

---

Shire of Kalamunda

# Ordinary Council Meeting Agenda

---

Monday 20 June 2011

## CONTENTS

Agenda for Ordinary Council Meeting 20 June 2011

Chief Executive Officer's Report 20 June 2011

### **Separate Document**

Minutes of Ordinary Council Meeting 16 May 2011

Minutes of Special Council Meeting 7 June 2011

Report of Planning Services Committee Meeting 7 June 2011

Report of General Services Committee Meeting 13 June 2011

Report of Audit Committee Meeting 14 June 2011





## **NOTICE OF MEETING ORDINARY MEETING OF COUNCIL**

Councillors,

Notice is hereby given that the next meeting of the Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on:

**Monday 20 June 2011, commencing at 6.30 pm.**

For the benefit of members of the public, attention is drawn to the following requirements as adopted by Council.

### **Open Council Meetings – Procedures**

1. All Council Meetings are open to the public, except for matters raised by Council under Item No. 15.0 of the Agenda.
2. Members of the public may ask a question at an Ordinary Council Meeting under Item 3.0 of the Agenda.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Shire President opens '*question time*' under Item 3.0 of the Agenda.
4. All other arrangements are in accordance with Council's Standing Orders, Policies and decision of the Shire or Council.

A handwritten signature in blue ink, appearing to be "J Trail", with a long horizontal stroke extending to the left.

James Trail  
**Chief Executive Officer**

16 June 2011



---

## INDEX

---

- 1.0 OFFICIAL OPENING
- 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED
- 3.0 PUBLIC QUESTION TIME
- 4.0 PETITIONS/DEPUTATIONS
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
- 7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION
- 8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED
- 9.0 DISCLOSURE OF INTERESTS
- 10.0 REPORT TO COUNCIL
  - Planning Services
  - PS18. Local Planning Scheme No. 3 Amendment No. 38 - Lots 724, 725, 727, 728, 729, 730, 731, 732, 733, 734 and 751 (Sultana Road West, Lot 752 Eureka Street and Lots 752, 753, 754, 755 and 756 Milner Road, High Wycombe – Rezoning from Special Use (Business) to Light Industry
  - PS19. Lot 31 (24) Mead Street, Kalamunda – Proposed Showroom and Warehouse
  - PS20. Annual Caravan Park Licence Renewals
  - PS21. Amendment 34 to Local Planning Scheme No.3 - Rezoning From Special Rural to Industrial Development - Forrestfield Industrial Area Stage 1
  - PS22. Planning and Urban Design Guidelines - Kalamunda Town Centre
  - General Services
  - GS78. Creditors' Accounts Paid During the Period 2011 – 21 April 2011 to 27 May 2011
  - GS79. Monthly Financial Statements for the Period ending 31 May 2011
  - GS80. Debtors and Creditors Reports for the Period ending 31 May 2011
  - GS81. Rates Debtors Report for the Period ending 31 May 2011
  - GS83. Application to Keep More Than Two Dogs – 5 Scenic Drive, Maida Vale
  - GS84. Application to Keep More Than Two Dogs – 15 Coolinga Road, Lesmurdie
  - GS85. Application to Keep More Than Two Dogs – 18 Watsonia Road, Gooseberry Hill
  - GS87. Review of Shire of Kalamunda Local Laws
  - GS88. Appointment of a Recovery Coordinator
  - GS90. Tender for the Provision of Traffic Management Services (T1114)
  - GS91. Tender for Gully Eduction – Cleaning of Stormwater Drainage Structures and Pipes (T1110)
  - GS92. Request for Expression of Interest EOI 1005 – Land Lease and Community Housing Development Lot 106 (88) Hale Road Forrestfield

**GS82. Budget Amendment – Office of Crime Prevention Grant Funding**

**GS86. Jack Healey Centre Advisory Committee – Nominations for Membership**

GS89. Tender for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104)

Audit Committee

AC5. Investment Report

AC6. Sundry Debtors write-off – Townend

AC7. Sundry Debtor Write-Off

AC8. Forrestfield United Soccer Club Sundry Debt

Chief Executive Officer's Report

10.4.1 Review of Delegations

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE

---

## AGENDA

---

### 1.0 OFFICIAL OPENING

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

- 2.1 Cr Maureen Robinson (Leave of Absence)  
Cr Carol Everett (Leave of Absence)

### 3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the Public Gallery on matters relating to the functions of Council.

Julie Oliver – Treasurer, Kalamunda Toy Library

**(Question taken on notice Ordinary Council Meeting 16 May 2011)**

Q. Has Lot (57) 33 Canning Road, Kalamunda owned by the Shire of Kalamunda had a change of use under the Local Planning Scheme # 3, and if so what has it been changed to? Was there an advertised requirement to the change of use? and when was it completed?

A. No, there has been no change of use.

### 4.0 PETITIONS/DEPUTATIONS

### 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

#### 5.1 Application for Leave of Absence – Cr Frank Lindsey

That Cr Frank Lindsey be granted leave of absence for the period 11 July 2011 to 24 July 2011. This leave period will include General Services Committee Meeting, Monday 11 July 2011 and Ordinary Council Meeting, Monday 18 July 2011.

Moved:

Seconded:

Vote:

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****6.1 Ordinary Council Meeting 16 May 2011**

That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 16 May 2011 are confirmed as a true and correct record of the proceedings after the following correction is included,

- Item 10.2.19 (GS70) Review of Shire of Kalamunda Management Committees – In the Facility Advisory Committee Terms of Reference clause 5.3 delete "by Council" and replace with "Committee Secretariat", Clause 5.7 amend to read " Extraordinary meetings may be convened by the Committee Secretariat (Shire Officer) in accordance with Clause 5.3, following written requests from in excess of 50% of the current membership with voting rights."

Moved:

Seconded:

Vote:

Statement by Presiding Member

**"On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 16 May 2011."**

**6.2 Special Council Meeting 7 June 2011**

That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 7 June 2011 are confirmed as a true and correct record.

Moved:

Seconded:

Vote:

Statement by Presiding Member

**"On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 7 June 2011."**

---

**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

**8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**9.0 DISCLOSURE OF INTERESTS**

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (*Local Government Act 1995* Sections 5.60B and 5.65).
  
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (*Local Government Act 1995* Sections 5.70 and 5.71.)

Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.



**10.0 REPORT TO COUNCIL**

Declaration of Financial/Conflict of interests to be recorded prior to dealing with each item.

**10.1 Planning Services Committee Report**

**10.1.1 Adoption of Planning Services Committee Report**

That the recommendations contained in the Planning Services Committee Report of the 7 June 2011 be adopted.

Moved:

Seconded:

Vote:

10.1.2

**PS18 Local Planning Scheme No. 3 Amendment No. 38 - Lots 724, 725, 727, 728, 729, 730, 731, 732, 733, 734 and 751 (Sultana Road West, Lot 752 Eureka Street and Lots 752, 753, 754, 755 and 756 Milner Road, High Wycombe – Rezoning from Special Use (Business) to Light Industry**

**COMMITTEE RECOMMENDATION TO COUNCIL PS18/2011**

That Council:

1. Notes the submissions received in respect to Amendment No. 38 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 in accordance with the following:
 

**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
SHIRE OF KALAMUNDA  
LOCAL PLANNING SCHEME NO. 3  
AMENDMENT NO. 38**

Resolved that the Council in pursuance of Part 5 of the Planning and Development Act 2005 amend the above Local Planning Scheme by:

  - a. Local Planning Scheme No. 3 Amendment No. 38 - Lots 724, 725, 727, 728, 729, 730, 731, 732, 733, 734 and 751 Sultana Road West, Lot 752 Eureka Street and Lots 752, 753, 754, 755 and 756 Milner Road, High Wycombe – Rezoning from Special Use (Business) to Light Industry
  - b. Delete item 7 of the Scheme's Schedule 4 (Special Uses) and renumber the remaining items accordingly.

3. Amends the Scheme Zoning Map accordingly.
4. Duty executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

10.1.3 **PS19 Lot 31 (24) Mead Street, Kalamunda – Proposed Showroom and Warehouse**

**COMMITTEE RECOMMENDATION TO COUNCIL - PS19/2011**

1. That the Showroom/Warehouse on Lot 31 (24) Mead Street, Kalamunda as shown on plans 10 173 DD01, 10 173 DD02, 10 173 DD03, 10 173 DD04 and Photomontage of Canning Road and Mead Street corner (undated) shown in (Attachments 1 to 5) be refused for the following reasons:
  - a. The proposal fails to comply with the draft Planning and Urban Design Guidelines for the Kalamunda Town Centre in respect to built form and streetscape, specifically:
    - o The building does not have an interactive shop frontage to the street with entry doors to either street.
    - o The use of a roller door to the street.
    - o Car parking is located between the street and the building. The car park does not include provision for landscaping.
  - b. The proposal fails to comply with Western Australian Planning Commission Policy which does not support vehicular access onto a Regional Reserve (Other Regional Roads) where an alternative access is available.

