

CITY OF ARMADALE

AGENDA

OF COMMUNITY SERVICES COMMITTEE TO BE HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 4 AUGUST 2020 AT 6.00PM.

PRESENT:

APOLOGIES: Cr Silver (Leave of Absence)

OBSERVERS:

IN ATTENDANCE:

PUBLIC:

“For details of Councillor Membership on this Committee, please refer to the City’s website – [www.armadale.wa.gov.au/your council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read.

DECLARATION OF MEMBERS' INTERESTS

QUESTION TIME

Public Question Time is allocated for the asking of and responding to questions raised by members of the public.

*Minimum time to be provided – 15 minutes (unless not required)
Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>*

It is also available in the public gallery.

The public's cooperation in this regard will be appreciated.

DEPUTATION

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Community Services Committee Meeting held on 7 July 2020 be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN

Report on Outstanding Matters – Community Services Committee

If any of the items from the information bulletin require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.

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COMMUNITY SERVICES COMMITTEE

4 AUGUST 2020

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1.1 - HARRISDALE LIBRARY - REQUEST FOR PROPOSAL

WARD : LAKE
FILE No. : M/18/20
DATE : 10 January 2020
REF : GD/AB
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- Negotiations have been undertaken to determine commercial terms for the lease and construction of a library facility in the Harrisdale District Centre.

Recommend that:

- Council endorse the Commercial Terms contained in the Confidential Attachment.
- Authorise the Chief Executive Officer and Mayor to execute a lease agreement incorporating the details in the confidential attachment to this report.
- Authorise the Chief Executive Officer to exercise all rights available and duties incumbent on the City under the lease.
- Consideration of lease versus ownership of the City's libraries be included in the next review of the Library Strategic Plan.

Tabled Items

Nil

Decision Type

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

1.3 The Community has the services and facilities it needs.

- 1.3.2 Deliver Services
 - 1.3.2.2 Implement Library Strategy

Legislation Implications

Assessment of legislation indicates that the following are applicable:

- Section 3.59 *Local Government Act 1995* – Commercial enterprises by local governments
- Part 3 *Local Government (Functions and General) Regulations 1996* – Commercial enterprises by local governments.

The subject of the Request for Proposal is an exempt land transaction within the meaning of s.3.59 of the *Local Government Act 1995*.

Council Policy/Local Law Implications

Assessment of Policy/Local Law indicates that the following is applicable:

- Council Policy ADM 19 – Procurement of Goods and Services

Budget/Financial Implications

The current Long Term Financial Plan includes:

- One off costs of \$2,470,000 and ongoing annual costs of \$1,391,000 for the establishment of a library service in Harrisdale to be operative by 2021.

One off costs include contract negotiation and capital cost for fit out. Ongoing costs include loan repayments, lease costs, facility outgoings, employment, library resources, and ICT costs.

Consultation

1. Councillor workshop
2. ELT
3. Community Planning
4. City Projects
5. Jones Lang LaSalle
6. Kott Gunning Lawyers

BACKGROUND

At its meeting of April 15 2019, Council endorsed the Library Strategic Plan 2019-2026, adopting a number of key recommendations, including:

- 3.1 *Support the development of a Library in, or adjacent to the Harrisdale District Centre, to be operative in 2021.*

The City's Corporate Business Plan 2019-2024 identifies a library of approximately 1,000 sqm to be located in or adjacent to the Harrisdale Shopping Centre. Funding is provided in the Long Term Financial Plan for the fitout of a library in a leased facility to be operating by 2021.

The City has been considering potential sites, regarding the location of a public library in the Harrisdale District Centre, for a number of years. In May 2019, a Request for Quotation (RFQ/35/19) for Property Advisory Services for Leasing Commercial Space for a Public Library in Harrisdale was awarded to Jones Lang LaSalle (JLL). JLL proceeded to investigate potential sites for a public library in Harrisdale.

In October 2019, Council considered a further report and resolved the following (C40/10/19).

