

COUNCIL FORUM

Notes

14 June 2016

Preface

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes."

At the next Ordinary Meeting of Council the Notes will be received, subject to any amendments made by the Council.

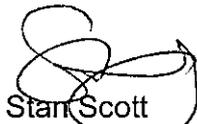
The "Received" Notes are then signed off by the Presiding Person.

Attachments that formed part of the Program, in addition to those tabled at the Council Forum are put together as attachments to these Notes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as a separate Confidential Noted Program Item.

Unconfirmed Notes

These notes were approved for distribution on 15 June 2016.



Stuart Scott
CHIEF EXECUTIVE OFFICER

Received Notes

These notes were received at an Ordinary Meeting of Council held on 28 June 2016.

Signed: 

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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Shire of Toodyay

COUNCIL FORUM – 14 JUNE 2016

NOTES

1. DECLARATION OF OPENING

Cr Dow, Shire President, declared the meeting open at 4.00 pm.

2. RECORDS OF ATTENDANCE/APOLOGIES

Members

Cr D Dow	Shire President
Cr T Chitty	Deputy Shire President
Cr E Twine	
Cr J Dow	
Cr S Craddock	
Cr P Greenway	
Cr B Rayner	
Cr K Wood	

Staff

Mr S Scott	Chief Executive Officer
Ms A Bell	Manager Community Development
Ms C Delmage	Manager Corporate Services
Mr G Bissett	Manager Planning & Development
Mr L Vidovich	Manager Works and Services
Mrs M Rebane	Executive Assistant

Visitors

Sgt W Conder	Toodyay Police
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2.1 APOLOGIES

Cr R Welburn

3. DECLARATIONS OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice prior to the commencement of the meeting had been received.

4. PRESENTATIONS

4.1 Toodyay Police – Vandalism in Toodyay

Presenter: Sgt Conder

Concerns of CCTV Camera System as a deterrent whether out in full view or camouflaged.

Statistics drawn down show an average increase of 32% of crime;

Points raised as follows:

Detail	Approx. Cost
• <i>Library PTZ injector needs replacing</i>	<i>\$ 60.00</i>
• <i>Three cameras at school are down water damaged – cameras flipped upside down and relocation required.</i>	<i>\$ 200.00</i>
• <i>Police resources (Drug, bullying and assault problems at the school) being used currently and Police would appreciate consultation in relation to location of the school to solve crime.</i>	<i>Not provided</i>
• <i>Wireless link for Museum down and needs replacing</i>	<i>\$ 200.00</i>
• <i>Medical Centre – this has in situ a good system but does not have a recording capacity – Notebook Drive purchase required to record future crime/ burglaries (11 pm and 3 am).</i>	<i>\$ 400.00</i>
• <i>Future camera work – put a broad spectrum camera opposite on Stirling Street section and directly point towards the Medical Centre (covering the Bowling Club, the Medical and Community Centre).</i>	<i>Not provided</i>
• <i>Camera locations: both ends of town – one is at Freemasons but the quality at night is poor at dusk and night viewing.</i>	<i>Not provided</i>
• <i>Recommending we replace the camera on the Freemasons Hotel and put another two at the far end of the Stirling / Goomalling intersection. Offenders are committing crime (round Hampton)</i>	<i>\$10,000.00</i>
• <i>Bitumising of car-park – several assaults – in car park and under the awning. No cameras there. Would appreciate some cameras there;</i>	<i>Not provided</i>

Detail	Approx. Cost
<ul style="list-style-type: none"> Traffic crashes (vehicles coming round the bend meeting head-on in an attempt to get into the first car park). Suggest: (1) install cameras on post near station (2) Meeting with Road Planners to formalise addition to road layout – a couple of speed bumps (two on Piesse and two on Charcoal approaching intersection); and (3) relocating entrance to car park off Duke Street to the toilets. That may reduce the traffic on the bend; 	Not provided
<ul style="list-style-type: none"> Issues with damage to toilets: Do have cameras at Duidgee Park but they do not capture all the crime. Investment in three or four portable cameras to store at Police Station or Shire to be deployed (charged for seven months) camouflaged and mount wherever they want. 	Not provided
<ul style="list-style-type: none"> Getting an increase of two Police Officers. 	

Questions:

Had three break-ins at Tennis Club over the last twelve months. Could costings be provided for a camera for coverage – perhaps at the front of the Shire office? Would that go over the public courts and take in tennis club or are we better capturing elsewhere?

Could have it at the Shire building but the better option is getting it on the Railway side of the Tennis Club. Costings will be provided directly to the Tennis Club in due course.

Roadwise Committee recommended at a recent meeting to remove the first three car-park bays as the thought was that speed-bumps don't make a difference. Is there support for this recommendation?

Toodyay Police are open to any idea as there is a need to slow vehicles down and increase reaction time to prevent vehicle damage. Moving at least the first two parking bays as they are in a blind-spot area would be good.

Bullying at school and drug issues: aside from the cameras are Police involved with sorting these issues out?

Toodyay Police have been very active for the last three months. Intel come in not at liberty of discussing. Officers doing quite good work and making good public relations progress in regards to prevention of bullying (including bullying of teachers by adults).

A Community Crime Watch can be organised to publish stats. Not everyone reads the paper so other mediums are being looked at.

Toodyay Police more than happy to provide more information to members of the public at where lighting should be around their homes and what they can and cannot do to make themselves safer. Publicity recently about engraving and blue light markers being made available to mark belongings but that offer not taken up by the community.

5. PUBLIC QUESTIONS (relating to the contents of the program)

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council Forum held on 10 May 2016 there were no questions taken on notice.

5.2 PUBLIC QUESTION TIME

Nil.

6. PUBLIC SUBMISSIONS (relating to the contents of the program)

Nil.

7. AGENDA FORUM MATTERS

7.1 Delegation Register Review

Points raised as follows:

- Amend the Review Table to make the word “complete” be “completed”;
- Remove No 7 from Delegation PD3.

Clarification was sought.

Guidance from Elected Members

That a report be presented for consideration by Council at the June 2016 Council Meeting that would include amendments raised above together with any further amendments proposed by Elected Members, where applicable, made via email to the CEO.

7.2 WALGA Extractive Industry Consultation

The Manager Planning and Development provided a verbal overview in relation to the WALGA discussion paper. Clarification was sought.

Points raised as follows:

- Loss of flexibility of information available;
- Local knowledge being utilised to fullest capacity;

- Local government deal with applications quickly and fairly efficiently and we have local knowledge to apply to deliberations of applications;
- Parallel systems in approvals process;
- Encouragement from Elected Members attending the WALGA workshop who have an interest in this to reinforce the voice from Toodyay; and
- Raising relevant issues with referral to the Avon Midland Zone noting exactly what the AMZ is to decide.

Guidance from Elected Members

1. That the CEO initially contact the Avon Midland Zone to refer the report from WALGA to their next meeting;
2. Registration of Crs Rayner, Craddock and Chitty for the WALGA workshop; and
3. The Manager Planning and Development will present a report for consideration by Council at the June 2016 Council Meeting that would take into consideration points raised above.

Cr Wood departed Council Chambers at 5.09 pm.

Cr Wood returned to Council Chambers at 5.12 pm.

7.3 Land / Building Asset Disposal for inclusion in 2016/2017 Budget

The Manager Planning and Development tabled at 5.26 pm Syred's Cottage maps and Certificate of Title information.

Clarification was sought.

Guidance from Elected Members

That a report be presented for consideration by Council at a forthcoming Council Meeting that would include valuations in respect to various assets considered worthy of consideration for disposal and provide clarification in relation to informing users of assets that may be disposed of by decision of Council.

8. CONCEPT FORUM MATTERS

8.1 Signage Audit Recommendations

Clarification was sought. Points raised as follows:

- Postpone the recommendation until the Tourism strategy is completed;
- Font consistency in relation to signage;
- Colour meanings in relation to signage;
- Tourism signage colour scheme or font consistency to be considered in the Tourism strategy;

Guidance from Elected Members

That a report be presented for consideration by Council at the June 2016 Council Meeting that would include and provide clarification in relation to the following:

- Fix our own Shire signage;
- Lobby Main Roads to bring their signs up to standard;
- Amending the Officer's Recommendation in relation to allocation of funds; and
- Awaiting the Tourism Strategy before redoing other signs.

The Shire President adjourned the forum meeting at 6.03 pm.

The Shire President resumed the forum meeting at 6.48 pm.

The Manager Corporate Services was not present at the resumption of the forum meeting.

The Manager Works and Services was not present at the resumption of the forum meeting.

Cr Craddock was not present at the resumption of the forum meeting.

8.2 Developing a Co-Working Centre in Toodyay

The CEO provided a verbal overview in relation to this item.

Points raised as follows:

- Too ahead of our time for this kind of project;
- Microbusinesses starting to emerge in Toodyay;
- Encourage businesses to deliver services from Toodyay;
- Population a factor in the success of a space-cubed project;
- Concept based on commercial return; and
- Possibly put on back-burner until after a Council decision on fate of Connor's Cottage.

Clarification was sought.

Guidance from Elected Members

That a report be presented for consideration by Council at the June 2016 Council Meeting that would propose to approve \$5,000 funding for research to be undertaken and then look at presenting that research (including possible grant funding opportunities) at the March 2017 Council Meeting to consider a concept plan and business case.

8.3 Reconciliation Action Plan

Cr Dow provided an overview of this item.

The Manager Community Development also provided information about an event planned for the future (e.g. during Reconciliation Week, NAIDOC week and/or Earth to Mother Day).

Reconciliation Action Plan from Shire of Quairading was tabled by the Manager Community Development at 7.12 pm.

Points raised as follows:

- Reconciliation Action Plan to be worked on in relation to ongoing engagement and communication with local indigenous leaders;
- An event that will suit the organisation and reconciles with the local people;
- Impact upon the Community Development team;
- Cross-cultural awareness training; and
- Shire advocating for change in flying of the Aboriginal Flag is a sensitive issue in respect of specific events.

Clarification was sought.

Guidance from Elected Members

That a report be presented for consideration by Council at the June 2016 Council Meeting that would seek a Council decision on establishing a working relationship with the indigenous community through the development of a Reconciliation Action Plan and participation in cross-cultural awareness training.

9. CHIEF EXECUTIVE OFFICER'S UPDATE

The CEO provided a verbal update.

10. CONFIDENTIAL MATTERS

The Shire President ruled the meeting go behind closed doors.

The Council Chambers were closed to members of the public at 7.29 pm in accordance with 5.23 (2)(d) of the Local Government Act 1995.

The Manager Planning and Development and Manager Community Development departed the Council Chambers at 7.29 pm.

The Shire President ruled the meeting come from behind closed doors.

The Council Chambers were re-opened to members of the public at 7.42 pm.

11. SHIRE PRESIDENT'S UPDATE

The Shire President provided a verbal overview of public engagements, and meetings attended since the last Council Forum.

Meeting	Issue / Comment
Water Corporation	Standpipe Issue.
Butterly Cottages	AROC Aged Housing Initiative progressing. Clarification provided in relation to the Project.
Tourism Operators	Clarification regarding the Rates Review.
Water Corporation	Three Consultants doing work on goldfields farmer's water scheme. Used as an opportunity to inform them of issues we have in our district.
Bridgetown-Greenbushes Visit	Tour around town and follow-up of emails
Healthy Wheatbelt Meeting	Missed due to the above visit. Their meeting discussed support for Doctors and Doctor's wives in the community.
Reconciliation Lunch	Had as discussed at Item 8.3.
AROC Meeting	No new actions to be taken.
Mini-Council Meeting	6 year students from the Toodyay District High School that occurred mid-morning on 14 June 2016.

12. REPRESENTATIVE UPDATES

12.1 Cr D Dow

- Avon Midland Zone
 - Next meeting in couple of weeks. Nothing to report.
- Rural Water Council
 - Next meeting in couple of weeks. Nothing to report.
- Healthy Wheatbelt
 - Missed this meeting. Nothing to report.

12.2 Cr Greenway

- Toodyay Community Bus
 - Major concern the Shire does not have a mechanic; and
 - They are losing people using the bus because more people are using the train because it is quicker.

- Toodyay Tidy Towns Committee
 - The committee does a lot of everything and there is nothing specific to report.
- Wheatbelt District Emergency Management Committee
 - Minutes will be sent out;
 - Noble Falls' intersection nearly finished;
 - Morangup Road to be sealed next year;
 - Left hand passing lane being done; and
 - Right turn lane into Fernie Road.
- Toodyay Road Liaison Committee & Toodyay Roadwise Committee (Cr Greenway & Cr Welburn)
 - Removing bays that were dangerous.
- Avon Link meeting
 - Meeting was really positive;
 - Printing of flyers to promote the train;
 - Brochures promoting through tourism;
 - Putting directional sign in triangle of rocks telling people who get off the train where to go to get more information; and
 - TransWA organised extra trains for the Moondyne, Food Festival, Ag Show, and the Avon Descent (Friday, Saturday and Sunday Train).

12.3 Cr Welburn

No report was made in respect to this item.

12.4 Cr Rayner

- Wheatbelt North Regional Road Group – Cr Rayner
 - Meeting should be in next two-three weeks to finalise program.
 - Julimar Road brought forward from 17-18 to 16/17 and only one from this year's program not completed. Will be signed off once white lining is fixed.

12.5 Cr Wood

- Avon Tourism Board
 - Not sure about making decisions because some local governments are still deciding whether to fund them;
 - Developing walks along the river – Avon Valley Tourism creating a river trail from Beverly and printing a brochure. Travellers can start their long weekend in Beverly and travel to other localities in the Avon Valley; and
 - Camping and Caravan promotion arranged.
- Toodyay Community Resource Centre Management Committee
 - Not been to a meeting.

12.6 Cr Chitty

- Butterly Cottages Association Inc Committee
 - Meeting to relay information between parties was successful.

- Toodyay Community Safety and Crime Prevention Association Inc
 - Nothing to report.

- Local Dentist
 - Dr McGuinness has received a prestigious award. Our CEO wrote a report on Dr McGuinness in September 2015. I wish to commend Stan for the well written report.

12.7 Cr Craddock

No report was made in respect to this item.

12.8 Cr J Dow

No report was made in respect to this item.

12.9 Cr E Twine

- Environment Committee Report on issues raised.
 - Heritage issues;
 - Funding of expanded foam machine not forthcoming as no market for it in this State; and
 - Works being done so that people are notified if they get firewood.

13. STATUS REPORTS

13.1 COMMITTEE MEETING STATUS REPORT

The report was not reviewed.

13.2 PROJECT FOLLOW UP STATUS REPORT

The report was not to hand at the time of the meeting and was not reviewed.

14. MEETING CLOSURE

The Shire President declared the meeting closed at 8.10 pm.



ATTACHMENTS

to Program of the

COUNCIL FORUM

14 June 2016

ATTACHMENTS
TO PROGRAM OF COUNCIL FORUM
TO BE HELD IN COUNCIL CHAMBERS ON 14 JUNE 2016

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STATUS REPORT

13.1	Committee Status Report	462
13.2	Project Status Report	N/A

FORUM DISCUSSION PAPER

Date of Report:	7 June 2016
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference No.:	Del1
Author:	Stan Scott – CEO
Responsible Officer:	Stan Scott – CEO
Previously Before Council:	Sept OCM 2015 107/09/15 Nov OCM 2015 242/11/15
Nature of Council's Role in the matter:	Executive
Attachments:	1. Delegation Register; and 2. Notes regarding the review.

7.1 Delegation Register Review

PURPOSE OF THE DISCUSSION PAPER

To consider the REVISED Delegation Register (**Attachment 1**).

BACKGROUND

At an Ordinary Meeting of Council held on 24 November 2015 Council resolved as follows:

That Council:

- 1. Adopt the revised Planning Delegations listed as follows:*
 - PD3 Development and Subdivision Application Delegations;*
 - PD4 Illegal Development; and*
 - PD5 Appointment of Authorised Persons – the Shire of Toodyay Local Planning Scheme No. 4*

Subject to a six month trial period at which time this matter will be brought back to a Council Forum for review.

- 2. Revoke Delegation D.11 and D.17.*

CONSULTATION IMPLICATIONS

Mr Steven Tweedie corresponded with the CEO in October 2014 stating that he had ten years' experience doing local government consulting work where he assisted Councils with review and updates to their Register of Delegations.

He had taken a look at the Delegation Register prior to the review done through Council and offered some advice in respect to it.

Following the adoption of the Delegation Register in September 2015 he looked at it again and made some commentary in regard to it. This commentary has been included in the Review Document of the Delegation Register.

STRATEGIC IMPLICATIONS

Council's Strategic Community Plan – Toodyay 2023 (SCP) makes the following statements in regards to Policies:

Advocacy: Develop Policy and Procedures which support organisational advocacy for staff and elected members; and

Governance: The Council seeks to have sound governance, promote community leadership and engagement and advocacy. It develops Local Laws and Policies that provide the structure by which the Shire meets its obligations under the *Local Government Act 1995* and other legislation affecting the function and powers of local government.

Council's Corporate Business Plan – Toodyay 2023 (CBP) states in relation to Governance (S26) that the Shire maintains a high standard of governance and accountability through maintaining a register of delegations from Council to the CEO, employees and committees.

The use of delegated authority for staff to determine certain classes of planning approvals (while Council considers more strategically important applications) is a critical component of an efficient and effective regulatory approvals system. The draft delegations will improve the efficiency and effectiveness of the Shire's planning approval framework.

The proposed delegations are aligned with Council's strategic planning program.

POLICY IMPLICATIONS

There are no policy implications relative to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relative to this item.

LEGAL AND STATUTORY IMPLICATIONS

Section 5.42 Delegation of some powers and duties the CEO from the *Local Government Act 1995* provides Local Government (Council) the authority to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under (a) this Act other than those referred to in section 5.43; or (b) the *Planning and Development Act 2005* Section 214(2), (3) or (5).

RISK IMPLICATIONS

This report contains no notable risk implications.

ENVIRONMENTAL IMPLICATIONS

This report contains no notable environmental implications.

SOCIAL IMPLICATIONS

This report contains no notable social implications.

OFFICER COMMENT / DETAILS

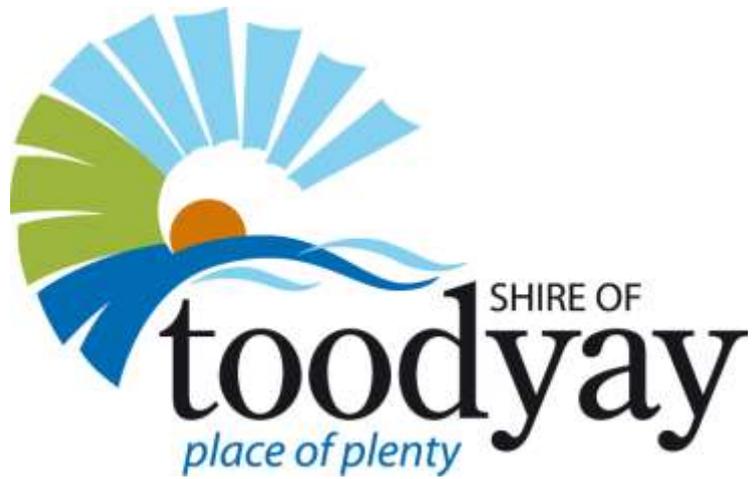
The Delegation Register has been reviewed.

Notes regarding the review are attached (**Attachment 2**).

OFFICER'S RECOMMENDATION

That Council consider the attached draft revised delegations register and identify any issues, concerns or objectives that would make it easier to understand or use.

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DELEGATION REGISTER

To be adopted by Council at an Ordinary Meeting of Council
held in Council Chambers on Tuesday 28 June 2016
COUNCIL RESOLUTION NO ##/06/16

PREFACE

I, the undersigned, certify that the delegations contained in this Register were formally reviewed by Council on 28 June 2016.

At this meeting it was resolved by Council (Resolution No **/06/16) to adopt new delegations and confirm the continued application of previous delegations.

Cr David Dow
SHIRE PRESIDENT

29 June 2016

I, the undersigned, certify that the delegations contained in this register were reviewed, to adopt new delegations and confirm the continued application of previous delegations.

Stan Scott
CHIEF EXECUTIVE OFFICER

29 June 2016

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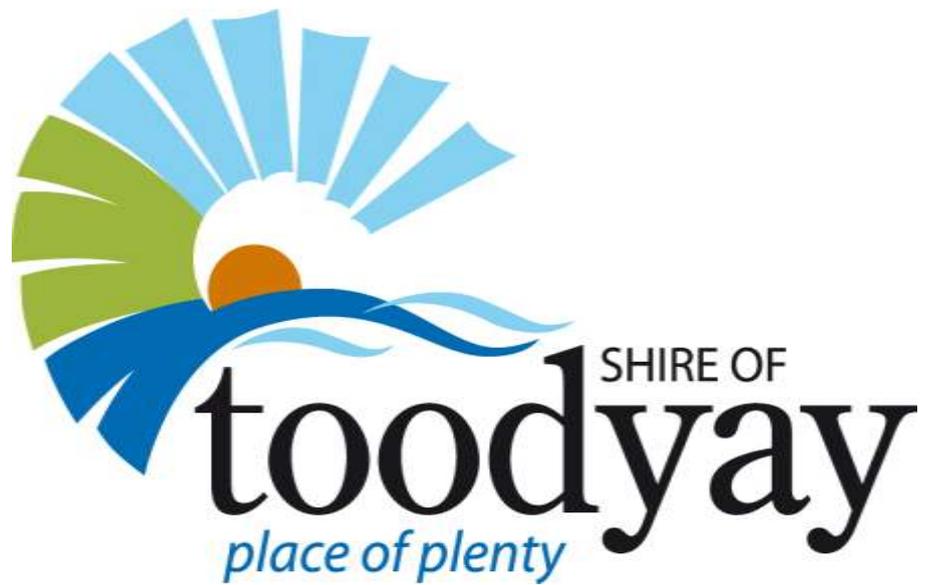
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D.20 Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste (EA7 and BS1.)	7
D.23 Temporary Road Closures	9

D.25	Dealing with Clearing Matters (BS3)	10
D.28	Issue of Notice of Breach (Fencing).....	12
D.29	Deed of Covenant for the Payment of a Developer Contribution.....	13
D.35	Caravan Park and Camping Grounds.....	14
D.37	Swimming Pool Inspections	15
D.47	Licence to deposit materials on or excavate adjacent to a street.	16
D.48	Altering Thoroughfare Alignments.....	17
D.49	Gutters for new buildings in the Central Toodyay Heritage Area	18
D.50	Dangerous excavation	19
D.51	Crossing from Public Thoroughfare to Private land or private thoroughfare.	20
D.52	Crossovers	21
D.53	Private Works on, over or under public places	22



Introduction

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The Guidelines

The Department of Local Government and Communities has produced a Local Government Operational Guideline (Number 17 – January 2007) titled "Delegations" as a guideline for local governments.

The Functions of Local Government

The general function of a local government is to provide for the good government of persons in its district (the *Local Government Act 1995* s.3.1 (1)). The general function of a local government includes legislative and executive functions (the *Local Government Act 1995* s.3.4).

In accordance with the *Local Government Act 1995 (the Act) Section 2.6(1)* each Local Government is to have an elected Council as its governing body.

In accordance with the *Local Government Act 1995 Section 2.7(1)* the Council governs the Local Government's affairs; and is responsible for the performance of the Local Government's functions.

The Council is to also, in accordance with the *Local Government Act 1995 Section 2.7(2) (b)* determine the Local Government's policies.

The Shire President will liaise with the CEO on the Local Government's affairs and the performance of its functions in accordance with the *Local Government Act 1995 Section 2.8(1) (f)*.

The Delegation Register

Under the *Local Government Act 1995* both the Council and the Chief Executive Officer are given certain functions and duties to be discharged, in accordance with Section 5.42 of the *Local Government Act 1995*. Council may delegate authority to perform some of its functions and duties to the Chief Executive Officer (CEO).

The CEO may delegate to any other officer the authority to perform functions and duties that are exercisable by the CEO under specific Acts and their subsidiary legislation that have been delegated to the CEO either by the Council or a Minister through the legislative instrument itself.

This is in keeping with the governance structure whereby staff members are responsible to the CEO and the CEO is responsible to Council.

Delegations of authority provide officers with the power to exercise duties and make determinations. These delegations must be performed in a manner that is in accordance with the relevant delegation.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation. This is consistent with the Shire of Toodyay's commitment to our Customer Service Charter.

Similarly, the implementation of council decisions and instructions is conducted by the CEO, who may delegate some of this responsibility to other Officers of the Shire.

Process 1 - The Concept of Acting Through

When Council makes a policy about particular functions it performs there is not a need for a delegation to an Officer as it will be the role of the organisation, chiefly the CEO, to implement those policy decisions. This is the concept of Acting Through.

A policy and a delegation can co-exist when the delegation is specifying a function whereby the CEO has had to use his discretion to make a decision within the parameters of that particular function.

The concept of Acting Through is described in the Department of Local Government and Communities Guideline.

Process 2 – The Power to Delegate

The local Government (Council) can make delegations at any time. Delegations are to be in writing and may be general or as otherwise provided in the instrument of delegation (the Act s.5.42 (2); the Act s.5.44 (2); the Act s.5.16 (2)).

All delegations made, amended, or revoked by the Council must be made by "Absolute Majority." A delegation made has effect for the period of time specified in the delegation or where no period has been specified, indefinitely and any decision to amend or revoke a delegation by an absolute majority (the Act s.5.45 (1)).

In accordance with the *Interpretation Act 1984* (s.53 Appointments may be by name or office) any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

Delegation from Council to the Chief Executive Officer

Clause "s.5.42 Delegation of some powers and duties the CEO" of the *Local Government Act 1995* provides for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under (a) this Act other than those referred to in section 5.43;

A delegation made from Council to the CEO will authorise the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to managing the day to day operations of the local government in accordance with Section 5.41 "Functions of CEO" of the *Local Government Act 1995* subject to the requirements of legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*. * *Absolute majority required.*

Delegation from Council to Committees

Clause "s.5.16 Delegation of some powers and duties to certain committees" of the *Local Government Act 1995* provides for Council to delegate (by Absolute Majority) to Certain Committees the exercise of any of its powers and duties other than this power of delegation without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* under the Act other than those referred to in section 5.17. * *Absolute majority required.*

Delegation from Council to the Audit Committee

Despite section 5.16 "Delegations of some powers and duties to certain committees", the only powers and duties that a local government may delegate to its Audit Committee are any of its powers and duties under this Part Clause "s.7.1B Delegations of some powers and duties to audit committees" of the *Local Government Act 1995* provides for Council to delegate to the Audit Committee, despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part delegate (by Absolute Majority) to the Audit Committee the exercise of any of its powers and duties other than this power of delegation without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* under the Act. * *Absolute majority required.*

Delegation from the Chief Executive Officer

Clause "s.5.44 CEO may delegate powers and duties to other employees" of the *Local Government Act 1995* further provides for the CEO to delegate to any employee of local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

Policies that give discretion to the Chief Executive Officer

Various Council Policies give discretion to the Chief Executive Officer are as follows:

Policies that give discretion to the CEO	
Policy Name	Discretion
Administration Policy No A.10 Christmas Holiday Office Closure	The CEO will have discretion to vary the times of closure so that the period may include up to one day prior to Christmas Day and up to two days after New Year's Day, but not exceeding a total of eight consecutive working days, excluding weekends although inclusive of public holidays.
Other Policy No O.2 Volunteering	Where a volunteer has a question whether a conflict exists, that person shall notify their supervisor immediately. The supervisor will determine (after consulting the CEO, or legal counsel is sought, at the CEO's discretion) whether a conflict exists and may determine that the volunteer shall not take part in any decision or activity relating to or arising from that conflict, or may attach conditions to further involvement.
Finance Policy F.8 Staff Uniforms	Uniforms are to be purchased on a wear and tear basis, being replaced on an as needs basis, with any dispute on the necessity of purchase being resolved at the discretion of the CEO.
Administration Policy A.7 Council Contribution to Staff functions	Venue to be decided by the CEO; and The CEO or Shire President reserve the right to refuse the serving of alcohol to any person(s) who is intoxicated and may close a function at their discretion, based on any attendees' poor behaviour due to such intoxication or otherwise.
Members Policy M.2 Public Consultation Formal Matters	Late submission may be included for consideration at the discretion of the CEO where:
HR Policy HR1 Loss of Driver's Licence	Employees who advise the CEO that they have a problem which may have resulted in them losing their Licence may be assisted by the Shire of Toodyay. The level of support will be determined at the discretion of the CEO; and The decision to supply and fund counselling to the employee to assist with recovery during the employee's illness lies with the CEO's discretion.
HR Policy HR4 Managing	Where an agreement cannot be reached after the dispute resolution procedure has been followed, the

Policies that give discretion to the CEO	
Policy Name	Discretion
Employee Leave Entitlements	final determination shall be made at the discretion of the CEO.
HR Policy HR7 Vehicle Usage	Private use of Local Government vehicles is restricted to the zones designated in the following table and subject to the discretion of the CEO; and Unless an officer has 'Full Private Use' it is at the discretion of the CEO, after having regard to the needs of the Shire of Toodyay and the associated costs, whether or not an employee is able to retain the use of a vehicle during periods of absence from work including paid or unpaid leave.
Members Policy M.4 Conferences and Professional Development	The CEO is authorised to approve requests from Elected Members for professional development training and conference attendance without referral to Council in accordance with Policy.
Finance Policy M.5 – Debt Collection	The CEO may allow persons experiencing financial difficulties to make suitable arrangements for payment of sundry debtor charges in accordance with policy.
Other Policy O.5 – Closed Circuit Televisions (CCTV)	The CEO may authorise minor changes to the system and to this policy, where appropriate.
Local Planning Policy LPP15 – 3-6 dogs	The CEO is delegated authority to perform the functions of Council in respect to determination and/or refusal of applications in accordance with policy.

Certification

The local government is to issue each authorised person a certificate stating that the person is authorised. That 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 (the Act Section 9.10(2))

A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty (the Act s.5.46 (3)).

A record of authorities is located in Section 1 – **Authority Matrix and Review Table**.

Definitions

Terms within the Delegation Register and their definitions are provided in the table below.

Note: These terms are listed in the order in which they appear in individual delegations.

Term	Meaning
“Responsible Officer”	To whom the delegation is being made.
“Responsible Department”	The department the responsible officer is representing.
“Affected Department”	The name the department that is affected by the delegation made to the CEO.
“Affected Officer”	This infers that the responsible officer representing the department named in this "affected department" area has been sub-delegated (from the CEO) the authority to perform the functions contained in the delegation subject to conditions contained within the delegation.
“Legislation delegated directly to the CEO”	This means exactly what it says. If you see this heading in a delegation it will describe what the Act in question has delegated directly to the CEO of the local government.
“Background”	Will be listed where needed to give background information about a specific

Term	Meaning
	delegation particularly where an external agency is the head of power and/or record keeper of the authority.
“Statement of Intent”	This will state what the CEO (and where officers are sub-delegated) is being authorised to do through the relevant delegation and the instrument that supports it.
“Powers and Duties”	This states what powers and duties are delegated and may also include the purpose of the delegation.
“Functions”	This area will specify the delegated function of local government to be performed or exercised by the person to whom the delegation is being made.
“Delegations made to the CEO from External Agencies”	Will be listed where needed to give information about a specific delegation particularly where an external agency is the head of power and has delegated a power directly to the CEO and/or another officer.
“Conditions”	This area will contain the requirements and conditions upon which the delegation is made.
“Previous Delegation No”	This will contain, where applicable, the previous delegation number prior to a recent review of the Delegation Register.
“Previous Delegation Name”	This will contain, where applicable, the previous delegation name prior to a recent review of the Delegation Register.
“Relevant Management Practice”	This will contain, where applicable, any reference to a Planning Scheme, Strategy, or other plan or other relevant document that has been adopted by Council.

Term	Meaning
<p>“Relevant Local Law”</p>	<p>This will contain, where applicable, the reference to a local law that relates or provides information on the functions (and exercise) of the delegation.</p>
<p>“Relevant Policy”</p>	<p>This will contain, where applicable, the reference to a policy adopted by Council that relates or provides information on the functions (and exercise) of the delegation.</p>
<p>“Other Relevant References”</p>	<p>This will contain, where applicable, the legislative references used when writing the delegation. This section may be, due to the numbers of references made, expanded into several rows within various delegations to make clear from which Acts or subsidiary legislation the references are taken from.</p>
<p>“File Number”</p>	<p>The File Number listed within each delegation is a where documents are filed on the Shire’s electronic records system. Where there have been decisions made under delegated authority, an exercise of the power or the discharge of the duty documentation will be filed against the relevant file number for future reference.</p>
<p>"Record Keeping" (s.5.46 (3))</p>	<p>This states the requirements in relation to keeping a record following the performance of a function of Local Government.</p>
<p>“Delegation made by Council to authorise the CEO and/or other employees”</p>	<p>Any authorisation made by Council (even to the CEO) is to be put here. Note: Conditions of the authorisation made by Council to the CEO and/or other employees will be contained within the Conditions of the Delegation.</p>
<p>“Sub-Delegation made by the CEO to other employees”</p>	<p>This will list, where applicable, the names of the people to whom the CEO is able to delegate the functions of the delegation that have been authorised to him through Council. If unable to delegate the functions of the</p>

Term	Meaning
	delegation to other employees a reference will be made to legislation that restricts sub-delegation.
“CEO’s conditions on delegation”	Where the CEO delegates a function of a delegation to an employee reference conditions, other than those mentioned in the “condition” section of the delegation will be included here.
“Appointment of Authorised Officers / Persons”	This area will refer back to the delegation in every instance, where the CEO is able to appoint Authorised Persons / Authorised Officers to carry out the duties of the delegation without the need for them to be sub-delegated by the CEO.
“Adoption Date”	The date that a delegation was adopted through a Council Meeting.
“Last Review Date”	The date that a delegation was last reviewed through a Council Meeting.

Review

Section 5.46 "Register of, and records relevant to, delegations to CEO and employees" of the *Local Government Act 1995*, requires that:

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

Note: Each delegation within the Delegation Register will be signed off by the authorised person(s) when a delegation is adopted, amended, or reviewed.

Record Keeping

When a person or body exercises their "delegated" authority they do so "on behalf" of the delegator and in doing so the person or body exercising delegated authority forms the relevant state of mind to make the decision "on behalf" of the delegator within legislative guidelines related to the exercise of a specific statutory power or duty.

Recordkeeping of decisions made under delegated authority will be in accordance with Section 5.41 of the *Local Government Act 1995*.

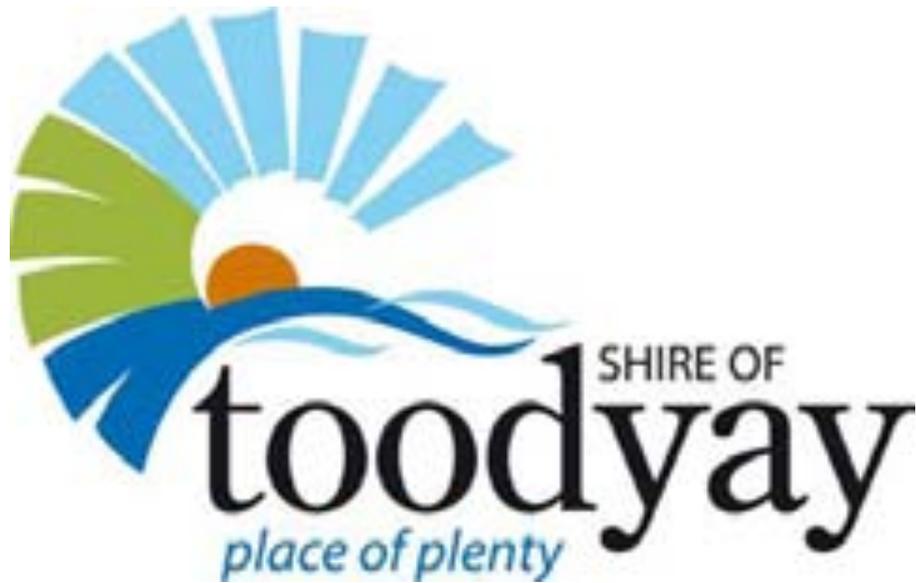
Regulation "r.19 Delegates to keep certain records (the Act s.5.46 (3))" of the *Local Government (Administration) Regulations 1996* states that where a power or duty has been delegated under the Act section "s.5.46 (3) Register of, and records relevant to, delegations to CEO and employees of the Local Government Act 1995" applies.

When the CEO appoints Authorised Officers, the Authorised Officer Register is updated with the following detail:

- *Name;*
- *Position;*
- *Date of Appointment;*
- *Whom the appointment has been made by (e.g. Council or the CEO);*
- *Whether the Authorised Officer holds a primary delegation necessitating the completion of a Primary/Annual Return;*
- *The details of what Acts / legislation the authorisation covers;*
- *The Record No relating to the letter provided to the Authorised Officer upon appointment containing the Conditions/Limitations as specified in Delegation and/or in accordance with the provisions of the relevant Acts and subsidiary legislation; and*
- *The date on which the Identity Card or Certificate of Authorisation was issued.*

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SECTION 1

Authorities, Matrix and Review Table

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AUTHORITY 1 – CEO

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

EXECUTION BY THE CEO	
NO	DELEGATION DESCRIPTION
ES1	Execution of Documents
ES2	Appointment of Authorised Persons 1 – <i>Local Government Act 1995</i>
ES3	Appointment of Authorised Persons 2 – <i>Food Act 2008</i>
ES4	Delegation to the CEO in relation to the <i>Building Act 2011</i>
ES5	Delegation to the CEO in relation to the <i>CAT Act 2011</i> .
ES6	Delegation to the CEO in relation to the <i>DOG Act 1976</i> .
ES7	Delegation to the CEO in relation to the <i>Bush Fires Act 1954</i> .
ES8	Expression of Interest and Tenders
ES9	Determine Grant, Sponsorship and Donation Allocations
ES10	Notices requiring certain things to be done by owner or occupier of land
ES11	Lease of Council Buildings
ES12	Tenancy Agreements
ES14	Contract Formalities
ES15	Appointment of Acting CEO
ES16	Temporary Road Closures
CS1	Payments from Municipal Fund or Trust Fund
CS2	Investment of Surplus Funds
CS3	Amend Rate Record
CS4	Agreement as to payment of rates and service charges
CS5	Legal Representation and Costs Indemnification
CS6	Issue of Writ, Summons or Other Process
CS7	Power to Defer, Grant Discounts, Waive or Write-off Debts
BS1	Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste
BS2	Issue of Notice of Breach (Fencing)
BS3	Dealing with Clearing Matters
BS4	Swimming Pool Inspections
BS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.

EXECUTION BY THE CEO	
NO	DELEGATION DESCRIPTION
WS1	Crossovers
WS2	Private Works on, over or under public places
WS3	Licence to deposit materials on or excavate adjacent to a street.
WS4	Altering Thoroughfare Alignments
WS5	Dangerous excavation
CD1	Application for Public Events
CD2	Consumption of Liquor on local government property
CD3	Accession of Artefacts into the Museum Collection
PD1	Stallholder Applications
PD2	Thoroughfares and Trading in Thoroughfares and Public Places Permits
PD3	Development and Subdivision Application Delegations
PD4	Illegal Development
PD5	Appointment of Authorised Persons – the Shire of Toodyay Local Planning Scheme No. 4.
PD6	Deed of Covenant for the Payment of a Developer Contribution
PD7	Gutters for new buildings in the Central Toodyay Heritage Area
PD8	Caravan Park and Camping Grounds
WS5	Dangerous excavation
EA1	Noise Control – Serve Environmental Protection Notices [S65(1)]
EA2	Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]
EA3	Noise Control – Noise Management Plans – Construction Sites [Reg.13]
EA4	Delegation to the CEO In relation to the <i>Freedom of Information Act 1992</i>
EA5	Delegation to the CEO in relation to the <i>Public Interest Disclosure Act 2003</i>
EA6	Delegation to the CEO in relation to the <i>Local Government Act 1995</i> .
EA7	Delegation to the Chief Executive Officer (CEO) and Environmental Health Officer (EHO) in relation to the <i>Health Act 1911</i>
EA8	Powers of Entry in an emergency

Delegator

Officer Appointed

Signature:

Signature:

Date:

Date:

AUTHORITY 2 – MANAGER CORPORATE SERVICES

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

EXECUTION BY THE MANAGER CORPORATE SERVICES	
NO	DELEGATION DESCRIPTION
ES1	Execution of Documents
ES8	Expression of Interest and Tenders
ES11	Lease of Council Buildings
ES12	Tenancy Agreements
ES14	Contract Formalities
CS1	Payments from Municipal Fund or Trust Fund
CS2	Investment of Surplus Funds
CS3	Amend Rate Record
CS4	Agreement as to payment of rates and service charges
CS5	Legal Representation and Costs Indemnification
CS6	Issue of Writ, Summons or Other Process
CS7	Power to Defer, Grant Discounts, Waive or Write-off Debts
EA8	Powers of Entry in an emergency

Delegator

Officer Appointed

Signature:

Signature:

Date:

Date:

AUTHORITY 3 – MANAGER COMMUNITY DEVELOPMENT

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

EXECUTION BY THE MANAGER COMMUNITY DEVELOPMENT	
NO	DELEGATION DESCRIPTION
ES1	Execution of Documents
ES8	Expression of Interest and Tenders
ES11	Lease of Council Buildings
ES12	Tenancy Agreements
ES14	Contract Formalities
ES16	Temporary Road Closures
CS1	Payments from Municipal Fund or Trust Fund
CS2	Investment of Surplus Funds
CD1	Application for Public Events
EA5	Delegation to the CEO in relation to the <i>Public Interest Disclosure Act 2003</i>
EA8	Powers of Entry in an emergency

Delegator

Officer Appointed

Signature:

Signature:

Date:

Date:

AUTHORITY 4 – MANAGER PLANNING AND DEVELOPMENT

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

EXECUTION BY THE MANAGER PLANNING AND DEVELOPMENT	
NO	DELEGATION DESCRIPTION
ES1	Execution of Documents
ES4	Delegation to the CEO in relation to the <i>Building Act 2011</i>
ES8	Expression of Interest and Tenders
ES11	Lease of Council Buildings
ES12	Tenancy Agreements
ES14	Contract Formalities
ES16	Temporary Road Closures
CS1	Payments from Municipal Fund or Trust Fund
BS2	Issue of Notice of Breach (Fencing)
BS3	Dealing with Clearing Matters
BS4	Swimming Pool Inspections
BS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.
WS1	Crossovers
WS2	Private Works on, over or under public places
WS3	Licence to deposit materials on or excavate adjacent to a street.
WS4	Altering Thoroughfare Alignments
WS5	Dangerous excavation
CD1	Application for Public Events
CD2	Consumption of Liquor on local government property
PD1	Stallholder Applications
PD2	Thoroughfares and Trading in Thoroughfares and Public Places Permits
PD3	Development and Subdivision Application Delegations
PD4	Illegal Development
PD7	Gutters for new buildings in the Central Toodyay Heritage Area
PD8	Caravan Park and Camping Grounds
EA8	Powers of Entry in an emergency

Delegator

Officer Appointed

Signature:

Signature:

Date:

Date:

AUTHORITY 5 – MANAGER WORKS AND TECHNICAL SERVICES

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

EXECUTION BY THE MANAGER WORKS AND TECHNICAL SERVICES	
NO	DELEGATION DESCRIPTION
ES1	Execution of Documents
ES8	Expression of Interest and Tenders
ES14	Contract Formalities
ES16	Temporary Road Closures
CS1	Payments from Municipal Fund or Trust Fund
BS3	Dealing with Clearing Matters
BS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.
WS1	Crossovers
WS2	Private Works on, over or under public places
WS3	Licence to deposit materials on or excavate adjacent to a street.
WS4	Altering Thoroughfare Alignments
WS5	Dangerous excavation
PD8	Caravan Park and Camping Grounds
EA8	Powers of Entry in an emergency

Delegator

Officer Appointed

Signature:

Signature:

Date:

Date:

AUTHORITY 6 – PLANNING OFFICER

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

EXECUTION BY THE PLANNING OFFICER	
NO	DELEGATION DESCRIPTION
BS2	Issue of Notice of Breach (Fencing)
PD3	Development and Subdivision Application Delegations

Delegator

Officer Appointed

Signature:

Signature:

Date:

Date:

AUTHORITY 7 – BUILDING SURVEYOR

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

EXECUTION BY THE BUILDING SURVEYOR	
NO	DELEGATION DESCRIPTION
ES4	Delegation to the CEO in relation to the <i>Building Act 2011</i>
BS2	Issue of Notice of Breach (Fencing)
BS4	Swimming Pool Inspections

Delegator

Officer Appointed

Signature:

Signature:

Date:

Date:

AUTHORITY 8 – ENVIRONMENTAL HEALTH OFFICER

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

EXECUTION BY THE ENVIRONMENTAL HEALTH OFFICER	
NO	DELEGATION DESCRIPTION
ES3	Appointment of Authorised Persons 2 – <i>Food Act 2008</i>
BS1	Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste
PD1	Stallholder Applications
PD2	Thoroughfares and Trading in Thoroughfares and Public Places Permits
EA7	Delegation to the Chief Executive Officer (CEO) and Environmental Health Officer (EHO) in relation to the <i>Health Act 1911</i>

Delegator

Officer Appointed

Signature:

Signature:

Date:

Date:

AUTHORITY 9 – MUSEUM CURATOR

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

NO	DELEGATION DESCRIPTION
CD3	Accession of Artefacts into the Museum Collection

Delegator

Officer Appointed

Signature:

Signature:

Date:

Date:

AUTHORITY 10 - ACCOUNTANT

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

NO	DELEGATION DESCRIPTION
CS1	Payments from Municipal Fund or Trust Fund

Delegator

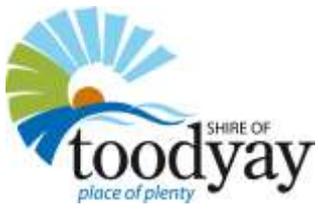
Officer Appointed

Signature:

Signature:

Date:

Date:



MATRIX 1 – Executive Services

EXECUTIVE SERVICES									
NO.	DELEGATION DESCRIPTION	ADOPTION DATE	REVIEW DATE	SUB-DELEGATIONS					
				CEO	MCS	MCD	MPD	MWS	OTHERS
ES1	Execution of Documents	19/04/2007	22/09/2015	⊙	⊙	⊙	⊙	⊙	
ES2	Appointment of Authorised Persons 1 – <i>Local Government Act 1995</i>	15/03/2007	22/09/2015	⊙					
ES3	Appointment of Authorised Persons 2 – <i>Food Act 2008</i>	15/03/2007	22/09/2015	⊙					
ES4	Delegation to the CEO in relation to the <i>Building Act 2011</i>	15/03/2007	22/09/2015	⊙			⊙		⊙
ES5	Delegation to the CEO in relation to the <i>CAT Act 2011</i> .	15/03/2007	22/09/2015	⊙					
ES6	Delegation to the CEO in relation to the <i>DOG Act 1976</i> .	15/03/2007	22/09/2015	⊙					
ES7	Delegation to the CEO in relation to the <i>Bush Fires Act 1954</i> .	18/04/2013	22/09/2015	⊙					
ES8	Expression of Interest and Tenders	03/04/2012	22/09/2015	⊙	⊙	⊙	⊙	⊙	
ES9	Determine Grant, Sponsorship and Donation Allocations	18/04/2013	22/09/2015	⊙					

EXECUTIVE SERVICES									
NO.	DELEGATION DESCRIPTION	ADOPTION DATE	REVIEW DATE	SUB-DELEGATIONS					
				CEO	MCS	MCD	MPD	MWS	OTHERS
ES10	Notices requiring certain things to be done by owner or occupier of land	18/04/2013	22/09/2015	⊙					
ES11	Lease of Council Buildings	18/04/2013	22/09/2015	⊙	⊙	⊙	⊙		
ES12	Tenancy Agreements	18/04/2013	22/09/2015	⊙	⊙	⊙	⊙		
ES14	Contract Formalities	18/04/2013	22/09/2015	⊙	⊙	⊙	⊙	⊙	
ES15	Appointment of Acting CEO	23/02/2016	23/02/2016	⊙					
ES16	Temporary Road Closures	24/11/2015		⊙		⊙	⊙	⊙	

MATRIX 2 – Corporate Services

CORPORATE SERVICES									
NO.	DELEGATION DESCRIPTION	ADOPTION DATE	REVIEW DATE	SUB-DELEGATIONS					
				CEO	MCS	MCD	MPD	MWS	OTHERS
CS1	Payments from Municipal Fund or Trust Fund	24/11/2005	22/09/2015	⊙	⊙	⊙	⊙	⊙	⊙
CS2	Investment of Surplus Funds	24/11/2005	22/09/2015	⊙	⊙				
CS3	Amend Rate Record	22/09/2015	22/09/2015	⊙	⊙				
CS4	Agreement as to payment of rates and service charges	18/04/2013	22/09/2015	⊙	⊙				
CS5	Legal Representation and Costs Indemnification	24/11/2005	22/09/2015	⊙	⊙				
CS6	Issue of Writ, Summons or Other Process	24/11/2005	22/09/2015	⊙					
CS7	Power to Defer, Grant Discounts, Waive or Write-off Debts	24/11/2005	22/09/2015	⊙	⊙				

MATRIX 3 – Building Services and / or Health Services

BUILDING SERVICES									
NO.	DELEGATION DESCRIPTION	ADOPTION DATE	REVIEW DATE	SUB-DELEGATIONS					
				CEO	MCS	MCD	MPD	MWS	OTHERS
BS1	Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste	24/11/2005		⊙					⊙
BS2	Issue of Notice of Breach (Fencing)	27/03/2008		⊙			⊙		⊙
BS3	Dealing with Clearing Matters	27/04/2006		⊙			⊙	⊙	
BS4	Swimming Pool Inspections	18/04/2013		⊙			⊙		⊙
BS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.	18/04/2013		⊙			⊙	⊙	

MATRIX 4 – Works and Technical Services

WORKS AND TECHNICAL SERVICES									
NO.	DELEGATION DESCRIPTION	ADOPTION DATE	REVIEW DATE	SUB-DELEGATIONS					
				CEO	MCS	MCD	MPD	MWS	OTHERS
WS1	Crossovers	18/04/2013		⊙			⊙	⊙	
WS2	Private Works on, over or under public places	18/04/2013		⊙			⊙	⊙	
WS3	Licence to deposit materials on or excavate adjacent to a street.	18/04/2013		⊙			⊙	⊙	
WS4	Altering Thoroughfare Alignments	18/04/2013		⊙			⊙	⊙	
WS5	Dangerous excavation	18/04/2013		⊙			⊙	⊙	

MATRIX 5 – Community Development

COMMUNITY DEVELOPMENT									
NO.	DELEGATION DESCRIPTION	ADOPTION DATE	REVIEW DATE	SUB-DELEGATIONS					
				CEO	MCS	MCD	MPD	MWS	OTHERS
CD1	Application for Public Events	22/09/2015	22/09/2015	⊙		⊙			
CD2	Consumption of Liquor on local government property	24/11/2005	22/09/2015	⊙		⊙			
CD3	Accession of Artefacts into the Museum Collection	27/03/2014	22/09/2015	⊙		⊙			⊙

MATRIX 6 – Planning and Development

PLANNING AND DEVELOPMENT									
NO.	DELEGATION DESCRIPTION	ADOPTION DATE	REVIEW DATE	SUB-DELEGATIONS					
				CEO	MCS	MCD	MPD	MWS	OTHERS
PD1	Stallholder Applications	24/11/2005	22/09/2015	⊙					
PD2	Thoroughfares and Trading in Thoroughfares and Public Places Permits	24/11/2005	22/09/2015	⊙		⊙	⊙		⊙
PD3	Development and Subdivision Application Delegations	24/11/2015	24/11/2015	⊙			⊙		⊙
PD4	Illegal Development	24/11/2015	24/11/2015	⊙			⊙		⊙
PD5	Appointment of Authorised Persons – <i>the Shire of Toodyay Local Planning Scheme No. 4.</i>	24/11/2015	24/11/2015	⊙					
PD6	Deed of Covenant for the Payment of a Developer Contribution	19/06/2008	18/04/2013	⊙					
PD7	Gutters for new buildings in the Central Toodyay Heritage Area	18/02/2014		⊙			⊙		⊙
PD8	Caravan Park and Camping Grounds	18/04/2013		⊙			⊙	⊙	

MATRIX 7 – External Agency Specific

EXTERNAL AGENCY SPECIFIC									
NO.	DELEGATION DESCRIPTION	ADOPTION DATE	REVIEW DATE	SUB-DELEGATIONS					
				CEO	MCS	MCD	MPD	MWS	OTHERS
EA1	Noise Control – Serve Environmental Protection Notices [S65(1)]	24/11/2005	22/09/2015	⊙					
EA2	Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]	24/11/2005	22/09/2015	⊙					
EA3	Noise Control – Noise Management Plans – Construction Sites [Reg.13]	24/11/2005	22/09/2015	⊙					⊙
EA4	Delegation to the CEO In relation to the <i>Freedom of Information Act 1992</i>	18/04/2013	22/09/2015	⊙					
EA5	Delegation to the CEO in relation to the <i>Public Interest Disclosure Act 2003</i>	22/09/2015	22/09/2015	⊙					
EA6	Delegation to the CEO in relation to the <i>Local Government Act 1995</i> .	22/09/2015	22/09/2015	⊙					
EA7	Delegation to the Chief Executive Officer (CEO) and Environmental Health Officer (EHO) in relation to the <i>Health Act 1911</i>			⊙					⊙
EA8	Powers of Entry in an emergency	18/04/2013	22/09/2015	⊙					

REVIEW TABLE

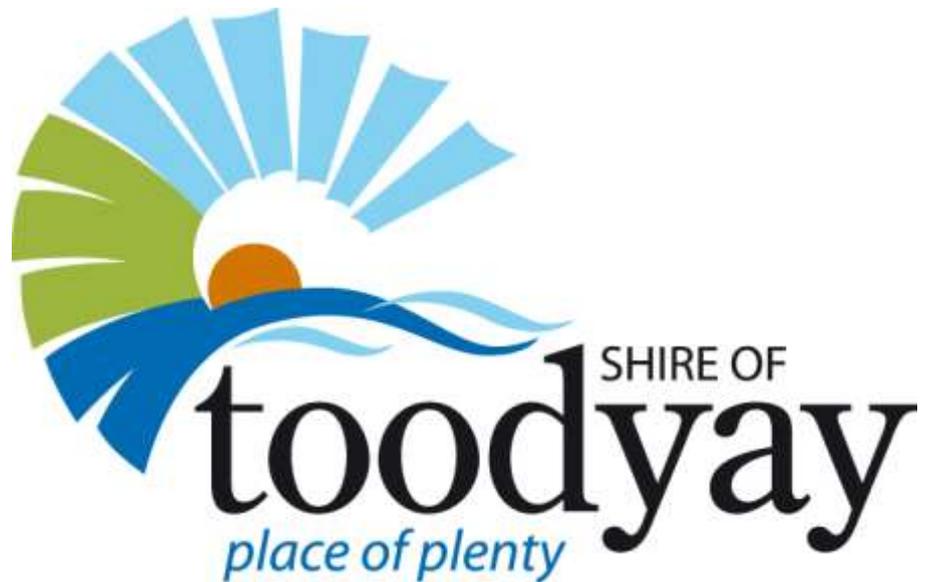
The Review Table of the Delegation Register is as follows:

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
1	24/11/2005	Amended	D.2	192/11/05	Completed
2	16/11/2006	Amended	D.4-D.7; D.9-D.15; D.17-D.18; D.20; D.22-D.25	190/11/06	Completed
3	15/11/2007	Amended	D.1-D.2; D.4-D.7; D.10-D.21; D.23-D.27	157/11/07	Completed
4	25/02/2008	Revoked	D.10	204/02/08	Completed
		Amended	D.11	205/02/08	Completed
		Revoked	D.17	206/02/08	Completed
5	8/06/2008	New Delegation	D.29	275/05/08	Completed
6	21/05/2009	Removed	185/01/08	500/05/09	Completed
		Amended	D.6		
		Amended	D.18		
		Amended	D.19		
		Amended	D.20		
		Amended	D.25		
7	10/12/2009	One off	590/10/09	590/10/09	Completed
		Revoked	D.9	644/12/09	Completed
8	25/02/2010	Amended	D.26	688/02/10	
9	13/05/2010	Amended	D.19; D.23; D.26;	751/05/10	Completed
10	21/06/2011	Amended	D.17	172/06/11	Completed
11	21/02/2012	Amended	D.18	37/02/12	Completed

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
12	21/02/2012	Amended	D.18	37/02/12	Completed
13	29/02/2012	One-off	64/02/12	64/02/12	Completed
14	3/04/2012	New	D.30	107/04/12	Completed
15	19/06/2012	Amended	D.5, D.6, D.12, D.17, D.23	189/06/12	Completed
16	18/04/2013	Reviewed	D.2, D.3, D.4, D.5, D.8, D.11, D.12, D.16, D.18, D.21, D.23, D.27, D.28, D.29, D.30.	114/04/13	Completed
16	18/04/2013	Amended AND Adopted (<i>as amended</i>)	D.1, D.6, D.7, D.13, D.14, D.15, D.17, D.19, D.20, D.25, D.26, D.27, D.36, D.37, D.38, D.39, D.40, D.42, D.43, D.46, D.48, D.52, D.54, D.55, D.57, D.58, D.59.	114/04/13	Completed
16	18/04/2013	Adopted	D.33, D.34, D.35, D.41, D.44, D.45, D.47, D.50, D.51, D.53, D.56.	114/04/13	Completed
16	18/04/2013	Revoked	D.9.	114/04/13	Completed
17	18/04/2013	Adopted	D.61	119/04/13	Completed
18	17/05/2013	Amended	D.1, D.39	CEO Request	Completed
19	17/05/2013	Amended	D.6	CEO Request	Completed
20	31/07/2013	Amended	D.11	CEO request	Completed
21	3/12/2013	Amended	D.13/D.14/D.59	CEO request	Completed
22	18/2/2014	Adopted	D.49	43/02/14	Completed

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
23	27/05/2014	Adopted	D.60	120/05/14	Completed
24	28/10/2014	Amended	D.26	324/10/14	Completed
25	28/10/2014	TBA	D.62	324/10/14	Completed
26	28/10/2014	TBA	D.63	324/10/14	Completed
27	28/10/2014	TBA	D.64	324/10/14	Completed
28	28/10/2014	REVIEWED (Vn.2)	The whole doc.	324/10/14	Completed
29	11/11/2014	Reviewed at Council Forum	<i>No delegations altered</i>	n/a	Follow up
30	08/09/2015	Reviewed at Council Forum	<i>The whole document</i>	n/a	Follow up
31	22/10/2015	Adopted	<i>The whole document</i>	187/09/15	Completed
32	17/11/2015	Review	<i>DRAFT Planning Delegations</i>	Added section headings	Completed
33	24/11/2015	Revoke	<i>D.11 and D.17</i>	242/11/15	Completed
34	24/11/2015	Adopted	<i>PD3, PD4 & PD5</i>	242/11/15	Completed
35	24/11/2015	Review	<i>D.28</i>	N/A	Completed
36	February	Review	<i>All Delegations</i>	N/A	Completed
37	23/02/2016	Adopted	<i>ES15</i>	23/02/16	Completed
38	14/06/2016	Considered	<i>All Delegations</i>	Council Forum	Completed
39	28/06/2016	Considered	<i>All Delegations</i>		

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SECTION 2

Executive Services

(Delegations to the CEO)

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ES1 Execution of Documents

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to have charge of the common seal of the Shire, and be responsible for its safe custody and proper use in accordance with Section 9.49 A (4) and (5) "Execution of Documents" of the *Local Government Act 1995 and the Shire of Toodyay Standing Orders Local Law 2008 (Section 20.1)*.