10.1.4 **PS20 Annual Caravan Park Licence Renewals**

**COMMITTEE RECOMMENDATION TO COUNCIL - PS20/2011**

1. That Council approves the renewal of the caravan park licences, subject to receipt of the required licence fees, for:
  - o Discovery Holiday Park, 186 Hale Road Forrestfield.
  - o Forrestfield Caravan N Park Home Village, 353 Hawtin Road Forrestfield.
  - o Hillview Lifestyle Village, 597 Kalamunda Road High Wycombe.
  - o Advent Park, 345 Kalamunda Road Maida Vale.

10.1.5 **PS21 Amendment 34 to Local Planning Scheme No 3 - Rezoning From Special Rural to Industrial Development - Forrestfield Industrial Area Stage 1**

**COMMITTEE RECOMMENDATION TO COUNCIL PS21/2011**

That Council:

1. Notes the submissions received in respect to Amendment No 34 to Local Planning Scheme No. 3.
2. Adopts Amendment No. 34 for final approval without modification by:  
  
Rezoning the land bound by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, with the exception of Lots 497, 498 and 499 Sultana Road West and a portion of lots 1 & 2 Sultana Road West, Forrestfield from Special Rural to Industrial Development in accordance with the Scheme Amendment Map.
3. Duly executes the Amendment documents and forward them and submissions received to the Minister for Planning requesting final approval to be granted.

10.1.6 **PS22 Planning and Urban Design Guidelines - Kalamunda Town Centre**

**COMMITTEE RECOMMENDATION TO COUNCIL PS22/2011**

1. That Council adopts the Planning and Urban Design Guidelines (Attachment 2) for the Kalamunda Town Centre Control Area as outlined in clause 6.3 of Local Planning Scheme No. 3.

**10.2 General Services Committee Report**

10.2.1 Adoption of General Services Committee Report

That the recommendations contained in the General Services Committee Report of the 13 June 2011, except items for separate consideration being GS82 GS86 and GS89, be adopted.

Moved:

Seconded:

Vote:



10.2.2 **GS78 Creditors' Accounts Paid During the Period 21 April 2011 to 27 May 2011**

**COMMITTEE RECOMMENDATION TO COUNCIL GS78/2011**

1. That the list of creditors paid during the period 21 April 2011 to 27 May 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

10.2.3 **GS79 Monthly Financial Statements for the Period ending 31 May 2011**

**COMMITTEE RECOMMENDATION TO COUNCIL GS79/2011**

1. That the monthly financial statements which comprise the Statement of Financial Position, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, Cash Flow Statement, Notes to and Forming Part of the Financial Report and Operating Budget Variance Analysis for the period ending 31 May 2011 (Attachment 1) be received.

10.2.4 **GS80 Debtors and Creditors Reports for the Period ending 31 May 2011**

**COMMITTEE RECOMMENDATION TO COUNCIL GS80/2011**

1. That the outstanding debtors (Attachment 1) and creditors (Attachment 2) report as at 31 May 2011 be received.

10.2.5 **GS81 Rates Debtors Report for the Period ending 31 May 2011**

**COMMITTEE RECOMMENDATION TO COUNCIL GS81/2011**

1. That the rates debtors report as at 31 May 2011 (Attachment 1) be received.

10.2.6 **GS83 Application to Keep More Than Two Dogs – 5 Scenic Drive, Maida Vale**

**COMMITTEE RECOMMENDATION TO COUNCIL GS83/2011**

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 5 Scenic Drive Maida Vale to keep three dogs on this property.

10.2.7 **GS84 Application to Keep More Than Two Dogs – 15 Coolinga Road, Lesmurdie**

COMMITTEE RECOMMENDATION TO COUNCIL GS84/2011

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 15 Coolinga Road, Lesmurdie to keep three dogs on this property.

10.2.8 **GS85 Application to Keep More Than Two Dogs – 18 Watsonia Road, Gooseberry Hill**

COMMITTEE RECOMMENDATION TO COUNCIL GS85/2011

1. That Council, pursuant to Clause 3.2 of the Shire of Kalamunda Dogs Local Law 2010 made under Section 26(3) of the *Dog Act 1976*, grant an exemption to the applicant of 18 Watsonia Road, Gooseberry Hill to keep four dogs on this property.

10.2.9 **GS87 Review of Shire of Kalamunda Local Laws**

COMMITTEE RECOMMENDATION TO COUNCIL GS87/2011

1. That statewide and local public notice be given that the Shire is proposing to review the following Local Laws and By-Laws relating to:
  - o Shire of Kalamunda Local Government Property Local Law 2001.
  - o By-Laws Relating to the Establishment, Maintenance and Equipment of the Bush Fire Brigade.
  - o Shire of Kalamunda By-Law Relating to the Removal and Disposal of Obstructing Animals or Vehicles.

10.2.10 **GS88 Appointment of a Recovery Coordinator**

COMMITTEE RECOMMENDATION TO COUNCIL GS88/2011

1. In accordance with Section 41 (4) of the *Emergency Management Act 2005*, endorses the appointment of the Director Community Development position as the Local Recovery Coordinator for the Shire of Kalamunda.
2. Supports the proposal to establish a Local Recovery Coordination Committee with the Terms of Reference proposed in (Attachment 1).

10.2.11

**GS90 Tender for the Provision of Traffic Management Services (T1114)**

COMMITTEE RECOMMENDATION TO COUNCIL GS90/2011

1. That the Tender for Provision of Traffic Management Services (T1114) be awarded to:
  - a. Contraflow Pty Ltd.
  - b. Secure Traffic.

at the Tendered prices provided in (Attachment 1) and (Attachment 2) for a period of three years with an option to extend for a further two 12 month periods.

10.2.12

**GS91 Tender for Gully Education – Cleaning of Stormwater Drainage Structures and Pipes (T1110)**

COMMITTEE RECOMMENDATION TO COUNCIL GS91/2011

1. That the Tender for Gully Education – Cleaning of Stormwater Structures and Pipes (T1110) be awarded to Drainflow Services Pty Ltd, at the Tendered prices provided in (Attachment 1) for a period of three years with an option to extend for a further two 12 month periods.

10.2.13

**GS92 Request for Expression of Interest EOI 1005 – Land Lease and Community Housing Development Lot 106 (88) Hale Road Forrestfield**

COMMITTEE RECOMMENDATION TO COUNCIL GS92/2011

- That Council:
1. Appoint Access Housing as the preferred respondent to Expression Of Interest 1005,
  2. Request Access Housing present a formal submission that addresses the following:
    - o Proposed one off Payment of \$1 million for a 30 year lease with a 30 year option – in lieu of an annual ground lease fee.
    - o Payment of Local Government Rates each year at the current valuations provided and updated by the Valuer General and at the appropriate rate in the dollar set by Council each financial year.
    - o Detail on how the built form is likely to look and provide information on where similar structures exist that Councillors can visit.
    - o Proposed mix of tenancies.
    - o Commercial tenancies (if any proposed) to be located at ground level with residential units above.
    - o Maintenance of all buildings and facilities including but not limited to roads, paths, gardens, lawns, trees within the leased area.

---

**ITEMS FOR CONSIDERATION****Absolute Majority Required****10.2.14 GS82 Budget Amendment – Office of Crime Prevention Grant Funding**COMMITTEE RECOMMENDATION TO COUNCIL GS82/2011

1. That Council, pursuant to section S 6.8 (1)(c) *Local Government Act 1995*, amend the 2010/2011 Budget to include expenditure for the Urban Art Project of \$8,268.

Moved:

Seconded:

Vote: **Absolute Majority Required****10.2.15 GS86 Jack Healey Centre Advisory Committee – Nominations for Membership**COMMITTEE RECOMMENDATION TO COUNCIL GS86/2011

That Council:

1. Appoints Tony Andrews (President of Kalamunda Senior Citizens Club) to the Jack Healey Centre Advisory Committee as the Kalamunda Senior Citizens Club representative.
2. Appoints Morrie Clark (member of Kalamunda Senior Citizens Club) to the Jack Healey Centre Advisory Committee as an independent interested person.

Moved:

Seconded:

Vote: **Absolute Majority Required****Further information provided to Councillors****10.2.16 GS89 Tender for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104)**COMMITTEE RECOMMENDATION TO COUNCIL GS89/2011

1. That the Contract for the Supply and Delivery of Crushed Ferricrete/Laterite (T1104) be awarded to:
  - B & J Catalano Pty Ltd.
  - Vinci Gravel Supplies Pty Ltd.



for a period of three years with an option to extend for a further two 12 month periods, at the Tendered prices shown at (Attachment 1).

Moved:

Seconded:

Vote:

**10.3 Audit Committee Report**

**10.3.1 Adoption of Audit Committee Report**

That the recommendations contained in the Audit Committee Report of the 14 June 2011 be adopted.