That Council:

- 1. Endorses the City entering into negotiations with Stockland to secure a site and commercial terms for a library of 1,000sqm located on Yellowwood Avenue, Harrisdale.*
- 2. Investigate improvements to the pedestrian crossing points on Yellowwood Avenue to ensure adherence to the Australian Standards and MRWA requirements, considering the number of pedestrians expected to be attracted to the precinct, and the traffic generated by the complex.*
- 3. Negotiates to include an option to relocate the library within the future Stage 2 development of the Harrisdale Shopping Centre.*

DETAILS OF PROPOSAL

Following endorsement of the recommendation in October 2019, City Officers and representatives from Jones Lang LaSalle (acting on behalf of the City), entered into negotiations with Stockland regarding commercial terms for the construction and lease of library premises. A summary of the commercial terms is contained in Confidential Attachment 1, and Close-out Report from Jones Lang LaSalle in Confidential Attachment 2.

In accordance with Council's direction, a first right of refusal has been negotiated on the option to lease additional or alternative suitable premises of a minimum 1,000sqm within a future Stage 2 development of the Harrisdale Shopping Centre.

Investigation of potential improvements to pedestrian crossing points on Yellowwood Avenue are ongoing, however an external consultant has been engaged to undertake an independent road safety audit to ensure crossing points will be compliant with the relevant Australian Standards and Main Roads WA requirements.

COMMENT

Commercial terms have been drafted and presented to the City, the details of which are contained in the confidential attachment. Design for the new premises are yet to be finalised, however the space requirements and footprint address the current and future needs of the library.

Following acceptance of commercial terms, Stockland Developments will commence the design and construction of the library shell. The City will then commence design for the fit-out. Given that the proposed tenancy requires construction works to be undertaken by the Landlord, it is envisioned that the City's fit-out design process will be complete in time to commence the fit-out construction as soon as the tenancy is ready for handover.

OPTIONS

Given the changing market conditions which have transpired since negotiations with Stockland Developments first commenced (COVID-19 pandemic), it seems appropriate to revisit the option of the City building and owning the library, rather than a lease arrangement.

A study of available land in the vicinity of the Harrisdale town site was undertaken. There are limited areas managed or owned by the City in Harrisdale that would be suitable for a library. The closest Reserve to the Harrisdale Town Centre managed by the City is Yellowwood Park.

The original planning for the area proposed a wider area for this Reserve fronting Yellowwood Avenue, to provide a local park close to the proposed Harrisdale shopping centre and the ability to explore possible community facilities on this land, if the need arose in the long term.

This land does have some servicing and drainage constraints that would affect the use of the land, however more importantly, the site would be difficult to construct a library on this Reserve, given its scale and parking requirements, impacts on nearby residents and is further separated from the “main street” and Shopping Centre for visitors.

The only other land in the vicinity, suitable for the proposed library, is owned by Stockland Developments. Stockland Developments have notified the City (in writing) that they have no interest in selling any part of the Harrisdale Town Centre.

Through its library strategies, Council has resolved that place (location) is the primary consideration in the siting of its libraries, and by preference in or near town centres. Council has responded to both opportunity and necessity imposed by external influences and in the past has determined to lease property for its new or relocated libraries. The main consideration for this has been to allow for a more agile and timely response to secure a preferred location without the requirement for significant loan borrowings and land development costs.

It is timely for Council to consider the benefits of leasing versus ownership in respect to future library developments and changes in existing libraries, for example the Armadale Library in the context of future use of the City’s Civic Precinct buildings. This will be taken into consideration with the review of the Library Strategic Plan which is scheduled for approximately 12 months after the opening of Harrisdale Library.

Council has the following options

1. Endorse the Commercial Terms contained in the Confidential Attachment.
 2. Not endorse the Commercial Terms and request that further negotiations be undertaken.
- Option 1 is recommended.

