

Finance and Administration Committee

Notice of Meeting
25 July 2017
4.00pm

Committee Room 1
Ninth Floor
Council House
27 St Georges Terrace, Perth



Agenda

ORDER OF BUSINESS AND INDEX

- 1 Declaration of Opening
- 2 Apologies and Members on Leave of Absence
- 3 Question Time for the Public
- 4 Confirmation of minutes – 27 June 2017
- 5 Correspondence
- 6 Disclosure of Members' interests
- 7 Matters for which the meeting may be closed

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting will be required to be closed to the public prior to discussion of the following:

Item No.	Item Title	Reason
Confidential Item 8.5 and Attachments 8.5A – 8.5B	Perth Public Art Foundation Funding Review	S5.23(2)(e)(iii)

In accordance with Section 5.23(2) of the *Local Government Act 1995*, should an Elected Member wish to discuss the content of the confidential attachment/s listed below, it is recommended that the Committee resolve to close the meeting to the public prior to discussion of the following:

Attachment No.	Item No. and Title	Reason
Confidential Attachments 8.7A-8.7B	Item 8.7 – Tender 129-16/17 Lifts and Escalators Inspection – Preventative Maintenance and Repair	S5.23(e)(ii)

- 8 Reports
 - 8.1 - Investments and Investment Returns for the Period Ended 30 June 2017
 - 8.2 - Payments from Municipal and Trust Funds – June 2017
 - 8.3 - 2017/18 Delegated Authority Review
 - 8.4 - Reduction of Single-Use Plastic Bags in the City
 - 8.5 - Perth Public Art Foundation Funding Review

Please convey apologies to Governance on 9461 3250
or email governance@cityofperth.wa.gov.au

8.6 - Migrant Pavilion at Lake Vasto, Ozone Reserve - Discounted Hire Fees to West Australian Multicultural Association

8.7 - Tender 129-16/17 Lifts and Escalators Inspection – Preventative Maintenance and Repair

8.8 - New Lease – “Marketta” Tavern Alfresco Lease, KS3 Kings Square, 10 Telethon Avenue, Perth

9 Motions of which Previous Notice has been given

10 General Business

10.1 - Responses to General Business from a Previous Meeting

10.2 - New General Business

11 Items for consideration at a future meeting

Outstanding Items:

The following items are currently being investigated and actioned by Officers. Information will be provided to Elected Members when available.

- Bicycles available in City car parks (raised at FA 02/05/17).
- Land Use and Employment Survey (raised at FA 30/05/17).
- Petition to allow for 30 minute parking on Royal Street (raised at Council 09/05/17).
Please be advised that Council at its meeting held 9 May 2017 resolved:
That, in accordance with Clause 4.9(4) of the City of Perth Standing Orders Local Law 2009, the petition from Mr George Manios relating to allowing free 30 minute parking in Royal Street, East Perth, be received and be referred to the Finance and Administration Committee.

Outstanding Reports:

- Council Policy 10.6 – Elected Member Expense Reimbursements (raised at FA 04/10/16, updated 06/12/17).
- Air and land rights available to City of Perth for potential creation of affordable housing (raised at Council 30/08/16, updated FA 06/12/16 & FA 02/05/17).
- Motion – Availability of motorcycle parking in City of Perth including on footpaths (raised 30/05/17).
- Motion – Regulation of plastic bag usage and options for alternatives (raised 30/05/17).
This item is on the agenda as Item 8.4.

12 Closure



MARTIN MILEHAM
CHIEF EXECUTIVE OFFICER

20 JULY 2017

This meeting is open to members of the public

FINANCE AND ADMINISTRATION COMMITTEE

Established: 17 May 2005 (Members appointed 22 October 2015)

Members:	1st Deputy:	2nd Deputy:
Cr Davidson OAM JP (Presiding Member)	Cr Green	Cr Yong
Cr Chen		
Cr Harley		

Quorum: Two

Expiry: October 2017

TERMS OF REFERENCE: [Adopted OCM 24/11/15]

1. To oversee and make recommendations to the Council on matters related to:
 - a. the financial management of the City including budgeting, payment of accounts, collection of debts, investment of funds and write-offs;
 - b. strategic and annual plans;
 - c. management of local government property including issues relating to the City's civic buildings (Council House, Perth Town Hall, Perth Concert Hall and the City of Perth Library);
 - d. business opportunities and proposals, including those related to parking, having the potential to achieve new income or savings for the City, which may have been initiated by other Committees of the Council;
 - e. fees and charges levied by the City in accordance with Sections 6.16 or 6.32 of the Local Government Act 1995;
 - f. Elected Members, including protocols and procedures, benefits and allowances;
 - g. Council's policies, local laws and Register of Delegations;
 - h. the management and enforcement of permanent and temporary on-street parking proposals or restrictions and any associated fees or signage;
 - i. any other matters requiring a decision of the Council and not specifically defined in the Terms of Reference for any other Committee of the Council or where the substantive Committee is unable to be convened and a decision is necessary to fulfil operational requirements.

NOTE:

Delegated Authority 1.1.1 – Finance and Administration Committee provides authority for the Committee to:

1. Approve or decline requests for receptions of up to \$5,000 in value referred to the Committee by the Lord Mayor [FM Reg.12(1)(b)].
2. Purchase artworks worth over \$5,000 and the deaccession of artworks [FM Reg.12(1)(b) and s.3.58(2) and (3)].
3. Determine matters assigned by delegated authority to the Marketing, Sponsorship and International Engagement Committee and the Audit and Risk Committee, only where the respective Committee is unable to be convened and a decision is necessary to fulfil operational requirements.

INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

Question Time for the Public

- An opportunity is available at all Committee meetings open to members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question, and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member at least an hour before the meeting begins. Alternatively, questions can be forwarded to the City of Perth prior to the meeting, by:
 - Letter: Addressed to GPO Box C120, Perth, 6839;
 - Email: governance@cityofperth.wa.gov.au.
- Question Sheets are also available on the City's web site: www.perth.wa.gov.au.

Deputations

A deputation wishing to be received by a Committee is to apply in writing to the CEO who will forward the written request to the Presiding Member. The Presiding Member may either approve the request or may instruct the CEO to refer the request to the Committee to decide whether or not to receive the deputation. If the Presiding Member approves the request, the CEO will invite the deputation to attend the meeting.

Please refer to the 'Deputation to Committee' form provided at the entrance to the Council Chamber for further information on the procedures for deputations. These forms are also available on the City's web site: www.perth.wa.gov.au.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any Member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Committee meeting prior to written advice on the resolution of the Council being received.

Any plans or documents contained in this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and the express permission of the copyright owner(s) should be sought prior to their reproduction.

EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



The City of Perth values the health and safety of its employees, tenants, contractors and visitors. The guide is designed for all occupants to be aware of the emergency procedures in place to help make an evacuation of the building safe and easy.

BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.



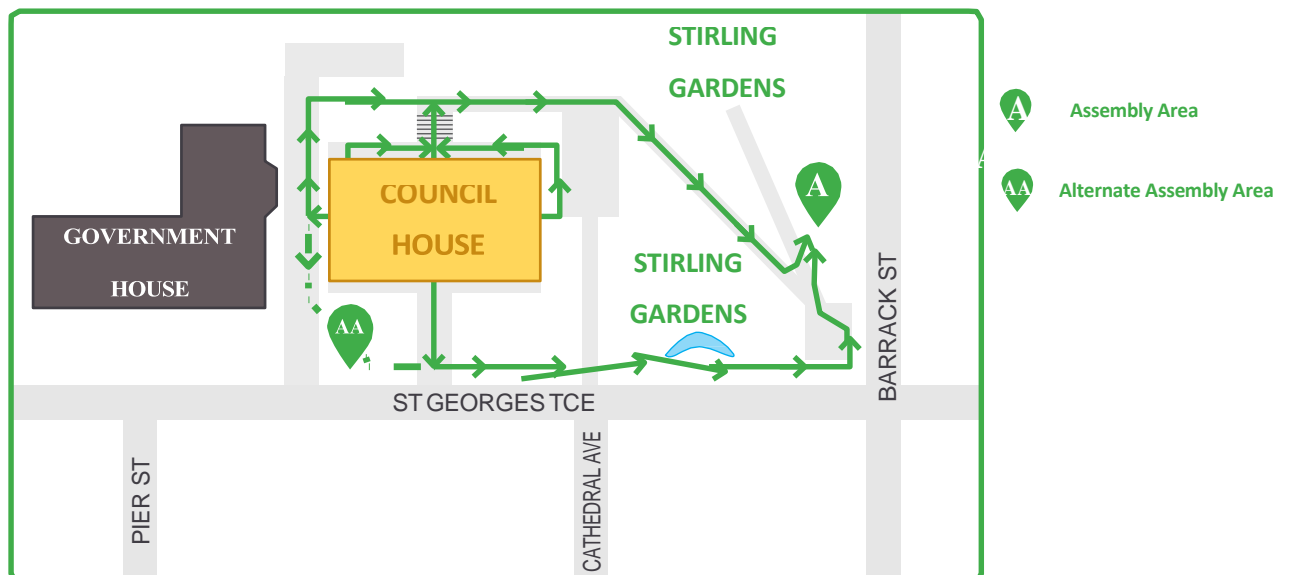
EVACUATION ALARM / PROCEDURES

whoop whoop whoop

On hearing the Evacuation Alarm or on being instructed to evacuate:

1. Move to the floor assembly area as directed by your Warden.
2. People with impaired mobility (those who cannot use the stairs unaided) should report to the Floor Warden who will arrange for their safe evacuation.
3. When instructed to evacuate leave by the emergency exits. **Do not use the lifts.**
4. Remain calm. Move quietly and calmly to the assembly area in **Stirling Gardens** as shown on the map below. Visitors must remain in the company of City of Perth staff members at all times.
5. After hours, evacuate by the nearest emergency exit. **Do not use the lifts.**

EVACUATION ASSEMBLY AREA



Agenda **Investments and Investment Returns for the Period Ended 30**
Item 8.1 **June 2017**

Recommendation:

That the Finance and Administration Committee RECEIVES the report detailing investments and investment returns for the period ended 30 June 2017, as detailed in Attachment 8.1A of this Report.

FILE REFERENCE:	P1032980
REPORTING OFFICER:	Dan Richards, Manager Finance
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	14 July 2017
ATTACHMENT/S:	Attachment 8.1A – Investment Report for the period ended 30 June 2017, Short Term Investments and Institution Credit and Rating

Council Role:

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input checked="" type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	Section 6.14 of the <i>Local Government Act 1995</i> Regulation 19C of the <i>Local Government (Financial Management) Regulations 1996</i>
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**Integrated Planning and
Reporting Framework
Implications**

Strategic Community Plan

Goal 7 An open and engaged city

A city that involves community, citizens and stakeholders in its future direction. Citizens have trust in the City of Perth and comfort knowing they collaborate with community, governments and businesses alike, working in an open and transparent manner. People feel connected, listened to and engaged with their city.

Policy

Policy No and Name: 9.3 – Management of Investments

Financial Implications:

Reported investment earnings (excluding interest on rates arrears) at \$291,117 after Trust Account adjustments, were \$19,590 below budget in June.

Details:

	Actual \$	Budget \$	Variation \$
Interest Earnings	291,117	271,527	19,590

Average Rate	2.41%
Benchmark Rate	1.76%
RBA Cash Rate	1.5%

*Figures exclude interest on rate arrears.

Call Accounts

Balance at 30 June 2017	\$11.4 million
Interest Earned	\$32,553
Rate for balances over \$2 million	1.75%

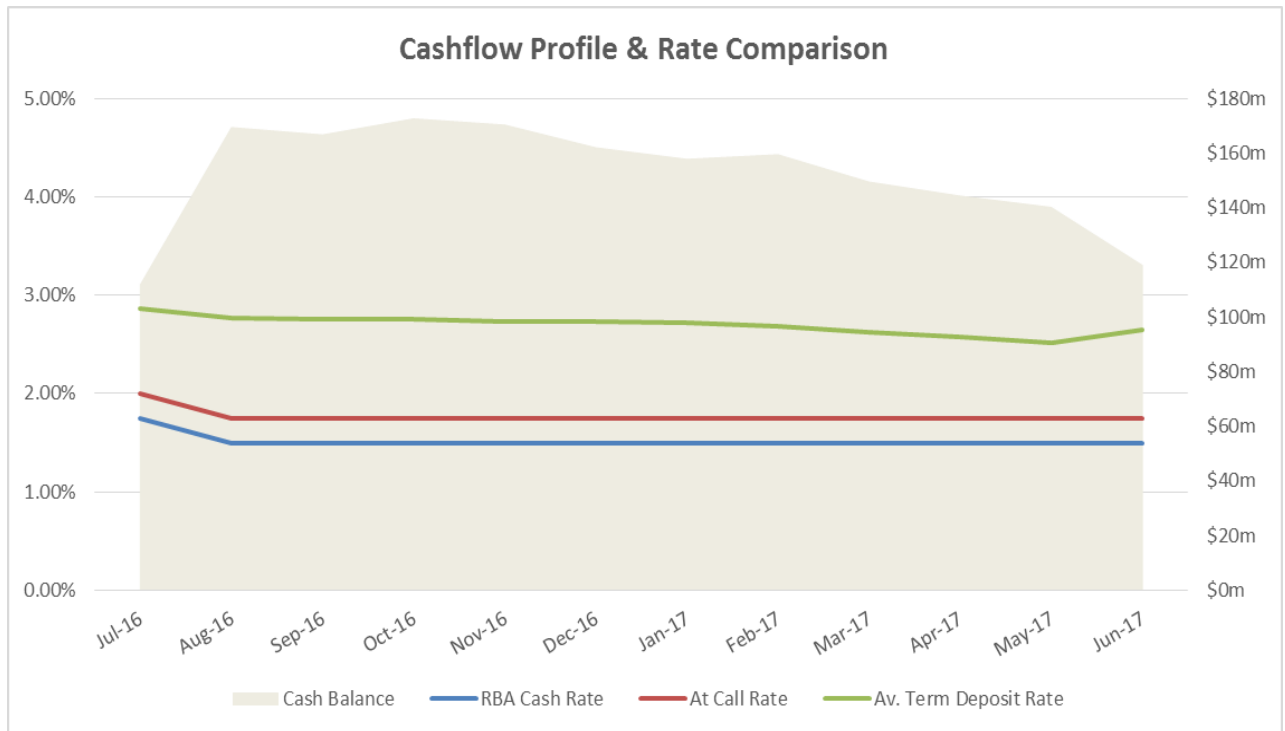
Term Deposits

Balance at 30 June 2017	\$107.6 million
Interest Earned	\$242,017
Average Rate (Municipal funds)	2.65%
Most Recent Rate (Municipal funds)	2.65%

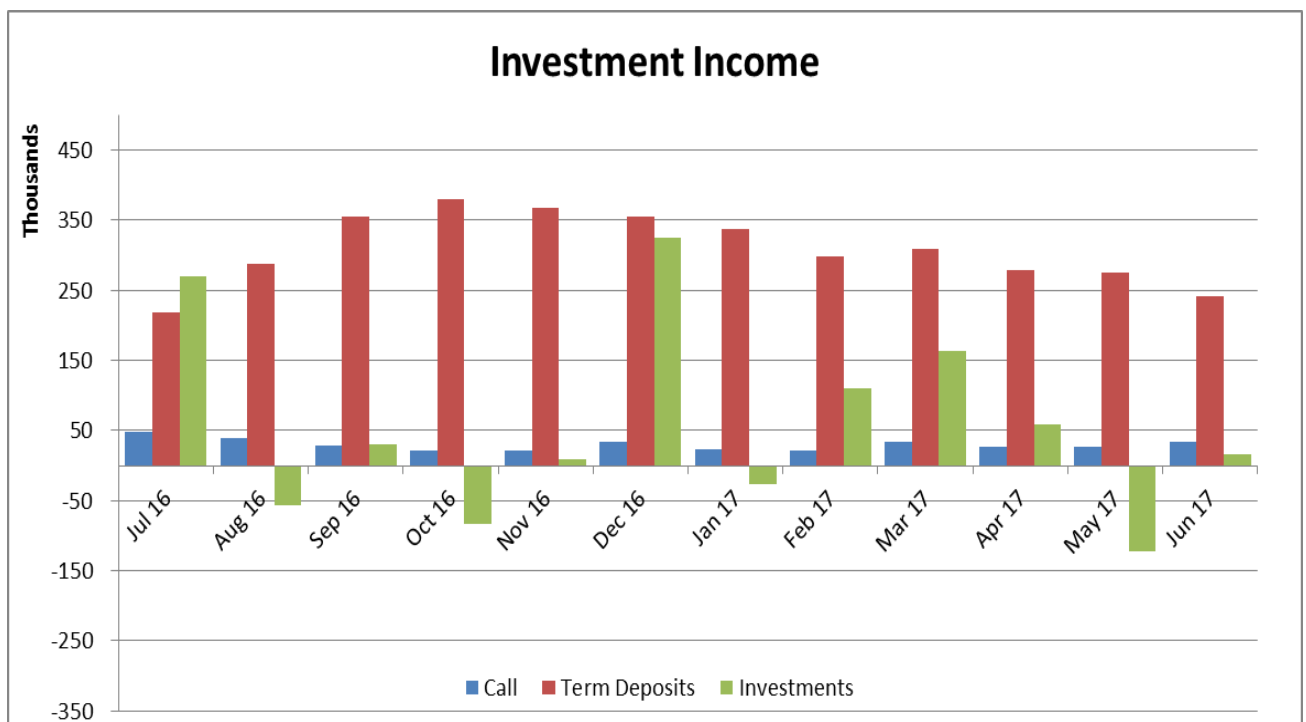
Other Investments

	Interest Earned \$	Interest Rate %
Emerald Mortgage Backed Security	9,319	2.68
Colonial Share Index Balanced Fund	7,229	N/A

The ASX 200 Index increased slightly in June resulting in a minimal positive return for the Colonial Share Index Fund.



The above chart shows the City's cash flow cycle reflecting the significant inflow of rates income in August. It also compares the average interest rates the City earns with the RBA cash rate.



Spread of Investments

The City's exposure to investment institutions is as follows:

Institution	Credit Rating	Percentage	Percentage Allowed
ANZ	A1+	4%	100%
Bankwest	A1+	2%	
NAB	A1+	18%	
		24%	
AMP	A1	8%	
Suncorp Metway	A1	36%	
		44%	60%
		68%	
Bank of Queensland	A2	24%	
ING	A2	2%	
		26%	10%
Barclays	NR	2%	
Colonial	NR	4%	
		6%	

Comments:

The *Local Government (Financial Management) Regulations 1996* were amended in May 2017 to enable fixed term deposits of up to three years (increased from one year). This amendment will have no impact at this time due to the low interest rate environment.

The City continues to adhere to its policy of obtaining the best returns commensurate with risk and the constraints imposed by the State Government regulations.