Moved:

Seconded:

Vote:

**10.3.2**

**AC5 Investment Report**

**COMMITTEE RECOMMENDATION TO COUNCIL AC06/2011**

1. That the report on Investments held by the Shire of Kalamunda be received

**10.3.3**

**AC6 Sundry Debtor Write-Off - Townend**

**COMMITTEE RECOMMENDATION TO COUNCIL AC06/2011**

1. That the Audit Committee endorse the write off of an outstanding balance of \$20,996.36 owed by Roger and Raimunda Townend.

**10.3.4**

**AC7 Sundry Debtor Write-Off**

**COMMITTEE RECOMMENDATION TO COUNCIL AC07/2011**

1. That the Audit Committee endorses the write off of sundry debts totalling \$46,856.71, as detailed in Attachment 1, with the exception of loan repayments and lease/licence fees.
2. From 1 July 2011 all users will be required to pay for:
  - o Utility Costs
  - o Telephone Usage
  - o Rubbish, waste & recycling services
  - o Special Cleaning and Damage



10.3.5

**AC8 Forrestfield United Soccer Club Sundry Debt**

COMMITTEE RECOMMENDATION TO COUNCIL AC08/2011

1. That the amount of \$26,236.15 owed by the Forrestfield United Soccer Club Inc be rolled over until 31 December 2011.
2. That the Audit Committee endorse that the write off of \$14,285.21 owed by Forrestfield United Soccer Club Inc.
3. That the Forrestfield United Soccer Club Inc committee be requested to attend a special Audit Committee meeting to discuss formal legal proceedings for the recovery of the outstanding debt.

## 10.4 Chief Executive Officer's Report

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

### 10.4.1 Review of Delegations

Previous Items	OCM 84/10 (GS 64/2010)
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	LE-ACT-006
Applicant	N/A
Owner	N/A

Attachment 1 Register of Delegations current as at 1 June 2011

#### PURPOSE

1. To review Council's delegations to the Chief Executive Officer and other employees.

#### BACKGROUND

2. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the Chief Executive Officer (or to another staff member, in some cases).
3. Section 5.46 of the Local Government Act 1995 requires each Council to review its delegations at least once every financial year.
4. Council last reviewed its delegations on 21 June 2010. The current delegations must therefore be reviewed by 30 June 2011.

#### DETAILS

5. The current delegations of Council, adopted in June 2010, plus a number of subsequent delegations, are shown in Attachment 1.
6. The review undertaken by staff in preparation of this report has revealed that majority of the delegations are appropriate and provide an effective framework for the efficient operation of the Shire through the responsible discharge of those powers and duties delegated by Council

---

**STATUTORY AND LEGAL IMPLICATIONS**

7. Section 5.42 of the *Local Government Act 1995* states that –  
 “A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.” (absolute majority required);  
 Limits on delegations to CEO’s – s.5.43;  
 Requirement for review – s.5.46.
8. Similar provisions apply in other Acts and the Shire’s Local Planning Scheme No 3

**POLICY IMPLICATIONS**

9. Council’s policies are to be reviewed to ensure that any limitations on delegation are clearly stated.

**PUBLIC CONSULTATION/COMMUNICATION**

10. Public consultation is not considered necessary with respect to this issue

**FINANCIAL IMPLICATIONS**

11. There are no direct financial implications associated with this issue.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

**Strategic Planning Implications**

12. Strategic Plan 2009-2014 – Goal 5  
 A Shire that is well governed, providing positive leadership and efficient service delivery to the community.
- Ensure appropriate systems and procedures are in place to comply with statutory compliance and enhance effective business management.

**Sustainability Implications**

Social implications

13. None.

Economic Implications

14. None.

---

Environmental Implications

15. None.

**OFFICER COMMENT**

16. As the review has concluded that all current Delegations are appropriate the officer recommendations reflect the outcome of the review undertaken of the existing Delegations

**RECOMMENDATION**

1. That Council notes the outcome of the review of the Delegations.
2. That Council endorses the Delegations to the Chief Executive Officer and other staff as contained in Attachment 1

Moved:

Seconded:

Vote: **Absolute Majority Required.**





# Register of Delegations from Council

## Delegations retained from the 2007 Delegation Register

Council resolved the following at the Ordinary Council Meeting on 15 June 2009 –

1. That Council notes the review of the Delegation Register.
2. That Council revokes all existing delegations, as shown in ***(GSC Item 59 Attachment 1)*** with the exception of Advent Park.
3. That Council adopts the delegations listed in ***(GSC Item 59 Attachment 3)***.

Moved: Cr Cresswell

Seconded: Cr Thomas

### **For the Motion:**

Cr Giardina  
Cr Tonkin  
Cr Morton  
Cr Heggie  
Cr Cresswell  
Cr Taylor  
Cr Thomas  
Cr McKechnie

### **Against the Motion:**

Cr Sadler  
Cr Robinson

**CARRIED/ABSOLUTE MAJORITY**  
**OCM 62/09**

There were two items regarding Advent Park in the previous delegation register –

### **Advent Park - Application for a Temporary Caravan Park Licence**

The Chief Executive Officer be delegated the authority to approve church related functions on the site.

### **Master Plan and Scheme Amendment - Advent Park: Lot 1 (345) Kalamunda Road, Maida Vale**

That delegated authority be given to the Chief Executive Officer to approve overflow caravan events of not more than ten (10) events per calendar year for church, school and community groups or commercial groups usage for more than 35 sites.

Please note that temporary caravan park licences and use of overflow areas, which are dealt with under the *Caravan Parks and Camping Grounds Regulations 1997*, are also covered by delegation CPR1 in this register.

# DELEGATION INDEX

## Local Government Act 1995

Delegation	Section of Act	Delegation Title
LGA1	s.3.25 & 3.26	Notice Requiring a Thing to be Done
LGA2	s.3.57	Tenders and Expressions of Interest
LGA3	s.3.58	Lease and Licence Agreements
LGA4	s.3.58	Disposal of Surplus Property and Materials
LGA6	s.5.94 - 5.96	Access to Local Government Information
LGA7	s.6.12	Write Off of Debts Up to \$1,000
LGA8	s.6.14	Investment of the Shire's Money
LGA9	s.9.10	Appointment of "Authorised Persons"
LGA10	s.6.12	Write Off of Rates Interest Up to \$5
LGA11	s.6.12	Write Off of Rates Debts Up to \$100
LGA12	s.9.49A	Common Seal
LGA13	s.6.12	Granting Concessions
LGA14	s.3.58	Land Asset Rationalisation – Disposal of Property

## Local Government (Miscellaneous Provisions) Act 1960

Delegation	Section of Act	Delegation Title
LMPA1	374 & 374AA	Building Approvals
LMPA2	Part XV	Buildings

## Local Government (Financial Management) Regulations 1996

Delegation	Regulation	Delegation Title
FMR1	12	Payments from the Municipal and Trust Funds

## Planning and Development Act 2005 & Local Planning Scheme No. 3

Delegation	Section of Act	Delegation Title
PLN1		Planning Matters

## Strata Titles Act 1985

Delegation	Section of Act	Delegation Title
STA1	23	Strata Plans – Certificate of Local Government



### **Bush Fires Act 1954**

<b>Delegation</b>	<b>Section of Act</b>	<b>Delegation Title</b>
BFA1	17	Prohibited Burning Times – Amendment
BFA2	59	Proceedings Under the Bush Fires Act
BFA3	38	Appointment of Bush Fire Control Officers

### **Caravan Parks and Camping Grounds Regulations 1997**

<b>Delegation</b>	<b>Regulation</b>	<b>Delegation Title</b>
CPR1	11	Caravan Parks and Camping

### **Food Act 2008**

<b>Delegation</b>	<b>Section of Act</b>	<b>Delegation Title</b>
FOOD1	65	Prohibition Orders – Section 65 of the Food Act 2008
FOOD2	122	Appointment of Authorised Persons Under the Food Act 2008

### **Local Laws**

<b>Delegation</b>	<b>Delegation Title</b>
LL2	Local Laws
ENG1	Determination of Prohibited Parking Areas

### **Miscellaneous**

<b>Delegation</b>	<b>Policy</b>	<b>Delegation Title</b>
MISC1	ADM19	Use of the Shire of Kalamunda Logo
MISC2	COMR7,8,11,12	Donations, Grants and Contributions
MISC3	EMM100	SES – Appointment of Local Co-Ordinator and Deputy Co-Ordinator
MISC4	FIN102	Write Off of Emergency Services Levy Interest Amounts
MISC5	FIRE2	Fireworks Displays
MISC6	n/a	Public Liability Insurance

**REVOKED DELEGATIONS**

<b>Delegation</b>	<b>Delegation Title</b>	<b>Date Revoked by Council</b>
LL1	Common Seal	21 June 2010
LGA5	Organisational Structure	21 June 2010
PDA1	Planning Matters	21 June 2010
PDA2	Powers Under Part 11 of Local Planning Scheme 3	21 June 2010

**EXPIRED DELEGATIONS**

<b>Delegation</b>	<b>Delegation Title</b>
MISC7	Traffic Consideration – Shopping Centre Kalamunda Road, High Wycombe
MISC8	Tender – Skate Park Construction – Fleming Reserve