POWER AND DUTIES

This delegation authorises the CEO to sign documents on behalf of the local government in accordance with Section 9.49 A (4) and (5) "Execution of Documents" of the *Local Government Act 1995*.

This delegation also authorises the:

- Manager Community Development;
- Manager Corporate Services;
- Manager Planning & Development; and the
- Manager Works and Services

To sign documents on behalf of the local government in accordance with Section 9.49 A (4) and (5) "Execution of Documents" of the *Local Government Act 1995 subject to the conditions of this delegation*.

Function

To comply with Section 9.49A "Execution of Documents" of the *Local Government Act 1995*.

To comply with Section 34 "Common seal, unauthorised use of" of the *Local Government (Functions and General) Regulations 1996*.

CONDITIONS

Section 5.43 "Limitations on delegations to CEO" states a local government cannot delegate to a CEO "(ha) the power under section 9.49 A (4) to authorise a person to sign documents on behalf of the local government"

Section 9.49A (5) of the *Local Government Act 1995* states that a document executed by a person under an authority under subsection (4) is not to be

regarded as a deed unless the person executes it as a deed and is permitted to do so by this authorisation.

Section 34 "Common seal, unauthorised use of" of the *Local Government (Functions and General) Regulations 1996* states that "a person who affixes the common seal, or a replica of the common seal, of a local government to any document except as authorised by the local government commits an offence."

ES1 EXECUTION OF DOCUMENTS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.27 - Use of Common Seal
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Part 20.1 – <i>Shire of Toodyay Standing Orders Local Law 2008</i>
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 9.49 A "Execution of Documents"; and Section 5.43 "Limitations on delegations to CEO".
File Number:	<ul style="list-style-type: none"> MAN10
Record Keeping (s.546(3))	<ul style="list-style-type: none"> The CEO is to keep a Common Seal Register and is to report use of the Common Seal in the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees "In accordance with S.9.49A(4)"	<ul style="list-style-type: none"> CEO; Manager Community Development; Manager Corporate Services; Manager Planning & Development; and the Manager Works and Services
Sub-delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Not applicable.

ES1 EXECUTION OF DOCUMENTS	
Adoption Date:	19 April 2007
Last Review Date:	22 September 2015

ES2 Appointment of Authorised Persons 1
Local Government Act 1995

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to appoint a Ranger, an employee, or other person as an authorised person for the purposes of carrying out particular duties including but not limited to sections 3.24, 3.25(1), 3.39, 9.11, 9.13, 9.16, 9.17, 9.19 or 9.20 of the *Local Government Act 1995* (the Act).

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the appointment of persons or classes of persons to be authorised for the purposes of performing particular functions under the Act and its subsidiary legislation.

Function

To comply with Section 9.10 Appointment of authorised persons of the Act.

Delegations made to the CEO from External Agencies

The *Planning and Development Act 2005* already delegates, in respect to appointment of designated persons (Section 234) that the CEO of a responsible authority may, in writing, appoint persons or classes of persons to be designated persons for the purposes of Sections 228, 229, 230 and 231.

The *Animal Welfare Act 2002* already delegates, in respect to appointment of authorised persons (Section 64) that the CEO of the local government is an authorised person only in respect of infringement notices given by the local government.

The *Litter Act 1979* already delegates, in respect to appointment of authorised persons (Section 26(1)) that the CEO of the local government is an authorised person.

The *Bush Fires (Infringement) Regulations 1978* already delegates, in respect to the withdrawal of infringement notices, that the CEO and the Shire President are Prescribed Officers (Section 4) for the purposes of section 59A (5) "withdrawal of infringement notices" of the Act.

The *Caravan Parks and Caravans Act 1995* already delegates, in respect to appointment of authorised persons (Section 17(1)) that the CEO of the local

government (a) may appoint such persons to be authorised persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and (b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.

CONDITIONS

This delegation does not include those duties referred to in Section 5.43 of the Act.

This delegation is subject to the requirements of other legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

Section 9.23 "Restriction on appointment of authorised persons" of the Act states that a person who is authorised to give infringement notices under section 9.16 is not eligible to be an authorised person for the purposes of section 9.17, 9.19 or 9.20.

The CEO will issue 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.

In relation to Section 228 "Giving of infringement notice" of the *Planning and Development Act 2005* a person who is authorised to give infringement notices is not eligible to be a designated person for the purposes of any of the other sections in accordance with Section 234 of the *Planning and Development Act 2005*.

Section 64 (4) "Appointment of Authorised Persons" of the *Animal Welfare Act 2002* states that a person cannot be both an authorised person and an inspector.

Section 17(2) of the *Caravan Parks and Caravans Act 1995* states that an authorised person is to produce the identity card referred to in subsection (1)(b) whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person under this Act.

ES2 APPOINTMENT OF AUTHORISED PERSONS 1 LOCAL GOVERNMENT ACT 1995	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.1 – Infringement Notice Issue; • D.8 Withdrawal of Infringement Notices; • D.21 – Record Checking – Volunteers; • D.26 - Appointment of Authorised Persons; and • D.40 Remove and Impound Goods.

ES2 APPOINTMENT OF AUTHORISED PERSONS 1 LOCAL GOVERNMENT ACT 1995	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>The Shire of Toodyay's adopted Planning Schemes and Strategies.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>The Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>The Shire of Toodyay's adopted policies.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Part 3, Division 3 (Subdivision 2 – "Certain Provisions about land") Section 3.24 "Authorising persons under this subdivision"; • Part 5, Division 4, Section 5.36 Local Government Employees; and • Section 5.42 "Delegation of some Powers and Duties to CEO". • Division 2 "Enforcement and legal proceedings" (Subdivision 1 Miscellaneous provisions about enforcement,") Section 9.10 Appointment of authorised persons; • Subdivision 4, Part 3 (Division 3 "Executive Functions of Local Governments") Section 3.39 "Power to move and impound"; • Part 9, Division 2 "Enforcement and legal proceedings" (Subdivision 1 "Miscellaneous provisions about enforcement") Sections 9.11, 9.13, 9.16, 9.17, 9.19 and 9.20.
Other Relevant References: <i>Local Government (Functions and General) Regulations 1996</i>	<ul style="list-style-type: none"> • Part 5 – Owner onus and infringement notices.
Other Relevant References: <i>Planning and Development Act 2005</i>	<ul style="list-style-type: none"> • Part 13, Division 3, Section 234 "Designated persons, appointment of".
Other Relevant References: Litter Act 1979; and <i>Litter Regulations 1991.</i>	<ul style="list-style-type: none"> • Part V — Enforcement, proceedings and penalties

ES2 APPOINTMENT OF AUTHORISED PERSONS 1 LOCAL GOVERNMENT ACT 1995	
Other Relevant References:	<ul style="list-style-type: none"> • <i>Animal Welfare Act 2002;</i> • Part 5, Division 3 "Infringement Notices; • <i>Animal Welfare (commercial Poultry) Regulations 2008;</i> • <i>Animal Welfare (General) regulations 2003;</i> • <i>Animal Welfare (Pig Industry) Regulations 2010; and</i> • <i>Animal Welfare (Scientific purposes) Regulations 2003.</i>
File Number: (not an exhaustive list)	<ul style="list-style-type: none"> • MAN6 – Appointments of Authorised Officers / Persons; • RGR7/R1.26, R2.6, R3.4, R4.2/LAW1, LAW7/PAR3, PAR1/DOG 2, DOG4/LIT1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Record of appointment of Authorised Officers / Persons to be placed on relevant file; and • All decisions, file notes and memorandums relating to duties carried out by Authorised Officers/Persons are to be recorded and kept in the appropriate file and/or register.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> limited suitability for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent; • S.3.39 <i>Local Government Act 1995</i> suitable for Acting Through.
Adoption Date:	15 March 2007
Last Review Date:	22 September 2015

**ES3 Appointment of Authorised Persons 2
Food Act 2008**

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to appoint a person to be an Authorised Officer for the purposes of carrying out particular duties including but not limited to sections 65 (1), 66, 67 (4), 70 (2) and (3), 110 (1) and (5), 112 and 125 of the *Food Act 2008* and subsidiary legislation associated with the Act.

An Authorised Officer is a person who holds office as an Environmental Health Officer under the *Health Act 1911*.

POWERS AND DUTIES

To exercise any of the local government's powers or the discharge of any of its duties in relation to the appointment of persons or classes of persons to be authorised for the purposes of performing particular functions under the *Food Act 2008* and subsidiary legislation associated with the Act.

Function

To comply with Section 118 (2) (b) "Functions of enforcement agencies and delegation" of the *Food Act 2008*.

This delegation will also enable the CEO to appoint a designated officer for the purposes of subsection (2), (3), (6) or (7) or for the purposes of 2 or more of those subsections of the *Food Act 2008* in accordance with section 126 (13) of the *Food Act 2008*.

To comply with Section 123 (1) "Certificates of Authority" of the *Food Act 2008*.

CONDITIONS

The CEO is to provide each authorised officer appointed with a certificate of authority as an authorised officer. The CEO is responsible for preparation and maintenance of a list of authorised officers appointed.

Section 123 (2) states what the Certificate of Authority must look like whilst Section 123(3) states that an authorised officers or designated persons are required to produce their certificate of authority if asked to do so.

This delegation is subject to the requirements of the *Food Act 2008 and the Food Act Regulations 2009 as well as the Department of Health's compliance and enforcement of food legislation in WA*.

Authorised officers and designated persons are also required to perform their delegated duties in accordance with the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

Section 126 (13) of the *Food Act 2008* states that a person who is a designated officer for the purposes of giving infringement notices is not eligible to be a designated officer for the purposes of any of the other subsections of the *Food Act 2008*.

ES3 APPOINTMENT OF AUTHORISED PERSONS 2 FOOD ACT 2008	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> Not applicable.
Relevant Management Practice:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted Planning Schemes and Strategies.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted policies.</i>
Other Relevant References: <i>Food Act 2008</i>	<ul style="list-style-type: none"> Section 65 "Prohibition Orders"; Section 66 "Certificate of clearance to be given in certain circumstances"; Section 67 "Request for reinspection"; Section 70 "Compensation"; Section 110 "Registration of Food business"; Section 112 "Variation of conditions or cancellation of registration of food businesses"; Section 122(1) Appointment of Authorised Officers; Section 125 "Institution of proceedings" and Section 126 (13) Infringement Notices.
File Number:	<ul style="list-style-type: none"> HLT3 / HLT4 / HLT25 / HLT5 / EVT16 / HLT11 /
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.

ES3 APPOINTMENT OF AUTHORISED PERSONS 2	
FOOD ACT 2008	
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Environmental Health Officer
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Subject to Section 117(2) of the <i>Food Act 2008</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent
Adoption Date:	15 March 2007
Last Review Date:	22 September 2015

ES4 Delegation to the CEO in relation to the *Building Act 2011*

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to appoint a person to be an authorised officer for the purpose of carrying out particular duties including but not limited to sections 20 (1) and (2), 21, 22, 27 (1) and (3), 28, 55, 58, 62 (1) and (3) and 65 (4) of the *Building Act 2011* and subsidiary legislation associated with the Act.

An authorised person includes a person who is authorised for the purposes of Section 93(2)(d) as a person having the appropriate experience or qualifications, whether the authorisation is effective before or after the day on which the *Building Amendment Regulations (No. 2) 2012 regulation 4* came into operation.

The intent of this delegation is also for Council to delegate power to the CEO to appoint persons or classes of persons to be authorised persons for the purposes of performing particular functions under the *Building Act 2011* and its subsidiary legislation in accordance with Section 96 (3) and subject to Section 127(6A) of the *Building Act 2011*.

POWERS AND DUTIES

To delegate the exercise of any of its powers or the discharge of any of its duties under the *Building Act 2011* to the CEO in accordance with Section 127 "Delegation: special permit authorities and local governments" of the *Building Act 2011*.

Function

To comply with Section 96 (3) "Authorised persons" of the *Building Act 2011*.

CONDITIONS

Regulation 5A "Authorised persons (Section 3)" from the *Building Regulations 2012* states that an authorised person includes a person who is authorised by a local government for the purposes of Section 93(2)(d) as a person having the appropriate experience or qualifications, whether the authorisation is effective before or after the day on which the *Building Amendment Regulations (No. 2) 2012 [Regulation 4]* comes into operation. Refer to Section 127 (3) and Section 127(6A) of the *Building Act 2011*.

Section 97 (1) "Identity Cards" requires that the CEO must give an identity card to each person designated by it as an authorised person. Section 97 (2) states

what the card must look like and Section 97 (5) states that an authorised person must carry his or her identity card at all times when exercising powers or performing functions as an authorised person.

This delegation is also subject to the requirements of other Acts and subsidiary legislation, and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

ES4 DELEGATION TO THE CEO IN RELATION TO THE BUILDING ACT 2011	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> Not applicable.
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Shire of Toodyay's adopted Planning Schemes and Strategies.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Shire of Toodyay's adopted local planning and Council policies.</i>
Other Relevant References: <i>Building Act 2011</i>	<ul style="list-style-type: none"> Section 20 (1) and (2), "Grant of building permit"; Section 21 "Grant of demolition permit"; Section 22 "Further grounds for not granting an application"; Section 27(1) and (3) "Conditions imposed by permit authority"; Section 55 "Further Information"; Section 58 "Grant of occupancy permit, building approval certificate"; Section 62 (1) and (3) "Conditions imposed by permit authority"; Section 65 (4) "Extension of period of duration". Division 2 - "Authorised persons"; and Section 127 "Delegation: special permit authorities and local governments".
File Number:	<ul style="list-style-type: none"> LAW1/BLD1/BLD2/BLD6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register.

ES4 DELEGATION TO THE CEO IN RELATION TO THE BUILDING ACT 2011	
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development; and • Building Surveyor.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	15 March 2007
Last Review Date:	22 September 2015

ES5 Delegation to the CEO in relation to the CAT Act 2011

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to appoint a Ranger, an employee, or other person as an authorised person for the purposes of carrying out particular duties including but not limited to sections 9, 10, 13, 37, 38, and 40 of the *CAT Act 2011 and its subsidiary legislation*.

POWERS AND DUTIES

The purpose of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under another provision of the *CAT Act 2011* in accordance with Section 44 "Delegation by local government" of the *CAT Act 2011*.

** Absolute majority required.*

Function

To delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under Section 48 "Authorised persons" (Division 3 Authorised Persons, Subdivision 1 Appointment of Authorised Persons) of the *CAT Act 2011*.

The CEO is to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the *CAT Act 2011* and its subsidiary legislation in accordance with Section 45(1) and subject to Section 45(3) and (6).

CONDITIONS

Section 48 (3) of the *CAT Act 2011* states that authorisations made may be made on such conditions as is determined, in writing given to the authorised person.

Section 48 (2) "Authorised Persons" of the *CAT Act 2011* states that a person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of section 62 "Giving and Infringement Notice".

Section 48 (5) of the *CAT Act 2011* requires a certificate be issued to each authorised person a certificate stating that the person is an authorised person for the purposes of this Act.

The authorised 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.

This delegation is also subject to the requirements of other Acts and subsidiary legislation, and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

ES5 DELEGATION TO THE CEO IN RELATION TO THE CAT ACT 2011	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • Not applicable.
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Planning Schemes and Strategies.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted policies.</i>
Other Relevant References: <i>CAT Act 2011</i> Other Relevant References: <i>CAT Act 2011</i>	<ul style="list-style-type: none"> • Section 9 "Registration"; • Section 10 "Cancellation of Registration"; • Section 13 "Notice to be given of certain decisions" • Section 37 "approval to breed cats"; • Section 38 "Cancellation of approval to breed cats"; • Section 40 "Notice to be given of certain decisions made under subdivision"; • Section 44 Delegation by Local Government; • Section 45 Delegation by CEO of Local Government; • Part 2, Division 1 "Registration and Tagging"; • Part 3, Division 4 "Breeding of Cats"; and • Part 4, Division 3.
File Number:	<ul style="list-style-type: none"> • RGR7
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register.

ES5 DELEGATION TO THE CEO IN RELATION TO THE CAT ACT 2011	
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees In accordance with Section 45(1) and subject to Section 45(3) and (6) of the <i>CAT Act 2011</i> .	<ul style="list-style-type: none"> • Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <i>☒ Suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent; • Suitable for Acting through in accordance with 46 (2) of the <i>Cat Act 2011</i>.
Adoption Date:	15 March 2007
Last Review Date:	22 September 2015

ES6 Delegation to the CEO in relation to the *Dog Act 1976*

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to exercise any of the local government's powers or the discharge of any of its duties including:

- The making of determinations in relation to the keeping of three to six dogs in accordance with Council Policy; and
- The appointment, under and subject to the provisions of the *Local Government Act 1995*, of fit and proper persons to administer dog management facilities and otherwise to carry out the purposes of performing particular functions under the *Dog Act 1976 and its subsidiary legislation*;

POWERS AND DUTIES

The purpose of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under another provision of the *Dog Act 1976* in accordance with Section 10AA "Delegation of local government powers and duties" of the *Dog Act 1976*.

** Absolute majority required.*

This delegation will also be in accordance with the *Shire of Toodyay Dog Local Law* (made in accordance with Section 9 "Administrative Responsibility" of the *Dog Act 1976*) which states that an "authorised person" means a person authorised by the local government to perform all or any of the functions conferred on an authorised person under this local law.

Function

To appoint a Registration Officer, Ranger, an employee, or other person as an authorised person for the purposes of carrying out particular duties of the *Dog Act 1976 and its subsidiary legislation*.

To exercise, on behalf of Council, the powers conferred on an authorised person by the *Dog Act 1976* in accordance with section 29(1) Power to seize dogs.

CONDITIONS

Section 11 (3) "Staff and Services" of the *Dog Act 1976* states that a person who is authorised to exercise any power under this Act shall be furnished with

a certificate in the prescribed form evidencing his appointment, and shall produce that certificate on being required so to do by a person in respect of whom he exercises, has exercised, or is about to exercise any such power.

Section 10AB "Register of, and review of, delegations" states that the CEO is to keep a register of delegations made under 10AA(1); and further delegations made under the authority of a delegation made under section 10AA(1) of the *Dog Act 1976*.

Section 10AB of the *Dog Act 1976* also states that the delegation register is to be reviewed once every financial year.

ES6 DELEGATION TO THE CEO IN RELATION TO THE DOG ACT 1976	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.12 Keeping of 3 to 6 dogs.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> <i>Shire of Toodyay's Dog's Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> Administration Policy A.15 Keeping of 3-6 Dogs.
Other Relevant References:	<p><i>Dog Act 1976</i> -</p> <ul style="list-style-type: none"> Section 10AA "Delegation of local government powers and duties"; Section 10AB "Register of, and review of, delegations"; Section 11 (3) "Staff and Services"; Section 29 Power to Seize Dogs. <p><i>Dog (Restricted Breeds) Regulations No 2 (2002); and</i> <i>Dog Regulations 1976.</i></p>
File Number:	<ul style="list-style-type: none"> LAW4
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees subject to Section 10AA (3) of the <i>Dog Act 1976</i> .	<ul style="list-style-type: none"> Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Not applicable.

ES6 DELEGATION TO THE CEO IN RELATION TO THE DOG ACT 1976	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent; • Suitable for Acting through in accordance with 10AA (5) of the <i>Dog Act 1976</i>.
Adoption Date:	15 March 2007
Last Review Date:	22 September 2015

ES7 Delegation to the CEO in relation to the Bush Fires Act 1954

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to exercise of any of its powers or the discharge of any of its duties in accordance with sections of the *Bush Fires Act 1954* named below:

- Section 38 "Local government may appoint bush fire control officers" (Division 1 – Local Governments - Part IV Control and Extinguishment of bush fires);
- Section 41 "Bush Fire Brigades" (Division 2 – Bush Fire Brigades - Part IV Control and Extinguishment of bush fires);
- Section 59(3) "Prosecution of Offences" (Part V Miscellaneous);
- Section 59(A) "59A Alternative procedure — infringement notices" (Part V Miscellaneous) of the *Bush Fires Act 1954*.

POWERS AND DUTIES

To delegate to the CEO the performance of any of its functions under the *Bush Fires Act 1954* in accordance with Section 48 "Delegation by local governments" of the *Bush Fires Act 1954*.

* Simple majority.

Functions

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the performance of any of its functions under the *Bush Fires Act 1954 and its subsidiary legislation*.

This delegation will also authorise the CEO to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the *Bush Fires Act 1954* and its subsidiary legislation including:

- considering 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; and

- Issuing of Infringement Notices (i.e. to institute and carry on proceedings against a person for an offence alleged to be committed against this Act). This delegation will include fire break notices. The term used in the Act is a "Prosecutor".

Delegations made to the CEO from External Agencies

- Granting of Permits
Regulations 16 and 24 "Term used: authorised officer" of the *Bush Fire Regulations 1954* state that "for the purposes of this Part, the term **authorised officer** means the Chief Executive Officer of the local government or an officer duly appointed by the local government to grant a permit to burn clover.
- Withdrawal of Infringement Notices
The *Bush Fires (Infringement) Regulations 1978* already delegates, in respect to the withdrawal of infringement notices that the CEO and the Shire President are Prescribed Officers (Section 4) for the purposes of section 59A(5) of the Act.

CONDITIONS

Section 48 (3) of the *Bush Fires Act 1954* states in relation to the delegation made under this section that "it does not include the power to sub-delegate".

Section 38 (2A) "Local government may appoint bush fire control officer" of the *Bush Fires Act 1954* requires a notice of appointment made under the provisions of 38 (1) to be published at least once in a newspaper circulating in its district.

Section 38 (2E) "Local government may appoint bush fire control officer" of the *Bush Fires Act 1954* requires that the bush fire control officer is to be issued with a certificate of appointment stating that the person is a bush fire control officer for the purposes of this Act.

Section 41 "Bush Fire Brigades, local government to keep register of" requires that the CEO shall keep a register of bush fire brigades established by it in the form of Form 12 in the Appendix contained in the *Bush Fire Regulations 1954*.

This delegation should be read in conjunction with Delegation ES2 and is subject to other Acts and subsidiary legislation, and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

ES7 DELEGATION TO THE CEO IN RELATION TO THE BUSH FIRES ACT 1954	
Previous Delegation(s) No & Name	• D.61 Performance of Functions under the <i>Bush Fires Act 1954</i>
Relevant Management Practice:	• <i>Shire of Toodyay's adopted Planning Schemes and Strategies.</i>

ES7 DELEGATION TO THE CEO IN RELATION TO THE BUSH FIRES ACT 1954	
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Bush Fire Brigades Local Law (as yet not adopted)</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Administration Policy A.21 - Establishment and Operation of Bush Fire Brigades.</i>
Other Relevant References: <i>Bush Fire Act 1954</i>	<ul style="list-style-type: none"> • Section 48 "Delegation by local governments"; • Section 38 "Local government may appoint bush fire control officers"; • Section 59(3) & (5) "Prosecution of Offences" (Part V Miscellaneous).
Other Relevant References: <i>Bush Fire Act Regulations 1954</i>	<ul style="list-style-type: none"> • Regulation 16 "Term used: authorised officer" (Part IV — Burning during restricted times and prohibited times); • Regulation 24 "Term used: authorised officer"(Part V — Permit to burn proclaimed or declared plants during prohibited burning times); • Section 41 "Bush Fire Brigades" (Division 2 – Bush Fire Brigades - Part IV Control and Extinguishment of bush fires);
Other Relevant References:	<ul style="list-style-type: none"> • <i>Bush Fires (Infringement) Regulations 1978;</i> • <i>Local Government Act 1995.</i>
File Number:	<ul style="list-style-type: none"> • FIR29/COC3/FIR3
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register; and • Relevant Form 12's are to be completed and kept in appropriate file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable in accordance with Section 48 (3) of the <i>Bush Fires Act 1954</i>.

ES7 DELEGATION TO THE CEO IN RELATION TO THE BUSH FIRES ACT 1954	
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	22 September 2015

ES8 Expression of Interest and Tenders

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

1. call tenders (F&G r.11);
2. call tenders for the disposal of impounded goods in accordance with section 3.58 (s.3.47 of the Act);
3. invite tenders though not required to do so (F&G r.13);
4. Determine the criteria for accepted tenders (F7G r.14(2a));
5. vary tender information after public notice of invitation to tender and before the close of tenders (F&G r.14(5));
6. Seek clarification from tenderers in relation to information contained in their tender submission (F&G r.18(4a));
7. Make Minor variations before entering into a contract (F&G r.20)
 “Minor variation” means a variation that the CEO is satisfied is minor having regard to the total goods or services that tenders were invited to supply.
8. Use his discretion in respect to when to seek expressions of Interest to supply goods or services (F&G r.21);
9. 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 (F&G r.23); and
10. Sell, by calling for expressions of interest, holding of a surplus goods sale at Council’s Depot, or any other fair means, items of surplus equipment, materials, tools, et cetera which are no longer required, or are outmoded, or are no longer serviceable. The delegation applies only to items not included on Council’s Asset Register.

POWER AND DUTIES

To comply with section 3.57 “Tenders for providing goods or services” of the *Local Government Act 1995* (the Act) and with regulations from the *Local Government (Functions and General) Regulations 1996* (F&G) specified below:

- Regulations 11A “Purchasing Policies for local governments” (Part 4 – Provision of goods and services [Division 1 “Purchasing Policies”]); and
- Regulations 11-24G (Division 2 – Tenders for providing goods or services).

Function

To exercise any of the local government's powers or the discharge of any of its duties in relation to inviting Expressions of Interest and Tenders in accordance with sections 11-24G of the *Local Government (Functions and General) Regulations 1996*.

CONDITIONS

Section 5.43 (a) and (b) of the *Local Government Act 1995* puts conditions on the local government as to what powers or duties can be delegated to a CEO in relation to Expressions of Interest and Tenders.

This delegation is subject to the requirements of Finance Policy F.3 – Purchasing Policy and in particular, to the requirements of the Tendering Process within this policy.

Section 9.49B “Contract formalities” of the *Local Government Act 1995* states the formalities of making, varying or discharging a contract by a person acting under the authority of a local government, such as the CEO.

This delegation is also subject to the requirements of Finance Policy F.12 Disposal of Property.

ES8 EXPRESSION OF INTEREST AND TENDERS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.15 Sale of Scrap; • D.30 Tenders; and • D.43 Disposal of Surplus Equipment, materials, tools etc.
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Finance Policy F.3 – Purchasing Policy;</i> • <i>Finance Policy F.10 – Natural Disaster Recovery Management Account – Expenditure;</i> • <i>Finance Policy F.3 – Purchasing Policy;</i> • <i>Finance Policy F.10 – Natural Disaster Recovery Management Account – Expenditure;</i>

ES8 EXPRESSION OF INTEREST AND TENDERS	
Relevant Council Policy <i>continued</i>	<ul style="list-style-type: none"> • <i>Finance Policy F.11 Corporate Credit Cards;</i> • <i>Finance Policy F.12 Disposal of Property; and</i> • <i>Finance Policy F.14 – Environmental Purchasing Policy.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Section 3.40A “Abandoned vehicle wreck may be taken”; • Section 3.43 “Impounded non-perishable goods, court may confiscate”; • Section 3.45 “Notice to include warning”; • Section 3.47 “Confiscated or uncollected goods, disposal of”; • Section 3.57 “Tenders for providing goods or services”; • Section 5.94 (u)(i) “Public can inspect certain local government information”; • Section 6.8 “Expenditure from municipal fund not included in annual budget”; • Section 9.49B “Contract Formalities”.
Other Relevant References: <i>Local Government (Functions and General) Regulations 1996</i>	<ul style="list-style-type: none"> • Part 4 – Provision of Goods and services (Division 1 “Purchasing Policies”), Regulation 11A “Purchasing Policies for local governments” • Division 2 – Tenders for providing goods or services (encompassing Regulations 11 to 24G).
Other Relevant References: <i>Local Government (Administration) Regulations 1996</i>	<ul style="list-style-type: none"> • Regulation 29 (e) “Information to be available for public inspection (Act s. 5.94)” (Part 7 “Access to information”)
File Number:	<ul style="list-style-type: none"> • TEN (Prefix) (multiple files)

ES8 EXPRESSION OF INTEREST AND TENDERS	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Tender Register to be kept in accordance with Regulation 17 “Tenders Register” of the <i>Local Government (Functions and General) Regulations 1996</i>. Separate files for each tender are also to be created, containing the required evidence in accordance with the above.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate Services; Manager Community Services; Manager Planning & Development; and Manager Works and Services.
CEO’s conditions on sub-delegation	<ul style="list-style-type: none"> Subject to Section 3.57(1) of the <i>Local Government Act 1995</i>; Subject to Regulation 14(2a), 18(4) and 18(5) of the <i>Local Government (Functions and General) Regulations 1996</i>; Delegation of power regarding Regulation 20 of the <i>Local Government (Functions and General) Regulations 1996</i> limited.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Limited suitability for Acting Through	<ul style="list-style-type: none"> Regulation 19, 21(3), 24, 24E(1) and 24E(4) of the <i>Local Government (Functions and General) Regulations 1996</i> suitable for Acting Through. Refer to Statement of Intent.
Adoption Date:	3 April 2012
Last Review Date:	22 September 2015

ES9 Determine Grant, Sponsorship and Donation Allocations

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to make donations of up to \$500 within budget limitations to a maximum of \$10,000 per annum provided the request is of a local nature.

POWER AND DUTIES

This delegation authorises the CEO to make payments from the municipal fund in accordance with Regulation 11 "Payments, procedures for making" from the *Local Government (Financial Management) Regulations 1996*.

Function

To comply with the requirements of Delegation CS1.

This delegation will allow for payments to be made from the municipal or trust fund referred to in Section 6.10 "Financial management regulations" of the *Local Government Act 1995*.

CONDITIONS

Regulation 12 "Payments from municipal fund or trust fund, restrictions on making" of the *Local Government (Financial Management) Regulations 1996* state the restrictions on making payments from these funds.

This delegation is to be exercised only for requests for donations of a local nature.

All other donation requests in excess of this amount and the budget allocation for donations and/or sponsorship are to be brought back to Council for consideration.

ES9 DETERMINE GRANT, SPONSORSHIP AND DONATION ALLOCATIONS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.54 Donations and Community Grants
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Finance Policy F.3 – Purchasing.</i>

ES9 DETERMINE GRANT, SPONSORSHIP AND DONATION ALLOCATIONS	
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Refer to references within Delegation CS1.
File Number:	<ul style="list-style-type: none"> DON1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Include in List of Accounts and/or Financial Statements to be presented at Meetings of Council through its Agenda process.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable in accordance with Section 5.43 of the <i>Local Government Act 1995</i>.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	22 September 2015

ES10 Notices requiring certain things to be done by owner or occupier of land

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to 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 in accordance with Section 3.25 of the *Local Government Act 1995*.

This delegation will permit the CEO to appoint other employees to carry out a CEO’s exercise of powers delegated to the CEO without those other employees needing to be delegated (*as specified in the Department of Local Government Guideline No 17 titled “Delegations.”*)

POWER AND DUTIES

The purpose of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under Section 3.25 (1) “Notices requiring certain things to be done by owner or occupier of land” of the *Local Government Act 1995*.

** Absolute majority required.*

Function

To comply with Section 3.25 of the *Local Government Act 1995*.

CONDITIONS

Schedule 3.1 – Powers under Notices to Owners and Occupiers of Land of the *Local Government Act 1995* prescribes what is required to be done by the owner or occupier of land.

This delegation is also subject to the requirements of other Acts and subsidiary legislation, and the Shire of Toodyay’s adopted local laws, schemes, codes, policies and practices.

Section 9.10 Appointment of authorised persons of the *Local Government Act 1995* defines the requirements of the CEO in respect to appointment of Authorised persons that he appoints through Delegation ES3 to exercise any of the local governments powers or discharge any of its duties in relation to Section 3.25 of the *Local Government Act 1995*.

The conditions of this delegation in respect to the appointment of authorised persons to exercise this delegation are referenced in **Delegation ES2**.

ES10 NOTICES REQUIRING CERTAIN THINGS TO BE DONE BY OWNER OR OCCUPIER OF LAND	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.38 Notices to Owners and Occupiers of Land.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted local laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted policies.</i>
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government Act 1995 - Section 3.25 "Notices requiring certain things to be done by owner or occupier of land".</i>
File Number:	<ul style="list-style-type: none"> FIN5.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Details to be recorded in the appropriate file and/or register and inclusion in the monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable in accordance with Section 5.43 of the <i>Local Government Act 1995</i>.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> <i>Appointment of a Designated person subject to Section 234 of the Planning and Development Act 2005;</i> <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	22 September 2015

ES11 Lease of Council Buildings

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to exercise discretion in relation to the hire and leasing out of Council Buildings and the fees imposed on the hire and/or lease in respect to arrangements made, subject to the provisions of the *Shire of Toodyay’s Local Government Property Local Law* and the *Shire of Toodyay’s Schedule of Fees and Charges*.

POWER AND DUTIES

The purpose of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties in respect to Section 3.18 of the *Local Government Act 1995*.

Function

The CEO is to arrange for the lease of or hire of Council buildings subject to the provisions of the *Shire of Toodyay’s Local Government Property Local Law* and the *Shire of Toodyay’s Schedule of Fees and Charges*.

The *Shire of Toodyay’s Local Government Property Local Law* defines **Building** as meaning any building which is local government property and includes a –

- (a) Hall or room;
- (b) Corridor, stairway or annexe of any hall or room; and
- (c) Jetty.

CONDITIONS

All hire of Council Buildings will be arranged through the Shire of Toodyay’s booking procedure. Long-term bookings of Council owned buildings will require the preparation of user agreements between the Shire of Toodyay (Lessor) and Hirer in accordance with s.3.18 of the *Local Government Act 1995*.

ES11 LEASE OF COUNCIL BUILDINGS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.36 Lease of Council Buildings.
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.

ES11 LEASE OF COUNCIL BUILDINGS	
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay - Local Government Property Local Law</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • Not applicable.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Section 3.18 Performing Executive Functions.
File Number:	<ul style="list-style-type: none"> • LEG (Prefix) (multiple files)
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • The hire or lease of Council Buildings is done through the bookings system of the Shire of Toodyay and includes User Agreements for Shire facilities.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate Services; • Manager Community Development; and • Manager Planning & Development.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation; and • Subject to Section 5.43(d) of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	22 September 2015

ES12 Tenancy Agreements

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is to for Council to delegate power to the CEO to lease buildings and other local government property subject to the provisions of the *Shire of Toodyay’s Local Government Property Local Law* and Section 3.58 of the *Local Government Act 1995*.

POWER AND DUTIES

The purpose of this delegation is for Council to delegate to the CEO the exercise of any of the local government's powers or the discharge of any of its duties under Section 3.58 “Disposing of Property” of the *Local Government Act 1995* (the Act).

Note: *Section 3.58(1) states that in this section “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not.*

Function

The CEO will be responsible for the preparation and administration of tenancy agreements between the Shire of Toodyay (Lessor) and a Lessee occupying premises owned by the Shire of Toodyay in accordance with s.3.18 of the *Local Government Act 1995*.

The *Shire of Toodyay’s Local Government Property Local Law* defines **local government property** as meaning anything except a thoroughfare -

- (a) Which belongs to the local government;
- (b) Of which the local government is the management body under the Land Administration Act 1997; or
- (c) Which is an “otherwise unvested facility” within Section 3.53 of the Act.

CONDITIONS

To comply with the *Shire of Toodyay’s Schedule of Fees and Charges*, and the provisions of the *Shire of Toodyay Local Government Property Local Law*.

The CEO will be responsible for the preparation and administration of tenancy agreements between the Shire of Toodyay (Lessor) and a Lessee occupying premises owned by the Shire of Toodyay in accordance with s.3.18 of the *Local Government Act 1995*.

Section 27A “Written residential tenancy agreement to be in prescribed form” from Part IV — Residential tenancy agreements of the *Residential Tenancies Act 1987* [Division 1A — Form of residential tenancy agreement and associated documents] states that “A lessor must not enter into a written residential tenancy agreement except in the prescribed form.”

ES12 TENANCY AGREEMENTS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.58 Fixed term tenancy agreements
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay - Local Government Property Local Law</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • Not applicable.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Section 3.58 Disposing of property; and • Section 3.18 Performing Executive Functions.
Other Relevant References	<ul style="list-style-type: none"> • <i>Land Administration Act 1997.</i>
File Number:	<ul style="list-style-type: none"> • LEG (Prefix) (multiple files).
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Evidence of Determinations to be filed on Agreements file; and • Agreements Register to be updated and agreements recorded in system electronically and in hardcopy.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate Services; • Manager Community Development; and • Manager Planning & Development.
CEO’s conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation; and • Subject to Section 5.43(d) of the <i>Local Government Act 1995.</i>

ES12 TENANCY AGREEMENTS	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	22 September 2015

ES13 Contract Formalities

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is to for Council to delegate power to the CEO to approve an extension to a contract in accordance with the provisions of Section 3.18 Performing Executive Functions of the *Local Government Act 1995*, subject to:

- (a) The tender specifying the provisions of the option term;
- (b) The contract providing for the extension; and
- (c) The extension being on the same terms and conditions as the last year of the original term but does not allow for price increases in line with the contract provisions (if any) for price.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to Section 9.49B “Contract formalities” of the *Local Government Act 1995*.

Function

To permit the CEO to approve an extension to a contract, subject to the terms of the existing contract.

CONDITIONS

Section 5.43 (a) and (b) of the *Local Government Act 1995* puts conditions on the local government as to what powers or duties can be delegated to a CEO in relation to Expressions of Interest and Tenders.

This delegation is subject to the requirements of Finance Policy F.3 – Purchasing Policy and in particular, to the requirements of the Tendering Process within this policy.

Section 9.49B “Contract formalities” of the *Local Government Act 1995* states the formalities of making, varying or discharging a contract by a person acting under the authority of a local government, such as the CEO.

Refer to ES8 Expression of Interest and Tenders delegation.

ES13 CONTRACT FORMALITIES	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.41 Variations of Requirements before entry into Contract; and D.55 Extension of Contracts.
Relevant Management Practice:	<ul style="list-style-type: none"> ES8 Expression of Interest and Tenders delegation.
Relevant Local Law:	<ul style="list-style-type: none"> <i>Shire of Toodyay Standing Orders 2008</i>
Relevant Council Policy:	<ul style="list-style-type: none"> Finance Policy F.3 Purchasing Policy; Other O.5 Policy for CCTV; Strategic Planning Policy SP1 Asset Management.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 3.18 Performing Executive Functions; and Section 9.49B "Contract formalities"
File Number:	<ul style="list-style-type: none"> LEG (Prefix) (multiple files); DIS2 (Plant and Equipment); BLD6 (Building Asset Management).
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Evidence of determination of the extension and appropriate agreements / contracts regarding the extension are to be kept on file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate Services; Manager Community Services; Manager Planning & Development; and Manager Works and Services.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Delegation of power regarding Regulation 20 of the <i>Local Government (Functions and General) Regulations 1996</i> limited.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Refer to Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	22 September 2015

ES14 Appointment of Acting CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to appoint an employee of the Shire of Toodyay to be the Acting Chief Executive Officer for a period of absence of the CEO of not greater than 20 working days in accordance with the provisions of Section 3.18 (3) (c) Performing Executive Functions of the *Local Government Act 1995*.

POWER AND DUTIES

In accordance with Section 5.36 (2) (a) of the *Local Government Act 1995* the CEO by virtue of this delegation must be satisfied that the person appointed as Acting CEO is suitably qualified for the position.

Note: Section 5.36 (2) (b) requires the *absolute majority* of Council and this power cannot be delegated to the CEO by Council.

Function

The purpose of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties in respect to Section 5.36(1)(b) “Local Government Employees” of the *Local Government Act 1995*.

The CEO is permitted to appoint an employee of the Shire of Toodyay to be the Acting Chief Executive Officer for a period of absence of the Chief Executive Officer of not greater than 20 working days.

CONDITIONS

Section 5.43 (a) of the *Local Government Act 1995* states that “a local government cannot delegate to a CEO any power or duty that requires a decision of an absolute majority or a 75% majority of the local government.”

The CEO is to advise Council in writing when an appointment is made under delegated authority.

ES14 APPOINTMENT OF ACTING CEO	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> Not applicable.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.

ES14 APPOINTMENT OF ACTING CEO	
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 3.18 "Performing Executive Functions"; Section 5.36 "Local Government Employees"; and Section 5.40 "Principles affecting employment by local governments".
File Number:	<ul style="list-style-type: none"> HR317
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Evidence of decision made and acceptance of decision by the employee being appointed must be kept on the personnel files of relevant employees.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Not suitable for Acting Through in accordance with Section 5.43 of the <i>Local Government Act 1995</i>.
Adoption Date:	23/02/2016 (Council Res No 22/02/16)
Last Review Date:	23/02/2016

ES15 Temporary Road Closures

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

BACKGROUND

The State Traffic Intelligence, Planning and Coordination Unit (STIPCU), along with other agencies is designated the task of vetting and assessing applications regarding approval and district/regional coordination of the following applications from the public, sporting and social groups:

- Order for Road Closure – Section 81 A-F of the *Road Traffic Act 1974*;
- Temporary Suspension of the Road Traffic Act/Regulations- Racing Events under Section 139 of the *Road Traffic (Administration) Act 2008*; and
- Permit to hold a Public Meeting and/or Procession- Section 7 of the *Public Order in Streets Act 1984*.

Information in relation to the above is available via <https://www.police.wa.gov.au/Traffic/Events-on-Roads/Events-and-road-closures>

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to respond to a road closure application within the parameters set out in the Council Policy A.13 Temporary Road Closures, or otherwise refer the matter to Council.

Sections 3.50, 3.51 and 3.52 of the *Local Government Act 1995* are an executive function of Council already delegated to the CEO by Council through Council Policy A.13 Temporary Road Closures. However the policy does not provide for sub-delegation to other Officers.

POWERS AND DUTIES

This delegation will facilitate the timely processing of road closure applications in accordance with the *Road Traffic Act 1974*; and the *Road Traffic (Events on Roads) Regulations 1991* and to provide prompt written responses to the Western Australian Police in respect to temporary road closure permits.

Under Section 81A-F of the *Road Traffic Act 1974*, an applicant must lodge an application with the local authority and obtain permission before proceeding to other agencies such as Main Roads WA.

Function

The Shire of Toodyay, as a local authority, is one of the agencies responsible for providing approval for a road closure application prior to it being lodged with the Western Australian Police.

CONDITIONS

The CEO and, in the absence of the CEO, Authorised Officers in accordance with the above delegation are required to:

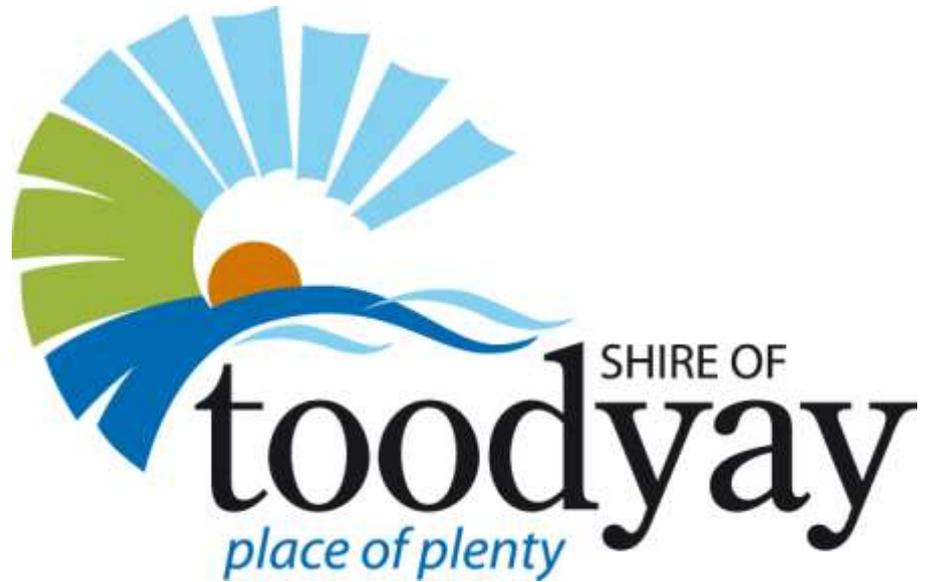
1. record decisions to undertake a road closure;
2. record advice to owners/occupiers;
3. Record agreements for maintenance of private structures in public thoroughfares /places; and
4. Ensure that evidentiary documents that meet the requirements of *Local Government (Administration) Regulations 1996* reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the record keeping system.

Refer to Delegation CD1 and ES2 for further information.

ES15 TEMPORARY ROAD CLOSURES	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.23 – Temporary Road Closures.
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>The Shire of Toodyay Code of Conduct.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Administration Policy A.13 Temporary Road Closures.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Part 3 – Division 3 – Sections s3.50 closing certain thoroughfares to vehicles s3.50 A Partial closure of thoroughfares for repairs or maintenance s3.51 Affected owners to be notified of certain proposals s3.52 Public access to be maintained and plans kept.
File Number:	<ul style="list-style-type: none"> • EVT (Prefix) (numerous Event files); • TEC1 (Technical Services); • TEC3 (Road Construction); • TEC5 (Road Safety); • Relevant Road Files in Synergy.

ES15 TEMPORARY ROAD CLOSURES	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in monthly Council Information Bulletin; and Record decisions to undertake a road closure. Record advice to owners/occupiers. Record agreements for maintenance of private structures in public thoroughfares / places. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the record keeping system.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; Manager Community Development; and the Manager Works and Services.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation; and Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <i>☑ limited suitability for Acting Through</i>	<ul style="list-style-type: none"> Section 3.50(8) of the <i>Local Government Act 1995</i> suitable for <i>Acting Through</i>.
Adoption Date:	24 November 2005
Last Review Date:	February 2016

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SECTION 3

Corporate Services

(Delegations to the CEO)

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CS1 Payments from Municipal Fund or Trust Fund

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to authorise and make payments from the municipal or trust fund (referred to in Section 6.10 "Financial management regulations" of the *Local Government Act 1995*) in accordance with Regulation 12 "Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996*.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to exercise of its power in relation to:

- the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so; and
- make payments from the municipal or trust fund

in accordance with Regulation 11 "Payments, procedures for making" from the *Local Government (Financial Management) Regulations 1996*.

Function

To comply with the *Local Government Act 1995* sections specified below:

- Section 2.7(2) (a) and (b);
- Section 6.5 "Accounts and Records";
- Section 6.7 "Municipal Fund"; and
- Section 6.9 "Trust fund".

Note: **Payments from the Trust Fund will include, but not be limited to, the release of cash bonds held against Works and Technical Services.**

CONDITIONS

Regulation 12 "Payments from municipal fund or trust fund, restrictions on making" of the *Local Government (Financial Management) Regulations 1996* state the restrictions on making payments from these funds.

All payments are to be made in accordance with the relevant Council Policies.

Section 6.8 "Expenditure from municipal fund not included in annual budget" from the *Local Government Act 1995* states the conditions to be met by the CEO in relation to this delegation.

Regulation 13 "Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* states the conditions to be met by the CEO in relation to this delegation. One of those requirements is that a list of accounts paid by the CEO is to be prepared each month.

CS1 PAYMENTS FROM MUNICIPAL FUND OR TRUST FUND	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.13 Authorised Signatories; • D.14 Purchasing; • D.34 Approve / Reject Reimbursements; and • D.59 Release of Cash Bonds.
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Finance Policy F.2 – Authorised Signatories;</i> • <i>Finance Policy F.3 – Purchasing;</i> • <i>Finance Policy F.10 – Natural Disaster Recovery Management Account Expenditure;</i> • <i>Finance Policy F.11 – Corporate Credit Cards; and</i> • <i>Finance Policy F.14 – Environmental Purchasing Policy.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Section 2.7(2) (a) and (b); • Section 6.5 "Accounts and Records"; • Section 6.7 "Municipal fund"; • Section 6.8 "Expenditure from municipal fund not included in annual budget"; and • Section 6.10 "Financial management regulations".

CS1 PAYMENTS FROM MUNICIPAL FUND OR TRUST FUND	
<p>Other Relevant References:</p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>	<ul style="list-style-type: none"> • Regulation 8 "Separate bank etc. Accounts required for some money"; • Regulation 11 "Payments, procedures for making"; • Regulation 12 "Payments from municipal fund or trust fund, restrictions on making"; and • Regulation 13 "Payments from municipal fund or trust fund by CEO, CEO's duties as to etc."
File Number:	<ul style="list-style-type: none"> • FIN2/FIN3/FIN6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Include in List of Accounts and/or Financial Statements to be presented at Meetings of Council through its Agenda process.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate Services; • Manager Community Development; • Manager Planning and Development; • Manager Works and Services; and • Accountant.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
<p>Appointment of Authorised Officers / Authorised Persons</p> <p><input checked="" type="checkbox"/> <i>Suitable for Acting Through</i></p>	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	22 September 2015

CS2 Investment of Surplus Funds

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to invest money held in any Council funds as may from time to time not be required for immediate use.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to establishing and documenting internal control procedures to be followed by employees to ensure control over investments in accordance with Regulation "r.19 Investments, control procedures for" from the *Local Government (Financial Management) Regulations 1996*.