ATTACHMENT 8.1A

5

INVESTMENT REPORT		Market Value	Market Value	Cost & Impairment	% of	Interest Earned	Weighted Average Monthly	Interest Earned
30-Jun-17		31-May-17	30-Jun-17	30-Jun-17	Class	Jun	Rate	YTD
Municipal								
Short term Direct Investments								
Call		\$14,089,270	\$8,386,052	\$8,386,052	6.9%	\$26,788	1.81%	\$297,451
Term Deposits		\$54,500,000	\$20,500,000	\$20,500,000	16.9%	\$83,989	2.52%	\$1,786,365
Short		\$68,589,270	\$28,886,052	\$28,886,052		\$110,777	2.35%	\$2,083,816
Total Municipal - Cash Backed Securities		\$68,589,270	\$28,886,052	\$28,886,052		\$110,777	2.35%	\$2,083,816
Total Municipal Investments		\$68,589,270	\$28,886,052	\$28,886,052		\$110,777	2.35%	\$2,083,816
Reserves								
Short term Direct Investments								
Call		\$3,016,125	\$2,942,249	\$2,942,249	2.4%	\$4,606	1.75%	\$44,182
Term Deposits		\$61,000,000	\$81,000,000	\$81,000,000	66.6%	\$145,426	2.67%	\$1,757,228
Total		\$64,016,125	\$83,942,249	\$83,942,249		\$150,032	2.64%	\$1,801,410
Floating Rate Notes/ CLNs								
WPAC- Sub Debt -FRN		\$0	\$0	\$0	0.0%	\$0	0.00%	\$0
Total		\$0	\$0	\$0		\$0	0.00%	\$0
Medium term Direct Investments								
Barclays - Emerald -MBS		2,695,830	2,589,685	\$2,589,685	2.1%	\$9,319	2.68%	\$115,617
Total		\$2,695,830	\$2,589,685	\$2,589,685		\$9,319	2.68%	\$115,617
Total Reserve - Cash Backed Securities		\$66,711,955	\$86,531,934	\$86,531,934		\$159,351	2.64%	\$1,917,027
Balanced Funds								
Colonial Share Index		\$4,709,797	\$4,717,138	\$4,717,138	100%	\$7,229	2.19%	\$577,885
Total		\$4,709,797	\$4,717,138	\$4,717,138		\$7,229	2.19%	\$577,885
Total Reserve Investments		\$71,421,752	\$91,249,072	\$91,249,072		\$166,580	2.19%	\$2,494,912
Trust								
Short term Direct Investments								
Call		\$1,469,667	\$24,391	\$24,391	0.0%	\$1,159	1.63%	\$16,376
Term Deposits		\$6,092,439	\$6,107,569	\$6,107,569	5.0%	\$12,602	2.54%	\$165,177
Total		\$7,562,106	\$6,131,960	\$6,131,960		\$13,761	2.46%	\$181,554
Total Trust - Cash Backed Securities		\$7,562,106	\$6,131,960	\$6,131,960		\$13,761	2.46%	\$181,554
Total Investments-Cash Backed Securitie.		\$142,863,331	\$121,549,947	\$121,549,947		\$283,889	2.52%	\$4,182,397
Grand Total Investments		\$147,573,128	\$126,267,085	\$126,267,085		\$291,117	2.40%	\$4,760,282

30-Jun-17

INSTITUTION CREDIT AND RATING

INSTITUTION	AMOUNT	PERCENTAGE	CREDIT RATING	MAX AMOUNT
ANZ	5,115,495.78	4%	A1+	OK
AMP	10,226,751.79	8%	A1	OK
ING	2,500,000.00	2%	A2	OK
BOQLD	30,000,000.00	24%	A2	OK
BANKWEST	3,010,444.81	2%	A1+	OK
BARCLAYS	2,589,685.09	2%	NR	OK
C B A		0%	A1+	OK
BENDIGO		0%	A2	OK
MACQUARIE	-	0%	A1	OK
MEQUITY	-	0%	A2	OK
NAB	22,607,569.14	18%	A1+	OK
ST GEORGE		0%	A1+	OK
SUNCORP METWAY	45,500,000.00	36%	A1	OK
WESTPAC		0%	A1+	OK
COLONIAL	4,717,138.09	4%	NR	OK
TOTAL	126,267,084.70	100%		

GLOBAL CREDIT EXPOSURE

INSTITUTION	AMOUNT	PERCENTAGE	MAX ALLOWED
A1+, A1, AA	86,460,261.52	68%	100%
A2	32,500,000.00	26%	60%
A3 and Unrated	7,306,823.18	6%	10%
TOTAL	126,267,084.70	100%	

A1+	45%	INDIVIDUAL ADI EXPOSURE ALLOWED
A1	45%	
A2	40%	
A3	10%	
AAA	45%	
AA	45%	
Unrated	10%	

CITY OF PERTH - SHORT TERM INVESTMENTS (Excluding Call) AS AT 30 June 2017

FUND	INSTITUTION	TYPE	AMOUNT	RATE	LODGED	MATURITY	Total Investment Days	TOTAL INTEREST individual outstanding investment
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 4,000,000.00	2.60%	28/02/2017	31/07/2017	153	\$ 43,594.52
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.70%	16/02/2017	17/08/2017	182	\$ 67,315.07
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 3,500,000.00	2.65%	28/02/2017	31/08/2017	184	\$ 46,756.16
MUNICIPAL	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 3,000,000.00	2.65%	30/06/2017	4/01/2018	188	\$ 40,947.95
MUNICIPAL	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.60%	27/06/2017	25/01/2018	212	\$ 75,506.85
			<u>\$ 20,500,000.00</u>					
RESERVES	AMP	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	3.00%	5/01/2017	6/07/2017	182	\$ 74,794.52
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.65%	16/03/2017	12/10/2017	210	\$ 30,493.15
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.65%	18/05/2017	16/11/2017	182	\$ 66,068.49
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 1,000,000.00	2.65%	15/06/2017	12/12/2017	180	\$ 13,068.49
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.60%	22/06/2017	21/12/2017	182	\$ 25,928.77
RESERVES	BQLD	Short Term Direct Investments TERM DEPOSITS	\$ 4,500,000.00	2.65%	22/06/2017	18/01/2018	210	\$ 68,609.59
RESERVES	BWEST	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.60%	2/03/2017	10/08/2017	161	\$ 22,936.99
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 8,000,000.00	2.65%	22/06/2017	25/01/2018	217	\$ 126,038.36
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 7,000,000.00	2.65%	22/06/2017	22/02/2018	245	\$ 124,513.70
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.65%	22/06/2017	22/02/2018	245	\$ 88,938.36
RESERVES	ING	Short Term Direct Investments TERM DEPOSITS	\$ 2,500,000.00	2.65%	23/03/2017	21/09/2017	182	\$ 33,034.25
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 1,000,000.00	2.53%	2/03/2017	13/07/2017	133	\$ 9,218.90
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 5,500,000.00	2.66%	5/01/2017	13/07/2017	189	\$ 75,755.34
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 4,000,000.00	2.65%	12/01/2017	27/07/2017	196	\$ 56,920.55
RESERVES	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 8,000,000.00	2.66%	5/01/2017	27/07/2017	203	\$ 118,351.78
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 4,000,000.00	2.65%	23/02/2017	24/08/2017	182	\$ 52,854.79
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 5,000,000.00	2.60%	9/03/2017	14/09/2017	189	\$ 67,315.07
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 2,500,000.00	2.60%	20/04/2017	19/10/2017	182	\$ 32,410.96
RESERVES	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 7,000,000.00	2.60%	9/03/2017	19/10/2017	224	\$ 111,693.15
			<u>\$ 81,000,000.00</u>					
ROD EVANS TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 323,291.43	2.50%	18/05/2017	17/08/2017	91	\$ 2,015.04
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 1,000,000.00	2.53%	20/04/2017	20/07/2017	91	\$ 6,307.67
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 784,277.71	2.46%	8/06/2017	7/09/2017	91	\$ 4,810.09
TRUST	NAB	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.46%	25/05/2017	28/09/2017	126	\$ 16,984.11
TRUST	SUNCORP	Short Term Direct Investments TERM DEPOSITS	\$ 2,000,000.00	2.65%	23/02/2017	24/08/2017	182	\$ 26,427.40
			<u>\$ 6,107,569.14</u>					
TOTAL Investments			\$ 107,607,569.14					\$ 1,529,610.06

Agenda
Item 8.2

Payments from Municipal and Trust Funds – June 2017

Recommendation:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 June 2017, be RECEIVED and recorded in the Minutes of the Council, the summary of which is as follows:

FUND	PAID
Municipal Fund	\$ 21,038,030.03
Trust Fund	\$ 264,973.69
TOTAL:	<u>\$ 21,303,003.72</u>

FILE REFERENCE:	P1033586
REPORTING OFFICER:	Con White
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	4 July 2017
ATTACHMENT/S:	A detailed list of payments made under delegated authority for the month ended 30 June 2017 can be accessed by Elected Members via the Elected Members Portal. Members of the public can access the list of payments on request

Council Role:

- | | | |
|--------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**Legislation / Strategic Plan / Policy:****Legislation**

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*

**Integrated Planning and
Reporting Framework
Implications**

Strategic Community Plan

Goal 7 An open and engaged city

A city that involves community, citizens and stakeholders in its future direction. Citizens have trust in the City of Perth and comfort knowing they collaborate with community, governments and businesses alike, working in an open and transparent manner. People feel connected, listened to and engaged with their city.

Comments:

Payments for the month of June 2017 included the following significant items:

- \$2,791,967.57 to the Department of Fire and Emergency Services for the emergency services levy fourth quarter contribution for 2016/17, and minor invoices in relation to call out fees;
- \$2,420,000.00 to The Trustee for Industry Superannuation Property Trust No. 2 for Forrest Chase redevelopment works; and
- \$818,439.73 to the Western Australian Treasury Corporation for loan payments of \$541,200.68 for the Elder Street Carpark, \$32,774.82 for the Goderich Street Carpark and \$244,464.23 for the Perth City Library and Public Plaza.

**Agenda
Item 8.3**

2017/18 Delegated Authority Review

Recommendation:

That Council, in accordance with Sections 5.18 and 5.46(2) of the Local Government Act 1995, APPROVES BY ABSOLUTE MAJORITY the delegations made to Committees and the Chief Executive Officer including amendments and new delegations, as detailed in the Delegated Authority Register 2017/18.

FILE REFERENCE:	P1018706
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	17 July 2017
ATTACHMENT/S:	Attachment 8.3A – Delegated Authority Register 2017/18

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	S5.16 and S5.42 of the <i>Local Government Act 1995</i>
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Integrated Planning and	Strategic Community Plan
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Goal 7 An open and engaged city

A city that involves community, citizens and stakeholders in its future direction. Citizens have trust in the City of Perth and comfort knowing they collaborate with community, governments and businesses alike, working in an open and transparent manner. People feel connected,

listened to and engaged with their city.

Policy

Policy No and Name: Various Policy implications form part of this report and are separately identified according to each instrument of Delegation.

Purpose and Background:

Sections 5.16 and 5.42 of the *Local Government Act 1995*, prescribe that Council may delegate its powers or duties to a Committee of Council or the Chief Executive Officer (CEO). Sections 5.17 and 5.43 respectively, outline the limitations on such delegations.

The Governance Unit has undertaken a review of the City's existing delegations in consultation with all City of Perth Business Units, to ensure all proposals for amendments have been collated and presented in line with the below principles:

- Operational requirements and efficiencies; and
- Compliance and statutory decision making requirements.

The outcome of this review is presented in order for Council to complete its obligation to review delegations at least once each financial year.

The proposals for new and amended delegations are within the proposed Delegated Authority Register 2017/18 (Attachment 8.3A) with deletions shown by ~~striketrough~~ and new text shown with **yellow highlight**.

A summary of the amendments proposed to the City's Delegated Authority Register are provided below:

Delegations to Committees - Existing

The following amendments are proposed to the Committees below:

Delegation Ref/Title	Proposal
1.1.1 Finance and Administration Committee	<p>Function Delegated:</p> <p>Authority to approve or decline recommendations to purchase works of art valued at over \$30,000 and less than \$100,000 \$5,000 and the deaccession of art [FM Reg.12(1)(b) and s.3.58(2) and (3)];</p> <p>and</p> <p>In determining to approve or decline a recommendation to purchase works of art, consideration will be given to the assessment undertaken in accordance with Policy 18.2 – Collection Management, Cultural Collections of the value, benefit or otherwise of the purchase.</p>

Delegations to the Chief Executive Officer (various legislation) - Existing

The following amendments are proposed to the existing Delegations to the CEO below:

Delegation Ref/Title	Proposal
1.2.9 Expressions of Interest and Tender	<p>Function Delegated:</p> <p>Authority to determine:</p> <ol style="list-style-type: none"> to call tenders [F&G Reg 11] or tender exemption [F&G Reg 11(2)]. to call tenders for the disposal of impounded goods in accordance with section 3.58 [s.3.47]. to invite tenders though not required to do so [F&G Reg 13] the criteria for accepted tenders [F&G Reg 14(2a)]. to vary tender information after public notice of invitation to tender and before the close of tenders [F&G Reg.14(5)]. seek clarification from tenderers in relation to information contained in their tender submission [F&G Reg.18(4a)]. to evaluate tenders and decide which is the most advantageous [F and G Reg.18(4)]. to accept or reject tenders [F and G Reg18 (1), (2), (4) and (4a)]. to decline any tender [F and G Reg.18(5)]. minor variations before entering into a contract and the execution of extension options [F and G Reg 20, 21a and 11 (2) (j)(k)]. <p>10a execution of extension options and variations [F&G Reg 21a]</p> <ol style="list-style-type: none"> to accept another tender where within 6 months of either accepting a tender a contract has not been entered into or the successful tenderer agrees to terminate the contract [F and G Reg.18 (6) and (7)]. when to seek Expressions of Interest and to invite Expressions of Interest to supply goods or services [F and G Reg 21]. consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [Reg.23]. <p>Council's Conditions on Delegation:</p> <p>May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new Annual Budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the City, with an imminent expiry date or work that must commence within two months of the proposed adoption date of the new Annual Budget and the value of the proposed contract has been included in the draft Annual Budget papers.</p> <p>Accept any Tender exempt procurement process under Council Policy 9.7 to the value here where is an adopted budget for the proposed</p>

	procurement.
<p>1.2.13 Artwork Acquisitions</p> <p>A. Purchase Art Works</p>	<p>Councils Conditions on Delegation:</p> <p>Purchase works of art up to the value of \$5,000 \$30,000 in accordance with Council Policy 18.2 Collection Management Cultural Collections and within the Annual Budget allocations.</p> <p>Where approval to purchase is required at short notice (i.e. auction), purchase artwork valued greater than \$5,000 \$30,000 and less than \$100,000 in accordance with Council Policy 18.2 Collection Management Cultural Collections and Annual Budget allocations, with additional funding as required from the City's Art Acquisitions Reserve Account, subject to the prior agreement of a majority of members of the Finance and Administration Committee.</p> <p>Decisions to purchase works of art must evidence consideration of the recommendations of the City's Arts, Manager Arts, Culture and Heritage and / or Collections Officer – Arts Collections Collections and Infrastructure Coordinator as appropriate.</p>
<p>1.2.13 Determine Grant, Sponsorship and Donation Allocations.</p> <p>B. Determine allocation</p>	<p>Function Delegated:</p> <p>Authority to determine allocation [FM Reg.12(1)(a)] of the City's:</p> <ol style="list-style-type: none"> 1. Grants up to the value of \$5,000, in accordance with Council Policy 18.15 Grants; 2. Sponsorships up to a value of \$5,000, in accordance with Council Policy 18.13 Sponsorship. 3. Donation up to a value of \$1,000, in accordance with Council Policy 18.4 Donations.
2.2.1 Prohibition Orders	<p>Power Delegated to:</p> <p>Director Planning and Development Manager Health and Activity Approvals Activity Approvals – Coordinator Health</p>
2.2.3 Registration of Food Businesses	<p>Power Delegated to:</p> <p>Chief Executive Officer Director Planning and Development Manager Health and Activity Approvals Activity Approvals – Coordinator Health Environmental Health Coordinator</p>
2.2.4 Appoint Authorised Officers	<p>Power Delegated to:</p> <p>Chief Executive Officer Director Planning and Development Manager Health and Activity Approvals Activity Approvals – Coordinator Health</p>
2.2.5 Prosecutions	<p>Power Delegated to:</p> <p>Chief Executive Officer Director Planning and Development Manager Health and Activity Approvals Environmental Health Officer Activity Approvals – Coordinator Health</p>
2.3.5 Building Orders	<p>Power Delegated to:</p> <p>Director Planning and Development Manager Development Approvals</p>

	Principal Building Surveyor Senior Development Compliance Officer
2.5.1 City Planning Scheme No. 2 – Planning Approval	<p>Compliance Links:</p> <p><i>City Planning Scheme No. 2 and subordinate Schemes:</i></p> <ul style="list-style-type: none"> • TPS 7 City of Perth Town Planning Scheme No. 7 (Saint Martins) • TPS 11 City of Perth Town Planning Scheme No. 11 (Wesley Trust) • TPS 13 City of Perth Town Planning Scheme No. 13 (SGIO) • TPS 14 City of Perth Town Planning Scheme No. 14 (Withernsea) • TPS 16 City of Perth Town Planning Scheme No. 16 (AMP) • TPS 21 City of Perth Town Planning Scheme No. 21 (FAI Site) • TPS 23 City of Perth Town Planning Scheme No. 23 (Paragon) • TPS 24 City of Perth Town Planning Scheme No. 24 (131-137 Adelaide Terrace) <p>LPS 26 City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area)</p> <p><i>Planning and Development Act 2005 Planning and Development Regulations 2009</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><i>Schedule 2 Deemed Provisions for Local Planning Schemes</i></p>

Delegations to the Chief Executive Officer – New (Attachment 8.3A)

The following new Delegations to the CEO are proposed below:

Delegation Ref/Title	Proposal
2.6.4 Cat Act – Waive or discount registration fees.	Provides authority to waive or discount prescribed fees in relation to the registration of cats. [Schedule 3 - cl. 1 (4)]
2.8.1 Dog Act - Registrations	<p>Provides authority to undertake the following:</p> <ol style="list-style-type: none"> 1. Direct a registration officer to refuse to effect or renew a registration of a dog or cancel an existing registration [s 16]; 2. Determine that a dog cannot be registered where no application has been made [s 17A] 3. Determine, for the purposes of assessing whether a dog can be registered or remain registered, that a dog is not, or will not be, appropriately confined [s 16, s17A] 4. Determine , for the purposes of assessing whether a dog can be registered or remain registered, that a dog is destructive, unduly mischievous, or to be suffering from an infectious or contagious disease [s 16, 17A]
2.8.2 Dog Act – Waive registration fees.	Provides authority to discount or waive a registration fee for any individual dog or any class of dogs within its district excluding a dangerous dog [s 15(4A), s15 (4B)].

Financial Implications:

There are no financial implications related to this report.

Comments:

This report seeks Council approval of:

- The outcomes of the review of delegated authorities by Council to its Committees and the CEO as detailed in this report; and
- Amendments and proposed new delegations as detailed in Attachment 8.3A.

Following Council's statutory review and adoption of the Delegated Authority Register 2017/18, the CEO will conduct a review of the CEO delegations and sub-delegations.

The Delegated Authority Register 2017/18 will then be disseminated throughout the organisation and uploaded to all relevant areas within the Intranet and Internet.

Please note that due to the organisational restructure and changes within the Governance Team the Delegated Authority Review was not undertaken by the statutory due date of 30 June 2017. This is considered a minor non-compliance.



Delegated Authority Register 2017/18

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Note 1: All values exclude GST.

Note 2: The Function Delegated is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.

Note 3: All documents are kept in accordance with the Local Government Act 1995; the Local Government (Administration) Regulations 1996, other relevant legislation and the City of Perth's record keeping policies and procedures.



Delegated Authority Register 2017/18

1. Statutory Delegations – Local Government Act 1995

1.1. Delegations to Committees of Council

1.1.1. Finance and Administration Committee		
Function Delegated:	<div>1. Approve or decline officer recommendations for receptions of up to \$5,000 in value referred to the Committee by the Lord Mayor [FM Reg.12 (1) (b)].</div> <div>2. Authority to approve or decline recommendations to purchase works of art valued at over \$30,000 and less than \$100,000 \$5,000 and the deaccession of art [FM Reg.12(1)(b) and s.3.58(2) and (3)].</div>	
Statutory Power Delegated:	<div>Local Government Act 1995:</div> <div><ul style="list-style-type: none">Section 3.58(2) and (3) Disposing of property</div> <div>Local Government (Financial Management) Regulations 1996:</div> <div><ul style="list-style-type: none">Regulation 12(1)(b) Payments from municipal fund or trust fund, restrictions on making</div>	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<div>Local Government Act 1995:</div> <div><ul style="list-style-type: none">Section 5.16 Delegation of some powers and duties to certain committeesSection 5.17 Limits on delegation of powers and duties to certain committees</div>	
Power Delegated to:	Finance and Administration Committee	
Council's Conditions on Delegation:	<div>1. Sufficient funds being allocated in the Council's budget.</div> <div>2. In determining to approve or decline a recommendation to purchase works of art, consideration will be given to the assessment undertaken in accordance with Policy 18.2 – Collection Management, Cultural Collections of the value, benefit or otherwise of the purchase.</div>	
Statutory Power to Sub-delegate:	Nil.	
Compliance Links:	<div>Local Government Act 1995:</div> <div><ul style="list-style-type: none">Section 6.2 Local government to prepare annual budgetSection 6.8 Expenditure from municipal fund not included in annual budget</div> <div>Policy 10.12 – Provision of Hospitality</div> <div>Policy 18.2 – Collection Management Cultural Collections</div>	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13
2	Annual Review	24/06/14 270/14
3	Annual Review / Amended	09/06/15 OCM Trim 99056/15
7	Annual Review / Amended	28/06/16 OCM Trim 109222/16



Delegated Authority Register 2017/18

1.1.2. Marketing, Sponsorship and International Engagement Committee	
Function Delegated:	<ol style="list-style-type: none"> Oversee all aspects of the management of the Australia Day Celebrations including: <ul style="list-style-type: none"> Determine an appropriate name; Determine location of selling points and negotiate exclusive selling rights for catering, amusements and merchandise; Engage appropriate consultants; Negotiate advertising and promotion campaign; Negotiate rights to broadcast the event [s.3.57 and F&G Reg18 (2) and (4)]. Approve or decline officer recommendations for donations, grants or sponsorships of up to \$15,000 [FM Reg.12 (1) (b)]. Approve or decline requests to waive fees for the hire of the City's exhibition screens with a value in excess of \$5,000 [s.6.12].
Statutory Power Delegated:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 3.57 Tenders for providing goods or services Section 6.12 Power to defer, grant discounts, waive or write off debts <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> Regulation 12(1)(b) Payments from municipal fund or trust fund, restrictions on making <p><i>Local Government (Functions and General) Regulations 1996:</i></p>
Power Originally Assigned to:	The Local Government
Statutory Power of Delegation:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.16 Delegation of some powers and duties to certain committees Section 5.17 Limits on delegation of powers and duties to certain committees
Power Delegated to:	Marketing, Sponsorship and International Engagement Committee.
Council's Conditions on Delegation:	<p>Negotiation of Australia Day advertising and promotions campaign and rights to broadcast the event, being undertaken in accordance with Section 3.57 of the <i>Local Government Act 1995</i> and Council Policy 9.7 Purchasing. Appropriate funds being allocated in the Council's budget.</p> <p>Approval of sponsorship, grants and donations to be in accordance with Council Policies.</p>
Statutory Power to Sub-delegate:	Nil.
Compliance Links:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> Section 6.2 Local government to prepare annual budget Section 6.8 Expenditure from municipal fund not included in annual budget



Delegated Authority Register 2017/18

Council Policy 9.7 Purchasing Council Policy 18.8 – Provision of Sponsorships and Donations CMS Procedure PR0720 Exhibition Screen Hire		
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13
2	Annual Review	24/06/14 270/14
3	Annual Review	09/06/15 OCM Trim 99056/15
7	Annual Review / Amended	28/06/16 OCM Trim 109222/16
7	Amended	13/12/16 OCM SCH 38 TRIM 230806/16