## DELEGATION REGISTER

<b>Title:</b>	<b>Notice Requiring a Thing to be Done</b>		
<b>Delegation No.:</b>	<b>LGA1</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

Legislation:	Local Government Act 1995, ss. 3.25 & 3.26
Power or Duty of the Local Government which is being delegated:	<p><b>3.25. Notices requiring certain things to be done by owner or occupier of land</b></p> <p>(1) A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —</p> <p>(a) is prescribed in Schedule 3.1, Division 1; or</p> <p>(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.</p> <p><b>3.26. Additional powers when notices given</b></p> <p>(1) This section applies when a notice is given under section 3.25(1).</p> <p>(2) If the person who is given the notice ("<b>notice recipient</b>") fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.</p> <p>(3) The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under sections 3.25 and 3.26 of the <i>Local Government Act 1995</i>.</p>	

### RELATED DOCUMENTS:

Council Policy:	n/a
Administration Policy/Procedure:	n/a

Notes:	<p><b>Local Government Act 1995</b></p> <p><b>3.24. Authorising persons under this Subdivision</b></p> <p>The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.</p>
--------	---



# DELEGATION REGISTER

<b>Title:</b>	<b>Tenders and Expressions of Interest</b>		
<b>Delegation No.:</b>	<b>LGA2</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Government Act 1995, s. 3.57; Local Government (Functions and General) Regulations 1996, Part 4, Division 2.
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>3.57. Tenders for providing goods or services</b>            (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 3.57 of the <i>Local Government Act 1995</i>.</p> <p>In respect of choice of tender, the Chief Executive Officer is authorised to accept tenders up to a value of \$250,000. All tenders which exceed this value must be referred to Council for evaluation and decision.</p>	

### RELATED DOCUMENTS:

<b>Council Policy:</b>	PUR1 – Purchasing Policy
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	
---------------	--

## DELEGATION REGISTER

<b>Title:</b>	<b>Lease and Licence Agreements</b>		
<b>Delegation No.:</b>	<b>LGA3</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

<b>Legislation:</b>	Local Government Act 1995, s.3.58
Power or Duty of the Local Government which is being delegated:	<p><b>3.58. Disposing of property</b>  (1) In this section —  “<b>dispose</b>” includes to sell, lease, or otherwise dispose of, whether absolutely or not;  “<b>property</b>” includes the whole or any part of the interest of a local government in property, but does not include money.</p>

Under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to lease; sub-lease; or reassign a lease of property under section 3.58 of the *Local Government Act 1995*.

### RELATED DOCUMENTS:

Council Policy:	FAC12 - Lease, Licence and Rent of Council Owned or Controlled Properties FAC21 - Use and Development of Facilities
Administration Policy/Procedure:	n/a

Notes:	Applies to lease and licence agreements.
--------	--



# DELEGATION REGISTER

<b>Title:</b>	<b>Disposal of Surplus Property and Materials</b>		
<b>Delegation No.:</b>	<b>LGA4</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

<b>Legislation:</b>	Local Government Act 1995, s.3.58; Local Government (Functions and General) Regulations 1996, r.30
---------------------	--

<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>3.58. Disposing of property</b>          (1) In this section —  <b>"dispose"</b> includes to sell, lease, or otherwise dispose of, whether absolutely or not;  <b>"property"</b> includes the whole or any part of the interest of a local government in property, but does not include money.</p> <p><b>30. Dispositions of property to which section 3.58 of Act does not apply</b>          (3) A disposition of property other than land is an exempt disposition if —          (a) its market value is less than \$20 000; or          (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.</p>
--	--

Under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 3.58 of the *Local Government Act 1995* where — the disposition of property is an exempt disposition in accordance with Regulation 30(3) of the *Local Government (Functions and General) Regulations 1996*.

### RELATED DOCUMENTS:

Council Policy:	
Administration Policy/Procedure:	

Notes:	
--------	--

## DELEGATION REGISTER

<b>Title:</b>	<b>Access to Local Government Information</b>		
<b>Delegation No.:</b>	<b>LGA6</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

Legislation:	Local Government Act 1995, ss. 5.94 – 5.96; Local Government (Administration) Regulations 1996, r.29 & 29A
Power or Duty of the Local Government which is being delegated:	<p><b>5.94. Public can inspect certain local government information</b> A person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government..</p> <p><b>5.95. Limits on right to inspect local government information</b> (7) Subsection (6) does not apply in respect of information in relation to a local government if — (a) the information is prescribed as information that is confidential but that may be available for inspection if the local government so resolves; and (b) the local government has resolved that the information is to be available for inspection.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under sections 5.94 to 5.96 of the <i>Local Government Act 1995</i>.</p>	

### RELATED DOCUMENTS:

Council Policy:	INF3 – Freedom of Information INF4 – Record Keeping Policy
Administration Policy/Procedure:	n/a

Notes:	
--------	--



# DELEGATION REGISTER

<b>Title:</b>	<b>Write Off of Debts up to \$1,000</b>		
<b>Delegation No.:</b>	<b>LGA7</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Government Act 1995, s.6.12
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>6.12. Power to defer, grant discounts, waive or write off debts</b>            (1) Subject to subsection (2) and any other written law, a local government may —            (c) write off any amount of money, which is owed to the local government.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 6.12(1)(c) of the <i>Local Government Act 1995</i>, where –</p> <ul style="list-style-type: none"> <li>a) the relevant debt does not exceed \$1,000;</li> <li>b) all reasonable avenues of debt recovery action have been exhausted; and</li> <li>c) a summary of all debts written off under delegated authority, along with reasons, is provided to Council as part of the monthly financial report.</li> </ul>	

### RELATED DOCUMENTS:

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	
---------------	--



## DELEGATION REGISTER

<b>Title:</b>	<b>Investment of the Shire's Money</b>		
<b>Delegation No.:</b>	<b>LGAS</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

Legislation:	Local Government Act 1995, s.6.14
Power or Duty of the Local Government which is being delegated:	(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the <i>Trustees Act 1962</i> .
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 6.14 of the <i>Local Government Act 1995</i>.</p>	

### RELATED DOCUMENTS:

Council Policy:	FIN7 – Short Term Investments
Administration Policy/Procedure:	n/a

Notes:	
--------	--

## DELEGATION REGISTER

<b>Title:</b>	<b>Appointment of "Authorised Persons"</b>		
<b>Delegation No.:</b>	<b>LGA9</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Government Act 1995, s.9.10
<b>Power or Duty of the Local Government which is being delegated:</b>	<p>(1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions</p> <p>(2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 9.10 of the <i>Local Government Act 1995</i>.</p> <p>Applies to the appointment of authorised persons or classes of persons under the <i>Local Government Act 1995</i>, the <i>Local Government (Miscellaneous Provisions) Act 1960</i>, and those local laws which have been made under these Acts.</p>	

### RELATED DOCUMENTS:

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	<p><i>Local Government (Miscellaneous Provisions) Act 1960</i></p> <p>The Department of Local Government &amp; Regional Development's Guideline No. 17 (<i>Delegations</i>, January 2007) states that -</p> <p>"Section 2 of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> effectively incorporates the provisions of that Act into the <i>Local Government Act 1995</i>, and therefore the delegation provisions of the <i>Local Government Act 1995</i> apply to the <i>Local Government (Miscellaneous Provisions) Act 1960</i>."</p>
---------------	--



# DELEGATION REGISTER

<b>Title:</b>	<b>Write Off of Rates Interest Up to \$5</b>		
<b>Delegation No.:</b>	<b>LGA10</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	21 December 2009	<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Government Act 1995, s.6.12
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>6.12. Power to defer, grant discounts, waive or write off debts</b></p> <p>(1) Subject to subsection (2) and any other written law, a local government may —</p> <p>(c) write off any amount of money, which is owed to the local government.</p>

The Chief Executive Officer is delegated the authority to write off small amounts of rates interest charges up to a maximum of \$5 (five dollars) per property.

### RELATED DOCUMENTS:

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	
---------------	--



# DELEGATION REGISTER

<b>Title:</b>	<b>Write Off of Rates Debts Up to \$100</b>		
<b>Delegation No.:</b>	<b>LGA11</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	15 March 2010	<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Government Act 1995, s.6.12
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>6.12. Power to defer, grant discounts, waive or write off debts</b>            (1) Subject to subsection (2) and any other written law, a local government may —            (c) write off any amount of money, which is owed to the local government.</p>

The Chief Executive Officer is delegated the authority to write off minor rates debt owed up to a maximum of \$100 (one hundred dollars) per property.

