

# CITY OF ARMADALE

## MINUTES

OF COMMUNITY SERVICES COMMITTEE HELD IN THE FUNCTION ROOM,  
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 6  
JUNE 2023 AT 7:00PM.

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**PRESENT:** Cr M Silver (Chair)  
Cr M S Northcott (Deputy Chair) (from 7:12pm)  
Cr K Busby  
Cr E J Flynn  
Cr P A Hetherington (Deputy for Cr Northcott until 7:12pm)  
Cr J Keogh  
Cr S J Mosey  
Cr S Peter JP (Deputy for Cr Kamdar)

**APOLOGIES:** Cr K Kamdar

**OBSERVERS:** Cr R Butterfield (Mayor)  
Cr G J Smith

<b>IN ATTENDANCE:</b>	Ms J Abbiss	CEO
	Mrs S van Aswegen	Executive Director Community Services
	Ms J Cranston	Executive Assistant Community Services
	Mr M Andrews	Executive Director Technical Services ( <i>via Teams</i> )
	Mr D Baker	Senior Governance Officer ( <i>via Teams</i> )
	Mr C Halpin	Manager Recreation Services
	Mrs C Whittington	Community Facilities Planning Coordinator
	Mrs W Stanley	Community Facilities Planning Advisor
	Ms D Koelen	Community Planning Project Officer

**PUBLIC:** Nil

*“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**

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The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read as there were no members of the public present.

## **DECLARATION OF MEMBERS' INTERESTS**

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Nil

## **QUESTION TIME**

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Nil

## **DEPUTATION**

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Nil

## **CONFIRMATION OF MINUTES**

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## **RECOMMEND**

**Minutes of the Community Services Committee Meeting held on 2 May 2023 be confirmed.**

**Moved Cr J Keogh**

**MOTION CARRIED**

**(7/0)**

## **ITEMS REFERRED FROM INFORMATION BULLETIN**

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Report on Outstanding Matters – Community Services Committee

Items referred from the Information Bulletin – Issue 7 – May 2023

*None of the items from the Community Services Information Bulletin required clarification or a report for a decision of Council.*

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## COMMUNITY SERVICES COMMITTEE

6 JUNE 2023

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## ***1.1 - PUBLIC ART POLICY***

WARD : ALL  
FILE No. : M/247/23  
DATE : 10 May 2023  
REF : RM  
RESPONSIBLE : Executive Director  
MANAGER : Community Services

### **In Brief:**

- This report presents an amended draft Policy: *Public Art*
- Recommend that Council:  
Endorse the amended draft Policy: *Public Art*

### **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**

#### **Community**

##### **1.1 *Foster and Strengthen Community Spirit***

- 1.1.1 Facilitate a dynamic calendar of events, festivals and cultural activities that activate suburbs, foster community connections, celebrate the diversity of the community, encourage a sense of place for residents as being part of the City of Armadale and to attract "first-time" visitors to the City in order to contribute to changing the narrative regarding Armadale.

#### **Environment**

##### **2.2 *Attractive and Functional Public Spaces***

- 2.2.4 Develop, improve and maintain quality parks, playgrounds and public open space throughout the City

## **Leadership**

### **4.1 Strategic Leadership and Effective Management**

#### **4.1.5 Establish comprehensive governance policies and processes**

## **Art and Culture Strategy 2021 – 2025**

### **Legal Implications**

*Local Government Act 1995:*

s2.7 – The role of the Council – “(2) (b) determine the local government’s policies”

### **Council Policy/Local Law Implications**

PLN 3.12 Percent for Public Art (Local Planning Policy)

This Policy – *Public Art* will be added to the City’s Policy Manual as an amended policy.

### **Budget/Financial Implications**

The public art component of the current policy comprises an annual budget allocation of \$100,000 every second financial year. In addition, developers may contribute funds as per the PLN 3.12 Percent for Public Art (Local Planning Policy).

### **Consultation**

1. Executive Leadership Team (ELT)
2. Development Services Directorate

## **BACKGROUND**

Council policies are an essential part of Council’s governance framework. They guide Council and Officers in their decision making. Policies can be developed to respond to legislative requirements, discretionary legislated powers and/or non-legislated functions/activities of Council.

The objective of the amended draft Policy: *Public Art* is to provide an administrative framework for public art commissions, maintenance and management of all aspects of public art across the City of Armadale.

With regards to the scope of the draft Policy, it applies to City staff and external organisations looking to establish new artworks, maintain or decommission existing public artworks across the City. Public art is diverse in nature and it is recognised that different approaches are often required depending on the artwork’s purpose, expected life and the budget commitment.

### **The City’s Art and Culture Strategy**

In June 2022 (CS29/6/22), Council endorsed the following recommendation pertaining to the draft Arts and Culture Strategy 2022 – 2026:

1. *Endorse the proposed Arts and Culture Strategy 2022 – 2026.*
2. *Amend the adopted 2022/23 Annual Budget to include funds of \$25,000 for the Music in the Mall program.*

The endorsed Arts and Culture Strategy contains a section dedicated to Public Art. The amended draft Public Art Policy provides detail on the processes and management required to implement the Strategy.

Amendment to the draft Public Art Policy

At the Ordinary Council Meeting on 8 May 2023 (C12/5/23), Council resolved:

*That Recommendation C12/5/23 be not adopted and recommitted to the next Community Services Committee.*

The draft Policy is therefore being recommitted with the added amendment that Council will make a decision at the commencement of the process of commissioning of medium to long term public art valued at \$50,000 and over with regards to the location, budget and a brief direction for the theme. This amendment will appear in the Types of Commissions table on page six and under the heading Public Art Approvals on page nine of the Policy.

## DETAILS OF PROPOSAL

It is proposed that Council adopt the amended draft Policy: *Public Art*. The Policy cites definitions, terms and priorities relating to the City's process of managing public art, and details the following categories:

- Key Themes
  - Natural place
  - Vibrant community
  - History and heritage
  - Urban/rural gateway
- Artwork Plaques
- Commissioning Guidelines for City Funded Public Artwork
  - Types of commissions
  - Artist brief
  - Public art approvals
  - Concept design
  - Preparation, installation and handover
  - Artwork launch
  - Commissioning Process Chart – City funded public artwork
- Commissioning Guidelines for Privately Funded Public Artwork as part of a Development Approval Condition Clearance Request (Percent for Public Art Submission).
  - Engaging with the City of Armadale
  - Lodging a Percent for Public Art Submission
  - Percent for Public Art Submission Criteria
  - Approval criteria and process
  - Building permits
  - Practical completion criteria
  - Monetary contributions
  - Commissioning Process Chart – privately funded public artwork

- Maintaining Existing City Owned Public Artwork
- Decommissioning City Owned Public Artworks

In addition to the amalgamation of the Policy and Management Practice to align with the updated format for City policies, the key amendments of the amended draft Policy comprise guidelines for different types of public art commissions. These include medium to long term public art, community public art and temporary public art.