Function

To comply with the regulations when investing money referred to in subsection 6.14 "Power to invest" (1) of the *Local Government Act 1995*.

To invest surplus funds to maximise Council's interest earning capability in accordance with regulation "r.12 Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996*.

CONDITIONS

Clause 8 (3) "Separate bank etc. accounts required for some money" from the *Local Government (Financial Management) Regulations 1996* states that money from different accounts may be placed in a common investment authorised by the Act.

Clause "19C Investment of money, restrictions on (Act s. 6.14(2)(a))" from the *Local Government (Financial Management) Regulations 1996* states the restrictions/conditions contained in the Act in relation to this delegation.

All investments are to be made in accordance with Finance Policy F.9 Investment of Surplus Funds.

Regulation "r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* requires a list of accounts paid by the CEO is to be prepared each month.

CS2 INVESTMENT OF SURPLUS FUNDS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.2 Investment of Surplus Funds.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Finance Policy F.9 Investment of Surplus Funds; and</i> <i>Finance Policy F.2 – Authorised Signatures.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Subsection 6.14 "Power to invest" (1).
Other Relevant References: <i>Local Government (Financial Management) Regulations 1996</i>	<ul style="list-style-type: none"> Regulation 8 "Separate bank etc. Accounts required for some money"; Regulation "12 Payments from municipal fund or trust fund, restrictions on making"; Regulation "13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." Clause "19 Investments, control procedures for"; and Clause "19C Investment of money, restrictions on (Act s. 6.14(2)(a)).
File Number:	<ul style="list-style-type: none"> BNK2/BNK4
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Include in List of Accounts and/or Financial Statements to be presented at Meetings of Council through its Agenda process.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate Services.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	22 September 2015

CS3 Amend Rate Record

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with Section 6.39 "Rates Record" of the *Local Government Act 1995* (the Act).

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to Part 6, Division 6 "Rates and Services Charges", Section 6.39 (3) "Rates Record" of the Act.

Function

The purpose of this delegation is to amend the rate record in accordance with Part 6, Division 6 "Rates and Services Charges", Section 6.39 (3) "Rates Record" of the Act.

CONDITIONS

A notice is to be given to the owner or occupier of the land, as the case requires, in accordance with Section 6.40 "Effect of amendment of rate record" of the Act.

Service of a rate notice is to be in accordance with Part 6, Division 6, Section 6.41 of the *Local Government Act 1995* and the Shire of Toodyay Finance Policy F.5 Debt Collection.

CS3 AMEND RATE RECORD	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> Not applicable.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Finance Policy F.5– Debt Collection</i>
Other Relevant References: <i>Local Government (Financial Management) Regulations 1996:</i>	<ul style="list-style-type: none"> Part 5 Rates and Service Charges

CS3 AMEND RATE RECORD	
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Part 6, Division 6, Sub-division 3 Imposition of rates and service charges.
File Number:	<ul style="list-style-type: none"> RAT1 (General); Relevant Property file.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Details to be recorded in the appropriate file and/or register and inclusion in the monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate Services.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	22 September 2015
Last Review Date:	

CS4 Approval of Payment Arrangement for Payment of Rates and Service Charges

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Departments:	Corporate Services
Responsible Officer:	Manager Corporate Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to make an agreement with a person for the payment of rates or service charges, in accordance with Subdivision 4 — Payment of rates and service charges.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to accepting payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person referred to in Part 6, Division 6, Section 6.49 " Agreement as to payment of rates and service charges" of the *Local Government Act 1995* (the Act).

Function

To comply with the regulations when accepting payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person referred to in Part 6, Division 6, Section 6.49 " Agreement as to payment of rates and service charges" of the Act.

CONDITIONS

All necessary measures have been taken to recover the debt, and all decisions are to be in accordance with Council Policy F.5 Debt Collection.

The Manager Corporate Services may make agreements with a person for the payment of rates or services charges in the CEO's absence, in accordance with Finance Policy F.5 Debt Collection and Subdivision 4 — Payment of rates and service charges.

CS4 APPROVAL OF PAYMENT ARRANGEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.33 Rate Payments by Agreement; CS4 Agreement as to Payment of Rates and Service Charges.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.

CS4 APPROVAL OF PAYMENT ARRANGEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES	
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Finance Policy F.5 Debt Collection</i>
Other Relevant References:	<ul style="list-style-type: none"> • Part 6, Division 6, Subdivision 4 Payment of rates and service charges [Section 6.49 " Agreement as to payment of rates and service charges"] of the <i>Local Government Act 1995</i>; • Part 5 Rates and Service Charges of the <i>Local Government (Financial Management) Regulations 1996</i>.
File Number:	<ul style="list-style-type: none"> • RAT1 (General); • Relevant Property file.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Details of decisions to be recorded in appropriate file or financial record.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate Services.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	22 September 2015

CS5 Legal Representation and Costs Indemnification

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- approve applications made by Council Members or Employees with respect to legal representation costs, limited to circumstances where a delay in the approval of an application will be detrimental to the legal rights of the applicant; and
- make payments from the Municipal Account to the value of \$10,000 for the provision of urgent legal service costs indemnification prior to an application being considered by Council.

POWERS AND DUTIES

Section 9.56 "Certain persons protected from liability for wrongdoing" of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.

Section 6.7(2) "Municipal Fund" of the Act provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions a local government can expend funds to provide legal representation for council members and employees as long as it believes that the expenditure falls within the scope of the local government's function.

Function

To exercise any of the local government's powers or the discharge of any of its duties in relation to making payments from the Municipal Fund in accordance with section 6.7(2) of the Act and Regulation "r.12 Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996*.

CONDITIONS

Section 9.56 of the *Local Government Act 1995* (the Act) does not preclude people taking action against individual council members or employees if they believe that the council member or employee has not acted in good faith.

Section 3.1 "General Function" of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

Regulation "r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* requires a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.

An application approved by the CEO in accordance with Council Policy A.4 Legal Representation Costs Indemnification is to be submitted to the next Ordinary Meeting of Council. Council may exercise its powers, under this policy, including its powers under clause 3.

CS5 LEGAL REPRESENTATION AND COSTS INDEMNIFICATION	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.3 Legal Representation and Costs Indemnification.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Administration Policy A.4 Legal Representation Costs Indemnification; and</i> <i>Finance Policy F.2 Authorised Signatures.</i>
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government (Financial Management) Regulations 1996 - r.5, r.12 and r.13.</i> <i>Department of Local Government and Communities Local Government Operational Guideline "Legal Representation for Council Members and Employees" Date: April 2006.</i>
File Number:	<ul style="list-style-type: none"> LEG (Prefix) (multiple files)
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Include in List of Payments - Council Agenda for Meetings of Council.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate Services.

CS5 LEGAL REPRESENTATION AND COSTS INDEMNIFICATION	
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions of this delegation; and • Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	22 September 2015

CS6 Issue of Writ, Summons or Other Process

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO 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)].
- 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)].

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the recovery of overdue unpaid rates as well as the costs of proceedings, if any, for that recovery, incurred in a court of competent jurisdiction. As part of the legal recovery of rates and charges in court, documents such as summonses and warrants are required to be duly authorised.

Function

To Issue summonses without continual reference back to Council referred to in section 6.56 "Rates or Service Charges recoverable in Court" of the *Local Government Act 1995*.

To comply with Section "6.64 (1) and (3) "Actions to be Taken" from the *Local Government Act 1995 and Finance Policy F.5 Debt Collection*.

CONDITIONS

Regulation "r.12 Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996* states that a payment may only be made from the municipal fund or the trust fund if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO.

Regulation "r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* requires a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.

Refer to CS1.

CS6 ISSUE OF WRIT, SUMMONS OR OTHER PROCESS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.7 Issue of Summons.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Finance Policy F.5 – Debt Collection; and</i> <i>Finance Policy F.2 – Authorised Signatures.</i>
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government Act 1995 - Part 6, Division 6, Sub-division 4 Payment of rates and service charges; and</i> <i>Local Government (Financial Management) Regulations 1996: Part 5 Rates and Service Charges.</i>
File Number:	<ul style="list-style-type: none"> RAT9
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Details to be recorded in the appropriate file and/or register and inclusion in the monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate Services
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions of this delegation; and Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	22 September 2015

CS7 Power to Defer, Grant Discounts, Waive or Write-off Debts

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Departments:	Corporate Services
Responsible Officer:	Manager Corporate Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

1. Waive or grant a concession in relation to any amount of money owed to the Shire of Toodyay; and
2. Write off any amount of money which is owed to the Shire of Toodyay; and
3. Determine conditions to be applied to waive, grant a concession or write-off money owed to the Shire.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to deferring, granting discounts, waiving or writing off debts referred to in Part 6, Division 4, Section 6.12 "Power to defer, grant discounts, waive or write off debts" of the *Local Government Act 1995*.

Function

To comply with the regulations when deferring, granting discounts, waiving or writing off debts referred to in Part 6, Division 4, Section 6.12 "Power to defer, grant discounts, waive or write off debts" of the *Local Government Act 1995*.

To waive or grant a concession in relation to any amount of money which is owed to the Shire of Toodyay and to write off any amount of money which is owed to the Shire of Toodyay.

CONDITIONS

All necessary measures have been taken to recover the debt, and all decisions are to be in accordance with Council Policy F.5 Debt Collection.

The CEO may write off amounts of up to \$2,000.

CS7 POWER TO DEFER, GRANT DISCOUNTS, WAIVE OR WRITE-OFF DEBTS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.56 Write-Off Monies Owing.
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.

CS7 POWER TO DEFER, GRANT DISCOUNTS, WAIVE OR WRITE-OFF DEBTS	
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Council Policy F.5 Debt Collection</i>
Other Relevant References:	<ul style="list-style-type: none"> Part 6, Division 4, s.6.12 "Power to defer, grant discounts, waive or write off debts" of the <i>Local Government Act 1995</i>; Annual Budget Part 3, regulation 26 "Discounts for early payment etc., information about required" from the <i>Local Government (Financial Management) Regulations 1996</i>; and Financial Reports Part 4, regulation 42 Discounts for early payment etc., information about in annual financial report from the <i>Local Government (Financial Management) Regulations 1996</i>.
File Number:	<ul style="list-style-type: none"> RAT5 (Debt Collection); and RAT6 (Write-Offs).
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Details of decisions to be recorded in appropriate file or financial record.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate Services.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions of this delegation; and Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	22 September 2015



SECTION 4
Building Services
and/or Health Services
(Delegations to the CEO)

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BS1 Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to be Council's deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government with respect to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* including but not limited to:

- Regulation 4(3) (a) – grant approval subject to form and conditions set out by Council;
- Regulation 4(3) (b) – refuse to grant approval;
- Regulation 10(2) – (relating to approvals);
- Regulation 10(4) (b) – (relating to approvals);
- Regulation 22(2) (a) – (relating to appeals); and
- Regulation 22(2) (b) – (relating to appeals).

POWERS AND DUTIES

This delegation will enable appropriate action to be instigated in a timely and efficient manner relating to breaches of the *Shire of Toodyay Local Planning Scheme No. 4*.

Function

To approve applications for septic tanks and other alternate effluent disposal treatment systems that are compliant with the *Health Act 1911* and relevant subsidiary regulations.

CONDITIONS

Section 28 of the *Health Act 1911* states that every appointment by a local government of an environmental health officer shall be subject to the approval of the Executive Director, Public Health, unless the environmental health officer is the holder of a qualifying certificate of competency approved by the Executive Director, Public Health.

Section 38 of the *Health Act 1911* implies that every local government shall, in the prescribed form, during the month of February in every year, and at such

other times as the Executive Director, Public Health may direct, report to the Executive Director, Public Health concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.

Refer to Delegation EA7.

BS1 APPLICATIONS FOR TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT AND LIQUID WASTE	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.20 - Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste.
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No 4.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Local Planning Policy No. LPP09 – Amendments to the Shire’s local planning scheme;</i> • <i>Local Planning Policy No LPP10 – Temporary on-site accommodation during construction of a dwelling;</i> • <i>Local Planning Policy No LPP16 – Transported and Relocated dwellings;</i> • <i>Local Planning Policy No.LPP17 Extracts Industrial Area Policy;</i> • <i>Local Planning Policy No.LPP18 – Glencoe Estate Design Guidelines; and</i> • <i>Local Planning Policy No LPP25 – Dams.</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Health Act 1911;</i> • <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;</i> • <i>Twelfth Report of Joint Standing Committee on delegated legislation in relation to the treatment of sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No 2) 1993;</i> • <i>Application to construct or install an apparatus for treatment of sewage.</i>
File Number:	<ul style="list-style-type: none"> • HLT17
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Report in monthly Council Information Bulletin.

BS1 APPLICATIONS FOR TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT AND LIQUID WASTE	
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Environmental Health Officer.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Not applicable.
Adoption Date:	24 November 2005
Last Review Date:	

BS2 Issue of Notice of Breach (Fencing)

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to issue and serve Notices relating to fencing erected contrary to the provisions of the Shire of Toodyay's *Local Laws Relating to Fencing 1999*.

POWERS AND DUTIES

This delegation will enable the Chief Executive Officer to issue a 'notice of breach' for non-conformance within the requirements of the *Shire of Toodyay Local Laws relating to Fencing 1999* in a timely and efficient manner.

Function

To comply with the *Shire of Toodyay Local Laws relating to Fencing 1999*.

CONDITIONS

This delegation is subject to the express provisions of the *Local Government Act 1995*, and the Shire of Toodyay's adopted schemes, codes, policies and practices.

BS2 ISSUE OF NOTICE OF BREACH (FENCING)	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.28 – Issue of Notice of Breach (Fencing).
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Local Planning Scheme No 4.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>Local Government Property Local Law; and</i> <i>Local Laws Relating To Fencing.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Local Planning Policy No 5 – Foggarthorpe Design Guidelines;</i> <i>Local Planning Policy No.LPP26 Subdivision Development Guidelines;</i> <i>Local Planning Policy No.LPP18 – Glencoe Estate Design Guidelines;</i> <i>Local Planning Policy No. LPP20 – Central Toodyay Heritage Area;</i>

BS2 ISSUE OF NOTICE OF BREACH (FENCING)	
Relevant Council Policy: <i>continued</i>	<ul style="list-style-type: none"> • <i>Local Planning Policy No.LPP21 – Landscaping Plans;</i> • <i>Local Planning Policy No.LPP1 – Signage Outside the Central Toodyay Heritage Area; and</i> • <i>Local Planning Policy No.LPP15 – Keeping 3 to 6 dogs.</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – Section 5.42 "Delegation of some Powers and Duties to CEO";</i>
File Number:	<ul style="list-style-type: none"> • LAW6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Details of notices recorded on the appropriate file or register; and • Reported in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development; • Building Surveyor; and • Planning Officer
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to Statement of Intent; and • Section 3.26(2) suitable for Acting Through.
Adoption Date:	27 March 2008
Last Review Date:	

BS3 Dealing with Clearing Matters

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

BACKGROUND

The Department of Environmental Regulation (DER) is responsible for administering the native vegetation clearing provisions. The Department of Mines and Petroleum (DMP) has delegated authority under Section 20 of the *Environmental Protection Act 1986* (the EP Act) to administer the clearing provisions for mining and petroleum activities regulated under the *Mining Act 1978*, various petroleum laws and activities under State agreements.

A local government is a public authority who, under the authority of a written law administers or carries on for the benefit of the State, or any district or other part thereof, a social service or public utility.

The EP Act and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Regulations)* provides details on the clearing provisions as well as information on clearing processes under the assessment bilateral agreement under the Commonwealth of Australia’s *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to provide written comment for clearing applications under the *Shire of Toodyay’s Local Planning Scheme No 4* and to provide written advice to the Department of Environment and Conservation on applications for clearing permits, based on the following criteria:

1. Support of applications to clear land will be granted in the following circumstances:
 - a. Clearing of trees or vegetation that are dangerous i.e. constituting a threat to life or property;
 - b. Clearing of trees or vegetation that are not native to the region or have been commercially grown;
 - c. Clearing of land within two metres of infrastructure, such as power lines, sewer, water mains, stormwater drains etc. where the vegetation is likely to damage or disrupt this infrastructure;
 - d. Clearing of land that is occurring as part of a native tree replanting programme or other rehabilitation project approved by Council;

- e. An area up to two metres in width for a fence line that is being established as a new property boundary or to support legitimate farming practices;
 - f. Clearing of land for a building site, either to the maximum size of an approved building envelope shown on a development plan or plan of subdivision or to the extent required for the proposed buildings;
 - g. Clearing of land to provide access to a building site, where the access track has a maximum width of six metres;
 - h. Clearing of land for pasture, grazing or other farming activities in the Rural or Rural Living zones of Local Planning Scheme No 4 where such clearing complies with all provisions of Council's Local Planning Scheme, the Local Planning Strategy and any other adopted policy;
 - i. The clearing of land to collect firewood, to obtain fencing or farming materials, for woodwork or the clearing of isolated trees where the requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* for these activities are achieved; and/or
 - j. The total area of clearing for all activities does not exceed more than 1ha in any financial year.
2. Applications to clear land will not be supported in the following circumstances:
- a. Where the proposed area to be cleared is situated within fifty metres of any major watercourse and/or within the designated flood way and flood fringe for the Avon River;
 - b. The clearing of land for a building site greater than the extent required for the proposed buildings or outside of a defined building envelope; and/or
 - c. Where the clearing of land will likely have a significant negative impact upon the environment and/or landscape of an area.
3. Applications to clear land in the following circumstances will be referred to Council for determination:
- a. Any proposal which does not meet the criteria detailed in Parts (1) or (2);
 - b. Applications to clear land in areas where the topography of the land raises concerns regarding the potential negative impacts of the proposed clearing activities.

POWERS AND DUTIES

This delegation will facilitate the timely processing of applications to clear land under the *Shire of Toodyay's Local Planning Scheme No 4* and to provide prompt written responses to the DER on applications for clearing permits.

Function

Under Section 51B (4) of the *Environmental Protection Act 1986*, DER will consult with any public authority which has an interest in a matter. In relation to clearing permits this includes the local government.

The CEO is to provide input when the proposed clearing falls within the Statement of Intent parameters or otherwise refer the matter to Council.

CONDITIONS

Section 72 of the *Planning and Development Act 2005* refers to a local government's ability to prepare and adopt a local planning scheme.

Part 1, Section 4 of the *Planning and Development Act 2005* states that the local government is a responsible authority, except as provided in regulations made under section 171A (2)(a) that means, in relation to a local planning scheme or local interim development order, that the local government is responsible for the enforcement of the observance of the scheme or order, or the execution of any works which under the scheme or order, or this Act, are to be executed by a local government.

BS3 DEALING WITH CLEARING MATTERS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.25 - Dealing with Clearing Matters.
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Local Planning Scheme No 4.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>Not applicable.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Local Planning Policy No.LPP26 Subdivision Development Guidelines.</i>
Other Relevant References:	<ul style="list-style-type: none"> <i>Environmental Protection Act 1986;</i> <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Regulations); and the</i> <i>Planning and Development Act 2005.</i>
File Number:	<ul style="list-style-type: none"> TEC32.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; and Manager Works and Services.

BS3 DEALING WITH CLEARING MATTERS	
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions of this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Not applicable.
Adoption Date:	27 April 2006
Last Review Date:	

BS4 Swimming Pool Inspections

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to appoint a person to be an Authorised Officer for the purpose of performing the functions under sections 27 and 28 of the *Building Regulations 2012*, specifically in relation to swimming pool inspections being undertaken.

POWERS AND DUTIES

Section 3 of the *Building Act 2011* provides the definition of an authorised person designated under section 96 as an authorised person.

Section 5.A “Authorised persons” of the *Building Regulations 2012* (Section 3 of the *Building Act 2011*) states that an authorised person includes a person who is authorised by a local government for the purposes of section 93(2)(d) as a person having the appropriate experience or qualifications, whether the authorisation is effective before or after the day on which the *Building Amendment Regulations (No. 2) 2012* [Regulation 4] comes into operation.

Function

1. To approve or refuse to approve alternative barriers, other than prescribed in the *Australian Standard 1926.1-2012*.
 - a) prevent access by young children to a swimming pool area, and
 - b) impose conditions as appropriate.

subject to the proposed method of enclosure not providing a lesser standard of protection than would otherwise have been provided through adherence to the Provisions of the *Australian Standard 1926.1-2012*.
2. issue swimming pool infringement notices.
3. withdraw swimming pool infringement notices subject to the following Conditions:
 - a) Where the officer is able to form an opinion that there is little prospect of locating a person in respect of whom the infringement notice has been issued; or
 - b) Where it is ascertained that the address of the offender is such (e.g. overseas, interstate) that the prospect of service of a summons or of the bringing of the offender before a Court of law is slim; or

- c) Where the outstanding infringements were issued by officers who have left the Council's employment; or
- d) Where legal proceedings cannot be commenced because of a lapse of two years since the date of the offence; or
- e) Where in the opinion of the officer, there are other circumstances that warrant such a withdrawal.

CONDITIONS

This delegation is subject to:

- The CEO appointing a suitably qualified officer in accordance with Section 39 of the *Building Regulations 2012*; and
- The express provisions of the *Local Government Act 1995*, and the *Shire of Toodyay's Local Planning Scheme No 4*.

Refer to Delegation ES4.

BS4 SWIMMING POOL INSPECTIONS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.37 – Swimming Pool Inspections.
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No 4</i>.
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Not applicable</i>.
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Not applicable</i>.
Other Relevant References:	<ul style="list-style-type: none"> • Building Services (Registration) Regulations 2011; • Section 31C “Applicable building standards for private swimming pools” of the Building Regulations 2012 (s. 3, 19(3) and 37(1) of the Building Act 2011); • Local Government (Miscellaneous Provisions) Act – Section 245A; and • Provisions of the Australian Standard 1926.1-2012.
File Number:	<ul style="list-style-type: none"> • SWM2
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Details of inspections recorded on the appropriate file or register; and • Reported in monthly Council Information Bulletin.

BS4 SWIMMING POOL INSPECTIONS	
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development; and • Building Surveyor.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	

BS5 Crossing from Public Thoroughfare to Private land or private thoroughfare.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to approve the construction of a crossing giving access from a public thoroughfare to the land or a private thoroughfare serving the land.

POWERS AND DUTIES

To approve the construction of a crossing giving access from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with Section 12(1) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

Function

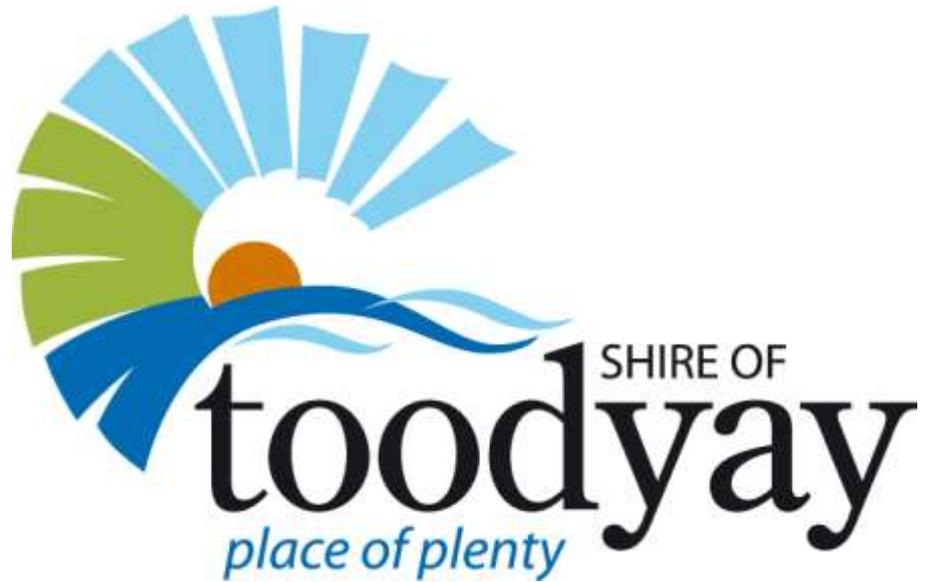
To comply with Section 12(1) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

This delegation is subject to the express provisions of the *Building Act 2011* and the *Building Regulations 2012*, as well as section 12(1) of the *Local Government Act 1995*.

BS5 CROSSING FROM PUBLIC THOROUGHFARE TO PRIVATE LAND OR PRIVATE THOROUGHFARE	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.51 - Crossing from Public Thoroughfare to Private land or private thoroughfare.
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Nil.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 Trading in thoroughfares and public places; LPP.24 - Directional Signage & Signage within Thoroughfares.

BS5 CROSSING FROM PUBLIC THOROUGHFARE TO PRIVATE LAND OR PRIVATE THOROUGHFARE	
Other Relevant References:	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996 – regulation 12(1) Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2);</i> • <i>Building Regulations 2012.</i>
File Number:	<ul style="list-style-type: none"> • LAW11
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Applications including determinations and associated correspondence be recorded on appropriate file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development; and • Manager Works and Services.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	Next review



SECTION 5

Works and Services

(Delegations to the CEO)

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WS1 Crossovers

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Works and Services
Responsible Officer:	Manager Works and Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to authorise the construction of vehicular crossovers in accordance with Sections 12 to 16 of the *Local Government Act 1995* (the Act).

POWERS AND DUTIES

In accordance with section 3.18 of the Act this delegation will enable the Chief Executive Officer to authorise construction of a vehicular crossover and payment of subsidies relating to the construction of a vehicular crossover in accordance with the requirements of Council Policy E.3 Standards and Specifications - Vehicle Crossovers relating to Sections 12 to 16 of the Act.

Function

Refer to Council Policy E.3 Standards and Specifications - Vehicle Crossovers.

CONDITIONS

Refer to Delegation ES2 and BS5.

This delegation is also subject to the express provisions of the Act and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

WS1 CROSSOVERS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.52 - Crossovers.
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Local Planning Scheme No 4.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> Engineering Policy E3 - Standards and Specifications - Vehicle Crossovers.

WS1 CROSSOVERS	
Other Relevant References:	<ul style="list-style-type: none"> • <i>Local Government Act 1995, Schedule 9.1 (7);</i> • <i>Local Government (Uniform Local Provisions) Regulation 1996, Sections 12, 13, 14, 15 and 16; and</i> • <i>Section 21A - Environmental Protection (Clearing of Native Vegetation) Regulations 2004.</i>
File Number:	<ul style="list-style-type: none"> • Relevant Property Files.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Determinations and any form of correspondence be recorded on appropriate file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Works and Services; • Manager Planning and Development.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2007
Last Review Date:	Next review

WS2 Private Works on, over or under public places

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Works and Services
Responsible Officer:	Manager Works and Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to exercise of any of its powers or the discharge of any of its duties under Regulation 17 “Private works on, over, or under public places — Sch. 9.1 cl. 8” of the *Local Government (Uniform Local Provisions) Regulations 1996*.

POWERS AND DUTIES

The CEO, or an Authorised Officer may grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property.

Function

To authorise the construction of anything on, over or under a public thoroughfare or other public place that is local government property in accordance with Regulation 17(2) *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

Refer to Delegations WS1, BS5, PD2 and PD7.

This delegation is also subject to the express provisions of the *Local Government Act 1995*, and the *Shire of Toodyay’s adopted local laws, schemes, codes, policies and practices*.

WS2 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.53 - private works on, over or under public places.
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Local Planning Scheme No 4.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>

WS2 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES	
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Local Planning Policy No LPP01 – Signage outside the Central Toodyay Heritage Area;</i> • <i>Local Planning Policy No. LPP20 – Central Toodyay Heritage Area;</i> • <i>Local Planning Policy No LPP24 – Directional Signage and signage within thoroughfares; and</i> • <i>Local Planning Policy No.LPP26 Subdivision Development Guidelines.</i>
Other Relevant References:	<ul style="list-style-type: none"> • Regulation 17 “Private works on, over, or under public places — Sch. 9.1 cl. 8” of the <i>Local Government (Uniform Local Provisions) Regulations 1996.</i>
File Number:	<ul style="list-style-type: none"> • TEC8
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Determinations and correspondence related thereto to be recorded on appropriate file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Works and Services; and • Manager Planning and Development.
CEO’s conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	Next review

WS3 Licence to deposit materials on or excavate adjacent to a street.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to issue licences to deposit materials on a street, way or other public place and to excavate on land neither abutting nor adjoining a street, way or other public place in accordance with Regulation 6 “Obstruction of public thoroughfare by things placed and left” — Sch. 9.1 cl. 3(1)(a).

POWERS AND DUTIES

Pursuant to Section 25 “Transitional and savings provisions” of the *Local Government (Uniform Local Provisions) Regulations 1996*.

Function

To comply with provisions of:

- Section 36 of the *Planning and Development Regulations 2009*;
- *Building Act 2011*; and
- the *Local Government {Uniform Local Provisions} Regulations 1996*.

CONDITIONS

1. The Chief Executive Officer obtaining confirmation in writing from the Manager Works and Services that the proposed activity will not create undue interference with the operations of the street, way or public place.
2. Licences are to be issued subject to the condition detailed in Section 25 “Transitional and savings provisions” of the *Local Government (Uniform Local Provisions) Regulations 1996* and such other conditions as considered relevant by the Chief Executive Officer.

Refer to Delegation ES4.

WS3 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.47 - License to deposit materials on or excavate adjacent to a street.
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>

WS3 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET	
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Local Planning Policy No.LPP21 – Landscaping Plans; and</i> • <i>Local Planning Policy No.LPP26 Subdivision Development Guidelines.</i>
Other Relevant References:	<ul style="list-style-type: none"> • Regulation 6 “Obstruction of public thoroughfare by things placed and left” — Sch. 9.1 cl. 3(1)(a); • Section 25 “Transitional and savings provisions” of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>; • <i>Building Act 2011</i>; • Section 36 Rights, powers and privileges under easements (Act s. 167(2)) <i>Planning and Development Regulations 2009</i>.
File Number:	<ul style="list-style-type: none"> • CPS2.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • License and correspondence related thereto to be recorded in appropriate file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Works and Services; • Manager Planning and Development.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013.
Last Review Date:	Next review

WS4 Altering Thoroughfare Alignments

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Works and Services
Responsible Officer:	Manager Works and Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to, prior to fixing or altering the level of alignment of a public thoroughfare, invite submissions from any person prescribed as having an interest in accordance with the *Local Government Act 1995* Section 3.51(3).

POWERS AND DUTIES

To exercise any of the local government's powers or the discharge of any of its duties in relation to the appointment of persons or classes of persons to be authorised for the purposes of performing particular functions under the *Local Government Act 1995* and subsidiary legislation.

Refer to Delegation ES2 and PD2.

Function

To comply with Section 3.51(3) "Affected owners to be notified of certain proposals" of the *Local Government Act 1995*.

CONDITIONS

This delegation is subject to the requirements of other legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

WS4 ALTERING THOROUGHFARE ALIGNMENTS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.48 - Altering Thoroughfare Alignments.
Relevant Management Practice:	<ul style="list-style-type: none"> Shire of Toodyay "Local Planning Scheme No 4".
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 Trading in thoroughfares and public places; LPP.24 - Directional Signage & Signage within Thoroughfares.
Other Relevant References:	<ul style="list-style-type: none"> <i>Planning and Development Act 2005.</i>

WS4 ALTERING THOROUGHFARE ALIGNMENTS	
File Number:	<ul style="list-style-type: none"> LAW11.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Documentation and correspondence relating to the
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Works and Services; and Manager Planning and Development.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation; and Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> <i>Refer to Statement of Intent;</i> <i>Suitable for Acting Through in accordance with 3.52(3) of the Local Government Act 1995.</i>
Adoption Date:	18 April 2013
Last Review Date:	Next review

WS5 Dangerous excavation

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Works and Services
Responsible Officer:	Manager Works and Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to authorise a suitably qualified officer to fill in or fence the excavation or request the owner or occupier to fill or securely fence the excavation in accordance with Regulation 11(1) *Local Government (Uniform Local Provisions) Regulations 1996*.

Refer to Delegations ES2, PD2 and WS3.

POWERS AND DUTIES

If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous it may fill in or fence the excavation or request the owner or occupier to fill or securely fence the excavation in accordance with Regulation 11(1) *Local Government (Uniform Local Provisions) Regulations 1996*.

Function

To perform the functions of Clause 2, Division 2 of the *Local Government Act 1995* pertaining to Dangerous excavation in or near public thoroughfare) in accordance with provisions contained in Regulation 11 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

To comply with Part 9 – Miscellaneous Provisions (Section 9.1) where:

authorisation means a licence, permit, approval, or other means of authorising a person to do anything, other than one that has been excluded by regulations from being an authorisation for the purposes of this definition;

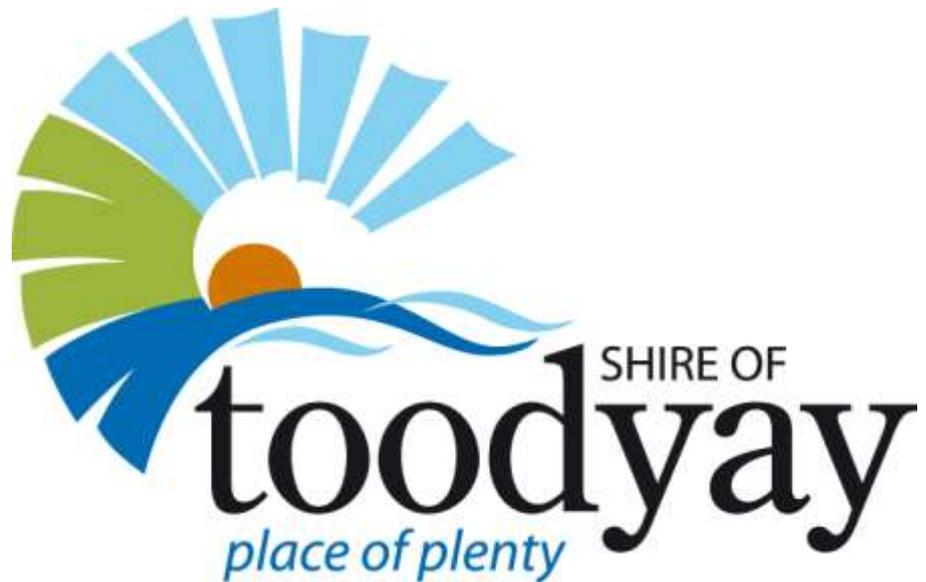
decision means a decision or notice that, in accordance with section 9.1, causes this Division to apply.

WS5 DANGEROUS EXCAVATION	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.50 - Dangerous excavation
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>

WS5 DANGEROUS EXCAVATION	
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Local Planning Policy No.LPP21 – Landscaping Plans; and</i> • <i>Local Planning Policy No.LPP26 Subdivision Development Guidelines.</i>
Other Relevant References:	<ul style="list-style-type: none"> • Part 9 (Miscellaneous Provisions) Division 1 (Objections and Review) Section 9.1 When this division applies whenever a local government gives a person a notice under section 3.25, and for the purposes of this Division the giving of a notice under that section is to be regarded as the making of a decision; • Section 25 “Transitional and savings provisions” of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>; • Building Act 2011; and • Section 36 Rights, powers and privileges under easements (Act s. 167(2)) <i>Planning and Development Regulations 2009</i>.
File Number:	<ul style="list-style-type: none"> • CPS2
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Records to be kept on an appropriate file and instances where this delegation has been enacted, to be communicated to the Council.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Works and Services; • Manager Planning and Development.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.

WS5 DANGEROUS EXCAVATION	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	Next review

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SECTION 6

Community Development

(Delegations to the CEO)

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CD1 Application for Public Events

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Community Development
Responsible Officer:	Manager Community Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- approve applications and issue permits for events on behalf of the local government in accordance with Section 5.41 "Functions of CEO" of the *Local Government Act 1995* (the Act); and
- vary the requirements of Council Policy A11 Applications for Public Events where it is considered that full compliance with the policy is impractical or a variation is warranted in the circumstances of the proposed event so long as variations to the policy do not contravene the requirements set through regulatory legislation.

POWERS AND DUTIES

To exercise any of the local government's powers or the discharge of any of its duties in relation to managing the day to day operations of the local government in accordance with Section 5.41 "Functions of CEO" of the Act subject to the requirements of legislation and regulations and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

Function

To comply with the *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

All decisions relating to applications for a Public Event are to be made subject to and in accordance with the Shire of Toodyay's "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law" and "Local Government Property Local Law" together with relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the Act.

Local government plays a key role for all events and are an integral part of the risk management process. Local government has a responsibility to ensure that events cause the minimum inconvenience and harm to the community. They must also consult with the WA Police and other authorities to ensure that any policing issues are addressed.

CD1 APPLICATION FOR PUBLIC EVENTS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.65 Applications for Public Events (including Stallholder Applications)
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;</i> <i>Local Government Property Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>A.11 Applications for Public Events;</i> <i>A.13 Temporary Road Closures Policy;</i> <i>A.14 Trading in Thoroughfares and Public Places;</i> <i>LPP.24 - Directional Signage & Signage within Thoroughfares;</i> <i>LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places</i>
Other Relevant References:	<ul style="list-style-type: none"> Not applicable.
File Number:	<ul style="list-style-type: none"> EVT (Prefix) multiple files
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; Manager Community Development.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	22 September 2015
Last Review Date:	

CD2 Consumption of Liquor on local government property

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Community Development
Responsible Officer:	Manager Community Development

BACKGROUND

The Shire of Toodyay "*Local Government Property Local Law*" was gazetted on 25/10/2001 in accordance with Section 3.5 "Legislative Powers of Local Governments" and Section 3.12 "Procedure for making Local Laws" of the *Local Government Act 1995*.

The Shire of Toodyay "*Local Government Property Local Law*" states that the Head of Power in relation to this delegation is the *Liquor Control Act 1988* (formerly named the *Liquor Licensing Act 1988*).

Section 37 "Pre-requisites for grants of licences etc.; conditions on licences" from the *Liquor Control Act 1988* states that the local government is a "Public Body", and as such local governments have the power under this Act to properly control the consumption of liquor on local government property.

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- approve applications and issue permits for the consumption of liquor on local government property; and
- use his discretion concerning whether to waive or reduce fees to be imposed on applicants that are contained in the *Shire of Toodyay's Schedule of Fees and Charges*.

POWERS AND DUTIES

To exercise any of the local government's powers or the discharge of any of its duties in relation to approve and properly control the consumption of liquor on local government property, subject to the applicants being advised of restrictions contained in the *Liquor Control Act 1988* and relevant Council Policies.

Function

To comply with Section 5.41 "Functions of CEO" of the *Local Government Act 1995*.

CONDITIONS

All decisions relating to granting a permit are subject to and in accordance with the *Shire of Toodyay's "Local Government Property Local Law"* and relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the *Local Government Act 1995*.

CD2 CONSUMPTION OF LIQUOR ON LOCAL GOVERNMENT PROPERTY	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.4 Consumption of Liquor on local government property.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> <i>Shire of Toodyay's "Local Government Property Local Law</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>A.11- Applications for Public Events; and</i> <i>A.14 Trading in thoroughfares and public places.</i>
Other Relevant References:	<ul style="list-style-type: none"> Section 37 "Pre-requisites for grants of licences etc.; conditions on licences" from the Liquor Control Act 1988. Section 122 "Regulated premises, offences as to juveniles" of the Liquor Control Act 1988. Policy titled "Exemptions to the Liquor Control Act 1988" (Effective: 18 July 2011) published by the Department of Racing, Gaming and Liquor in accordance with the Liquor Control Act 1988.
File Number:	<ul style="list-style-type: none"> MEM1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in the monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; and Manager Community Development.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	22 September 2015

CD3 Accession of Artefacts into Museum Collection

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Community Development
Responsible Officer:	Manager Community Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to approve the acquisition of and deaccession of objects to and from the Museum Collection.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the recommendations made by Council by the Museum Advisory Committee in accordance with the provisions of Council Policy A.17.

Function

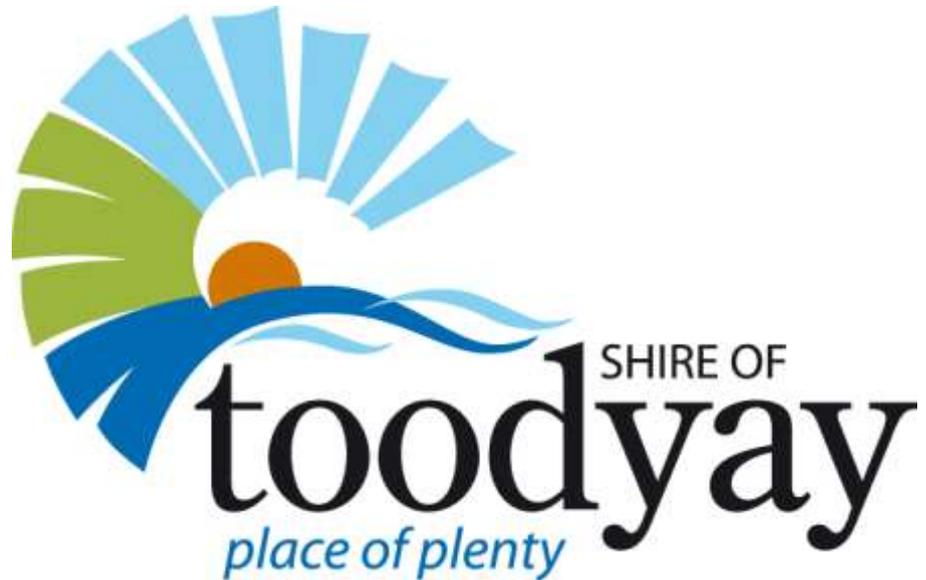
To comply with the provisions of the *Shire of Toodyay's Council Policy O.4 Museum Collection and Conservation Management*.

CONDITIONS

There are no other conditions other than mentioned above.

CD3 ACCESSION OF ARTEFACTS INTO MUSEUM COLLECTION	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.60 Accession of Artefacts into the Museum Collection.
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Council Policy O.4 Museum Collection and Conservation Management; and</i> <i>Council Policy A.17 Consideration of Committee Recommendations.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 3.18 Performing Executive Functions.
File Number:	<ul style="list-style-type: none"> HER10.

CD3 ACCESSION OF ARTEFACTS INTO MUSEUM COLLECTION	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Minutes of Museum Advisory Committee Meetings are to be where the recording of items into and out of the Museum Collection are recorded.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Museum Curator.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>☑ Suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to Statement of Intent.
Adoption Date:	27 May 2014 (<i>Council Resolution 120/05/14</i>)
Last Review Date:	22 September 2015



SECTION 7

Planning

Delegations

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PD1 Stallholder Applications

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- approve applications and issue permits for stallholder applications on behalf of the local government in accordance with Section 5.41 "Functions of CEO"; and
- make determinations in relation to stallholder applications including whether to waive or reduce stallholder's fees to be imposed on applicants that are contained in the *Shire of Toodyay's Schedule of Fees and Charges*.

POWERS AND DUTIES

Determination of applications is pursuant to consideration of the Local Planning Scheme in accordance with the *Planning and Development Act 2005*, the Shire of Toodyay's Local Law and relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the *Local Government Act 1995*.

Function

The purpose of this delegation is to comply with:

1. *Local Government (Uniform Local Provisions) Regulations 1996* which came into operation on 1 July 1996. Under section 9.60 of the Act, these regulations apply as if they were local laws made by each local government;
2. *The Shire of Toodyay "Local Planning Scheme No 4" made in accordance with the Planning and Development Act 2005* which came into operation on 17 December 2007; and
3. the Shire of Toodyay "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*", gazetted on 25/10/2001 in accordance with Section 3.5 "Legislative Powers of Local Governments" and Section 3.12 "Procedure for making Local Laws" of the *Local Government Act 1995*.

CONDITIONS

In relation to Food Stall Holder Applications decisions made are subject to Section 115 of the *Food Act 2008* which requires the local government, as an **enforcement agency**, to be responsible for preparing and maintaining a list of:

- (a) food businesses notified to the agency in respect of any premises under section 107; and
- (b) food businesses registered by the agency in respect of any premises under section 110.

Waiving of fees is subject to the requirements of legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

PD1 STALLHOLDER APPLICATIONS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.4 Liquor Consumption.
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> • A.14 Trading in Thoroughfares and Public Places; • LPP.24 - Directional Signage & Signage within Thoroughfares; • LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places
Other Relevant References:	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i>; • <i>Regulation 115 - Food Act 2008</i>; • <i>Shire of Toodyay "Local Planning Scheme No 4"</i>; and • <i>Planning and Development Act 2005</i>.
File Number:	<ul style="list-style-type: none"> • EVT1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development; and • Environmental Health Officer.

PD1 STALLHOLDER APPLICATIONS	
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	18 April 2013

PD2 Thoroughfares and Trading in Thoroughfares and Public Places Permits

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to make determinations in relation to applications for a permit including whether to waive or reduce fees to be imposed on applicants that are contained in the *Shire of Toodyay's Schedule of Fees and Charges*.

POWERS AND DUTIES

To approve applications and issue permits on behalf of the local government in accordance with Section 5.41 "Functions of CEO" of the *Local Government Act 1995* subject to the requirements of legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

Function

The purpose of this delegation is to comply with:

1. *Local Government (Uniform Local Provisions) Regulations 1996*;
2. the Shire of Toodyay "*Local Planning Scheme No 4*"; and
3. the Shire of Toodyay "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*."

CONDITIONS

Determination of applications is pursuant to consideration of the Local Planning Scheme in accordance with the *Planning and Development Act*, subject to and in accordance with Clause 7.2 of the Shire of Toodyay's "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*" and relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the *Local Government Act 1995*.

PD2 THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES PERMITS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.6 Thoroughfares and Trading in thoroughfares and Public Places Permits
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.

PD2 THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES PERMITS	
Relevant Council Policy:	<ul style="list-style-type: none"> • A.11 Applications for Public Events; • A.14 Trading in Thoroughfares and Public Places; • LPP.24 - Directional Signage & Signage within Thoroughfares; • LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places
Other Relevant References:	<ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. Date: 25/10/2001. • Local Government (Uniform Local Provisions) Regulations 1996 • Weights and Measures Act 1915 (repealed by the Trade Measurement Administration Act 2006 (No. 12 of 2006) s. 36(1) as at 1 Jun 2007 (see s. 2 and Gazette 29 May 2007 p. 2485); • Section 172 of the Health Act 1911; • r.115 Food Act 2008; • Shire of Toodyay "Local Planning Scheme No 4"; and • <i>Planning and Development Act 2005</i>.
File Number:	<ul style="list-style-type: none"> • MEM1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development • Environmental Health Officer
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	24 November 2005

PD2 THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES PERMITS

Last Review Date:

22 September 2013

PD3 Development and Subdivision Application Delegations

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The purpose of this delegation is to provide authorisations in accordance with Clause 11.3 of the *Shire of Toodyay Local Planning Scheme No. 4* in respect to the undertaking of the planning functions of the Shire of Toodyay.

The intent of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005*.

** Absolute majority required.*

POWERS AND DUTIES

This delegation will facilitate good and proper planning practices, including timely assessment of applications, within the Shire of Toodyay.

Function

1. 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:
 - a) Complies with all applicable standards and requirements of the Scheme, planning policies and structure and/or detailed area plans, including a change of use to a use classified under the Scheme as a permitted (P) use;
 - b) Includes a change of use to a use classified under the Scheme as a discretionary (D) use or constitutes a variation to the provisions of Clause 5.5 of the Scheme where the variation is considered minor.
2. Authority to advertise an application, including applications for advertised (A) uses, use not listed in accordance with Clause 4.4 and DAP applications.
3. Authority to comment on applications referred to Council by other authorities.

CONDITIONS

1. **Authority may not be exercised where three or more elected members have requested, in writing to the CEO, that the application be referred to the Council for determination in the following cases:**

- a) Approve applications for land use and/or development under the Shire Local Planning Scheme No. 4:
 - i) where an objection has been received during a public consultation period;
 - ii) that require a variation to any adopted Council policy;
 - iii) where the use is not mentioned in the zoning table;
 - iv) in relation to non-conforming use of land;
 - v) where the value of the development on Reserve zoned land is greater than \$50,000; and
 - vi) that require a setback variation.
- b) Refusal of all planning applications where the proposed land use and/or where the development does not comply with the non-discretionary provisions of the Residential Design Codes or an adopted Council policy.
- c) To make recommendations to the Western Australian Planning Commission for approval, with or without conditions, in respect of applications for subdivision, amalgamation and survey strata subdivision that do not comply with the following:
 - i) Shire of Toodyay's Local Planning Scheme No 4;
 - ii) Shire of Toodyay's Local Planning Strategy; and
 - ii) Residential Design Codes (2015).
- d) To make recommendations to the Western Australian planning Commission for refusal in respect of applications for subdivision, amalgamation and survey rata subdivision that do not comply with the following:
 - i) Shire of Toodyay's Local Planning Scheme No 4;
 - ii) Shire of Toodyay's Local Planning Strategy; and
 - iii) Residential Design Codes (2015).
- e) In circumstances where:
 - i) The Western Australian Planning Commission decides to approve an application that has not been supported by Council, including reconsidered applications; or
 - ii) The Western Australian Planning Commission decides not to support or modify a condition recommended by Council; or
 - iii) An application and/or condition that has not been supported by Council is to be approved as part of an appeal process,a recommendation on the conditions required on the approval of a subdivision, survey strata subdivision or amalgamation application

or on the modification of any recommended conditions may be made.

- f) To undertake the clearance of conditions on a subdivision approval where the total number of lots in the subdivision exceeds 20.
- g) To issue a written direction under Section 214 of the Planning and Development Act 2005 where an owner/occupier has not satisfied Clause 11.4 of Local Planning Scheme No 4.

2. Authority may not be exercised where the applicant has requested, in writing, an application be referred to Council for determination in the following cases:

- a) Approve applications for land use and/or development under the Shire Local Planning Scheme No. 4, where:
 - i) Applications for land use and/or development where an objection has been received during a public consultation period;
 - ii) Applications for land use and/or development that require a variation to any adopted Council policy;
 - iii) Applications for land use and/or development where the use is not mentioned in the zoning table;
 - iv) Application for land use and/or development in relation to non-conforming use of land;
 - v) Application for land use and/or development on Reserve zoned land where the value of the development is greater than \$50,000;
 - vi) Applications for land use and/or development that require a setback variation.
- b) Refusal of all planning applications where the proposed land use and/or where the development does not comply with the non-discretionary provisions of the Residential Design Codes or an adopted Council policy.
- c) To undertake the clearance of conditions on a subdivision approval where the total number of lots in the subdivision does not exceed 20.

3. Authority may not be exercised where the application is for planning approval for an 'A' use that has been advertised for public comment if any objection has been received that, in the opinion of the Manager Planning & Development, raises relevant planning considerations that cannot be specifically addressed or overcome by modification of the proposal or imposition of appropriate conditions of approval.

4. Authority may not be exercised where an application that has been advertised for public comment if any objection has been received that, in the opinion of the Manager Planning & Development, raises

relevant planning considerations that cannot be specifically addressed or overcome by modification of the proposal or imposition of appropriate conditions approval.

5. Authority may not be exercised where the applications for planning approval where the development may have a detrimental impact on a place which is the subject of a heritage listing made under clause 7.1 of the Scheme.

Note: In relation to the above, authority may only be exercised where the matter complies with the non-discretionary provisions of the relevant Local Planning Scheme, any applicable policy and/or an endorsed Structure, Detailed Area or Subdivision Guide Plan.

6. Any application that does not fall within the parameters defined within this delegation of authority is to be referred to Council for determination.

This delegation does not include those duties referred to in section 5.43 of the *Local Government Act 1995*. This delegation is also subject to the requirements of legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

PD3 DEVELOPMENT OF SUBDIVISION APPLICATION DELEGATIONS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.11 - Planning Applications involving Setback Variations; • D.17 – Development and Subdivision Application Delegations.
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No 4 (referencing 11.3.1 and 11.3.2).</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>The Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>The Shire of Toodyay's adopted local planning policies.</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005;</i> • <i>Local Government Act 1995 – Section 5.42 "Delegation of some Powers and Duties to CEO"</i>
File Number:	<ul style="list-style-type: none"> • PLS2.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO

PD3 DEVELOPMENT OF SUBDIVISION APPLICATION DELEGATIONS			
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning & Development; • Planning Officer (<i>excluding subdivision clearances</i>). 		
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation. 		
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent. 		
Adoption Date:	24/11/2015	Council Resolution	No 242/11/15
Last Review Date:	24/11/2015		

PD4 Illegal Development

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The purpose of this delegation is to provide authorisations in accordance with Clause 11.3 of the *Shire of Toodyay Local Planning Scheme No. 4* in respect to the undertaking of the planning functions of the Shire of Toodyay.

The intent of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005*, section 214(2), (3) and (5).

** Absolute majority required.*

POWERS AND DUTIES

This delegation will enable appropriate action to be instigated in a timely and efficient manner relating to breaches of the *Shire of Toodyay Local Planning Scheme No. 4*.

Function

This delegation will enable the CEO to appoint an Authorised Officer for the purposes of entering any building or land to determine whether the provisions of this Scheme have been or are being observed.

1. 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;
2. Give a written direction to the owner or any other person who undertook an unauthorised development subject to the provisions of clause 8.4.1 of the *Shire of Toodyay Local Planning Scheme No 4*:
 - a) to remove, pull down, take up, or alter the development; and
 - b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development

order would prejudice the effective operation of the planning scheme or interim development order.

CONDITIONS

Part 1, Section 4 of the *Planning and Development Act 2005* states that the local government is a responsible authority, except as provided in regulations made under Section 171A(2)(a) that means, in relation to a local planning scheme or local interim development order, that the local government is responsible for the enforcement of the observance of the scheme or order, or the execution of any works which under the scheme or order, or this Act, are to be executed by a local government.

This delegation is also subject to the requirements of legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

PD4 ILLEGAL DEVELOPMENT	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.11 - Planning Applications involving Setback Variations;
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Local Planning Scheme No 4 (referencing 11.1.2, 11.3.1 and</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted local planning policies.</i>
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government Act 1995 – Section 5.42 "Delegation of some Powers and Duties to CEO"</i> <i>Planning and Development Act 2005 section 214 "Illegal development, responsible authority's powers as to" (2), (3) or (5);</i> <i>Part 13 of the Planning and Development Act 2005.</i>
File Number:	<ul style="list-style-type: none"> PLS2.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning & Development.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.