### RELATED DOCUMENTS:

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	
---------------	--



# DELEGATION REGISTER

<b>Title:</b>	<b>Common Seal</b>		
<b>Delegation No.:</b>	<b>LGA12</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	21 June 2010	<b>Date Last Reviewed:</b>	

<b>Legislation/Policy:</b>	Section 9.49A (2) of the <i>Local Government Act 1995</i>		
<b>Power or Duty of the Local Government which is being delegated:</b>	The common seal of a local government is not to be affixed to any document except as authorised by the local government.		
<p>The Chief Executive Officer is delegated authority to affix the common seal of the Shire of Kalamunda to any document which requires the affixing of the common seal to be validly executed.</p>			

### CROSS REFERENCES (If any):

<b>Management Practice No.</b>	N/A	<b>Policy No.:</b>	N/A
--------------------------------	-----	--------------------	-----

<b>Notes:</b>	<p><b>Local Government Act 1995</b>  <b>9.49A. Execution of documents</b>          (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.</p>
---------------	---

## DELEGATION REGISTER

<b>Title:</b>	<b>Granting Concessions</b>		
<b>Delegation No.:</b>	<b>LGA13</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	16 August 2010	<b>Date Last Reviewed:</b>	

<b>Legislation/Policy:</b>	Section 6.12 of the Local Government Act 1995
<b>Power or Duty of the Local Government which is being delegated:</b>	Power to grant concessions in relation to any amount of money owed to the Shire of Kalamunda
<p>Pursuant to section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the granting of concessions in relation to money owed to the Shire of Kalamunda as fees or charges for use of or admission to any Recreation Centre or Sporting Ground, the Kalamunda Aquatic Centre and other similar facility or property owned, controlled, managed or maintained by the Shire.</p> <p><b>RESOLVED OCM 112/2010</b>          That the Chief Executive Officer provide Council with a quarterly report of the use of this delegation.</p>	

### CROSS REFERENCES (If any):

<b>Management Practice No.</b>		<b>Policy No.:</b>	
--------------------------------	--	--------------------	--

<b>Notes:</b>	<p><b>6.12. Power to defer, grant discounts, waive or write off debts</b></p> <p>(1) Subject to subsection (2) and any other written law, a local government may —</p> <p>(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;</p> <p>(b) waive or grant concessions in relation to any amount of money; or</p> <p>(c) write off any amount of money, which is owed to the local government.</p> <p><i>* Absolute majority required.</i></p> <p>(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.</p> <p>(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.</p> <p>(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.</p>
---------------	---

# DELEGATION REGISTER



<b>Title:</b>	<b>Land Asset Rationalisation – Disposal of Property</b>		
<b>Delegation No.:</b>	<b>LGA14</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:	18 April 2011	Date Last Reviewed:	

<b>Legislation/Policy:</b>	Section 3.58 of the Local Government Act 1995
Power or Duty of the Local Government which is being delegated:	(2) Except as stated in this section, a local government can only dispose of property to — (a) the highest bidder at public auction; or (b) 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.

Under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer is delegated the power to dispose of the following properties –

- 39 Maida Vale Road Maida Vale
- 21 Andrew Street, Kalamunda
- 2 Cabarita Road, Kalamunda
- 29 Barbigal Place, Lesmurdie
- 43 Boonooloo Road, Kalamunda.

In accordance with section 5.43, Limits on delegations to CEO –  
 "A local government cannot delegate to a CEO any of the following powers or duties —  
 (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph",

the limit that has been set by Council is 5 million dollars (\$5,000,000).

### CROSS REFERENCES (If any):

Management Practice No.		Policy No.:	
-------------------------	--	-------------	--

<b>Notes:</b>	<p><u>RESOLVED OCM 50/2011</u></p> <p>1. That:</p> <ul style="list-style-type: none"> <li>• 39 Maida Vale Road Maida Vale</li> <li>• 21 Andrew Street, Kalamunda</li> <li>• 2 Cabarita Road, Kalamunda</li> <li>• 29 Barbigal Place, Lesmurdie</li> <li>• 43 Boonooloo Road, Kalamunda</li> </ul> <p>be disposed of in accordance with Sections 3.58 and 3.59 of the <i>Local Government Act 1995</i>.</p> <p>2. That sworn valuations be obtained for each lot prior to being released for sale.</p> <p>3. That no lot be sold for less than its sworn value unless authorised by Council resolution.</p> <p>4. That the following properties be "Open Listed" with the five Real Estate Agents that responded to the requested marketing proposal:</p> <ul style="list-style-type: none"> <li>• 21 Andrew Street, Kalamunda</li> </ul>
---------------	--

- 2 Cabarita Road, Kalamunda
  - 29 Barbical Place, Lesmurdie
  - 43 Boonooloo Road, Kalamunda
5. That 39 Maida Vale Road be listed exclusively with the sole Real Estate Agent that identified this site as a development site.
6. That in accordance with Section 5.42 of the *Local Government Act 1995* - Delegation of some powers and duties to the CEO, the CEO be delegated the power to dispose of the properties.
7. That in accordance with Section 5.43 of the *Local Government Act 1995* – Limits on delegations to CEO, the limit be set at 5 million dollars (\$5,000,000) for properties the subject of this Report.
8. That in accordance with Section 6.11 of the *Local Government Act 1995* – Reserve accounts, establish the following reserve account from the proceeds (2.5% of gross proceeds) of selling freehold land parcels and any crown reserves:
- Environmental Reserve – to be used to fund environmental strategies, programs and projects.
9. Prior to the listing of the properties referred to in (4) above, the Chief Executive Officer cause the undertaking of an assessment of the vegetation on each of the properties with a view to ensuring that any significant vegetation identified is retained at development stage, where reasonably possible, by an appropriate means such as a building envelope. The Chief Executive Officer to request the Real Estate Agents to inform prospective purchasers of such requirements.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**



## DELEGATION REGISTER

<b>Title:</b>	<b>Building Approvals</b>		
<b>Delegation No.:</b>	<b>LMPA1</b>		
Delegation from:	Council	Delegated to:	Manager Building Services
Date Adopted:		Date Last Reviewed:	

Legislation:	Local Government (Miscellaneous Provisions) Act 1960, s.374 & 374AA
Power or Duty of the Local Government which is being delegated:	<p><b>374. Plans of buildings to be approved by local government</b></p> <p><b>374AA. Building approval certificates for unauthorised building work</b></p>

Under section 374AAB of the *Local Government (Miscellaneous Provisions) Act 1960*, the Manager Building Services is delegated to exercise the powers or discharge the duties of the Council under sections 374 and 374AA of the *Local Government (Miscellaneous Provisions) Act 1960*.

All building approvals are subject to compliance with the *Local Government (Miscellaneous Provisions) Act 1960* and Regulations, and are to be in accordance with Council policy.

### RELATED DOCUMENTS:

Council Policy:	DEV8 - Delegation of Authority – Approval of Building Plans and Specifications
Administration Policy/Procedure:	n/a

Notes:	<p><b>Local Government (Building Surveyors) Regulations 2008</b></p> <p>6(2) For the purposes of section 374AAB(2) of the Act, after the transition period, the authority to approve or refuse to approve plans and specifications submitted under section 374 of the Act or unauthorised building work in relation to any building must not be delegated to a person unless that person holds a Building Surveyor Level 1 certificate. <i>(lesser qualifications specified for smaller buildings – refer Regs for details)</i></p> <p><b>374AAB. Delegation of authority to approve plans of buildings or unauthorised building work</b></p> <p>(5) A delegation under subsection (1), and any variation or revocation of it, must be in writing executed by the local government.</p> <p>(6) A person to whom authority is delegated under this section cannot delegate that authority.</p>
--------	---

## DELEGATION REGISTER

<b>Title:</b>	<b>Buildings</b>		
<b>Delegation No.:</b>	<b>LMPA2</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Government (Miscellaneous Provisions) Act 1960, Part XV; Building Regulations 1989
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>Part XV – Buildings</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under –</p> <ul style="list-style-type: none"> <li>• Part XV of the <i>Local Government (Miscellaneous Provisions) Act 1960</i>, and</li> <li>• the <i>Building Regulations 1989</i>,</li> </ul> <p>in accordance with Council policy.</p> <p>This excludes sections 374 and 374AA of the <i>Local Government (Miscellaneous Provisions) Act 1960</i>, which deal with building approvals, and may only be delegated to a building surveyor.</p>

### RELATED DOCUMENTS:

<b>Council Policy:</b>	DEV11 – Delegation of Authority – Issue of Stop Work Orders
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	<p><b>DLGRD Guideline #17 - Delegations</b></p> <p>Section 2 of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> effectively incorporates the provisions of that Act into the <i>Local Government Act 1995</i>, and therefore the delegation provisions of the <i>Local Government Act 1995</i> apply to the <i>Local Government (Miscellaneous Provisions) Act 1960</i>.</p>
---------------	--

## DELEGATION REGISTER

<b>Title:</b>	<b>Payments from the Municipal and Trust Funds</b>		
<b>Delegation No.:</b>	<b>FMR1</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

<b>Legislation:</b>	Local Government (Financial Management) Regulations 1996, r. 12(1)
<b>Power or Duty of the Local Government which is being delegated:</b>	<p>(1) A payment may only be made from the municipal fund or the trust fund —</p> <p>(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or</p> <p>(b) otherwise, if the payment is authorised in advance by a resolution of the council.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i>, in regard to the making of payments from the municipal and trust funds.</p>	