It also provides comprehensive detail on the City's process for managing applications from private developers.

## ANALYSIS

The amended draft Policy: *Public Art* provides clear and practical guidance for City Officers to manage public art works spanning different categories. This was an important addition, as for example, community art projects are increasingly used as an engagement tool, conducive to contributing to local ownership and pride. With larger and more iconic public art and whether funded by the City or privately, the amended draft Policy provides comprehensive guidelines to maximise the opportunity to ensure that the art work enhances the unique identity and sense of place of Armadale. The policy also makes it clear that the process of providing concept designs and formal presentations by artists is only required for commissions of >\$50,000.

## OPTIONS

Council has the following options:

1. Endorse the amended draft Policy: *Public Art*
2. Do not endorse the amended draft Policy: *Public Art*

Option 1 is recommended.

## CONCLUSION

The amended draft Policy: *Public Art* provides clarity and detail on managing public art across a range of categories. It is envisaged that once the amended draft Policy is endorsed it will allow for a more streamlined process to be applied, thus contributing to the aim of highlighting the City of Armadale's strengths in the arts field, community pride and unique identity.

## ATTACHMENTS

1. Draft COA Public Art Policy - 2023
2. Draft COA Public Art Policy - 2023 - Amendments Accepted

**RECOMMEND**

**C14/6/23**

**That Council endorse the amended draft Policy: *Public Art***

**Moved Cr J Keogh  
MOTION CARRIED**

**(7/0)**



**\*\*2.1 - COMMUNITY SERVICES DIRECTORATE - REVIEW OF DELEGATIONS**

WARD : ALL  
FILE No. : M/245/23  
DATE : 8 May 2023  
REF : DB  
RESPONSIBLE : Executive Director  
MANAGER : Community Services

**In Brief:**

- On 25 July 2022 Council reviewed all of its delegations to the CEO (Local Government Act, Dog Act, Cat Act) to ensure compliance with *Local Government Act 1995* requirements.
- This review was made on the premise that a detailed review and update of the City's delegations would continue to occur in time for the subsequent 12 month milestone.
- Tranche 1 of that detailed review is complete and delegations relevant to Community Services Directorate functions are presented for consideration.
- Recommend that Council adopt the delegations 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**

*4.1. Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes.*

**Legal Implications**

Delegations of authority are made using enabling legislation (in this case, Local Government Act, Dog Act, Cat Act) to allow Officers to exercise functions and powers that would otherwise require to be exercised by Council.

Section 5.46(2) of the *Local Government Act 1995* (LGA) requires delegations made under the Act to be reviewed at least once by the delegator in every financial year.

Similarly, section 47 of the *Cat Act 2011* and section 10AB(2) of the *Dog Act 1976* require delegations made under those acts to be reviewed by the delegator (whether it is Council or the CEO) at least once each financial year.

### **Council Policy/Local Law Implications**

New and revised delegations should not alter the ability of the City to use local laws or policies. Some policies may require an administrative amendment to reflect a change in the name of a delegation; however, the heads of power remain the same.

### **Budget/Financial Implications**

Nil

### **Consultation**

1. Directorate Managers
2. Chief Executive Officer
3. ELT
4. External legal services provider in some cases

## **BACKGROUND**

At Council's meeting on 25 July 2022, Council reviewed, for the purposes of compliance with section 5.46(2) of the LGA, section 47 of the *Cat Act 2011* and section 10AB(2) of the *Dog Act 1976*, all of the City's delegations of authority from Council to the CEO (CS36/7/22).

This followed an in-depth review commenced by the Standing Order House Advisory Group (SOHAG) in 2020 which ultimately recommended to Council to review, amend or approve a number of delegations (both existing and new) that covered a range of functions and business areas. Fifty two (52) in total were subject to review.

The review of the delegations by Council in July 2022 was made on the premise that a detailed assessment of the City's existing delegations would continue to be conducted. This would allow the City to account for changes in legislation, address any anomalies or issues with current delegations, and any operational gaps in functions and powers that are delegated.

Due to the timing of the review falling due by the end of this financial year to achieve compliance with the Act, it will not be possible for SOHAG to review the delegations and still allow the City to be compliant with legislative requirements. Consequently, the delegations are presented to committees for consideration and recommendation to Council.

## **DETAILS OF PROPOSAL**

As noted earlier, Council's review on 25 July 2022 was for the purpose of satisfying the compliance requirements of the enabling legislation behind those delegations where review by the delegator is required on an annual basis. It did not constitute a detailed review of each instrument, however, it was understood that this would continue to be done in time for the next review anniversary.

Since then, a wide ranging assessment of the City's existing delegations that had not been subject to detailed review has been conducted and benchmarked against other local governments in the Perth metropolitan area, as well as against templates provided by the Western Australian Local Government Association (WALGA). Legislative requirements were reviewed, and where necessary, advice obtained from external legal service providers on particular powers and the delegable status of those powers.

This assessment eventually led Officers to form the view that for the remaining delegations that had not been reviewed, the City's existing delegation structure, and many individual delegations, were no longer fit for purpose and did not reflect current industry practice.

In addition, the system administrators of the cloud-based Attain system, which the City uses to manage its delegations (amongst other functions) have provided an updated and improved delegated authority template to better demonstrate functions and powers that have been delegated, in detail. This was in response to requests from the City for a better template to serve a more contemporary approach to making and managing instruments of delegated authority. It was viewed as an opportunity to make a generational change to the City's instruments of delegation and improve their utility.

Where more than one delegation is identified that has the same head of power, generally a single replacement is proposed combining them. The previous reviewed delegations are proposed to be replaced like-for-like with a version using the updated format and providing expanded detail of the delegation.

The delegations are proposed to be dealt with in the following way:

**Tranche 1** – delegations that require annual review. *Local Government Act 1995, Cat Act 2011, Dog Act 1976*. Delegations in this Tranche to be presented to the respective Committees responsible for the function being administered.

**Tranche 2** – all other delegations that do not have an annual review requirement. This will include Development Services delegations and *Bush Fires Act 1954* delegations. Delegations in this Tranche are still being assessed, with internal consultation ongoing.

Delegations for the Community Services Directorate are attached to this report, numbering 13 in total. It is proposed that these delegations will replace existing delegations as follows.

#### **Local Government Act 1995 Delegations – Council to CEO**

- 1.1.3 Administration of leases and licences.** Replaces “NEW TBC Administration of Leases and Licences”. Change: revision of function delegated to better clarify the purpose and intent of the delegation.
- 1.1.6 Declare vehicle is an abandoned vehicle wreck.** Replaces “NEW TBC Declare vehicle is an abandoned vehicle wreck”. Essentially carryover of existing with some changes made to clarify powers that can be exercised.
- 1.1.7 Dealing with confiscated, impounded or uncollected goods.** Replaces “NEW TBC Confiscated or Uncollected Goods”. Change: includes functions of s. 3.42 and 3.44 of the LGA in respect of issuance of notices to an offender.