Delegated Authority Register 2017/18

1.1.3. Audit and Risk Committee		
Function Delegated:	The authority to meet with the City’s Auditor at least once every year [s.7.12A(2)].	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 7.12A(2) Duties of local government with respect to audits	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 5.16 Delegation of some powers and duties to certain committees• Section 5.17 Limits on delegation of powers and duties to certain committees• Section 7.1B Delegation of some powers and duties to audit committees	
Power Delegated to:	Audit and Risk Committee.	
Council’s Conditions on Delegation:	Nil. Sub-delegation is prohibited by s.7.1B.	
Compliance Links:	Department of Local Government Guideline No.9 Audit Committees in Local Government	
Version Control		
Version	Decision Reference	Date Delegated
1	232/10	11/05/2010
1	Annual Review	294/12 26/06/12
1	Annual Review	25/06/13 319/13
1	Annual Review	24/06/14 270/14
2	Annual Review	09/06/15 OCM Trim 99056/15



Delegated Authority Register 2017/18

1.2. Delegations to the CEO

1.2.1. Appoint Authorised Persons		
Function Delegated	Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995.	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 3.24 Authorising persons under this subdivision (Part 3, Division 3, Subdivision 2 – Certain provisions about land)• Section 9.10 Appointment of authorised persons	
Power Originally Assigned to:	The Local Government.	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 5.42 Delegation of some powers or duties to the CEO• Section 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:		
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none">• Regulation 32A Excluded authorisations (Act s. 9.2) City of Perth Local Laws	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/10
1	Annual Review	294/12 26/06/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



Delegated Authority Register 2017/18

1.2.2. Additional Powers When Notice is given to the Owner or Occupier of Land Under Section 3.25		
Function Delegated:	Authority to do anything necessary to achieve the purpose for which a notice has been given. [s.3.26(2)] Authority to recover costs associated with achieving the purpose for which a notice has been given.[s.3.26(3)]	
Statutory Power Delegated:	Local Government Act 1995: <ul style="list-style-type: none">Section 3.26 Additional powers when notices given.	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	Local Government Act 1995: <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Local Government Act 1995: <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	Local Government Act 1995: <ul style="list-style-type: none">Section 3.25 Notices requiring certain things to be done by owner or occupier of landSchedule 3.1 Powers under notices to owners or occupiers of land	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14
2	Annual Review / Amended	CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



Delegated Authority Register 2017/18

1.2.3. Particular Things Local Governments Can Do on Land that is Not Local Government Property		
Function Delegated:	Authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> . [s.3.27]	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 3.27 Particular things local governments can do on land that is not local government property	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 3.25 Notices requiring certain things to be done by owner or occupier of landSchedule 3.2 Particular things local governments can do on land even though it is not local government property	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	29/12 26/06/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.4. Powers of Entry		
Function Delegated:	Authority to: 1. enter on to land to perform any function of the local government under the Act. [refers s.3.28] 2. give a notice of entry. [s.3.32] 3. seek and execute an entry under warrant. [s.3.33] 4. execute entry in an emergency. [s.3.34] 5. give notice and effect entry by opening a fence. [s.3.36]	
Statutory Power Delegated:	Local Government Act 1995: <ul style="list-style-type: none">• Section 3.32 Notice of entry• Section 3.33 Entry under Warrant• Section 3.34 Entry in an emergency• Section 3.36 Opening fences	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	Local Government Act 1995: <ul style="list-style-type: none">• Section 5.42 Delegation of some powers or duties to the CEO• Section 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Local Government Act 1995: <ul style="list-style-type: none">• Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	Local Government Act 1995 <ul style="list-style-type: none">• Part 3, Division 3, Subdivision 3, Section 3.31	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



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1.2.5. Disposing of Confiscated or Uncollected Goods		
Function Delegated:	<div>1. Sell or otherwise dispose of confiscated or uncollected goods in accordance with Section 3.58 of the <i>Local Government Act 1995</i> [s.3.47].</div> <div>2. Authority to recover expenses incurred for removing and impounding and in disposing of confiscated or uncollected goods [s.3.48].</div>	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 3.47 Confiscated or uncollected goods, disposal ofSection 3.48 Impounding expenses, recovery of	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Part 3, Division 3, Subdivision 3Section 3.58 Disposing of Property	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.6. Disposal of Sick or Injured Animals		
Function Delegated:	Authority to destroy and dispose of an animal that is determined to be too sick or injured to treat [s.3.47A(1)].	
Statutory Power Delegated:	Local Government Act 1995: <ul style="list-style-type: none">Section 3.47A(1) Sick or injured animals, disposal of	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	Local Government Act 1995: <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Local Government Act 1995: <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	Local Government Act 1995: <ul style="list-style-type: none">Part 3, Division 3, Subdivision 3	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.7. Close Thoroughfares to Vehicles		
Function Delegated:	Determine to: <ol style="list-style-type: none">Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles [s.3.50(1), (1a) and (2)].Give public notice, and provide to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4- weeks [s.3.50(4)].Where level or alignment of a thoroughfare is fixed or altered or where draining water from a thoroughfare to private land, notify affected owners and consider any submissions made [s3.51].	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 3.50 Closing certain thoroughfares to vehiclesSection 3.50A Partial closure of thoroughfare for repairs or maintenanceSection 3.51 Affected owners to be notified of certain proposals	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Part 3, Division 3, Subdivision 5	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



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1.2.8. Reserves under Control of Local Government		
Function Delegated:	Authority to do anything for the purposes of controlling and management land that is vest in or under the management of the City [s.3.54(1)].	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 3.54 Reserves under control of a local government	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995</i> <ul style="list-style-type: none">Section 3.53 Control of certain unvested facilities	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.9. Expressions of Interest and Tenders	
Function Delegated:	<p>Authority to determine:</p> <ol style="list-style-type: none"> to call tenders [F&G Reg 11] or tender exemption [F&G Reg 11(2)]. to call tenders for the disposal of impounded goods in accordance with section 3.58 [s.3.47]. to invite tenders though not required to do so [F&G Reg 13] the criteria for accepted tenders [F&G Reg 14(2a)]. to vary tender information after public notice of invitation to tender and before the close of tenders [F&G Reg.14(5)]. seek clarification from tenderers in relation to information contained in their tender submission [F&G Reg.18(4a)]. to evaluate tenders and decide which is the most advantageous [F and G Reg.18(4)]. to accept or reject tenders [F and G Reg18 (1), (2), (4) and (4a)]. to decline any tender [F and G Reg.18(5)]. minor variations before entering into a contract and the execution of extension options [F and G Reg 20, 21a and 11 (2) (j)(k)]. 10a execution of extension options and variations [F&G Reg 21a] to accept another tender where within 6-months of either accepting a tender a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F and G Reg.18 (6) and (7)]. when to seek Expressions of Interest and to invite Expressions of Interest to supply goods or services [F and G Reg 21]. consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [Reg.23].
Statutory Power Delegated:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 3.57 Tenders for providing goods or services Section 3.47 Confiscated or uncollected goods, disposal of <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> Regulation 11 When tenders have to be publicly invited Regulation 13 Requirements when local government invites tenders though not required to do so Regulation 14(2a) and (5) Publicly inviting tenders, requirements for Regulation 18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders Regulation 20 Variation of requirements before entry into contract Regulation 21 Limiting who can tender, procedure for Regulation 23 Rejecting and accepting expressions of interest to be acceptable tenderer
Power Originally Assigned to:	The Local Government
Statutory Power of Delegation:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO



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	<ul style="list-style-type: none"> Section 5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>Excludes functions delegated to Committees of Council - refer Delegated Authorities:</p> <ul style="list-style-type: none"> 1.1.1 Finance and Administration Committee; 1.1.2 Marketing, Sponsorship and International Engagement Committee. <p>May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new Annual Budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the City, with an imminent expiry date or work that must commence within two months of the proposed adoption date of the new Annual Budget and the value of the proposed contract has been included in the draft Annual Budget papers.</p> <p>May only accept a tender where the consideration under the resulting contract is \$500,000 per annum of the proposed contract or less and the item is identified in the adopted Annual Budget.</p> <p>Accept any Tender exempt procurement process under Council Policy 9.7 to the value where there is an adopted budget for the proposed procurement.</p> <p>May only agree to variations before a contract is entered into in accordance with Policy 9.8 - Contract Variations – Authority to Incur a Liability.</p>
Statutory Power to Sub-delegate:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> Section 5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	<p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> Part 4, Division 2 <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> Regulation 31 Anti-avoidance provision for Act s. 3.58 <p>Council Policy 9.7 – Purchasing Policy Council Policy 9.8 - Contract Variations – Authority to Incur a Liability Council Policy 12.1 - Council Vehicles - Lord Mayor and Employees Council Policy 16.2 - Plant And Vehicles - Disposal Of Council Policy 9.5 - Sponsorship of City of Perth Activities</p>
Version Control	
Version	Decision Reference
1	88/10
1	Annual Review
2	Amended
2	Annual Review / Amended
2	Annual Review
3	Annual Review / Amended
4	Annual Review
4	Amend / Review
7	Annual Review / Amended
	Date Delegated
	16/02/2010
	26/06/12 294/12
	04/06/12 282/13
	25/06/13 319/13 CEO Trim 77838/13
	24/06/14 270/14
	CEO Trim 234521/14
	09/06/15 OCM Trim 99056/15
	CEO Trim 114331/15
	28/06/16 OCM Trim 109222/16



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1.2.10. Disposing of Property	
Function Delegated:	<ol style="list-style-type: none"> Authority to dispose of property to: <ol style="list-style-type: none"> the highest bidder at public auction [s.3.58(2)(a)]; or the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]. Authority to dispose of property by direct negotiation only in accordance with section 3.58(3) of the Act [s3.58(3)].
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 3.58(2) and (3) Disposing of property
Power Originally Assigned to:	The Local Government
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<ol style="list-style-type: none"> This delegation may only be used where the disposal complies with the requirements of: <ol style="list-style-type: none"> Section 3.58 of the <i>Local Government Act 1995</i>; Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i>; and Council Policy 16.2 Disposal of Property; Authority for the Disposal of land and / or building assets is limited to matters specified in the Annual Budget or Corporate Business Plan and in any other case, requires a specific resolution of Council. The Chief Executive Officer is limited to determining disposals of property (including land assets) for any single project, or where not part of a project a single event, to an aggregated maximum material value of \$500,000. Authority to determine the method of disposal: <ol style="list-style-type: none"> Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> a reserve price has been set through independent valuation; where the reserve price is not achieved at auction negotiation may be undertaken to achieve the sale of the property at up to a 10% variation on the set reserve price. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the



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	<p>property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</p> <p>c. Where a direct negotiation is determined [s.3.58(3)] as the method of disposal, authority to:</p> <p>i. negotiate the sale of the property up to a 10% variance on the valuation; and</p> <p>ii. consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded.</p> <p>5. Where the material market value of the property is determined as being less than \$20,000 (Reg.30(3) excluded disposal) may be undertaken:</p> <p>i. without reference to Council resolution; and</p> <p>ii. in any case be undertaken to ensure that best value return is achieved for the City however, where the property is determined as having a Nil material market value, then the disposal must ensure the City achieves an environmentally responsible disposal.</p>	
Statutory Power to Sub-delegate:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none">Regulation 30 Dispositions of property excluded from Act s.3.58Council Policy 16.2 – Plant and Vehicles – Sale Of	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	294/12 26/06/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
3	Annual Review / Amended	24/06/14 270/14 CEO Trim 234521/14
4	Annual Review	09/06/15 OCM Trim 99056/15
4	Amend / Review	CEO Trim 114331/15



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1.2.11. Electors' General Meeting		
Function Delegated:	Authority to determine the day, date and time of the annual Electors' General Meeting [s.5.27(2)].	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.27(2) Electors' general meetings	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Part 5, Division 2, Subdivision 4 – Electors' meetings	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



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1.2.12. Senior Employees		
Function Delegated:	Authority to advertise the position of a senior employee if the position becomes vacant [s.5.37(3)].	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.37(3) Senior employees	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government (Administration) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 18A Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))Regulation 18B Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c)) Council Policy 12.6 – Staff – Local Government Employees – Senior Employees	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



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1.2.13. Payments from Municipal or Trust Fund		
Function Delegated:	Authority to make payments from the municipal or trust fund [FM Reg.12(1)(a)].	
Statutory Power Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 12(1)(a) Payments from municipal fund or trust fund, restrictions on making	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Excludes functions delegated to Committees of Council - refer Delegated Authorities: <ul style="list-style-type: none">1.1.1 Finance and Administration Committee;1.1.2 Marketing, Sponsorship and International Engagement Committee.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 5 CEO's duties as to financial managementRegulation 11 Payments, procedures for making etc.	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	294/12 26/06/12
2	TRIM 123459/12	04/10/12
3	TRIM: 137658/12	05/11/12
4	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
4	Annual Review	24/06/14 270/14
5	Annual Review / Amended	CEO Trim 234521/14
6	Annual Review	09/06/15 OCM Trim 99056/15
6	Amend / Review	CEO Trim 114331/15



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1.2.13. Artwork Acquisitions		
A. Purchase Art Works		
Function Delegated:	Authority to determine and purchase works of art for the City’s collections [FM Reg.12(1)(a)].	
Statutory Power Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 12(1)(a) Payments from municipal fund or trust fund, restrictions on making	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	<p>Purchase works of art up to the value of \$5,000 \$30,000 in accordance with Council Policy 18.2 Collection Management Cultural Collections and within the Annual Budget allocations.</p> <p>Where approval to purchase is required at short notice (i.e. auction), purchase artwork valued greater than \$5,000 \$30,000 and less than \$100,000 in accordance with Council Policy 18.2 Collection Management Cultural Collections and Annual Budget allocations, with additional funding as required from the City’s Art Acquisitions Reserve Account, subject to the prior agreement of a majority of members of the Finance and Administration Committee.</p> <p>Decisions to purchase works of art must evidence consideration of the recommendations of the City’s Arts, Manager Arts, Culture and Heritage and / or Collections Officer – Arts Collections Collections and Infrastructure Coordinator as appropriate.</p>	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 5 CEO’s duties as to financial managementRegulation 11 Payments, procedures for making etc. Delegation 1.1.1 Finance and Administration Committee	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15
7	Annual Review / Amended	CEO Trim 111873/16



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1.2.13. Determine Grant, Sponsorship and Donation Allocations

B. Determine allocation

Function Delegated:	Authority to determine allocation [FM Reg.12(1)(a)] of the City's: 1. Grants up to the value of \$5,000, in accordance with Council Policy 18.15 Grants; 2. Sponsorships up to a value of \$5,000, in accordance with Council Policy 18.13 Sponsorship. 3. Donation up to a value of \$1,000, in accordance with Council Policy 18.4 Donations.	
Statutory Power Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> Regulation 12(1)(a) Payments from municipal fund or trust fund, restrictions on making	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Decisions must be in accordance with the requirements of relevant Council Policies, be within Annual Budget allocations and records evidencing assessment against criteria must be retained.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 5 CEO's duties as to financial managementRegulation 11 Payments, procedures for making etc. Council Policy 18.13 - Sponsorship Council Policy 18.14 - Donations Council Policy 18.15 - Grants	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review / Amended	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15
7	Annual Review / Amended	CEO Trim 111873/16
7	Amended	CEO Trim 126067/16
7	Amended	13/12/16 OCM SCH 39 TRIM 230806/16



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1.2.13. Determine Application for Payment of Legal Representation Costs

C. Authority to Determine

Function Delegated:	Authority to determine an application for payment of legal representation costs [FM Reg. 12(1)(a)]	
Statutory Power Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 12(1)(a) Payments from municipal fund, restrictions on making	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	<p>The determination of the application must only occur:</p> <p>a) In circumstances where a delay until the next Council Meeting would be detrimental to the rights of the applicant;</p> <p>b) In accordance with Council Policy 10.16 – Legal Representation for Members and Employees; and</p> <p>c) For an amount not exceeding \$5,000.</p> <p>The determination must be reported to Council at the next Ordinary Council Meeting.</p>	
Statutory Power to Sub-delegate:	Nil	
Compliance Links:	<i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 5 – CEO’s duties as to financial managementRegulation 11 – Payments, procedures for making etc.	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	13/12/16 OCM SCH 52 TRIM 230806/16



Delegated Authority Register 2017/18

1.2.14. Power to Defer, Grant Concessions, Waive or Write Off Debts		
Function Delegated:	<div>1. Waive or grant a concession in relation to any amount of money which is owed to the City.</div> <div>2. Write off any amount of money which is owed to the City.</div> <div>Note: Section 6.12(2) of the Local Government Act 1995 does not allow money owed to the City in respect of rates and services charges to be waived or for a concession in relation to such money to be granted.</div>	
Statutory Power Delegated:	<div>Local Government Act 1995:</div> <div><div>• Section 6.12 Power to defer, grant discounts, waive or write off debts</div></div>	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<div>Local Government Act 1995:</div> <div><div>• Section 5.42 Delegation of some powers or duties to the CEO</div><div>• Section 5.43 Limitations on delegations to the CEO</div></div>	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	All necessary measures have been taken to recover the debt. The debt remained unpaid for a period of 90 days after its due date for payment.	
Statutory Power to Sub-delegate:	<div>Local Government Act 1995:</div> <div><div>• Section 5.44 CEO may delegate some powers and duties to other employees</div></div>	
Compliance Links:	Local Government Act Section 6.12	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	CEO sub-delegation Amended	04/12/12 152809/12
3	Amended	282/13 - 04/06/13
3	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
3	Annual Review	24/06/14 270/14
4	Annual Review / Amended	CEO Trim 234521/14
5	CEO sub-delegation Amended	ELG 30/06/2014 234542/14
6	Annual Review	09/06/15 OCM Trim 99056/15
6	Amend / Review	CEO Trim 114331/15
7	Annual Review / Amended	CEO Trim 111873/16



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1.2.15. Power to Invest and Manage Investments		
Function Delegated:	1. The authority to invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose [S.6.14(1)]. a. Including, where, as result of amendment to legislation or the ability arises to invest to the advantage of the City contrary to the provisions of Council Policy 9.3 Management of Investments. 2. The authority to establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment [Reg.19].	
Statutory Power Delegated:	Local Government Act 1995: • Section 6.14(1) Power to invest Local Government (Financial Management) Regulations 1996: • Regulation 19 Investments, control procedures for	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	Local Government Act 1995: • Section 5.42 Delegation of some powers or duties to the CEO • Section 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Investments must be in accordance with Council Policy 9.3 Management of Investments. Procedures must be documented and reviewed to the Chief Executive Officer's satisfaction within each two-year period.	
Statutory Power to Sub-delegate:	Local Government Act 1995: • Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	Trustees Act 1962 • Part III Investments	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14
3	Annual Review / Amended	CEO Trim 234521/14
4	Annual Review	09/06/15 OCM Trim 99056/15
4	Amend / Review	CEO Trim 114331/15



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1.2.16. Agreement as to Payment of Rates and Service Charges		
Function Delegated:	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].	
Statutory Power Delegated:	Local Government Act 1995: <ul style="list-style-type: none">Section 6.49 Agreement as to payment of rates and service charges	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	Local Government Act 1995: <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Agreements must be in accordance with the requirements of Council Policy 9.9 Rates Debt Collection Policy.	
Statutory Power to Sub-delegate:	Local Government Act 1995: <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	Local Government Act 1995: <ul style="list-style-type: none">Part 6, Division 6, Sub-division 4 Payment of rates and service charges Local Government (Financial Management) Regulations 1996: <ul style="list-style-type: none">Part 5 Rates and Service Charges Council Policy 9.9 Rates Debt Collection Policy	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
2	Annual Review	26/06/12 294/12
3	CEO	27/03/13 35892/13
4	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
5	Annual Review	24/06/14 270/14 CEO Trim 234521/14
6	Annual Review	09/06/15 OCM Trim 99056/15
7	Amend / Review	CEO Trim 114331/15



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1.2.17. Determine the Date that Rates or Service Charges are Due or Payable		
Function Delegated:	Authority to determine the date on which rates or service charges become due and payable [s.6.50(1)].	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 6.50(1) Rates or service charges due and payable	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Part 6, Division 6, Sub-division 4 Payment of rates and service charges <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Part 5 Rates and Service Charges	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.18. Local Government May Require Lessee to Pay Rent		
Function Delegated:	Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge requiring the lessee to pay its rent to the local government. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 6.60(2) Local government may require lessee to pay rent• Section 6.60(4) Local government may recover the amount of the rate or service charge as a debt if rent not paid	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO Section 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Part 6, Division 6, Sub-division 4 Payment of rates and service charges <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">• Part 5 Rates and Service Charges	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.19. Actions Against Land Where Rates or Service Charges Unpaid		
Function Delegated:	Authority to take possession of land and hold the land as against a person having an estate or interest in the land where any rates or service charges in respect of the rateable land have been unpaid for at least three years [s.6.64(1)]. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 6.64(1) and (3) Actions to be taken	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Part 6, Division 6, Sub-division 4 Payment of rates and service charges <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Part 5 Rates and Service Charges	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.20. Objection and Review – Objection to Rate Record		
Function Delegated:	Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. Authority to consider an objection to a rate record and either allow it or disallow it wholly or in part [s6.76(5)].	
Statutory Power Delegated:	Local Government Act 1995: <ul style="list-style-type: none">Section 6.76(4) and (5) Grounds of objection	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	Local Government Act 1995: <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Local Government Act 1995: <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	Local Government Act 1995: <ul style="list-style-type: none">Part 6, Division 6, Sub-division 4 Payment of rates and service charges Local Government (Financial Management) Regulations 1996: <ul style="list-style-type: none">Part 5 Rates and Service Charges	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.21. General Review of Imposition of Rate or Service Charge		
Function Delegated:	Authority to refer to the State Administrative Tribunal a question of general interest as to whether a rate or service charge was imposed in accordance with the Act [s.6.82(1)].	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 6.82(1) General review of imposition of rate or service charge	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Part 6, Division 6, Sub-division 4 Payment of rates and service charges <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none">Part 5 Rates and Service Charges	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.22. Dangerous Excavations in or Near Public Thoroughfares		
Function Delegated:	Authority to fill in or fence an excavation, or request the owner or occupier to fill in or fence an excavation, on land that adjoins a thoroughfare if it is considered to be dangerous[ULP Reg.11(1)]. Grant permission, and impose conditions as thought fit, to make or make and leave an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare [ULP Reg.11(4), (6), (7) and (8)].	
Statutory Power Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 11(1), (4), (6), and (7) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 3.37 Contraventions that can lead to impounding <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 11 Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