CONCLUSION

The City's previously adopted recommendations have been founded on the importance of place and the co-location of libraries, preferably within town centres. Council's recommendation to enter into negotiations with Stockland to secure a site and commercial terms for a library in Harrisdale is consistent with to this strategy.

Supporting the recommendation to accept the Commercial Terms will enable Council to proceed with formalizing the Agreement for Lease and Lease for a library service in Harrisdale.

RECOMMEND

- 1. Endorse the Commercial Terms contained within the confidential attachment to this report for the Harrisdale Library lease.**
- 2. Authorise the Chief Executive Officer and Mayor to execute a lease agreement incorporating the details in the confidential attachment to this report.**
- 3. Authorise the Chief Executive Officer to exercise all rights available and duties incumbent on the City under the lease.**
- 4. Note that consideration of the benefits of leasing versus ownership be included in the next review of the Library Strategic Plan.**

ATTACHMENTS

1. Confidential Attachment - Harrisdale Library Commercial Terms - *This matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as it deals with the matter relates to a contract entered into or which may be entered into by the City of Armadale*
2. Confidential Attachment - Close Out Report Harrisdale Library 22.06.20 - *This matter is considered to be confidential under Section 5.23(2) (c) (d) of the Local Government Act, as it deals with the matter relates to a contract entered into or which may be entered into by the City of Armadale; AND the matter involves legal advice obtained or which may be obtained by the City of Armadale*

****2.1 - REVIEW OF DELEGATION TO THE CEO - BUSH FIRES ACT 1954**

WARD : ALL
FILE No. : M/408/20
DATE : 16 July 2020
REF : KD
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- On 22 June 2020, Council adopted a schedule of SOHAG meetings, as part of the process for facilitating a thorough and systematic review of Council's policies and delegations.
- This report proposes:
 - Amendments to existing delegations under the *Bush Fires Act 1954*; and
 - New delegations from Council to the Chief Executive Officer and Officers.
- It is recommend that Council approve the amended and new delegations as detailed in the recommendation and as attached to this report.

Tabled Items

Nil

Decision Type

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

- 1.3 The community has the services and facilities it needs
- 1.3.2 Deliver Services
- 1.3.2.3 Deliver initiatives that respond to local law enforcement and legislative compliance
- 4.1 Visionary Civic Leadership and Sound Governance
- 4.1.2 Make Decisions that are sound, transparent and strategic

- 4.1.2.1 Implement policies and associated delegations to improve transparency of decisions.

Legal Implications

Bush Fires Act 1954

- s48 – Delegation by local governments
- s59 – Prosecution of offences
- Part 3, Division 2 – Prohibited burning times

Interpretation Act 1984:

- s53 - Appointments may be by name or office
- s58 - Delegates, performance of functions by
- s59 - Power to delegate, effect of

Council Policy/Local Law Implications

Council Policy – Fire 1- Fire Breaks

Budget/Financial Implications

Nil

Consultation

1. Standing Order House Advisory Group (SOHAG)
2. Executive Leadership Team (ELT)
3. Ranger and Emergency Services
4. Governance and Administration

BACKGROUND

On 22 June 2020, Council adopted a schedule (Recommendation CS26/6/20) of SOHAG meetings as part of the process for facilitating a thorough and systematic review of Council's policies and delegations. The second SOHAG meeting was held on 8 July 2020, with the following delegations now ready to be presented to Council via the Community Services Committee.

- *Bush Fires Act 1954* – Powers and Functions of Local Government
- Variations to Prohibited and Restricted Burning Periods
- *Bush Fires Act 1954* – Prosecution of Offences (new)
- *Bush Fires Act 1954* – Withdrawal of Infringements (new)

DETAILS OF PROPOSAL

It is proposed that Council adopt the proposed new and amended delegations as detailed below and as attached to this report.