- 1.1.8 Disposal of sick or injured animals.** Replaces “NEW TBC Disposal of sick/injured animals”. Change: delegated function revised to reflect the legislative requirements of s. 3.47 and 3.48 of the LGA.
- 1.1.30 Appointment of Poundkeepers.** New instrument. Delegates the function of the *Local Government (Miscellaneous Provisions) Act 1960* to appoint persons to be poundkeepers.
- 1.1.31 Free use of local government facilities.** Replaces “CS 3.0 Free use of Facilities” and “CS 6.0 One-off use of facilities”. The two existing delegations are recommended to be deleted and their functions rolled into a single version. This is because the actual head of power to grant a concession or waive a fee (s. 6.12(1)(b) of the LGA) is the same, thus removing the need for duplication.
- 1.1.32 Donations, community grants and requests for financial assistance.** Replaces “CS 5.0 Request for assistance”. Change: delegated function revised to reflect the legislative requirements of the *Local Government (Financial Management) Regulations 1996*.
- 1.1.34 Sponsorship and grant applications, agreements and acquittals.** Replaces “NEW TBC Sponsorship and grant applications, agreements and acquittals” although this new instrument is in reality a direct carry-over of the existing one to the updated format.

#### **Local Laws Delegations – Council to CEO**

- 2.1.1 Local Law Relating to Dogs – licencing and administration.** Replaces “CS 11.0 Dog Local Law”. Change: expanded detail of the functions delegated to encapsulate the entirety of licencing functions of the Local Law.

#### **Cat Act 2011 Delegations – Council to CEO**

- 5.1.1 Cat Act 2011 – administration of functions and powers.** Replaces “NEW TBC Cat Act 2011 – Administration and enforcement”. Expanded detail of delegable enforcement functions.

#### **Dog Act 1976 Delegations – Council to CEO**

- 6.1.1 Dog Act 1976 – registration functions.** Replaces “NEW TBC Dog Act 1976 – Power or duty of the local government under any provision of this Act”. It is proposed to replace the single general existing delegation with three proposed more detailed delegations.
- 6.1.2 Dog Act 1976 – dog control and enforcement functions.** New instrument. As above.
- 6.1.3 Dog Act 1976 – administration.** New instrument. As above.

In addition to the proposed new and replacement delegations, there are two that are recommended for deletion as Officer opinion is that they are no longer required. These are:

“NEW TBC Administration of Lease to Wallangarra Riding and Pony Club Inc – Fletcher Park”

The delegation was made by Council to manage the existing lease as it stood at the time. It was also to allow a range of administrative functions and dealings to be performed by City officers in respect of the lease, as well as negotiations over an environmentally sensitive area that was part of the leased area. It is understood that this was necessary particularly in the absence of an overarching policy for the management of community leases and licences.

The passage of time, Council’s later adoption of a delegation of authority to manage leases and licences, and the adoption of the Lease and Licence Policy (adopted on 19/04/2021), means that the general function to administer the Wallangarra Pony Club lease is now able to be managed within the policy and delegation structure Council has created to manage community leases generally.

“NEW TBC Lease – Wallangarra Riding and Pony Club – Deed of Variation of existing lease”

As noted above, this delegation is associated with the Administration of the Lease to the Wallangarra Riding and Pony Club however this dealt with the deed of variation to the leased area. The variation is in effect. The delegation appears to have been implemented to allow officers to deal with the administrative requirements of excising a part of the leased area, which was an environmentally sensitive area. Such dealings are now captured by the overarching Lease and Licence Policy. It is recommended the delegation is repealed.

## COMMENT

Council will note the proposed new and replacement delegations have new designator numbers as well. Whilst these may, on the face of it, seem to have no real coherent sequence as shown in this report, eventually, once all delegations have been adopted they will all form part of a revised Register of Delegations that will be structured like a piece of legislation, with the delegated powers being separated by their respective heads of power. All will be numbered sequentially with sub-delegations similarly separated by head of power.

Council is requested to adopt the delegations that are presented, with any such desired modifications as the case may be, and specify that the delegations do not come into effect until a future date, in this case, 7 August 2023.

The reason for this is to allow time for Officers to create sub-delegations for approval by the CEO, so that the sub-delegations are able to come into effect at the same time as the principal delegations. This is necessary due to the changes proposed in the attached drafts and the fact that if adopted, existing delegations are required to be repealed. Consequently, any sub-delegation made under a current delegation will cease to have legal effect as its source of authority will no longer exist.

Section 59(1)(b) of the *Interpretation Act 1984* provides broad discretion to a delegator when making or granting a delegated power. Notwithstanding the technical requirements of the LGA when making a delegation, section 5.45(1)(a) of the LGA itself appears to grant a Council the ability to delegate its authority in the manner proposed, particularly when a limitation of time is involved:

*“(a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely...”*

Council can, therefore, specify a period of time when the delegations come into effect, in its resolution.

## OPTIONS

- 1) Adopt the draft delegations attached, and revoke the existing delegations as recommended.
- 2) Not adopt the delegations and request additional information or explanation on them. The City will still be compliant with the annual review requirement of section 5.46 of the Act, as Council will have made a decision to accept or not accept the draft delegations.

## CONCLUSION

The assessment and revision of the attached delegations and the overarching process involved represents a significant body of work to overhaul the City’s delegation structure and bring about a contemporary change to how the City makes and exercises its functions and powers.

For all practical purposes, little will change for Officers in the course of their day to day duties and the powers delegated are the same as those used currently. What these changes will do is improve transparency around how Council delegates, and what specific legislative functions are delegated, whilst creating a clear and unambiguous link between the legislation through to the proper exercise of a power.

## ATTACHMENTS

1. 1 DRAFT proposed delegations for Community Services functions
2. 1 CURRENT Community Services Directorate delegations

*Cr Northcott joined the meeting at 7:12pm and indicated that she would vote on this item and Cr Hetherington attended as an observer.*

RECOMMEND

C15/6/23

That Council:

In accordance with section 5.42(1) of the *Local Government Act 1995*; section 10AA(1) of the *Dog Act 1976*; and section 44(1) of the *Cat Act 2011* and section 48 of the *Bush Fires Act 1954*, delegate to the CEO the exercise of the powers and duties prescribed in the instruments of delegation specified by Attachment 1 of this report, and that –

1. Pursuant to section 5.45(1)(a) of the *Local Government Act 1995*, the instruments of delegation have effect from 7 August 2023; and
2. Upon the coming into effect of the instruments of delegation on 7 August 2023, and in accordance with section 5.45(1)(b) of the *Local Government Act 1995*, instruments of delegation specified by Attachment 2 of this report are revoked in their totality.
3. Authorise the CEO to correct any identified minor grammatical, formatting or punctuation errors to the delegations once adopted, provided the correction does not represent a change to the function or power delegated.