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1.2.23. Crossing from Public Thoroughfare to Private Land or Private Thoroughfare		
Function Delegated:	Authority to approve the construction of a crossing giving access from a thoroughfare to private land or a private thoroughfare serving the land [ULP Reg.12(1)].	
Statutory Power Delegated:	<i>Local Government (Uniform Provisions) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 12(1) Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2)	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 14(2) Role of Commissioner of Main Roads in some cases — Sch. 9.1 cl. 7(2)	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



Delegated Authority Register 2017/18

1.2.24. Requirement to Construct or Repair Crossing		
Function Delegated:	Authority to issue a notice requiring an owner or occupier to construct, repair or remove a crossing from a public thoroughfare to private land or a private thoroughfare serving that land [ULP Reg.13(1)].	
Statutory Power Delegated:	<i>Local Government (Uniform Provisions) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 13(1) and (2) Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	Nil	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.2.25. Private Works on, over or under Public Places		
Function Delegated:	Authority to grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property, subject to any conditions. Authority to grant permission and impose conditions, to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP Reg.17 (3) and (5)].	
Statutory Power Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 17 (3) and (5) Private works on, over, or under public places — Sch. 9.1 cl. 8	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.42 Delegation of some powers or duties to the CEOSection 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Approval is to be granted subject to a bond for work being performed and the payment of costs for trench resurfacing as required. Owners and occupiers of adjoining properties are to be advised of the works. In the case of major infrastructure works, where there may be objections for owners or occupiers of adjoining properties, the matter is to be referred to Council for determination. This Delegation applies to, but is not limited to, the following: <ul style="list-style-type: none">ground anchors;verandas and awnings;pilings; andsigns.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 17 Private works on, over, or under public places Sch. 9.1cl. 8	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review / Amended	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



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1.2.26. Sole Supplier of Goods and Services		
Function Delegated: <i>This detail is</i>	Authority to determine that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier [FM Reg.11 (2) (f)].	
Statutory Power Delegated:	Local Government (Functions and General) Regulations 1996: Regulation 11(2)(f) When tenders have to be publicly invited	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 5.42 Delegation of some powers or duties to the CEO• Section 5.43 Limitations on delegations to the CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	The Chief Executive Officer being satisfied that: <ul style="list-style-type: none">(a) adequate market research has been undertaken to verify that no alternative supplier of the goods or services is available; and(b) sufficient investigation into the use of potential substitute goods or services has been undertaken.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">• Section 3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none">• Part 4, Division 2 Tenders for providing goods or services (s. 3.57) Council Policy 9.7 – Purchasing Policy	
Version Control		
Version	Decision Reference	Date Delegated
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



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1.2.27. Rate Exemptions		
Function Delegated:	Authority to determine applications for rate exemptions that accord with the Local Government Act 1995 and Council Policy CP 9.13 - Rate Exemptions	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 6.26 - Rateable land.	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995</i> <ul style="list-style-type: none">Section 5.44. Delegation by local government	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	The exempt properties are to be reviewed on a triennial or in some case an annual basis for continued eligibility	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995</i> <ul style="list-style-type: none">City of Perth Council Policy CP 9.13 - Rate Exemptions	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	OCM 18/02/14
2	CEO Sub-Delegation	TRIM 80283/14
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



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1.2.28. Heritage Rate Concessions		
Function Delegated:	Authority to determine applications for Heritage Rate Concessions only that accord with the Local Government Act 1995 and Council Policy CP 9.2 – Heritage Rate Concessions	
Statutory Power Delegated:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 6.47 - Concessions.	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995</i> <ul style="list-style-type: none">Section 5.44. Delegation by local government	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	For clarity: <ol style="list-style-type: none">The Delegation is limited to only determining Heritage Rate Concessions. A Waiver of Rates must be determined by Council.Where an application has merit and does not accord with Council Policy CP 9.2 - Heritage Rate Concession, the application must be referred to Council for decision.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate some powers and duties to other employees	
Compliance Links:	<i>Local Government Act 1995</i> City of Perth Council Policy CP 9.2 – Heritage Rate Concessions	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	OCM 09/06/2015
2	CEO Sub-delegation	TRIM 96414/15
3	Annual Review	09/06/15 OCM Trim 99056/15
3	Amend / Review	CEO Trim 114331/15



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1.3. CEO Delegated Authorities

1.3.1. Electoral Roll – Eligibility Claims Processing		
Function Delegated:	Determine: 1. Eligibility claims for enrolment on the City's Owner/Occupier Register / Roll [s4.32] 2. and maintain accuracy of the City's Owner/Occupier Register / Roll [s4.34] 3. that a person is no longer eligible to be enrolled on the on the City's Owner / Occupier Register / Roll [4.35].	
Statutory Power Delegated:	Local Government Act 1995: <ul style="list-style-type: none">• Section 4.32 Eligibility to enrol under s4.30, how to claim• Section 4.34 Accuracy of enrolment details to be maintained• Section 4.35 Decision that eligibility to enrol under s4.30 has ended	
Power Originally Assigned to:	The Chief Executive Officer	
Statutory Power of Delegation:	Local Government Act 1995: <ul style="list-style-type: none">• Section 5.44 CEO may delegate powers and duties to other employees	
Compliance Links:	Local Government Act 1995: <ul style="list-style-type: none">• Part 3, Division 3, Subdivision 5	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	30/01/14 7660/14
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15
7	Annual Review / Amended	28/06/16 OCM Trim 109222/16



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1.3.2. Public Access to Information		
Function Delegated:	Determine: <div><div>1.</div><div>the manner and form by which requests for copies of information may be made in accordance with s6.96 [Admin.Reg.29B(a)].</div><div>2.</div><div>to provide copies of information in accordance with s.5.96 only where satisfied that the information is not to be used for commercial purposes [Admin.r.29B(b)].</div></div>	
Statutory Power Delegated:	<i>Local Government (Administration) Regulations 1996</i> <div><div>•</div><div>Regulation 29B Copies of certain information not to be provided (Act s. 5.96)</div></div>	
Power Originally Assigned to:	The Chief Executive Officer	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <div><div>•</div><div>Section 5.44 CEO may delegate powers and duties to other employees</div></div>	
Compliance Links:	<i>Local Government Act 1995:</i> <div><div>•</div><div>Section 5.94 to 5.96</div></div> <i>Local Government (Administration) Regulations 1996</i> <div><div>•</div><div>Regulation 29 and 29A</div></div>	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation (Annual Review)	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend / Review	CEO Trim 114331/15



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1.3.3. Receive Gift Declarations		
Function Delegated	Receive gift declaration notifications and take action as appropriate to the legislation, the Code of Conduct and Corporate Procedure Code of Conduct - Declaring and Managing Gifts and Benefits.	
Statutory Power Delegated:	Local Government (Administration) Regulations 1996: <ul style="list-style-type: none">Reg.34B Codes of conduct about gifts, content of (Act s.5.103(3))	
Power Originally Assigned to:	The Chief Executive Officer	
Statutory Power of Delegation:	Local Government Act 1995: <ul style="list-style-type: none">Section 5.44 CEO may delegate powers and duties to other employees	
Power Delegated to:	All Directors Manager Governance	
CEO's Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Nil.	
Compliance Links:	Council Policy 10.1 - Code of Conduct	
Version Control		
Version	Decision Reference	Date Delegated
1	New CEO Delegation	CEO TRIM 292481/14
2	Annual Review	09/06/15 OCM Trim 99056/15
2	Amend/Review	CEO Trim 114331/15



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1.3.4. Obstruction of Public Thoroughfare by Things Placed and Left Deposits, Protective Structures, Damage and Repairs		
Function Delegated	Authority to: <ol style="list-style-type: none">Determine a sum sufficient for a deposit to cover the cost of repairing damage to the thoroughfare resulting from granting permission for obstruction of a thoroughfare, if the damage is not made good by the applicant [Reg.6(4)(d)].Determine if protective structures, necessary for public safety, are kept and maintained to the satisfaction of the local government [Reg.6 (5) (b)].Determine if repair of damage to a thoroughfare is to the satisfaction of the local government [Reg.6 (5) (d)].	
Statutory Power Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none">Regulation 6 Obstruction of Public Thoroughfare by things Places and Left Deposits, Protective Structures, Damage and Repairs.	
Power Originally Assigned to:	Chief Executive Officer	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <ul style="list-style-type: none">Section 5.44 CEO may delegate powers and duties to other employees	
Compliance Links:	Refer also Delegated Authority: <ul style="list-style-type: none">1.2.25 Public Works On, Over or Under Public Places; and1.4.7 City of Perth Thoroughfares and Public Places Local Law 2007 – Administer and Determine Permits Code of Practice – Excavations [Commission for Occupational Safety and Health] AS-NZS 4576-1995 Guidelines for scaffolding - SAI Global	
Version Control		
Version	Decision Reference	Date Delegated
1	New CEO Delegation	CEO TRIM 114331/15



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1.3.5. Withdrawal and Extension time for payment of Infringement Notices		
Function Delegated	Authority to: 1. Extend the period of payment of a modified penalty past 28 days [s 9.19] 2. Withdraw an infringement notice by sending the alleged offender notice, in the prescribed form, that the infringement notice has been withdrawn [s 9.20].	
Statutory Power Delegated:	Local Government Act 1995: <ul style="list-style-type: none">• s9.19 Extension of time• s9.20 Withdrawal of notice	
Power Originally Assigned to:	Chief Executive Officer	
Statutory Power of Delegation:	Local Government Act 1995: <ul style="list-style-type: none">• Section 5.44 CEO may delegate powers and duties to other employees	
Compliance Links:	Local Government Act 1995; Local Government (Functions and General) Regulations 1996; and City of Perth Local Laws	
Version Control		
Version	Decision Reference	Date Delegated
1	New CEO Delegation	A/CEO TRIM 216495/16



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1.3.6. Keeping Election Papers		
Function Delegated	Authority to destroy parcels [Reg.82(4)]	
Statutory Power Delegated:	Local Government (Elections) Regulations 1997: Section 4.84(a) Keeping Election Papers	
Power Originally Assigned to:	Chief Executive Officer	
Statutory Power of Delegation:	Local Government Act 1995: Section 5.44 CEO may delegate powers and duties to other employees	
Power Delegated to:	Manager Governance Governance Coordinator	
CEO's Conditions on Delegation:	The destruction of records must be done in the presence of two City of Perth Employees.	
Statutory Power to Sub-delegate:	Nil	
Compliance Links:	Local Government Act 1995; Local Government (Elections) Regulations 1997; State Records Act 2000; and General Disposal Authority for Local Government Records RD2010046	
Version Control		
Version	Decision Reference	Date Delegated
1	New CEO Delegation	A/CEO TRIM 216495/16



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2. Statutory Delegations – Other Legislation

2.1. Bush Fires Act 1954

2.1.1. Powers, Duties and Functions of a Local Government		
Function Delegated:	All powers, duties and functions of the local government under the Bush Fires Act 1954.	
Statutory Power Delegated:	Bush Fires Act 1954	
Power Originally Assigned to:	The Local Government	
Statutory Power of Delegation:	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none">• Section 48 Delegation by local governments	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Authority excludes powers and duties that: 1. Are prescribed in the Act with a requirement for a resolution of the local government; or 2. Are prescribed by the Act for performance by designated offices.	
Statutory Power to Sub-delegate:	Nil.	
Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Bush Fires (Infringement) Regulations 1978</i>	
Version Control		
Version	Decision Reference	Date Delegated
1	88/10	16/02/2010
1	Annual Review	26/06/12 294/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM Trim 99056/15



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2.2. Food Act 2008

2.2.1. Prohibition Orders		
Function Delegated:	Determine to: 1. Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the Food Act 2008 [s65]. 2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s66]. 3. Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection [s67(4)].	
Statutory Power Delegated:	Food Act 2008: <ul style="list-style-type: none">• Section 65(1) Prohibition Order• Section 66 Certificate of Clearance• Section 67(4) Request for Re-Inspection	
Power Originally Assigned to:	Enforcement Agency (The Local Government)	
Statutory Power of Delegation:	Food Act 2008 <ul style="list-style-type: none">• Section 118(2)(b) Local government (enforcement agency) may delegate a function conferred on it• Section 118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]• Section 118(4) Sub-delegation only permissible if expressly provided in regulations	
Power Delegated to:	Director Planning and Development Manager Health and Activity Approvals Activity Approvals – Coordinator Health	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Nil. The Food Regulations 2009 do not provide for sub-delegation.	
Compliance Links:	Food Act 2008 Food Regulations 2009 Department of Health: Food Act 2008 Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA Department of Health: Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1 Department of Health: WA Priority Classification System Department of Health: Food Act 2008 Verification of Food Safety Program Guideline	
Version Control		
Version	Decision Reference	Date Delegated
1	354/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15



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2.2.2. Determine Compensation		
Function Delegated:	Determine to refuse or pay on an application for compensation from a person on whom a prohibition notice has been served, who has suffered loss as a result of the making of the order; and considers that there were insufficient grounds for making the order [s.70(2) and (3)].	
Statutory Power Delegated:	Food Act 2008: <ul style="list-style-type: none">Section 70 (2) and (3) Compensation	
Power Originally Assigned to:	Enforcement Agency (The Local Government)	
Statutory Power of Delegation:	Food Act 2008 <ul style="list-style-type: none">Section 118(2)(b) Local government (enforcement agency) may delegate a function conferred on itSection 118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]Section 118(4)Sub-delegation only permissible if expressly provided in regulations	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	The level of compensation to be paid in respect of any single claim is not to exceed \$5,000.	
Statutory Power to Sub-delegate:	Nil. The Food Regulations 2009 do not provide for sub-delegation.	
Compliance Links:	Food Act 2008 Food Regulations 2009 Department of Health: Food Act 2008 Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA Department of Health: Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1 Department of Health: WA Priority Classification System Department of Health: Food Act 2008 Verification of Food Safety Program Guideline	
Version Control		
Version	Decision Reference	Date Delegated
1	354/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15



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2.2.3. Registration of Food Businesses		
Function Delegated:	Determine: 1. Applications for registration of a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration [s110(1)]. 2. After considering an application, to grant (with or without conditions) or refuse the application [s110 (5)]. 3. To vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i> [s112 (1)].	
Statutory Power Delegated:	<i>Food Act 2008</i> <ul style="list-style-type: none">Section.110(1) and (5) Registration of food businessSection.112 Variation of conditions or cancellation of registration of food businesses.	
Power Originally Assigned to:	Enforcement Agency (Local Government)	
Statutory Power of Delegation:	<i>Food Act 2008</i> <ul style="list-style-type: none">Section 118(2)(b) Local government (enforcement agency) may delegate a function conferred on itSection 118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]Section 118(4) Sub-delegation only permissible if expressly provided in regulations	
Power Delegated to:	Chief Executive Officer Director Planning and Development Manager Health and Activity Approvals Activity Approvals – Coordinator Health Environmental Health Coordinator	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Nil. The <i>Food Regulations 2009</i> do not provide for sub-delegation.	
Compliance Links:	<i>Food Act 2008</i> <i>Food Regulations 2009</i> Department of Health: Food Act 2008 Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA Department of Health: Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1 Department of Health: WA Priority Classification System Department of Health: <i>Food Act 2008</i> Verification of Food Safety Program Guideline	
Version Control		
Version	Decision Reference	Date Delegated
1	354/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15



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2.2.4. Appoint Authorised Officers		
Function Delegated:	<div>1. Appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s122(1)].</div> <div>2. Appoint a person to be a Designated Officer for the purposes of the Food Act 2008. [s126(13)].</div>	
Statutory Power Delegated:	<i>Food Act 2008:</i> <ul style="list-style-type: none">Section 122(1) Appointment of authorised officersSection 126(13) Infringement Notices	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<i>Food Act 2008</i> – Section 118(2)(b)	
Power Delegated to:	Chief Executive Officer Director Planning and Development Manager Health and Activity Approvals Activity Approvals – Coordinator Health	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Nil. The <i>Food Regulations 2009</i> do not provide for sub-delegation.	
Compliance Links:	<i>Food Act 2008</i> <ul style="list-style-type: none">Section 122(3) required the Enforcement Agency to maintain a list of authorised officers appointed by the agency.Section 123(1) requires the Enforcement Agency to provide each authorised officer with a certificate of authority as an authorised officer. <i>Food Regulations 2009</i> Dept of Health: Guideline on the Appointment of Authorised Officers as Meat Inspectors Dept of Health: Guideline on the Appointment of Authorised Officers Dept of Health: Guideline on the Appointment of Authorised Officers - Designated Officers only (section 126) Dept of Health: Guideline on the Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an authorised officer.	
Version Control		
Version	Decision Reference	Date Delegated
1	354/10	16/02/2010
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15



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2.2.5. Prosecutions		
Function Delegated:	Institute proceedings for an offence under the <i>Food Act 2008</i> [125].	
Statutory Power Delegated:	<i>Food Act 2008:</i> <ul style="list-style-type: none">Section.125 Institution of proceedings	
Power Originally Assigned to:	Enforcement Agency (Local Government)	
Statutory Power of Delegation:	<i>Food Act 2008</i> <ul style="list-style-type: none">s118(2)(b) Local government (enforcement agency) may delegate a function conferred on its118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]s118(4)Sub-delegation only permissible if expressly provided in regulations	
Power Delegated to:	Chief Executive Officer Director Planning and Development Manager Health and Activity Approvals Environmental Health Officer Activity Approvals – Coordinator Health	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Nil. The <i>Food Regulations 2009</i> do not provide for sub-delegation.	
Compliance Links:	<i>Food Act 2008</i> <i>Food Regulations 2009</i> <ul style="list-style-type: none">Food Regulation: Department of Health Compliance and Enforcement Policy	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM 99056/15



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2.3. Building Act 2011

2.3.1. Grant of Building Permit		
Function Delegated:	Authority to: 1. grant a building permit [s.20(1)]. 2. refuse a building permit [s.20(2)]. 3. impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]; 4. determine approved alternative building solution to meet performance requirement in the Building Code relating to fire detection and early warning [Reg.55]. 5. determine approval / refusal of battery powered smoke alarm and determine application form [Reg.61].	
Statutory Power Delegated:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 20 Grant of Building PermitSection 27 (1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> <ul style="list-style-type: none">Regulation 55 (Smoke Alarms) Terms usedRegulation 61 Local Government approval of battery powered smoke alarms.	
Power Originally Assigned to:	Permit Authority (Local Government in accordance with s.6(3))	
Statutory Power of Delegation:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 127 Delegation: special permit authorities and local governments	
Power Delegated to:	Manager Development Approvals Principal Building Surveyor Senior Building Surveyor	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
Compliance Links:	<i>Building Act 2011: Section 22 Further Grounds for Not Granting an Application</i> <i>Building Services (Registration Act) 2011: Section 7</i> <i>Home Building Contracts Act 1999: Part 3A, Division 2</i> <i>Building Services (Complaint Resolution and Administration) Act 2011: Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>	
Version Control		
Version	Decision Reference	Date Delegated
1	719/11	06/12/2012
1	Annual Review	29/12 26/06/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review / Amended	09/06/2015 OCM Trim 99056/15



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2.3.2. Grant of Demolition Permit		
Function Delegated:	Authority to: 1. grant a demolition permit [s.21(1)]. 2. refuse a demolition permit [s.21(2)]. 3. impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].	
Statutory Power Delegated:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 21 Grant of Demolition PermitSection 27 (1) and (3) Impose Conditions on Permit	
Power Originally Assigned to:	Permit Authority (Local Government in accordance with s.6(3))	
Statutory Power of Delegation:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 127 Delegation: special permit authorities and local governments	
Power Delegated to:	Manager Development Approvals Principal Building Surveyor Senior Building Surveyor	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate	<i>Building Act 2011:</i> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
Compliance Links	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 22 Further Grounds for Not Granting an Application <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <ul style="list-style-type: none">Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i>	
Version Control		
Version	Decision Reference	Date Delegated
1	719/11	06/12/2012
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15



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2.3.3. Grant Occupancy Permit or Building Approval Certificate		
Function Delegated:	Authority to: <div><div>1.</div><div>require an applicant to provide any document or information required in order to determine an application [s.55].</div><div>2.</div><div>grant or modify an occupancy permit or building approval certificate [s58].</div><div>3.</div><div>impose, add, vary or revoke conditions on an occupancy permit or building approval certificate [s.62(1) and (3)].</div><div>4.</div><div>extend the period in which an occupancy permit or modification, or building approval certificate has effect [s.65(4)].</div></div>	
Statutory Power Delegated:	<i>Building Act 2011:</i> <div><div>•</div><div>Section 55 Further Information</div><div>•</div><div>Section 58 Grant of Occupancy Permit, Building Approval Certificate</div><div>•</div><div>Section 62(1) and (3) Conditions Imposed by Permit Authority</div><div>•</div><div>Section 65(4) Extension of Period of Duration</div></div>	
Power Originally Assigned to:	Permit Authority (Local Government in accordance with s.6(3))	
Statutory Power of Delegation:	<i>Building Act 2011:</i> <div><div>•</div><div>Section 127 Delegation: special permit authorities and local governments</div></div>	
Power Delegated to:	Manager Development Approvals Principal Building Surveyor Senior Building Surveyor	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Building Act 2011:</i> <div><div>•</div><div>Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</div></div>	
Compliance Links:	<i>Building Services (Registration Act) 2011 – Section 11</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <div><div>•</div><div>Part 7, Division 2</div></div> <i>Building and Construction Industry Training Levy Act 1990</i>	
Version Control		
Version	Decision Reference	Date Delegated
1	719/11	06/12/2012
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15



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2.3.4. Designate Authorised Persons		
Function Delegated:	Authority to designate an employee as an authorised person [s.96(3)].	
Statutory Power Delegated:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 96(3) Authorised Persons	
Power Originally Assigned to:	Permit Authority (Local Government in accordance with s.6(3))	
Statutory Power of Delegation:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 127 Delegation: special permit authorities and local governments	
Power Delegated to:	Chief Executive Officer Director Planning and Development	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
Compliance Links:		
Version Control		
Version	Decision Reference	Date Delegated
1	719/11	06/12/2012
1	Annual Review	294/12 26/06/12
1	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14
2	Annual Review	09/06/15 OCM 99056/15



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2.3.5. Building Orders	
Function Delegated:	<p>Authority to:</p> <ol style="list-style-type: none"> make Building Orders [s.110] in relation to: <ol style="list-style-type: none"> Building work, Demolition Work, An existing building or incidental structure. Give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)] revoke a Building Order [s.117]. if there is non-compliance with a building order, cause an authorised person to: <ol style="list-style-type: none"> take any action specified in the order; or commence or complete any work specified in the order; or if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. initiate a prosecution pursuant to section 133(1) for noncompliance with a Building Order made pursuant to section 110 of the Building Act 2011.
Statutory Power Delegated:	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> Section 110(1) A Permit Authority (Local Government) may make a Building Order Section 111(1) Notice of proposed building order other than building order (emergency) Section 117(1) and (2) A Permit Authority (Local Government) may revoke a Building Order or notify that it remains in effect Section 118(2) and (3) Permit authority may give effect to building order if non-compliance Section 133(1) A Permit Authority (Local Government) may commence a prosecution for an offence against this Act
Power Originally Assigned to:	Permit Authority (Local Government in accordance with s.6(3))
Statutory Power of Delegation:	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> Section 127 Delegation: special permit authorities and local governments
Power Delegated to:	<p>Director Planning and Development Manager Development Approvals Principal Building Surveyor Senior Development Compliance Officer</p>
Council's Conditions on Delegation:	Nil.