Proposed amended delegations:

Delegation Name	Delegated To
<i>Bush Fires Act 1954 – Powers and Functions of Local Government</i>	Chief Executive Officer
Variations to Prohibited and Restricted Burning periods	Chief Bush Fire Control Officer & Mayor (Jointly)

Proposed new delegations:

Delegation Name	Delegated To
<i>Bush Fires Act 1954 - Prosecution of Offences</i> [^]	Chief Bush Fire Control Officer Chief Executive Officer Coordinator Ranger Services Fire Prevention Officer Manager Ranger & Emergency Services Senior Ranger
<i>Bush Fire Act 1954 - Withdrawal of Infringements</i> [^]	Chief Executive Officer Mayor

COMMENT

A delegation authorises persons or a class of persons to exercise powers that the Council could ordinarily exercise. The City of Armadale has established and maintains a Delegations Register in accordance with s5.46 of the *Local Government Act 1995* which is contained within the Attain system.

The review of the City’s delegations under the *Bush Fires Act 1954* has resulted in reaffirming existing delegations with little change and the introduction of two new delegations.

The reaffirmation of the existing delegations still proposes to delegate to the Chief Executive Officer any of its functions under section 48 of the *Bush Fires Act 1954* (unless the contrary is shown) and still proposes that the power to vary the prohibited burning times and restricted burning times be jointly determined by the Mayor and Chief Bush Fire Control Officer. With only minor changes proposed to these delegations to elaborate on the express power or duty and record keeping requirements.

The delegation proposed for Prosecution of Offences, under section 59(3) of the *Bush Fires Act 1954*, provides for delegated authority to be given to the Chief Executive Officer and other Officers to institute and carry on proceedings against any person alleged to have committed an offence. This has not previously been captured as a Delegation from Council, but has been undertaken as a power of an Authorised Officer. The introduction of this delegation is to accurately depict where this power is derived from.

The last delegation proposed – Withdrawal of Infringements, is not technically a delegation but a prescribed power – meaning the legislation actually stipulates that the Mayor/President or Chief Executive Office being prescribed officers can choose to withdraw an infringement in their own right.

However, in order to easily reference who has this power and to clearly demonstrate where the power comes from we are proposing to capture this power in the delegations register. This will also allow us to keep a record of when an infringement has been withdrawn.

As these delegations are only some of many that will be presented as part of the full review process, the numbering and formatting will need altering to suit the overall format of the delegations register once all delegations have been reviewed. To this end, Council approval is sought to allow any necessary formatting requirements to be done administratively. There will be no change to the content of the delegations.

OPTIONS

1. Adopt the recommendation as proposed to approve new and/or amend existing delegations.
2. Not adopt the recommendation to approve new and/or amend existing delegations.
3. Adopt a variation to the proposed delegations.

CONCLUSION

To provide the administration with appropriate powers to undertake the duties required of a local government in an efficient and effective manner, option 1 is recommended as detailed in the recommendation below.

RECOMMEND

That Council:

- 1. Approves the following delegations inclusive of amendments and as presented in the attachment to this report, in accordance with sections 17(10), 48, and 59(3) of the *Bush Fires Act 1954***
 - a. *Bush Fires Act 1954* – Powers and Functions of Local Government**
 - b. Variations to Prohibited and Restricted Burning Periods**
 - c. *Bush Fires Act 1954* – Prosecution of Offences**
 - d. *Bush Fires Act 1954* – Withdrawal of Infringements**
- 2. Grant authority to the CEO to make administrative changes to numbering and formatting of all reviewed delegations, as approved by Council, upon completion of the full review. This authority does not extend to amending the content.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED

ATTACHMENTS

1. [↓](#) Proposed Bush Fire Delegations for Approval (Amended and New).pdf
2. [↓](#) Existing Delegations (proposed to be amended)

*****3.1 - TENDER 1/20 - COMMERCIAL POOL PLANT AND WATER TREATMENT,
PREVENTATIVE, REACTIVE AND MINOR CAPITAL WORKS***

WARD : ALL
FILE No. :
DATE : 11 October 2017
REF : AW
RESPONSIBLE Executive Director
MANAGER Community Services

In Brief:

- Tender 1/20 was recently advertised for Commercial Pool Plant and Water Treatment, Preventative, Reactive and Minor Capital works for Armadale Fitness and Aquatic Centre (AFAC)
- Four (4) compliant tenders were received and evaluated against compliance and qualitative criteria.
- This report recommends that Council award Tender 1/20 to Commercial Aquatics Australia.