PD4 ILLEGAL DEVELOPMENT	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	24/11/2015 Council Resolution No 242/11/15
Last Review Date:	24/11/2015

PD5 Appointment of Authorised Persons – the Shire of Toodyay Local Planning Scheme No. 4

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The purpose of this delegation is to satisfy the provisions of Clause 11.3 of the *Shire of Toodyay Local Planning Scheme No. 4* in respect to Council authorising the CEO to exercise any of its powers or the discharge of any of its duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005*.

* Absolute majority required.

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties the *Planning and Development Act 2005*, section 214(2), (3) and (5).

Function

This delegation will enable the CEO to appoint Authorised Officers for the purposes of entering any building or land to determine whether the provisions of the local planning scheme have been or are being observed.

Conditions

There are no conditions. **Refer to ES2** for information related to the *Planning and Development Act 2005*.

PD5 APPOINTMENT OF AUTHORISED PERSONS – THE SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO 4	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> Not applicable.
Relevant Management Practice:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted Planning Schemes and Strategies.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted policies.</i>
References - <i>Planning and Development Act 2005</i>	<ul style="list-style-type: none"> Part 13, Division 3, Section 234 "Designated persons, appointment of".

PD5 APPOINTMENT OF AUTHORISED PERSONS – THE SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO 4	
File Number:	<ul style="list-style-type: none"> • PLS2.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • <i>Appointment of a Designated person subject to Section 234 of the Planning and Development Act 2005;</i> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	24/11/2015 Council Resolution No 242/11/15
Last Review Date:	24/11/2015

PD6 Deed of Covenant for the Payment of a Developer Contribution.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The purpose of this delegation is to satisfy the provisions of Clause 2.2 of the *Shire of Toodyay Local Planning Scheme No. 4* in respect to Council authorising the CEO to exercise any of its powers or the discharge of any of its duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005*.

** Absolute majority required.*

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties the *Planning and Development Act 2005, Part 10 – Subdivision and Development Control*.

Function

This delegation of authority will enable the Shire President and the Chief Executive Officer to enter into a Deed of Covenant for the Payment of a Development Contribution with prospective developer(s) proposing to rezone land under Local Planning Scheme No 4 to enable further subdivision subject to the proposed rezoning being supported under the provisions of the Local Planning Strategy.

Conditions

Subject to the proposed rezoning being supported under the provisions of the Local Planning Strategy.

Refer to ES2 for information related to *Planning and Development Act 2005*.

PD6 DEED OF COVENANT FOR THE PAYMENT OF A DEVELOPER CONTRIBUTION	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.29 - Deed of Covenant for the Payment of a Development Contribution.
Relevant Management Practice:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's adopted Planning Schemes and Strategies.</i>

PD6 DEED OF COVENANT FOR THE PAYMENT OF A DEVELOPER CONTRIBUTION	
Relevant Local Law:	<ul style="list-style-type: none"> • <i>The Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • LPP.19 - Subdivision Contributions For Road And Footpath Upgrading; and • LPP.26 – Sub-divisional Development Guidelines.
References - <i>Planning and Development Act 2005</i>	<ul style="list-style-type: none"> • Part 13, Division 3, Section 234 "Designated persons, appointment of".
File Number:	<ul style="list-style-type: none"> • PLA1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Detail of deeds to be recorded in appropriate register and upon the common seal being affixed, reported in the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 June 2008
Last Review Date:	18 April 2013

PD7 Gutters for new buildings in the Central Toodyay Heritage Area

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to exercise the discretion contained in Clause 2.4.4 of Local Planning Policy LPP 20 – Central Toodyay Heritage Area to the extent that the requirement for quad or half round gutters in relation to new buildings in the Central `Heritage Area will not be required.

Section 3.4.17 (Residential Developments): the requirement for quad or half round gutter on new buildings; and

Section 4.4.13 (Commercial Developments): the requirement for quad or half round gutter on new buildings.

POWERS AND DUTIES

The purpose of this delegation is to comply with Clause 11.3 of Local Planning Scheme No 4 in respect to Council authorising the CEO to waive the requirement of quad or half round gutters for new buildings in the Central Toodyay Heritage Area.

** Absolute majority required.*

Function

To waive the requirement of quad or half round gutters for new buildings in the Central Toodyay Heritage Area.

CONDITIONS

Refer to Delegation ES2 and ES4.

PD7 GUTTERS FOR NEW BUILDINGS IN THE CENTRAL TOODYAY HERITAGE AREA	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.49 Gutters for new buildings in the Central Toodyay Heritage Area.
Relevant Management Practice:	<ul style="list-style-type: none"> Clause 11.3 of Local Planning Scheme No 4

PD7 GUTTERS FOR NEW BUILDINGS IN THE CENTRAL TOODYAY HERITAGE AREA	
Relevant Council Policy:	<ul style="list-style-type: none"> A.11 Applications for Public Events; A.14 Trading in Thoroughfares and Public Places; LPP.24 - Directional Signage & Signage within Thoroughfares; and LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> Shire of Toodyay "Local Planning Scheme No 4"; and <i>Planning and Development Act 2005.</i>
File Number:	<ul style="list-style-type: none"> PLA1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable in accordance with Section 5.43 of the <i>Local Government Act 1995.</i>
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	18 February 2014 (<i>Council Resolution No 43/02/14</i>)
Last Review Date:	Next review

PD8 Caravan Park and Camping Grounds

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to carry out the provisions of the *Caravan Park and Camping Grounds Act 1995* and associated regulations.

POWERS AND DUTIES

Regulation 6 of the *Caravan Parks and Camping Grounds Regulations 1997* states that the functions 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.

Section 17 (Part 3) of the *Caravan Park and Camping Grounds Act 1995* provides for the CEO of a local government being able to appoint such persons for the purposes of the Act.

Function

To comply with the requirements of the *Caravan Park and Camping Grounds Act 1995* and regulation 6 of the *Caravan Parks and Camping Grounds Regulations 1997*.

CONDITIONS

Refer to Delegation ES2.

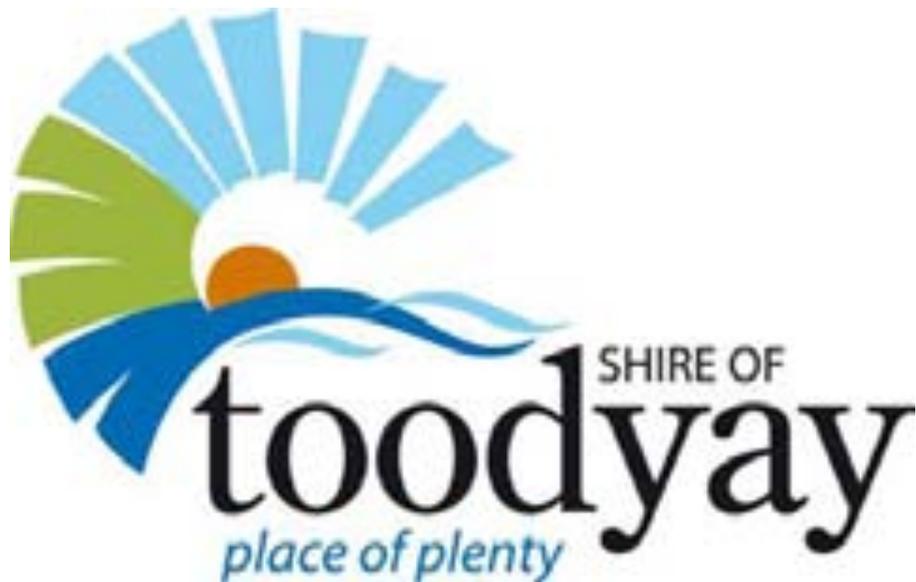
In the absence of the CEO the sub-delegated Officers may carry out the provisions of the *Caravan Park and Camping Grounds Act 1995* and associated regulations.

This delegation is subject to express provisions of the *Local Government Act 1995*, and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

PD8 CARAVAN PARK AND CAMPING GROUNDS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.35 Caravan Park and Camping Grounds
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>The Shire of Toodyay's Parking and Parking Facilities local law.</i>

PD8 CARAVAN PARK AND CAMPING GROUNDS	
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Local Planning Policy No. LPP03 Caravan and Camping Grounds;</i> • <i>Local Planning Policy No. LPP10 – Temporary Onsite Accommodation during construction of a dwelling; and</i> • <i>Local Planning Policy No. LPP17 – Extracts Industrial Area Policy.</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Caravan Park and Camping Grounds Act 1995; and</i> • <i>Regulation 6 of the Caravan Parks and Camping Grounds Regulations 1997.</i>
File Number:	<ul style="list-style-type: none"> • CAM1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Records pertaining to this delegation to be kept on appropriate file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development; • Manager Works and Services.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • In accordance with the conditions of this delegation.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to ES2; and • Not applicable.
Adoption Date:	18 April 2013
Last Review Date:	Next review

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SECTION 8

Delegations from External Agencies

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**EA1 Noise Control – Serve Environmental Protection Notices
[S65(1)]**

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

Published in Government Gazette No.47, 19 March 2004
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.

POWERS AND DUTIES

This delegation is a Statutory Delegation to the CEO holding office under the *Local Government Act 1995*.

Function

Powers and duties stated above in the gazettal notice.

CONDITIONS

Conditions stated above in the gazettal notice.

EA1 NOISE CONTROL – SERVE ENVIRONMENTAL PROTECTION NOTICES	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.62 Noise Control – Serve Environmental Protection Notices [S65(1)]
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A14 Trading in thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> Environmental Protection Act 1986, Section 20, Delegation No 52; In accordance with Section 65 of the Environmental Protection (Noise) Regulations 1997 Act.
File Number:	<ul style="list-style-type: none"> HLT18.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Not applicable.

EA1 NOISE CONTROL – SERVE ENVIRONMENTAL PROTECTION NOTICES	
<p>Appointment of Authorised Officers / Authorised Persons</p> <p><input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i></p>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
<p>Adoption Date:</p>	<p>When DR Reviewed (Correspondence ICR27296)</p>
<p>Review Date(s):</p>	<p>22 September 2015</p>

EA2 Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

Published in 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.

POWERS AND DUTIES

This delegation is a Statutory Delegation to the CEO holding office under the *Local Government Act 1995*.

Function

Powers and duties stated above in the gazettal notice.

CONDITIONS

Conditions stated above in the gazettal notice.

EA2 NOISE CONTROL – KEEPING OF LOG BOOKS, NOISE CONTROL NOTICES; CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.63 Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 Trading in Thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> Environmental Protection Act 1986; In accordance with the Environmental Protection (Noise) Regulations 1997.
File Number:	<ul style="list-style-type: none"> EVT1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in monthly Council Information Bulletin.

EA2 NOISE CONTROL – KEEPING OF LOG BOOKS, NOISE CONTROL NOTICES; CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS	
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	When DR Reviewed (Correspondence ICR27296)
Review Date(s):	22 September 2015

EA3 Noise Control – Noise Management Plans – Construction Sites [Reg.13]

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Environmental Health Officers

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

**Published in Government Gazette No.71 – 16 May 2014
EV405***

**ENVIRONMENTAL PROTECTION ACT 1986
DELEGATION NO. 119**

I, 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

POWERS AND DUTIES

This delegation is a Statutory Delegation to the CEO holding office under the *Local Government Act 1995* and 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.

Function

Powers and duties stated above in the gazettal notice.

CONDITIONS

Conditions stated above in the gazettal notice.

EA3 NOISE CONTROL – NOISE MANAGEMENT PLANS – CONSTRUCTION SITES	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.64 Noise Control – Noise Management Plans – Construction Sites [Reg.13]
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 Trading in Thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> <i>Environmental Protection Act 1986</i>, Section 20, Delegation No 52.
File Number:	<ul style="list-style-type: none"> EVT1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> Suitable for Acting through an Authorised Person as stated in the Statement of Intent.
Adoption Date:	24 November 2005
Review Date(s):	22 September 2015

EA4 Delegation to the CEO In relation to the Freedom of Information Act 1992

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate Services

STATEMENT OF INTENT

This delegation was from an External Agency through the ***Freedom of Information Act 1992*** which defines:

- an ***agency*** as being a public body or office and a ***public body*** as meaning a local government; and
- a ***principal officer*** of an agency “(c) in relation to a local government – the Chief Executive Officer (CEO) of the local government.”

POWER AND DUTIES

This delegation is a Statutory Delegation to the Principal Officer of the Agency, holding office under the *Local Government Act 1995*.

Function

This delegation enables the CEO to make decisions on behalf of the Agency or direct an officer of the agency to make a decision, either generally or in a particular case in respect to an FOI Application in accordance with Section 100 “who in Agency makes decisions” of the *Freedom of Information Act 1992*.

The *Freedom of Information Act 1992* [Part 5 Publication of Information about agencies] section 94 “Terms used: information statement” stipulates that the information statement is required to contain information regarding the designation of the officer or officers to whom initial inquiries as to access to documents can be made.

CONDITIONS

Decisions made under the *Freedom of Information Act 1992* by an agency are to be made by the principal officer of the agency, or an officer of the agency directed by the principal officer for that purpose, either generally or in a particular case. This is in accordance with Section 100 “Who in Agency makes its decisions” of the *Freedom of Information Act 1992*.

Staff are given authority by the CEO to make decisions in regards to applications submitted to the Shire under Division 2 - Procedure for dealing with access applications of the *Freedom of Information Act 1992* in accordance with Council Administration Policy A.16 Freedom of Information.

Only the CEO will make determinations regarding applications for an Internal Review made under Division 5 — Internal review of decisions as to access (s.39-44) of the *Freedom of Information Act 1992*.

Section 5.94 "Public can inspect certain local government information" states that 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 and whether or not it is current at the time of inspection.

Section 5.95 of the *Local Government Act 1995* defines the restrictions in place where a person's right to inspect information referred to in Section 5.94 does not extend to the inspection of information in certain circumstances.

Regulation 29A "Limits on right to inspect local government information" defines the nature under which information is prescribed as being of a private or confidential nature that may or may not be available for inspection if a local government so resolves. In cases where access to information would fall into this category, the CEO will bring the matter to Council for consideration.

EA4 DELEGATION TO THE CEO IN RELATION TO THE FREEDOM OF INFORMATION ACT 1992	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.32 Freedom of Information
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • Administration Policy A.16 Freedom of Information.
Other Relevant References: <i>Freedom of Information Act 1992</i> [Part 5 Publication of Information about agencies]	<ul style="list-style-type: none"> • Section 94 "Terms used: information statement"; • Section 95 "Term used: internal manual"; • Section 96 "Information statement, each agency to publish annually"; and • Section 97 "Information statement and internal manual, each agency to make available etc.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Section 5.94 "Public can inspect certain local government information"; • Section 5.95 "Limits on right to inspect local government information"; and • Section 5.96 "Copies of information to be available".

EA4 DELEGATION TO THE CEO IN RELATION TO THE FREEDOM OF INFORMATION ACT 1992	
Other Relevant References: <i>Local Government (Administration) Regulations 1996</i>	<ul style="list-style-type: none"> • Regulation 29 “Information to be available for public inspection” (Part 7 – Access to Information); • Regulation 29A “Limits on right to inspect local government information”; and • Regulation 29B “Copies of certain information not to be provided”.
File Number:	<ul style="list-style-type: none"> • FOI/FOI1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Any applications or response to those applications via written means related to FOI requests are to be retained in the records system on an FOI file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
CEO’s conditions on sub-delegation	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • Suitable for Acting through an Authorised Person as stated above.
Adoption Date:	18 April 2013
Last Review Date:	22 September 2015

EA5 Delegation to the CEO In relation to the Public Interest Disclosure Act 2003

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Community Development
Responsible Officer:	Manager Community Development

STATEMENT OF INTENT

This delegation was from an External Agency through the *Public Interest Disclosure Act 2003* which defines a **public authority** as meaning a local government or a regional local government.

POWERS AND DUTIES

This delegation is a Statutory Delegation to the Principal Executive Officer of the Public Authority, holding office under the *Local Government Act 1995*.

Function

Powers and duties of a Principal Executive Officer are in accordance with Section 23 of the *Public Interest Disclosure Act 2003*.

As the principal executive officer of a public authority, the CEO has the power to designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information in accordance with Section 23 of the *Public Interest Disclosure Act 2003*.

CONDITIONS

Conditions are in accordance with Section 23 of the *Public Interest Disclosure Act 2003*.

EA5 DELEGATION TO THE CEO IN RELATION TO THE PUBLIC INTEREST DISCLOSURE ACT 2003	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.26 - Appointment of Authorised Persons;
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> Section 23 of the <i>Public Interest Disclosure Act 2003</i>.

EA5 DELEGATION TO THE CEO IN RELATION TO THE PUBLIC INTEREST DISCLOSURE ACT 2003	
File Number:	<ul style="list-style-type: none"> MAN8.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Internal procedures prepared under subsection (1)(e) must be
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <i>☑ Suitable for Acting Through</i>	<ul style="list-style-type: none"> Suitable for Acting through a Designated Person as stated above.
Adoption Date:	22 September 2015
Last Review Date:	22 September 2015

EA6 Delegation to the CEO In relation to the Local Government Act 1995 – Elections and other polls

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the *Local Government Act 1995* which defines through Part 4 Elections and other polls [Division 7 Provisions about electoral officers and the conduct of elections] the following:

Section 4.20 “CEO to be returning officer unless other arrangements are made” of the *Local Government Act 1995*, appoints the CEO of a local government for each election as a Returning Officer.

Section 4(1) of the Act provides the definition of an electoral officer as meaning “a returning officer or a deputy returning officer or electoral officer appointed by a returning officer”.

POWER AND DUTIES

This delegation is a Statutory Delegation to the Principal Officer of the Agency, holding office under the *Local Government Act 1995*.

Section 4.19 “Returning Officer” states that “the principal electoral office of a local government is that of returning officer.”

Function

The CEO, appointed under section 4.20(1) of the *Local Government Act 1995*, will appoint one or more deputy returning officers or electoral officers to assist in the conduct of elections according to the principles set out in section 5.40 of the *Local Government Act 1995* (refer to r.6 “Appointment of electoral officers” of the *Local Government (Elections) Regulations 1997*).

CONDITIONS

In accordance with Section 7 “Declaration by electoral officer” of the *Local Government (Elections) Regulations 1997* before beginning to act as an electoral officer the Returning Officer appointed under section 4.21 or an electoral officer appointed under Section 4.32 is to make a declaration (Form 1) before the Returning Officer (i.e. CEO).

Section 4.26 (2) “Delegation” of the *Local Government Act 1995* states that a returning officer may delegate any of his or her powers or duties under this Act (except this power of delegation) to a deputy returning officer.

Section 4.27 “Regulations about electoral officers and conduct of elections” of the *Local Government Act 1995* states that the regulations may include provisions for (b) the appointment, removal or suspension of electoral officers, (c) declarations to be made by electoral officers, and (d) setting out functions to be performed by local governments, CEOs and returning officers to ensure the proper and efficient conduct of elections.

EA6 DELEGATION TO THE CEO IN RELATION TO THE LOCAL GOVERNMENT ACT 1995	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.26 - Appointment of Authorised Persons;
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
<i>Local Government Act 1995</i> Part 4 Elections and other polls [Division 7 Provisions about electoral officers and the conduct of elections]	<ul style="list-style-type: none"> Section 4.20 “CEO to be returning officer unless other arrangements made”; Section 4.21 “Deputy Returning Officer”; Section 4.26 “Delegation”; and Section 4.27 “Regulations about electoral officers and conduct of elections”.
<i>Local Government (Elections) Regulations 1997</i> Part 2 “Electoral Officers”	<ul style="list-style-type: none"> Section 6 “Appointment of electoral officers”; Section 7 “Declaration by electoral officer”; and Section 8 “Electoral codes of conduct”.
File Number:	<ul style="list-style-type: none"> ELE1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Retained in the Records system in the relevant file.
Delegation made by Council to authorise the CEO and/or other	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
CEO’s conditions on sub-delegation	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.

EA6 DELEGATION TO THE CEO IN RELATION TO THE LOCAL GOVERNMENT ACT 1995	
Adoption Date:	22 September 2015
Last Review Date:	22 September 2015

EA7 Delegation to the Chief Executive Officer (CEO) and Environmental Health Officer (EHO) in relation to the Health Act 1911

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through Section 26 of the *Health Act 1911* that states that every local government is authorised and directed to carry out within its district the provisions of the Act and the regulations, local laws, and orders made thereunder provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

This delegation authorises the CEO to exercise any function or power conferred by the *Health Act 1911* or the *Local Government Act 1995* in accordance with Section 250 of the *Health Act 1911*.

Section 3 of the Act states “an **environmental health officer** means an environmental health officer appointed under this Act and includes any acting or assistant environmental health officer”.

POWERS AND DUTIES

Section 173 of the *Health Act 1911* appoints an EHO under this Act to perform all the powers and duties under the Act, as an **authorised person** authorised in writing by the person holding or acting in the chief non-elective office of the local government (i.e. by the CEO of the local government) under Section 5.36 of the *Local Government Act 1995*.

Section 27 of the Act states that “all officers of local governments in office at the commencement of this Act shall be deemed to have been appointed under this Act”.

Function

Council authorises the CEO to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government

with respect to the *Health Act 1911* and subsidiary legislation, local laws, Shire of Toodyay Planning Policies, including but not limited to:

- The issue of notices orders and requisitions;
- The closure of premises where an immediate health risk exists;
- The granting, refusal and cancellation of registration and licences;
- Initiation of legal proceedings where an offence has been committed;
- Any other powers and functions where in the opinion of the Environmental Health Officer, immediate action is necessary to prevent or alleviate a public health hazard.

The CEO will employ an EHO to perform all the powers and duties under the *Health Act 1911*, as an **authorised person**, in accordance with Section 173 of the *Health Act 1911*, the *Shire of Toodyay Local Laws* and the *Shire of Toodyay Policies*.

Section 358(2) of the *Health Act 1911* states that an environmental health officer of a local government may, by virtue of his office, and without receiving express authority from such local government, institute and carry on proceedings against any person for an alleged offence under this Act, or any local law or regulation made thereunder, and he shall be reimbursed out of the funds of the local government all costs and expenses which he may incur or be put to in or about such proceedings.

CONDITIONS

Section 28 of the Act states that every appointment by a local government of an environmental health officer shall be subject to the approval of the Executive Director, Public Health, unless the environmental health officer is the holder of a qualifying certificate of competency approved by the Executive Director, Public Health.

Section 38 of the Act implies that every local government shall, in the prescribed form, during the month of February in every year, and at such other times as the Executive Director, Public Health may direct, report to the Executive Director, Public Health concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.

EA7 DELEGATION TO THE CEO AND EHO IN RELATION TO THE HEALTH ACT 1911 -	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> • D.19 Health; and • D.20 Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste.
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.

EA7 DELEGATION TO THE CEO AND EHO IN RELATION TO THE HEALTH ACT 1911 -	
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> <i>Health Act 1911; and</i> <i>Health Legislation Administration Act 1984.</i>
File Number:	<ul style="list-style-type: none"> STR22
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Environmental Health Officer
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with the conditions noted above.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent
Adoption Date:	Next review of Delegation Register
Review Date(s):	Next review

EA8 Delegation to the CEO In relation to the *Local Government Act 1995* – Powers of Entry in an emergency

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the *Local Government Act 1995* which defines through Part 3 Functions of Local Governments (Division 3 Executive functions of Local Governments the following:

Section 3.34 “Entry in an emergency” of the *Local Government Act 1995* states that if it is the opinion of the CEO of a local government that the circumstances are such that compliance with the requirements for obtaining entry other than under this section would be impractical or unreasonable because of, or because of the imminent risk of an emergency that the CEO can authorise Officers to enter land in an emergency without notice or consent.

This delegation is to authorise entry onto land to fulfil any statutory function that the Shire of Toodyay has under the *Local Government Act 1995* (subdivision 3 – Powers of Entry).

POWER AND DUTIES

This delegation is a Statutory Delegation to the Principal Officer of the Agency, holding office under the *Local Government Act 1995* (the Act).

This delegation will allow the Local Government to, in an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency as determined by the Chief Executive Officer.

Function

The CEO will determine in an emergency, whether Officers of the Shire of Toodyay may lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency in accordance with Section 3.34 “Entry in an emergency” of the Act.

CONDITIONS

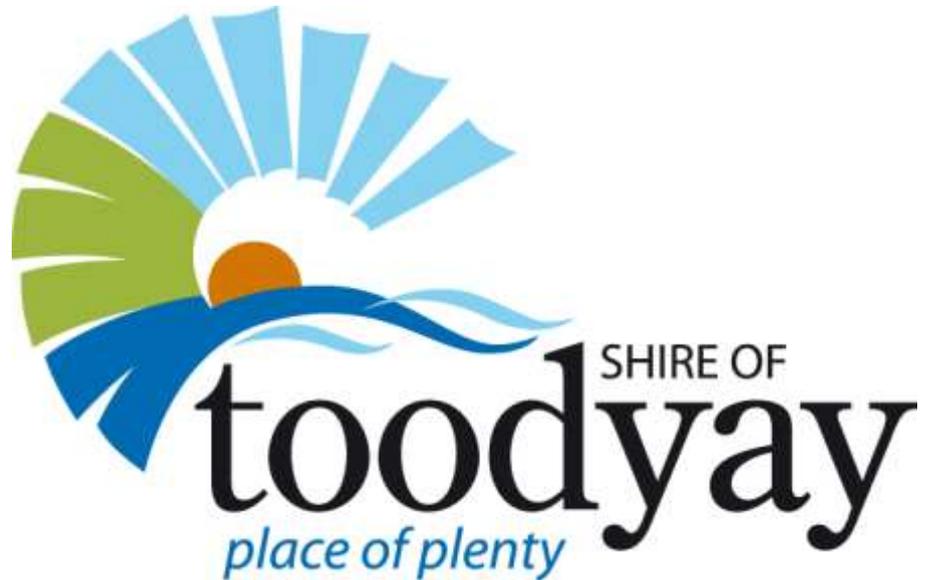
This delegation does not include those duties referred to in section 5.43 of the Act. This delegation is also subject to the requirements of other legislation and

regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.*

Refer to ES3 Authorised Persons.

EA8 Delegation to the CEO In relation to the Local Government Act 1995 - Powers of Entry in an emergency	
Previous Delegation(s) No & Name	<ul style="list-style-type: none"> D.39 - Powers of Entry
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government Act 1995</i>, Part 3, Division 3, Subdivision 3.
File Number:	<ul style="list-style-type: none"> Relevant Property File.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Notices and relevant evidence of determinations recorded on relevant file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Community Development; Manager Corporate Services; Manager Planning & Development; and Manager Works and Services.
CEO's conditions on sub-delegation	<ul style="list-style-type: none"> In accordance with conditions above.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Suitable for Acting Through in accordance with 3.31(2) of the <i>Local Government Act 1995</i>.
Adoption Date:	18 April 2013
Last Review Date:	22 September 2015

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SECTION 9

One-Off

Delegations

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Council Resolution No 64/02/12

Delegation Subject:	<i>Planning and Development Act 2005</i>
File Number:	M513REDG/A3915
Adoption Date:	29 February 2012

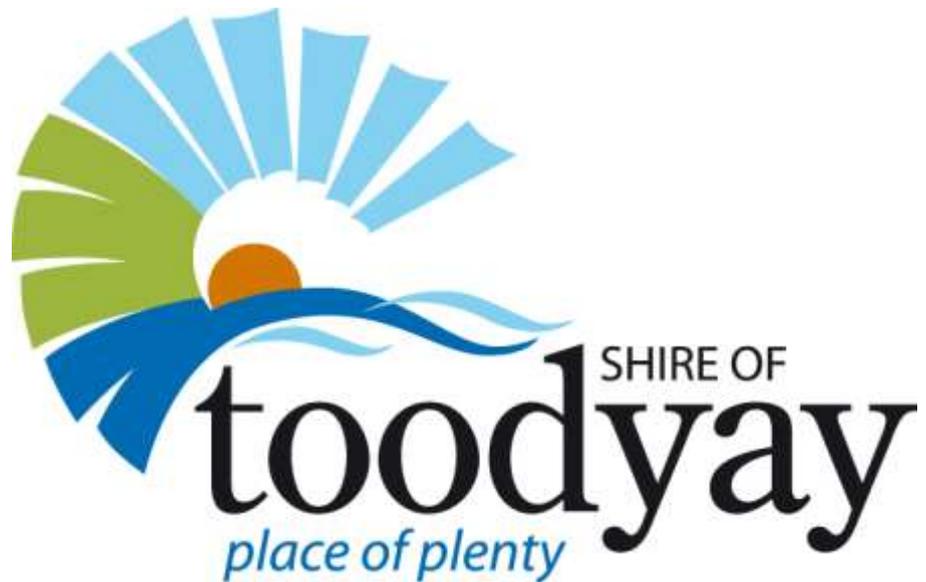
ALTERNATIVE MOTION/COUNCIL RESOLUTION NO 64/02/12

MOVED Cr Firms

1. Council delegate authority to the Chief Executive Officer to issue temporary planning approval and temporary extractive industry licence to Mr Michael Morgan for Lot M514 Red Gully Road, Nunile for a period of 20 days to allow the Shire of Northam to extract gravel for the purposes of upgrading of Irishtown Road. This temporary approval has been granted to allow the Shire of Northam to upgrade a road for public use and to be able to deliver the project on budget.
2. The temporary planning approval and temporary extractive industry licence must be subject to the following conditions:
 - a) Gravel extracted from the site can only be used for road works being undertaken by the Shire of Northam for the upgrading of Irishtown Road.
 - b) The applicant must pay to the Shire of Toodyay the \$696 planning application fee and \$550 extractive industry licence application fee, prior to the commencement of extraction.
 - c) Those portions of public roads affected by the activities relating to the extraction site shall be maintained to a standard acceptable to the Council at the applicant's cost. To achieve this, the applicant shall pay a road maintenance contribution to an amount of \$0.50 per tonne for expenses that would be incurred by the Shire of Toodyay for the repair and maintenance of Council's roads. This money is payable at the completion of the licence period.
3. Council advise the applicant that if extraction is intended to be undertaken beyond the term of the temporary approval an application for planning approval and extractive industry licence must be submitted with the appropriate information required under the Shire of Toodyay's Extractive Industry Local Law. If such application is not submitted and approved by the Shire of Toodyay by 31 August 2012 the extraction site must be rehabilitated with the excavation slopes being battered to 1:6 slopes, covered with topsoil and returned to a state suitable for agriculture purposes to the Shire's satisfaction.

4. The Applicant is advised that if the rehabilitation is not carried out the Council will undertake the works and recover this cost from the applicant under relevant legislation.

ABSOLUTE MAJORITY CARRIED 7/0



SECTION 10

Revoked/Archived

Delegations

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D.12 Keeping of 3 to 6 Dogs

Delegation No:	D.12
Delegation Subject:	Keeping of 3 – 6 Dogs
File Number:	DOG7
Adoption Date:	24 November 2005

STATEMENT OF INTENT

This delegation will allow the Chief Executive Officer to approve / reject applications for the keeping of more than two (2) dogs in relation to Shire of Toodyay Keeping of 3 to 6 Dogs Policy.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to approve or reject applications for the keeping of more than two (2) dogs subject to the requirements set out in Council's Policy A.15 Keeping of 3 to 6 Dogs.

Head of Power:	<ul style="list-style-type: none"> • <i>Dog Act 1976</i> • <i>Local Government Act 1995</i> 		
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43.</i>		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	A.15 – The Keeping of 3 to 6 Dogs		
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>		
CEO's Delegation to:	Manager Community Development Manager Planning and Development		
CEO's Conditions on delegation:	<i>In accordance with the:</i> <ul style="list-style-type: none"> • <i>Dog Act 1976 s.26;</i> • <i>Local Government Act 1995 s.2.7(2)(b)</i> • <i>Clause 3.2 of the Shire of Toodyay Dog Local Law.</i> 		
Record Keeping s.546(3)	Report in monthly Councillor Information Bulletin		
D.12 Review Date(s)			
16 Nov 2006	15 Nov 2007	21 May 2009	13 May 2010
21 June 2011	19 June 2012	18 April 2013	1 Feb 2016

D.16 Oversize Vehicle Authorisation

Delegation No:	D.16
Delegation Subject:	Oversize Vehicle Authorisation
File Number:	TEC21
Adoption Date:	24 November 2005

STATEMENT OF INTENT

This delegation will allow the Chief Executive Officer (CEO) to write a letter in relation to providing permission from Council to allow oversized vehicles to travel on Shire controlled roads in accordance with Council's oversized vehicle policy.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to write a letter of permission in relation to any application that is compliant with Council's adopted policy position.

Head of Power:	<ul style="list-style-type: none"> • <i>Road Traffic Act 1974</i> • <i>Road Traffic (Vehicle Standard) Regulations 2002</i> 		
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43.</i>		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	In accordance with Council Policy A.8		
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>		
CEO's Delegation to:	Manager Works and Services		
CEO's Conditions on delegation:	In accordance with the above delegation.		
Record Keeping s.546(3)	Details of determinations recorded on the appropriate file or register and reported in monthly Council Information Bulletin.		
D.16 Review Date(s)			
16 Nov 2006	15 Nov 2007	21 May 2009	13 May 2010
21 June 2011	19 June 2012	18 April 2013	1 Feb 2016

D.18 Building (ES4)

Delegation No:	D.18
Delegation Subject:	Building
File Number:	MAN6
Adoption Date:	25 August 2005

STATEMENT OF INTENT

This delegation will allow for the timely processing of building matters, in accordance with the Building Act 2011 and Building Regulations 2012.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to exercise all of the powers and the discharge of all of the duties of the Council in relation to buildings, building work and demolition under the *Building Act 2011* and Building Regulations 2012 in accordance with their qualifications.

Head of Power:	<i>Building Act 2011.</i>		
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	<i>In accordance with the following:</i> <ul style="list-style-type: none"> • <i>Building Act 2011; and</i> • <i>Building Regulations 2012.</i> 		
Statutory Power of Sub-Delegation:	<i>In accordance with the following:</i> <ul style="list-style-type: none"> • <i>Local Government Act 1995 s.5.36 and s.5.44 and s.5.46.</i> • <i>Building Act 2011 s.96 (3) and s.127 (6A).</i> 		
CEO's Delegation to:	Manager Planning and Development Senior Building Surveyor Building Surveyor Assistant Building Surveyor		
CEO's Conditions on delegation:	In accordance with the above delegation.		
Record Keeping s.546(3)	Council Information Bulletin		
D.18 Review Date(s)			
4 Nov 2005	25 May 2006	16 November 2006	15 Nov 2007
21 May 2009	13 May 2010	21 February 2012	19 June 2012
18 April 2013	1 Feb 2016		

D.19 Health (EA7)

Delegation No:	D.19
Delegation Subject:	Authorisation under Section 26 of the Health Act 1911
File Number:	HLT1
Adoption Date:	24 November 2005

STATEMENT OF INTENT

This delegation is to specify the authorisation of authority to the Chief Executive Officer in respect of functions of the Health Section of the Shire of Toodyay, concerning the *Health Act 1911* (as amended).

DELEGATION

Council authorises the Chief Executive Officer to exercise and discharge all of the following powers and functions and procedures of Council with respect to the *Health Act 1911* and the regulations, local laws and orders made there under:

- The issue of notices orders and requisitions;
- The closure of premises where an immediate health risk exists;
- The granting, refusal and cancellation of registration and licences;
- Initiation of legal proceedings where an offence has been committed;
- Any other powers and functions where in the opinion of the Environmental Health Officer, immediate action is necessary to prevent or alleviate a public health hazard.

Head of Power:	<i>Health Act 1911</i>		
Statutory Power of Delegation:	<ul style="list-style-type: none"> • <i>Health Act 1911 s.26</i> • <i>Local Government Act 1995 s.5.42 and s.5.43</i> 		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	Any sub-delegation to be to suitably qualified Officers only in accordance with the <i>Health Act 1911</i> and other relevant legislation.		
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>		
CEO's Delegation to:	Manager Planning and Development Environmental Health Officer.		
CEO's Conditions on delegation:	In accordance with the above delegation.		
Record Keeping s.546(3)	Council Information Bulletin		
D.19 Review Date(s)			
24 Nov 2005	16 Nov 2006	15 Nov 2007	21 May 2009
13 May 2010	21 June 2011	19 June 2012	18 April 2013
1 Feb 2016			

D.20 Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste (EA7 and BS1.)

Delegation No:	D.20
Delegation Subject:	Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste
File Number:	HLT17
Adoption Date:	24 November 2005

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to exercise and discharge the powers and functions of the Council in relation to the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974:

- Regulation 4(3) (a) – grant approval subject to form and conditions set out by Council.
- Regulation 4(3) (b) – refuse to grant approval.
- Regulation 10(2) – (relating to approvals).
- Regulation 10(4) (b) – (relating to approvals).
- Regulation 22(2) (a) – (relating to appeals).
- Regulation 22(2) (b) – (relating to appeals).

Head of Power:	<i>Health Act 1911</i>
Statutory Power of Delegation:	<ul style="list-style-type: none"> • <i>Health Act 1911 s.26</i> • <i>Local Government Act 1995 s.5.42 and s.5.43</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<p>For the following</p> <ul style="list-style-type: none"> • Regulation 22(2)(a) – (relating to appeals) • Regulation 22(2)(b) – (relating to appeals) <p>in accordance with the <i>Health Act 1911 s.26</i> and <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i>.</p>
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>
CEO's Delegation to:	Environmental Health Officer
CEO's Conditions on delegation:	<p>For the following:</p> <ul style="list-style-type: none"> • Regulation 4(3)(a) – grant approval subject to form and conditions set out by Council • Regulation 4(3)(b) – refusal to grant approval • Regulation 10(2) – (relating to approvals)

Record Keeping s.546(3)		Council Information Bulletin	
D.20 Review Date(s)			
16 Nov 2006	15 Nov 2007	21 May 2009	13 May 2010
21 June 2011	19 June 2012	18 April 2013	

D.23 Temporary Road Closures

Delegation No:	D.23
Delegation Subject:	Temporary Road Closures
File Number:	MAN6
Adoption Date:	24 November 2005

STATEMENT OF INTENT

This delegation will facilitate the improved processing of temporary road closure requests, in accordance with Council’s Policy A.13 Temporary Road Closures.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to process and approve temporary road closure requests in accordance with the provisions of Council’s Policy A.13 – Temporary Road Closures.

Any request that falls outside of the parameters specified within Council’s Temporary Road Closures policy is to be referred to Council for determination.

Head of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 • Road Traffic Act 1974 		
Statutory Power of Delegation:	Local Government Act 1995 s.5.42 and s.5.43		
Power Delegated to:	Chief Executive Officer		
Council’s Conditions on Delegation:	In accordance with Council Policy A.13 – Temporary Road Closures.		
Statutory Power of Sub-Delegation:	Local Government Act 1995 s.5.44 and s.5.46.		
CEO’s Delegation to:	Manager Planning and Development Manager Works and Services		
CEO’s Conditions on delegation:	In the absence of the CEO and in accordance with the above delegation.		
Record Keeping s.546(3)	Council Information Bulletin		
D.23 Review Date(s)			
16 Nov 2006	15 Nov 2007	21 May 2009	13 May 2010
21 June 2011	19 June 2012	18 April 2013	1 Feb 2016

D.25 Dealing with Clearing Matters (BS3)

Delegation No:	D.25
Delegation Subject:	Dealing with Clearing Matters
File Number:	MAN6
Adoption Date:	27 April 2006

STATEMENT OF INTENT

This delegation will facilitate the timely processing of applications to clear land under Council's Local Planning Scheme No 4 and to provide prompt written responses to the Department of Environment and Conservation on applications for clearing permits.

DELEGATION

Council grant delegated authority to the Chief Executive Officer to provide written comment for clearing applications under Council's Local Planning Scheme No 4 and to provide written advice to the Department of Environment and Conservation on applications for clearing permits, based on the following criteria:

4. Support of applications to clear land will be granted in the following circumstances:
 - a. Clearing of trees or vegetation that are dangerous i.e. constituting a threat to life or property;
 - b. Clearing of trees or vegetation that are not native to the region or have been commercially grown;
 - c. Clearing of land within 2m of infrastructure, such as power lines, sewer, water mains, stormwater drains etc. where the vegetation is likely to damage or disrupt this infrastructure;
 - d. Clearing of land that is occurring as part of a native tree replanting programme or other rehabilitation project approved by Council;
 - e. An area up to 2m in width for a fence line that is being established as a new property boundary or to support legitimate farming practices;
 - f. Clearing of land for a building site, either to the maximum size of an approved building envelope shown on a development plan or plan or subdivision or to the extent required for the proposed buildings;
 - g. Clearing of land to provide access to a building site, where the access track has a maximum width of 6m;
 - h. Clearing of land for pasture, grazing or other farming activities in the Rural or Rural Living zones of Local Planning Scheme No 4 where such clearing complies with all provisions of Council's Local Planning Scheme, the Local Planning Strategy and any other adopted policy;
 - i. The clearing of land to collect firewood, to obtain fencing or farming materials, for woodwork or the clearing of isolated trees where the requirements of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 for these activities are achieved; and/or

- j. The total area of clearing for all activities does not exceed more than 1ha in any financial year.
5. Applications to clear land will not be supported in the following circumstances:
- a. Where the proposed area to be cleared is situated within 50m of any major watercourse and/or within the designated flood way and flood fringe for the Avon River;
 - b. The clearing of land for a building site greater than the extent required for the proposed buildings or outside of a defined building envelope; and/or
 - c. Where the clearing of land will likely have a significant negative impact upon the environment and/or landscape of an area.
6. Applications to clear land in the following circumstances will be referred to Council for determination:
- a. Any proposal which does not meet the criteria detailed in Parts (1) or (2);
 - b. Applications to clear land in areas where the topography of the land raises concerns regarding the potential negative impacts of the proposed clearing activities.

Head of Power:	<ul style="list-style-type: none"> • <i>Environmental Protection Act 1986</i> • <i>Local Government Act 1995</i> 		
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	As per Delegation Section above.		
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>		
CEO's Delegation to:	Manager Corporate Services Manager Works and Services Manager Planning and Development		
CEO's Conditions on delegation:	In the absence of the CEO and as per Delegation Section above.		
Record Keeping s.546(3)	Council Information Bulletin		
D.25 Review Date(s)			
16 Nov 2006	15 Nov 2007	21 May 2009	13 May 2010
21 June 2011	19 June 2012	18 April 2013	

D.28 Issue of Notice of Breach (Fencing)

Delegation No:	D.28
Delegation Subject:	Issue of Notice of Breach (Fencing)
File Number:	LAW6
Adoption Date:	27 March 2008

STATEMENT OF INTENT

This delegation will allow the Chief Executive Officer to issue a 'notice of breach' for non-conformance with the requirements under the Shire of Toodyay Local Law Relating to Fencing 1999 in a timely and efficient manner.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to issue a 'notice of breach' under the Shire of Toodyay Local Laws Relating to Fencing 1999.

Head of Power:	<ul style="list-style-type: none"> • <i>Dividing Fences Act 1961</i> • <i>Local Government Act 1995</i> 		
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	Nil.		
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>		
CEO's Delegation to:	Manager Planning and Development Senior Building Surveyor Building Surveyor Planning Officer		
CEO's Conditions on delegation:	Nil.		
Record Keeping s.546(3)	Details of notices recorded on the appropriate file or register and reported in monthly Council Information Bulletin.		
D28. Review Date(s)			
21 May 2009	13 May 2010	21 June 2011	19 June 2012
18 April 2013			

D.29 Deed of Covenant for the Payment of a Developer Contribution.

Delegation No:	D.29
Delegation Subject:	Deed of Covenant for the Payment of a Development Contribution
File Number:	PLA1
Adoption Date:	19 June 2008

STATEMENT OF INTENT

This delegation of authority will enable the Shire President and the Chief Executive Officer to enter into a Deed of Covenant for the Payment of a Development Contribution with prospective developer(s) proposing to rezone land under Local Planning Scheme No 4 to enable further subdivision.

DELEGATION

Council hereby delegates authority to the Shire President and the Chief Executive Officer to enter into a Deed of Covenant for the Payment of a Development Contribution with prospective developer(s) proposing to rezone land under Local Planning Scheme No 4 to enable further subdivision, subject to the following:

1. The proposed rezoning can be supported under the provisions of the Local Planning Strategy.

Head of Power:	<i>Planning and Development Act 2005</i>		
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	In accordance with above Act.		
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44.</i>		
CEO's Delegation to:	N/A		
CEO's Conditions on delegation:	N/A		
Record Keeping s.546(3)	Detail of deeds to be recorded in appropriate register and upon the common seal being affixed, reported in the Council Information Bulletin.		
Review Date(s)			
21 May 2009	13 May 2010	21 June 2011	19 June 2012
18 April 2013			

D.35 Caravan Park and Camping Grounds

Delegation No:	D.35
Delegation Subject:	Caravan Park and Camping Grounds
File Number:	CAM1
Adoption Date:	18 April 2013

STATEMENT OF INTENT

This delegation will allow the Chief Executive Officer to carry out the provisions of the *Caravan Park and Camping Grounds Act 1995* and associated regulations.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer carry out the provisions of the *Caravan Park and Camping Grounds Act 1995* and associated regulations.

Head of Power:	<i>Caravan Park and Camping Grounds Act 1995</i>
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	In accordance with the delegation section above.
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>
CEO's Delegation to:	Manager Planning and Development
CEO's Conditions on delegation:	In the absence of the CEO.
Record Keeping s.546(3)	Records pertaining to this delegation to be kept on appropriate file.
D.35 Review Date(s)	

D.37 Swimming Pool Inspections

Delegation No:	D.37
Delegation Subject:	Swimming Pool Inspections
File Number:	SWM2
Adoption Date:	18 April 2013

STATEMENT OF INTENT

This delegation will allow for swimming pool inspections to take place by a suitably qualified officer in accordance with *Building Regulations 2012*.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to permit swimming pool inspections to take place by a suitably qualified officer in accordance with *Building Regulations 2012*.

Head of Power:	<i>Building Act 2011</i>
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	In accordance with Building Regulations 2012.
Statutory Power of Sub-Delegation:	<i>In accordance with the following:</i> <ul style="list-style-type: none"> • Local Government Act 1995 s.5.44 and s.5.46. • Building Act 2011 s.96 (3) and s.127 (6A).
CEO's Delegation to:	Manager Planning and Development
CEO's Conditions on delegation:	A suitably qualified Officer in accordance with the delegation section above.
Record Keeping s.546(3)	Details of inspections to be kept on appropriate file or register and reported in monthly Council Information Bulletin.
D.37 Review Date(s)	

D.47 Licence to deposit materials on or excavate adjacent to a street.

Delegation No:	D.47
Delegation Subject:	Licence to deposit materials on or excavate adjacent to a street.
File Number:	CPS2
Adoption Date:	18 April 2013

STATEMENT OF INTENT

The delegation will provide the Chief Executive Officer with the authority to issue licences to deposit materials on a street, way or other public place and to excavate on land neither abutting nor adjoining a street, way or other public place pursuant to Section 377 of the Local Government (Miscellaneous Provisions) Act 1960.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to issue licences to deposit materials on a street, way or other public place and to excavate on land neither abutting nor adjoining a street, way or other public place pursuant to Section 377 of the Local Government (Miscellaneous Provisions) Act 1960 subject to the following:

- The Chief Executive Officer obtaining confirmation in writing from the Manager Works and Services that the proposed activity will not create undue interference with the operations of the street, way or public place.
- Licences are to be issued subject to the condition detailed in Section 377 of the Local Government (Miscellaneous Provisions) Act 1960 and such other conditions as considered relevant by the Chief Executive Officer.

Head of Power:	<ul style="list-style-type: none"> <i>Local Government Act 1960</i> <i>Local Government (Miscellaneous Provisions) Act 1960</i>
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	In accordance with the delegation section above.
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 and s.5.44 and s.5.46.</i>
CEO's Delegation to:	Manager Planning and Development Manager Works and Services
CEO's Conditions on delegation:	In accordance with the delegation section above.
Record Keeping s.546(3)	License and correspondence related thereto to be recorded in appropriate file.
D.47 Review Date(s)	

D.48 Altering Thoroughfare Alignments

Delegation No:	D.48
Delegation Subject:	Altering Thoroughfare Alignments
File Number:	LAW11
Adoption Date:	18 April 2013

STATEMENT OF INTENT

Before fixing or altering the level of alignment of a public thoroughfare, this delegation will allow the Chief Executive Officer to give notice of the proposal inviting submissions from any person prescribed as having an interest in accordance with the *Local Government Act 1995* Section 3.51(3).

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to, prior to fixing or altering the level of alignment of a public thoroughfare, invite submissions from any person prescribed as having an interest in accordance with the *Local Government Act 1995* Section 3.51(3).

Head of Power:	<i>Local Government Act 1995</i>
Statutory Power of Delegation:	<i>Local Government Act 1995</i> s.5.42 and s.5.43
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	In accordance with the delegation section above.
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995</i> s.5.44 and s.5.46.
CEO's Delegation to:	Manager Planning and Development Manager Works and Services
CEO's Conditions on delegation:	In accordance with the delegation section above.
Record Keeping s.546(3)	Documentation and correspondence relating to the invitation of submissions to be kept on appropriate file.
D.48 Review Date(s)	

D.49 Gutters for new buildings in the Central Toodyay Heritage Area

Delegation No:	D.49
Delegation Subject:	Gutters for new buildings in the Central Toodyay Heritage Area
File Number:	PLA1
Adoption Date:	18 February 2014 (<i>Council Resolution No 43/02/14</i>)

STATEMENT OF INTENT

This delegation will allow the CEO to waive the requirement of quad or half round gutters for new buildings in the Central Toodyay Heritage Area.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to exercise the discretion contained in Clause 2.4.4 of Local Planning Policy LPP 20 – Central Toodyay Heritage Area to the extent that the requirement for quad or half round gutters in relation to new buildings in the Central heritage area will not be required.

Section 3.4.17 (Residential Developments): the requirement for quad or half round gutter on new buildings; and

Section 4.4.13 (Commercial Developments): the requirement for quad or half round gutter on new buildings.

Head of Power:	<i>Planning and Development Act 2005</i>		
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	In accordance with Clause 11.3 of Local Planning Scheme No 4		
Statutory Power of Sub-Delegation:	Local Government Act 1995 s.5.44 and s.5.46.		
CEO's Delegation to:	Manager Planning and Development, Planning Officer		
CEO's Conditions on delegation:	In accordance with Clause 11.3 of Local Planning Scheme No 4		
Record Keeping s.546(3)	Report in monthly Councillor Information Bulletin		
D.49 Review Date(s)			
18 Feb 2014			

D.50 Dangerous excavation

Delegation No:	D.50
Delegation Subject:	Dangerous excavation
File Number:	CPS2
Adoption Date:	18 April 2013

STATEMENT OF INTENT

If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous it may fill in or fence the excavation or request the owner or occupier to fill or securely fence the excavation in accordance with Section 11(1) *Local Government (Uniform Local Provisions) Regulations 1996*.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to, in the event of the above, authorise a suitably qualified Officer to fill in or fence the excavation or request the owner or occupier to fill or securely fence the excavation in accordance with Section 11(1) *Local Government (Uniform Local Provisions) Regulations 1996*.

Head of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	In accordance with the delegation section above.
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>
CEO's Delegation to:	Manager Planning and Development Manager Works and Services
CEO's Conditions on delegation:	In accordance with the delegation section above.
Record Keeping s.546(3)	Records to be kept on an appropriate file and instances where this delegation has been enacted, to be communicated to the Council.
D.50 Review Date(s)	

D.51 Crossing from Public Thoroughfare to Private land or private thoroughfare.

Delegation No:	D.51
Delegation Subject:	Crossing from Public Thoroughfare to Private land or private thoroughfare.
File Number:	LAW11
Adoption Date:	18 April 2013

STATEMENT OF INTENT

The local government may approve the construction of a crossing giving access from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with Section 12(1) of the Local Government (Uniform Local Provisions) Regulations 1996.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to approve the construction of a crossing giving access from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with Section 12(1) of the Local Government (Uniform Local Provisions) Regulations 1996.

Head of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	In accordance with the delegation section above.
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s5.44 and s.5.46.</i>
CEO's Delegation to:	Manager Planning and Development
CEO's Conditions on delegation:	In accordance with the above delegation.
Record Keeping s.546(3)	Determinations and correspondence related thereto to be recorded on appropriate file.
D.51 Review Date(s)	

D.52 Crossovers

Delegation No:	D.52
Delegation Subject:	Crossovers
File Number:	CRO1
Adoption Date:	18 April 2013

STATEMENT OF INTENT

This delegation allows the Chief Executive Officer to authorise construction of and payment of subsidies for vehicular crossovers in accordance with s.3.18 *Performing Executive Functions* of the *Local Government Act 1995*.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to authorise construction of and payment of subsidies for vehicular crossovers in accordance with s.3.18 *Performing Executive Functions* of the *Local Government Act 1995*.

Head of Power:	<i>Local Government Act 1995</i>
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	This delegation will take effect upon adoption of a Council Policy in regard to crossovers.
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>
CEO's Delegation to:	Manager Planning and Development Manager Works and Services
CEO's Conditions on delegation:	In accordance with the delegation section above.
Record Keeping s.546(3)	Determinations and correspondence related thereto to be recorded on appropriate file.
D.52 Review Date(s)	

D.53 Private Works on, over or under public places

Delegation No:	D.53
Delegation Subject:	Private works on, over or under public places
File Number:	TEC8/TS18.1
Adoption Date:	18 April 2013

STATEMENT OF INTENT

A local government may grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property in accordance with section 17(2) *Local Government (Uniform Local Provisions) Regulations 1996*.

DELEGATION

Council hereby delegates authority to the Chief Executive Officer to authorise the construction of anything on, over or under a public thoroughfare or other public place that is local government property in accordance with section 17(2) *Local Government (Uniform Local Provisions) Regulations 1996*.