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Statutory Power to Sub-delegate:	<i>Building Act 2011:</i> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Compliance Links:	<i>Building Act 2011:</i> <ul style="list-style-type: none">• Section 111 Notice of proposed building order other than building order (emergency)• Section 112 Content of building order• Section 113 Limitation on effect of building order Section 114 Service of building order• Part 9 Review

Version Control

Version	Decision Reference	Date Delegated
1	719/11	06/12/2012
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2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review / Amendment	09/06/15 OCM Trim 99056/15



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2.3.6. Inspection and Copies of Building Records		
Function Delegated:	Authority to determine an application from an interest person to inspect and copy a building record [s.131 (2)].	
Statutory Power Delegated:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 131(2) Inspection, Copies of Building Records	
Power Originally Assigned to:	Permit Authority (Local Government in accordance with s.6(3))	
Statutory Power of Delegation:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 127 Delegation: special permit authorities and local governments	
Power Delegated to:	Manager Development Approvals Principal Building Surveyor Senior Building Surveyor	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Building Act 2011:</i> <ul style="list-style-type: none">Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)	
Compliance Links:		
Version Control		
Version	Decision Reference	Date Delegated
1	719/11	06/12/2012
1	Annual Review	26/06/12 294/12
2	Annual Review / Amended	25/06/13 319/13 CEO Trim 77838/13
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15



Delegated Authority Register 2017/18

2.4. Planning and Development Act 2005

2.4.1. Illegal Development		
Function Delegated:	<div><div>1.</div><div>Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</div></div> <div><div>2.</div><div>Give a written direction to the owner or any other person who undertook an unauthorised development:<div><div>(a)</div><div>to remove, pull down, take up, or alter the development; and</div></div><div><div>(b)</div><div>to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</div></div></div></div>	
Statutory Power Delegated:	<i>Planning and Development Act 2005:</i> <div><div>•</div><div>Section 214(2), (3) and (5)</div></div>	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995:</i> <div><div>•</div><div>Section 5.42</div></div>	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub- delegate:	Nil.	
Compliance Links:	Part 13 of the <i>Planning and Development Act 2005</i>	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	527/12 30/10/12
1	Annual Review	25/06/13 319/13 CEO Trim 77838/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14



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2.5. City Planning Scheme

2.5.1. City Planning Scheme No. 2- Planning Approval	
Function Delegated:	<ol style="list-style-type: none"> Authority to determine an application for planning approval for the commencement or continuation of any development or use of any land or building where the application: <ol style="list-style-type: none"> complies with all applicable standards and requirements of the Scheme, planning policies and precinct plans, including a change of use to a use classified under the Scheme as a preferred (P) use; includes a change of use to a use classified under the Scheme as a contemplated (c) use or constitutes a non-complying application for the purposes of clause 47 36 of the Scheme and clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i> – where the non-compliance is considered minor. Authority to require an applicant to advertise a proposal. Authority to comment on applications referred to the Council by other authorities. Authority to determine the advertising content of a proposed sign at: <ol style="list-style-type: none"> 267 (Lot 10) St Georges Terrace, Perth (OCM 01/04/14). 81 (Lot 81) St Georges Terrace, Perth (OCM 01/04/14).
Statutory Power Delegated:	<p>City Planning Scheme No.2</p> <ul style="list-style-type: none"> Clauses 41, 43, 44, 45 and 47 CPS2 clauses 32,33 and 36; and Clauses 64 1(f) and 64 (1A & 1B) of the supplemental Provisions to the Deemed Provisions. <p>The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i> – including clauses 61, 64, 67 and 68.</p>
Power Originally Assigned to:	Local Government
Statutory Power of Delegation:	<p>City Planning Scheme No.2</p> <ul style="list-style-type: none"> Clause 59 <p>The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i> – including clauses 81 to 84.</p>
Power Delegated to:	<p>Chief Executive Officer Director Planning and Development Manager Development Approvals</p>



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Council's Conditions on Delegation:	<p>In relation to Delegated Authority 1(b) above, approval may only be granted where no significant objections are received during the public submission period.</p> <p>In relation to Delegated Authority 3 above, comment may only be made on proposals that are considered minor in nature.</p> <p>Authority may not be exercised where the application is for planning approval where the development may have a detrimental impact on a place which entered on the Heritage List or Heritage Area under is the subject of a declaration made under clause 30 of the Scheme and clauses 8 and 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i>.</p> <p>Authority may not be exercised where any elected member has requested that the application be referred to the Council for determination.</p> <p>Details of approvals issued under delegated authority are to be made available to elected members on a weekly basis.</p>	
Statutory Power to Sub-delegate:	<p>The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i> – including clause 83.</p>	
Compliance Links:	<p><i>City Planning Scheme No. 2</i> and subordinate Schemes:</p> <ul style="list-style-type: none">• TPS 7 City of Perth Town Planning Scheme No. 7 (Saint Martins)• TPS 11 City of Perth Town Planning Scheme No. 11 (Wesley Trust)• TPS 13 City of Perth Town Planning Scheme No. 13 (SGIO)• TPS 14 City of Perth Town Planning Scheme No. 14 (Withernsea)• TPS 16 City of Perth Town Planning Scheme No. 16 (AMP)• TPS 21 City of Perth Town Planning Scheme No. 21 (FAI Site)• TPS 23 City of Perth Town Planning Scheme No. 23 (Paragon)• TPS 24 City of Perth Town Planning Scheme No. 24 (131-137 Adelaide Terrace)• LPS 26 City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area) <p><i>Planning and Development Act 2005 Planning and Development Regulations 2009</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i></p>	
Version Control		
Version	Decision Reference	Date Delegated
1		88/10 - 16/02/2010
1	Annual Review	294/12 - 26/06/12
1	Annual Review	319/13 - 25/06/13 CEO Trim 77838/13
2	New DA.4(a)= sign content	01/04/14
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15
4	New legislation – The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes	24/11/15 OCM 509/15



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2.5.1. City Planning Scheme No. 2 – Planning Approval	
A. City of Subiaco Town Planning Scheme No. 4 . Planning Approval	
Function Delegated:	Authority to determine an application for planning approval for the commencement or continuation of any development or use of any land or building.
Statutory Power Delegated:	<p>The relevant clauses of ‘Town Planning Scheme No. 4’ including but not limited to Part 4: Development Approval.</p> <p>The relevant sections/clauses of ‘The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes’ including but not limited to Part 7: Requirement for Development Approval, Part 8: Applications for Development Approval, and Part 9: Procedure for dealing with applications for Development Approval.</p>
Power Originally Assigned to:	Local Government
Statutory Power of Delegation:	<p>Clause 80 of ‘Town Planning Scheme No. 4 ‘</p> <p>The relevant clauses of ‘The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes’ – including clauses 81 to 84.</p>
Power Delegated to:	Chief Executive Officer
Council’s Conditions on Delegation:	<p>The delegation of power does not apply in the following circumstances:</p> <ul style="list-style-type: none"> a) applications for unauthorised development (retrospective applications), where an officers recommendation is to undertake prosecution proceedings in relation to a matter connected with the unauthorised development for which approval has been sought. b) the application is for planning approval where the development may have a detrimental impact on a place that is: <ul style="list-style-type: none"> (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990, or (ii) the subject of an order under the Heritage of Western Australia Act 1990, Part 6, or (iii) subject to a declaration under clause 55 of the Scheme that it is significant and worthy of preservation, or included on a Heritage List prepared in accordance of clause 8 of ‘The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes’; or (iv) located within an Heritage Area designated under clause 59 of the Scheme or clause 9 of ‘The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2



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	<p>(v) Deemed Provisions for Local Planning Schemes’; or the subject of a heritage agreement entered into under clause 56 of the Scheme or Clause 10 of ‘The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes’.</p> <p>c) where five or more objections are received on valid planning grounds.</p> <p>d) delegation may not be exercised where any elected member has requested that the application be referred to the Council for determination.</p> <p>Details of approval issued under delegated authority are to be made available to elected members on a weekly basis</p>	
Statutory Power to Sub-delegate:	Clause 83 of ‘The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes’.	
Compliance Links:	City of Subiaco – ‘Town Planning Scheme No.4’; ‘Planning and Development Act 2005’; ‘Planning and Development Regulations 2009’; ‘The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes’; and ‘Local Government (Constitution) Regulations 1998’	
Version Control		
Version	Decision Reference	Date Delegated
7	New Delegation	28/06/16 OCM Trim 109222/16 and CEO Trim 111873/16



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2.5.2. City Planning Scheme No.2 – Appoint Authorised Officers		
Function Delegated:	Authority to appoint Authorised Officers for the purposes of entering any building or land to determine whether the provisions of this Scheme have been or are being observed [cl.63] in accordance with relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions</i> – including clause 79.	
Statutory Power Delegated:	City Planning Scheme No.2: <ul style="list-style-type: none">• Clause 63 Authorised Entry The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i> – including clause 79.	
Power Originally Assigned to:	Council (Local Government)	
Statutory Power of Delegation:	City Planning Scheme No.2:- <ul style="list-style-type: none">• Clause 59 Delegation The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i> – including clauses 81 to 84.	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	The relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i> including clause 83.	
Compliance Links:	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i>	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	09/06/2015 OCM 99056/15
2	New legislation – The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes	24/11/15 OCM 509/15



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2.5.2. City Planning Scheme No.2 – Appoint Authorised Officers

A. City of Subiaco Town Planning Scheme No. 4 - Appoint Authorised Officers

Function Delegated:	Authority to appoint Authorised Officers for the purposes of entering any building or land to determine whether the provisions of this Scheme have been or are being observed.	
Statutory Power Delegated:	Clause 79 of <i>'The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes'</i> .	
Power Originally Assigned to:	Chief Executive Officer	
Statutory Power of Delegation:	Clause 80 of 'Town Planning Scheme No. 4' The relevant clauses of <i>'The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes' – including clauses 81 to 84.</i>	
Power Delegated to:	Nil	
Council's Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	Clause 83 of <i>'The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes'</i> .	
Compliance Links:		
Version Control		
Version	Decision Reference	Date Delegated
7	New Delegation	28/06/16 OCM Trim 109222/16



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2.6. Cat Act 2011

2.6.1. Cat Act – Registrations		
Function Delegated:	<div><div>1.</div><div>Grant or refuse to grant the registration of the cat [s.9(1)(a)].</div><div>2.</div><div>Renew or refuse to renew the registration of the cat [s9(1)(b)].</div><div>3.</div><div>Require an applicant to provide any additional document or information required to determine the application [s9(5)].</div><div>4.</div><div>Refuse to consider an application, where the applicant has not complied with a request for information [s9(6)].</div><div>5.</div><div>Cancel the registration of a cat [s10.]</div><div>6.</div><div>Give notice of decisions [s13.]</div></div>	
Statutory Power Delegated:	<div>Cat Act 2011<ul style="list-style-type: none">Section 9. RegistrationSection 10. Cancellation of registrationSection 13. Notice to be given of certain decisions made under this Subdivision.</div>	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<div>Cat Act 2011<ul style="list-style-type: none">Section 44. Delegation by local government</div>	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<div>Cat Act 2011<ul style="list-style-type: none">Section 45. Delegation by CEO of local government</div>	
Compliance Links:	<div>Cat Act 2011</div> <div>Part 2 Division 1 – Registration and tagging</div>	
Version Control		
Version	Decision Reference	Date Delegated
7	New Delegation	28/06/16 OCM Trim 109222/16



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2.6.2. Cat Act - Breeder Approvals		
Function Delegated:	<div><div>1.</div><div>Grant or refuse to grant an approval for the person to breed cats [s.37(1)(a)].</div></div> <div><div>2.</div><div>Renew or refuse to renew an approval for the person to breed cats [s.37(1)(b)].</div></div> <div><div>3.</div><div>Require an applicant to provide any document or information required to determine the application [s.37(3)].</div></div> <div><div>4.</div><div>Refuse to consider an application, where the applicant has not complied with a request for information [s37(4)].</div></div> <div><div>5.</div><div>Cancel an approval to breed cats [s.38].</div></div> <div><div>6.</div><div>Give notice of decisions [s.40].</div></div>	
Statutory Power Delegated:	<div>Cat Act 2011</div> <div><div><div>•</div><div>Section 37. Approval to breed cats</div></div><div><div>•</div><div>Section 38. Cancellation of approval to breed cats.</div></div><div><div>•</div><div>Section 40. Notice to be given of certain decisions made under this Subdivision.</div></div></div>	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<div>Cat Act 2011</div> <div><div><div>•</div><div>Section 44. Delegation by local government</div></div></div>	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<div>Cat Act 2011</div> <div><div><div>•</div><div>Section 45. Delegation by CEO of local government</div></div></div>	
Compliance Links:	<div>Cat Act 2011</div> <div><div><div>•</div><div>Part 3 Division 4 Breeding of cats</div></div></div>	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	OCM 10/12/13 CEO Trim 154059/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14



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2.6.3. Cat Act – Appoint Authorised Persons		
Function Delegated:	<ol style="list-style-type: none">1. Appoint Persons or classes of persons to be authorised for the purposes of performing particular functions under this Act [s.48(1)].2. Determine conditions on any authorisation [s.48(3)].3. Cancel or vary an authorisation [s.48(4)].	
Statutory Power Delegated:	<i>Cat Act 2011</i> <ul style="list-style-type: none">• Section 48. Authorised Persons	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<i>Cat Act 2011</i> <ul style="list-style-type: none">• Section 44. Delegation by local government	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Cat Act 2011</i> <ul style="list-style-type: none">• Section 45. Delegation by CEO of local government	
Compliance Links:	<i>Cat Act 2011</i> <ul style="list-style-type: none">• Part 4, Division 3	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	OCM 10/12/13 CEO Trim 154059/13
1	Annual Review	24/06/14 270/14 CEO Trim 234521/14



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2.6.4. Cat Act - Waive or discount registration fees					
Function Delegated		1. Waive or discount prescribed fees in relation to registration of cats [Schedule 3 - cl. 1 (4)]			
Statutory Power Delegated:		Cat Regulations 2011 <ul style="list-style-type: none">Schedule 3 – clause 1: Fees payable			
Power Originally Assigned to:		Local Government			
Statutory Power of Delegation:		Cat Act 2011 <ul style="list-style-type: none">Section 44. Delegation by local government			
Power Delegated to:		Chief Executive Officer			
Council's Conditions on Delegation:		Nil.			
Statutory Power to Sub-delegate:		Cat Act 2011 <ul style="list-style-type: none">Section 45. Delegation by CEO of local government			
Compliance Links:		Cat Act 2011 Cat Regulations 2012			
Version Control					
Version	Decision Reference	Date Delegated	Version	Decision Reference	Date Delegated
0	New Delegation				



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2.7. Liquor Control Act 1988

2.7.1. Liquor Control Act – Liquor Licencing		
Function Delegated:	<div>1. Approve or refuse to grant a certificate that premises comply with the laws [s.39]</div> <div>2. Approve or refuse to grant a certificate that premises comply with planning laws [s.40]</div> <div>These certificates will accompany an application to the liquor licensing authority that is responsible for determining applications for Liquor Licensing.</div>	
Statutory Power Delegated:	<i>Liquor Control Act 1988</i> <ul style="list-style-type: none">• Section 39 Certificate of local government as to whether premises comply with laws• Section 40 Certificate of planning authority as to whether use of premises complies with planning laws	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<i>Local Government Act 1995</i> <ul style="list-style-type: none">• s5.42 Delegation of some power or duties to CEO• s5.43 Limitations on delegations to CEO	
Power Delegated to:	Chief Executive Officer	
Council’s Conditions on Delegation:	Nil.	
Statutory Power to Sub-delegate:	<i>Local Government Act 1995</i> <ul style="list-style-type: none">• S5.44 CEO may delegate power and duties to other employees.	
Compliance Links:	<i>Liquor Control Act 1988</i> <ul style="list-style-type: none">• Part 3, Division 2	
Version Control		
Version	Decision Reference	Date Delegated
7	New Delegation	28/06/16 OCM Trim 109222/16
	Staff Title changes consequential amendments	10/02/2017



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2.7.2. Liquor Control Act – Extended Trading Permit		
Function Delegated:	<div><div><div>1.</div><div>Approved or otherwise through consultation the issue of an extended trading permit [s60 (4) (h) (ia)], [s61] and [s61A]</div></div><div><div>2.</div><div>Approved or otherwise through consultations the issue of an extended trading permit for extended areas [s61]</div></div><div><div>3.</div><div>Approved or otherwise through consultation the issue of an extended trading permit for the sale of wine or beer [s61A]</div></div></div> <div>The City's advice will accompany an application to the liquor licensing authority that is responsible for determining applications for an extended trading permit.</div>	
Statutory Power Delegated:	<div>Liquor Control Act 1988<ul style="list-style-type: none">Section 60 Extended trading permit, purposes, effect and conditions ofSection 61 Extended trading permit for extended areas (s.60(4)(h)) pre-requisites for grant ofSection 61a Extended trading permit for the sale of wine or beer (s.60(4) (ia))</div>	
Power Originally Assigned to:	Local Government	
Statutory Power of Delegation:	<div>Local Government Act 1995<ul style="list-style-type: none">s5.42 Delegation of some power or duties to CEOs5.43 Limitations on delegations to CEO</div>	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Decisions must be in accordance with the requirements of Council Policy 14.4 – Extended Trading Permits	
Statutory Power to Sub-delegate:	<div>Local Government Act 1995<ul style="list-style-type: none">S5.44 CEO may delegate power and duties to other employees.</div>	
Compliance Links:	<div>Liquor Control Act 1988<ul style="list-style-type: none">Part 3, Division 4</div> <div>Council Policy 14.4 – Extended Trading Permits</div>	
Version Control		
Version	Decision Reference	Date Delegated
7	New Delegation	28/06/16 OCM Trim 109222/16



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2.8. Dog Act 1976

2.8.1. Dog Act - Registrations					
Function Delegated		1. Direct a registration officer to refuse to effect or renew a registration of a dog or cancel an existing registration [s 16]; 2. Determine that a dog cannot be registered where no application has been made [s 17A] 3. Determine, for the purposes of assessing whether a dog can be registered or remain registered, that a dog is not, or will not be, appropriately confined [s 16, s17A] 4. Determine , for the purposes of assessing whether a dog can be registered or remain registered, that a dog is destructive, unduly mischievous, or to be suffering from an infectious or contagious disease [s 16, 17A]			
Statutory Power Delegated:		Dog Act 1976 <ul style="list-style-type: none">s16. Registration procedures17A. If no application for registration made			
Power Originally Assigned to:		Local Government			
Statutory Power of Delegation:		Dog Act 1976 <ul style="list-style-type: none">s10AA Delegation of local government powers and duties			
Power Delegated to:		Chief Executive Officer			
Council's Conditions on Delegation:		The Chief Executive Officer may delegate the above powers.			
Statutory Power to Sub-delegate:		Dog Act 1976 <ul style="list-style-type: none">s10AA(3) – The delegation may expressly authorise the delegate to further delegate the power or duty.			
Compliance Links:		Dog Act 1976 s17 – Notices of refusal to register inform the owner of the right under section 17(1) to apply to the state Administrative Tribunal for a review of the decision.			
Version Control					
Version	Decision Reference	Date Delegated	Version	Decision Reference	Date Delegated
0	New Delegation				



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2.8.2. Dog Act – Waive registration fees					
Function Delegated		1. To discount or waive a registration fee for any individual dog or any class of dogs within its district excluding a dangerous dog [s 15(4A), s15 (4B)].			
Statutory Power Delegated:		Dog Act 1976 <ul style="list-style-type: none">s15(4A) Registration periods and fees			
Power Originally Assigned to:		Local Government			
Statutory Power of Delegation:		Dog Act 1976 <ul style="list-style-type: none">s10AA Delegation of local government powers and duties			
Power Delegated to:		Chief Executive Officer			
Council's Conditions on Delegation:		The Chief Executive Officer may delegate the above powers.			
Statutory Power to Sub-delegate:		Dog Act 1976 <ul style="list-style-type: none">s10AA(3) – The delegation may expressly authorise the delegate to further delegate the power or duty.			
Compliance Links:		Dog Act 1976 Dog Local Law 2011 (CONSOLIDATED – Dog Amendment Local Law 2013)			
CEO's Sub-Delegation to:		Director Community and Commercial Services Manager Community Amenity and Safety			
CEO's Conditions on Sub-Delegation:		The sub-delegation does not include the power to further sub-delegate the above powers.			
Version Control					
Version	Decision Reference	Date Delegated	Version	Decision Reference	Date Delegated
0	New Delegation				



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3. Statutory Delegations to Local Government from External Agencies

3.1. Environmental Protection Act 1986

3.1.1 Noise Control – Serve Environmental Protection Notices [s65(1)]

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the Environmental Protection Act 1986, the Chief Executive Officer hereby delegates as follows -

Powers and duties delegated -

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made -

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the Local Government Act 1995.