Tabled Items

Nil

Decision Type

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

- 1.3 The community has the services and facilities it needs
 - 1.3.1 Plan for services and facilities in existing and emerging communities
- 2.2 Attractive and functional public places
 - 2.2.1 Deliver attractive and functional streetscapes, open spaces, City buildings and facilities
- 2.3 Well managed infrastructure
 - 2.3.2 Ensure maintenance activities address required levels of service

Legal Implications

Assessment of legislation indicates that the following is applicable:

- Section 3.57 *Local Government Act 1995* – Tenders for providing goods or services
- Division 2 *Local Government (Functions and General) Regulations 1996* – Tenders for providing goods or services

Council Policy/Local Law Implications

Assessment of Policy/Local Law indicates that the following is applicable:

- Council Policy ADM 19 – Procurement of Goods or Services

Budget/Financial Implications

The proposed expenditure can be accommodated in the 2020/21 Budget and Long Term Financial Plan estimates commensurate with the successful tenderer recommended in this report.

Consultation

- Intra Directorate

BACKGROUND

Tender 1/20 for Commercial Pool Plant and Water Treatment, Preventative, Reactive and Minor Capital works was advertised in the 25 April 2020 edition of the West Australian newspaper and on the City of Armadale website.

Tender 1/20 requested suitably qualified and resourced commercial swimming pool servicing contractor's to supply effective planned routine maintenance, minor works, capital works and reactive repairs for the pool plant room equipment and associated infrastructure at AFAC.

The servicing is to include twelve (12) monthly services, quarterly, bi-annual and annual servicing on nominated plant room equipment and infrastructure, as per manufactures specifications, Aquatic Code of Practise and relevant Australian Standards.

DETAILS OF PROPOSAL

Council approval is sought to award the tender for Commercial Pool Plant and Water Treatment, Preventative, Reactive and Minor Capital Works for a period of twelve (12) months with an option to extend for a further four (4) periods of twelve (12) months each, subject to satisfactory performance.

COMMENT

Tender 1/20 closed at 2.00pm (AWST) on 16 May 2020. Tenders were received from:

	Tenderer's Name
1.	Aquatic Services WA Pty Ltd
2.	Trility Solutions Pty Ltd
3.	Commercial Aquatics Australia Pty Ltd t/as Commercial Aquatics Australia
4.	Trisley's Hydraulic Services Pty Ltd

No applications were received after the close of deadline.

The submitted applications were assessed against compliance criteria and all were found to be conforming.

An evaluation of the four (4) compliant tenders was undertaken having specific regard to the Qualitative Criteria:

Criteria	Weighting
Relevant Experience	30%
Key Personnel Skills and Experience	20%
Capacity and Timeframes	25%
Sustainable Impacts	10%
Price	15%

Upon completion of the two stage evaluation, final scores and pricing were entered into the Evaluation Matrix as shown in the Confidential Attachment, where a final analysis took place to determine the most suitable Tenderer.

CONCLUSION

Tenders for Commercial Pool Plant and Water Treatment, Preventative, Reactive and Minor Capital works were recently invited with four (4) tenders being received and assessed by an evaluation panel against compliance and qualitative criteria.

The result was that the tender received from Commercial Aquatics Australia represented the most advantageous tender to the City.

The evaluation panel therefore recommends that the contract be awarded to Commercial Aquatics Australia for a period of twelve (12) months with an option to extend for a further four (4) periods of twelve (12) months each, subject to satisfactory performance.