Head of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Statutory Power of Delegation:	<i>Local Government Act 1995 s.5.42 and s.5.43</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	In accordance with the delegation section above.
Statutory Power of Sub-Delegation:	<i>Local Government Act 1995 s.5.44 and s.5.46.</i>
CEO's Delegation to:	Manager Planning and Development Manager Works and Services
CEO's Conditions on delegation:	In accordance with the delegation section above.
Record Keeping s.546(3)	Determinations and correspondence related thereto to be recorded on appropriate file.
D.53 Review Date(s)	

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Notes regarding the Review

Delegation Register 2016

Issues	Solutions / comments etc
<ul style="list-style-type: none"> External Delegations: the last review date had not been entered in, nor the correct adoption date. 	<ul style="list-style-type: none"> This has been rectified.
<ul style="list-style-type: none"> s5.42 Delegation of some powers and duties to CEO only apply to delegations under the LGA, no other legislation. (S Tweedie) 	<ul style="list-style-type: none"> In relation to Section 5.42 the delegations of some powers and duties to the CEO where the head of power is not under the Local Government Act – The delegations do not refer to the LGA as the Head of Power.
<ul style="list-style-type: none"> ES9 Grant Sponsorship etc. – what does “local nature” mean? The policy does not give a definition 	<ul style="list-style-type: none"> Purchasing Policy F3 be modified to include a definition.
<ul style="list-style-type: none"> 5.44 CEO may delegate powers and duties to other employees of the LGA only apply to delegations under the LGA, no other legislation (S Tweedie) 	<ul style="list-style-type: none"> Reference to Local Government Act Section 5.43 – to do with sub-delegation of CEO to another employee - Looked up references for each of these acts in question and have made slight changes (in red)
<ul style="list-style-type: none"> ES3 – Food Act 	<ul style="list-style-type: none"> Delegation made by the CEO to other employees is subject to Section 117(2) of the <i>Food Act 2008</i>.
<ul style="list-style-type: none"> ES4 – Building Act - sub-delegation permitted 	<ul style="list-style-type: none"> Delegation made by the CEO to other employees Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.
<ul style="list-style-type: none"> ES5 – Cat Act – s.45(1) permitting sub-delegation. 	<ul style="list-style-type: none"> Delegation made by the CEO to other employees In accordance with Section 45(1) and subject to Section 45(3) and (6) of the <i>Cat Act 2011</i>.
<ul style="list-style-type: none"> ES6 – Dog Act – s.10AA permits sub-delegation subject to Council authorising at S.10AA(3). 	<ul style="list-style-type: none"> Delegation made by the CEO to other employees Subject to Section 10AA (3) of the <i>Dog Act 1976</i>.
<ul style="list-style-type: none"> There are other matters in the LG Act that could (should or maybe are) delegated? – i.e. the appointment of A/CEO, preparation of annual report, reimbursement of expenses, local public notice about meetings, inspection of information etc. (S Tweedie) 	<ul style="list-style-type: none"> preparation of annual report, reimbursement of expenses, local public notice about meetings, inspection of information et cetera were not included in the delegation register based on the advice contained in the delegations guideline published by DLG. These functions have been identified as suitable for ‘acting through’. In short it seems to mean that these are things over which there is no discretion to be exercised, simply a thing we are obliged to do. A delegation regarding Appointment of Acting CEO was passed by Council on 23 February 2016.
<ul style="list-style-type: none"> Signatures of staff holding positions – Manager Planning has signed in place of the EHO 	<ul style="list-style-type: none"> Created an External Delegation for the EHO; As discussed on 30 May 2016 with CEO and Governance Officer, Certification area pages have been added whereby the positions that hold a delegation can sign the page that is then inserted into

Issues	Solutions / comments etc
	<p>the Delegation Register and used / updated whenever a new staff member comes on board who holds that position; and</p> <ul style="list-style-type: none"> The CEO will sign as Delegator on the authority that the officer will sign. Where the CEO is signing as the Officer being delegated the Shire President will sign as Delegator on behalf of Council.
<ul style="list-style-type: none"> D.12 Keeping of 3 to 6 Dogs 	<ul style="list-style-type: none"> Propose that this delegation be REVOKED as it has been incorporated into the ES6 delegation. Council Policy stipulates the conditions of the CEO determining dog numbers in accordance with the Local law and the policy also. Note: The guidelines from the Department also state: An appropriate method for a council of a local government to make a decision which will be implemented by its officers, is for it to make a policy about particular functions that it performs. In that case there is no need for a delegation as it will be the role of the organisation to implement those policy decisions.
<ul style="list-style-type: none"> D.16 Oversize Vehicle Authorisation 	<ul style="list-style-type: none"> Recommend to REVOKE due to the Application for Access Approval being through the Department of Main Roads (who may seek advice from the Shire of Toodyay.); Further, policy A8 is a policy of Council and the DLG guidelines state that “An appropriate method for a council of a local government to make a decision which will be implemented by its officers, is for it to make a policy about particular functions that it performs. In that case there is no need for a delegation as it will be the role of the organisation to implement those policy decisions.” <i>Road Traffic Code 2000</i> and the <i>Road Traffic (Vehicles) Regulations 2014</i> cover oversize vehicles; <i>The Road Traffic (Vehicles) Act 2012</i> (which is the principal Act to those above) section 41(2)(b) says the driver of a vehicle in respect of which an access approval has been given under a permit has to produce that permit if asked by a police officer.
<ul style="list-style-type: none"> D.18 – Building - in relation to buildings, building work and demolition under the <i>Building Act 2011</i> and Building Regulations 2012 in accordance with their qualifications. 	<ul style="list-style-type: none"> Have updated ES4. The aim of ES4 covers what is in D.18, though it does not mention specifically buildings, building work and demolition under the Building Act. D.18 should now be revoked.

Issues	Solutions / comments etc
<ul style="list-style-type: none"> D.19 Health - Authorisation under Section 26 of the Health Act 1911 	<ul style="list-style-type: none"> The section the current delegation is utilising to make this delegation is not correct. Section 26 talks about the Act giving local government the authority to carry out within its districts the provisions of the Act provided that they appoint someone to be its deputy who will in that capacity exercise all powers and duties of the local government etc. The appointment of an EHO is as an authorised officer by the CEO of the local government. The names of MPD and EHO were removed because as a qualified EHO and being employed by the CEO to perform duties of an EHO there is not a need to “delegate”. This in any case, is an external delegation that states the local government delegate power to the CEO. D19 should now be revoked as it was rewritten (EA7); The content of D19 was not included as <i>it falls under the powers and functions of the Act as a whole. And the Act also references the local government act and our local laws.</i>
<ul style="list-style-type: none"> D.20 – Applications for Treatment of Sewage and Disposal of Effluent and Liquid waste 	<ul style="list-style-type: none"> This delegation will involve the approval of both health and building. The section was renamed “Building Services and/or Health Services.
<ul style="list-style-type: none"> D.23 – Temporary Road Closures 	<ul style="list-style-type: none"> This is now ES15; and Note: Council policy provides authority for the CEO to act in certain circumstances, but does not provide for the sub-delegation to other officers which is included in ES15.
<ul style="list-style-type: none"> D.25 - Dealing with Clearing Matters 	<ul style="list-style-type: none"> This is BS3. Under Section 51B (4) of the <i>Environmental Protection Act 1986</i>, DER will consult with any public authority which has an interest in a matter. In relation to clearing permits this includes the Local Government. The delegation allows the CEO to provide that input when the proposed clearing falls within the parameters in the delegation, or otherwise refer the matter to Council.
<ul style="list-style-type: none"> D.28 – Issue of Notice of Breach (Fencing). 	<ul style="list-style-type: none"> This is BS2.

Notes regarding the Review

Delegation Register 2016

Issues	Solutions / comments etc
<ul style="list-style-type: none"> D.29 - Deed of Covenant for the Payment of a Development Contribution 	<ul style="list-style-type: none"> This is PD6.
<ul style="list-style-type: none"> D.35 Caravan Park and Camping Grounds 	<ul style="list-style-type: none"> This is PD9.
<ul style="list-style-type: none"> D.37 – Swimming Pool Inspections 	<ul style="list-style-type: none"> This is BS4. There may be no need for this in the future. Propose it be reviewed at the next review of the Delegation Register by the Manager of Planning and Development in liaison with his team.
<ul style="list-style-type: none"> D.47 - License to deposit materials on or excavate adjacent to a street. 	<ul style="list-style-type: none"> The reference to the LG Act was an old version of the Act; Section 377 of the Local Government (Miscellaneous Provisions) Act 1960 (or 277) was deleted – so the reference has been removed; Section 25 “Transitional and savings provisions” of the Local Government {Uniform Local Provisions} Regulations 1996 was a reference; Refer to <i>Local Government Act 1995</i> Schedule 9.1 in unison with the above regulations. This will need review by the Manager of Planning and Development in liaison with his team.
<ul style="list-style-type: none"> D.48 - Altering Thoroughfare Alignments. 	<ul style="list-style-type: none"> This is WS4.
<ul style="list-style-type: none"> D.49 Gutters for new buildings in the Central Toodyay Heritage Area 	<ul style="list-style-type: none"> This is PD7.
<ul style="list-style-type: none"> D.50 - Dangerous excavation 	<ul style="list-style-type: none"> References were hard to find; This is WS5.
<ul style="list-style-type: none"> D.51 - Crossing from Public Thoroughfare to Private land or private thoroughfare. 	<ul style="list-style-type: none"> This is BS5.
<ul style="list-style-type: none"> D.52 - Crossovers. 	<ul style="list-style-type: none"> This is WS1.
<ul style="list-style-type: none"> D.53 - private works on, over or under public places 	<ul style="list-style-type: none"> This is WS2.
<ul style="list-style-type: none"> Compare with Policies 	<ul style="list-style-type: none"> The Delegation Register was compared against the current Policy Manual which is under review. A section was inserted into the introduction that is titled “Policies that give discretion to the Chief Executive Officer”.
<ul style="list-style-type: none"> Record / File number references. 	<ul style="list-style-type: none"> Checked and amended accordingly.
<ul style="list-style-type: none"> Delegation ES13 	<ul style="list-style-type: none"> Made this an External Agency Delegation (EA8) as it fitted in better with being a delegation from an EXTERNAL agency as it really is.

Notes regarding the Review

Delegation Register 2016

Issues	Solutions / comments etc
	<ul style="list-style-type: none"> The DLG guideline also states that this can be acted through so there is no need for Council to delegate to Officers when the CEO can get them to act on his behalf through the delegation instrument. Delegations ES14 onwards were renumbered so that the numbers would be in sequence rather than having missing numbers.
<ul style="list-style-type: none"> Added in a box called CEO's conditions on sub-delegation 	<ul style="list-style-type: none"> Added in all delegations so that if the CEO has conditions officers are required to follow that may not be mentioned in the body of the delegation instrument, those conditions can be written into the box.
<ul style="list-style-type: none"> Added in a box called Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i> 	<ul style="list-style-type: none"> The CEO requested a comparison in February 2016 of the delegation register to the DLG guidelines, so that delegations to which the guidelines says may be "acted through" (i.e. when the CEO can get an Officer to act on his behalf through the delegation instrument without the officer being delegated to carry out the task.) can be highlighted. This will need further review at the next review of the Delegation Register.
<ul style="list-style-type: none"> Changed the boxes at the end of each delegation 	<ul style="list-style-type: none"> to make it easier for the table to flow over the page and still have a header.
<ul style="list-style-type: none"> Each section was given its own page numbers – rather than the entire document having page numbers 	<ul style="list-style-type: none"> The reason why this was done was because if a new delegation got added, at least it would have a page number that fitted in the section that the delegation is supposed to appear.

FORUM DISCUSSION PAPER

Date of Report:	7/06/16
Name of Applicant / Proponent/s:	WALGA
File Reference No.:	EXT 1
Author:	G Bissett - Manager Planning and Development
Responsible Officer:	G Bissett - Manager Planning and Development
Previously Before Council:	Nil
Nature of Council's Role in the matter:	.
Attachments:	1. Extraction of Basic Raw Materials in Western Australia - A Regulatory Study.

7.2 WALGA Extractive Industry Consultation

PURPOSE OF DISCUSSION PAPER

To seek Council's feedback of the WALGA draft regulatory study on the Extraction of Basic Raw Materials (EBRM) in Western Australia (**Attachment 1**).

BACKGROUND

The study claims there are long-standing issues around the effectiveness of the existing regulatory framework concerning the extraction of basic raw materials (BRM). In addition it also states, there are a number of issues with the effectiveness of the current regulations. These include the management of community impacts and the provision of appropriate separation distances, the maintenance of infrastructure and also accurately monitoring production on private land.

In response the Department of Mines and Petroleum and WALGA recently prepared this independent study to further examine these issues and imitate discussion about potential solutions.

WALGA is currently seeking local government feedback on this paper. They are also hosting a workshop on 12 July 2016 to discuss issues concerning the EBRM and to identify subsequent regulatory solutions.

CONSULTATION IMPLICATIONS

This is very much a "draft" paper. WALGA is seeking feedback from local governments that are involved in this industry before finalising this document for wider consultation. This study was referred to the CEO and members prior to the meeting in order to enable a chance to fully review the paper.

STRATEGIC IMPLICATIONS

This matter does link into the Shire's *Strategic Community Plan and Corporate Business Plan* in that it involves Council's Strategic Priorities of involving *the natural environment and resource efficiency and innovation* which are part of the Environmental Management Strategy Council adopted.

Extractive industries involve impacts on the natural environment and resource efficiency which this study addresses.

POLICY IMPLICATIONS

Council's Local Planning Policy No. LPP7 *Extractive Industries – Road Contributions* applies to this Shire's extractive industry approvals.

FINANCIAL IMPLICATIONS

This proposal does not contain any notable direct financial implications. It is very much a draft report which discusses options for consideration. Possible future financial impacts could include the loss of application fees, ongoing licence fees, and road maintenance contributions. Any detailed speculation on this is premature because of the status of this paper.

LEGAL AND STATUTORY IMPLICATIONS

The following legal provisions apply:

- Mining Act 1978 (WA);
- Mining Regulations 1981 (WA);
- Planning and Development Act (WA) (PDA);
- Local Planning Scheme Regulations 2015 (WA);
- Local Government Act 1995 (WA);
- Shire of Toodyay Local Planning Scheme No 4;
- Shire of Toodyay Extractive Industry Local Law.
- State Planning Policy 2.4 Basic Raw Materials;
- State Planning Policy 2.5: Land Use Planning in Rural Areas;
- State Planning Policy 4.1 Draft State Industrial Buffer Policy;
- Perth and Peel Green Growth Plan for 3.5 Million;
- State Planning Strategy 2050;
- Environment Protection and Biodiversity Conversation Act 1999; and
- Native Title Act 1993.

As the paper explains the Mining Act and regulations only currently apply to Extractive industries on crown land which includes UCL or reserved land. One of the options presented is for the Department of Mines and Petroleum to take control which would involve making the Mining Act and Regulations applicable to all Extractive industries.

RISK IMPLICATIONS

This proposal does not contain any notable risk implications.

ENVIRONMENTAL IMPLICATIONS

This proposal does not contain any notable environmental implications.

SOCIAL IMPLICATIONS

This proposal does not contain any notable social implications.

OFFICER COMMENT / DETAILS

While this is a very informative paper and provides a good overview of the WA and national Extractive Industry regulatory situation there are a two content factual points in it that are questioned.

Firstly there is a claim that local government can only issue a one to five year approval. This is cited as an inconsistency between mining legislation and local government approvals. Unfortunately no legislative reference was provided to back this claim up. As members would be aware we issue ten year approvals as do other shires. A check of our legal provisions found no limitation on approval time limits.

Secondly the paper cited the WAPC have a call-in provision on local government applications. The WAPC was contacted in relation to this but were not available for comment. It should however be pointed out that no applications are currently referred to the WAPC for such a purpose and no correspondence has been received from them questioning non-receipt of any or seeking such applications.

As stated above, this paper raises a number of issues in relation to Extractive Industry Regulation. In summary it points out:

- There are inconsistencies in the way the current system is applied;
- There are different legislation provisions depending on land tenure and local government area;
- There is no mandatory reporting of tonnages;
- The current system can result in poor future strategic planning due to lack of knowledge to assist in planning for buffer areas and sequential land use; and
- WA is not considered best practice in comparison to the other states legislative requirements.

The issues raised are noted. It is acknowledged there is room for improvement in the current situation.

This study proposes four options (*listed on pages 39 & 40 of Attachment 1*) to consider in relation to reforming the current state of industry regulation. These are:

Option 1: *implement necessary legislative amendments to require the reporting of BRM tonnage produced on private land in the same manner as BRM tonnage produced on Crown land.*

Option 2: *Delegation for the extraction of BRM on private land under the Planning and Development Act is altered so that the WAPC is the agency of approvals for extraction above 5000 tonnes/annum with Local Government Authorities consulted in the approval process. Extraction under 5000 tonnes/annum to continue to be regulated by Local Government Authorities.*

Option 3: *Delegation relating to extraction on private land under the Planning and Development Act is altered so that the WAPC is the lead agency of approvals for extraction above 5000 tonnes/annum. Local Government Authorities are involved in the approval process, and the application is referred to DMP for environment and mine rehabilitation assessment. Extraction on Crown land continues to be regulated under the Mining Act, but is also referred to WAPC for planning assessment.*

Option 4: *that the regulation of extraction of BRM on private land is undertaken under the Mining Act with DMP as the approving/regulating authority and local government authorities consulted in the approvals process.*

The paper presents the recommended best options for reform of the regulation of BRM extraction in Western Australia as:

1. In the first instance, adopt the recommendations of Option 1, requiring the reporting of BRM tonnage produced on private land; and
2. Implement the recommended action outlined in Option 3.

*There is also an alternative option from the Department of Mines and Petroleum (see **Appendix A** of Attachment 1) which proposes to bring all new extractive industries under the Mining Act.*

While it is acknowledged that there are issues with the way the current regulatory provisions, the answer to this is not taking away control from local government. Taking away local control and the full benefit of local knowledge potentially detracts the local community. The implementation of Option 1 should however be supported in this instance for the reasons cited that better reporting of tonnages would be beneficial.

Transferring this function to WAPC or the Department of Mines and Petroleum is not recommended as an option the Shire should consider supporting. The proposal to transfer approval power to the WAPC and use the Shire as a referral agency for all but small scale licenses will take control from Shires. A referral recommendation can be easily ignored or modified which happens regularly for subdivision applications. The WAPC capacity to resource such a change is also questioned.

The transference of this area to the Department of Mines and Petroleum is even more problematic. Based on our current involvement in mining matters relating to the Mining Act very little input would be possible with no provision to charge road maintenance contributions currently possible.

There are a number of actions that could be put forward to improve the issues raised in addition to supporting option one. These are as follows:

1. Develop a model Local Law that all Council's must apply;
2. Require planning approvals for all applications;
3. Referral provisions be introduced requiring the WAPC to assist with future planning;
4. Rather than take away local approval powers change the current legislation so that Crown Land comes under the same legislative provisions as private land;
5. Develop a standard road contribution policy based on a formula that provides a sound basis to charge from. Ours is cited as a good example of one that could work for all Shires; and
6. That Provisions be put into place to protect peri-urban Shires with extractive industries being exploited in relation to future landfills due to their proximity to the Swan coastal plain. (This is in relation to the current lack of State direction in this area and the provisions in the State Planning Strategy 2050).

OFFICER'S RECOMMENDATION

Members are asked to consider the content of the Draft paper *Extraction of Basic Raw Materials in Western Australia - A Regulatory Study* and offer feedback to enable the preparation of a submission to WALGA for consideration at the June 2016 Ordinary Council Meeting.

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Government of **Western Australia**
Department of **Mines and Petroleum**

Extraction of Basic Raw Materials in Western Australia

A Regulatory Study

Dr Tina Hunter

March 2016

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1. INTRODUCTION AND AIM OF REPORT

Construction, be it infrastructure, buildings, or public works, is at the core of an economically stable, developing Australia. At present, the heavy construction materials industry is worth \$7 billion in revenues to the economy and contributes \$11.7 billion to GDP. It underpins the massive building and construction industry and is therefore critical to Australia. This construction relies on readily available basic raw materials (BRM)¹, which are extracted (or quarried), processed and supplied to various parts of the construction sector. These BRM are used as a primary material for many forms of construction, including housing, commercial and industrial buildings, and engineering construction, especially infrastructure and ports, as well as mining applications.

Unlike other raw materials that are extracted, access to and the supply of aggregate needs must come from locally sourced supplies. This is primarily attributable to transport costs. If the aggregate source is too far from the market, then the transport cost may exceed the cost of the aggregate. A cubic metre of concrete requires two tonnes of aggregate (CCAA 2013, p7), and a typical house in Australia requires 110 tonnes of aggregate to supply the 53m³ of concrete needed to build the house (CCAA 2013, p7). This means that where construction is occurring, there needs to be a supply of aggregate in close proximity, otherwise transport costs will be exorbitant. The cost of transport of aggregate can be a prohibitive risk factor in construction projects. The average national haulage distance for aggregate from quarry to end-user is 64km, costing \$13/tonne (CCAA 2013, p7). If the haulage distance were to increase to 100km due to urban encroachment or poor planning policies, the additional haulage will increase transport costs by 35% (CCAA 2010, p2).

The demand for BRM is driven by, and dependent upon, economic growth. This means that when the construction of buildings, public infrastructure and facilities increases, demand for aggregate also increases. At present Western Australia is in an active construction phase, creating high demand for BRM. However, the regulation of BRM extraction in Western Australia is complex, premised on land tenure. This means that the legal regime that applies to the extraction of BRM depends on the type of land ownership. BRM extraction on Crown land and Reserve land is regulated in accordance with the *Mining Act 1978 (WA)* (the Mining Act), and administered by the department of Mines and Petroleum (DMP). The extraction of BRM on privately owned land is regulated in accordance with the *Local Government Act 1995 (WA)* (Local Government Act) and/or the *Planning and Development Act 2005 (WA)* (PDA), and administered by Local Government Authorities (LGAs) in Western Australia.

This tenure-based regulatory arrangement has established a dual regulatory system, which creates regulatory burden for the stakeholders as well as long-standing regulatory issues regarding the efficiency and effectiveness of the existing regulatory framework. These issues include, but not confined to, non-reporting of BRM production from private land, insufficient appropriate buffers for quarrying, and insufficient provisions for sequential land use. These issues have been highlighted in recent years by the development pressures in the goldfield and Pilbara regions in the last decade, and the development of the *Strategic Assessment of the Perth and Peel Regions* (SAPPR).

1.1 Aim of Report

Given the importance of BRM to Western Australia's economic development and future, improved policies, planning and regulation of BRM benefits all stakeholders, and ensures the effective long-term strategic planning and supply of BRM in Western Australia.

The aim of this report is to:

¹ Basic Raw Materials are defined in section 3.1, Western Australian Planning Commission, *Statement of Planning Policy 2.4: Basic Raw Materials* as sand (including silica sand), hard rock, limestone (including metallurgical limestone), gravel, and other construction and road-building materials.

1. Analyse the current BRM framework in Western Australia, and address the issues associated with this framework;
2. Compare the Western Australia BRM regulatory framework with the regulatory frameworks of other Australian states and the Northern Territory;
3. Identify the advantages and disadvantages of the current BRM regulatory framework in Western Australia with respect to the Mining Act compared to the Planning Act and the Local Government Act versus other states' regulatory framework; and
4. Recommend possible reforms to improve the regulation of BRM in Western Australia.

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2. SCOPE OF THIS STUDY

This study will examine the regulatory framework for the commercial extraction of BRM in Western Australia. In considering the commercial framework, the study will consider the relevant provisions of the following:

- *Mining Act 1978* (WA) (Mining Act);
- *Mining Regulations 1981* (WA) (Mining Regs);
- *Planning and Development Act* (WA) (PDA);
- *Local Planning Scheme Regulations 2015* (WA) (Local Planning Regs);
- *Local Government Act 1995* (WA) (Local Government Act)
- Local Planning Schemes;
- Regional Planning Schemes;
- State and Local Planning Policies; and
- Local Laws.

In undertaking a comparison of the Western Australian regulation of BRM, an examination of all other Australian states and the Northern Territory. The Australian Capital Territory (ACT) will not be examined, given that BRM for the ACT are supplied from nearby New South Wales (NSW).

Government ‘public works’ uses for BRM, safety regulation under the provisions of the *Mines Safety and Inspection Act 1994* (WA) and environmental regulation under the *Environmental Protection Act 1986* (WA) are outside the scope of this study, and therefore will not be included in this report.

3. REGULATION OF BASIC RAW MATERIALS IN AUSTRALIA

The extraction of BRM in Australia is regulated at State level. Under the Australian Constitution, the Commonwealth Government can only legislate in those areas where the Commonwealth has enumerated powers. The regulation of mining and extraction activities does not fall under the enumerated powers of the Commonwealth, unless it falls under the auspices of the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth), which implements Australia's international treaty and conventional obligations under s.51(xxix) of the Constitution. As such, activities related to the supply of aggregate are regulated by the states, and are often delegated to LGAs.

Extractive activities that occur in each state are however subject to a range of Commonwealth legislation. In particular the *Native Title Act 1993* (Cth) (NTA), the *Environment Protection and Biodiversity Conversation Act 1999* (Cth) (EPBCA). The NTA will apply to all land where there is a native title claim or determination, subject to the provisions of the NTA. The EPBCA will apply where an extractive activity falls within one of the eight *Matters of National environmental Significance* (MNES) under the EPBCA, which include:

- World Heritage areas;
- Natural heritage places;
- Ramsar wetlands;
- Threatened species and ecological communities;
- Migratory species;
- Commonwealth marine areas;
- Nuclear actions; and
- Coal and coal seam gas projects likely to have a significant effect on water resources.

The EPBCA grants the relevant Minister the discretionary power to approve or deny a project based on the environmental assessment, and is not subject to Administrative Appeal under the *Administrative Appeals Tribunal Act 1975*. However, subject to standing provisions it may be possible to pursue an action under the *Administrative Decisions (Judicial Review) Act 1977* (Cth). Since its implementation, the EPBCA has been regulated by the Commonwealth Department of Environment, requiring a separate environmental application where the activity fell under one of the MNES. However, in October 2013 the Commonwealth Environment Minister announced that all approvals and processes under the EPBCA would be delegated to accredited State planning systems to create a single environmental assessment and approval process for nationally protected matters. Approval of referrals under the EPBCA is to be undertaken by the State under the 'One-Stop Shop' approach for environmental approvals. This means that the Western Australia Department of Environment will undertake both State and Commonwealth approvals under the appropriate environment legislation.

4. REGULATION OF BASIC RAW MATERIALS IN WESTERN AUSTRALIA

4.1 BRM Policy and Planning

The Western Australian Planning Commission (WAPC) undertakes BRM policies and planning. In July 2000 the WAPC released the [Statement of Planning Policy 2.4: Basic Raw Materials](#) (the Policy), partly in response to the 1995 Extractive Industries Committee of the Chamber of Commerce and Industry of Western Australia report *Managing the Basic Raw Materials of Perth and the Outer Metropolitan Region* and the 1996 Western Australian Government *State Gravel Supply Strategy*.

The Policy applies to the extraction of BRM on all Crown Land subject to s.24 of the Mining Act (including National Parks, State forests and other Crown reserves). It also applies to the following local governments with land zoned Rural in the Metropolitan Region Scheme (MRS):

- City of Joondalup
- City of Wanneroo
- Shire of Mundaring
- City of Gosnells
- City of Cockburn
- City of Rockingham
- City of Swan
- Shire of Kalamunda
- City of Armadale
- Town of Kwinana
- Shire of Serpentine-Jarrahdale

In addition, the Policy applies to a number of local governments outside but adjoining the MRS boundary, including:

- Shire of Gingin
- Shire of Chittering
- Shire of Murray
- City of Mandurah
- Shire of Northam
- Shire of Toodyay

The policy facilitates the extraction of BRM by setting out the matters which are to be taken into account and given effect to by the WAPC and local governments in considering zoning, subdivision and development applications for the extraction of BRM, as well as zoning, subdivision and development applications in the vicinity of BRM resource areas, including:

- Identify the location and extent of known basic raw material resources;
- Protect Priority Resource Locations, Key Extraction Areas and Extraction Areas from being developed for incompatible land uses which could limit future exploitation;
- Ensure that the use and development of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after extraction;
- Provide a consistent planning approval process for extractive industry proposals including the early consideration of sequential land uses.

Perhaps one of the most important areas for the development, approval and regulation of BRM is in the Perth and Peel Region. The Western Australian government has undertaken a strategic assessment for the Perth and Peel Region (SAPPR, given that this is an area of high growth (in terms of population, infrastructure and industry), all of which place high demand on BRM. Because of the rapid growth,

there has been a need for a cohesive approach to planning and land use in the Perth and Peel Region. The SAPP has commenced its consultation phase, and in December 2015 the Western Australian Government released the draft [Perth and Peel Green Growth Plan for 3.5 Million](#). As noted by the WAPC, the draft Green Growth Plan is ‘a 21st century approach to integrating environmental protection and land use planning. It enables the cumulative environmental impacts of growth to 3.5 million people to be considered and minimised at an early stage in order to deliver a long term and comprehensive program of conservation actions at a landscape scale.’ An overview of the plan is illustrated in Figure 1 below, illustrating both the over-arching plan and the supporting action plan. The extraction of BRM is expressly considered in the plan, and is one of the class of action implementation plans under the framework



Figure 1: Overview of *Green Growth Plan*

Local Planning Schemes (Freehold Land)

The *Planning and Development Act 2005 (WA)* (PDA) gives the WAPC the ability to delegate its powers to local governments under [a notice of delegation](#) (WAPC 2008). This notice effectively gives local governments the power to determine planning applications. A local planning scheme is the primary statutory tool for land use and development control at the local government level. Each local government planning scheme is given statutory effect in Part 5 of the PDA, and the schemes are based on the Model Scheme Text (MST) included in the *Town Planning Regulations 1967 (WA)*.

The PDA requires LGAs to have due regard to State Planning Policies (SPP) developed by the WAPC when preparing and administering their local planning schemes. SPPs may include example provisions recommending adoption into a local planning scheme to ensure they are legally enforceable. The SPPs directly relevant to extractive industries are the *State Planning Policy 2.4 Basic Raw Materials (SPP2.4)*, *State Planning Policy 2.5: Land Use Planning in Rural Areas (SPP2.5)* and the *State Planning Policy 4.1 Draft State Industrial Buffer Policy (SPP4.1)*. These SPPs have been developed to help protect BRM, and to minimise conflict between extractive industries and surrounding land uses.

State Planning Policy 2.8 Draft Bushland Policy for the Perth Metropolitan Region (SPP2.8) has been established to implement *Bush Forever*, which aims to protect regionally significant bushland and associated ecosystems on the Swan Coastal Plain of the Perth metropolitan region. This policy may affect the use of land for extractive industry if the land has been identified as a Bush Forever area. The principles of Bush Forever and SPP2.8 are given due regard if a direct or indirect action could affect

the environmental values of a Bush Forever area. If a site is listed as Bush Forever, SPP2.8 gives weight to the argument of vegetation retention.

4.2 Regulatory and permitting regime

The legal framework regulating the extraction of BRM in Western Australia is complex. The regulation of quarrying activities in Western Australia depends upon the ownership of the land being quarried, as illustrated in Figure 2 below.

Land Type	Definition	Regulating Act	Approving Authority
Freehold land	Privately owned Land	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005 (WA)</i> • <i>Local Government Act 1995 (WA)</i> 	LGA or Western Australia Planning Commission
Crown Land	Vacant (unallocated) Crown-owned land;	<ul style="list-style-type: none"> • <i>Mining Act 1978 (WA)</i> • <i>Aboriginal Heritage Act 1972 (WA)</i> 	Department of Mines and Petroleum (DMP)
Reserved Land	National parks, water and nature reserves, conservation parks, State forests and commons	<ul style="list-style-type: none"> • <i>Mining Act 1978 (WA)</i> • <i>Aboriginal Heritage Act 1972 (WA)</i> 	Department of Mines and Petroleum

Figure 2: Jurisdiction for quarrying activities in Western Australia according to land ownership

The extraction of BRM occurring on Crown land is regulated under the Mining Act and requires a mineral tenement (as well as relevant environmental processes) in order for the materials to be extracted. However, if the materials occur on private (freehold) land, they are not regulated by the Mining Act. Rather, extraction from private land requires approval under the PDA and or the Local Government Act. Regardless of the type of land holding, all extractive industry proposals are subject to the provisions of the *Environmental Protection Act 1986 (WA) (EP Act)* for clearing applications. DMP applications are subject to the *Aboriginal Heritage Act 1972 (WA)*. Local government applications are subject to local laws and the WAPC's SPPs. In addition, if the BRMs are required for road building then Main Roads WA and/or a local government have special provisions for access (WAPC 2009, p3). The complexity of the Western Australian BRM extraction regulation framework is such that a manual was developed that not only assisted applicants in the planning process, but also served to "assist related agencies" (WA Planning Commission 2009: 1).

An excellent overview of the legal framework and process for the approval of a proposal for the extraction of BRM in Western Australia is found in Figure 3 below, which is taken from the Western Australian Government *Basic Raw Materials Application Manual (BRM Manual)*. An overview of the key elements of regulation of BRM in Western Australia is provided in Table 1 below.

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Figure 3: Overview of the legal framework and process for the approval of a proposal for the extraction of BRM in Western Australia.

	Private Land	Crown Land / Reserve Land
Legislation	<i>Planning and Development Act 2005</i> (PDA). <i>Local Government Act 1995</i> (Local Government Act).	<i>Mining Act 1978</i> (Mining Act).
Presumption of ownership of Resource	Landholder.	Crown.
Consents required	Consent and agreement of private landowner required along with that of the relevant LGA/WAPC.	On Reserve land, Minister for Mines will consult with the Minister responsible for the reserve and any authority having a vested interest in the reserve and obtain their recommendation/concurrence thereto. Within a class A nature reserve or national park – the approval of both Houses of Parliament is required for the granting of a mining lease. <i>Native Title Act 1993 (Cth)</i> provisions apply as it is not private land.
Approval Authority	LGA and/or WAPC. WAPC have powers to “call-in” extractive industry applications.	DMP.
Key Applications	Planning approval required from LGA / WAPC and/or an Extractive Industry Licence (EIL) from the LGA.	Application required for a Mining Act tenement (e.g. prospecting, exploration licences, mining lease) plus environmental approval for any ground disturbing activity.
Term of licence/tenement	EIL – varies depending on the LGA. Planning approvals – varies depending on the LGA.	Prospecting Licence: 4 years renewable. Exploration Licence: 5 years renewable/extendable. Mining Lease: 21 years renewable.
Planning approval	Subject to planning approval by LGA or WAPC. Any approvals given must be consistent with the relevant planning scheme. LGAs must pay due regard to State Planning Policies such as <i>State Planning Policy 2.4 – Basic Raw Materials</i> .	Provisions of planning schemes under the PDA must be taken into account but the provisions of the scheme may not operate to prohibit or affect the granting of a mining tenement or the carrying out of any authorised mining operations.
Environmental approval	Each LGA will have their own specific environmental requirements and may look at, for example, disturbance of acid sulphate soils, setback from existing wetlands, bush forever etc. when assessing the planning approval. Native vegetation clearing permit required from Department of Environmental Regulation (DER). LGAs may require environmental management plans to be submitted.	Ground disturbance approvals required under the Mining Act assessed by DMP before exploration (program of works) or mining (mining proposal) can occur. Native vegetation clearing permit delegated to DMP from DER.

EPA approval	Provisions of <i>Environmental Protection Act 1986</i> apply.	Provisions of <i>Environmental Protection Act 1986</i> apply.
Rehabilitation	Extractive industry operations are subject to extractive industry by-laws and /or planning approval conditions under the Local Government Act /PDA. Rehabilitation provisions may vary between LGAs.	Mining Act tenements are subject to particular rehabilitation provisions of the Mining Act and also the <i>Mining Rehabilitation Fund Act 2012</i>
Objection	Generally, applications can be determined under delegated authority by local planners; however, local planners must report to council if any objections are received following advertisement of the extractive industry applications.	Objections to applications for mining tenements heard by the Mining Warden prior to determination of application.
Appeals	Third parties cannot appeal. Applicant may appeal to SAT the conditions or refusal of planning approval or EIL once determination by LGA/WAPC.	Applicant may appeal to the Minister for Mines and Petroleum the refusal to grant a prospecting licence, but not an exploration licence or mining lease.
Royalties	Nil.	Royalties payable to the State under the Mining Act when any minerals are produced or obtained from a mining tenement.
Fees	Application fee for EIL and planning approval.	Application fee, annual tenement rent.
Compensation	Compensation generally paid to landholder in consideration of agreement to mine land (which may in effect be a defacto royalty).	Capacity for compensation for damage incurred when the mining occurs on a pastoral lease and when adjoining landholders suffer damage. Holder of mining tenement may be liable to pay compensation to native titleholders.
Reporting	Nil.	Annual reporting of operations and expenditure on mining tenements. A quarterly production report must be lodged when in production.
Access	LGAs can apply a condition on approval requiring road maintenance or upgrading contributions if there is an impact on the local road network.	Conditions cannot be imposed affecting areas outside the tenements.
Safety	<i>Mine Safety Inspection Act 1994</i> applies.	<i>Mine Safety Inspection Act 1994</i> applies.

Acronyms:

BRM: Basic Raw Materials | **DMP:** Department of Mines and Petroleum | **LGA:** Local Government Authority | **EIL:** Extractive Industry Licence | **DER:** Department of Environment Regulation | **EPA:** Environmental Protection Agency | **SAT:** State Administrative Tribunal | **WAPC:** Western Australian Planning Commission

Table 1: Overview of the regulation of BRM in Western Australia

Local Government Approvals Process

Where BRMs occur on freehold land, they are not classified as a mineral for the purposes of the Mining Act, and hence the LGA, not DMP, is the approval authority. Each local government has different requirements for establishing an extractive industry. Some local governments require an Extractive Industry Licence (EIL) only, some require both a development application and EIL, and others do not determine extractive industry applications but instead refer them to the WAPC for determination. The majority of local governments have local laws specific to the planning for extractive industries. As part of these local laws, many local governments require an EIL together with a land use planning approval before extraction can take place. EILs are processed independent of the land use planning determination, however the two can be assessed simultaneously. An application for an EIL should be applied for at the same time as the development application

The reasons why inconsistencies between local governments occur include:

- Variations in each local government's BRM local law and local planning scheme requirements; and
- The ability for the WAPC to require a local government to forward applications for extractive industries to the WAPC.

Where extraction is to occur on private land, the LGA will usually regulate it under delegation from the WAPC. S.3 of the BRM Manual outlines the requirements and restrictions of LGA regulation of BRM extraction. Of particular importance is s.3.5 of the BRM Manual, which outlines the requirement for and EIL along with land use approval by the relevant local government. This differs markedly to the DMP process, which has a linear, consequential approvals framework (see s.4 of the BRM Manual). Most importantly, DMP does not usually consult with local governments on mining tenant applications, although LGA have the opportunity to lodge an objection to the grant of the tenement within the objection period.

Once it has been established that an extractive industry is permitted or could be considered on the subject site, applicants are required to ensure their application is in accordance with the requirements of SPP2.4, SPP2.5 and SPP4.1. Once an application has been submitted, planners undertake a preliminary assessment, including referrals to other agencies such as the DMP, the Department of Environmental Regulation (DER) and the Department of Water, if the applicant has not already referred it. Time can be saved if the applicant obtains written advice from these agencies prior to lodging the application.

If the application is considered complete, the proposal is usually advertised for public comment. There may be two advertising periods: one for the development application and one for the EIL. This highlights the need to submit the licence and development applications at the same time so that advertising and assessment can be coordinated. Some local governments require the applicant to undertake advertising due in part to a lack of staff resources, or due to the greater funding capacity of the applicant. Individual advertising of the proposal can provide a means to better explain and justify a submission.

If the local government grants an approval, there will be a number of conditions that dictate how the land use must be established, operated and maintained. These conditions are generally related to amenity and land use. Conditions may require liaison with other government agencies, such as DER for clearing permits, or the Environmental Protection Authority (EPA) regarding noise and dust. If a refusal results, the applicant has the right to appeal the local government's decision in accordance with Part 14 of the PDA.

In some instances, the local government is not the determining authority for extractive industry applications. "Call-in" powers are provided in a number of regional schemes, giving the WAPC the power to revoke delegation of authority from local government, with the WAPC reinstating its authority to determine applications. Revocation of these powers can occur when the proposal lies in part, or

entirely within, reserved land, but can also occur for specific land uses or areas as the WAPC sees fit. Revocations are published in the Government Gazette from time to time.

Where delegated authority to the local government has been revoked under the Metropolitan and Peel region schemes, extractive industry applications are submitted to the local government, but require referral to the WAPC for determination. For the Greater Bunbury Scheme, development applications that would be incompatible with BRM extraction are assessed by the WAPC. The WAPC does not assess extractive industry applications in the Greater Bunbury area. For all WAPC call-ins, local government can provide recommendations for the WAPC to consider, however ultimately it does not decide the planning outcome. The Department of Planning is the administrative authority for the WAPC in such instances.

Department of Mines and Petroleum (DMP) Approvals Process

DMP administers the Mining Act that regulates mineral prospecting, exploration and mining activities. For BRM extraction on Crown and Reserve land, DMP is the approval authority.

To explore or mine BRM from Crown land a mining tenement is first required. Mining tenements that allow solely for the exploration of a site are prospecting licences and exploration licences. To extract or mine BRM on Crown land requires the issuing of a mining lease. The DMP does not usually consult local governments on mining tenement applications. However, local governments have the opportunity to lodge an objection to the grant of the tenement within the objection period. Mining tenement holders are however required to pay rates to local governments.

A mining lease application requires either a mining proposal or a mineralisation report. The mineralisation report is required to substantiate that significant mineralisation exists and must be accompanied with a supporting statement about likely mining operations. For BRM, the preferred administrative process is that applicants submit a mining proposal rather than a mineralisation report and accompanying supporting statement. In any event, a mining proposal must be submitted and approved before mining can take place.

Before any BRM exploration activities involving any mechanical equipment such as surface clearing, excavation of trenches or pits, or drilling can be undertaken on a granted mining tenement, the holder must lodge a program of works to DMP for assessment. The written approval required to undertake the activity must be obtained before any ground disturbance can commence.

If a mining tenement falls wholly or partially on Crown reserves, the process is different to the one outlined above. Where a mining tenement encroaches onto reserved land (as defined in s.24, 24A and s.25 of the Mining Act), the Mining Act prohibits mining (including prospecting, exploration and mining operations) from being carried out on the reserved land unless the consent of the Minister for Mines has been obtained. Before mining activity can occur, the Minister will first consult with the Minister responsible for the reserve (and in some situations any authority having a vested interest in a reserve) and obtain their comments and recommendation/concurrence in respect to the proposed mining. Within a class a nature reserve or national park the approval of both Houses of Parliament is required for the granting of a mining lease.

Under section 20 of the EP Act, the EPA has delegated the powers of administration of the clearing provisions to DMP for activities regulated under the Mining Act. For clearing where the delegation applies, all legislative requirements remain the same as those detailed under the EPA.

When a mining lease is granted environmental commitments will be imposed as tenement conditions, including the condition that mining lessees must pay a levy under the *Mining Rehabilitation Fund Act 2012 (WA)* for an area of land disturbance. The DMP carries out compliance inspections. Other approvals may be required under other legislation including the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA)* and the *Aboriginal Heritage Act 1972 (WA)*.

5. ISSUES ARISING FROM THE CURRENT REGULATION OF BRM IN WESTERN AUSTRALIA

As outlined in s.4, and highlighted particularly in Table 1 above, there are many inconsistencies in the regulation of the extraction of BRM in Western Australia. At the core of the regulatory issues that currently afflict BRM extraction in Western Australia, transparency, accountability and consistency are the three overarching issues. This section identifies and highlights the specific issues attributable to the existing approvals and regulation framework.

5.1 Approval authority and key applications

As a consequence of historical regulation, there now exists a dual approval regime for the extraction of BRM: the LGA and/or WAPC approve the extraction of BRM on private land, while DMP regulate the extraction on Crown land. This creates a highly unusual situation of dual regulation, which is clumsy and fraught with potential social, economic and political issues. For example: there are two large areas suitable for quarrying on either side of the road. The area on the left is Crown land, the area on the right, private land. The area on the left would be regulated by DMP under the Mining Act, and the one on the right by the WAPC/LGA under the PDA/Local Government Act. If you lived in the vicinity of the area, and wished to complain about the quarrying operations, you would have to determine which authority to consult with – it could be the DMP, the WAPC or the local council. This creates confusion for the public, as well as a cumbersome approval and operations framework.

5.2 Monitoring/reporting of BRM on private land

One of the greatest issues that have been identified by this regulatory study is the requirement to report BRM production. There are no mandatory reporting requirements for BRM extracted under the LGA and the PDA. This means that the Western Australian Government has no knowledge of the volume of BRM that is being extracted from private land. In contrast, under the Mining Act, there is a requirement of annual reporting of operations and expenditure on tenements, along with the requirement of a quarterly production report whilst production occurs. Without regular reporting of tonnage extracted, there is little opportunity for DMP to accurately assess the impact of extraction activities on a ‘whole of resource’ basis and plan for sequential land use.

5.3 Tenement period and tenure provisions

The tenement period for private and Crown land also varies wildly under the current regulatory system. For private land, where the LGA grants an EIL, the tenement period is 1-5 years, whereas the tenement period for quarries on Crown land and regulated under the Mining Act is 21 years. This length of tenement is not tied to the area or production output of the quarry. Rather it is a manifest of the Acts that govern extraction, based on land ownership. These inconsistencies cause a host of concerns for all stakeholders, particularly when there is a small quarry on Crown land that will not continue to produce for 21 years, or a extremely large quarry on private land that is only granted a 5 year EIL, the longest possible period, but in fact requires a much longer period of tenure.

5.4 Inconsistent environmental standards and requirements

For key applications, approvals on private land are required from the LGA or the WAPC, as well as environmental approval under the requisite EIL granted by the LGA. However, there is no requirement for an environmental approval under the EPA unless the proposal has the potential to cause significant impact (and would therefore be referred to the EPA). For Crown land, a mining tenement must be granted by DMP (which can include a prospecting licence, exploration licence or mining lease) as well as an environmental approval for any ground disturbance. This is a complex system for both applicant

and those whom the activity might impact on, and more likely to lead to community (and applicant) confusion and an inconsistently applied environmental approval framework.

5.5 Inconsistent application of land use buffers

The existing dual systems have had a marked impact on the application of land use buffers. This has had a particular impact on private land, where large developers might be keen to develop land that sits in an existing buffer zone, but the WAPC may approve since it falls under the PDA rather than the Mining Act and regulated by DMP. This can cause community concerns and angst at a later date when quarries are approved in an area and housing exists in an area that was a designated buffer, with the quarrying operations impacting on those living/working in that area.

With the development of the new draft Perth and Peel Growth Plan, it is hoped that the impact of inconsistent application of land use buffers might be reduced. However, whilst there is a dual regulatory system for BRM extraction, the inconsistent application of land use buffers is likely to occur.

5.6 Constraints and lack of planning for sequential land use practices of quarried land

The inability to accurately monitor the volume of BRM extraction on private land has serious consequences for sequential land use planning. Planning for the close of a quarry and subsequent land use becomes difficult to manage on private land, since there is no regulatory capacity for the government to assess production on private land or to plan for future land use and changes in land use. Furthermore, because there is no relationship between the LGA who authorise the activity on private land and DMP who authorise on public land, there is little continuity in regulating the activities in a proximate area.

Sequential land use in BRM extraction is vital. In order to facilitate the continued supply of BRM whilst at the same time supporting future long-term development for other purposes (including urban), sequential land use planning should be a requirement. Under sequential land use, WAPC is responsible for planning in a manner that ensures that extraction and rehabilitation can occur on a programmed basis in advance of longer-term use and development. The need for sequential land use is articulated in s.6.5 of SPP4.2.

At present, there is little planning for sequential land use under the dual regulatory system. Extraction under the DMP is not subject to planning approval, and where approval is delegated to LGA there has been inconsistencies in the sequential planning of land uses across LGAs, as evidenced by the absence of land use planning post quarrying in some areas. In order to enable sequential land use planning to occur, all applications need to be considered by WAPC at some stage of the process.

5.7 Access and impact on roads

Inevitably, the use of roads for the transport of BRM will cause degradation of the roads, requiring repair and maintenance. Another consequence of the existing dual regulatory framework is the inconsistency in the capacity for the regulating authority to impose access conditions. Where BRM extraction occurs on private land, the LGA can apply conditions on the approval of the quarry, requiring road maintenance or upgrading contributions by the quarry operator if there is an impact on the road network. Where a quarry is approved by DMP on Crown land, even if it is in the same Local Government Area, or even across the road from a quarry on private land, there is no capacity for conditions to be imposed on areas outside a tenement area. Rather, conditions can be imposed only on the area inside the tenement (i.e. the area being quarried). Given the impact of heavy vehicles carrying BRM on roads, whatever proposals for reform to the current regulatory system will have to consider the capacity to impose conditions relating to impacts outside the tenement area.

5.8 Native Title

Like all other states, Western Australia is required to consider the rights and interests of the Aboriginal People when authorising BRM extraction. Under the *Native Title Act 1993* (WA), Native Title is

extinguished on private land. On Crown land, Native Title is considered as part of the approvals process under existing laws. This assessment has identified no issues with the current legal framework relating to Native Title in Western Australia.

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6. REGULATION OF BASIC RAW MATERIALS IN OTHER AUSTRALIAN JURISDICTIONS

Given the issues identified in the above analysis of the existing Western Australian regulatory framework, it is critical that an analysis of BRM extraction regulation in other states is undertaken, in order to determine how BRM is regulated in other jurisdictions, and possible lessons for Western Australia. By undertaking the analysis of other Australian jurisdictions, solutions for the existing regulatory issues may well become apparent.

6.1 Northern Territory

BRM Policy and Planning

In the Northern Territory (NT) s.7 of the *Planning Act 2005* (NT) provides for a single integrated NT planning scheme, and a specific Jabiru Town Plan (since Jabiru Town is not covered under the NT planning scheme). There are also a number of specific plans, including the *Alice Springs Regional Land Use Plan*, the *Darwin Inner Suburbs Area Plan*, the *Darwin Mid Suburbs Area Plan*, the *Litchfield Subregional Land Use Plan*, the *Draft Holtze Area Plan*, and the *Darwin Regional Land Use Plan*. The NT planning scheme contains provisions that include a policy statement, provisions for permitting or prohibiting certain land use or development, and other provisions for control and assessment criteria for the consenting authority. By far most of the extraction of BRM in the NT occurs in the Darwin Area, given the large levels of construction and development that are currently occurring in that area. The operation of BRM extraction occurs within the general planning scheme.

Regulatory and Permitting Regime

BRM are defined as an extractive mineral under s.4 of the *Mining Management Act* (NT) (MMA) and the extraction of BRM in NT is wholly regulated under the MMA and the *Mineral Titles Act 2010* (NT) (MTA). The Minister for Primary Industries, Fisheries and Resources administers both the MTA and the MMA.

In order to extract BRM, a mineral title is required, which is legislated under s.10-12 of the MTA. Under the MTA and its associated regulations three types of licence are an extractive mineral exploration licence (EMEL) (2 years), an extractive mineral permit (EMP) (for surface extraction, such as sand and gravel – 5 year lease) and extractive mineral lease (EML) (for quarrying operations – 10 year lease). An EMEL is required for exploration, while a technical work program is required for the EMP. There is a requirement for an Environmental Impact Assessment under the MTA and MMA, and a project of appropriate size will be referred for assessment under the *Environmental Assessment Act 1994* (NT). There is no Environmental Protection Act in the Northern Territory. In addition, mining activity occurs outside of the planning scheme.

The extraction of BRM is wholly contained in Part 4 (s.46-57) of the MTA. In addition, under s.13 of the MMA there exists a general obligation to take care of the environment, with a requirement not to wilfully or recklessly harm the environment (s.14(3) MMA).

6.2 Queensland

BRM Policy and Planning

The Queensland Government aims to achieve a balance between the supply of construction materials and the protection of social amenity and the environment, and established a new approach to SPPs in 2013 to simplify and clarify State interests. Under this approach a single SPP *The State Planning Policy* (SPP Qld) has been developed to replace the previous multiple policies.

Implemented as part of the legal reforms that saw the introduction of the *Sustainable Planning Act 2009* (Qld) (SPA), the SPA and SPP Qld defines the Queensland Government's policies regarding State interest in land use planning and development, and requires local governments to adapt their land use planning and development schemes to reflect the SPP Qld. The SPP Qld identifies the State's interests in planning and development and how they must be dealt with in planning schemes, council development assessment processes and in designating land for community infrastructure. The SPP Qld is a key component of Queensland's land use planning system, which enables development, of communities and resources alongside natural environment protection. The SPP Qld is implemented through the SPP Qld Guidelines, which outline the purpose of the policy elements, the State interest policy elements, and advice on how to achieve State interests.

The introduction of the SPP Qld allows the Qld State Government to provide clarity to local governments about making and amending local planning instruments and assess development

applications. By expressing the State's interests in a comprehensive manner it will be easier for local government to reflect and balance State interests 'up front' in local planning schemes, ensuring the approval of the right development in the right location without undue delays. It also assists developers in preparing development applications.

The SPP Qld ensures that the extraction of BRM occurs in an integrated manner with other State interests (such as agriculture and tourism), regional plans, and local government planning schemes and development assessments. The SPP Qld identifies a number of key resource areas (KRAs)² located across Queensland where the extraction of BRM is appropriate in principle. The SPP Qld also protects potential future extractive industry development within a resource/processing area from incompatible development. This is achieved through local government planning schemes and the assessment of development within a KRA

KRA comprises four components:

1. Resource/processing area: encompassing the extractive resource area and operational areas associated with resource extraction and processing;
2. Separation area: the area surrounding the resource/processing area that is required in order to maintain separation from people who may be affected by residual impacts such as noise, dust and ground vibrations of existing or future extractive operations (buffer zone);
3. Transport route: the route used to transport extracted resources to market, and may include road or rail transport; and
4. Transport route separation area: the area surrounding the transport route needed to maintain separation of people from the undesirable effects of aggregate transport, including noise, dust and ground vibration.

KRAs are designated for inclusion in the SPP Qld based on:

1. An assessment of available geological information;
2. A determination of the extractive resource's significance to the State as determined by the criteria outlined in *SPP guideline: mining and extractive resources*, taking into account the size, production capability, supply to market areas, scarcity of the commodity and specialised needs such as major infrastructure projects; and
3. Consultation with planning, environmental and resource professionals, State agencies, local government and the local community to take into account the social, cultural and environmental values within the KRA and surrounding areas.