**\*ABSOLUTE MAJORITY RESOLUTION REQUIRED**

Moved Cr E J Flynn, Opposed Cr S J Mosey  
Seconded Cr K Busby  
MOTION CARRIED

(4/3)

Amended  
at  
Council  
Meeting  
of 12  
June  
2023

***COUNCILLORS' ITEMS***

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Nil

***EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT***

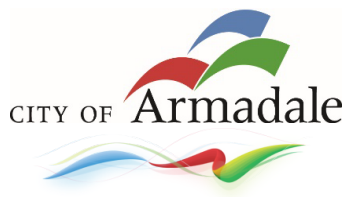
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Nil

**MEETING DECLARED CLOSED AT 7:43PM**



<b>COMMUNITY SERVICES COMMITTEE</b> <b>SUMMARY OF ATTACHMENTS</b> 6 JUNE 2023		
<b>ATT NO.</b>	<b>SUBJECT</b>	<b>PAGE</b>
<b>1.1 PUBLIC ART POLICY</b>		
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1.1.2	Draft COA Public Art Policy - 2023 - Amendments Accepted	39
<b>2.1 COMMUNITY SERVICES DIRECTORATE - REVIEW OF DELEGATIONS</b>		
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## Policy

### Public Art

#### **Objective**

This policy is to provide an administrative framework for public art commissions, maintenance and management of all aspects of public art across the City of Armadale.

#### **Scope**

This policy applies to City staff and external organisations looking to establish new artworks, maintain or decommission existing public artworks across the City. Public art is diverse in nature and it is recognised that different approaches are often required depending on the artwork's purpose, expected life and the budget commitment.

#### **Policy Definitions and Terms**

**Public Art:** For the purposes of this policy, 'public art' is defined as artworks in public places or areas of private property that are open or visible to the public and designed/created by an artist.

This includes any visual or multi-disciplinary art forms comprising a range of media including tangible sculpture to intangible/ephemeral works, painting, crafts, film and video, sound, light, or performance. It is not limited to site, and can include any location where the public can access an artwork outdoors. This can include parks, pavements, building facades, bridges, bodies of water, natural environment and other locations.

Public art can include (but is not limited to):

- The artistic treatment of functional infrastructure such as seating, bike racks, fountains, playground equipment and light posts which are unique
- Murals and mosaics covering external walls, ceilings, floors and walkways
- Sculptures, free-standing or incorporated to other facilities

*For purposes of policy clarity, the following is NOT considered public art:*

- Reproductions of original artworks by mechanical or other means (however, limited editions controlled by the artist, or original prints, cast sculpture, photographs, etc., may be included)
- Decorative, ornamental or functional elements of construction that are designed by an architect or other design consultants engaged by an architect, unless the City has provided prior agreement to in accordance with the commissioning guidelines outlined in this document

- Those elements generally considered to be components of the landscape architectural design, vegetative materials, pool(s), paths, benches, receptacles, fixtures, planters, etc., which are designed by the architect, landscape architect or other design professional (other than an artist) engaged by the primary designer or developer. Walls, bases, footings, pools, lighting or other architectural elements on or in which the artworks are placed or affixed, or mechanical elements and utilities needed to activate the artwork
- Art objects which are mass produced, ordered from a catalogue, or of a standard design, such as playground sculpture or fountains
- Directional or other functional elements, such as signing, business logos or names related to the development or building owner, colour coding, maps
- Statues, representations of historical figures or historical plaques, unless part of a larger artwork designed by a professional artist where the work illuminates historical facts and deeds significant to the community
- Purchase of existing artworks without the selection process, as provided for in the commissioning guidelines outlined in this document.

**Artist:** For the purpose of this policy, an artist can be defined as someone who meets at least two of the following categories:

- A person who has had work purchased by major public and private collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections, Local or State Governments
- A person who has a proven track record and regularly earns income from arts related activities, such as selling artwork or undertaking public art commissions
- A history of exhibiting their artwork at reputable art organisations that sell the work of professional artists ie galleries
- Possess a university degree or minimum three year full time TAFE Diploma in visual arts, or when relevant, a qualification in other art forms such as multi-media

## **Policy**

### **1. Introduction**

The City of Armadale recognises the contribution of public art in creating vibrant and attractive places and is committed to the incorporation of stimulating and relevant public art that represents and enriches the character and identity of local communities.

### **2. Objectives**

The objectives for public art within the City of Armadale are:

- A. To provide new public art within the City through City funded projects and private development.
- B. To promote excellence, creativity and innovation in the delivery of public art, which enables the public amenity of public spaces.

- C. To provide opportunities for a wide variety of artistic outcomes, including permanent, temporary and mural artworks, that engage and interact with the community.
- D. To contribute to and enhance the sense of community identity and increase cultural tourism.

### 3. Key Priorities

- **Instil Local Pride:** High quality art outcomes that are relevant to the local community, yet are also inspiring to a visiting audience should encourage a sense of community pride.
- **Grow Local Arts and Culture:** Public art should help local artists thrive and flourish in Armadale and it should tell local stories contributing to a strong local culture.
- **Community Vibrancy and Engagement:** Where appropriate public art should follow good community consultation and engagement practices, to encourage a sense of community ownership, knowledge and intergenerational exchange. The outcomes should be entertaining and engaging.
- **Sustainable Economy:** Public art should contribute to a cultural tourism offering in Armadale. It should assist in building business relationships for a more attractive and economically viable City.

### 4. Key Themes

The four key themes distilled from the research and community engagement phases of the 2016 Public Art Strategy continue to remain relevant today. They will be used to plan public art projects that are relevant to Armadale, by drawing on one or more of the unique Armadale narratives that flow from each theme noted below. These will be the basis for public art briefs developed by the City of Armadale and others delivering public art across the City.

**Natural Place:** Armadale is a place of great natural beauty. With its forest-covered hills, beautiful rivers and waterways, nature reserves, and scenic valleys, it is home to many kinds of stunning flora and fauna and is considered a wildflower hotspot. Throughout Armadale's many important bushland parks and reserves are hundreds of plant species, some of which are "declared rare and priority flora species." Located on the Darling Scarp, Armadale is affected by the strong easterly winds and bush fire risk that characterise the Perth Hills region. The Scarp also has important geological significance, which gave rise to the Armadale brickworks in the 20th century.

**Vibrant Community:** Armadale has a highly engaged, multifaceted and multicultural community. The City's estimated resident population forecast for 2023 is approximately 103,000 with 36.1% of residents born overseas. Aboriginal or Torres Strait Islander people comprise 3% of the City's population compared to 2% for Greater Perth. The City is also one of the fastest growing local government areas in Western Australia and in the country and with its population forecast to reach 148,346 by 2041.