NB: The Confidential Attachment to this report detailing the recommended tenderer's price/consideration will be made public when Council has accepted the successful tender.

RECOMMEND

That Council, in regard to Tender 1/20 for Commercial Pool Plant and Water Treatment, Preventative, Reactive and Minor Capital Works:

- 1. Accept the tender from Commercial Aquatics Australia for a period of twelve (12) of months in accordance with:**
 - **The tenderer's submitted lump sum consideration, as presented in Confidential Attachment 1**
 - **Council's contract documentation, Budget and Long Term Financial Plan estimates**
- 2. Authorise the Chief Executive Officer to extend the contract for four (4) periods of twelve (12) months, subject to satisfactory performance by the contractor and price adjustments, as specified in the Request for Tender Special Conditions of Contract Clause 4.1.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED

ATTACHMENTS

1. Pool Plant - Confidential Attachment 2 for Council Reports - Evaluation Summary Report - *This matter is considered to be confidential under Section 5.23(2) (c) of the Local Government Act, as it deals with the matter relates to a contract entered into or which may be entered into by the City of Armadale*

COUNCILLORS' ITEMS

Nil

EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT _____

COMMUNITY SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
4 AUGUST 2020		
ATT NO.	SUBJECT	PAGE
2.1 REVIEW OF DELEGATION TO THE CEO - BUSH FIRES ACT 1954		
2.1.1	Proposed Bush Fire Delegations for Approval (Amended and New).pdf	19
2.1.2	Existing Delegations (proposed to be amended)	23



Proposed Delegations for Approval

Delegation of authority

Delegation	NEW TBC Bush Fires Act 1954 - Powers and Functions of Local Government (DRAFT)
Category	Ranger and Emergency Services (New)
Head of power	<i>Bush Fires Act 1954</i>
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s48 Delegation by local governments
Express power or duty delegated	<i>Bush Fires Act 1954</i> s48(1) ...the performance of any of its functions under this Act.
Function	Delegate all duties, powers and functions of the local government under the <i>Bushfires Act 1954</i> .
Delegates	Chief Executive Officer
Conditions	<i>Bush Fires Act 1954</i> s48(4) <i>Nothing in this section is to be read as limited the ability of the local government to act through its council, members of staff or agents in the normal course of business.</i> This delegation excludes powers and duties that: <ul style="list-style-type: none"> 1. are prescribed in the Act with the requirement for a resolution by the local government; 2. are prescribed in the Act for performance by appointed Officers 3. are subject to separate delegated authority within this register; or 4. s33(5a) - making of local laws.
Express power to subdelegate	NIL - sub-delegation is prohibited by s48(3)
Statutory framework	<i>Bushfires Act 1954</i> <i>Bush Fire Regulations 1954</i>
Policy	FIRE 1 - Firebreaks FIRE 3 - Local Government Bush Firefighter Training
Record keeping	The exercise of this delegation is to be recorded in Attain.



Delegation of authority

Delegation	NEW TBC Variations to prohibited and restricted burning periods (DRAFT)
Category	Primary Delegations (Other)
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s17(10) Delegation by Local Government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s17(7)(a) shortening, extending, suspending or reimposing a period of prohibited burning times s17(7)(b) impose a further period of prohibition burning times s17(8) give notice of any variation s18(5)(a)(i) shortening, extending, suspending or reimposing a period of restricted burning times; s18(5)(a)(ii) imposing a further period of restricted burning times; s18(5)(b) vary the prescribed conditions by modifying or suspending all or any of those conditions.
Function	After consultation with an authorised CALM Act Officer if forest land is situated in the district, vary the prohibited and restricted burning times in respect of that year in the district or part of the district.
Delegates	Chief Bush Fire Control Officer Mayor
Conditions	Decisions under s17(7) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer, in accordance with section 17(10) and must comply with the procedural requirements of s17(7)(b) and (8).
Express power to subdelegate	NIL - sub-delegation is prohibited by s48(3).
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
Policy	Nil
Record keeping	The exercise of this delegation is to be recorded in Attain by the Chief Bush Fire Control Officer and the record number is to be referenced in the details section.