### RELATED DOCUMENTS:

Council Policy:	n/a
Administration Policy/Procedure:	n/a

<b>Notes:</b>	<p><b>Local Government Act 1995</b>  <b>6.10. Financial management regulations</b>          Regulations may provide for —</p> <p>(d) the general management of, and the authorisation of payments out of —</p> <p>(i) the municipal fund; and</p> <p>(ii) the trust fund,          of a local government.</p>
---------------	---



# DELEGATION REGISTER

<b>Title:</b>	<b>Planning Matters</b>		
<b>Delegation No.:</b>	<b>PLN1</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	21 June 2010	<b>Date Last Reviewed:</b>	

<b>Legislation/Policy:</b>	Shire of Kalamunda Local Planning Scheme No 3; <i>Planning and Development Act 2005</i>
<b>Power or Duty of the Local Government which is being delegated:</b>	<p>Pursuant to Clause 11 of the Shire of Kalamunda Local Planning Scheme No 3, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the following:-</p> <p><b>Advertising</b></p> <p>To advertise all development proposals in accordance with clause 9.4 of the Scheme, and Structure Plans in accordance with clause 6.2 of the Scheme.</p> <p><b>Determination of Applications</b></p> <p>To determine all applications in accordance with clauses 5.6, 5.8, 7.5, 8.3, 8.4, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.8 of the Scheme.</p> <p><b>Cash-in-lieu</b></p> <p>To accept and determine Cash-in-lieu payments.</p> <p><b>Subdivision Applications and Clearances</b></p> <p>To make recommendations to the Western Australian Planning Commission on all subdivision and amalgamation applications and to endorse applications for clearance where relevant conditions have been satisfied.</p> <p><b>Appeals (Reviews)</b></p> <p>To attend the State Administrative Tribunal on behalf of Council and to determine conditions to be applied to applications the subject of mediation or successful appeal and to enter into Minute of Consent Orders accordingly.</p> <p><b>Enforcement and Administration</b></p> <p>Any of its powers, and the discharge of any of its duties, under Part 11 of the Scheme.</p>

### CROSS REFERENCES (If any):

<b>Management Practice No.</b>	N/A	<b>Policy No.:</b>	DEV2 - DEV41
--------------------------------	-----	--------------------	--------------

<b>Notes:</b>	<p><b>Local Planning Scheme No. 3.</b></p> <p><b>11.3 Delegation of Functions</b></p> <p>11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer</p>
---------------	--

(CEO), within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

**11.3.2** The CEO may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive's duties under clause 11.3.1.



# DELEGATION REGISTER

<b>Title:</b>	<b>Strata Titles</b>		
<b>Delegation No.:</b>	<b>STA1</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer; Manager Building Services
Date Adopted:		Date Last Reviewed:	

<b>Legislation:</b>	Strata Titles Act 1985, s.23		
<b>Power or Duty of the Local Government which is being delegated:</b>	(4) A local government may, either generally or as otherwise provided by the instrument of delegation, by writing under the seal of the local government, delegate to an employee of the local government any of the functions conferred on local governments under this Act, other than the functions so conferred by subsection (3) and section 24.		
<p>Under section 23(4) of the <i>Strata Titles Act 1985</i>, the Chief Executive Officer and the Manager Building Services are delegated to exercise the powers or discharge the duties of the Council under the <i>Strata Titles Act 1985</i>.</p>			

### RELATED DOCUMENTS:

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	
---------------	--

## DELEGATION REGISTER

<b>Title:</b>	<b>Prohibited Burning Times - Amendment</b>		
<b>Delegation No.:</b>	<b>BFA1</b>		
Delegation from:	Council	Delegated to:	Shire President and Chief Bush Fire Control Officer (jointly)
Date Adopted:		Date Last Reviewed:	

Legislation:	Bush Fires Act 1954, s. 17
Power or Duty of the Local Government which is being delegated:	<p>(7) (a) Subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —</p> <p>(i) shortening, extending, suspending or reimposing a period of prohibited burning times; or</p> <p>(ii) imposing a further period of prohibited burning times.</p>
<p>Under section 17(10) of the <i>Bush Fires Act 1954</i>, the Shire President and Chief Bush Fire Control Officer are delegated to exercise the powers or discharge the duties of the Council under section 17(7) of the <i>Bush Fires Act 1954</i>.</p>	

### RELATED DOCUMENTS:

Council Policy:	n/a
Administration Policy/Procedure:	n/a

Notes:	<p><b>Bush Fires Act 1954</b></p> <p>17(10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).</p>
--------	---

## DELEGATION REGISTER

<b>Title:</b>	<b>Proceedings Under the Bush Fires Act</b>		
<b>Delegation No.:</b>	<b>BFA2</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Bush Fire Control Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Bush Fires Act 1954, s. 59
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>59. Prosecution of offences</b>            (2)(a) A person authorised by the Minister, a member of the Authority, an officer of the Authority, an authorised CALM Act officer, a member of the Police Force, or a local government, may institute and carry on proceedings against a person for an offence alleged to be committed against this Act.</p>
<p>Under section 59(3) of the <i>Bush Fires Act 1954</i>, the Chief Bush Fire Control Officer is delegated to exercise the powers or discharge the duties of the Council under section 59 of the <i>Bush Fires Act 1954</i>.</p>	

### RELATED DOCUMENTS:

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	<p><b>Bush Fires Act 1954</b>            59(3) A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.</p>
---------------	--





# DELEGATION REGISTER

<b>Title:</b>	<b>Appointment of Bush Fire Control Officers</b>		
<b>Delegation No.:</b>	<b>BFA3</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	16 August 2010	<b>Date Last Reviewed:</b>	

<b>Legislation/Policy:</b>	Bush Fires Act 1954, s.38
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>38. Local government may appoint bush fire control officer</b></p> <p>(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.</p>
<p>Pursuant to section 48 of the <i>Bush Fires Act 1954</i>, the Chief Executive Officer is delegated authority to appoint Bush Fire Control Officers, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers for the Shire of Kalamunda.</p>	

### CROSS REFERENCES (If any):

<b>Management Practice No.</b>		<b>Policy No.:</b>	
--------------------------------	--	--------------------	--

<b>Notes:</b>	<p><b>48. Delegation by local governments</b></p> <p>(1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.</p> <p>(2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —</p> <p>(a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and</p> <p>(b) is to be treated as performance by the local government.</p> <p>(3) A delegation under this section does not include the power to subdelegate.</p> <p>(4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.</p>
---------------	--



## DELEGATION REGISTER

<b>Title:</b>	<b>Caravan Parks and Camping</b>		
<b>Delegation No.:</b>	<b>CPR1</b>		
Delegation from:	Council	Delegated to:	Manager Health Service; Environmental Health Officers
Date Adopted:		Date Last Reviewed:	

Legislation:	Caravan Parks and Camping Grounds Regulations 1997, Reg 6		
Power or Duty of the Local Government which is being delegated:	<p><b>6. Local government</b> A function conferred on a local government by these regulations may be performed by an authorised person appointed by that local government who is authorised in writing by that local government to do so.</p>		
<p>Those persons who have been appointed by Council as "authorised persons" for the purposes of the <i>Caravan Parks and Camping Grounds Act 1995</i> are delegated to exercise the powers or discharge the duties of the Council under the <i>Caravan Parks and Camping Grounds Regulations 1997</i>.</p>			

### RELATED DOCUMENTS:

Council Policy:	HLTH10 – Temporary Occupancy of a Caravan on Private Land
Administration Policy/Procedure:	n/a

Notes:	
--------	--

## DELEGATION REGISTER

<b>Title:</b>	<b>Prohibition Orders – Section 65 of the Food Act 2008</b>		
<b>Delegation No.:</b>	<b>FOOD1</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer; Director Planning and Development Services
<b>Date Adopted:</b>	20 September 2010	<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Food Act 2008, section 65
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>65. Prohibition order</b>            (1) If the CEO or another enforcement agency believes on reasonable grounds —            (a) that any of the circumstances specified in section 62(a), (b), (c) or (d) exist; and            (b) that —            (i) the proprietor of a food business has not complied with an improvement notice within the time required by section 63 for compliance; or            (ii) the issue of the order is necessary to prevent or mitigate a serious danger to public health,            the CEO or other enforcement agency may serve a prohibition order on the proprietor of the food business in accordance with this Part.</p>
<p>Council delegates the power to issue prohibition orders for the purposes of section 65 of the <i>Food Act 2008</i> to the Chief Executive Officer and the Director Planning and Development Services in accordance with section 118(2) of the <i>Food Act 2008</i>.</p>	

### RELATED DOCUMENTS:

<b>Council Policy:</b>	
<b>Administration Policy/Procedure:</b>	

<b>Notes:</b>	<p><b>118. Functions of enforcement agencies and delegation</b>            (2) A function conferred or imposed on an enforcement agency may be delegated —            (b) if the enforcement agency is a local government or a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations —            subject to subsections (3) and (4), in accordance with the regulations.</p>
---------------	--

