in a two hour time period, with Chevron announced as the winning team. The Mayor passed on her thanks to City of Kwinana Officers whom were active in arranging for the provision of the trees and the logistics for the day.

The Mayor advised that she had attended the Village at Wellard Community Visioning and Planning Forum.

The Mayor reported that she had attended the City of Kwinana Elected Members and Executive Strategic Planning Session, which was an excellent event with the outcomes now forming part of the CEO's Key Performance Indicators (KPI's) for the next 12 months.

The Mayor mentioned that upcoming events of note are:

- Peter Carnley Anglican Community College Founders Day Ceremony
- Kwinana Volunteer Bush Fire Brigades Award Dinner
- National Assembly of Local Government

The Mayor has received the recent Economic Development Tour to Singapore that she had attended and will circulate to Elected Members.

Mayor Carol Adams exited the Council Chambers at 7:28pm and Deputy Mayor Peter Feasey took the position as the Chair.

21 Matters Behind Closed Doors

DECLARATION OF INTEREST:

Mayor Carol Adams declared an indirect financial interest due to the proponent company, Phoenix Energy being a member of Kwinana Industries Council whom is her husband's employer.

COUNCIL DECISION

200

MOVED CR W COOPER

SECONDED CR S MILLS

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

CARRIED
5/0

21.1 Request for Extension of Financial Close Date for Waste Supply Agreement with Kwinana WTE Project Co Pty Ltd

COUNCIL DECISION

201

MOVED CR W COOPER

SECONDED CR S MILLS

That Council:

1. Approve the extension for the Financial Close date to 31 July 2018, through the Fourth Variation Agreement to the Waste Supply Agreement with Kwinana WTE Project Co Pty Ltd (as per Attachment B).
2. Authorise the Mayor and Chief Executive Officer to execute the Fourth Variation Agreement to the Waste Supply Agreement with Kwinana WTE Project Co Pty Ltd (as per Attachment B) on behalf of the City of Kwinana.

CARRIED
5/0

COUNCIL DECISION

202

MOVED CR W COOPER

SECONDED CR M ROWSE

That Council return Behind Closed Doors.

CARRIED
5/0

The Council Chambers doors were reopened at 7:30pm.

22 Meeting Closure

The Deputy Mayor declared the meeting closed at 7:31pm.

Chairperson:

27 June 2018