Delegation of authority

Delegation	NEW TBC Bush Fires Act 1954 - Prosecution of Offences (DRAFT)
Category	Ranger and Emergency Services (New)
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s48 Delegation by local government s59(3) Prosecution of offence - delegation
Express power or duty delegated	Bush Fires Act 1954 s59 Prosecution of offences s59A(2) Alternative Procedure - infringement notice
Function	Authority to: <ol style="list-style-type: none"> 1. Institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s59]. 2. Serve an infringement notice for an offence against this Act s59A(2).
Delegates	Chief Bush Fire Control Officer Chief Executive Officer Coordinator Ranger Services Fire Prevention Officer Manager Ranger & Emergency Services Senior Ranger
Conditions	<ol style="list-style-type: none"> 1. Authority to institute or initiate a prosecution must have the express approval of the CEO, or where deemed by the CEO by the approval of Council, prior to commencement. 2. The CEO must not issue an infringement notice under section 59A, as the CEO has the power with withdraw infringements under r4(a) of the <i>Bush Fire (Infringement) Regulations 1978</i>.
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3).
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fires (Infringement) Regulations 1978</i>
Policy	Nil
Record keeping	The exercise of this delegation is to be recorded in Attain.



Delegation of authority

Delegation	NEW TBC Bush Fire Act 1954 - Withdrawal of Infringements (Prescribed Power*) (DRAFT)
Category	Ranger and Emergency Services (New)
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires (Infringement) Regulations 1978</i> r4(a) - Prescribed Officers <i>*NOTE: This is not a delegated authorisation, this legislation prescribes who can withdraw infringements under the Bush Fires Act 1954, this being specifically the CEO and the Mayor. This prescribed power has been included within the Delegations register for ease of reference and clarity purposes.</i>
Express power or duty delegated	<i>Bush Fires Act 1954</i> s59A(5) - Alternative procedure - infringement notices
Function	Withdrawal of an infringement notice at any time within 60 days after the service of the notice for an offence against this Act.
Delegates	Chief Executive Officer Mayor
Conditions	Nil
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3).
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fire (Infringement) Regulations 1954</i>
Record keeping	The exercise of this prescribed power is to be recorded in Attain.

Existing Delegations - Proposed to be amended

Delegation	CS 10.0 Powers and Functions of Local Government - Bushfires Act 1954
Category	Primary Delegations - Council to CEO
Delegator	Council
Express power or duty delegated	Delegate all duties, powers and functions of the local government under the Bushfires Act 1954: Includes the authority to: appoint officers to Fire Control Officers for the City of Armadale and to the Volunteer Bush Fire Brigades as established within the City of Armadale in accordance with S41 and 43 of the Act.
Delegates	Chief Executive Officer
Conditions	Excludes the powers and duties that are prescribed in the Act with the requirement for a resolution by a local government.
Statutory framework	Bushfires Act 1954
Policy	Nil
Date adopted	13 May 2019
Adoption references	Resolution - C17/5/19
Last reviewed	13 May 2019

Existing Delegation - Proposed to be amended

Delegation	CS 4.0 Variations to prohibited and restricted burning periods
Category	Primary Delegations (Other)
Delegator	Council
Express power or duty delegated	The Mayor and Chief Bush Fire Control Officer be given delegated authority to jointly vary the prohibited and restricted burning periods in accordance with s17(7) and 17(8).
Delegates	Chief Bush Fire Control Officer Mayor
Conditions	Subject to Sections 17(7) and 17(8) of the Act.
Statutory framework	Section 17(7), 17(8) and 17(10) of the Bush Fires Act 1954
Policy	Nil
Date adopted	13 May 2019
Adoption references	Resolution - C17/5/19
Last reviewed	13 May 2019

Existing Delegation - Proposed to be amended