# DELEGATION REGISTER



<b>Title:</b>	<b>Appointment of Authorised Persons Under the Food Act 2008</b>		
<b>Delegation No.:</b>	<b>FOOD2</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	15 March 2010	<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Food Act 2008, section 122
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>122. Appointment of authorised officers</b>            (1) An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act if —            (a) the enforcement agency, having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer; or            (b) the person holds office as an environmental health officer under the <i>Health Act 1911</i>.</p>
<p>Council delegates the power to appoint Authorised Persons for the purposes of the Food Act 2008 to the Chief Executive Officer under Section 118 (2) of the Food Act 2008.</p>	

### RELATED DOCUMENTS:

<b>Council Policy:</b>	
<b>Administration Policy/Procedure:</b>	

<b>Notes:</b>	<p><b>118. Functions of enforcement agencies and delegation</b>            (2) A function conferred or imposed on an enforcement agency may be delegated —            (b) if the enforcement agency is a local government or a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations —            subject to subsections (3) and (4), in accordance with the regulations.</p>
---------------	--



# DELEGATION REGISTER

<b>Title:</b>	<b>Local Laws</b>		
<b>Delegation No.:</b>	<b>LL2</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

Legislation:	Shire of Kalamunda Local Laws
Power or Duty of the Local Government which is being delegated:	
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under those local laws of the Shire of Kalamunda which have been made under the <i>Local Government Act 1995</i>.</p>	

## RELATED DOCUMENTS:

Council Policy:	DEV34 – Signs – General ENV1 – Control and Eradication of Pest Plants ENV8 – Street Lawns and Gardens HLTH11 – Trading in Public Places – Conduct of Street Stalls by Voluntary Organisations HLTH12 – Trading in Public Places – General Principles
Administration Policy/Procedure:	n/a

Notes:	
--------	--



# DELEGATION REGISTER

<b>Title:</b>	<b>Determination of Prohibited Parking Areas</b>		
<b>Delegation No.:</b>	<b>ENG1</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	21 March 2011	<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Clause 1.10 of the Shire of Kalamunda Parking and Parking Facilities Local Law 2008		
<b>Power or Duty of the Local Government which is being delegated:</b>	Delegation of Authority by Council to the Chief Executive Officer to determine 'No Parking' areas within the Shire of Kalamunda.		
<p>Pursuant to Clause 1.10 of the Shire of Kalamunda Parking and Parking Facilities Local Law 2008, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the determination of Prohibited Parking Areas within the Shire of Kalamunda.</p>			

## RELATED DOCUMENTS:

<b>Council Policy:</b>	
<b>Administration Policy/Procedure:</b>	

<b>Notes:</b>	
---------------	--



## DELEGATION REGISTER

<b>Title:</b>	<b>Use of the Shire of Kalamunda Logo</b>		
<b>Delegation No.:</b>	<b>MISC1</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

Legislation:	
Power or Duty of the Local Government which is being delegated:	
<p>The Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to –</p> <ul style="list-style-type: none"> <li>• approve the use of the Shire of Kalamunda logo;</li> <li>• attach conditions to the approval of an application to use the logo; and</li> <li>• approve alterations to the logo components, and their relationship to each other, in accordance with Council policy.</li> </ul>	

### RELATED DOCUMENTS:

Council Policy:	ADM19 – Use of Council Crest and Logo
Administration Policy/Procedure:	n/a

Notes:	
--------	--

## DELEGATION REGISTER

<b>Title:</b>	<b>Donations, Grants and Contributions</b>		
<b>Delegation No.:</b>	<b>MISC2</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

Legislation:	
Power or Duty of the Local Government which is being delegated:	
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to approve donations of up to \$1,000.</p> <p>The granting of any donation is subject to –</p> <ul style="list-style-type: none"> <li>• compliance with Council's policies;</li> <li>• adequate provision having been made in the Annual Budget; and</li> <li>• compliance with the <i>Local Government Act 1995</i>.</li> </ul>	

### RELATED DOCUMENTS:

Council Policy:	COMR2 – Annual School Awards COMR7 – Donations to Charitable Organisations COMR8 – Donations to State Team Representatives COMR11 – Community Initiative and Development Grants COMR12 – Grants to Various Community Groups
Administration Policy/Procedure:	n/a

Notes:	<b>The CEO may not authorise a donation for which there is no budget provision</b> (authorisation of unbudgeted expenditure requires an absolute majority decision of council, and can therefore not be delegated).
--------	---



## DELEGATION REGISTER

<b>Title:</b>	<b>SES – Appointment of Local Co-Ordinator and Deputy Co-Ordinator</b>		
<b>Delegation No.:</b>	<b>MISC3</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	
<b>Power or Duty of the Local Government which is being delegated:</b>	<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to –</p> <ol style="list-style-type: none"> <li>a) recommend a candidate for the position of SES Local Co-ordinator;</li> <li>b) agree or disagree with the Director’s recommendation to revoke the appointment of the Local Co-ordinator; and</li> <li>c) approve or not approve the appointment of a Deputy Co-ordinator.</li> </ol>

### RELATED DOCUMENTS:

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	<p><b>Constitution of Kalamunda Volunteer State Emergency Service Unit (Inc.)</b></p> <p>Clause 10.3 “The Local Co-ordinator shall be appointed by the Director on the recommendation of the appropriate Local Government. The appointment may be revoked by the Director only after consultation with and agreement by the appropriate Local Government.”</p> <p>Clause 10.4 “The Deputy Co-ordinator shall be elected by members in general meeting and the appointment shall be approved by the Local Government.”</p>
---------------	---

## DELEGATION REGISTER

<b>Title:</b>	<b>Write Off of Emergency Services Levy Interest Amounts</b>		
<b>Delegation No.:</b>	<b>MISC4</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

Legislation:	
Power or Duty of the Local Government which is being delegated:	
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to write off Emergency Services Levy interest amounts of less than \$2.00 (two dollars) per property.</p>	

### RELATED DOCUMENTS:

Council Policy:	n/a
Administration Policy/Procedure:	n/a

Notes:	<b>FESA Manual of Operating Procedures 2007/08</b> 5.8.7 Local Governments may automatically write off small amounts of ESL Interest, where the total amount per property is less than \$2 per year.
--------	---



# DELEGATION REGISTER

<b>Title:</b>	<b>Fireworks Displays</b>		
<b>Delegation No.:</b>	<b>MISC5</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	
<b>Power or Duty of the Local Government which is being delegated:</b>	
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council in regard to an Application for a Fireworks Display Permit, in accordance with Council policy.</p>	

### RELATED DOCUMENTS:

<b>Council Policy:</b>	FIRE2 – Fireworks Displays
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	<p><b>Application for a Fireworks Display Permit – Department of Consumer and Employment Protection</b>          Local government authority to provide comment, advising of objection or non-objection</p>
---------------	--



# DELEGATION REGISTER

<b>Title:</b>	<b>Public Liability Insurance</b>		
<b>Delegation No.:</b>	<b>MISC6</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	
<b>Power or Duty of the Local Government which is being delegated:</b>	
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to –</p> <p style="padding-left: 40px;">determine claims against the Shire for injury, loss or property damage that do not exceed the Shire’s insurance policy excess levels, subject to receipt of a release form.</p>	

### RELATED DOCUMENTS:

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	
---------------	--



# Delegations revoked by Council



# DELEGATION REGISTER

<b>Title:</b>	<b>Common Seal</b>		
<b>Delegation No.:</b>	<b>LL1</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Standing Orders Local Law 1999		
<b>Power or Duty of the Local Government which is being delegated:</b>	<p><b>19.1 The Council's Common Seal</b></p> <p>(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every instrument to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.</p>		
<p>The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Council to execute documents and apply the Common Seal of the Shire of Kalamunda on behalf of the Council generally.</p>			

### RELATED DOCUMENTS

<b>Council Policy:</b>	n/a
<b>Administration Policy/Procedure:</b>	n/a

<b>Notes:</b>	
---------------	--

REVOKED



# DELEGATION REGISTER

<b>Title:</b>	<b>Organisational Structure</b>		
<b>Delegation No.:</b>	<b>LGA5</b>		
Delegation from:	Council	Delegated to:	Chief Executive Officer
Date Adopted:		Date Last Reviewed:	

<b>Legislation:</b>	Local Government Act 1995, s.5.2
Power or Duty of the Local Government which is being delegated:	<p><b>5.2. Administration of local governments</b>          The council of a local government is to ensure that there is an appropriate structure for administering the local government.</p>
<p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 5.2 of the <i>Local Government Act 1995</i>, to determine the organisational structure best able to deliver the Council's Strategic Plan.</p>	

### RELATED DOCUMENTS:

Council Policy:	ADM22 – Organisational Structure
Administration Policy/Procedure:	n/a

Notes:	
--------	--

REVOKED

## DELEGATION REGISTER

<b>Title:</b>	<b>Planning Matters</b>		
<b>Delegation No.:</b>	<b>PDA1</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Planning Scheme No 3; Planning & Development Act 2005
---------------------	---

<b>Power or Duty of the Local Government which is being delegated:</b>	
--	--

Under the relevant provisions of the Shire of Kalamunda's Planning Schemes, the *Planning and Development Act 2005* and the *Local Government Act 1995*, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council in regard to the following –

**1. Advertising**

To advertise and provide notice of applications for planning approval or consent, and to refer an application and submissions to Council, where required.