The designation of a site as a KRA ensures that development applications within the KRA are assessed for possible adverse impact on the access to these State significant resources but does not restrict all development. For example, a KRA designation in the SPP Qld does not apply additional development assessment requirements to activities (such as a dwelling house or extensions to a house) where the development is consistent with local government planning schemes, but a development that increases residential densities or the number of lots that have a residential component within the separation area (including the transport route separation area) is not supported by the SPP Qld (DNRM 2013).

KRAs are not related to mining or resource developments (e.g. coal, minerals, and petroleum) which are regulated by the *Mineral Resources Act 1989* (Qld) (MRA) or the *Petroleum and Gas (Production and Safety) Act 2004* (Qld), and are not part of the land use planning system. Rather, it is a policy framework that seeks to maintain the long-term availability of major extractive industries and their

² KRAs are locations across Queensland that are identified as containing important extractive resources of State or regional significance worthy of protection for future use.

transport routes from incompatible land uses and to provide increased protection and secured viability of the extractive industry.

Regulatory and Permitting Regime

The extraction of BRM is excluded from mining activities under s.6(3) of the *Mineral Resources Act 1989* (Qld). Extractive resources are regulated under the *Sustainable Planning Act 2009* (Qld) (SPA), and not the MRA, where the definition of mineral in s.6(3) in the MRA excludes most materials used for construction purposes, such as construction sand, gravel, and quarry rock. The only instances where extraction of these materials is administered under the MRA (and therefore by DNRM) are:

- When the material is explicitly defined in the MRA to be a mineral (for example, silica sand and limestone used for their chemical properties, rock mined in block or slab form for building or monumental purposes, foundry sand).
- When the material is used only on the mine site.
- In the rare circumstance where an approval issued under previous mining legislation exists.

In some cases, a quarrying industry may be established in an area covered by a mining tenure. This occurs when the material being extracted is similar to, or associated with, the mineral being mined (e.g. silica sand, which may be used as either concrete sand, a construction material, or foundry sand, a mineral). Where this occurs, the extraction activity must be authorised separately from the mining tenure.

The approval of BRM extraction is dependent upon the land tenure and size of the quarry. Since most major extraction sites occur on freehold land, the extraction of aggregate is regulated and administered under the SPA. Approvals are granted at either State or local government level depending on the size of the project. The SPA is an overarching legislation, which delegates many functions to local government bodies through development and planning regulations. This legislation is designed to ensure development applications are thoroughly assessed for benefits and impacts before any development is granted approval.

The SPA requires that all relevant statutory instruments, including planning schemes and environmental and other legislation, be considered during the development assessment process. The approval process is managed by an 'assessment manager', usually the local government.

The SPA also gives effect to the State Assessment and Referral Agency (SARA). At present the Department of State Development, Infrastructure and Planning (DSDIP) is the SARA and provides for a single lodgement point and assessment manager for all development applications where the State has jurisdiction. DSDIP is also the single lodgement point and assessment manager or referral agency for all development applications where the State has an interest.

Under SARA, applications are prepared under *MyDAS*, the online preparation and lodgement system for development applications, utilising the *State Development Assessment Provisions* that outlines all application assessment criteria. The application is required to be submitted on the SARA Integrated Development Assessment System form. The SARA Mapping Online System provides GIS mapping to support development application preparation.

While DSDIP is the primary agency responsible for planning applications over State land, there are still a number of other entities that exist outside of SARA that hold jurisdiction over their own referral agency triggers. DSDIP works with other State agencies, the industry and local governments to enhance and improve SARA operations. In addition, on-going regulatory amendments will continue to assist SARA to streamline development assessment processes.

The extraction of BRM is a prescribed activity under Schedule 2 of the *Environmental Protection Regulation Act 2008* (Qld). Part 4 to Schedule 2 provides that extractive and screening activities consist of dredging a total of 1000 tonnes or more of material from the bed of naturally occurring surface waters

in a year or extracting, other than by dredging, a total of 5000 tonnes or more of material in a year from an area, with some exclusions.

6.3 New South Wales

BRM Policy and Planning

In 2007 the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (NSW) (Mining SEPP) was gazetted. It consolidated and updated existing planning provisions related to mining, petroleum production and extractive industries, as well as introducing new provisions to ensure that potential environmental and social impacts are adequately addressed during the assessment and determination of development. This reform sought to improve the relationship between the *Mining Act 1992* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW) (EPAA) in the assessment and approval of some mining and extractive activities, revoking provisions that allowed expansion without the need for a transparent assessment of their impacts or consent under the EPAA once a lease had been granted.

The NSW Department of Planning and Infrastructure (DPI) has been developing initiatives for improved practices and performance of the mining, petroleum production and extractive industries to avoid, minimise or manage impacts on communities and the environment. Along with the Mining SEPP, it is intended that these and other initiatives will lead to improved environmental performance and increased community participation throughout the development assessment and approval process.

The Mining SEPP requires the consenting authority to consider the likely impact of new quarry proposals on current and future surrounding land uses, and to have regard to land use trends so as to identify the likely preferred uses of land in the vicinity of the development. As part of this assessment, the consenting authority must 'evaluate and compare the respective public benefits' of the development with other land uses in its vicinity. The assessment is used to determine the potential for land-use conflict and land-use constraint in respect to adjacent land uses.

Significantly, the Mining SEPP also includes a mirror provision which applies to new developments of any kind which are proposed in the vicinity of an existing mine, petroleum production facility or extractive industry. This new provision establishes a clear basis for incompatible development proposals to be refused if they are likely to jeopardise current or future extraction of resources at nearby mines, petroleum production facilities or extractive industries.

The NSW Government amended the Mining SEPP in 2013 under the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Resource Significance) 2013* (NSW). The amendments sought to increase confidence for investors and the community about how decisions are made on mining proposals (Department of Planning and Infrastructure 2013). These changes to the Mining SEPP determine that the economic impact of prospective development projects is to be the "principal consideration" relative to other factors (such as social and environmental impacts) during assessment. The changes to the Mining SEPP introduced a "significance of resource" criterion, which is now used as the principal consideration when determining whether to grant consent to a proposed mining development. Whilst this would be useful for the extractive industries industry, this amendment does not apply to extractive industries at present (NSW Planning and Infrastructure 2013).

Regulatory and Permitting Regime

Extractive industries in NSW are regulated under the EPAA, under which various State environmental planning policies have been enacted. These include the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (NSW), the *State Environmental Planning Policy (State and Regional Development) 2011* (NSW), *State Environmental Planning Policy (Rural Lands) 2007* (NSW) and various regional planning policies.

In NSW there are two permitting systems: local and State. The size, nature and complexity of the extractive activity will determine the system under which an application is made.

Ordinary projects

The majority of development proposals in NSW are assessed under Part 4 of the EPAA. There are a number of different development types under the Part 4 assessment system, and consent must be granted for the relevant land-use zone. The proposal is also assessed against local and State planning controls. Most development proposals in NSW require lodgement of a development application with the LGA. Regional development is assessed by a local council and then determined by the relevant joint regional planning panel. Regional development is defined in Schedule 4A of the EPAA, and includes the extraction of BRM. Regional development does not apply in the City of Sydney Council area.

Some proposals not only require development consent from the council or the Minister but also a permit or licence from another NSW Government agency. In these cases, the local government or DPI will refer the application to the necessary agency so that there is an integrated assessment of the proposal. Development classed as 'designated' requires particular scrutiny because of its nature or potential environmental impacts. Designated development includes development that has a high potential to have adverse impacts because of its scale or nature or because of its location near sensitive environmental areas, such as wetlands. These designated developments are listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) or in planning instruments (such as *State Environmental Planning Policy No. 14 - Coastal Wetlands* (1985)). Extractive industries are listed as designated development in Schedule 3 of the EP&A Regulation at cl.19. After consulting Schedule 3 of the EP&A Regulation and other relevant planning instruments, it must be determined whether the proposal falls under designated development. If it does not, the application is filed with the appropriate supporting information (e.g. *Statement of Environment Effects (SEE)*) and there is a possible exhibition of the SEE. Submissions are considered and a decision is rendered. Appeal rights exist under s.123 of the *Environmental Planning & Assessment Act 1979* (NSW) (EP&A).

If the proposal falls into the designated development category, an environment impact statement (EIS) is prepared in consultation with the Director-General of Planning and Infrastructure and with community and government authorities. The EIS is exhibited and there is an opportunity for public review and comment. Submissions from government authorities and the public must be considered and the Minister may call a Commission of Inquiry, after which a decision is rendered. Appeal rights exist under s.98 and s.123 of the EP&A.

The EIS provides a comprehensive assessment of the impacts of the proposal. The community likely to be affected, whether directly or indirectly, are to be informed of the proposal and consulted early in the EIS process. Consultation should aim to include affected individuals, community groups and groups with special interests such as local Aboriginal Land Councils. For major or controversial projects, a program of community consultation may need to be undertaken as part of the preparation of the EIS.

The statutory requirements for an EIS are prescribed in Schedule 2 of the EP&A Regulation. Prior to preparing an EIS, applicants must consult with the Director-General of Planning & Infrastructure and, in completing the EIS, must have due regard for the Director-General's requirements in relation to the form, content and public availability of the EIS.

Significant State Development

While the vast majority of development applications in NSW are assessed and determined by local councils there are a small number of projects whose scale, significance or potential impacts grant them regional or State significance, rather than just local. The State's planning system previously allowed for such projects to be dealt with by the NSW Government, and this model continues under the new *State Significant Assessment System* (Department of Planning and Infrastructure 2011).

This State Significant Development System (SSDS) establishes two separate assessment frameworks for State Significant Development (SSD) and State Significant Infrastructure (SSI). Projects that fall within these categories are assessed by the DPI and determined by the Minister, the Planning Assessment Commission or senior departmental staff.

Under the assessment framework, the DPI consults with the LGA throughout the assessment of applications. It also makes available on its website a comprehensive range of documents relating to each stage of the assessment of every project.

The SSD Assessment System was established to guide planning decisions on large-scale industrial and resource proposals in 24 different development classes and on development in precincts identified as important for the State by the NSW Government.

A project is considered under SSD if it falls into one of the classes listed in Schedule 1 of the *State and Regional Development State Environmental Planning Policy (SEPP)*, which includes mining and extractive industries. The *State Environmental Planning Policy (State and Regional Development) 2011* defines State significant development. Cl.7 of Schedule 1 *State Significant Development - General* provides that extraction of more than 500,000 tonnes of extractive materials per year, extraction from a total resource of more than 5 million tonne or extraction from an environmentally sensitive area of state significance are to be considered SSD for extractive industries. This does not apply to extraction by a public authority in maintenance dredging of a tidal waterway, or in maintenance dredging of oyster lease areas, or adjacent areas, in Wallis Lake (Planning NSW 2011). If the project falls into one of the classes and meets set criteria (such as exceeding a specified capital investment value), it will be assessed under the SSD system.

The criteria have been set so that only the largest, most intensive or significant proposals of their type in the State are assessed by the NSW Government, with most SSD projects in a development class worth at least \$30 million. Also included within the definition of SSD is development for the purpose of extractive industry related works (including processing plants, water management systems, or facilities for storage, loading or transporting any construction material or waste material) that is ancillary to or an extension of another SSD project, or has a capital investment value of more than \$30 million (Planning NSW 2011).

The process for approval of a SSD project reflects the current process used by local councils assessing development applications under the existing Part 4 of the EP&A. Under the SSD system, applicants lodge an EIS. Before preparing an EIS, applicants must apply to the Director-General of the DPI for environmental assessment requirements (DGRs). The applicant is to ensure that the EIS complies with any DGRs issued for the SSD proposal, including adequate community consultation and that the form and content of the EIS is consistent with the requirements of the EP&A Regulation. The DPI consults with relevant public authorities, including local councils, to provide input into the preparation of the DGRs. The department will issue the DGRs that specify the range of matters to be addressed in the EIS. The department will issue DGRs within 28 days of receipt of the request, unless otherwise agreed between the Director- General and the applicant.

The SSD system represents an integrated approach to development assessment with the DPI assessing matters that would otherwise require a concurrence or subsequent approval from a number of other Government agencies. Unlike the former Part 3A system, development standards in council local environmental plans such as height and floor space ratio must be considered in determining an SSD application. However, as is the case with development applications lodged with local councils under Part 4, there is some flexibility to consider applications that exceed relevant local development standards under the provisions of *State Environmental Planning Policy No. 1 – Development Standards*.

Local council development control plans do not apply to SSD as they are typically not prepared with major, complex classes of development in mind and often do not provide appropriate planning provisions for the types of projects that are of genuine State significance. However, relevant provisions will be considered on a case-by-case basis. Development that is wholly prohibited cannot be approved under the SSD system.

As is the case with Part 4 applications considered by local councils, SSD applications may be 'staged'. For example an applicant may seek approval for an overall proposal with or without seeking approval to commence the first stage of the development. Where a staged proposal is approved, future stages

may be returned to the local council for assessment or they may remain with the NSW Government as SSD depending on the size and nature of each stage. Other provisions, including the requirements for integrated development approvals and concurrences that relate to staged proposals under Part 4 will also apply to SSD staged proposals that are returned to councils.

6.4 Victoria

BRM Policy and Planning

In May 2012 the Victorian Government's Parliamentary Economic Development and Infrastructure Committee (EDIC) releases the *Inquiry into Greenfields Mineral Exploration and Project Development: Final Report*. The EDIC report recognised the need for timely, predictable and transparent decision-making in mineral project development, with a focus on long term resource development where State and regional interests are taken into consideration during the planning process. The EDIC inquiry also recognised the need for strategic land use planning for construction materials and a streamlined planning mechanism through the provision of a one-stop-shop framework to ensure the provision of construction materials for public infrastructure (EDIC 2012). The Victorian government, in its response to the EDIC Inquiry report supported all of the recommendations of the report. In particular, it recognised the need to adopt a whole-of-government approach to the resources sector and resource development, particularly through clear and consistent policies (Victorian Government 2013, p4). In addition, the Government supported the recommendation to develop a State-wide strategic land use policy framework to manage competing land uses in Victoria which takes into account economic, social and environmental factors (Victorian Government 2013, p6). As part of State-wide strategic framework, the EDIC recommended a study is undertaken to determine areas of high prospectivity for BRM and future extractives needs in metropolitan Melbourne and regional Victoria, which was also supported by the Victorian Government (Victorian Government 2013, p7).

Securing Victoria's Economy is the Victorian Government's action plan to plan, fund and deliver significant infrastructure, thereby building Victoria's economic future (Ballieu 2012). The action plan aims to secure Victoria's position as a leading State and a regional economic centre, and addresses with the economic and fiscal challenges currently confronting Victoria. In order to accomplish these goals, the action plan seeks to stimulate sustainable economic growth as an element of planning policy by promoting flexible land use and adaptability. To ensue this economic stimulation, the Victorian Government will accelerate and streamline planning and environmental approvals process to increase certainty for businesses seeking to invest in Victoria (Ballieu 2013, p42). Among other things, this will be achieved by establishing new criteria for the Minister for Planning (MP) to act as the Responsible Authority to approve major developments with the potential to make significant contributions to the economic future of the State. It also proposes to make environmental impact assessments more straightforward and efficient. The Government is developing multiple new environmental assessment pathways that will match the level of environmental risks posed by a project. Each of these pathways will have distinct information and consultation requirements, as well as providing timeframes for each stage of review and decision-making (Ballieu 2013, p42).

Regulatory and Permitting Regime

The 2012 *Ministerial Statement of Expectations for the Regulation of the Earth Resources Sector* under Victorian legislation sets out priorities for the regulation of earth resources, drawing on relevant principles from Victoria's *Improving Governance of Regulators: Principles and Guidelines* (O'Brien 2012). The Earth Resources Division administers legislation and associated regulations for natural resource industries, including extractive industries (Sand, Stone and Clay). The *Mineral Resources (Sustainable Development) Act 1990* (Vic) (MRSDA) provides a legislative framework for the development and regulation of the quarries, and the extraction of BRM (but not including fine clay, kaolin or salt). This regulation occurs in combination with land use controls under the *Planning and Environmental Act 1987* (Vic). As of January 1, 2010, Victoria's extractive industries were regulated

under the MRSDA. The MRSDA addresses licensing, approvals, compensation, rehabilitation and royalties for extractive industries.

S.4(1) of the MRSDA defines “extractive industry” as the extraction or removal of stone from land if the primary purpose of the extraction or removal is the sale or commercial use of the stone or the use of the stone in construction, building, road or manufacturing works and includes:

- The treatment of stone or the manufacture of bricks, tiles, pottery or cement products on or adjacent to land from which the stone is extracted; and
- any place, operation or class of operation declared by the Minister to be an extractive industry.

S.4(1) of the MRSDA defines “stone” as:

- sandstone, freestone or other building stone;
- basalt, granite, limestone or rock of any kind ordinarily used for building, manufacturing, road making or construction purposes;
- quartz (other than quartz crystals);
- slate or gravel;
- clay (other than fine clay, bentonite or kaolin);
- sand, earth or soil; or
- other similar materials.

A series of regulations and guidelines also apply to mineral exploration and development activities, including the *Mineral Resources Development Regulations 2002* (Vic) and the *Mineral Resources (Sustainable Development) (Extractive Industries) Regulations 2010* (Vic).

There are certain circumstances under which an applicant need not apply for approvals, set out in s.5AA of the MRSDA. If an applicant does not meet those conditions, then under s.77G(1) of the MRSDA, a person who proposes to apply for a work authority to carry out an extractive industry must lodge a work plan with the Earth Resources Division of the Department of State Development, Business and Innovation (DSDBI) unless exempt from the work plan requirements of the MRSDA.

Under s.77G(2) of the MRSDA, a person who proposes to apply for an extractive industry work authority to carry out an extractive industry is not required to lodge a work plan where:

1. The extractive industry is to be carried out on land that has an area of less than five hectares and a depth of less than five metres; and
2. The extractive industry does not require blasting or the clearing of native vegetation unless the Minister declares, in writing, that the applicant must lodge a work plan.

If a work plan is not required by the operation of s.77G(2), the applicant must instead operate in accordance with the *Code of Practice for Small Quarries* (the Code). The Code sets out the minimum mandatory requirements that work authority holders must meet. The Code also provides practical guidance about how small quarries should be operated to meet regulatory requirements and environmental standards.

The work authority application process has two stages: determining if a work plan is needed and gaining an approved work plan (stage 1) and applying for a work authority (stage 2). The first stage requires proponents to:

1. Seek and obtain approval in principle from the land-holder for access to the land;
2. Contact the local Earth Resources Regulation District Office and discuss the proposal with the District Manager, or representative;
3. Hold an on-site meeting with representatives of the relevant government departments and authorities. Earth Resources can provide advice on which agencies are required;
4. Determine whether or not a work plan is necessary (based on the criteria listed above) and if so prepare a draft work plan for the proposal;

5. Obtain the Earth Resource's endorsement of the draft work plan. This involves referral of the draft work plan to other government departments and authorities by the DSDBI; and
6. Submit the endorsed work plan to Council with a planning permit application.

Once the planning permit is obtained, Earth Resources can approve the work plan. Within one month of the endorsed work plan or application for a work plan variation being lodged with Earth Resources, the Department Head or delegate will do one of the following:

- a) Approve the work plan or variation (with or without conditions);
- b) Ask for the work plan or variation to be changed before it will be approved; or
- c) Refuse to approve the plan or variation.

The second stage of the application process requires proponents to lodge the work authority application with the approved work plan. At the conclusion of this process the application will be approved or denied.

6.5 South Australia

BRM Policy and Planning

The South Australian planning framework is a layered approach to planning as illustrated in Figure 4.

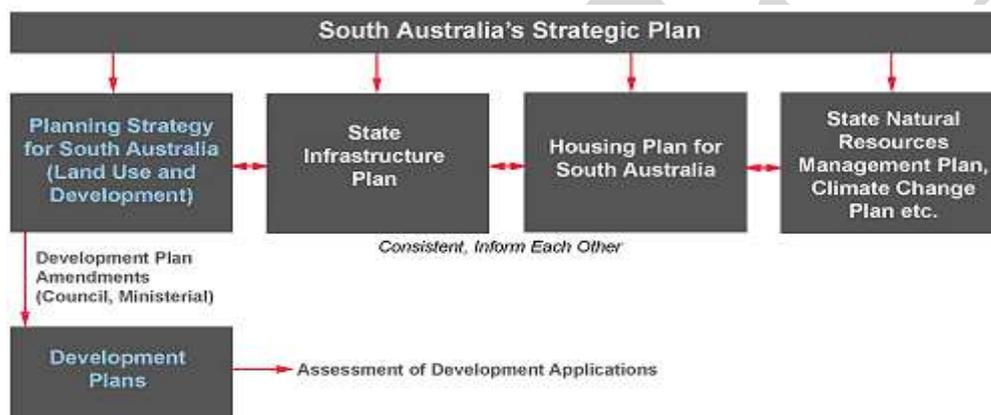


Figure 4: Summary planning policy framework for South Australia

The Planning Strategy provides direction from the State Government on land use and development in South Australia over the medium term (10-15 years). The document comprises a number of volumes covering different geographic regions of the State and is updated every five years.

Primary Industries and Resources South Australia has focussed on a policy position relating to the rehabilitation of extractive industries sites. In 2003 it released a discussion paper relating to funding the rehabilitation extractive industries site after resource extraction was completed. One of the most important strategic outcomes for this was the protection of significant landscapes and areas of conservation significance from undue damage from quarrying and other extractive industries (PIRSA 2000, p9). The Extractive Areas Rehabilitation Fund was established in May 2009 and implemented through the *Mining Act 1971* (SA), to provide a mechanism to fund the rehabilitation of extractive minerals sites in South Australia (PIRSA 2009, p3).

Specific policies relating to extractive industries South Australia appears to be lacking. In 1999 Planning South Australia commissioned a consultant to prepare the *Extractive Industries and Land Use Planning Project*. However, the recommendations of the resultant report were never implemented (CCAA 2013, p7). Given the lack of policies, Cement Concrete and Aggregates Australia has advocated

the South Australian Government on this issue, resulting in funding for a consultant to investigate areas of opportunity in order to protect current and future extractive mineral reserves to ensure greater industry certainty (CCAA 2013: 7). In September 2013 the South Australian Government handed down the *Resource Area Management and Planning Final Report*. The report noted that urban encroachment is inconsistent with the *Mining Act 1971* (SA), the EPA Guidelines and the Department of State Development (DSD) guidelines for best mining practices as a result of an administrative anomaly between the *Mining Act 1971* (SA) and the *Development Act 1993* (SA) (CCAA 2013, p8). The report also reinforces the importance of the heavy construction materials industry to the South Australian economy, highlighting the effect of urban encroachment on the extractive industry, future resources and future costs (CCAA 2013, p7-8).

The South Australian Planning Strategy, launched in 2010, is expressed as the 30-year Plan for Greater Adelaide, outlining the policy framework to assist the State. All Development Plans must align with the policy direction outlined in the Planning Strategy (DA Online 2013). Development Plans are key documents in the South Australian planning and development system. Each of the 68 local council areas in South Australia has their own separate Development Plan. In addition, a number of other Development Plans cover areas not situated within a Council area. Development Plans contain the zones, maps and written rules ('policies') which guide what can and cannot be done on any piece of land in the area covered by the Development Plan. These zones, maps and policies provide the detailed criteria against which development applications will be assessed (DA Online 2013).

Regulatory and Permitting Regime

The extraction of BRM is regulated under the *Mining Act 1971* (SA) (SAMA), as BRM are defined as extractive minerals under s.6 of the SAMA. Under s.28(3) of the SAMA a mine operator is required to apply for an Extractive Minerals Lease (EML), but is not required to hold an Exploration Lease. When making an application for a mining proposal, the applicant is required under s.35 of the SAMA to provide an outline of the proposed mining operations, an Environmental Impact Assessment, and a Statement of Environmental Objectives, similar to a petroleum application. As part of an application for an EML, the application is also required under r.64 of the *Mining Regulations 2011* (SA) (SAMR) to prepare a Program for Environment Protection and Rehabilitation (PEPR), in order to identify and demonstrate that the key environmental risks associated with the activity have been identified and addressed. The SAMR broadly specifies the content of the PEPR, and the Ministerial Determination under r.65(7), which provides the detail required in a PEPR for EMLs. The purpose of these guidelines is to provide detailed information to you on how to prepare an acceptable PEPR that meets these regulatory requirements. The overall approach to be taken in the development of the PEPR is a 'whole of mine life' one. This means that the PEPR will set out an integrated approach to managing all the stages in the life cycle of the mine, including its closure and completion (DMITRE 2012, p6).

The *Development Act 1993* (SA) (DASA) is the core planning legislation that establishes the planning and development system framework and many of the processes required to be followed within that framework (including processes for assessing development applications). The DASA establishes the powers and responsibilities of the stakeholders in the planning system, and sets out formal roles for the Minister, the statutory bodies created by the Act (including the Development Assessment Commission and the Development Policy Advisory Committee) and local government (including Development Assessment Panels) (DA Online 2013).

Obtaining approval to commence mining under the SAMA is a two-stage process. The first stage requires the applicant to obtain an EML, and the second to obtain approval under PEPR. A Mining Lease Proposal and a Miscellaneous Purposes Licence (for operations such as transport of the mineral, water supply pipeline and water storage facilities and electricity supply) must support an application for an EML. The statutory application process for a mining lease is set out in s.35 of the SAMA and in r.29-35 of the SAMR. An application for a mining lease must also be accompanied by a *Statement of Proposed Mining Operations and Measures to Remedy Damage to Land*. In assessing a mining lease

application, the Minister for Mineral Resources Development must consider social, environmental and economic factors.

To assess a mining lease application, the DSD requires the applicant to provide a mining lease proposal detailing the proposed mining operations. The proposal must identify the major risks associated with the proposed mining operations, as well as plans for achieving and managing environmental, social and economic outcomes. The grant of a mining lease is subject to prescribed terms and conditions. Mining lease proposals are to identify the risks inherent in the proposal, recommend a set of credible outcomes that are likely to be acceptable to the majority of stakeholders, and demonstrate a net public benefit if the proposal were to proceed.

DSD assesses the lease applications and ensure that appropriate environmental standards for operation of the lease are set, as well as establishing appropriate strategies and procedures to ensure that the lease can be operated in a way that will meet those standards. In setting appropriate standards, DSD may consult with persons likely to be affected by the proposed operation, although it is expected that the applicant will have conducted extensive consultation and stakeholder engagement prior to submission of the proposal.

Most large mining leases granted will contain conditions that require the leaseholder to provide a mining and rehabilitation compliance report to DSD within a certain period of time after the lease is granted. The publically available report details operations carried out on the lease and compliance with the approved environmental protection and rehabilitation report and lease conditions, within a certain time period.

The SAMA makes the holder of an EML or the owner of a Private Mine (PM) responsible for rehabilitation of that EML or PM. The Extractive Areas Rehabilitation Fund (EARF) provides a mechanism to fund certain rehabilitation activities on extractive mineral sites. All EMLs must be operated in accordance with a PEPR under the amended SAMA, which commenced on 1 July 2011 and replaced the Mining and Rehabilitation Program. The PEPR sets out an integrated approach to managing all the stages in the life cycle of the mine, including its closure and completion. The focus of the PEPR is to demonstrate that the outcomes proposed as part of the lease application can be achieved, which will involve more detail on control measures, the development of measurable criteria to demonstrate clear and unambiguous achievement of the outcomes, and a demonstration of the management capability of the mining operator.

In accordance with r.65 of the SAMR, all mining operations are to be carried out in an orderly and skilful manner in accordance with a PEPR. The Chief Inspector of Mines is responsible for approval of the PEPR. Once the tenement is granted, a PEPR is required on the operation to fully document risks and to provide more specific and detailed information on management and control measures.

6.6 Tasmania

BRM Policy and Planning

The policies relating to extractive industries in Tasmania are outlined in Tasmania's *Resource Management and Planning System (RMPS)*. This system is based on objectives developed by the Tasmanian government in the early 1990s, and included in the Schedule of the principle Acts that form the RMPS: the *Land Use Planning and Approvals Act 1993 (Tas) (LUPAA)*, *State Policies and Projects Act 1993 (Tas)* and the *Tasmanian Planning Commission Act 1997 (Tas)*. All elements of the RMPS are linked through common objectives, which are listed as a Schedule in each relevant Act.

The LUPAA establishes processes for

- Approving and amending planning schemes;
- Approving interim planning schemes;
- Recognising regional land use strategies;
- Assessing permit applications;

- Assessing planning directives;
- Assessing projects of regional significance;
- Notification for discretionary applications;
- Appealing against the decision of a council;
- Enforcement provisions to ensure use and development complies with a planning scheme or a permit; and
- Planning agreements.

The LUPAA requires consistency between planning schemes and regional land use strategies. To ensure this consistency and to review the planning system, a review of the planning system was undertaken in 2004 (DPIWE 2004). In the report the Tasmanian Government identified the need to keep the land use planning system up-to-date and ‘in tune’ with government initiatives and policy directions (DPIWE 2004, p1). However, the CCAA notes that State is burdened by excessive red and green tape, with a planning review process that is in disarray, out-dated and cumbersome, lacking a pipeline of infrastructure projects to guide the long-term investment decisions of the public and private sectors (CCAA 2013b, p2). The CCAA also notes that Tasmania lacks an efficient and fair approvals process for the extractive industries, thereby failing to ensure the sustainable supply of aggregates (CCAA 2013b, p4). The out of date nature of the Tasmanian framework is illustrated by the Tasmanian Quarrying Code of Practice, which was implemented in 1999.

The *Environmental Management and Pollution Control Act 1994* (EMPCA) is an integral part of the RMPS. The EMPCA provides enforcement mechanisms such as Environment Protection Notices, which may require the prevention of environmental harm, or the remediation of harm, at any quarry site, whether or not a permit is held. A major feature of the EMPCA is that it integrates environmental management with the planning system. There is no requirement for a separate environmental licence, as environmental conditions are attached to planning permits (DPIWE 1999, p2). The CCAA sees a need for reform of the planning system, an update of the Quarrying Code of Practice, and a need for regulators to be familiar with the code to ensure compliance. Furthermore, the CCAA has called for planning schemes to be consistent and avoid duplication under the Environmental Codes already assessed and managed under the EMPCA (CCAA 2013, p4).

Regulatory and Permitting Regime

Quarries in Tasmania are regulated under the *Mineral Resources Development Act 1995* (Tas) (MRDA), which separates minerals into categories. BRM (rock, stone gravel, sand and clay) used in construction bricks and ceramics are classed as Level 3 minerals under s.3 of the MRDA. A mining lease is required to mine BRM, the term of which can be up to 21 years, but is usually 5-10 years.

Under the MRDA, mining activities are divided into categories, which impacts on the type of approval required for the extraction of BRM:

- Level or Category 1 activities (annual production of less than 5,000m³) requiring local government planning approval to ensure that the operation complies with the planning scheme for the locality;
- Level or Category 2 operations requiring planning approval as well as environmental approval under the EMPCA; and
- Level or Category 3 - projects of State significance, requiring special process.

The MRDA requires that operators of quarries hold mining leases to extract stone and other minerals from private or Crown land. Conditions including rehabilitation bonds are imposed on leaseholders and are administered by Mineral Resources Tasmania (DPIWE 1999, p2).

The MRDA creates various leases and licences to permit the prospecting and mining of minerals. The Act is administered by Mineral Resources Tasmania, a division of the Department of Infrastructure, Energy & Resources, which is responsible for the provision of information and tenement regulation to

foster responsible mineral resource development and land management for the benefit of the Tasmanian community.

Smaller mining operations (Level 1) are generally assessed and regulated by local councils, such as council quarries. The relevant planning scheme will determine whether a planning permit is required for the mining operation.

Approval for new developments has been streamlined and integrated, requiring only one combined approval for both planning approval and environmental approval. This is different from many other states where two separate permits are required. The approval process is governed by LUPAA and the EMPCA.

LGAs are central to Tasmania's planning system, as in most cases development cannot be commenced until a planning permit from the local planning authority is granted. The application may also need to comply with the requirements of other government agencies (e.g. approval from Crown Lands required if any part of the development (including access) occurs on reserved land). The council's planning scheme may set out particular information that is required. The council can request further information, and the request can be appealed to the Resource Management and Planning Appeal Tribunal for a ruling on whether the information is really required if the request is considered unreasonable.

LGAs are required to follow certain procedures in the approval process pursuant to the LUPAA. The council considering the application must ensure compliance with State policies. The proposal must not be approved if it contradicts a *Tasmanian Sustainable Development Policy*, such as the *State Coastal Policy* or *State Policy on Water Quality Management*. State policies override any conflicting provisions of a planning scheme.

A development proposal must also comply with the planning scheme that applies to the area, as it determines what types of activities are allowed within each zone and compliance standards for proposed developments.

The council is required to advertise the proposed development in order to ensure that the public is notified. Any person or group who has concerns about a proposed development can make a representation to the council explaining these concerns, and the council is required to take all representations. The public must be given at least fourteen days to make a representation.

The EPA undertakes the environmental assessment and regulation of larger scale Level 2 operations that produce a significant volume of material (more than 5,000m³ per year), or if the operation is otherwise likely to cause environmental harm. The developer must prepare an Environmental Effects Report or a Development Proposal and Environmental Management Plan outlining the manner in which the operator will meet environmental standards. Level 2 activities are listed in Schedule 2 of the EMPCA.

7. WESTERN AUSTRALIAN BRM REGULATORY FRAMEWORK COMPARED TO OTHER AUSTRALIAN JURISDICTIONS

In order to utilise the experiences of other states in the extraction of BRM to develop a number of options for change in Western Australia, it is necessary to undertake a functional analysis of BRM extraction regulation in each of the states/NT. This analysis is presented in table format for ease of comparison. A number of common functions have been analysed for each state/NT, including approving authority; legislation; planning approval; key applications; reporting requirements; tenement period; consideration of size of activity; conditions; and environmental approvals. The comparison is found in Table 3.

Table 3: Comparison of regulation of BRM extraction in Australia

Function	WA	NT	Qld	NSW	Vic	SA	Tas
Approving authority	<ul style="list-style-type: none"> DMP (Crown Land (CL)) Local Government Act /WAPC (Private Land (PL)) 	Department of Primary Industries, Fisheries and Resources (DPIFR)	Planning Commission/Local Government Authority (LGA)	Local Government/State Planning Assessment Commission	Earth Resources Division, Department of State Development, Business and Industry (DSDBI)	Department of State Development	Mineral Resources Tasmania (part of Department of State Growth)
Legislation	<ul style="list-style-type: none"> CL: <i>Mining Act</i> PL: <i>Planning and Development Act (PDA)/Local Government Act</i> 	<i>Mine Management Act (MMA)</i> and <i>Mine Titles Act (MTA)</i>	<i>Sustainable Planning Act (SPA)</i>	<i>Environmental Planning and Assessment Act (EPAA)</i>	<i>Mineral Resources (Sustainable Development) Act</i>	<i>Mining Act</i>	<i>Mineral Resources Development Act</i>
Planning approval	<ul style="list-style-type: none"> CL: PDA taken into account by DMP PL: Local Government Act /WAPC 	Planning Act taken into account by DPIRF	DSDIP via SARA (lead agency)/ LGA under an Integrated Development Assessment System	Depend on size <ul style="list-style-type: none"> Ordinary State Governments, local government and regional joint planning panel of LGA and State Government. May also require other agency approval State Significant projects: Planning Assessment Commission 	Earth Resources Division of DSDBI	Department of State Development	Mineral Resources Tasmania
Key applications	<ul style="list-style-type: none"> CL: Apply for mining tenement PL: Planning Approval from LGA /WAPC 	Relevant mining tenements	SARA – MyDAS (online application and approvals system)	Local government and regional joint planning panel of LGA and State Government, except for SSD (Planning Assessment Commission).	All need to apply for extractive industry work authority, but do not need to lodge a work plan if activity will be on land less than five hectares and to a depth of less than five metres.	Apply for relevant mining tenement (exploration or extraction)	Three different approvals: 1: Local Government approval (<5000t) 2: <5000t Mineral Resources Tasmania - and requires planning approval and

							environmental approval 3: Special State significance – special consideration
Production reporting requirements	<ul style="list-style-type: none"> CL: DMP quarterly or annual PL: NIL 	Required as for all activities under Mining Acts	Yes, to DSDIP	Unknown	Quarterly/monthly – same as other mining tenements	Yes, same as other tenements	Yes, same as other tenements
Tenement/licence period	<ul style="list-style-type: none"> CL: 21 years – mining tenement with renewal PL: 1-5 years (EIL) 	Depends on mineral title Extractive Mineral EL – 2 years Extractive Mineral Permit 1-5 yrs Extractive Mineral Lease – 10 years	Depends on requirement for Quarry	Depends on project. Up to 20 for ordinary, SSD depends on project.	Exploration Licence is 5 years. Mining Licence varies	Extractive Minerals Lease – up to 5 years Mining Lease – up to 21 years	Mining Lease, up to 21 years (usually 5-10)
Consideration of size of activity	No distinction	No distinction	Activities > 500tonnes extracted per annum	Yes: ordinary and SSD. No amounts given.	Yes. Less than 5m depth and less than five hectares operate under Code of Practice for Small Quarries	No distinction	Three categories: Level 1: <5000t Level 2: >5000t Level 3: special State significance
Conditions	<ul style="list-style-type: none"> CL: conditions for tenement only PL: condition of approval that road maintenance is carried out 	Only on tenement	Conditions can be set by LGA	Conditions can be set by LGA	Only on tenement	Only on tenement	Only on tenement
Environmental approvals	<ul style="list-style-type: none"> CL: DMP grants ground disturbance approval under <i>Mining Act</i> PL: only through each LGA 	Under MMA and MTA	Regulated under Environmental Protection Act.	As part of process under EPAA	Under the MRSDA application to Earth Resources Division.	Approval under Program for Environmental Protection and Rehabilitation under Mining Act Rehabilitation Fund	Approval required under LUPAA.

As demonstrated in Table 3, there is wide variety in the way that the extraction of BRM is regulated in Australia. However, there are some general conclusions that can be drawn.

Western Australia is the only jurisdiction that regulated the extraction of BRM on the basis of land tenure. Most other states (with the exception of the NT and South Australia) regulate extraction on the basis of size of the project, with an extraction of 5000 tonnes per annum the threshold for changes in regulation (under 5000 tonnes, regulation is delegated to local government, above it regulation remains with the State Government). Overwhelmingly, the regulation of BRM extraction in other jurisdictions occurs under the relevant mining Act (South Australia, NT, Victoria and Tasmania). The frameworks for each of these jurisdictions are very similar to that for Crown land in Western Australia. This report recognises that DMP regulation of BRM extraction is good practice, and the DMP regulatory framework is not under scrutiny. Rather, the scrutiny is focused on the dual regulatory framework and the impact of the delegation of BRM extraction regulation on private land. Therefore, the regulatory frameworks utilising mining Acts as the only means to regulate activities provide limited assistance to Western Australia.

Queensland and NSW regulate under the relevant planning Act and provide sharing of regulation between State and local governments. However, it is evident that regardless of the instrument of regulation, there are consistent tenement/licence periods for extraction in each jurisdiction. Similarly, there is a requirement for reporting all BRM production in all jurisdictions, with the exceptions of NSW, where it is unknown. Where the extraction of BRM is not regulated under mining law, the LGA has the capacity to impose conditions (especially in NSW and Queensland). Where the activity is regulated under mining Acts, the conditions imposed on approvals are limited to the tenement only.

There is a clear distinction between planning approval in jurisdictions regulated under mining legislation versus those not regulated under mining legislation. In Queensland and NSW, approvals are undertaken under planning law, and there is an integrated planning approvals scheme. Interestingly, Queensland moved from the regulation of extraction of BRM under mining law to its regulation under planning law.

Queensland has developed and implemented an advanced online application and approvals system (MyDAS), which enables the sharing of applications and approvals to State and local government. Such a system would be invaluable for Western Australia since it could enable sharing of applications and approvals between WAPC, LGAs and DMP, thereby streamlining approvals processes and reducing red tape.

What is clear from the analysis is that there is consistency. Even where there is a split of regulation depending on produced tonnage, there is clear and consistent approval framework, and a consistent approach to regulation within each jurisdiction. By considering the regulation of BRM in other jurisdictions, it is possible to draw on their experience to generate options for reform for Western Australia.

8. OPTIONS FOR REFORM TO IMPROVE THE REGULATION OF BRM IN WESTERN AUSTRALIA

In generating options for reform of the regulation of BRM extraction in Western Australia, the principles of transparency, accountability and greater consistency have been considered. In addition, the options generated have at their heart the goals of addressing the issues identified in section 5 above, as well as reducing red tape and streamlining the approvals process for stakeholders.

Minimal reform

As highlighted in section 5 of this report, one of the major issues in BRM extraction in Western Australia is the failure to report BRM extraction on private land. This has an impact on roads, planning, and sequential land use.

Option 1: implement necessary legislative amendments to require the reporting of BRM tonnage produced on private land in the same manner as BRM tonnage produced on Crown land.

This option is absolutely critical for land use and planning. All other options recommended presume that the alteration to reporting requirements will be implemented.

Delegation reform

This option addresses many of the concerns outlined in section 5 above, and takes into account many of the regulatory elements of NSW and Queensland.

Option 2: Delegation for the extraction of BRM on private land under the Planning and Development Act is altered so that the WAPC is the agency of approvals for extraction above 5000 tonnes/annum with Local Government Authorities consulted in the approval process. Extraction under 5000 tonnes/annum to continue to be regulated by Local Government Authorities.

This option would address a number of the issues highlighted in section 5 above. In particular, it will

- assist in planning for buffer areas and sequential land use;
- enable continued conditions to combat impact on roads;
- enable the Local Government Authority to continue to have input into approvals; and
- small quarries are unaffected.

However, this option does not address issues related to uniformity in environmental approvals and mine rehabilitation.

Harmonisation and cross-referral

Option 3: Delegation relating to extraction on private land under the Planning and Development Act is altered so that the WAPC is the lead agency of approvals for extraction above 5000 tonnes/annum. Local Government Authorities are involved in the approval process, and the application is referred to DMP for environment and mine rehabilitation assessment. Extraction on Crown land continues to be regulated under the Mining Act, but is also referred to WAPC for planning assessment.

This option incorporates the most beneficial elements from other Australian jurisdictions, and provides a sound solution for the issues raised in section 5 above. The cross referral of applications will enable applications on private land to undergo the same environmental and mine rehabilitation assessment as those applications under the Mining Act. By referring applications to DMP for extraction on Crown land will ensure planning for buffers and sequential land use can be harmonised. The implementation of an Integrated Development Assessment System, (IDAS) such as that successfully used in Queensland, is essential in order for this option to succeed.

Major reform

Option 4: that the regulation of extraction of BRM on private land is undertaken under the Mining Act with DMP as the approving/regulating authority and local government authorities consulted in the approvals process.

Whilst this option would bring Western Australia in line with most of the other jurisdictions (Tas, Vic, South Australia, and NT), it would be detrimental to Local Government Authorities, as it would cut these agencies out of the approvals process. This is highly likely to alienate the Local Government Authorities in Western Australia. In addition the Local Government Authorities would lose the capacity to set conditions relating to roads used to transport BRM.

Alternative Options

Appendix A details some additional options which the Department of Mines and Petroleum puts forward for consideration and discussion.

Appendix B details some additional options which the Western Australian Local Government Association puts forward for consideration and discussion.

9. RECOMMENDED CHANGE FOR REGULATION OF BRM IN WESTERN AUSTRALIA

The recommended best options for reform of the regulation of BRM extraction in Western Australia are twofold:

- 1. In the first instance, adopt the recommendations of option 1, requiring the reporting of BRM tonnage produced on private land.*
- 2. Implement the recommended action outlined in option 3.*

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Appendix A

Reform options considered by the Department of Mines and Petroleum

The Department of Mines and Petroleum (DMP) has considered possible options for reform within a broader context including the access issues occurring in the Kalgoorlie and Pilbara regions. DMP puts forward these additional options for discussion noting that it does not have a preferred option.

Option A: BRM on Crown and private land is brought under new legislation

Under this option BRM operations on both Crown and private land would be brought under the jurisdiction of new legislation. This legislation could be administered by DMP, a different government agency, or a new State Extractive Industry Regulator.

Advantages:

- Allows the possibility to create a new BRM regulatory agency.
- Provisions for mandatory and transparent production reporting are possible.
- More flexible tenure arrangements may aid with the implementation of sequential land use.
- Flexible tenure arrangements may be more appealing to the community as opposed to 21 year renewable mining tenements.
- Provisions for concurrent tenure are possible.
- Possibility to include local community engagement provisions as part of the new legislation.

Disadvantages:

- Transferring existing BRM tenements on Crown land to the new jurisdiction may be difficult.
- Transitional provisions required to address potential conflict between existing EILs and exploration tenements.

Option B: Bring BRM on private land into the Mining Act as regular mining tenements

Under this option the *Mining Act 1978* (Mining Act) could be amended so as to allow for the regulation of Basic Raw Materials (BRM) without the State asserting ownership of the materials.

In this scenario, DMP would become the sole regulator and BRM activities would be administered via conventional mining tenements.

Whilst this option has benefits in the sense that it would result in a single regulatory system with provisions for mandatory production reporting, it would also generate considerable disadvantages:

- The long term tenement leases possible under the Mining Act might make sequential land use difficult and reliant upon the cooperation of the parties involved.
- There would be a reduction in local government engagement.

- There is no provision for concurrent tenure.

Option C: Bring BRM on private land into the Mining Act and all BRM to be on special BRM tenements (similar to Special Prospecting Licence for gold)

As in Option B, the Mining Act could be amended so as to allow for the regulation of BRM without the State asserting ownership of the materials. However instead of using conventional mining tenements, the Mining Act would be modified so as to allow the administration of special tenements tailored specifically for BRM.

Advantages:

- The shorter time frame of the special prospecting licence / special mining lease might make it easier to implement sequential land uses.
- Flexible tenure arrangements may be more appealing to the community as opposed to 21 year renewable mining tenements.
- Concurrent tenure is possible. This is particularly relevant in the Pilbara / Kalgoorlie.
- Provision is made for mandatory and transparent annual production reporting.

Disadvantages:

- There would be a reduction in local government engagement.
- Complex legislative change required.
- Maybe of concern for underlying tenement holders.

Appendix B

Reform options considered by WALGA

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FORUM DISCUSSION PAPER

Date of Report:	7 June 2016.
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference No.:	FIN 11/BLD 6
Author:	G Bissett - Manager Planning and Development
Responsible Officer:	G Bissett - Manager Planning and Development
Previously Before Council:	24 November 2015 OCM
Nature of Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none">1. Building Asset Report Part 2; and2. Attachment A: Land Assets Recommendations.

7.3 LAND/BUILDING ASSET DISPOSAL FOR INCLUSION IN THE 2016/2017 BUDGET

PURPOSE OF DISCUSSION PAPER

To seek Council's feedback on the proposed disposal of a number of land/building assets identified in Council's recent land/building asset review.

BACKGROUND

This matter was last considered at the November 2015 Ordinary Council Meeting where a number of recommendations in relation to Council's Land and Building Stock were put forward. To commence the implementation of these recommendations this paper will look specifically at the following four assets:

1. Lot 5 23 Toodyay Street, Toodyay (residential vacant Lot);
2. 147 Lot 46/47 Telegraph road (House on 46 shed on 47);
3. Lot 3001 6 Duke St with an old one room School that will need to be sold or moved (residential 1200m²); and
4. Syred's Cottage which includes a listed historic dwelling and just over 1ha of land lot 203 central place, Bejoording.

Further recommendations will be presented at future forums as they are researched and developed.

CONSULTATION IMPLICATIONS

The Shire's Heritage Advisor was consulted in relation to recommendations for the Duke street and Syred's Cottage Assets. Ms Gray agreed with both directions proposed.

STRATEGIC IMPLICATIONS

A key point of both the *Shire's Strategic Community Plan* and *Shire's Corporate Business Plan* is developing Asset plans which include Council's land and building holdings.

The rationalisation of building assets has important Strategic implications because it can make the use of buildings more efficient, dispose of building excess to needs, align them to strategic purposes and assist in helping Council to focus on core strategic goals and free up resources to do this.

POLICY IMPLICATIONS

This proposal does not contain any notable policy implications.

FINANCIAL IMPLICATIONS

The disposal of these assets which are deemed no longer needed will free funds to put towards other projects and also reduce ongoing operating and maintenance costs for each of these properties.

LEGAL AND STATUTORY IMPLICATIONS

The disposal of any property must be done in accordance with Section 3.58 the Local Government Act 1995 provisions.

RISK IMPLICATIONS

This proposal does not contain any notable environmental implications.

ENVIRONMENTAL IMPLICATIONS

This proposal does not contain any notable environmental implications.

SOCIAL IMPLICATIONS

This proposal does not contain any notable social implications.

OFFICER COMMENT / DETAILS

All of these land/building assets currently have no long term purpose or use to the Shire. Members are asked to consider the disposal of these assets in the

coming financial year so the income generated can be included in the current budget process. A summary of these assets is provided below:

1. Vacant Land lot 5 Toodyay Road,

This land was purchased as part of the former plans to expand the current show grounds. It is an isolated lot which has no current identifiable use for the Shire. There is a house between it and the closest part of the Show grounds. It could be sold for market value and this money could be set aside for the development of the new recreation site.

2. The house and land at lots 45/46 Telegraph road

These lots are in the same category as the above lot. Short-term there may be some use for this property for employee housing but this is not a long term position. This property has no purpose and has ongoing maintenance issues. It is hoped to sell this as two locations to maximise a return. Both could be sold for market value and this money could be set aside for the development of the new recreation site.

3. Syred's cottage , Bejoording

This property was gifted to us after a period of leasing. It needs a lot of work and a purpose neither of which the Shire is in a position to provide. A sale by expression of interest once a value is set is seen as a good way forward. The building's Heritage listing protects it and the just over 1Ha lot round it provides for some development potential.

Council has put significant funds into this property over the last ten years with little to show for it. The condition of the outbuildings has especially suffered with significant deterioration due to weather and age.

While a number of ideas have been floated to give it a purpose the reality is its location and isolation makes its ongoing management and preservation difficult. These have included artist's retreat, a grey nomad site with opportunity to do repair work, a Community Centre or a Museum. The cost of setting any of these up and having ongoing management would be significant with no guarantee of success.

The Shire's Heritage Advisor has agreed that this direction is good way forward given the current state of the property.

The Shire's Heritage Advisor is updating the current conservation plan which could be given to a purchaser. The sale process could also be used to determine a suitable owner based on ability to preserve rather than purely price with assistance offered for future conservation advice. Private ownership is seen as the best way of protecting and improving this asset.

Proceeds could go into the Shire's Asset Development Reserve.

4. **6 Duke Street Toodyay**

This property currently occupied by Arts Toodyay, which is next to the old police lockup, was made freehold over seven years ago with the express purpose of selling this property which has not happened. The current users are not paying for the use and could easily be accommodated elsewhere. The building is in poor condition. This property could be sold as is or with the building removed which could be sold separately depending on interest/response. If the building is to be retained onsite it will unfortunately need to be relocated off the road reserve unless part of the road is closed as is now under consideration of the Minister of Lands for Duke Street.

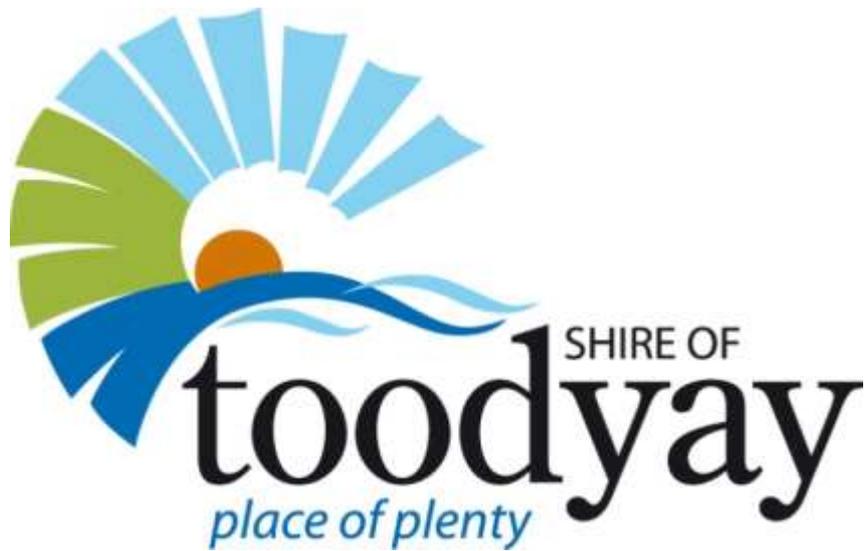
The Heritage Advisor has advised no issues are seen with the removal or retention of this building. It has already been moved twice prior to being located at this site.

Proceeds could go into the Shire's Asset Development Reserve.

Valuations are currently being sought for these assets which will be available for the June 2016 Ordinary Council Meeting.

OFFICER'S RECOMMENDATION

That Council grants considers the options presented in relation to the four property assets listed and gives its feedback to enable recommendations to be presented at the June 2016 Ordinary Council Meeting.



BUILDING ASSET REPORT PART 2 (Attachment to Item 9.2.5)

Building assets occupied or leased by a specific group or organisation on a non-commercial basis and
Buildings with no current clear specific use,
Shire function or commercial purpose

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ART'S TOODYAY BUILDING

ASSET NO.715 – LOT 3001 DUKE STREET, TOODYAY



Asset Description

Zoned R10. Jarrah weatherboard and metal clad building on timber footings with timber floors. Includes attached fibro toilet block. It is on freehold land owned by the Shire.

Asset Condition

Overall	4 (Poor Condition)
Structure	4 (Poor Condition)
Roof Cladding	3 (Moderate Condition)

Background

Current Replacement Value: \$145,000

Market Value:

Brief History

Council obtained this property as part of the larger Newcastle Goal precinct. Subsequently it was identified that the lot that this building is on could be made freehold and sold. This was completed approximately six years ago. As part of this process a handshake arrangement gave Arts Toodyay occupancy based on a verbal agreement that the occupancy was only temporary until the block was sold. It is believed the intention was to remove the building as part of the sale process. It is actually partly on the road verge which was widened as a never completed scheme to increase the road width of Duke Street for tourist buses.