Community engagement campaigns conducted over the years indicates that community safety, a sense of connection with others and the natural environment are important priorities for the Armadale community. The community comprises a wide range of socio-economic backgrounds, family structures and over 150 community groups.

There is an opportunity for arts and cultural activities to tell positive stories of community spirit as there are many inspiring stories to tell. Armadale has a highly active and talented creative community, with a rich culture and focus on artistic production. Positive stories of community spirit in the face of challenges and adversity abound, including historic settler tales, through to the regrowth and volunteering spirit associated with the significant bush fires of 2011.

***History & Heritage:*** The City of Armadale takes great pride in its history and cultural heritage. Through the City's webpage, as well as through the institutions in the Minnawarra Historic Precinct, such as the Minnawarra History House Museum, public artists and other cultural workers can obtain a rich tapestry of information on the history and heritage of Armadale. The area now known as the City of Armadale was originally exclusively occupied by the Noongar people, and there is still a strong Noongar community presence in Armadale today. The Noongar people were very connected to the land. Their survival depended on a thorough understanding of the environment and the plants and creatures in it. This information has been passed down to Noongar elders of today, making them valuable sources of cultural knowledge.

With the arrival of Europeans to Western Australia the Swan River Colony was created in 1829 and the town of Kelmscott was established as an army barrack. Kelmscott was proclaimed a town site in 1830, making it one of the oldest towns in the state. The district prospered in the early days as a centre for timber cutting, orchards, dairies, market gardens and brickmaking works. The official opening of the railway line from Perth to Bunbury in 1893 accelerated the development of Armadale and Kelmscott, and by the end of the 1920's the significant roadways that connect Armadale began to be established; the area remains an important transport hub today.

During the early 1900s, planting of orchards grew at an increasing rate in Roleystone and Karragullen. This was a time of Italian migration into the district. The following decades saw unprecedented population growth for the region. Whole new areas of housing appeared, with many of the residents being British immigrants. By 1970 major urban development was taking place on the slopes of the Darling Scarp. In 1985 Armadale was granted City status. From the deep and rich history of Armadale's Aboriginal people, the fascinating tales from early settler life, the significance of the first settlement in Kelmscott, the important military, industrial and transport stories, Armadale's rich history provides much inspiration for story telling through public art.

***Urban/Rural Gateway:*** The City of Armadale is recognised as a strategic regional centre servicing urban and semi-rural communities. Straddling the cross-over between the Perth coastal plain and the Darling Scarp, Armadale comprises a unique mix of urban development, forested hills and agricultural lands.

The City is a vital regional centre for Perth's expanding south-east corridor, and an important connection to the rural areas further east. It is a semi-rural retreat and hinterland; a quick getaway destination for Perth residents. Armadale is the site of important rail and road intersections. The intersection of Armadale Road with South Western and Albany Highways is an important landmark, not only for motorists travelling south/southeast, but also because of its historic significance as the location of Armadale's historic hotel precinct. Its strategic location at these gateway arterial routes, close to Perth, but linked to rural areas, has led to Armadale establishing itself as a modern urban hub and a major metropolitan shopping, commercial and service centre. Increasing development and building activity continues in the newer western suburbs, which are the focus of intense residential and infrastructure development, with new schools, shopping and recreation facilities. Residential growth is supported by an expanding commercial/industrial precinct, with increased business and employment opportunities adding to the positive regional economic outlook.

## **5. Artwork Plaques**

In line with Australian Copyright Law, a plaque is to be developed for each public artwork. These plaques are to be consistent in format and include the following information:

- The title of the artwork (most prominent text)
- The artist's name
- The year the artwork was commissioned
- The name of the commissioner and/or logo eg. City of Armadale
- Details of any partner organisations or funding bodies (if required).

In some instances the artist statement may also be appropriate to include on the plaque to assist in interpretation of the artwork.

## 6. Commissioning Guidelines for City Funded Public Artwork

### 6.1 Types of Commissions

Type	Description	Anticipated Funding Source	Process Requirements	Estimated Budget Per Artwork	Anticipated Lifespan	Community Consultation
Medium to Long Term Public Art	Considered permanent public artworks, these are works that have high value and can be in various forms such as murals, sculpture or digital works.	Public Art Reserve Fund and/or Public Art Budget	Direction from Council of location, budget and theme/Request for Quote/Registration of Interest, Public Art Assessment Panel, Memo to Councillors	>\$50,000	>10 years	Limited or information only
Community Public Art	Artwork that is created with the involvement of community members or groups, such as local residents or school students. Community art is usually produced through a collaboration project between a qualified artist and the community group.	Program Funding	Basic Registration of Interest or Direct Invite, Manager Approval, Memo to Councillors	<\$50,000	5-10 years	Consultation, co-design and/or installation
Temporary Public Art	Artwork designed to be installed for a short-time such as seasonal programming, artworks from natural fibres or chalk	Program Funding	Basic Registration of Interest or Direct Invite, Department approval if required, inclusion in Information Bulletin.	>\$5,000	<1 year	Various

All contracting of artists must also follow the requirements outlined in the Procurement Policy.

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## **6.2 Artist Brief**

When the City of Armadale is seeking to shortlist artists for a project, artists are invited to submit a Request for Quote (RFQ) or a Registration of Interest (ROI) in response to the artist brief. The request will be made either directly to appropriate artists, or through public promotion such as advertising or social media depending on the size, scale and objective of project.

The artist brief will be prepared following consultation with appropriate stakeholders and will provide the following, which is not intended to dictate the actual design of the finished artwork, but leave sufficient flexibility for artistic interpretation and creative response. The information and level of detail provided as well as the submission requirements will be relevant to the scale of the project.

### Background

Provide artists with a brief overview of the City's expectations for the project such as the following:

- Overview of the City and context of this artwork within this
- Project background
- Location, including any permissions required to install art on private or public land
- Estimated timing
- Allocated budget (this could be a budget range or left open for quotes if appropriate)
- Process for ROI (include shortlist information and assessment criteria and process).

### Artist Selection Criteria

The artist will be required to submit the following as part of the ROI:

- CV, including qualifications, and information addressing the City's definition of Artist
- Three examples of previous work, including photo, location, budget and one referee per project
- Written response outlining approach to the artwork brief
- Evidence of relevant insurances such as Public Liability.

The Arts and Events Team are to be engaged in all City commissioned public art projects, to provide input and recommendations throughout the process and cross reference alignment with other public art across the City.

Following the ROI deadline, artists are shortlisted by City officers with the top three prepared for approval.