**2. Determination of Applications**

To determine applications for planning approval, planning consent or special approval, including –

- a) any conditions to be imposed; and
- b) the period of validity of the approval or consent, in accordance with Council policy.

**3. Conditions**

To impose conditions on development approval which relate to orderly and proper planning, preservation of the amenity of the locality, and other such conditions as deemed appropriate.

**4. Cash In Lieu**

To accept and determine cash in lieu payment.

**5. Setback Variations**

To approve setback variations to property boundaries for all buildings and outbuildings, subject to no valid objections in the opinion of the Director Planning and Development Services being submitted by the owner(s) of the adjoining affected property/properties within the specified period of notification.

**6. Keeping of Animals**

To approve the keeping of hooved and/or large animals under clause 5.18 of the Local Planning Scheme No 3, where objections from adjoining owners/occupiers are either not received, or have been resolved, and where the keeping of such animals is permitted by the Scheme.



## 7. Commercial Vehicle Parking

*As a land use class under Local Planning Scheme No 3, the approval of commercial vehicle parking applications is covered by clause 2 of this instrument of delegation.*

To approve applications for commercial vehicle parking that entail variation to the standard vehicle movement times, where no objections have been received from affected residents.

To renew applications for commercial vehicle parking, where no legitimate complaints regarding non-compliance with conditions of approval have been received during the previous 12 months. Where a written complaint has been received, the renewal application is to be referred to affected landowners. If no objection is received, the Chief Executive Officer may approve the application. If an objection is received, the application is to be referred to Council for determination.

## 8. Subdivision Applications and Clearances

To refer recommendations for subdivision/amalgamation applications to the Western Australian Planning Commission, in accordance with the following –

- a) Recommend approval of subdivision applications that are consistent with Local Planning Scheme No 3, Council policy, the Residential Design Codes, an approved Outline Development Plan or Structure Plan, guided development scheme or subdivision guide plan as applicable.
- b) Recommend refusal of subdivision applications that are not consistent with Local Planning Scheme No 3, Council policy, the Residential Design Codes, an approved Outline Development Plan or Structure Plan, guided development scheme or subdivision guide plan as applicable.
- c) Variation to the minimum lot sizes for residential subdivisions can be supported in accordance with the Western Australian Planning Commission Policy DC 2 (Residential Subdivision).

## 9. Appeals (Review)

To respond to appeals to defend the decision of Council or a delegated decision. If the appeal involves mediation, and as part of that mediation variation to any standard provision contained in any policy or the Scheme is sought, then the matter shall be forwarded to Council for consideration as to whether to support that variation.

To determine appropriate conditions to be recommended to be applied to applications the subject of a successful appeal to the State Administrative Tribunal (SAT), and enter into Minute of Consent Orders accordingly.

**These delegations may only be exercised subject to compliance with the relevant legislation, and in accordance with Council policy.**

### RELATED DOCUMENTS:

Council Policy:	DEV1 — Additional Accommodation DEV2 — Amusement Machines and Amusement Centres DEV5 — Caravan Park Proposals - Guidelines for Assessment DEV6 — Cash in Lieu of Car Parking DEV7 — Child Care Centres – Guidelines DEV10 — Delegation of Authority - Determination of Development and Subdivision Applications DEV12 — Design Aesthetics – Guidelines DEV16 — Fuel Storage Applications – Guidelines for Assessment DEV17 — Igloo/Tunnel House Applications – Guidelines for Assessment DEV19 — Notification to Affected Landowners – Community Consultation – Advertising
-----------------	--

	<p>DEV20 — Outbuildings – Guidelines for Assessment</p> <p>DEV21 — Outbuildings in Subdivisions</p> <p>DEV22 — Parking of Commercial Vehicles on Private Property</p> <p>DEV23 — Pergolas – Guidelines for Assessment</p> <p>DEV25 — Public Open Space Contributions – Subdivision Applications</p> <p>DEV26 — Radio, Television and Communication Transmission Facilities/Masts</p> <p>DEV27 — Reduced Setbacks to Verandahs, Patios and Carports – Guidelines for Assessment</p> <p>DEV35 — Stormwater Drainage – Subdivision Applications</p> <p>DEV36 — Subdivision in Rural Zones</p> <p>DEV38 — Variation of Building Setback – Residential Design Codes</p> <p>DEV39 — Walls on Boundaries – Local Planning Policy</p> <p>DEV40 — Boundary Retaining Walls on Residential Land – Local Planning Policy</p> <p>DEV41 — Framework for Assessing Requests for Variation of the Number of Car Parking Bays – Local Planning Policy</p>
Administration Policy/Procedure:	n/a

Notes:	<p><b>Local Planning Scheme No. 3.</b></p> <p><b>11.3 Delegation of Functions</b></p> <p>11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer (CEO), within the meaning of those expressions under the <i>Local Government Act 1995</i>, the exercise of any of its powers or the discharge of any of its duties under the scheme, other than this power of delegation.</p> <p>11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive's duties under clause 11.3.1.</p>
--------	--

REVOKED



# DELEGATION REGISTER

<b>Title:</b>	<b>Powers Under Part 11 of Local Planning Scheme 3</b>		
<b>Delegation No.:</b>	<b>PDA2</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	21 December 2009	<b>Date Last Reviewed:</b>	

<b>Legislation:</b>	Local Planning Scheme No 3; Planning & Development Act 2005
<b>Power or Duty of the Local Government which is being delegated:</b>	Local Planning Scheme 3 <b>Part 11 – Enforcement and Administration</b>
<p>Council delegates to the Chief Executive Officer the exercise of any of its powers, and the discharge of any of its duties, under Part 11 of the Shire of Kalamunda Local Planning Scheme No. 3.</p>	

## RELATED DOCUMENTS:

<b>Council Policy:</b>	
<b>Administration Policy/Procedure:</b>	

<b>Notes:</b>	<p><b>Local Planning Scheme No 3</b></p> <p><b>11.3 Delegation of Functions</b></p> <p>11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer (CEO), within the meaning of those expressions under the <i>Local Government Act 1995</i>, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.</p> <p>11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive's duties under clause 11.3.1.</p>
---------------	--



# Delegations which have expired



# DELEGATION REGISTER

<b>Title:</b>	<b>Traffic Consideration – Shopping Centre Kalamunda Road, High Wycombe</b>		
<b>Delegation No.:</b>	<b>MISC7</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	16 August 2010	<b>Date Last Reviewed:</b>	

<b>Legislation/Policy:</b>	Local Government Act 1995
<b>Power or Duty of the Local Government which is being delegated:</b>	Power to acquire land.

That Council delegates authority to the Chief Executive Officer to accept, in consultation with the Shire President, Deputy Shire President and Chairperson of General Services Committee, the offers for the purchase of 13 Ashford Road, 512 Kalamunda Road and 514 Kalamunda Road, in accordance with Confidential Attachment 1 (OCM 16 August 2010).

**CROSS REFERENCES (if any)**

<b>Management Practice No.</b>		<b>Policy No.:</b>	
--------------------------------	--	--------------------	--

**Notes:**

Expired



# DELEGATION REGISTER

<b>Title:</b>	<b>Tender – Skate Park Construction – Fleming Reserve</b>		
<b>Delegation No.:</b>	<b>MISC8</b>		
<b>Delegation from:</b>	Council	<b>Delegated to:</b>	Chief Executive Officer
<b>Date Adopted:</b>	20 September 2010	<b>Date Last Reviewed:</b>	

<b>Legislation/Policy:</b>	<i>Local Government (Functions and General) Regulations 1996, r18 &amp; 20</i>		
<b>Power or Duty of the Local Government which is being delegated:</b>	Choice of tender; Variation of requirements before entry into contract.		

**RESOLVED OCM 138/10**  
(20 September 2010)

That Council –

Delegate authority to the Chief Executive Officer to:

- a. Negotiate and accept the identified Pre-Contract variations; and
- b. Finalise the Tender with DME Contractors for construction of:
  - i) Stage 1 to the value of \$255,281.00
  - ii) Stage 2 to the value of \$114,719.00

**CROSS REFERENCES (If any):**

<b>Management Practice No.</b>		<b>Policy No.:</b>	
--------------------------------	--	--------------------	--

<b>Notes:</b>	
---------------	--

Expired

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

**13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**15.0 MEETING CLOSED TO THE PUBLIC**

**16.0 CLOSURE**