Pursuant to section 59(1)(e) of the Interpretations Act 1984, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved –

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.



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3.1.2 Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non Complying Events [Reg.16]

Government Gazette No.232, 20 December 2013

EV402*

ENVIRONMENTAL PROTECTION ACT 1986 DELEGATION NO. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* (“the Act”), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to—

- (a) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities—noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation—
- (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013
JASON BANKS, Acting Chief Executive Officer

Approved by—
JOHN DAY, Acting Minister for Environment; Heritage.



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3.1.3 Noise Control – Noise Management Plans – Construction Sites [Reg.13]

Government Gazette No.71 – 16 May 2014

EV405*

ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 119I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of —

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer

Approved by— Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage



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3.2. Planning and Development Act 2005

3.2.1 Western Australia Planning Commission – Referral Arrangements

Government Gazette No. 65 – 9 May 2014 (pages 1410 - 1412)

PL403*

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION

RES 2014/01 RESOLUTION UNDER CLAUSE 32 OF THE MRS

Resolution made under clause 32 of the Metropolitan Region Scheme regarding development control powers of the Western Australian Planning Commission

On 25 March 2014, pursuant to clause 32 of the Metropolitan Region Scheme (MRS), the Western Australian Planning Commission (WAPC) resolved—

A TO REVOKE its resolution made under clause 32 of the MRS as detailed in the notice entitled “RES 2011/01 Resolution under Clause 32 of the MRS” published in the *Government Gazette* of 1 November 2011 (pages 4612-4614);

B TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of the Schedule 1 to the WAPC for determination;

C TO REQUIRE the local governments specified in clauses 5 to 10 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 10 of Schedule 1 to the WAPC for determination;

D TO CONFIRM that words used in the schedule to this resolution have the meanings given to them in the *Planning and Development Act 2005* (Act) and the MRS. In the case of any inconsistency, the Act prevails;

E TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

TIM HILLYARD, Secretary, Western Australian Planning Commission.

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SCHEDULE 1

REFERRAL ARRANGEMENTS FOR LOCAL GOVERNMENTS IN THE AREA COVERED BY THE MRS

1. Development of State or Regional Significance

All applications made under clause 28 of the MRS for approval to commence and carry out development that the WAPC, by notice in writing in each case, advises the local government are of State or regional importance or in the public interest.

2. Development in the Rural Zone

The following classes of applications made under clause 28 of the MRS for approval to commence and carry out development on land in the Rural zone in the MRS—

- (a) Extractive industry—all applications; and
- (b) Any other use which in the opinion of the local government or the WAPC may not be consistent with the Rural zone

3. Poultry Farms

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square meters to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS.

4. Development in Activity Centres

Applications made under clause 28 of the MRS for approval to commence and carry out development relating to a building or extension/s to an existing building for shop-retail purposes —

- (a) where the local government or the WAPC considers that the development proposed may be of State or regional significance;
- (b) where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (c) where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (d) for Strategic metropolitan centre or Secondary centre developments where the development proposed is major development;
- (e) for District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m² of shop/retail floorspace (net lettable area); or
- (f) where the development proposed is wholly or partly located in zoned land in specialised centres;

except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.



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For the purpose of this resolution—

“activity centre” means the categories of activity centres set out in Table 2 and Table 3 of State Planning Policy 4.2, namely—

- Capital City;
- Strategic metropolitan centres;
- Secondary centres;
- District centres; and
- Neighbourhood centres.

“activity centre structure plan” means a structure plan prepared as required under 6.4 of State Planning Policy 4.2;

“major development” means development as defined in appendix 1 of State Planning Policy 4.2, namely—

- Development of any building where the building is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the proposed building is more than 10000m²; or
- Development of any extension/s to an existing building where the extension/s is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the extension/s is more than 5000m².

“net lettable area” is defined in Appendix 1 of State Planning Policy 4.2;

“shop-retail” means the land use activities included in “Planning land use category 5: Shop/retail” as defined by the WAPC’s Perth Land Use and Employment Survey (as amended from time-to-time);

“specialised centres” means the centres identified in clause 5.1.1 of State Planning Policy 4.2, which focus on regionally significant economic or institutional activities that generate many work and visitor trips, which therefore require a high level of transport accessibility;

“State Planning Policy 4.2” means State Planning Policy No.4.2—Activity Centres for Perth and Peel, published in the *Government Gazette* on 31 August 2010.

5. Stirling and Glendalough Station Precincts

The City of Stirling, in the areas defined in WAPC plan No. 4.1495/1, is to refer for determination by the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land—

- (i) All applications that include non-residential uses and/or development; and
All application for 5 or more residential dwellings.

6. Kwinana Industrial Area

The City of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.

7. North Coogee Industrial Area

The City of Cockburn is to refer for determination by the WAPC all application made under clause 28 of



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the MRS for all classes of development for the area shown on WAPC plan No. 4.1472/1.

8. Parliament House Precinct 6

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—

- (a) The area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (b) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.

9. Lots 6, 8 and 9 Scarborough Beach Road, Osborne Park

The City of Stirling is to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 4.1544.

10. Leach Highway and Stock Road – Leach Highway to South Street

The Cities of Fremantle and Melville are to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 1.7068.



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3.2.2 Western Australia Planning Commission – Development Applications

Government Gazette No.83 – 10 June 2014 (pages 1810 - 1816)

PL402*

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

DEL 2011/02 Powers of Local Governments (MRS)

Notice of delegation to local governments, and certain officers, of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 27 May 2014, pursuant to section 16 of the Act, the WAPC RESOLVED—

A. TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clauses 1 and 2, within their respective districts, subject to the exceptions and conditions set out in clauses 1 to 5 and Schedule 1;

B. TO DELEGATE to the Director General of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 2A, subject to the exceptions and conditions set out in clauses 3A;

C. TO REVOKE its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the *Government Gazette* of 23 December 2011 (pages 5462-5467) to give effect to this delegation.

TIM HILLYARD, Secretary, Western Australian Planning Commission.

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PLANNING AND DEVELOPMENT ACT 2005

Instrument of Delegation

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (i) where the land is subject to a resolution under Clause 32 of the MRS; or
- (ii) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (iii) where that land is partly within the development control area described in section 10 of the Swan and Canning Rivers Management Act 2006 or is outside the development control area but abuts waters within the development control area; or
- (iv) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (v) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for development, on land reserved under the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

- a. Applications for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a regional road.
- b. Referral Requirements for development on land on or abutting a Primary Regional Roads and Other Regional Roads reservation

Development applications that are on land that abut or that are fully or partly reserved as Primary Regional Roads (PRR) or Other Regional Roads (ORR) in the MRS shall be referred to the relevant local government and/or public authority, where required, for comment and recommendation, and in this regard the following shall apply

- (i) the local government or public authority shall provide its comment and recommendation, if any, within 30 days of receipt of the application;
- (ii) If no comment or recommendation is received within that 30 day period, the delegate may determine the application in the absence of any comment and recommendation; and
- (iii) the delegate is not bound to follow any recommendation received.

3. Referral Requirements for development on land on or abutting a Primary Regional Roads and Other Regional Roads reservation

Development applications that are on land that abut or that are fully or partly reserved as Primary Regional Roads (PRR) or Other Regional Roads (ORR) in the MRS shall be referred to the relevant Public Authority, where required, for comment and recommendation, before being determined by the local government as outlined in Tables 1 and 2. The road categories 1, 2 and 3 are as shown on plans SP 693 (PRR) and SP 694 (ORR).



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Table 1—Referrals for Primary Regional Roads (Red)

PRIMARY REGIONAL ROADS (PRR)—Red		
Column 1 Primary Regional Road (PRR-Red)	Column 2 Referral of development application to Public Authority required for Category 1 and 2	Column 3 Referral of development application to Public Authority not required for Category 1 and 2.
Category 1 <i>No vehicle access permitted.</i> Public Authority Main Roads WA	1. A development application which has one or more of the following characteristics— (a) includes any earthworks, change in design levels and drainage that encroaches or impacts upon the regional road reservation.	1. In the case of a Category 1 or 2 road, a development application which the local government resolves to refuse under the MRS for reasons relating to the regional road reservation. 2. In the case of a Category 2 road,
PRIMARY REGIONAL ROADS (PRR)—Red		
Column 1 Primary Regional Road (PRR-Red)	Column 2 Referral of development application to Public Authority required for Category 1 and 2	Column 3 Referral of development application to Public Authority not required for Category 1 and 2.
	(b) has the potential for a significant increase in traffic using any access, either directly or indirectly, onto the regional road reservation; or (c) involves direct access between the subject land and the regional road reservation. 2. All other applications except those listed as non-referral for Category 1 in Column 3.	a development application of four or fewer dwellings, where the application proposes (or a condition is imposed to require) all of the following outcomes— (a) No development, including car parking, earthworks or drainage, encroaching or impacting upon the regional road reservation excepting an existing crossover or temporary landscaping and where the level of the reserved portion is constructed at the existing or planned road kerb level; (b) The access arrangements are consistent with the agreed access strategy (Refer to Note 3). (c) The rationalisation of the existing crossovers to reduce the number of crossovers to one; (d) No additional, relocated or new access between the development site and the regional road reservation; (e) The development being designed so that all vehicles can enter and exit in
Category 2 <i>Limited vehicle access permissible</i> Public Authority Main Roads WA	3. A development application which has one or more of the following characteristics— (a) proposes earthworks, change in design levels, drainage or car parking, that would encroach or impact upon the regional road reservation; (b) has the potential for a significant increase in traffic using any access, either directly or indirectly, onto the regional road reservation; (c) involves additional, relocated or new access between the subject	



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	<p>land and the regional road reservation;</p> <p>(d) proposes retention of an existing access between the subject land and the regional road reservation, where there is an alternative access to a local road or laneway; or</p> <p>(e) involves the construction of entrance ramps.</p> <p>4. All other applications except those listed as non-referral for Category 2 in Column 3.</p>	<p>a forward gear; and</p> <p>(f) Development being designed to comply with all appropriate policy and standards related to noise.</p> <p>3. A development application which has one or more of the following characteristics—</p> <p>(a) proposes the erection of a boundary fence that does not encroach into the road reservation, provided that the fence has adequate sight truncations to any access to the regional road;</p> <p>(b) proposes temporary or replacement signage (of no greater dimensions) relating to the use of the development building or structure and which is outside the reservation area; or</p> <p>(c) proposes a change of use with no structural modifications or additions to an authorised development and the new use does not require any additional car parking bays under the local planning scheme, provided that all of the existing development, including car parking, is situated outside of the reservation area.</p>
PRIMARY REGIONAL ROADS (PRR)—Red		
Column 1 Primary Regional Road (PRR-Red)	Column 2 Referral of development application to Public Authority required for Category 1 and 2	Column 3 Referral of development application to Public Authority not required for Category 1 and 2.
Category 3 Public Authority Main Roads WA	5. All development applications except those listed as non-referral for Category 3 in Column 3.	<p>4. In the case of a Category 3 road, a development application that the local government resolves to refuse under the MRS for reasons relating to the regional road reservation.</p> <p>5. A development application which has one or more of the following characteristics—</p> <p>(a) proposes temporary or replacement signage (of no greater dimensions) relating to the use of the existing development, provided it is attached</p>



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		<p>to the existing building or structure and it is outside the reservation area or any road reservation requirement plan formally adopted by the WAPC; or</p> <p>(b) proposes a change of use with no structural modifications or additions to an authorised development, and the new use does not require any additional car parking bays under the local planning scheme, provided that all of the existing development, including car parking, is situated outside the reservation area or any road reservation requirement plan formally adopted by the WAPC.</p>
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Table 2—Referrals for Other Regional Roads (Blue)

OTHER REGIONAL ROADS (ORR)—Blue		
Column 1 Other Regional Road (ORR-Dark Blue)	Column 2 Referral of development application to Public Authority required for Category 1 and 2	Column 3 Referral of development application to Public Authority not required for Category 1 and 2.
Category 1 <i>No vehicle access permitted.</i> Public Authority Department of Planning	1. A development application that has the potential to increase traffic flows by more than 100 veh/hr in peak period requiring Transport Assessment (refer to the Transport Assessment Guidelines Volume 1, Table 1—see note 6).	1. All other applications except those listed as referral on Column 2, Category 1 and 2.
Category 2 <i>Limited vehicle access permissible</i> Public Authority Department of Planning	2. A development application which has all of the following characteristics— <ul style="list-style-type: none"> (a) the lot is affected by a regional road reservation (b) all or part of the proposed development is within the regional road reservation. (c) has a construction value greater than \$10,000 3. A development application which has all of the following characteristics— <ul style="list-style-type: none"> (a) the lot is affected by a regional road reservation (b) none of the proposed development is within the regional road reservation. (c) has a construction value greater than \$100,000 	
Category 3 Public Authority Department of Planning	4. All development applications except those listed as non-referral for Category 3 in Column 3.	2. In the case of a Category 3 road, a development application that the local government resolves to refuse under the MRS for reasons relating to the regional road reservation. 3. A development application which



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OTHER REGIONAL ROADS (ORR)—Blue		
		<p>has one or more of the following characteristics—</p> <p>(a) proposes temporary or replacement signage (of no greater dimensions) relating to the use of the existing development, provided it is attached to the existing building or structure and it is outside the reservation area or any road reservation requirement plan formally adopted by the WAPC; or</p> <p>(b) proposes a change of use with no structural modifications or additions to an authorised development, and the new use does not require any additional car parking bays under the local planning scheme, provided that all of the existing development, including car parking, is situated outside the reservation area or any road reservation requirement plan formally adopted by the WAPC.</p>

Notes -

1. PRR are shown coloured 'Red' and ORR shown coloured 'Dark Blue' in the MRS.
2. Plans SP 693 (PRR) and SP 694 (ORR) show regional road categories in the MRS and are amended from time to time. The latest versions are available on the Planning WA website at <http://www.planning.wa.gov.au/1212.asp>
3. Plan SP 693 also shows additional roads under the control of Main Roads WA that are not currently reserved in the MRS and sections of road where access strategies have been agreed.
4. In determining applications under this delegation, local governments shall have regard to WAPC Policy DC 5.1. Regional Roads (Vehicular Access), SPP 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning and any other relevant policies/advice of the relevant public authority.
5. For enquiries and assistance regarding—
 - (a) PRR Category 1, 2 and 3 call Main Roads WA on 138 138;
 - (b) ORR Category 1, 2 and 3, call Department of Planning—Infrastructure Planning and Coordination on (08) 6551 9000;
 - (c) the categories referred to in Tables 1 and 2, see the section headed "Interpretations.
6. Local Governments shall ensure that transport information is provided in accordance with the WAPC



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Transport Assessment Guidelines for Developments, (available at:
<http://www.planning.wa.gov.au/publications/1197.asp>)

7. Tables 1 and 2 indicate the relevant public authority for referrals by local authorities. The relevant public authority will liaise with other authorities as required, eg. DoP, DoT, MRWA or PTA, prior to responding to local government to ensure that integrated transport planning outcomes are not adversely affected by development proposals.

4. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

5. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 4 of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.



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Schedule 1

For the purpose of this Instrument of Delegation—

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

Interpretations

In this Instrument of Delegation, unless the context otherwise requires—

“access” means both entry and exit from either a road or abutting development by a vehicle.

“development” has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005*.

“local government” means a local government within the area covered by the MRS.

“local road” means a road other than a private road or a road subject of reservation under Part II of the MRS.

“not acceptable” means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public authority to which the local government was required to consult under this Notice of Delegation.

“regional road” means any road designated under the Scheme as follows—

- (a) land coloured red in the Scheme Map—Primary Regional Roads; and
- (b) land coloured dark blue in the Scheme Map—Other Regional Roads. “reserved land” means land

reserved under Part II of the MRS.

“road reservation” means land reserved for the purposes of a regional road.

“category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. a primary or district distributor road with widely-spaced signalised intersections or roundabouts, and few, if any, direct access points to individual sites or local streets).

“category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“category 3 road” applies where regional road reservation is not accurately defined or is under review.



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3.2.3 Western Australia Planning Commission – Section 25 of Strata Titles Act 1985

Government Gazette No.98 – 9 June 2009 (Pages 1936-1937)

PI409*

PLANNING AND DEVELOPMENT ACT 2005
INSTRUMENT OF DELEGATION
DEL 2009/03 POWERS OF LOCAL GOVERNMENTS

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 25 of the Strata Titles Act 1985

Preamble

Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function under the Act or any other written law to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 26 May 2009, pursuant to section 16 of the Act, the WAPC RESOLVED –

- A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 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.

TONY EVANS,
Western Australian Planning Commission.



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SCHEDULE 1

1. Applications made under section 25 of the Strata Titles Act 1985

Power to determine applications for the issuing of a certificate of approval under section 25 of the Strata Titles Act 1985 for a plan of subdivision, re-subdivision or consolidation, except those applications that -

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to-
 - (i) a type of development; and/or
 - (ii) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.



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3.3. Main Roads Western Australia

3.3.1 Control Certain Roadside Advertisements of Highways and Main Road

Refer OCM 24/04/12 – Item Reference 182/12



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3.3.2 MRWA – Traffic Management Signs (Temporary related to Maintenance and Road Works) TRIM 77239/13

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises the **CITY OF PERTH** ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.



City of Perth

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Dated: 15-2-2005

THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS
WAS AFFIXED BY

COMMISSIONER OF MAIN ROADS
FOR THE TIME BEING IN THE PRESENCE OF:



Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

The **CITY OF PERTH** agrees to observe, perform and
be bound by the above conditions.

THE COMMON SEAL OF THE

CITY OF PERTH

WAS AFFIXED PURSUANT TO A RESOLUTION
OF THE COUNCIL IN THE PRESENCE OF

Dr Peter Natrass
The Right Hon the Lord Mayor of City of Perth

Dated: 7/12/04

Frank Edwards
Chief Executive Officer

Dated: 3/12/04

Signature of Witness

Dated: 3/12/04

Name of Witness



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3.3.3 MRWA – Traffic Management for Events

TRIM 77239/13

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)**

**INSTRUMENT OF AUTHORISATION
RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS**

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises **CITY OF PERTH** (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Page 1 of 2



City of Perth

Delegated Authority Register 2017/18

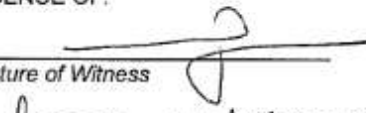
Dated: 1/9/08

THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS

WAS AFFIXED BY


COMMISSIONER OF MAIN ROADSFOR THE TIME BEING IN THE
PRESENCE OF:

Signature of Witness

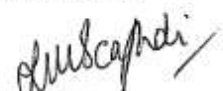

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

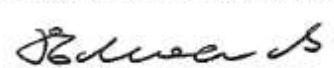
The CITY OF PERTH agrees to unconditionally observe, perform and be bound by the
above conditions.