### 6.3 Public Art Approvals

Type	Approval Requirement	Est. Approval Timeline
Medium to Long Term Public Art	The approval process commences with Council providing direction on the location, budget and theme of the art work. Public Art Assessment Panel (PAAP) to be provided a report on the applicants, shortlisting process and recommended applicants for further consideration. Once the Panel agrees on shortlisted candidates the artists are contracted to develop a concept design and present to the Panel. The Panel will rate applicants and finalise successful applicant. Councillors will be advised by a Memo. The PAAP can refer the decision to Council, if they feel further input is required.	3 months
Community Public Art	Following the community engagement the artist finalises the concept design and submits it to the contracting City officer with a statement outlining the consultation process and outcomes and the local relevance of the work. This is sent to the Arts and Events Team for input and presented to the Manager of the relevant Department for final approval. A Councillor memo will then be distributed.	<1 month
Temporary Public Art	The approval requirement will be determined within the Department commissioning the work and will be relevant to the anticipated life of the artwork, for example chalk drawings on a pavement won't require pre-approval, however they will need to be monitored at the time of application. Bush trail art however may have concepts submitted and be approved by City officers delivering the project.	<2 weeks

On rare occasions a high end mural project (medium to long term public art) may be commissioned by the City which attracts national and international artists at a reduced cost for the compromise of providing artists maximum creative control. An example is the ReDiscover Urban Arts Trail in the Armadale city centre. These works may be commissioned by the City with prior approval of the artists' brief, summary of proposed artists and project plan from Public Art Assessment Panel, with the understanding that final concept approval by the Panel will only be to ensure that the artwork is not offensive or detrimental to the local community. Final concepts will be provided to the Panel for approval either via email or a meeting.

#### Public Art Assessment Panel

The Public Art Assessment Panel will meet as required to assess and approve medium to long term public art proposals in accordance with the specifics of this Public Art Policy. The Panel have the authority to make decisions to approve or defer to the Committee for approval.

The Public Art Assessment Panel consists of:

- The Mayor or delegated elected member
- CEO or relevant City of Armadale Officer designated by the CEO
- Manager Community Development
- The City's Art Contractor commissioning the work (where applicable)
- The City's contracted Art Curator.

For medium to long term public artworks, each shortlisted artist will be commissioned to prepare a detailed visual concept of their proposal. They will then present this to representatives from the Public Art Assessment Panel.

The panel will assess against the criteria detailed in the original Artist Brief and in accordance with this Public Art Policy.

The Panel have the authority to make decision to approve the artist selection or defer to the Community Services Committee if the panel considers the artwork to have a significant visual impact on the public or judges the artwork likely to be contentious.

Once a preferred concept has been approved, the artist will enter into a formal written contract with the City of Armadale.

#### **6.4 Concept Design**

Once shortlisted, each artist will be recruited to prepare a concept design in response to the brief (which may be updated to provide additional information if necessary). Artists will usually be paid a pre-determined fee for further preparation of the concept and the associated presentation to the Public Art Assessment Panel.

The concept design submission must include all of the following that are relevant to the project:

- Details of the artist's qualifications, experience and suitability for the project (already submitted in the ROI process)
- Concept documentation; including research, concept development, and a detailed statement addressing compliance with the public art policy themes
- Visual concept plans of the artwork(s), including plans to scale, dimensions, materials, colours surface treatments, an indication of the relationship of the artwork to the site. This may be represented with a model or 3D graphic representation depending on the project and artist style
- Budget breakdown, including materials, artist fees, construction cost and installation costs;

- Identify anticipated planning approval/building licence and engineering certification requirements as appropriate with scale, nature and size of project
- A brief outline of the ongoing maintenance required (noting a detailed maintenance manual will be required for the successful artist).

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### **6.5 Preparation, Installation and Handover Preparation**

Public artworks may require government approvals such as a development approval, building approval and/or engineering certification. The artist will be responsible for liaising with the correct departments and obtaining the relevant local government approvals. The following documents will need to submit to the City's Building and Planning Departments to confirm what approvals are required:

- Site location plan to scale
- Detail concept design - scale drawings, including materials and finishes
- Structural drawings (if required) and associated approvals.

The artist creates or supervises the creation of the artwork. The City will in most cases require sign off at specified milestones outlined in the artist's contract and will pay staged payments against the milestones. Where appropriate progress updates and images are to be provided and may include a studio or site visit.

#### Installation and Handover

The artwork is to be finished and accepted before installation, once accepted the artist will arrange for the safe and legal installation of the work. The Artists is to provide a Risk Management Plan to demonstrate how appropriate health and safety legislation is being adhered to, ensuring a safe working environment during construction and installation.

The City will arrange for the installation of a plaque that acknowledges the artist, the title of the work and the year it was made.

Prior to the final handover the artist is required to provide details of the artwork for the City's public art register and a Maintenance Manual. Once these are received, the final payment is then made to the artist.

#### Details of the Artwork – Public Art Register

- Year artwork was made
- Title of artwork
- Artists statement relating to the artwork
- Name of artist, bio and contact information
- Details of any collaborators
- Materials utilised

#### Maintenance Manual

- The expected life span of the work
- Recommended maintenance schedule
- Details of materials used
- The method of construction and the fabricator and subcontractors details
- Electrical and mechanical systems installed
- Finishes to the surfaces such as formulae for patinations