Due to a change in administration with no apparent transfer of mandate the above has not occurred. The property has been used as a police station, a playgroup facility, a home for a main street progress committee and most recently Arts Toodyay. This building has been relocated twice to arrive on this land so there is no reason it can't be moved again.

Importance To The Shire/ Current Use

As building relocated building from two former sites this building has no historical relevance to the Shire and apart from providing a meeting place for a community group for no cost. Arts Toodyay is still occupying and using this building on a short term rolling lease which can be easily ended.

Advantages

- The building can be easily relocated because it has been done before
- It is anticipated it could be easily sold as a fixer
- If there was a use found it could be repaired and relocated to another location
- The land the building is on is freehold and could be sold as vacant if the building were removed.
- Alternatively the land could be considered for alternative uses such as community garden or for building future staff accommodation

Limitations/Liabilities

- Due to uncertainties and no identified strategic purpose little money has been spent on maintenance so the building has become somewhat dilapidated
- The building needs restumping, and a significant amount of repair work.
- The building actually sits partly over the front boundary due to a recent road realignment
- Retention of the property as is will mean costs to maintain and repair with no return on the investment.
- If no maintenance is carried out there the building will continue to deteriorate and reduce in value.

Discussion Points

- The future of this premises
- Options to go forward sale or retention of land/building
- Options on the use or removal of the building
- Timing on removal/sale of building and land sale if this is the direction chosen
- Level of maintenance required short term.

If it is chosen to retain this building for the use of the community for any length of time some level of maintenance will be required. One option could be to refurbish this building and relocate it to the new community depot.

Recommendation

1. That the building on this lot is disposed of by sale or relocation to another site to free up this site to become a vacant lot
2. That a detailed report on the future uses of this lot for sale or retention for consideration be produced.

PARKER'S COTTAGE, Sports Oval

ASSET NO.780 – 7 TOODYAY STREET, TOODYAY



Asset Description

Heritage Listed Building. Zoned Recreation and Conservation. Land Valued contiguously with Wool Pavilion. Rendered brick jarrah weatherboard and iron clad cottage on brick footings with timber floors. Includes small metal and metal clad toilet block. It is on a freehold block owned by the Shire.

Asset Condition

Overall	4 (Poor Condition)
Structure	4 (Poor Condition)
Roof Cladding	4 (Poor Condition)
Fit Out	4 (Poor Condition)

Background

Current Replacement Value: \$165,000

Market Value:

Brief History

This historic cottage is part of the Showground precinct. This building has been maintained and is in reasonable condition for its age. It is listed on the Shire's MI but is not state listed.

Importance To The Shire/ Current Use

This building is important in that it provides a home for the Toodyay Spinners its current tenant. Its historical value is not extraordinary apart from contributing to the Shire's overall heritage character.

Advantages

- It provides an important community function
- It has a street frontage that could be utilised as part of any future precinct reorganisation if it was seen as advantageous to separate this cottage from the rest of the site

- It has been maintained within the constraints of budget.

Limitations/Liabilities

- Inappropriate conservation work in the form of concrete render has been used to cover the original mud brick walls.
- It has been and is susceptible to minor vandalism attacks due to its location and orientation
- Council does not receive an economic return from this building. (some protection works are planned to assist with this in the current budget)

Discussion Points

- Would opening this property to the street be of benefit to assist in street scape and minimise further vandalism
- Ongoing tenancy rights – confirm Spinners
- With the future relocation of the sport ground facilities how this building fits into the future use of this site needs consideration.

Recommendation

1. Retain and continue to maintain/preserve this building.

DUPLEX PAIR

ASSET NO.795 – 19A & B CLINTON STREET, TOODYAY



Asset Description

Zoned R10. Brick and asbestos clad duplex pair on concrete footings and concrete and timber floors. Includes two garages. This building is on freehold land owned by the Shire.

Asset Condition

Overall	3 (Moderate Condition)
Structure	3 (Moderate Condition)
Roof Cladding	3 (Moderate Condition)
Fit Out	3 (Moderate Condition)

Background

Current Replacement Value: \$450,000

Market Value:

Brief History

These were purchased for use as housing and have been used for both long and short term housing for staff, contractors and even the shire Doctors.

Importance To The Shire/ Current Use

Council's current strategy is not to supply staff housing but is useful to have one or two accommodation units available as an option for staff if rental accommodation is tight and for occasional short term accommodation as an option instead of paying for non-shire owned accommodation. Both units are currently set up as serviced accommodation and used on a regular basis for short term use.

Advantages

- Location in relation to other shire buildings and proximity to administration centre.
- This property has been maintained well and apart from the roof is in good condition
- Both are low care with three bedrooms, potential to remodel with a large living area and reduce to two bedroom
- Provides housing for Council staff on an occasional basis or for long term if needed
- Due to proximity to the existing Newcastle Goal precinct could be converted or used for other purposes long term

- We own these freehold, so they could be sold for asset realization
- These units are being maintained and looked after.

Limitations/Liabilities

- The roofs of both units and Shed are asbestos which will require replacement soon
- Internal layout is not modern with a central corridor, would not be suitable for executive housing or anything but small families with one or two children.

Discussion Points

- Short and long term plans for this premises
- Retention vs Sale
- Potential for alternative uses.
- If Sold should it be replaced.
- The need to supply employee long/short term accommodation

Recommendation

1. Retain and continue to maintain/preserve this building.
2. That a detailed report be prepared and considered by Council on the long term use of this building.

BUTTERLY HOUSE

ASSET NO.731 – 1A HARPER ROAD, TOODYAY



Asset Description

Zoned Town Centre. Brick and metal clad heritage building on stone footings with timber floors. Includes brick and shingle roofed outhouse and open sided steel frame and metal clad carport.

Asset Condition

Overall	3 (Moderate Condition)
Structure	4 (Poor Condition)
Roof Cladding	3 (Moderate Condition)
Fit Out	4 (Poor Condition)

Background

Current Replacement Value: \$630,000

Market Value:

Brief History

This is a historic house on reserved land used principally for aged housing. This building is nominally the Shire's asset.

Importance To The Shire/ Current Use

This building is part of the historic fabric of Toodyay and under its protection. It is currently leased to Butterly Cottages Association who uses it for meetings and activities of the residents of the surrounding aged persons units.

Advantages

- It is an attractive heritage building in a prominent location.
- General maintenance is carried out at the Associations expense.
- It is in reasonable condition

Limitations/Liabilities

- The Shire is responsible for any Major structural repairs which is hard to plan for

- 3 years ago the Shire spent over \$16 000 on sub floor repairs.
- The Shire only gets a peppercorn lease for this building.
- The association does not have a maintenance program in place.
- This building is seen as underutilised.

Discussion Points

- Is there any way this building can be better utilised?
- The importance of the Shire retaining an interest to ensure its future.
- Should/could the responsibility of the building be transferred fully to the Association?

Recommendation

1. The arrangement of the lease of this building be reviewed the next time it comes up.

DONEGAN’S COTTAGE, Sports Oval

ASSET NO.739 – 11 TOODYAY STREET, TOODYAY



Asset Description

Zoned Recreation and Conservation. Turn of the century mud brick clad house. Brick footings with timber floors. The land this property is on is freehold owned on its own lot.

Asset Condition

Overall	4 (Poor Condition)
Structure	4 (Poor Condition)
Roof Cladding	4 (Poor Condition)
Fit Out	4 (Poor Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$270,000

Market Value:

Brief History

This historic cottage is part of the Showground precinct and on freehold land. This former dwelling has had significant repair work done on it but is still need more with significant cracking still to be repaired

Importance To The Shire/ Current Use

This building is important in that it provides a home for the Toodyay Historical Society, its current long term tenant. Its historical value is not extraordinary.

Advantages

- It provides an important community function
- Remedial work has been carried out to maintain this structure including footing protection in 2014.
- The roof covering is in good condition

Limitations/Liabilities

- Inappropriate conservation work in the form of concrete render has been used to cover the original mud brick walls. Some of this has fallen off and been vandalised further
- It has been and is susceptible to minor vandalism attacks due to its location and orientation.
- It has serious wall cracking in one part
- The site clay soil conditions and inadequate original footings have contributed to the structural issues
- A large wall crack is evident despite previous repairs.

Discussion Points

- Long term future of this building
- Is it worth expending extra funds on it?

This matter has been discussed with the Heritage advisor who is of the opinion the value of continuing to maintain this building should be carefully considered

Recommendation

1. A costing on the additions conservation works required to maintain this be determined and brought back to Council for consideration

SYREDS COTTAGE

ASSET NO.709 – 34 SECOND ROAD, TOODYAY



Asset Description

Heritage Listed. Adjoins R6847. Two single storey dwellings joined by a covered breezeway. Painted and rendered brick construction with hipped iron roofs. Excludes improvements. Land and building held by Council under freehold title.

Asset Condition

Overall	3 (Moderate Condition)
Structure	4 (Poor Condition)
Roof Cladding	3 (Moderate Condition)
Fit Out	3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$585,000

Market Price:

Brief History

Council took a long term lease on this historic homestead in consultation with the owner and have been tasked with its long term maintenance and care. Subsequent discussions have enabled to progress a process to have this property and an additional portion of land round it to be gifted to the Shire. This was finalised in late 2014.

While the building was originally built as a dwelling it has not been used for this purpose for over five years. It has been used as a clubhouse, a community centre and other uses.

Since owning it Council has prepared a conservation plan and spent considerable funds maintaining and conserving this premises.

Importance To The Shire/ Current Use

The importance of this property is based on its historical significance as an early pioneer farming dwelling in the early days of the area. It is currently vacant with no clear use.

Advantages

- It is a state Heritage listed building which has importance as an early representative of the way things were
- A conservation plan has been prepared

Limitations/Liabilities

- It has had significant funds spent on inappropriate conservation by use of inappropriate materials such as concrete render which would be very difficult to reverse
- The outbuildings are in poor condition due to storm damage
- It is difficult to find a purpose/use for this building because of its location
- Significantly more funds are required to continue to preserve this property
- The conservation plan needs to be review and amended (this is being done by our heritage consultant)

Discussion Points

- Potential future uses for this property
- Retain or sell
- How much investment does Council want to put into this property given its current other priorities
- Rationalisation of the outbuildings and focus on the homestead.

Recommendation

1. A separate discussion paper be presented to Council on this building presenting reuse and disposal options.

DWELLING

ASSET NO.030 – 33-35 TELEGRAPH ROAD, TOODYAY



Asset Description

Not heritage listed. Zoned R10. Brick fibro and Metal Clad dwelling on concrete and timber floor. Includes detached freestanding shed situated on Lot 47. The land the building is on is freehold .owned by the Shire

Asset Condition

Overall	3 (Moderate Condition)
Structure	3 (Moderate Condition)
Roof Cladding	2 (Good Condition)
Fit Out	3 (Moderate Condition)

Background

<i>Purchase Price:</i>	\$500,000
<i>Purchase Date:</i>	May 2008
<i>Current Use:</i>	Residential
<i>Current Replacement Value:</i>	\$465,000
<i>Market Value:</i>	

Brief History

This was purchased as part of Option 7 To expand the recreation ground. It was purchase for \$500k+. The property was purchased for its land value only the shed and dwelling in poor condition.

Option 7 was subsequently abandoned which left this as one of a number of orphan properties for the Shire. A slump in the property market has significantly reduced its value.

It has been used as employee housing and subsequently had \$50+K was spend on roof/electrical repairs to make it habitable and saleable. It is currently rented privately.

Importance to the Shire/ Current Use

This property is of little use to the Shire it has no strategic importance and has been a non-performing asset until recently. A six month lease has been recently given which can be reviewed. There are concerns if it is left vacant vulnerable to damage which has occurred in the past.

Advantages

- There will be a reasonable currently to provide some economic return and keep this property safer
- The premises is on two large blocks which could be sold separated with some further future subdivision potential
- It could be seen as attractive to sell as a first home buyers property
- A sale would release revenue to put towards the new recreation precinct development

Limitations/Liabilities

- This property has no strategic importance to the Shire
- Its current value is significantly less than the purchase price
- Unless we can sell it as two lots a sale on the current market could lock in losses against the original purchase price
- Until the deep sewer is extended to this part of town further subdivision potential cannot be realised. This is unlikely in the foreseeable future.
- The septic system requires an upgrade if the current tenants continue to live there because it is undersized.
- There is still considerable ongoing maintenance required.
- The current tenant has advised they are purchasing a property so will be vacating soon.

Discussion Points

- The possible sale of the property as two separate lots
- Whether this property is sold tenanted or not

Discussions with a local real estate agent has indicated that no issues are foreseen with placing it on the market at the moment , holding out my reduce the value if the market continues to fall.

Recommendation

1. That Council determine this property has no significance strategically and can be sold with the proceeds being allocated to the Recreation Development Reserve; and
2. That a valuation be obtained on the value of the sale of this property as a whole or two properties and the property be disposed of at the best option.

ERNEST LEE STEERE, Showground

ASSET NO.740 – 23 & 25 TELEGRAPH ROAD, TOODYAY



Asset Description

Zoned Recreation and Conservation. Land valued contiguously with Youth Hall. Brick asbestos and metal clad building on concrete footings and slab. This building is on a freehold lot owned by the Shire.

Asset Condition

Overall	3 (Moderate Condition)
Structure	3 (Moderate Condition)
Roof Cladding	3 (Moderate Condition)
Fit Out	3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$855,000

Market Price: NA

Brief History

This aging building is a specialised Agricultural Show day building constructed in the 50/60's as office for the Ag society and to display show day items. It has some significance to many residents having been named after a significant Shire Resident. It is only used once a year. It has been built with a timber frame in two stages and is clad with asbestos with a tin roof.

Importance to the Shire/ Current Use

This building is important to the Ag society as part of the show buildings on the current recreation site. The current use has not changed.

Advantages

- It provides a useful building for its function
- The current maintenance costs being spent are minimal.
- It has direct access to the street
- The Ag society assists with minor maintenance.

Limitations/Liabilities

- This building is clad in asbestos and the roof framing in the large main section needs structural repairs shortly.
- It is only really used once a year and sits vacant for the rest.
- Apart from ancillary storage it is not really suitable for any other use
- While having some historical context and interest in the design the asbestos clad bland walls look is not considered attractive

Discussion Points

- Removal and replacement of the Asbestos and structural repairs
- Long term use if the Ag society shifted the show day to the new site

While this building preforms a useful purpose and is of value to the Ag society, the replacement of the cladding and structural repairs needed will involve significant expenditure. An alternative to consider could be a marquee which could be used more often and be purchased in all probability for the similar cost with less ongoing maintenance.

Recommendation

1. Retain and continue to maintain/preserve this building until the future use of the larger site is determined.
2. Consider alternative options such as marquee's when the time comes to reclad the building and carry out structural frame repairs based on life cycle costs. Options considered will be in consultation with the Toodyay Agricultural Society.

WOOL PAVILION, Showground

ASSET NO.740 – TOODYAY STREET, TOODYAY



Asset Description

Zoned Recreation and Conservation. Land valued contiguously with Parkers Cottage. Metal and metal clad shed on concrete footings and slab with attached open sided sheep pen. On freehold land owned by the Shire, part of the same location as “Parkers Cottage” (see separate assessment)

Asset Condition

Overall – 3 (Moderate Condition)

Structure – 3 (Moderate Condition)

Roof Cladding – 3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use: By the Wood Turners and as a display building for the Toodyay Agricultural Show.

Current Replacement Value: \$94,000

The Wood Turners will cease using this facility within the next 6 months to move into a purpose built facility at the new Community Depot.

Recommendation

See Sheep shed assessed as one building

SHEEP SHED, Showground

ASSET NO.740 – TOODYAY STREET, TOODYAY



Asset Description

Zoned Recreation and Conservation. Land valued contiguously with Parkers Cottage freehold in Shire ownership. Open sided timber steel frame and metal clad shed on gravel floor.

Asset Condition

Overall	3 (Moderate Condition)
Structure	3 (Moderate Condition)
Roof Cladding	3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$135,000

Market Value: NA

Brief History

This building located near to the pavilion consists of two parts one for the display of sheep on Ag show day and until recently for the storage of impounded animals which is open mesh enclosed on three sides. The second part is a colorbond shed that is currently used by the wood turners group on a weekly basis and on show day to display woodworkers and other craft items and machinery.

Importance To The Shire/ Current Use

This is part of the Ag show day suite of buildings and is also being used currently by the wood turners as a home. A significant repairs have been carried out in the past 12 months.

Advantages

- It is currently being used on a regular basis as well as on Ag show day
- It provides important Ag show day functions
- It is now in reasonable condition since the maintenance has been carried out.

Limitations/Liabilities

- The wood turners are relocating to the community depot site

Discussion Points

- Long term uses for this building

This will very much be determined on what happens with the Ag show.

Recommendation

1. Retain and continue to maintain/preserve this building until the future of the current site is determined.

CHICKEN EXHIBITION SHED, Showground
ASSET NO.740 – TOODYAY STREET, TOODYAY



Asset Description

Zoned Recreation and Conservation. Land valued contiguously with Pavilion. Iron and iron clad open sided building on concrete gravel and bitumen flooring. On freehold land owned by the Shire.

Asset Condition

Overall	3 (Moderate Condition)
Structure	3 (moderate Condition)
Roof Cladding	4 (Poor Condition)

Background

PURCHASE PRICE:

PURCHASE DATE:

CURRENT USE: Pigeon/Chicken display shed

CURRENT REPLACEMENT VALUE: \$56,000

Market Price: NA

Brief History

This aging very basic structure which is used once a year for the Agriculture Show was almost removed the make way for a new change room until this project was cancelled. Shire and Ag society share maintenance costs. The Society with some assistance from the Shire carried out substantial refurbishment works in time for last year's AG show. This included new mesh and structural steel, roof repairs and a new floor surface.

Importance To The Shire/ Current Use

This aging facility plays an important function for the Ag Society once a year to house and show poultry and pigeons. It is now in better condition that it has been for a number of years.

Advantages

- It is a purpose built building in the right location for its purpose.
- It is low maintenance
- With the latest refurbishment it show last for a number of further years
- Basic maintenance is carried out by the club with assistance from the shire

Limitations/Liabilities

- Its location has encouraged minor vandalism and break ins
- Its future is unclear with the proposed development of the new recreation facility, more planning and discussion with the Ag Society is needed.

Discussion Points

- The future of this facility both in the context of just this building and the future of all the buildings on this site relating to the show and the new recreation site development.

At some point the Shire needs to have some meaningful engagement with the Ag Society and the future use of the site it currently operates from and the potential to relocate to the ne recreation site.

Recommendation

1. Retain and continue to maintain/preserve this building until the future of the current site is determined and this matter can be reassessed.

AGRICULTURAL SOCIETY BAR, Showground
ASSET NO.740 – TOODYAY STREET, TOODYAY



Asset Description

Zoned Recreation and Conservation. Land valued contiguously with Ernest Lees Steele Pavilion. Metal and metal clad building on concrete footings and slab. This is on freehold land owned by the Shire.

Asset Condition

Overall	4 (Poor Condition)
Structure	4 (Poor Condition)
Roof Cladding	3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$77,000

Market Value: NA

Brief History

This building was constructed mid last century to provide a bar for show days. While it has had funds expended to replace termite damage and reroof it recently it is still in need of restumping and the roof frame is sagging. The adjacent toilets are more recent and provide facilities for the bar users. They are in good condition.

Importance to the Shire/ Current Use

These buildings are still considered important for the one day a year they are still used for the Ag Show by the Ag Society. Their current use remains unchanged.

Advantages

- It provides a bar facility for the Ag Show as an alternative to the pavilion bar
- It has a new roof covering
- The Ag society help maintain this building

Limitations/Liabilities

- Both facilities have been subject to break-ins and vandalism because of their location.
- The need for restumping and roof framing repairs
- Need once the recreation grounds shift if Ag show relocates.
- Projected future maintenance Cost to vs use.

Discussion Points

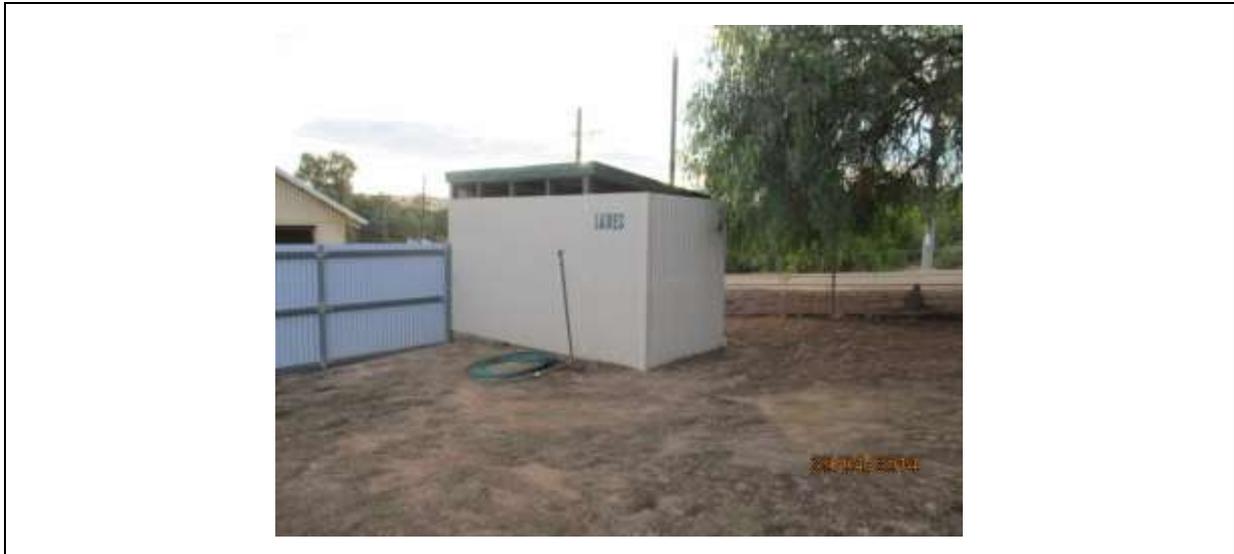
- Replacement of bar with a Marquee rather than restumping when the time comes

Recommendation

1. Retain and continue to maintain/preserve this building until the future of the current site is determined

BAR TOILETS, Showground

ASSET NO.740 – TOODYAY STREET, TOODYAY



ASSET DESCRIPTION

Zoned Recreation and Conservation. Land valued contiguously with Ernest Lees Steele Pavilion. 2 x Metal and metal clad skillion roofed toilet blocks (M/F) on concrete footings and slab. On Freehold land owned by the Shire.

ASSET CONDITION

Overall – 4 (Poor Condition)
 Structure – 4 (Poor Condition)
 Roof Cladding – 4 (Poor Condition)
 Fit Out – 4 (Poor Condition)

BACKGROUND

PURCHASE PRICE:

PURCHASE DATE:

CURRENT USE:

CURRENT REPLACEMENT VALUE: \$53,000

Market Value:

Brief History

This building was constructed mid last century to provide a toilet for the bar for show days. They are very average condition. It is connected to septics.

Importance to the Shire/ Current Use

These buildings are still considered important for the one day a year they are still used for the Ag Show by the Ag Society. Their current use remains unchanged.

Advantages

- It provides a toilet facility for the Ag Show bar as an alternative to the pavilion bar
- The Ag society help maintain this building

Limitations/Liabilities

- This facility has been subject to break-ins and vandalism because of its location.
- Need once the recreation grounds shift if Ag show relocates.

Discussion Points

- The future of this facility based on the future Ag Show arrangements once the recreational facility has relocated.

Recommendation

1. Meet with the Ag Society to discuss the future of the Agricultural Show facilities at the appropriate time.

MACHINERY DISPLAY SHED

ASSET NO.737 – LOT 5 CLINTON STREET, TOODYAY



Asset Description

Land valued with Gaol Museum. Open-sided metal and metal clad shed on gravel floor. The land this is on is freehold owned by the Shire

Asset Condition

Overall	3 (Moderate Condition)
Structure	3 (Moderate Condition)
Roof Cladding	3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$82,000

Market Value: NA

Brief History

This building was constructed after the Shire took over the Newcastle Gaol to house and display old machinery and historical memorabilia.

Importance to the Shire/ Current Use

This building has some importance as secure storage and display space for items that are part of the Shire's historical collection. There are plans to enclose it to protect the contents from the weather.

Advantages

- It is in reasonable condition and currently requires little maintenance.

- It provides a secure storage space
- It provides a place for tourists and residents to view part of the Shire collection.

Limitations/Liabilities

- It will need more maintenance in the future as it is deteriorating.
- While it does provide a roof the open sides allow weather in and the items are deteriorating because of this.
- There may be some future considerations in relation to the compatibility of the items in storage here in relation to the nearby Goal.

Discussion Points

- There is a lot of vacant land behind this structure which may be available for other uses such as interpretation or other historical related uses.

Recommendation

1. Retain and maintain this building
2. Proceed with the Cladding of the building to protect its contents.

VEHICLE STORAGE / WORKSHOP & SHED (OLD DEPOT)

ASSET NO.704 – 5 HARPER STREET, TOODYAY



Asset Description

Vested in Shire of Toodyay. Metal and metal clad part open sided building on concrete footings and slab. Excludes fuel tanks which have been removed. This building is on Crown land under the control of the Shire.

Asset Condition

Overall	3 (Moderate Condition)
Structure	3 (Moderate Condition)
Roof Cladding	3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$480,000

Market Price: NA

Brief History

The building on this site was previously used as the former Shire Depot which has relocated to its new site in railway road in 2014. It was used for its former purpose for over 40 years. The site has been cleaned up and investigated for contaminations and found to be suitable for reuse similar to its former uses. As part of the relocation the transportable office has been renovated and relocated to the transfer station for reuse as a cat management facility (see separate listing).

Importance to the Shire/ Current Use

The land and to some extent the buildings are of strategic importance to the Shire because the location being part of the town centre with connections to the railway station, parking and main shops at one end, and a main recreation area at the other. The site is currently vacant but the Shire has resolved to lease part of the site (approximately 100m² to the Men’s Shed for their workshop). The administration has received confirmation of the power to lease the change of management order to permit community uses has now been received. The Men’s Shed lease is currently being finalised ready for implementation.

Advantages

- The central location
- The building can be reused, adapted or removed.

Limitations/Liabilities

- To reuse the existing building will require significant renovation
- Its location in the Central Toodyay Heritage Area may impact on the design of any future buildings.
- If Council were to consider more sensitive residential uses a further more detailed contaminated site investigation would be required with the likely need for a more detailed site clean-up than has already happened.

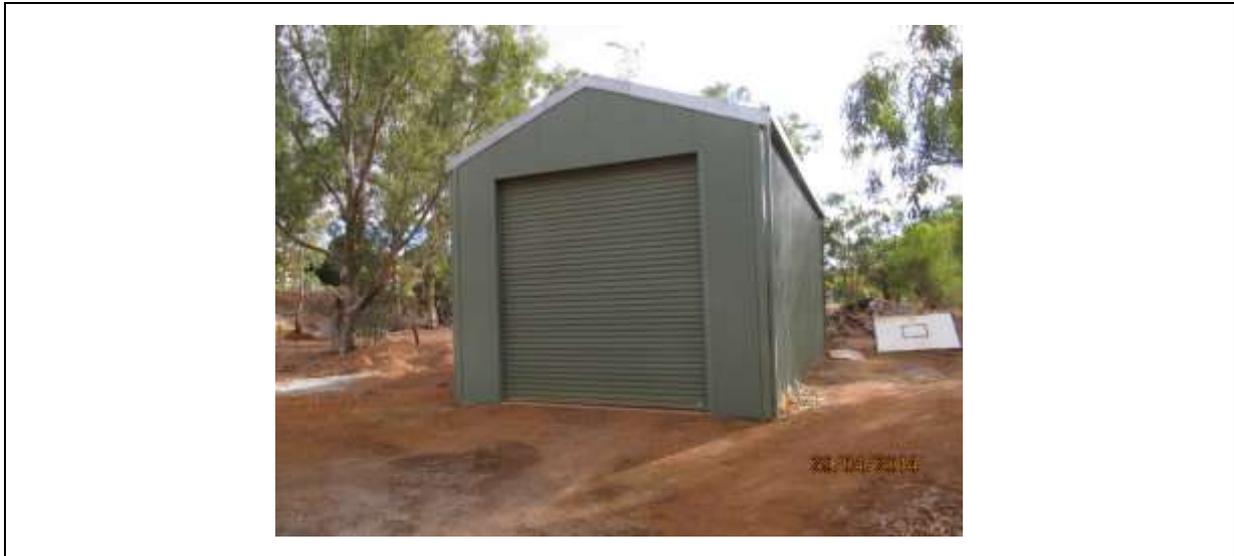
Discussion Points

- Future use options.

Recommendation

As per Council’s existing resolution a report detailing possible future uses of this site is being prepared and will be considered by members then.

COMMUNITY BUS SHELTER (OLD DEPOT)
ASSET NO.704 – 5 HARPER STREET, TOODYAY



Asset Description

Vested in Shire of Toodyay. Steel frame and metal clad shed on concrete slab. This is on Crown land managed by the Shire as part of the old Depot site.

Asset Condition

Overall	2 (Good Condition)
Structure	2 (Good Condition)
Roof Cladding	2 (Good Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$480,000

Market Price: NA

Brief History

This building was constructed to house the Shire’s community Bus. It is over 15 years old.

Importance to the Shire/ Current Use

This building has been provided as a community facility to house the Community bus near to the Visitors Centre where bookings to use the bus can be made. It is still being used for this purpose. The bus is not owned by the Shire. The building’s purpose needs to be reviewed if the bus is sold making the current use no longer relevant. Discussions were held with the committee to relocate the Bus to

the Community Depot. The committee has agreed to the possibility of relocating to the Community Depot site.

Advantages

- The central location
- The building can be reused, adapted or removed.

Limitations/Liabilities

- The current location may conflict with future uses proposed for the Old Depot site it sits on.
- Its location in the Central Toodyay Heritage Area may impact on the future reuses.
- The cost of any future potential relocation may outweigh the benefits.

Discussion Points

- It is still considered a suitable location for this building?

Recommendation

1. That the future of this building be considered as part of the considerations in relation to the rest of the site which will be presented to the Shire at its June 2015 Ordinary Meeting.

Asset Condition

Overall	1 (Very Good Condition)
Structure	1 (Very Good Condition)
Roof Cladding	1 (Very Good Condition)

Background

Purchase Price:

Purchase Date:

Current Use: Shire Depot

Current Replacement Value: \$855,000

Market Value: NA

Recommendation

That the Administration continue to work with the Toodyay Community Bus committee to progress this facilities relocation to the new Community.



**ASSET NO.033 – LOT 301 RAILWAY ROAD, TOODYAY
COMMUNITY DEPOT**



Asset Description

Vested in Shire of Toodyay. Brick and metal clad building on concrete foundations. Recently refurbished. This is on Crown owned land managed by the Shire.

Asset Condition

Overall	3 (Moderate Condition)
Structure	3 (Moderate Condition)
Roof Cladding	3 (Moderate Condition)
Fit Out	3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use: Community Depot Common area and Community Radio Station

Current Replacement Value: \$265,000

Market Price: NA

Brief History

This building, which has just been refurbished, was originally used as a railways goods office and storage facility run by the Government Railways, until this facility was closed for that purpose. The Shire obtained the building for its use as part of the new depot development until this was scaled back and part the building was promised to the Toodyay Community Radio. The community radio has since pulled back from being involved. It is now being developed as Community storage depot.

Importance to the Shire/ Current Use

This building and the land surrounding it has been identified to be used for community purposes. A number of additional buildings/structures are planned to be built during 2015 to house a number of community groups.

The front third of this building will be available for community groups as a common meeting/refreshment area. The middle has also been allocated for community group use with one area allocated to the community singers. The back third with was the more open former larger goods storage area has some minor Shire items stored but has not been identified as such. This area is being considered as a future archive records area.

Advantages

- It is a positive community use of this building and land area.
- There is potential for the Shire to utilise some of this building for storage
 - The ongoing costs to maintain this and any future buildings on this site with no income to offset this

Limitations/Liabilities

- The ongoing costs to maintain this and any future buildings on this site with no income to offset this.

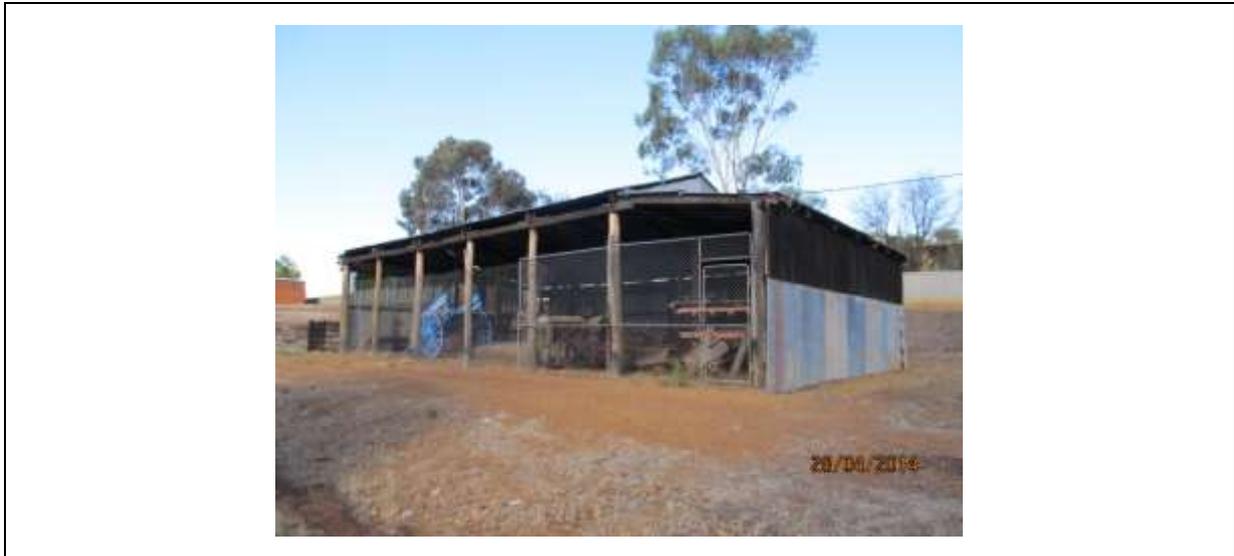
Discussion Points

- The use of the remaining third of this building for shire or other purposes.
- Post construction facility management for all buildings likely to be on this site.

Recommendation

1. That this building/site be retained and maintained into the foreseeable future.

OLD SHEARING SHED, Newcastle Gaol
ASSET NO. – 15-17 CLINTON STREET, TOODYAY



Asset Description

Heritage Listed Building. Timber frame metal and metal clad shed on gravel floors.

Asset Condition

Overall	4 (Poor Condition)
Structure	4 (Poor Condition)
Roof Cladding	4 (Poor Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$265,000

Brief History

This building has been relocated from the Wicklow area of the Shire and rebuilt onsite. It has been used to store and display a number of miscellaneous items of farming and history items.

Importance To The Shire/ Current Use

The administration has recently worked hard to remove a lot of the items on display and has just applied for a grant to repurpose this building as a community use space.

Advantages

- This is a well maintained building that is reasonable condition.
- Its foreignness to the site could provide an opportunity for conversion to other uses.

Limitations/Liabilities

- While this building would have some significance in the right context (i.e. where it was originally built) it is out of context and doesn't really fit into the overall site theme.

Discussion Points

- Future use options for parts of the main building.

Recommendation

1. Retain and continue to maintain/preserve this building into the foreseeable future.
2. Continue to implement planning and construction actions to change this building/site into a useful community venue.

LOCK-UP, NEWCASTLE GAOL

ASSET NO.L001 – 15-17 CLINTON STREET, TOODYAY



Asset Description

Heritage Listed Building. Brick and metal clad lock up on brick footings with timber and stone flooring. Includes small single detached out house.

Asset Condition

Overall	3 (Moderate Condition)
Structure	3 (Moderate Condition)
Roof Cladding	3 (Moderate Condition)
Fit Out	3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$685,000

Brief History

This building was obtained by the shire as part of the larger museum complex and has been restored and used as a storage facility for Shire owned items. It was originally used as a town police jail facility early last century in conjunction with the nearby former police residence and police station. Prior to the Council taking over the site the building is on the adjoining residence was subdivided, fenced off and sold privately. The subdivision unfortunately left only a narrow gap between rear fence and the goal wall which contains the entry to one side of the building.

Importance to the Shire/ Current Use

While not as instantly recognisable as the Newcastle Goal it is none the less part of the overall site, has been maintained and is in reasonably good condition.

It is still currently used as storage building for miscellaneous mostly history related items.

Advantages

- It is a well maintained interesting building which forms part of the overall history of the larger site.
- It would make an interesting additional secondary museum to Newcastle Goal with little additional maintenance.

Limitations/Liabilities

- It is in a location a large enough distance from the Newcastle Goal that would make it difficult to manage it if left unattended
- One of the principal entries is hidden from view and restricted by a narrow access way.
- This building will deteriorate, as with any unused building, if not used.
- This is not on freehold land

Discussion Points

- How to effectively convert this building into a museum in the future
- How to manage the building as a museum in terms of its location/opportunities to utilise other complementary used
- The timing of future uses
- How to integrate this building more effectively into the rest of the site

Recommendation

1. Retain and continue to maintain/preserve this building for the foreseeable future.
2. A separate forum paper be prepared to discuss the future uses and their timings in relation this building more fully.

Garden Depot

ASSET NO.778 & 779 – 5-7 CLINTON STREET, TOODYAY



Asset Description:
 Contiguous land use. Zoned R10. Metal and metal clad workshop on concrete footings and slab.

Asset Condition
 Overall – 3 (Moderate Condition)
 Structure – 3 (Moderate Condition)
 Roof Cladding – 3 (Moderate Condition)
 Fit Out – 3 (Moderate Condition)

Background
 PURCHASE PRICE:
 PURCHASE DATE:
 CURRENT USE:
 CURRENT REPLACEMENT VALUE: \$305,000

Brief History
 This former western power depot was secured by the Shire to utilize to house Parks and Gardens staff/equipment and building maintenance staff /equipment.

Importance to the Shire/ Current Use
 This building is no longer being used to house Parks and Garden/Building Maintenance staff equipment. The buildings and site is being cleaned up to prepare this lot for its new future uses. It is still being used for periodic temporary storage. It has strategic value as a future development site once planning for its future is in place. This site was targeted for aged housing, which could be still applicable in the future but is not immediately needed because of a joint venture with Butterfly Cottages. As the existing community groups vacate parts of this site their facilities will be removed.

Advantages

- It is on freehold land
- It is zoned R30 residential
- Current running costs are minimal

Limitations/Liabilities

- There is no clear purpose for this site
- It is close to the rail line
- The cost of the removal of the buildings
- The contaminated site potential is unknown
- The cost to remediate depending on the future use and level of contamination

Discussion Points

- Future site use for aged housing or medium density housing

Recommendation:

1. Continue to maintain this building to a minimum level.
2. A discussion paper be presented to consider future options for the use of this site.

CHEMICAL SHED, Parks & Garden Depot

ASSET NO.778 & 779 – 5-7 CLINTON STREET, TOODYAY



Asset Description:

Contiguous land use. Zoned R10. Part open sided timber frame and metal clad shed on concrete footings and slab.

Asset Condition

Overall – 4 (Poor Condition)

Structure – 3 (Moderate Condition)

Roof Cladding – 3 (Moderate Condition)

Background

PURCHASE PRICE:

PURCHASE DATE:

CURRENT USE:

CURRENT REPLACEMENT VALUE: \$24,000

Brief History

This former western power depot was secured by the Shire to utilize to house Parks and Gardens staff/equipment and building maintenance staff /equipment.

Importance to the Shire/ Current Use

This building is no longer being used to house Parks and Garden/Building Maintenance staff equipment.

It has strategic value as a future development site once planning for its future is in place. This site was targeted for aged housing, which could be still applicable in the future but is not immediately needed because of a joint venture with Butterfly Cottages. This building is currently being emptied ready for its removal.

Advantages

- It is on freehold land
- It is zoned R30 residential

- Current running costs are minimal

Limitations/Liabilities

- There is no clear purpose for this site
- It is close to the rail line
- The cost of the removal of the buildings
- The contaminated site potential is unknown
- The cost to remediate depending on the future use and level of contamination
- It is not totally vacant

Discussion Points

- Contaminated site tested timing
- Level of maintenance on the building – has been kept to a minimum – building is slowly deteriorating needs an external repaint of wood trim.
- The continued use as a CESM storage facility
- Future site use for aged housing or medium density housing

Recommendation:

1. Remove from the asset register once this structure is removed.

PARKS & GARDEN DEPOT

ASSET NO.778 & 779 – 5-7 CLINTON STREET, TOODYAY



Asset Description:

Contiguous land use. Zoned R10. Metal and metal clad shed on concrete slab.

Asset Condition

Overall – 3 (Moderate Condition)

Structure – 3 (Moderate Condition)

Roof Cladding – 3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$28,000

Brief History

This building and associated infrastructure was built to house the seed orchard group. They are moving to the new community depot site, once this has occurred this facility will be removed.

Recommendation:

1. Remove from the asset register once removed

PARKS & GARDEN

ASSET NO.778 & 779 – 5-7 CLINTON STREET, TOODYAY

**Asset Description:**

Contiguous land use. Zoned R10. Metal and metal clad shed on concrete footings and slab used as storage.

ASSET CONDITION

Overall – 3 (Moderate Condition)

Structure – 3 (Moderate Condition)

Roof Cladding – 3 (Moderate Condition)

BACKGROUND

PURCHASE PRICE:

PURCHASE DATE:

CURRENT USE:

CURRENT REPLACEMENT VALUE: \$55,000

Brief History

This building was built to house the Toodyay Theatre Group, this group is in the process of relocating to the new community depot site. Once this occurs this building will be removed.

RECOMMENDATION:

None, this building is due to be removed as part of the Community Depot development.

TENNIS CLUB PAVILION

ASSET NO.765 – 14 FIENNES STREET, TOODYAY



ASSET DESCRIPTION:

Brick, metal and asbestos clad tennis pavilion on concrete footings and slab.

ASSET CONDITION

Overall – 3 (Moderate Condition)
 Structure – 3 (Moderate Condition)
 Roof Cladding – 3 (Moderate Condition)
 Fit Out – 3 (Moderate Condition)

BACKGROUND

PURCHASE PRICE:
PURCHASE DATE:
CURRENT USE:
CURRENT REPLACEMENT VALUE: \$165,000

Brief History

This facility which was purpose built for tennis comprises the club house, toilets and Courts. Approximately 5 or so years an agreement was reached between the Club and the Shire in relation to allowing two courts to be set aside for general unrestricted public use, the club with the assistance from the shire has maintained this aging facility well. Unfortunately since this time now parts of both public and club the playing surfaces have deteriorated to such a state major repair work is now required.

Importance to the Shire/ Current Use

This facility is an important community facility for both members of the club who use the club courts and the public who until recently were able to use the public courts.

Advantages

- It is an important and popular well used facility
- It is in a central strategic location which could be used for other strategic

- The club has actively sought within their resources to keep this facility maintained to the best level possible within the limitation of resources
- The facility has just been repainted
- A new retaining has been installed in the past 2 years
- The Shire has allocated funds to refurbish the public courts for multi-purpose court use including tennis, basketball and netball.

Limitations/Liabilities

- The size and facilities of the club house
- The cost of playing surface repairs
- The state of the fencing is poor
- The club does not currently have the resources to repair their courts but have chosen to accept the risk of still playing on them with the deterioration and surface unevenness in place as acceptable.

Discussion Points

1. How this facility fits into the Shire's recreation planning and the staging of relocation to the new site across the river

Originally it was unclear if the tennis club would be involved with the new recreation facilities for the foreseeable future. This has now changed with the club keen to participate in the early stages of the development.

RECOMMENDATION:

1. That the Shire continues to work with the club in relation to the timing of relocating to the new recreation facility.
2. The current maintenance arrangements in relation to the maintenance of the buildings be maintained
3. The state of the club courts is monitored to ensure the risk is minimised.

TENNIS CLUB TOILET BLOCK

ASSET NO.765 – 14 FIENNES STREET, TOODYAY



ASSET DESCRIPTION:

Brick and metal clad Male & Female toilet block on concrete footings and slab.

ASSET CONDITION

Overall – 3 (Moderate Condition)

Structure – 3 (Moderate Condition)

Roof Cladding – 3 (Moderate Condition)

Fit Out – 3 (Moderate Condition)

BACKGROUND

PURCHASE PRICE:

PURCHASE DATE:

CURRENT USE:

CURRENT REPLACEMENT VALUE: \$105,000

RECOMMENDATION:

See Tennis club notes above

TOODYAY SPORTS CLUB

ASSET NO.714 – 67-89 STIRLING TERRACE, TOODYAY



ASSET DESCRIPTION:

Previous Vesting Order cancelled. Land Zoned Town Centre – contiguous use with Medical Centre, Resource Centre

ASSET CONDITION

Overall – 3 (Moderate Condition)

Structure – 3 (Moderate Condition)

Roof Cladding – 3 (Moderate Condition)

Mech. Services – 3 (Moderate Condition)

Fit Out – 3 (Moderate Condition)

BACKGROUND

PURCHASE PRICE:

PURCHASE DATE:

CURRENT USE:

CURRENT REPLACEMENT VALUE: \$1,460,000

RECOMMENDATION:

Retain and maintain to the extent required by the lease arrangements.

TOODYAY GOLF CLUB HOUSE

ASSET NO.726 – RACECOURSE ROAD, TOODYAY



ASSET DESCRIPTION:

Zoned Recreation and Conservation. Brick and metal clad clubhouse on concrete footings and slab.

ASSET CONDITION

Overall – 3 (Moderate Condition)
 Structure – 3 (Moderate Condition)
 Roof Cladding – 3 (Moderate Condition)
 Fit Out – 3 (Moderate Condition)

BACKGROUND

PURCHASE PRICE:
PURCHASE DATE:
CURRENT USE:
CURRENT REPLACEMENT VALUE: \$750,000

Brief History

This building was built as a golf club and is maintained by the golf club with the shire responsible for any major repairs. It is an older building that is looking its age and in need of refurbishment.

Importance to the Shire/ Current Use

This is preforms an important community role. It is currently in long term lease to the Golf club

Advantages

- It provides a facility for the users of the golf club to use in conjunction with playing golf

Limitations/Liabilities

- The building is of need of refurbishment including repainting, new floor coverings and work on the kitchen/wet areas
- The roof will also need to be replaced in the near future
- Concerns over the number of members and their capacity to adequately maintain this facility

Discussion Points

- The long term future viability of this facility
- The investment the Shire is prepared to put into this facility if the Golf Club committee is unable to keep up with the maintenance
- How will needed future refurbishment be funded

RECOMMENDATION:

1. That a full inspection is carried out on this facility with representatives of the golf club and Shire officers and the maintenance to this facility be discussed with them.
2. A full report be brought back to the Council for further consideration

MINIATURE RAILWAY BUILDING

ASSET NO.781 – DUIDGEE PARK, RAILWAY ROAD, TOODYAY



Asset Description

Zoned Recreation and Conservation. Brick and metal clad miniature railway building on concrete slabs. Excludes carriages, rail tracks, lights and signal box.

Asset Condition

Overall – 3 (Moderate Condition)

Structure – 3 (Moderate Condition)

Roof Cladding – 3 (Moderate Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$120,000

Comment

While this building is on Shire reserved land, there is no involvement in there maintenance or renewal. If there ever is an issue, this would be dealt with at an officer level and brought to Council if needed.

Recommendation

Maintained by the Toodyay Miniature Railway committee

MINIATURE RAILWAY WORKSHOP

ASSET NO. – DP53017 DUIDGEE PARK, RAILWAY ROAD, TOODYAY



Asset Description

Zoned Recreation and Conservation. Contiguous use with Miniature Railway Station and Toilet Block. Steel frame and metal clad workshop on concrete slab.

Asset Condition

Overall – 1 (Very Good Condition)

Structure – 1 (Very Good Condition)

Roof Cladding – 1 (Very Good Condition)

Background

Purchase Price:

Purchase Date:

Current Use:

Current Replacement Value: \$140,000

Comment

While this building is on Shire reserved land, there is no involvement in there maintenance or renewal. If there ever is an issue, this would be dealt with at an officer level and brought to Council if needed.

Recommendation

Maintained by the Toodyay Miniature Railway committee no action required currently.

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LAND ASSET RECOMMENDATIONS

Proposed recommendations in relation to the rationalisation of Shire Land Assets

1. ASSET NO. 712 – 140 STIRLING TERRACE, TOODYAY 1
Retain, improve and maintain for its current use.
2. ASSET NO. 718 – LOT 50 TOODYAY WEST ROAD, TOODYAY 2
That this lot be disposed of to realise its asset value.
3. ASSET NO. 719 – LOT 1 RED GULLY ROAD, NUNILE 3
Once this site is determined no longer useful as a gravel pit it be rehabilitated and disposed of to realise its asset value.
4. ASSET NO. 724 – 21 HIBBERTIA PLACE, TOODYAY 4
Retain and maintain for its current use until circumstances warrant this be re-visited.
5. ASSET NO. 725 – LOT 109 RACECOURSE ROAD, TOODYAY 5
Retain and maintain for its current use until circumstances warrant this be re-visited.
6. ASSET NO. 727 – LOT 40 MCKNOE DRIVE, MORANGUP 6
Retain and maintain for its current use.
7. ASSET NO. 746 – Lot 74, 59 TELEGRAPH ROAD, TOODYAY 7
Retain, and when needed improve to enable expansion of the Toodyay cemetery.
- 8/9. ASSET NO. 747 & 748 – Lot Pt 177 & 176, 42 HAMERSLEY ST and LOT 501 DUKE ST, TOODYAY 8
Investigate the amalgamation of these lots with a view to their disposal.
10. ASSET NO. 751 – LOT 4 STIRLING TERRACE, TOODYAY 10
Retain, improve and maintain for its current use.
11. ASSET NO. 752 – LOT 20 STIRLING TERRACE, TOODYAY 11
Retain and maintain for its current use
12. ASSET NO. 753 – 15 WILSON STREET, TOODYAY 12
Retain and maintain for its current use until such time as the current use is established as no longer needed. Its future use is to be reconsidered by Council once this occurs.
13. ASSET NO. 754 – 17 WILSON STREET, TOODYAY 13
Retain and maintain for its current use until such time as the current use is established as no longer needed. Its future use is to be reconsidered by Council once this occurs.
14. ASSET NO. 756 – 32 DUMBARTON ROAD, TOODYAY 14
Retain and maintain for its current use for the present. Refer to the Reserves Officer/Environmental Officer in relation to its environmental value.
15. ASSET NO. 760 – LOTS 12-15 HAMERSLEY STREET, TOODYAY 15
Retain and maintain for its current use into the foreseeable future.
16. ASSET NO. 762 – 321 TIMBER CREEK CRESCENT, TOODYAY 16

Leave and maintain as natural reserve open space.

17. ASSET NO. 763 – LOT 410 FERGUSON ROAD, COONDLE 17

Dispose of this site by offering it to the owners of lot 588 Ferguson Road on the basis it be amalgamated into their lot excluding the land earmarked for the NBN Tower. If an agreement can't be reached retain and maintain as a reserve.

18. ASSET NO. 764 – LOT 405 COONDLE DRIVE, COONDLE 18

Retain and maintain as a reserve.

19. ASSET NO. 768 – LOT 409 CHURCH GULLY ROAD, COONDLE 19

Subject to no objections from the Reserves Management Officer/ CESM this lot be offered to the adjoining landholder to purchase at a negotiated fair value. If no agreement can be reached or the CESM/RMO make a case for retention retain and maintain as a reserve.

20. ASSET NO. 773 – LOT 42 KANE ROAD, WEST TOODYAY 20

Retain and maintain for its current use.

21. ASSET NO. 777 – 40 TELEGRAPH ROAD, TOODYAY 21

Retain and maintain for its current use.

22. ASSET NO. 792 – 1 TOODYAY WEST ROAD, TOODYAY 22

In the short term, retain and maintain for its current use. Re-evaluate when alternate facilities are available elsewhere.

23. ASSET NO. 794 – 122A STIRLING TERRACE, TOODYAY 23

Retain and maintain for its current use.

24. ASSET NO. L002 – 23 TOODYAY WEST ROAD, TOODYAY 24

Dispose of this land asset at market price.

25. ASSET NO. L003 – 16 TOODYAY WEST ROAD, TOODYAY 25

Remove this asset from the asset register because it will have been disposed of by the time of the meeting.

26. ASSET NO. L004 – LOT 9508 DRUMMOND STREET, NUNILE 26

Retain and develop for its purchase purpose, as a new recreation facility.



Telegraph Rd

14.06m

16.41m

23.75m

89.24m

Lot 47
1968(m²)

89.24m

Lot 46
1957(m²)

86.23m

23.75m

23.75m

Jubilee St



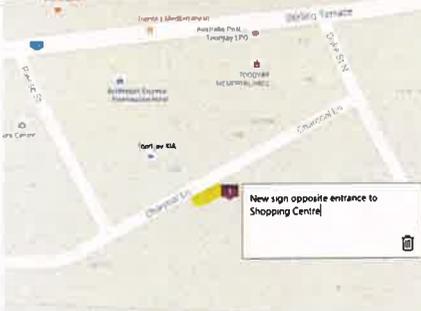
Shire of Toodyay – Signage Audit

Recommended changes to existing signs (continued)

Sign No	Location / Approach	Sign Descriptor/Content/ Colour/Symbol	Photograph	Comment
125	Toodyay Road turnoff for Coorinja Winery	Blue “Coorinja” winery sign.		If this is a tourism business that is open to the public, then it should be directed to using a brown sign. Replace with brown sign.
127	Clackline Road entrance to archery park	Brown “Hoddywell Archery Park” sign.		This sign is non-standard and should be replaced.
129	Clackline Road – entry to Emu Farm.	Blue “Emu Farm” sign		These two blue signs should be replaced with one blue sign that complies with guidelines.
132	Toodyay Road 500m north and south of intersection with Sandplain Road.	Brown “Ipswich View B&B” (2 signs)		Ipswich View is accommodation and not a tourist attraction so should be a blue sign. The brown sign should be removed.

Shire of Toodyay – Signage Audit

6. RECOMMENDED NEW SIGNS (Table 3)

Sign No	Location / Approach	Map	Sign Descriptor/Content/ Colour/Symbol	Example
N1	New blue public toilet sign outside of shopping centre at car park		I presumed the public toilets were in the shopping centre but there was no signage at the shopping centre to direct. New sign required at shopping centre.	
N2	Stirling Terrace intersection with Hammersley Street		There needs to be a brown "Lookout" sign at this junction to direct towards Pelham Reserve.	