THE COMMON SEAL OF THE


CITY OF PERTH

WAS AFFIXED PURSUANT TO A
RESOLUTION OF THE COUNCIL
IN THE PRESENCE OF
Ms Lisa Scaffidi
The Right Hon the Lord Mayor of City of Perth

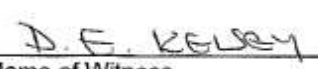
Dated: 5/2/08


Frank Edwards
Chief Executive Officer

Dated: 5/2/08


Signature of Witness

Dated: 5/2/08


Name of Witness



Delegated Authority Register 2016/2017

3.4. Table of Amendments/Reviews

Item	Decision Reference
Created	April 2007 (TRIM 102409/07)
Review Approved	5 June 2007 (Minute 372/07)
Amended	21 August 2007 (TRIM 98419/07)
Amended	19 February 2008 (Minute 83/08)
Amended	28 April 2008 (TRIM 48490/08)
Review Approved	3 June 2008 (Minute 309/08)
Amended	16 September 2008 (Minute 843/08)
Amended	16 February 2009 (TRIM 16099/09)
Review Approved	10 March 2009 (Minute 142/09)
Amended	14 July 2009 (Minute 405/09)
Review Approved	16 February 2010 (Minute 88/10)
Amended	11 May 2010 (Minute 232/10)
Amended	22 June 2010 (Minute 315/10)
Amended	13 July 2010 (Minute 354/10)
Review Approved	7 June 2011 (Minute 265/11)
Amended	6 December 2011 (Minute 719/11)
Amended and Review Approved	26 June 2012 (Minute 294/12)
1.23 Amended	04/10/12 (TRIM:123459/12)
New Delegation	30 October 2012 (Minute 527/12)
1.23 Amended	05/11/12 (TRIM: 137658/12)
1.16 Amended	04/12/12 (TRIM:152809/12)
1.16 Amended (CEO Sub-delegation)	27/03/13 (35892/13)
Annual Review	OCM 25/06/13 319/13 TRIM: 67905/13 and CEO 77838/13
1.2.7 Amended	CEO 114417/13
2.6.1, 2.6.2 and 2.6.3 New Delegations	OCM 10/12/13 and CEO 154059/13
1.3.1 New CEO Delegation	7660/14
1.2.27 New Delegation	OCM 18/02/14
3.1.3 Replaced	as per GG 232 20/12/13
1.2.27 CEO Sub-delegation	TRIM 80283/14
2.5.1 (4)(a) New – sign content approval 267 St Georges Tce	OCM 01/04/14
2.5.1(4)(b) New sign content approval 81 St Georges Tce	OCM 22/04/14
Annual Review / Amendments	OCM 24/06/14 270/14
Annual Review / Amendments	CEO Trim 234521/14
1.3.3 new CEO delegation	CEO 292481/14
1.2.14 CEO sub-delegation Amended	ELG 30/06/2014 TRIM 234542/14
Annual Review / Amendments	OCM 09/6/14
Annual Review/Amendments	OCM 28/06/16 and CEO 111873/16
Administrative amendments to Staff titles - Various	10/02/17
Annual Review/Amendments - 2017	2017

Agenda
Item 8.4

Reduction of Single-Use Plastic Bags in the City

Recommendation:

That Council:

1. ***NOTES that a state-wide prohibition on single-use plastic bags is supported by businesses in the City and that the majority of businesses surveyed oppose a local law prohibition due to the potential impediment on trade in the City;***
2. ***SUPPORTS a state-wide legislated prohibition on single-use plastic bags and requests the CEO to write to the Minister for the Environment, Hon Stephen Dawson MLC, advocating for a state-wide prohibition; and***
3. ***DEVELOPS a community education and awareness program, in consultation with stakeholders, to reduce the use of single-use plastic bags in the City.***

FILE REFERENCE:	P1034584
REPORTING UNIT:	Sustainability
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	25 July 2017
ATTACHMENT/S:	Attachment 8.4A – Types of Single-Use Plastic Bags and Alternatives

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input checked="" type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation

Section 1.3(3) of the *Local Government Act 1995*
Section 8(1)(c)(g)(j) of the *City of Perth Act 2016*

Integrated Planning and Strategic Community Plan

Reporting Framework Implications

Goal 4 A Future Focused and Resilient City
A city that is committed to sustainable principles that promote social, economic and environmental resilience for current and future generations. A focus on equity, social inclusion, economic prosperity and environmental integrity builds the city's resilience levels.

Policy

Policy No and Name: CP8.0 – Environment Policy

Purpose and Background:

At the Finance and Administration Committee meeting of 30 May 2017, the following motion was passed in regard to plastic bags:

"That the administration presents a report for consideration of the Finance and Administration Committee and subsequently Council in relation to creating policies that regulate the use of plastic bags within the City of Perth's geographical boundaries, that aligns with similar legislation changes and initiatives in other States and Territories.

The report is to outline any impacts this initiative would have on traders and relevant policy implications, and what other options are available for retailers and operators within the City as an alternative to disposable/plastic bags."

The purpose of this report is to provide Council with information that addresses the motion and to put forward recommendations to reduce the use of single-use plastic bags in the City.

Details:

Environmental Impacts of Plastic Bags

According to research published by the CSIRO (2014), single-use plastic bags and other products are having an increasingly detrimental impact on the environment, with debris highly concentrated in coastal areas and in the vicinity of major cities. Perth and the southwest region of Western Australia are considered to be the most densely polluted shores in the country.

Data from a report for the Environment Protection and Heritage Council (2008) suggests that Australians are using 3.9 billion lightweight single-use plastic bags on an annual basis. According to the Australian Bureau of Statistics, some of these plastic bags are reused once or twice, few are recycled and many become litter.

Plastic debris poses a significant risk to native fauna, in particular marine wildlife. A report for the Department of the Environment and Energy (2009) analysed available data on

interactions between plastic debris and marine wildlife in Australian waters. The findings indicated that at least 77 species of marine wildlife found in Australian waters were impacted by, entangled in or ingested plastic debris from 1974 to 2008. Affected species have included turtles, cetaceans, water birds, dugongs, sharks, rays and other species groups. Plastic debris, including plastic bags, pose a risk to the dolphins of the Swan and Canning River system.

Single-use plastic bags and other items can also have life cycle environmental impacts in the form of resource and water consumption, energy, greenhouse gas emissions, litter and waste.

Types of Carry Bags

There are a number of different types of bags that can be used by customers to carry goods, including a range of plastic bags and alternatives.

Single-use plastic bags include lightweight and heavyweight bags, biodegradable/compostable and degradable bags, plastic barrier bags such as those used by greengrocers and butchers, bin liners and other soft plastic packaging such as bread bags.

There are a number of alternatives to single-use plastic bags such as reusable green bags made from materials such as; plastic (thicker, reusable, recycled), calico (cotton), bamboo and hessian, as well as disposable paper bags and cardboard boxes. Refer to Attachment 8.4A – Types of Single-Use Plastic Bags and Alternatives.

However, some alternative products may also have environmental, social and economic impacts that need to be considered. For example, there may be high lifecycle costs associated with manufacturing the alternative product. Some bags, such as biodegradable bags and paper bags, may break down more efficiently in the environment but this benefit could be offset by resource use and greenhouse gas emissions produced in manufacturing of the product.

Also, in response to a ban on lightweight plastic bags, traders and customers could potentially increase their use of heavy-weight plastic bags and bin liners, thereby increasing their impact on the environment.

Consideration should also be given to the affordability and storage requirements of alternatives, for both traders and customers. Additional research into the potential impacts of alternatives (including life cycle analysis and social and economic impacts) is required to determine the most sustainable options.

Potential Impacts on Traders of Regulating Plastic Bag Use

There is limited information available on the impacts of plastic bag bans on traders, from a local and regional perspective.

On 28 June 2017, a random selection of traders in the City were contacted by telephone and asked if they would support or oppose a local law to ban plastic bags in the City of Perth, given the potential benefits and impacts of such a local law. 74% of respondents opposed a local law prohibition, particularly due to the risk of customers choosing to shop in other local government jurisdictions that do not have a ban on plastic bags in place. Opposition was

expressed by a variety of traders such as supermarkets, pharmacies, newsagencies, fashion stores, jewellery stores, small bars and cafes.

A similar trader survey undertaken on 23 June 2017 indicated that 57% of respondents supported a state-wide ban. Some of the reasons for this included the environmental benefits, consistency across local government jurisdictions, the potential to make profits on alternative products, such as reusable green bags, and the potential to save money on providing plastic bags.

Recently, it was reported that Coles and Woolworths have announced plans to phase out lightweight plastic bags over the course of the next 12 months, with Woolworths stating that more durable, reusable plastic bags would be made available at a cost of 15 cents, along with other reusable bags. This decision will affect stores in Western Australia, New South Wales and Victoria, where plastic bag bans have not yet been committed to.

The Queensland Government is currently in the process of implementing a state-wide ban. In 2016, the Queensland State Government carried out consultation, including with traders. The outcomes of that consultation indicated that their retail sector prefers voluntary measures, but agreed that any government regulation should be consistent with other jurisdictions and apply to all retailers who distribute single-use, lightweight plastic shopping bags. From this feedback, it can be surmised that traders prefer a state-wide ban.

One study, undertaken by the National Centre for Policy Analysis in the United States, surveyed stores in Los Angeles County where a ban of thin-film bags took effect in July 2011. A survey was conducted of 80 large stores such as supermarkets and variety shops affected by the ban. The results revealed a decline in sales and a reduction in employment compared to businesses in areas that did not implement a ban.

This strengthens the argument for a state-wide ban rather than a local law ban, as a local law ban could potentially increase the risk of customers choosing to shop in other local government jurisdictions where plastic bags remain permitted for use.

Local, State, Federal and Global Approaches

An increasing number of Local and State Governments in Australia have taken action to reduce the use of single-use plastic bags.

WALGA

In 2016, the Western Australian Local Government Authority (WALGA), through the Municipal Waste Advisory Council, carried out research into options for plastic bag bans and related issues associated with plastic pollution. This was in response to a growing number of WA local governments expressing interest in reducing plastic bags within their municipalities.

An outcome of this investigation was a Discussion Paper (dated August 2016) on plastic bags prepared by WALGA and distributed to WA local governments.

As part of this process, WALGA approached WA local governments requesting feedback in regard to plastic bag pollution and bans. The City provided feedback that supported further investigation into a state-wide ban and advised, at that stage, that no consideration had been given to the introduction of a local law aimed at reducing plastic bags. Responses from

50 Local Governments were received, with 33 (66%) supporting a state-wide ban and nine (18%) opposing a state-wide ban.

An item on single-use plastic bag bans was included on the WALGA State Council agenda for the meeting of 5 July 2017. The following recommendations were endorsed at the meeting:

1. Advocate for a state-wide ban for single use plastic bags; and
2. Support members seeking to implement a Local Law to ban single use plastic bags.

WA Local Government

The City of Fremantle and the Town of East Fremantle are working towards the adoption of a local law to ban plastic bags in their jurisdictions. The City of Fremantle supports a state-wide ban and community education, however the City of Fremantle is pursuing a local law for the third time. The City of Fremantle's first and second attempts at implementing a local law were disallowed by the Joint Standing Committee of Delegated Legislation in Parliament. The Town of East Fremantle's local law was gazetted on 2 June 2017 and is awaiting approval from Parliament.

According to WALGA, seven local governments are considering or progressing a local law in the absence of a state-wide ban. On 12 May 2017, WALGA held a meeting with selected local governments to discuss the application of local laws (and other approaches) to reduce plastic bags. The outcomes of that meeting and further investigations by the City have revealed the following:

- Local governments such as the Cities of Stirling, Rockingham, Canning and Joondalup are investigating the feasibility of implementing a local law and are conducting further research and/or consultation over the coming months with the intention of presenting reports to Council;
- Some local governments have expressed support for the implementation of a state-wide ban, including the Cities of Vincent, Rockingham, Swan, Bayswater and the Town of Victoria Park;
- Others, such as the Cities of Cockburn, Vincent, Joondalup, Fremantle and the Town of East Fremantle have expressed a desire to focus on a community education and awareness campaign, either as a stand-alone measure to address plastic bags or as part of an integrated approach in support of policy and legislation; and
- The Cities of South Perth, Nedlands and Subiaco have no official position on the matter of plastic bags and have stated that they are not pursuing any plastic bag reduction initiatives at this time.

State Government

Legislation prohibiting retailers from providing customers with single use plastic bags is now in force in South Australia, Tasmania, Australian Capital Territory and Northern Territory. It has been reported that these bans have resulted in significant reductions in the use of plastic bags. For example, South Australia has reported a reduction of almost 400 million plastic bags per year. New South Wales, Victoria and Western Australia have not implemented state-wide bans. Table 1 summarises the position of each state government in Australia.

Whilst it is a positive outcome that four states have implemented a ban, their approaches have focused on single-use lightweight plastic bags and did not include heavyweight bags or degradable/biodegradable bags. There is a risk that if only lightweight bags are banned, traders will use more heavyweight or degradable/biodegradable bags, which have also been

reported to pose a risk to the environment. The Queensland Government has proposed to include degradable/biodegradable bags in their state-wide ban and will also implement a complimentary voluntary initiative focussed on reducing the number of heavyweight plastic department store bags.

Table 1: Summary of State Government's position on a plastic bag ban

State Government	Year	Position on plastic bag ban
SA	2009	Banned retailers from providing single-use, lightweight bags of 35 microns or less. Ban does not include bags marked as 'degradable' (this includes biodegradable/compostable bags)
NT	2011	
ACT	2011	
TAS	2013	
QLD	Proposed 2018	Ban to include single-use lightweight bags of 35 microns or less as well as bags marked as 'degradable' (this includes biodegradable / compostable bags). Approach will also include a voluntary initiative targeting heavyweight bags and a container deposit scheme.
NSW	-	No ban planned
VIC	-	No ban planned
WA	-	Support from Premier and Minister for Environment to explore a state wide ban. No timelines or details on type of ban have been formally committed to. On 21 June 2017, a notice of motion was given by Hon Robin Chapple in State Parliament to introduce the Environmental Protection Amendment (Banning Plastic Bags and Other Things) Bill 2017.

On 28 June 2017, the Minister for Environment, Hon Stephen Dawson advised in State Parliament that the *"government is committed to reducing the use of plastic bags. I have sought and received initial advice from Department of Environment Regulation on options to achieve such a reduction. That advice considered that it was likely that a ban on single-use plastic bags could be implemented through regulations made under the Environmental Protection Act 1986 and be in place by 1 January 2019. A vital part of change of this magnitude is the industry and community consultation. In the event that legal advice confirmed that a new act was the preferred mechanism for implementing a ban, I would move to develop a bill for Parliament's consideration as soon as practicable, and in any case by 1 January 2019."*

Federal Government

Action on the reduction of plastic bags has not progressed at a national level.

Global Action

More than 30 countries have implemented measures to reduce plastic bags including China, Ireland, Italy and Rwanda. Some of the approaches taken include prohibiting the production, sale, import or use of plastic shopping bags with varying micron thickness, applying levies, charging for plastic bags and community education strategies.

Australian Campaigns

There are a number of campaigns currently running in Australia that target the reduction of plastic bags, including:

- #BanTheBag (in WA, NSW and Victoria) Petition. Established by The Project (Channel Ten TV show) and Clean Up Australia. Directed at Premiers. Currently, over 155,000 supporters.
- War on Waste. ABC three part series, campaigns for plastic free living and banning plastic bags. <http://www.abc.net.au/ourfocus/waronwaste/>
- Plastic Free July. A community education campaign to accept the challenge to use no single-use plastic for the month of July. <http://www.plasticfreejuly.org/>
- The Boomerang Alliance. A conglomerate of national, state and local environmental groups. http://www.boomerangalliance.org.au/plastic_bags
- Greenpeace Ban the Bag WA campaign. Almost 10,000 supporters. <https://act.greenpeace.org.au/efforts/ban-the-bag-1>
- Plastic Free WA campaign by the Conservation Council of Western Australia. <http://www.ccwa.org.au/plasticfreewa>

Stakeholder Consultation

Stakeholder consultation has occurred to inform this report and included:

- contacting other WA local governments known to be progressing or considering a local law ban or other approaches to reduce plastic bags;
- contacting local governments that neighbour the City to understand their position;
- a survey of a small, random selection of local traders in the City; and
- consultation with other Business Units.

In investigating plastic bag reduction approaches for the City, further consultation with internal and external stakeholders is suggested.

Internal Stakeholders

Business Units:

- Sustainability Unit (research, development of approaches, integration);
- Community Amenity and Safety (enforcement);
- Marketing, Communications and Engagement (promotion, campaign);
- Governance (local laws, legislation);
- Business Support and Sponsorship (liaison with businesses);
- Waste and Cleansing (education, strategy, evaluation);
- Economic Development (impacts on traders); and
- Customer Service (communication).

External Stakeholders

External stakeholders may include, but are not limited to:

- The Honourable Mark McGowan MLA; Premier;
- The Honourable Stephen Dawson MLC; Minister for Environment;
- Local retail businesses, including supermarkets, convenience stores, department stores, fashion stores and food businesses;

- Retail Traders Association of WA;
- Food Industry Association WA;
- Australian Packaging Covenant Organisation Ltd;
- Department of Commerce;
- Department of Environment Regulation;
- Department of Parks and Wildlife; and
- WALGA.

Policy Implications

CP8.0 Environment Policy

Reducing plastic bags satisfies the Objective of the City's Environment Policy, stated as follows:

"The City of Perth achieves environmental improvement while supporting its social and economic needs through equity and integration. Environmental impacts will be prevented, minimised and managed in city activities while creating and maintaining a resilient, diverse and attractive environment. The Perth environment will evoke pride, connection and a sense of place with its community."

The Policy Statement includes a commitment for the City to work internally and seek to collaborate with its community to create an environmentally sustainable city by enhancing the community's capacity to fulfil their aspirations for an enriched environment which will evoke pride, a sense of place and connection.

Environment Strategy

The City's Environment Strategy and Environment Strategy Implementation Plan 2014-2020 sets out action priorities for the next 15 years to work towards its commitment to be an environmentally sustainable city. Reducing plastic bags in the City falls under Objective 1 (to be a leader in environmental sustainability) and Objective 11 (to be a waste conscious city).

Focus Area: Environmental Sustainability and Health

Objective 1: Be a leader in environmental sustainability

Increase understanding of environmental sustainability within the City of Perth and the community to build capacity to improve environmental performance.

Focus Area: Waste Conscious City

Objective 11: The environmental impacts of waste generated in the City are minimised

More specifically, the City has committed to apply relevant processes to ensure that local businesses and the community manage their waste in an environmentally responsible manner. The City is committed to taking action to conduct an annual review of the Waste Management Strategy Action Plan and work towards shared environmental objectives with stakeholders such as government, business and industry and the broader community.

Waste Strategy

Section 6.1 of the City's Waste Strategy describes the City's commitment to Reducing Waste, as follows:

"The City can influence the community to eliminate unnecessary waste. Marketing and education programs that help people understand the systems available are an effective long term approach to achieving sustainable waste outcomes. There are an increasing number of international, federal and state government waste avoidance and reduction initiatives that

will be supported, as appropriate, by the City. Much of the packaging and food waste generated could be avoided through reduced consumption by residents and extended producer responsibility initiatives for manufactures.”

Approaches for Reducing Single-Use Plastic Bags

There are a number of different approaches that can be taken by the City to reduce the use of plastic bags.

Approaches could include (one or more of the following):

1. Advocate to the State Government for a state-wide approach;;
2. Community education and awareness campaign;
3. Policy; and
4. Local law.

Approaches 1 and 2 are recommended in this report. Approaches 3 and 4 are not recommended at this stage, as further feasibility studies are required to investigate the potential implications and impacts associated with these approaches and an eventual state-wide ban on plastic bags may eliminate the need to consider these approaches any further.

1. Advocate to the State Government for a State-Wide Approach

The State Government (through the Premier and Minister for Environment) has announced, both publicly and in State Parliament, of its intention to explore a state-wide ban, as has been implemented in South Australia, Northern Territory, Tasmania, Australian Capital Territory (and Queensland by 2018).

The City could advocate for the State Government to implement a state-wide ban, either in partnership with WALGA, or directly.

A state-wide prohibition on plastic bags would be an equitable approach for traders in terms of economic impacts, whilst also maximising the environmental benefits across the whole of the state.

2. Community Education and Awareness Campaign

Community education and awareness strategies targeting traders, businesses and the broader community are a crucial component of any approach taken to reduce plastic bags, either as a standalone measure or as a supporting measure to a legislated ban and policy. Education can also compliment other waste minimisation and consumption reduction strategies. An integrated approach that promotes a positive message to traders and the community would be ideal. Such a campaign could have the potential to be expanded to include other single-use plastic products, such as straws, balloons, cups (including coffee cups), bottles and food containers.

A campaign could be designed to:

- Promote the reduction of plastic bag use;
- Encourage the use of alternatives, such as reusable green bags;
- Encourage retailers to voluntarily reduce the use of plastic bags, if not prohibited by legislation;
- Introduce a business recognition program to promote retailers who implement actions to reduce plastic bags;

- Encourage the community to request alternatives to plastic at point of sale and to bring their own alternatives with them when shopping;
- Encourage the community to reduce the use of bin liners;
- Promote waste recycling and reuse and less consumption; and
- Be expanded to include other single-use plastic products.

A campaign could include:

- Integration with existing programs and campaigns;
- Grant, sponsorship or partnership opportunities;
- Meetings, workshops and information sessions;
- Correspondence;
- Posters, flyers and other promotional material (e.g., shopfront stickers);
- Public displays and stalls;
- Newsletter and media articles, including the City's Business Support newsletter;
- Social media posts (Facebook, Twitter, Instagram);
- Competitions (e.g., design a green bag);
- Pledge programs;
- Award and recognition certificates and events;
- Incentives; and
- Monitoring and evaluation.

3. Council Policy

The City could consider preparing a new policy for inclusion in the City of Perth Policy Manual to reinforce the City's commitment to reducing single-use plastic bags and to promote alternatives. This could also have the potential to be expanded to include other single-use plastic products.

The proposed policy would require endorsement by Council by way of a separate report to Council.

4. Local Law

The creation and adoption of a new local law must be undertaken in accordance with section 3.12 of the *Local Government Act 1995*. The process would include state-wide and local public notice, referral to the Minister for Local Government (and possibly other Ministers) together with the public notice and the National Competition Policy (NCP) form. Consideration of submissions would follow and if it is decided to proceed with the local law, it would require publication in the Government Gazette.

Developing and implementing a new local law could have significant financial implications, including the costs associated with the development of the legislation, consultation, legal advice, advertising, promotion and enforcement. For example, the costs associated with enforcement would involve the scientific analysis of the size of plastic bags, as lightweight plastic bags are considered to be less than 35 microns in thickness. There is also a risk that once adopted; a local law could be disallowed by Parliament, as was the case for the City of Fremantle on two occasions or be superseded by a state-wide prohibition.