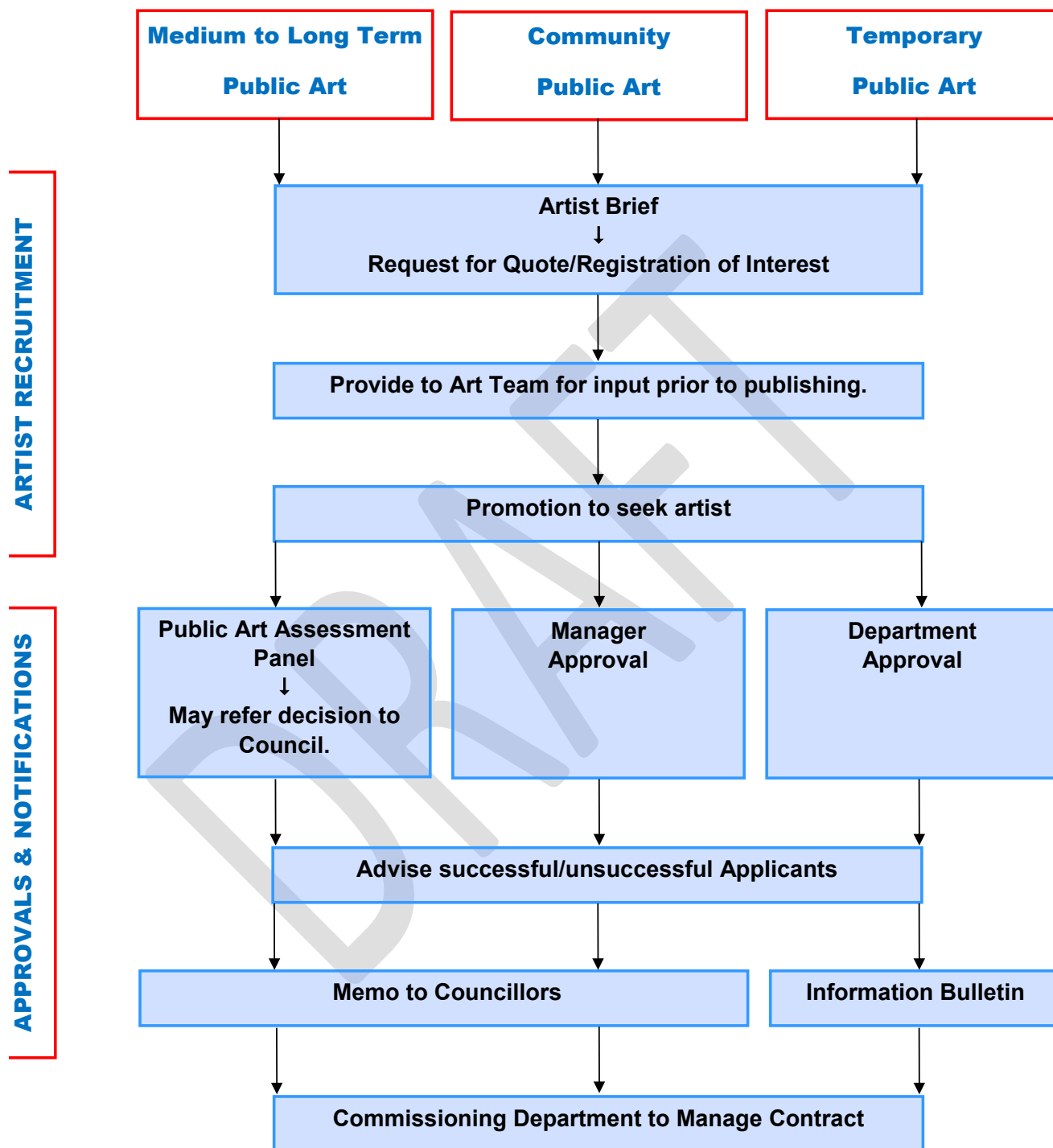
- As installed drawings
- Photographs, documentation and evaluation of the process
- Estimate of maintenance and replacement costs.

#### **6.6 Artwork launch**

Depending on the size and scale of the project, a launch may be held to celebrate the final artwork, reinforcing the community engagement process, increasing profile of the work and demonstrating the City's respect and commitment to the artist and final artwork.

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6.7 Commissioning Process Chart – City Funded Public Artwork



**7. Commissioning Guidelines for Privately Funded Public Artwork as part of a Development Approval Condition Clearance Request (Percent for Public Art Submission).**

In accordance with PLN 3.12 – Percent for Public Art Local Planning Policy, certain Development Applications will be conditioned to either provide a:

- a) Monetary contribution to the City for the future funding of public art; and/or,
- b) Install public art within the property.

Refer to PLN 3.12 for further information on which applications will be required to provide public art or a monetary contribution.

The following process's outlines what the requirements are in order to clear the percent for art conditions of Development Approval.

**7.1 Engaging with the City of Armadale**

Private developers or land owners are to utilise this Public Art Policy and the Percent for Public Art Local Planning Policy PLN 3.12 to guide them through the process of commissioning public art in Armadale in order to clear a percent for public art Development Approval condition.

It is recommended that the developer/land owner engage the City's Planning Department and Arts and Events Team prior to contracting an artist, to outline their proposed approach and the potential location of the public art work. At this stage they would email through the artist brief, the community consultation process and any other relevant details of the proposed development including the address, developer and the development approval details. The City's Planning Department will liaise with the Arts and Events Team to provide feedback to the developer/land owner on the proposal within 30 days.

**7.2 Lodging a Percent for Public Art Submission**

Where public art is proposed by a private developer on privately owned land, the Developer is to engage an appropriately qualified and experienced artist, as defined in this Policy, and lodge a Development Application Clearance request to the City's Planning Department containing the public art submission.

The Percent for Public Art Submission is to contain all the required information outlined in the Percent for Public Art submission form and checklist.

Planning Services will then refer the Public Art Submission to the Arts and Events Team to assess and advise Planning Services whether the submission satisfactorily clears the relevant Condition.



### **7.3 Percent for Public Art Submission Criteria**

The public artwork by the private developer shall address Clause 4 of PLN 3.12, the Percent for Public Art Submission form and Checklist, in addition to the following criteria:

#### Themes

Commissioned artwork is to align with one of the four themes outlined in this policy. It is important that the local community benefits from the public art that is commissioned across the City, this can be by means of building awareness of local assets, capacity building, economic benefit or simply beautifying. The greater the community benefit the more favourably the project will be considered.

#### Construction Criteria

The design and materials must maximise the durability of the work and avoid risk by:

- Minimising the potential for damage, vandalism, weathering and abnormal wear and tear
- Not presenting a potential unacceptable risk of injury or potential unacceptable risk to personal safety
- Not posing a traffic or pedestrian hazard
- Not presenting maintenance difficulties
- Not being detrimental to the natural environment
- All materials used should be permanent, durable and requiring a low level of maintenance
- Mural artwork proposed will require the application of an anti-graffiti coating or address issues of graffiti prevention

#### Maintenance Criteria

A detailed maintenance guide is to be provided, as outlined in point 8. The maintenance period commences on the date for Practical Completion.

### **7.4 Approval Criteria and Process**

The City will liaise with the Developer to achieve the best results for the public art project and the local community. The City will assess and provide feedback to the developer on the public art submission within 30 days of receiving the submission.

Once Communities Services is satisfied with the Percent for Public Art Submission, Planning Services will be notified and Planning Services will advise the developer that the relevant condition has been partially cleared. Full clearance can be provided when the public art work has been constructed. Refer to section 7.6 - practical completion below.

### **7.5 Building Permits**

Public artworks may require building permits and/or engineering certification. The artist /developer will be responsible for liaising with the City's Building Department once the percent for public art submission condition has been cleared. The following documents will need to submit to the City's Building to confirm what approvals are required:

- Site location plan to scale
- Detail concept design - scale drawings, including materials and finishes
- Structural drawings (if required) and associated approvals.

#### **7.6 Practical Completion Criteria**

Upon reaching Practical Completion the developer/landowner is to install a commemorative plaque acknowledging the artist(s). The plaque is to be located close to the artwork and cite the title and date of the public artwork along with the artist's name.

In order to confirm that the artwork complies with the approved Percent for Public Art submission, the City's Arts Officer is to arrange an inspection of the completed artwork to be attended at least by the Artist/s, Major Events and Arts Coordinator, relevant Planning Officer, Developer and any other specialist required (depending on the artwork) at a time convenient to all parties.

#### **Private Land**

Following Practical Completion of public art on private land, the Developer is to:

- A. Carry out any remedial works noted during the Practical Completion inspection without delay
- B. Undertake the maintenance of the Artwork for the life of the overall development associated with the public artwork.