Wayfound

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fremantle wa 6160
kim@wayfound.com.au
www.wayfound.com.au
Tel: (08) 9430 4166
ABN: 98 120 289 223



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FORUM DISCUSSION PAPER

Date of Report:	9 June 2016
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference No.:	ECO2
Author:	S Scott – CEO
Responsible Officer:	S Scott – CEO
Previously Before Council:	N/A
Nature of Council's Role in the matter:	Executive
Attachments:	Nil.

8.2 DEVELOPING A CO-WORKING CENTRE IN TOODYAY

PURPOSE OF THE DISCUSSION PAPER

To consider options regarding the development of a co-working Centre in Toodyay.

BACKGROUND

The Economic Development Plan (the Plan) was adopted by Council on 16 February 2015.

Since the adoption of the plan a number of things have changed:

- Both Connor's Cottage and the Toodyay Community Centre have either become vacant or have space available for other purposes;
- Progress of the National Broadband Network has become clearer and will open up opportunities for teleworking, telecommuting or co-working; and
- The number of small and micro-businesses in the professional services areas continue to increase.

As part of the collaboration with the local community we have already commenced the process of establishing a capability register. There will probably not be a better time to consider entering this arena.

CONSULTATION IMPLICATIONS

The Senior Management Group was consulted in relation to this proposal.

STRATEGIC IMPLICATIONS

An extract from the Shire of Toodyay Economic Development is as follows:

Knowledge-Intensive Professional & Creative Services

The ageing of the workforce and the peri-urban lifestyle-based attraction of Toodyay, coupled with the role out of new telecommunication technologies (namely the NBN) presents Toodyay with the opportunity to develop a knowledge intensive professional and creative services sector. Such services are based on innovation and value-adding and have the potential to not only support the existing comparative advantages of Toodyay economy – agriculture, tourism – but also form an export sector unto itself.

The following table profiles the Local Imperative in more detail.

<p>Relevant Strategic Themes</p>	<ul style="list-style-type: none"> • Diversifying the Economy • Growing Incomes • Generating Employment • Maximising Economic Dynamism • Maximising Older Resident Participation • Maximising Private Sector Investment
<p>Mega Trends</p>	<ul style="list-style-type: none"> • Ageing of Baby Boomers, under-superannuation and generational preferences will support transition-based approach of older professionals from the workforce. • E-commerce and web presence among Australian businesses are below average. • Innovation and productivity growth required to support prosperity in the medium term¹. • Development of NBN to provide improved access in regional areas to high speed broadband. • Need for regional towns to be “web-enabled”
<p>Local Economic Characteristics</p>	<ul style="list-style-type: none"> • Professional services are an emerging sector in the Toodyay economy in recent years. • Professional, Scientific and Technical Services experienced moderate employment growth between 2006 and 2011 • ESS rates for professional and other service sectors are slightly below average, indicating an existing trend for skilled workers to use Toodyay as a residential base for lifestyle reasons and travel to their employment elsewhere. • The most recent NBN rollout plan prioritises Toodyay, which would substantially increase telecommunication capacity and enable greater levels of e-commerce, telecommuting, telehealth and other innovative and entrepreneurial initiatives.

Opportunities	<ul style="list-style-type: none"> • Establish a workers hub with co-working space to attract and foster innovative small businesses. • Develop capability register for businesses to support major projects within and around the Shire. • Investigate opportunities presented by NBN investment including e-commerce, telecommuting, co-working, freelancing and emerging business and employment trends • Maximise older resident participation in the workforce by encouraging a transition into retirement in Toodyay. • Commercial office floor space expansion
Examples	<ul style="list-style-type: none"> • Spacecubed (http://www.spacecubed.com/) • Pilbara Capability Register (http://epilbara.com/)

POLICY IMPLICATIONS

If Council consider this project worthy of pursuing, the level of consultation to be undertaken would be in accordance with Level F – District Members, pursuant to Policy M.2 – Public Consultation on Formal Matters.

FINANCIAL IMPLICATIONS

While this service would be income generating through membership and/or use of space-cubed office spaces, it will not be immediately clear what level of take-up or participation might be achieved. It will require a financial commitment from Council in the short-term. It is likely to require an ongoing funding commitment, both cash and income foregone, to fully test the suitability of the concept to Toodyay. There is also a possibility that this innovative business model providing a service to the community will be such that it will pay for itself in the longer term.

LEGAL AND STATUTORY IMPLICATIONS

There are no legal nor statutory implications relative to this item.

RISK IMPLICATIONS

Some services could be seen as being in competition with the Community Resource Centre or library. It could also be argued that this kind of service could be collocated with the CRC or library, but neither premise lends itself to that arrangement (library or CRC), and nor do the skills for those services match the collaborative innovative small business environment we are hoping to create.

ENVIRONMENTAL IMPLICATIONS

This proposal does not contain any notable environmental implications.

SOCIAL IMPLICATIONS

Co-working is the social gathering of a group of people who are still working independently, but who share values, and who are interested in the synergy that can happen from working with people who value working in the same place alongside each other. Co-working can offer solutions to the problem of isolation that many freelancers experience while working at home, while at the same time letting them escape the distractions of home.

OFFICER COMMENT / DETAILS

Co-working is about sharing a working environment while undertaking independent activity for different organisations. Co-working is also the social gathering of a group of people who are still working independently, but who share values, and who are interested in the synergy that can happen from working with like-minded talented people in the same space.

Examples of Co-working Spaces

Space Cubed is a co-working space based in Perth it offers co-working, collaboration, social engagement mentoring and innovation.

City Hive in Geraldton is a co-working space supported by Pollinators, a community based incorporated association which aims to promote social innovation and entrepreneurship.

Benefits of Co-Working

The Space-cubed website (<http://www.spacecubed.com/en>) sets out the following reasons to give co-working a go:

1. Expand your professional network

Working in a co-working space is one of the best ways for you to immerse yourself with like-minded professionals, entrepreneurs and innovators. By taking advantage of the energetic environment and inclusive community events, you can take your professional networking to a whole new level.

2. Opportunities

Being surrounded by creative and ambitious professionals can provide you with a wealth of opportunities. Skill sharing and collaboration are the foundations of co-working spaces and enable you to showcase your skills and share your expertise with your fellow co-workers.

3. Productivity + Creativity = Growth

Redefining the traditional office space, co-working spaces work to create an energetic environment that can fully unleash your full potential.

4. Sense of community

As a member of a co-working space, you're very quickly welcomed into the strong community that embraces workers from a multitude of industries.

Collaboration in the workplace is key for providing sustainability, education, development and adaptability in our rapidly changing professional climate.

5. Mentorship

Having access to a team of seasoned professionals willing to share their insights and experiences gives budding ideas the guidance they need to flourish and become successful business ventures.

6. Have greater control over how and when you work

As a member of a co-working space, you have the ability to come and go as you please. Night owls and early birds alike can utilise the space to best suit their lifestyles and ensure a healthy work-life-balance.

7. Be more fulfilled by your work

The freedom to immerse yourself in a project, idea, start-up or business that not only lines the pocket, but guarantees personal fulfilment.

A discussion with one of the range of people who work from home in Toodyay also identified isolation and the lack of social interaction as one of the disadvantages of working from home. Co-working provides the opportunity to work for yourself but alongside others, as often or as infrequently as you wish.

Possible Co-working Spaces

Parks and Gardens Depot

The shed structure at the Depot could easily be refurbished with new office space, parking bays (including bicycle parking bays), complemented by a new external toilet block (providing extra public toilet facilities) and associated landscaping. Access would also be provided for people of all abilities.

A refurbishment of the structure at the Depot has the potential, as our local government asset, to serve the community by opening up more office space easily accessible to the train station area and the central business district.

Connors Cottage

Connors cottage is in a CBD location close to the café strip, post office and visitor centre. It would lend itself to creating a co-working environment, with a number of rooms that could be configured to suit different purposes. It could be used to create an eclectic space which could appeal to microbusinesses, start-ups and innovators.

Toodyay Community Centre

This is a larger more modern space that is already set up for office space and technology. It has modern toilet facilities and a number of recently vacated rooms that could be included. There is also underutilised meeting space that could be loosely attached, but not exclusive to the enterprise.

Possible Delivery Models

Community Based Organisation

The Pollinator's model at City Hive in Geraldton is run by a community based not for profit with aims around social entrepreneurship. The Shire could work with the local community to develop such an organisation. Once established though, it would no longer be under the control of the Shire except as a land lord.

Local Government Service

As a start-up concern, it could be operated by the Shire using Shire staff and volunteers. This would involve a significant running cost. Alternatively the day to day operations could be contracted out to a local microbusiness or businesses, in exchange for a free for service and free use of facilities.

The Way Forward

There are a number of things that we would need to do if we are interested in considering this concept:

- Establish the demand – how many small and micro-businesses and telecommuters are there in Toodyay;
- Would they use a co-working space;
- Would the space attract more people to work in Toodyay;
- Would there be spin offs in innovative and collaborative projects;
- Would community groups and social entrepreneurs participate;
- Is there a role for the chamber of commerce;
- Do the numbers stack up – what is the real start up and ongoing cost.

This investigation would probably involve a small consultancy project (perhaps \$5,000). There would also have to be some appetite from Council to consider that outcomes of that report, and if the business case stacks up, to give it a go. Given the focus on economic returns and employment generation it is the kind of project that may attract state or Commonwealth funding if it proceeds.

FORUM DISCUSSION PAPER

Date of Report:	8 June 2016
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference No.:	ABG1
Author:	A Bell– Manager Community Development
Responsible Officer:	A Bell – Manager Community Development
Previously Before Council:	N/A.
Nature of Council's Role in the matter:	Advocacy.
Attachments:	<ol style="list-style-type: none">1. General Resource Information from – Reconciliation Australia including information about “What is the RAP program”;2. Business Case for Developing a Reconciliation Action Plan (RAP);3. RAP working group Terms of Reference;4. Reflect – Reconciliation Action Plan Template;5. Significant Dates for Aboriginal people; and6. Fact sheet on protocol of flying the Aboriginal Flag.

8.3 RECONCILIATION ACTION PLAN

PURPOSE OF THE DISCUSSION PAPER

The purpose of this paper is for Council to commence discussions on how it would like to proceed on undertaking recognition/reconciliation with our Local Indigenous community.

BACKGROUND

Over the past few years various discussions have been undertaken with Local Elder Mrs Pamela Walsh on matters relating to inclusion, recognition and reconciliation.

In 2013 Earth Mother Day was celebrated which was a wonderful community event for all. This was organised in partnership with Mrs Walsh, Regional Home Care and the Shire.

On March 10, 2016 the Manger of Community Development and our Museum/Cultural Heritage Officer met with Mrs Walsh. It was during these general discussions that a number of matters were raised as well as being informed that

there was now a Local Indigenous Committee formed – Noongar Kaakning Aboriginal Group.

These discussion matters were brought to the attention of the CEO, Shire President and Deputy Shire President.

In the adopted Corporate Business Plan – SP1.7c it is noted that the Administration is to work with local Elders to facilitate an annual Reconciliation Week Event.

On Friday 3 June, 2016 a lunch was organised to undertake this commitment. This lunch was attended by the CEO, both Shire President and Deputy President, Manager of Community Development, Events Co-ordinator, Museum/Cultural Heritage Officer, as well as representatives from the Noongar Kaakning Aboriginal Group.

Discussions included the flying of the Aboriginal Flag on recognised days/weeks (would need to work in with specific protocols). Sharing the story of the local Indigenous people. Working with the Noongar Kaakning Aboriginal Group towards a Reconciliation Action Plan. It was suggested by a member of the Noongar Kaakning Aboriginal Group that meetings be held every 6-8 weeks.

It was decided to bring this information to Council for their review and to works towards the future with the Kaakning Aboriginal Group.

Further general reading material is attached for Elected Members information – or should Councillors wish to obtain further information – please refer to www.reconciliation.org.au

CONSULTATION IMPLICATIONS

As noted in background information.

STRATEGIC IMPLICATIONS

Strategic Community Plan

- Work with Indigenous representative and relevant parties to find a solution for the long term protection of the burial grounds at the Show Grounds.
- Incorporate Indigenous knowledge and stories into the interpretation of the walk trail along the Avon River in the Town Centre Area.
- Work together with local Elders to facilitate a Reconciliation Week event as part of Council's annual calendar of event.

Corporate Business Plan

- SP1.7c – Work with local Elder to facilitate an annual Reconciliation Week event.

POLICY IMPLICATIONS

This proposal does not contain any notable policy implications.

FINANCIAL IMPLICATIONS

Some funding may be required to undertake future planning and or activities/events. A budget request has been submitted by our Events Co-ordinator for the 2016/2017 Budget.

LEGAL AND STATUTORY IMPLICATIONS

This proposal does not contain any notable Legal and Statutory Implications.

RISK IMPLICATIONS

This proposal does not contain any notable Risk Implications.

ENVIRONMENTAL IMPLICATIONS

This proposal does not contain any notable environmental implications.

SOCIAL IMPLICATIONS

As stated in our Strategic Community Plan – Vision – We are a vibrant rural community that celebrates our past and embraces a sustainable future.

OFFICER COMMENT / DETAILS

That this matter now be open for Council discussion and guidance to Administration as to future commitment/workings.

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RECONCILIATION
AUSTRALIA

Resources

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Showing all resources



2015 RAP Impact Measurement Report

[Download \(PDF\)](#)



2014 Australian Reconciliation Barometer

[Download \(PDF\)](#)

Reflect RAP template

[Download \(DOC\)](#)

Innovate RAP template

[Download \(DOCX\)](#)

Stretch RAP template

[Download \(DOCX\)](#)

Elevate RAP template

[Download \(DOCX\)](#)



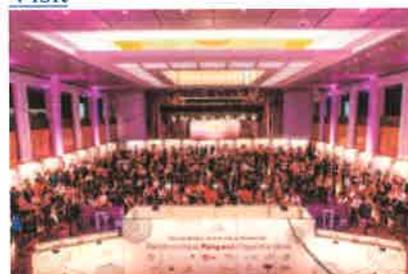
RAP reporting guide

[Download \(PDF\)](#)



2014 RAP Impact Measurement Report

[Visit](#)



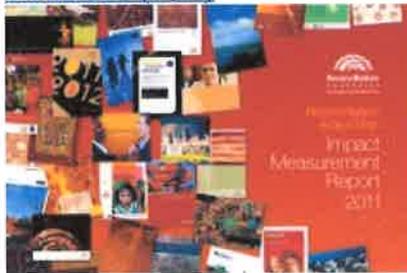
2013 RAP Impact Measurement Report

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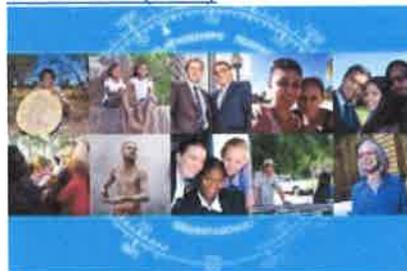
2012 RAP Impact Measurement Report

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2011 RAP Impact Measurement Report

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2012 Australian Reconciliation Barometer

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Who has a RAP

[Visit](#)

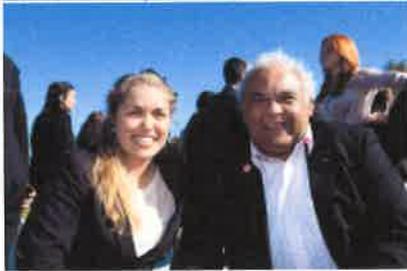


Staff engagement toolkit

[Visit](#)

RAP Working Group terms of reference

[Download \(DOCX\)](#)



National Reconciliation Week resources

[Visit](#)



Share Our Pride

Share our Pride is a good place to start with cross-cultural awareness.

[Visit](#)

The business case for developing a RAP

[Download \(DOCX\)](#)

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Reconciliation Australia acknowledges the Traditional Owners of country throughout Australia and recognises their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to elders both past and present.

Aboriginal and Torres Strait Islander peoples should be aware that this website may contain images or names of people who have since passed away.

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RECONCILIATION AUSTRALIA

About

What is the RAP program?

The Reconciliation Action Plan (RAP) program is a framework for organisations to realise their vision for reconciliation.

Through the program, organisations develop a RAP—a business plan that documents what an organisation commits to do to contribute to reconciliation in Australia.

A RAP will enable your organisation to commit to implementing and measuring practical actions that build respectful relationships and create opportunities for Aboriginal and Torres Strait Islander peoples.

There are four different RAPs within the Program:

- Reflect
- Innovate
- Stretch
- Elevate.

Joining the RAP Program offers your organisation:

- Access to a tried and tested program based on evidence
- A framework for action, developed in consultation with Aboriginal and Torres Strait Islander communities and organisations as well as government and corporate Australia
- Membership to a dynamic, supportive and fast growing community of RAP organisations who are paving the way.

Benefits of developing a RAP

A RAP gives your organisation the best chance of achieving Aboriginal and Torres Strait Islander engagement objectives, and delivering broader outcomes including:

- The opportunity to become an employer of choice for Aboriginal and Torres Strait Islander peoples.
- A more dynamic, innovative and diverse workforce.
- A more culturally safe and tolerant workplace.
- Access to new markets and better penetration of existing markets.
- Better service delivery to Aboriginal and Torres Strait Islander peoples and communities.
- The opportunity to contribute to new projects, industries, services, products and ways of doing business.

Working with Reconciliation Australia

Reconciliation Australia is an independent, national not-for-profit organisation promoting reconciliation by building relationships, respect and trust between the wider Australian community and Aboriginal and Torres Strait Islander peoples.

Our vision is for a reconciled, just and equitable Australia.

Through our programs and initiatives we work to connect people and organisations; provide frameworks for action, resources; and policy advice and promote success and engagement activities.

We support hundreds of organisations across Australia to participate in the RAP program. We can provide advice, templates and [resources](#) as well as provide feedback on your draft RAP.

In some cases, we may also be able to help engage your staff and management group, connect your organisation with Aboriginal and Torres Strait Islander stakeholders and promote your organisation's good work.

Get this scibbled soon here at <http://www.writemyessay4me.org>
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RECONCILIATION
AUSTRALIA

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Reconciliation Australia acknowledges the Traditional Owners of country throughout Australia and recognises their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to elders both past and present.

Aboriginal and Torres Strait Islander peoples should be aware that this website may contain images or names of people who have since passed away.

A **carbon°** ENERGY PARTNER

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The business case for developing a Reconciliation

Action Plan (RAP)

Successful RAP organisations know that reconciliation is good for business, good for the economy and good for the nation.

In 2008, Access Economics estimated the economic impact of closing the gap by 2029:

- Gross Domestic Product (GDP) would increase by \$10b or 1 per cent
- Government revenue would increase by \$4.6b (increased employment = greater income=payroll tax)
- Government expenditure would fall by \$3.7b (reduced demand for social/health services).

Therefore the RAP program is focused on long-term, sustainable activities that will have a mutual benefit for the community and the organisation—rather than philanthropy.

These benefits are outlined below.

1. Efficiency and effectiveness

- Developing an inclusive and confident customer base—Aboriginal and Torres Strait Islander customers are generally the least confident and trusting in engaging with businesses due to past experiences.
- Capable and confident customers engage more deeply and are likely to develop a broad-based relationship where needs are met more fully and interactions are more efficient.

2. Improved market access

- Developing new markets and better penetrating existing markets by more fully meeting the needs of the fastest growing part of the Australian population.

- Employing a workforce that is representative of the community in which organisations operate helps to develop trust and better engages Aboriginal and Torres Strait Islander customers.

3. Workforce efficiency

Attracting, motivating and developing talented local staff who are connected to vibrant local communities:

- Generates stronger links with Aboriginal communities
- Brings in new perspectives
- Broadens the talent pool of labour
- Overcomes costs and challenges associated with recruiting, transporting and accommodating staff from other locations and the high turnover rates of these positions.

4. Meeting changed customer preferences

- Gen Y (post-1980) has a greater connection to social and corporate responsibility.
- Purchasing choices are increasingly influenced by organisation reputation and community orientation.

5. Staff engagement and satisfaction

Existing, new and future staff are increasingly aware of and interested in social responsibility of their employer and want the opportunity to play a meaningful role through their workplace in closing the gap.

6. Improving compliance

Very few frontline staff in large organisations could say that they have a strong understanding of Indigenous customers' needs. Customer needs may be unmet or inappropriately met, involving breaches in consumer protection and other

laws. For example, banks are obliged to know the customer and fully understand their needs before offering a financial product.

7. Shaping public and industry policy

Having good relationships with Aboriginal and Torres Strait Islander people has led to trusted companies being consulting and included in discussions to develop policy on employment, regulation, consumer affairs, health, tax, and so on.

8. Value alignment

In today's world, it is important for companies to act in alignment with organisational values such as:

- Community trust
- Customer focus
- Inspiring people
- Being bold
- Creating sustainable shareholder value.

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RAP working group Terms of Reference

Many RAP organisations find it useful to set guidelines, such as Terms of Reference, for the RAP working group may be useful. Below are some generic draft Terms of Reference for your use—feel free to adapt and change the parameters to suit your organisation.

Top tips

- Your vision for reconciliation is useful in guiding what falls inside and outside your Terms of Reference.
- Use your Terms of Reference to set expectations around what the RAP working group (and the RAP more broadly) can be expected to achieve in a set time frame. As with all aspects of RAP development, keep your commitments realistic and achievable.

Terms of Reference—Reconciliation Action Plan working group

The organisation will develop a Reconciliation Action Plan (RAP) in consultation with Reconciliation Australia, using their toolkit, templates and resources. The first essential 'minimum element' for developing a RAP is to establish a working group made up of Aboriginal and Torres Strait Islander staff and/or stakeholders and non-Aboriginal and Torres Strait Islander staff and/or stakeholders.

Membership

- Membership of the RAP working group will be limited to __ people.
- Nominations are open to any staff member who is interested in reconciliation and how it can be a positive force for changing the culture, work practices and core business of our organisation.
- The membership of the RAP working group will be reviewed every __ months. New members will be invited to join regularly/annually/as required to ensure the working group has new ideas as well as continuity.
- Nominations should be submitted via __.
- Final selection will be made by __.

Structure

- The RAP working group will comprise of __ staff members who have nominated for the group.
- It will also include a RAP Champion from the Executive level of the organisation.
- The roles to be divided among the RAP working group include:
 - Taking and disseminating minutes to the RAP working group
 - Planning up-coming meetings
 - Locating and sharing research or other documents as determined by the working party members
 - Facilitating consultation with interested staff, external stakeholders (as decided

by the RAP working group), and Reconciliation Australia.

Agenda

- Members of the RAP working group can ask for any item relating to the core business of the group to be placed on any agenda.

Meetings

- Meetings will be held every ___ weeks while the RAP is being developed and every ___ weeks after launch to monitor progress.
- There will be a rotating chair for meetings. Members can volunteer to chair upcoming meetings.
- Decisions made at the meetings will only be valid if there is Aboriginal and Torres Strait Islander representation at the meeting or input into the decision prior to the meeting.

Reporting

- The RAP working group will report directly to the RAP Champion on the progress of the RAP development and implementation.
- The RAP working group is responsible for liaising with all relevant business units to complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia annually.

Approval of the RAP

- The draft RAP will be circulated for comment to all staff, including senior leaders.
- The final document will be signed off by the RAP Champion/CEO/Chairman (as appropriate).

Endorsement of the RAP

- The RAP working group will work closely with Reconciliation Australia during the

RAP development process to ensure the plan includes all the minimum elements for endorsement.

- The final draft RAP will be submitted to Reconciliation Australia for official endorsement prior to being launched or released publicly.

The Terms of Reference

The following activities will be carried out by the RAP working group:

- Develop a RAP within the context of our organisation's core business and in-line with:
 - Over-arching strategic, corporate and business plans
 - Any existing Aboriginal and Torres Strait Islander employment strategy
 - Any existing supplier diversity strategy
 - Any existing equity and diversity policies.
- Establish a collaborative/consultative process for engaging staff across the organisation so that they can provide:
 - Ideas for the RAP
 - Comment on drafts.
- Develop a project plan and timeline to development, launch and begin implementing the RAP, including consultation with Reconciliation Australia at regular intervals.
- Regularly liaise with relevant business units and key stakeholders to review progress of RAP actions and:
 - Report RAP progress to Reconciliation Australia annually
 - Report RAP progress internally as per organisational requirements
 - Report RAP progress to relevant Aboriginal and Torres Strait Islander stakeholders
 - Reflect on key learnings in the development of new RAPs.
- Consider RAP implementation issues and consult with relevant business units to find solutions.
- Liaise with internal or external designers to finalise the RAP document, and register it on Reconciliation Australia's website.

- Develop a new RAP when the current plan expires.

Please note: The members of the RAP working group must agree to these Terms of Reference (TOR) before they come into effect. The TOR may change at the first meeting or when a change is proposed and accepted by the majority of members.

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REFLECT

Reconciliation Action Plan (RAP) template

Template layout:

This RAP template sets out your organisation's commitment to reconciliation under the headings: relationships, respect and opportunities. Each heading is made up of columns to outline the action, responsibility, timeline and deliverable.

In the **action column** provide brief details of the objectives your organisation will focus on achieving. Try to use plain language and avoid jargon or organisation specific acronyms. It's also a good idea to number your actions so they are easy to reference later.

Use the **responsibility column** to distribute commitments within the RAP across the organisation to ensure broad ownership of the RAP. Ensure all relevant areas of your organisation have actions specific to their knowledge area that they will take responsibility for delivering.

The **timeline column** ensures everyone within your organisation has agreed to achieving actions by specific dates, or to regularly measuring and assessing progress. Please use a month/year format (e.g. July 2012). If the action is ongoing, include the date that you will review the action for effectiveness or will have achieved milestones.

The **deliverable column** should be succinct and straightforward, and describe what your organisation will do to meet the objectives in the 'action' column.

Minimum elements:

The actions already included in this template are minimum elements and must be included in your RAP in order for it to be endorsed by Reconciliation Australia. You may also choose to include items from those listed under suggestions or write your own additional actions/deliverables for each heading.

Submitting your RAP for review:

Once you have completed your draft RAP in this template, please submit it for review by completing the form on our [RAP Online Hub](#). We will then work with you to review the RAP in readiness for endorsement from Reconciliation Australia. There may be about three or four rounds of feedback from Reconciliation Australia before your draft RAP is ready for endorsement. This process usually takes three to six months. For further information, please visit our [RAP Online Hub](#).

[Organisation Name]

Reconciliation Action Plan for the years [20__] – [20__]

Our business

Answer the following questions using paragraphs to describe our business:

- *What is our core business?*
- *How many people does our organisation employ?*
- *How many Aboriginal and Torres Strait Islander staff does our organisation currently employ?*
- *What is our organisation's geographic reach (is our organisation state-focused or national)?*

Our RAP

Answer the following questions using paragraphs to describe:

- *Why is our organisation developing a RAP?*
- *What is our organisations reconciliation journey to date?*
- *Who champions our RAP internally?*
- *Who was involved in the development of our RAP?*

Our partnerships/current activities

Describe any partnerships or current reconciliation activities you have in place:

- *Community partnerships*
- *Internal activities/initiatives*

Relationships			
Action	Deliverable	Timeline e.g. Month / year	Responsibility e.g. Job title
1. Establish a RAP Working Group	<ul style="list-style-type: none"> Form a RAP Working Group that is operational to support the development of our RAP, comprising of Aboriginal and Torres Strait Islander peoples and decision-making staff from across our organisation. 		
2. Build internal and external relationships	<ul style="list-style-type: none"> Develop a list of Aboriginal and Torres Strait Islander peoples, communities and organisations within our local area or sphere of influence that we could approach to connect with on our reconciliation journey. Develop a list of RAP organisations and other like-minded organisations that we could approach to connect with on our reconciliation journey. 		
3. Participate in and celebrate National Reconciliation Week (NRW)	<ul style="list-style-type: none"> Encourage our staff to attend a NRW event. Circulate Reconciliation Australia's NRW resources and reconciliation materials to our staff. Ensure our Working Group participates in an external event to recognise and celebrate NRW. 	27 May-3 June	
4. Raise internal awareness of our RAP	<ul style="list-style-type: none"> Develop and implement a plan to raise awareness amongst all staff across the organisation about our RAP commitments. Develop and implement a plan to engage and inform key internal stakeholders of their responsibilities within our RAP. 		
5. Include other unique relationships actions and targets related to our core business and vision for reconciliation.	<p><i>Suggestions:</i></p> <ul style="list-style-type: none"> <i>Build partnerships with Aboriginal and Torres Strait Islander peoples and organisations.</i> <i>Engage our senior leaders in the delivery of RAP outcomes.</i> <i>Raise external awareness of our RAP.</i> <i>Raise awareness of/explore opportunities to support the Reconcise campaign.</i> <i>Support our state/territory based reconciliation council.</i> 		

Respect			
Action	Deliverable	Timeline	Responsibility
6. Investigate Aboriginal and Torres Strait Islander cultural learning and development	<ul style="list-style-type: none"> Develop a business case for increasing awareness of Aboriginal and Torres Strait Islander cultures, histories and achievements within our organisation. Capture data and measure our staff's current level of knowledge and understanding of Aboriginal and Torres Strait Islander cultures, histories and achievement. Conduct a review of cultural awareness training needs within our organisation. 		
7. Participate in and celebrate NAIDOC Week	<ul style="list-style-type: none"> Raise awareness and share information amongst our staff of the meaning of NAIDOC Week which includes information about the local Aboriginal and Torres Strait Islander peoples and communities. Introduce our staff to NAIDOC Week by promoting community events in our local area. Ensure our Working Group participates in an external NAIDOC Week event. 	July	
8. Raise internal understanding of Aboriginal and Torres Strait Islander cultural protocols	<ul style="list-style-type: none"> Explore who the Traditional Owners are of the lands and waters in our local area. Scope and develop a list of local Traditional Owners of the lands and waters within our organisations sphere of influence. Develop and implement a plan to raise awareness and understanding of the meaning and significance behind Acknowledgement of Country and Welcome to Country protocols (including any local cultural protocols). <p><i>Suggestions:</i></p> <ul style="list-style-type: none"> Celebrate/recognise Aboriginal and Torres Strait Islander dates of significance. Investigate cultural immersion programs. Communicate and encourage staff to use Reconciliation Australia's Share Our Pride online tool to all staff. 		
9. Include other unique respect actions related to our core business and vision for reconciliation.			

Opportunities			
Action	Deliverable	Timeline	Responsibility
10. Investigate Aboriginal and Torres Strait Islander employment	<ul style="list-style-type: none"> Develop a business case for Aboriginal and Torres Strait Islander employment within our organisation. Identify current Aboriginal and Torres Strait Islander staff to inform future employment and development opportunities. 		
11. Investigate Aboriginal and Torres Strait Islander supplier diversity	<ul style="list-style-type: none"> Develop an understanding of the mutual benefits of procurement from Aboriginal and Torres Strait Islander owned businesses. Develop a business case for procurement from Aboriginal and Torres Strait Islander owned businesses. 		
12. Include other unique opportunities actions related to our core business and vision for reconciliation.	<p>Suggestions:</p> <ul style="list-style-type: none"> Investigate an internal Aboriginal and Torres Strait Islander professional mentoring network. Investigate Aboriginal and Torres Strait Islander employment pathways (e.g. traineeships or internships). Investigate opportunities to increase pro bono activities. Support scholarships for Aboriginal and Torres Strait Islander students. Support Aboriginal and Torres Strait Islander leadership. Investigate opportunities to become a member of Supply Nation. 		

Tracking and Progress			
Action	Targets	Timeline	Responsibility
13. Build support for the RAP	<ul style="list-style-type: none"> Define resource needs for RAP development and implementation. Define systems and capability needs to track, measure and report on RAP activities. Complete the annual RAP Impact Measurement Questionnaire and submit to Reconciliation Australia. 	30 September, annually	
14. Review and Refresh RAP	<ul style="list-style-type: none"> Review and refresh RAP based on learnings, challenges and achievements. Submit draft RAP to Reconciliation Australia for formal review and endorsement. 		

Contact details *Include contact details (job title, phone and email) for public enquiries about our RAP.*

Name:
 Position:
 Phone:
 Email:

Audrey Bell

From: Margaret Eberle
Sent: Wednesday, 8 June 2016 11:49 AM
To: Audrey Bell
Subject: RE: More details pls

Hi Audrey,

Significant dates for Aboriginal people.

Survival Day (Australia Day) January 26

National Sorry Day 26 May - commemorating the history of forcible removals of children from their families and its effects

National Reconciliation Week 27 May to 3 June - these two dates commemorate the anniversaries of the successful 1967 Referendum and the High Court Mabo decision.

NAIDOC week - first full week in July celebrating the history, culture and achievements of Aboriginal and Torres Strait Islander people.

United Nations International Day of the World's Indigenous Peoples 9 August

Here are some links to websites which also list significant events for aboriginal people. All include the above dates and some have more.

<http://www.creativespirits.info/aboriginalculture/history/aboriginal-calendar#axzz4AxHdVoM9>

<http://aiatsis.gov.au/explore/articles/dates-significance> (from Aboriginal Institute of Aboriginal and Torres Strait Islander Studies)

<http://fwtdp.org.au/wp-content/uploads/2014/01/Key-Calendar-Events-for-Aboriginal-Torres-Strait-Islander.pdf>

http://www.communityservices.act.gov.au/atsia/significant_dates

Kind Regards,

Margie Eberle
MUSEUM CURATOR / CULTURAL HERITAGE OFFICER

Shire of Toodyay
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Aboriginal and Torres Strait Islander peoples should be aware that this publication may contain images or names of people who have since passed away.

Q and A – Flying the Aboriginal and Torres Strait Islander flags



1. Why are there two different flags for Aboriginal and Torres Strait Islander peoples?

Aboriginal and Torres Strait Islander peoples represent two distinct cultures. Each cultural group has its own flag, representing its own unique identity. It is important to recognise that even within each group, various languages and traditions are practiced across Australia. Some groups may have their own flags or adaptations of these flags.

2. Why is flying the flags important?

Flying the Aboriginal and Torres Strait Islander flags demonstrates Australia's recognition of First Nation peoples, promoting a sense of community partnership and a commitment toward reconciliation. Flying the flags is a highly visible symbol of respect and can be used to promote a sense of community, create a welcoming environment and can demonstrate a commitment towards closing the gap.

3. What do the flags mean?

In 1995, both the Aboriginal and Torres Strait Islander flags were recognised as official flags of Australia under Commonwealth legislation.

The Aboriginal Flag was designed by Harold Thomas, a Luritja man from Central Australia. According to Mr Thomas, the meaning of the flag is represented through:

- Black: the Aboriginal peoples of Australia
- Yellow: the Sun, the giver of life and protector
- Red: the red earth, red ochre and a spiritual relationship to the land

The flag was first flown at Victoria Square in Adelaide on National Aborigines Day, 12 July 1971, after which it was chosen as the flag for the Aboriginal Tent Embassy in 1972.

The Torres Strait Islander flag was designed by the late Bernard Namok from Thursday Island. The flag was recognised by the Aboriginal and Torres Strait Islander Commission in June 1992 and given equal prominence with the Aboriginal flag. The meaning of the Torres Strait Islander flag is represented through:

- Green: the land
- Blue: the sea
- White: peace
- Black: the Torres Strait Islander peoples

At the centre of the Torres Strait Islander flag is a dhari (headdress), which represents the people of the Torres Strait Islands. The five pointed star in the middle of the dhari represents the five major island groups, as well as the importance of stars for navigational purposes.

4. How should Aboriginal and Torres Strait Islander flags be displayed?

The Aboriginal and Torres Strait Islander flags should be flown and displayed in a dignified manner. This means that they should not be used as a curtain to unveil a monument or plaque, or used as table or seat covers. Flags should not be allowed to fall or lie upon the ground.

Flags should not be flown at night unless they are properly lit. Each flag should be flown from a separate flagpole. It is considered best practice for each flag flown to be the same size and on flagpoles of the same height. Tattered, torn or dilapidated flags should not be flown, and may be destroyed privately.

It is also important that flags are flown in an upright position. For the Aboriginal flag, this means that the black half is above the red. For the Torres Strait Islander flag, this means that the star is positioned below the dhari (headdress). Both flags are of equal importance and individual circumstances determine which flag, if not both, should be flown.

It is very important that community is consulted prior to the raising of Aboriginal and Torres Strait Islander flags. This is a way of showing respect for Aboriginal and Torres Strait Islander peoples, their concerns and their right to self-determination.

5. What about copyright?

In 1997, the Federal Court of Australia declared that Harold Thomas was the owner of the copyright in the design of the Aboriginal flag. This means that for all uses of the Australian Aboriginal flag, permission must be sought from Harold Thomas. Since 1997, Mr Thomas has awarded world rights solely to Carroll and Richardson Flagworld Pty Ltd for the manufacture and marketing of the flag.¹ Flags that do not have a white header at the left side or flags that do not show the Carroll and Richardson label could be infringing copyright.²

¹ <http://aiatsis.gov.au/explore/articles/aboriginal-flag>

² <http://www.aiatsis.gov.au/fastfacts/aboriginalflag.html>

The copyright of the Torres Strait Islander flag is held by the Torres Strait Island Regional Council. The Torres Strait Islander Regional Council permits the reproduction of the Torres Strait Islander flag only under the conditions that:³

- Where appropriate, recognition is given to the original designer, the late Mr Bernard Namok
- The original PMS (Pantone Matching System) flag colours must be used
- Permission is to be received in writing from the Torres Strait Island Regional Council prior to its use

Although official permission is not required to fly either the Aboriginal or Torres Strait Islander flag, Reconciliation Australia always encourages consultation with the local community when doing so.

6. In what order should the flags be flown in?

The Australian flag should take a position of precedence over other flags. This means that if all flagpoles are of the same height, the Australian flag is positioned on the extreme left hand side (as seen by those facing it). This may then be followed by state/territory flags and then the Aboriginal and Torres Strait Islander flags. The Aboriginal Flag or the Torres Strait Islander flag may be flown in either order, as they are both of equal standing in the order of precedence. Where one flagpole is taller than others, the Australian flag should be placed on the tallest flagpole, with other flags below it. Other flags should once again be ordered by precedence from left to right.

On some occasions, the Aboriginal flag or the Torres Strait Islander flag may follow the Australian Nation flag ahead of other flags.

7. Where can I find out more?

We recommend seeking further reading on how best to respect Aboriginal and Torres Strait Islander peoples, cultures and histories through flying the flags. [Queensland Health](#) has a comprehensive resource and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) has useful information on the background and meaning of both the [Aboriginal flag](#) and the [Torres Strait Islander flag](#).

Further information can be obtained from the [Australian Government website](#) or via:

Commonwealth Flag Officer
Honours, Symbols and Territories Branch
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600
nationalsymbols@pmc.gov.au

³ <http://www.tsirc.qld.gov.au/%3Cfront%3E/torres-strait-flag>

Example 1: Australian flag, Aboriginal flag, Torres Strait Islander flag. Note: the Aboriginal and Torres Strait Islander flag may be placed on either side of the Australian flag.



Example 2: Australian flag, ACT flag, Aboriginal flag.



Example 3: Australian flag, ACT flag, Torres Strait Islander flag.



Example 4: Australian flag, ACT flag, Aboriginal flag, Torres Strait Islander flag, ensigns or pennants.





Shire of Quairading Reconciliation Action Plan 2015 – 2017

Updated: 27/08/2015

Ready for Community Comment.

The Shire of Quairading acknowledges that we stand on the traditional lands of the Noongar people. Noongar is the generic name that describes people whose ancestors originally occupied and continue to occupy the whole South West of Western Australia.

Ballardong are one of the clans of the Noongar Nation. What we know today as the Shire of Quairading is on Ballardong Boodjar.

Words in the Noongar language can be spelt in different ways, including Nyungar and Nyoongar. The spelling 'Noongar' has been adopted by agreement by the Shire of Quairading and the Reconciliation Action Plan Committee.

Our Vision for Reconciliation

The Shire of Quairading's Vision for Reconciliation is to create an inclusive community with strong relationships across cultures, based on mutual respect and understanding. Our actions will contribute to the goal of closing the gap between Indigenous peoples, other Nationalities and other Australians so that all people can be valued and participate in the Quairading community.

Our Business and Our People

The Shire of Quairading is located in the Wheatbelt region, 168 kilometres east of Perth. The area is made up of mixed farming and the town is largely a service provider to the agriculture industry and the local community. The Shire of Quairading is a regional Western Australian Local Government with an Area of approximately 2000 square kilometres with a population of an estimated 1,050 including an estimated 150 Indigenous people.

The Shire of Quairading's core business is the delivery of a wide range of services to Quairading residents and visitors including law, order and community safety, environmental health, community amenity services such as waste collection and recycling, community venues, recreation, cultural and community development services, youth services, roads and footpaths, engineering and capital works development, libraries, parks and gardens, and Building and Public Health Control. Council has developed a Strategic Community Plan and a Corporate Business Plan to assist Council to maximise the utilisation of these Services and Infrastructure to achieve specific social, economic and environmental goals and outcomes.

Our Reconciliation Action Plan (RAP)

This is the first Reconciliation Action Plan (RAP) for the Shire of Quairading and the Quairading Community. The purpose of our RAP is to turn good intentions into measurable actions that support and benefit Noongar people in all aspects of life.

The Shire of Quairading's RAP has been developed in consultation with the RAP Committee made up of representatives of the local Noongar Community, Community Representatives, Shire Councillors and Staff. In addition, consultations will be held with the public and specific groups. Input from these consultations will be extensive and will inform the Committee in its preparation of the Final RAP Document. We recognise that reconciliation is an ongoing process and want our RAP to be a document that can realistically deliver actions and outcomes. The Shire of Quairading has a genuine intent to work together with residents of our diverse community and make a real difference.

Our Progress So Far

The Shire of Quairading has been taking action over recent years to build and strengthen relationships with Noongar people in the District and broader Wheatbelt Region by establishing the RAP Committee.

During the development of our first Reconciliation Action Plan, we have seen some key achievements which include:

- Increased opportunities for all people to come together at events and activities
- The inclusion of a 'Welcome to Country' at each Citizenship Ceremony, Council Meeting and School Council Meeting.
- Good News Stories Newsletter (Currently in Recess).
- Ongoing System of Noongar Student Awards at our District High School
- Healthy eating and physical activity programs for Noongar people
- Annual Reconciliation Walk Event
- Display of Noongar Artworks in Public Buildings and Places
- Flying of the Australian Aboriginal Flag at the Shire Administration Centre
- Flying of the Australian Aboriginal Flag at the War Memorial during NAIDOC Week and Reconciliation Week Events
- Development of further ties with the Noongar Community in the City of Melville as part of the Councils' City / Country Partnership
- Renaming of Junction Road to Winmar Road
- Development of a Draft Management Plan for the Quairading Community Nature Reserve incorporating "The Groves" Area for Cultural Purposes

RELATIONSHIPS

The Shire of Quairading values the diversity of the people in our community and understands that through respectful and genuine relationships we can learn from each other. Providing leadership in strengthening relationships with Indigenous people is important to the Shire of Quairading in developing an inclusive, strong and healthy community.

FOCUS AREAS

Engagement: bringing people together; and cultural awareness training.

	Action	Responsibility	Timeline/ Resources	Measurable Target
1	<p>EVENTS:</p> <p>1.1 Ensure that Events such as NAIDOC Week, Reconciliation Week, and others, have a goal of building and strengthening relationships.</p> <p>1.2 Develop and maintain database of Aboriginal Elders, performers, caterers and speakers.</p> <p>Encourage inclusion of Aboriginal Performers and providers in major events.</p> <p>1.3 Provide a Cultural Bus tour annually.</p>	<p>Shire and RAP Committee</p> <p>CDO and RAP Committee</p>	Ongoing	<p>Events include audience participation and interaction and opportunities for people to build positive relationships with one another.</p> <p>Database developed and made available to Shire staff electronically for event organising, and updated regularly.</p> <p>Aboriginal performers and providers are considered and included in major events where appropriate.</p> <p>Bus Tour being well attended by a diverse mix of community members.</p>
2	<p>CONSULTATION:</p> <p>2.1 Review of 'Stakeholder Consultation Processes.</p>	Shire	Ongoing	Review to be undertaken of Consultation Processes and medium used to improve Community feedback to RAP and Council on culturally relevant issues.
3	<p>RAP COMMITTEE:</p> <p>3.1 RAP Committee to meet regularly and to actively monitor RAP development, including implementation of actions and progress tracked.</p>	CEO / CDO	Quarterly	<p>The Committee to meet quarterly.</p> <p>Ongoing review of membership to ensure equitable representation across the local Noongar families.</p> <p>The RAP Committee is actively monitoring the RAP development, process to track achievements and opportunities for the future.</p>
4	<p>SENIORS:</p> <p>4.1 Organise an event/program for Seniors to come together to build respectful relationships.</p>	CEO / CDO	1 Event per Year	Event or program held at the Community Resource Centre, Community Building or other Appropriate Venues and outcomes evaluated.
5	<p>SCHOOLS:</p> <p>5.1 Encourage regular Workshops with Principal, School Staff, School Council and Aboriginal and Islander Education Officers, and Aboriginal</p>	Shire, CDO, QDHS		Encourage that Workshop /Seminars be convened at least Annually or more frequently if required..

	Education District Office representatives, to establish stronger links.			
6	<p>COMMUNITY CONTACTS: 6.1 Establish a database of the Noongar community residents and contacts relevant to the Shire of Quairading for imparting information and Consultation.</p> <p>Formalise the structure of the group, and clearly define the family members each Noongar Elder or representative is representing.</p>	Noongar representatives / CDO	Ongoing, need commitment from identified Noongar Community Members	<p>A relevant database for the Shire of Quairading is created, and updated regularly.</p> <p>Ease of communication with the complete Noongar community, through clearly defined representatives.</p>
7	LAW AND ORDER 7.1	WA Police		Stronger linkage between Noongar Community, RAP Committee and Quairading Police Officers, or District Officers from Northam.

RESPECT

Respect for the local Noongar people and those from other areas who have settled in Quairading is an essential Foundation for building meaningful relationships and ensuring full participation in the community. An understanding of Noongar culture and history is central to respect. Making this visible through events, art, signage, promotion and cultural protocols demonstrates our recognition and appreciation for the diversity of people in our community and the significance of land, culture and history.

FOCUS AREAS

Visible recognition of Indigenous cultures, history and peoples and protocols.

	Action	Responsibility	Timeline/ Resources	Measurable Target
8	<p>ABORIGINAL CULTURAL AWARENESS: 8.1 Where and when appropriate Community Development Officers to arrange annual meetings with relevant community groups and assist with the delivery of a short Cultural Awareness session. Appropriate local presenters to be sourced</p> <p>8.2 Cultural Awareness Training trialled at the Quairading Youth Centre, open to all youth.</p> <p>8.3 Arrange the delivery of Aboriginal Cultural Awareness and Development Training to staff.</p>	<p>CEO / CDO</p> <p>CDO/Youth Centre</p> <p>CEO</p>	Once a year	<p>Development Officer arranging short Cultural Awareness Sessions at annual Community meetings.</p> <p>Training is offered at the Youth centre, and outcomes evaluated.</p> <p>Council's workforce planning and documentation.</p>
9	<p>FLAG FLYING: 9.1 Installation of second Flag Pole.</p> <p>9.2 Fly the Australian Aboriginal</p>	Shire Staff	<p>Achieved January 2015</p> <p>Ongoing</p>	The flag is flown daily in front of the

	flag daily. Include a Flag Raising Ceremony at appropriate times / events.			Shire Administration Centre. Other Flag Raising ceremonies take place at least during NAIDOC Week.
10	<p>PROCEDURES, POLICIES AND STRATEGIES:</p> <p>10.1 Include an 'Acknowledgement of Country' in each of Council's Meetings and Citizenship Ceremonies.</p> <p>10.2 Create a list of 'Welcome to Country' providers.</p>	RAP Committee / Elders	<p>March 2015</p> <p>June 2015 and ongoing</p>	<p>An 'Acknowledgement of Country' is included in each of Council's Meetings and Citizenship Ceremonies.</p> <p>Information on providers is available for event organisers and the public. RAP Committee encourages younger community members to be involved.</p>
11	<p>EVENTS:</p> <p>11.1 Provide the opportunity for Indigenous employees to participate in appropriate NAIDOC events, to engage with their culture and community.</p>			Aim for less barriers to Indigenous employees participating in Cultural relevant activities.
12	<p>ABORIGINAL HISTORY IN QUAIRADING:</p> <p>12.1 Collect and document stories of local Noongar areas and their history.</p> <p>12.2 Publish Noongar history stories in the Banksia Bulletin, as an ongoing monthly series.</p> <p>12.3 Create and publish a Noongar history brochure.</p> <p>12.4 Have more Noongar history incorporated into current tourist brochures.</p> <p>12.5 Source potential funding for permanent Noongar-focussed displays in the Old Railway Station Visitors Centre and the CRC, as well as signage around the town and district.</p>	<p>RAP Committee / CDO's/Elders</p> <p>Shire, CDO, Noongar representatives.</p>	<p>Utilise Michael Ward and his involvement in Noongar Tourism out of Northam.</p>	<p>Potential grant funding has been researched, identified and applied for if feasible.</p> <p>Stories are documented in digital form for safe keeping.</p> <p>Pages are prepared and publish on a monthly basis in the Banksia Bulletin.</p> <p>Noongar history brochure is created and published in hard copy and online formats.</p> <p>Current tourist brochures are revised and Noongar content is included.</p> <p>Funding opportunities are investigated.</p>
13	<p>VENUE HIRE:</p> <p>13.1 Council sponsors RAP Events by providing room hire which can be accommodated within the RAP budget within the CDO Annual Budget.</p>	Shire	Ongoing	

OPPORTUNITIES

By creating employment, economic, educational and other opportunities for Indigenous people in our region, the Shire of Quairading will assist where possible to improve services, and achieve full participation of all its residents and visitors.

FOCUS AREAS

Inclusion, employment, health and healing and cultural opportunities.

	Action	Responsibility	Timeline/ Resources	Measurable Target
14	<p>EMPLOYMENT: 14.1 Improve the employment outcomes for Aboriginal people, and employ more Aboriginal staff, through both identified positions, traineeships, and other roles.</p> <p>14.2 Review and adapt current recruitment procedures to ensure they are culturally appropriate.</p> <p>15.3 Research and explore the potential for a mentoring program for Aboriginal employees.</p> <p>14.4 Advertise relevant vacancies in Aboriginal specific media and other outlets</p>	<p>Whole of Community and all Agencies</p> <p>CEO</p> <p>CEO/CDO's</p>	<p>Feb 2016</p> <p>Q2 2016</p>	<p>Noongar people be actively encouraged to apply for a range of positions. Noongar people requiring training from within their own Culture, to be better educated and trained, on modern day work ethics and practices</p> <p>Procedures have been reviewed and adapted.</p> <p>A potential Mentoring program to be researched and outcomes identified.</p> <p>All Positions are advertised in the most relevant and effective medium.</p>
15	<p>SCHOLARSHIPS: 15.1 RAP Committee strongly support the merit based award systems in place at the Youth Centre and the School.</p>	RAP Committee	Ongoing	The ongoing success and positive influence on young people in these systems.
16	<p>HEALTH AND WELLBEING: 16.1 To promote health programs in the area of nutrition and physical activity for Indigenous people.</p> <p>16.2 Consider possible partnerships with organisations who can deliver Healing programs, and potential funding opportunities.</p>	<p>WA Country Health Service / Wheatbelt Aboriginal Health Service, Quairading Medical Practice / Quairading Community Resource Centre Note: Shire can provide Leadership but not Action 17.</p>		<p>Health and physical activity programs being Offered and delivered.</p> <p>Research completed, key factors identified.</p> <p>Proposals for potential actions also identified, for possible use in the future.</p> <p>Potential partnerships are identified, and grant funding opportunities researched.</p>
17	<p>CULTURAL AND VISITOR'S CENTRE: 17.1 Commence conversation on the development of a Cultural and Historical Centre and also a Business Case Study on the future use of the 'Old School' Building.</p>	CEO / Heritage Advisor		Investigate the funding for the Conservation of the 'Old School' building and seek Funding to develop a Business Case Study for the sustainable / viable use of the renovated building .
18	<p>LITERACY: 18.1 Investigate and develop partnerships with appropriate agencies (eg Education Department, Youth Centre, CRC)</p>	RAP fully supports Education Initiatives	Ongoing but commencing ASAP	Information on Literacy programs is made available to those who require it.

	to ensure literacy programs are available for adults, young people and others who require it.			
19	SMALL BUSINESS: 19.1 Promote the benefits of supplier diversity within the Shire of Quairading and encourage the use of Indigenous and local businesses.	Shire, CRC, WBN	Q3 2016	Workshop for Indigenous business opportunities. Establish partnership with Northam's Indigenous Interpretation Centre.

Tracking progress and reporting

Action	Responsibility	Timeline	Measurable Target
Shire of Quairading Councillors, Staff and RAP Committee to monitor progress	Council & CEO	Ongoing	Minutes of RAP Committee meetings are Presented to Council meetings
Shire of Quairading RAP made available to the public	Shire	Ongoing	Reconciliation Action Plan and Committee Activities be available on website and available on request in other formats
Produce RAP report annually and submit to Reconciliation Australia and to Council	Shire (via RAP)	Ongoing	

Thank you for taking the time to review the first draft of the first Reconciliation Action Plan for the Shire of Quairading. Please forward any feedback to:

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Email: cdo@quairading.wa.gov.au

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COMMITTEE MEETING STATUS REPORT

Containing any recommendations made to Council by Committees

Date / Committee	Item No	Title or Description of the Item	Resp. Officer	Resolution / Notes
11/05/2016 LEMC Mtg	Minutes	There are no recommendations requiring a Council Decision	CESM	Nil.
19/05/16 MAC Mtg.	Minutes	There are no recommendations requiring a Council Decision	Museum Curator	Nil.
26/05/16 EAC Mtg	Minutes	Two recommendations requiring Council decision as follows: Circulating a notice to Toodyay Residents in respect to illegal firewood collection; and The placement on Solar PV panels on any redevelopment of a Council owned asset.	MPD	These will appear in the minutes of the Environmental Advisory Committee Meeting held on 26 May 2016.

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