There may be potential impacts of a local law on traders, given that some studies have indicated that in local government areas where plastic bags have been banned, customers have shown a preference for shopping in neighbouring jurisdictions, resulting in a decline in

sales and a reduction in employment where plastic bags have been banned. A state-wide ban would not present this risk.

Financial Implications:

A feasibility study undertaken by a consultant would be advantageous to establish the valid evidence required to inform the plastic bag reduction approaches and alternatives that are most appropriate for the City, particularly if a state-wide prohibition does not transpire. Preliminary research has shown that there are a number of different types of single-use plastic bags and alternatives available. However, further investigation is required to understand the true life-cycle costs of the available alternative options to single-use plastics, as well as any social, economic and environmental impacts, before the City can recommend the preferred alternatives to plastic bags.

Subject to endorsement of recommendations in this report, funding will be required for the development of a community education and awareness campaign to reduce plastic bag use in the City. A cost of no more than \$50,000 is estimated for the campaign.

If the State Government implements a state-wide prohibition on plastic bags, funding may be required to enforce the provisions of the new legislation, depending on if local government are nominated as the authorised enforcement agency.

A decrease in shopping bag litter, disposal to landfill and contamination of recycling bins would have financial and resource benefits to the City, as well as the State Government.

Further financial implications may arise due to costs associated with:

- Marketing, promotion and implementation of a community education and awareness campaign;
- Resources (officer time) required for the development and implementation of a Council Policy;
- The development and adoption of a local law (seeking legal advice, undertaking statutory advertising and enforcement); and
- Promotion and communication of the chosen approaches to stakeholders and the broader community.

Comments:

Reducing the use of plastic bags has the potential to decrease negative impacts on the environment and wildlife. A number of different approaches can be taken to reduce plastic bag use, such as advocating the State Government to implement a state-wide ban, a local law, a Council Policy and a community education and awareness campaign. Financial, economic and social implications, the true life cycle costs of alternative products and potential impacts on traders and the community should be thoroughly investigated and considered in the review and endorsement of plastic bag reduction approaches for the City.

Implementing measures to reduce plastic bag use would provide the City with the opportunity to demonstrate good leadership within the local government sector, the municipality and the broader community, thereby encouraging more sustainable behaviour.

TYPES OF SINGLE-USE PLASTIC BAGS AND ALTERNATIVES

Single Use Plastic Bags

- Lightweight HDPE (high density polyethylene, < 35 micron): single-use typical supermarket bags.
- Heavyweight LDPE (low density polyethylene, > 35 micron): Thicker style department store bags. It is assumed that people reuse heavyweight bags (more so than lightweight bags), so the perceived risk is less than that of lightweight plastic bags.
- Biodegradable/compostable: These bags comply with AS 4736 as they are made from plastic that meets the Australian Standard for biodegradability, and break down or compost into carbon dioxide, methane, biomass and water. They are generally made of corn starch or other plant material. However, concerns have been reported over their potential impact on the environment, given that the conditions, temperatures and processes required for them to break down safely are not always achievable. As such, these bags can still pose a risk to aquatic fauna such as turtles. There are also concerns regarding the environmental impacts of the farming and agriculture required to produce the corn and other products.
- Degradable: Petroleum-based plastic is used to make these bags. They break down into small micro-pieces when exposed to oxygen or sunlight, allowing the chemical additives and plastic compounds to more easily enter food chains creating cumulative risks for marine life, animals and humans.
- Barrier bags: Light-weight bags that generally need to be torn off a roll (e.g., for fruits and vegetables).
- Bin liners: Used to line waste bins. WALGA have reported that in other states where a ban has been implemented, such as South Australia, there has been a significant increase in the purchase of bin liners. Further investigation is required into how this problem could be addressed.
- Other soft plastics used for packaging: Numerous products now come in plastic bags, such as bread, potato chips, rice and other food products; as well as items in resealable storage bags (e.g., zip-lock bags), such as nuts and snacks.

Alternatives to Single Use Plastic Bags

- Green bags: These are often made from fabric such as canvas, natural fibers such as jute, woven synthetic fibers or a thick plastic such as polypropylene that is more durable than lightweight plastic bags, thus allowing for multiple use. Further investigation is required into the life cycle costs associated with energy and water use, materials consumption, litter and marine impacts across the life of a bag. For example, it has been reported that

large amounts of water are required to make calico bags made from 100% cotton fabric. According to Choice, in 2016 Hyder Consulting conducted research that revealed that a green bag has to be used more than 23 times before it becomes a better option than single-use plastic bags. Of the range of reusable bag types tested, the most environmentally-friendly option was the 100% recycled content PET (polyethylene terephthalate) reusable bag, closely followed by the reusable green bag.

- Disposable paper bags: There are numerous types of paper bags offered at retailers from the thin types provided at newsagents and chemists to the thicker types provided when purchasing fast food and the almost cardboard-like paper bags used by jewellery and fashion stores. However, the manufacturing process for these bags is reported to be energy-intensive and result in significant levels of water and air pollution, indicating the life cycle costs are high.
- Cardboard boxes: Used for bulk product packaging, and often recycled, or baled and resold at a minimum price. Supermarkets could offer cardboard boxes to customers instead of bags, similar to the practice of Bunnings and some fruit and vegetable stores and market stalls.

**Agenda
Item 8.5****Perth Public Art Foundation Funding Review**

Recommendation:

That Council APPROVES the revised funding for the Perth Public Art Foundation, in the form of salary and benefits for the Executive Director.

FILE REFERENCE:	P102262-10
REPORTING UNIT:	Arts, Culture & Heritage
RESPONSIBLE DIRECTORATE:	Economic Development & Activation
DATE:	29 June 2017
ATTACHMENT/S:	Confidential Attachment 8.5A – Memo from PPAF Chairman Confidential Attachment 8.5B – PPAF Operating Funding Schedule (Confidential Attachments distributed to Elected Members under separate cover)

In accordance with Section 5.23(2)(e)(iii) of the *Local Government Act 1995*, this item is confidential and has been distributed to the Elected Members under separate cover.

**CONFIDENTIAL ATTACHMENTS 8.5A – 8.5B
ITEM 8.5 – PERTH PUBLIC ART FOUNDATION FUNDING REVIEW**

FOR THE FINANCE AND ADMINISTRATION COMMITTEE MEETING

25 JULY 2017

DISTRIBUTED TO ELECTED MEMBERS UNDER SEPARATE COVER

**Agenda
Item 8.6****Migrant Pavilion at Lake Vasto, Ozone Reserve - Discounted
Hire Fees to West Australian Multicultural Association****Recommendation:**

That Council APPROVES the offer of discounted hire fees made to the West Australian Multicultural Association (WAMA) for the ongoing hire and use of the Migrant Pavilion at Lake Vasto, Ozone Reserve, Perth.

FILE REFERENCE: P1022837
 REPORTING UNIT: Properties
 RESPONSIBLE DIRECTORATE: Construction and Maintenance
 DATE: 13 July 2017
 ATTACHMENT/S: N/A

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation N/A

Integrated Reporting Implications	Planning and Framework	Strategic Community Plan	
		Goal 1	A city for people Strategic Objective: Increase the amount of people that live, work, visit and stay in the city developing a strong sense of neighbourhood in the community
		Goal 6	A city that celebrates its diverse cultural identity Strategic objective: Formal and informal places and spaces to celebrate culture along the river
		Goal 7	An open and engaged city Strategic Objective:

Purpose and Background:

In 2014 the Migrant Pavilion and Children's Playground on Lake Vasto, Ozone Reserve, Perth, next to the Monument of Migrants, was constructed by members of the Western Australia Multicultural Association Inc (WAMA), in conjunction with City of Perth and the Abruzzese Emigrant Association of Australia Inc.

This was a joint venture, with the ongoing ownership, maintenance and management of the site being undertaken by the City.

All parties involved in the project have been acknowledged; a commemorative plaque has been erected on site in recognition of the contributions made.

The memorandum of understanding between these parties noted; *"The building will become a common facility that can be used by any group or individual in a responsible manner. The Abruzzese Emigrant Association of Western Australia Inc, the Western Australia Multicultural Association (WAMA) Inc and organisations that were directly involved in financing the construction, have the opportunity to book the facility for official activities, cultural events and Harmony Week on an agreed basis that will be reviewed from time to time, noting that the City of Perth facility booking policy will apply at all times. The community may also book the facility subject to application and approval granted by the City of Perth under similar terms".*

Since 2013, discussions have been held between the City and the WAMA regarding hire charges for the facility. WAMA have requested free use of the facility and an agreement had previously been contemplated but never agreed by both parties. In December 2016, the City wrote to the WAMA Secretary advising that the City could not enter into such an agreement and that no documents agreeing to the waiving of costs was entered into or signed by the City. The City has therefore charged the existing discounted rate available for non-profit organisations as per budget specifications.

Details:

WAMA recently booked the facility and have been invoiced accordingly in line with the published fees and charges, however they are refusing to pay the invoice on the grounds that they believe it should have been free.

On 4 January 2017, the Health and Activity Approvals Unit wrote to the Secretary of WAMA acknowledging the input of WAMA, advising however that it was not possible to legally provide the use of the facility free of charge. It was acknowledged that the City could offer a 50 percent reduction in reserve hire fees.

On 25 January 2017, an additional letter to the WAMA was sent, noting that draft proposals for the waiving of fees were never endorsed by Council confirming again that reserve hire fees and charges were required to comply with the City budget and obligations.

Since 2013, the WAMA has discussed fees and charges associated with the use of the Multicultural Pavilion, to date, the issue remains unresolved.

The City would like to move forward resolving to the matter of the ongoing use and fees applicable to the Multicultural Pavilion on Ozone reserve. It is proposed that:

- *Any bookings made through WAMA will be subject to zero hire fees and zero preservation fees for a period of 2 years, commencing from the date Council Supports this proposal. It should be noted that the City will still charge the application fee for each booking.*
- *For a period of 3 further years the WAMA would be offered a 50% discount to the published fees and charges for the facility - noting WAMA already receive a 50% discount being a Not- For- Profit Organisation.*
- *In addition to this the City would be willing to hold a bond of \$250.00 for the duration of this agreement, rather than having to resubmit this each time a booking is made.*

This proposal was put to WAMA for their consideration as an offer, which was declined and the matter then raised with Elected Members. It is the view of WAMA that only the application fee should be payable.

The costs of maintaining the facility since 2015 are in excess of \$46,000. This includes cleaning, lock up services, repairs and maintenance.

Financial Implications:

Income from the site is collected by HAA through their normal fees and charges for hire, income received since the facility was built is \$581. Maintenance costs of the facility are circa \$23,000 per annum.

Comments:

This has been a long running point of contention that the administration wishes to bring to a close. It is felt that the offer presented is reasonable and recognises the contributions of the community whilst also acknowledging the ongoing expense of maintaining the asset.

Agenda **Tender 129-16/17 Lifts and Escalators Inspection – Preventative**
Item 8.7 **Maintenance and Repair**

Recommendation:

That Council:

1. ***ACCEPTS the most suitable tender, being that submitted by ThyssenKrupp Elevator Australia Pty Ltd for Lifts and Escalators Inspection – Preventative Maintenance and Repair (Tender 129-16/17) for a lump sum cost of \$82,218.00 (excluding GST) per year for a three year term with a further two year option subject to satisfactory performance at the end of the first three years with annual indexation (CPI); and***
2. ***ACCEPTS the rates and charges detailed in Attachment 8.7A for repairs.***

FILE REFERENCE: P1033921
 REPORTING UNIT: Properties
 RESPONSIBLE DIRECTORATE: Construction and Maintenance
 DATE: 20 June 2017
 ATTACHMENT/S: Confidential Attachment 8.7A - Comparison of Costs
 Confidential Attachment 8.7B - Qualitative Selection Criteria Matrix
 (Confidential attachments distributed to Elected Members under separate cover)

Legislation / Strategic Plan / Policy:

Legislation Part 4 – of the *Local Government (Functions and General) Regulations 1996*

Integrated Planning and Strategic Community Plan
Reporting Framework Goal 2 An exceptionally well designed, functional and
Implications accessible city

Policy No and Name: 9.7 – Purchasing

Purpose and Background:

Tender 129-16/17 Lifts and Escalators Inspection – Preventative Maintenance and Repair, was advertised in the West Australian on Wednesday, 22 March 2017. Tenders closed at 2.00pm on Thursday, 6 April 2017, with the following tenders received:

Tenderer	Cost for Year 1, ex GST
Schindler Lifts Australia Pty Ltd (monthly maintenance schedule)	\$149,467.40

Schindler Lifts Australia Pty Ltd (alternative maintenance schedule)	\$127,267.40
Thyssenkrupp Elevator Australia Pty Ltd	\$385,308.00
Thyssenkrupp Elevator Australia Pty Ltd (modified terms and conditions)	\$82,218.00
Kone Elevators Pty Ltd	\$72,137.00

CPI applies to years 2, 3, 4 and 5.

Details:

The tenders were assessed against the following criteria:

Compliance Criteria:

	Schindler Lifts Australia Pty Ltd	ThyssenKrupp Elevator Australia Pty Ltd	Kone Elevators Pty Ltd
Has the tenderer supplied all information requested?	Yes	Yes	Yes
Has the tenderer complied with all of the General Conditions of Contract?	No	ThyssenKrupp supplied two bids, one complying with conditions and one not compliant.	Yes
Has the tenderer complied with the Financial and OSH assessment?	Yes	Yes	Yes

Qualitative Assessment against Selection Criteria:

Demonstrated Capacity and Experience:

All tenderers satisfied the requirements of this criterion with no deficiencies. Schindler Lifts Australia Pty Ltd scored the highest for this criterion by demonstrating that they have a large team available within the CBD to attend to call-outs, they have several years of experience including previous experience relevant to the services required by the City of Perth. ThyssenKrupp Elevator Australia Pty Ltd scored slightly lower than Schindler for this criterion as they stated they do not have the capability to maintain the PORT lift system which is currently installed at Council House. ThyssenKrupp have elected to exclude Council House lift maintenance and inspection from their tender submission for this reason.

Performance and Methodology:

Both Schindler Lifts Australia Pty Ltd and Kone Elevators Pty Ltd satisfied the requirements of this criterion with no deficiencies. Schindler scored the highest for this criterion as they provided the most detailed methodology.

Quality Control Procedures:

All tenderers satisfied the requirements of this criterion with no deficiencies. Schindler Lifts Australia Pty Ltd scored the highest for this criterion as their quality management system is certified to ISO 9001:2008 and they provided a copy of their quality policy.

Availability of Spare Parts:

Schindler Lifts Australia Pty Ltd and ThyssenKrupp Elevator Australia Pty Ltd satisfied the requirements of this criterion with no deficiencies. Both have local warehouses (located within the metro area) from which spare parts can be sought.

Price:

ThyssenKrupp Elevator Australia Pty Ltd have submitted two proposals, one complying with all of the City's stated terms and conditions, and one with modified terms and conditions. The submission containing modified terms and conditions, which also excludes Council House from the tender, is the cheapest price submitted to the City.

Following the qualitative selection criteria assessment, Schindler Lifts Australia Pty Ltd ranked the highest overall, firstly with their alternative maintenance schedule proposal (3.633/5) followed by their monthly maintenance schedule proposal (3.592/5). However, Schindler have submitted modified terms and conditions which should the City accept, will infringe its procurement policy.

The next highest ranking submission was ThyssenKrupp's proposal with modified terms and conditions. The City deems ThyssenKrupp's modified terms and conditions are acceptable as they remain within its procurement guidelines.

ThyssenKrupp's proposal excepts Council House from the tender, yet it represents no risk for the City as the maintenance of Council House lifts will be in any case undertaken by Schindler Lifts Australia Pty Ltd as part of the modernisation project which is due for completion in late 2017; This project included an optional maintenance component for an initial period of three years, with a further two year option (3+2) subject to satisfactory performance at the end of the first three years.

Financial Implications:

ACCOUNT NO:	operating
PROPOSED COST:	\$82,218.00 Per year

Reactive maintenance expenditure for 16/17 was \$161,138 and in 15/16 \$254,126.

Under the provisions of this tender we are accepting a fixed cost of \$82,218 for planned inspections with a schedule of rates for reactive labour costs and a fixed cost plus percentage for materials.

All figures quoted in this report are exclusive of GST.

Comments:

Schindler will not accept the City's conditions. ThyssenKrupp scored second highest in the qualitative criteria assessment and is willing to accept the City's conditions; therefore it is recommended that ThyssenKrupp Elevator Australia Pty Ltd is appointed.

CONFIDENTIAL ATTACHMENTS 8.7A – 8.7B
ITEM 8.7 – TENDER 129-16/17 LIFTS AND ESCALATORS INSPECTION
– PREVENTATIVE MAINTENANCE AND REPAIR

FOR THE FINANCE AND ADMINISTRATION COMMITTEE MEETING

25 JULY 2017

DISTRIBUTED TO ELECTED MEMBERS UNDER SEPARATE COVER

Agenda **New Lease – “Marketta” Tavern Alfresco Lease, KS3 Kings**
Item 8.8 **Square, 10 Telethon Avenue, Perth**

Recommendation:

That Council:

- 1. AGREES to a lease between the City of Perth and Kapinkoff Nominess Pty Ltd over the Alfresco Area KS3 Kings Square, Perth in accordance with the commercial terms and conditions detailed in Attachment 8.8A;**
- 2. *in accordance with Section 3.58 of the Local Government Act 1995, APPROVES the advertising of the new lease under the commercial terms and conditions detailed in Attachment 8.8A;***
- 3. NOTES that in the event that no submissions are received, authorises the Chief Executive Officer to finalise the Lease Agreement without further reference to Council.**

FILE REFERENCE:	P1029786#09
REPORTING UNIT:	Properties Unit (PPM)
RESPONSIBLE DIRECTORATE:	Construction and Maintenance
DATE:	5 July 2017
ATTACHMENT/S:	Attachment 8.8A – Proposed Lease Terms and Conditions Attachment 8.8B – Draft Detailed Design Masterplan Attachment 8.8C – Draft Detailed Design Masterplan – KS3

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation

Section 3.58 of *Local Government Act 1995*

Integrated Planning and Strategic Community Plan

Reporting Framework Goal 8 A city that delivers for its community
Implications

Policy

Policy No and Name: 9.10 Management of Leases

Purpose and Background:

The proponent of the Marketta Tavern, Kapinkoff Nominees Pty Ltd has entered into a 15 + 10 year Lease Agreement with Dexus Funds Management Ltd for Tenancy 1 at KS3, Kings Square, 10 Telethon Avenue, Perth WA.

The leased premises will be operated as a Tavern and known as “Marketta” Tavern.

As a key component of the premises, the Alfresco Area is an important element to the overall successful operation of Marketta and will enable consumers the opportunity to more fully experience the outdoor areas and amenity of the location.

Details:

The City of Perth was approached by the Tenant of the Marketta Tavern premises, Kapinkoff Nominees Pty Ltd, to consider entering into a Lease Agreement with them for the Alfresco Area abutting the Tavern.

Following a period of negotiation with the proponent, the City has agreed the commercial terms of the lease subject to formal Council approval.

A copy of the agreed commercial terms is attached to this Report as Attachment A along with a copy of the draft Survey Plan for the leased area, Attachment 8.8B.

It is proposed that the new lease will be a fully gross lease using the City’s standard Alfresco Lease Agreement and with rent agreed at \$30,000 per annum (\$181.82 per square metre per annum).

The City holds a valuation dated 22 March 2017 undertaken on similar uses and determining that the current market rental range for the subject premises is \$20,625 - \$24,750 per annum (\$125 – \$150 per square metre per annum).

All figures quoted in this report are exclusive of GST.

Financial Implications:

Council Approval will result in rental income to the City of \$30,000 per annum (\$181.82 per square metre per annum).

Note that this income stream is currently not within the 2017/18 budget.

Comments:

The proposal is supported as a good commercial outcome and will also further enhance the vibrancy of the City.

Proposed Lease Terms and Conditions – Kapinkoff Nominees Pty Ltd

Lessor	City of Perth.
Lessee	Kapinkoff Nominees Pty Ltd.
Premises	Alfresco Area opposite Tenancy 1 at S3, Kings Square, 10 Telethon Avenue, Perth, WA
Permitted Use	Alfresco Dining.
Lease Commencement	TBA (subject to MRA and Council Approval).
Lease Term	Ten (10) Years.
Further Term/s	One (1) Term of Ten (10) Years.
Gross Rent	\$30,000 per annum (\$181.82 psmpa) excl of GST.
Leased Area	165 sqm, subject to final survey.
Variable Outgoings	N/A.
Rent Commencement	TBA (subject to MRA and Council Approval).
Rent Reviews	Annually on the anniversary of the lease commencement to CPI (Perth). Market Reviews every five (5) years including the commencement date of each further term.
Insurance	Public Liability not less than \$20,000,000.
Bank Guarantee	Equivalent to three (3) months gross rent inclusive of GST.
Legal Costs	Each party to bear their own legal costs.

DATE	REV	DESCRIPTION	BY	AP
05.10.16	A	ISSUED FOR INFORMATION	JE	AB
11.10.16	B	ISSUED FOR INFORMATION	JE	AB
17.10.16	C	ISSUED FOR INFORMATION	JE	AB
24.10.16	D	ISSUED FOR INFORMATION	JE	AB
25.10.16	E	ISSUED FOR INFORMATION	JE	AB



KINGS SQUARE
PREPARED FOR MRA

LANDSCAPE CONSTRUCTION
MASTER PLAN

JOB NO. 1603001 L1.101 REV E OCT 2016
1:200 @ A1

LANDSCAPE ARCHITECTS
414 ROKEBY RD SUBIACO WA 6008
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