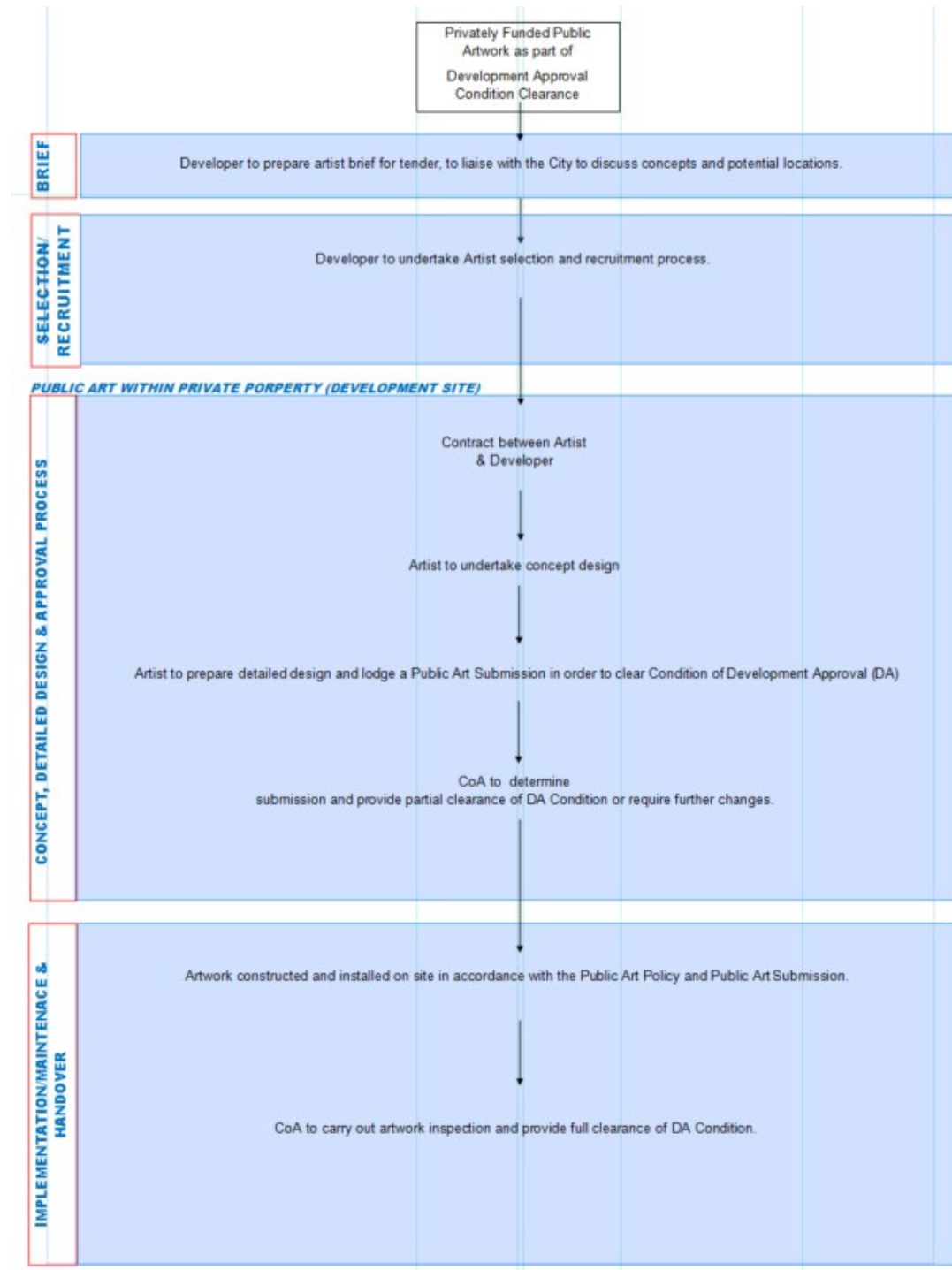
#### **7.7 Monetary Contributions**

Where monetary contributions is to be provided, as part of condition of Development Approval, the applicant is to complete and lodge the Percent for Public Art Form with the appropriate fees.

Planning Services is to:

- forward copy to cashiers and request notification when payment is made
- prepare a memo to finance (Template-CD/151666/18)
- prepare a Public Art reserve account information table (Template-CD/151661/18)
- send the table and memo, receipt details and a copy of the determination to Finance Services.

## 7.8 Commissioning Process Chart – Privately Funded Public Artwork (as part of DA Condition Approval)



## **8. Maintaining Public Artwork**

The artist is to provide a detailed maintenance guide addressing:

- A. materials utilised including brands, colours, application details and safety sheets where relevant
- B. recommended maintenance and cleaning requirements including the proposed maintenance schedule and estimated annual cost
- C. recommended conservation approach and contractors, including estimated cost for replacement

It is industry best practice to give the artist the first option to undertake more intricate maintenance work. In the instances where the work is routine, such as mowing, buffing and cleaning, the current owner of the artwork would undertake the responsibility for completing this work.

The maintenance period commences on the date for Practical Completion.

Where public art is located on land managed by the City of Armadale, it is intended that the artwork become the property of the City. For artworks commissioned by the City this occurs immediately following handover by the artist. For privately commissioned artworks, which have also been accepted by the City, this will also be considered property of the City as per the contract. Public art that is located on private land will be maintained by landowners and not the City.

Maintenance reports will be adhered to as closely as is practicable to maintain the condition of the artwork.

## **9. Decommissioning Public Artworks**

Considerations for decommissioning Public Art include:

- A. The site for which a site-integrated artwork was specifically created is structurally or otherwise altered and can no longer accommodate the work, or is made publicly inaccessible
- B. The site or art constitutes a threat to public safety
- C. The work is at the end of its intended life span
- D. Maintenance and repair obligations and costs have become excessive in relation to the value and age of the artwork
- E. There is irreparable damage through vandalism or decay
- F. There is a significant threat of damage of the work if left in its current location
- G. The work has become unsafe, or is affected by changes in health and safety regulations
- H. The site where the work is located is to be redeveloped or physically altered
- I. The work is no longer relevant or appropriate, and the commissioning party wishes to commission a new work for the site.

If the work is identified for decommissioning the City will conduct a formal review with the following guiding principles:

- A. Make reasonable attempt to advise the artist prior to any relocation, sale, alteration, or removal of an artwork
- B. The artist, owner, commissioners, maintenance contractors, and if appropriate professional assessors should be advised
- C. Where possible it is important to be sensitive to the views of the general public and any community groups who were involved in the original commission and to any other culturally sensitive matters relevant to the work
- D. The review should examine the artwork maintenance file, as well as any contractual agreements between the artist and the commissioning party regarding the maintenance or decommissioning of the work
- E. If immediate replacement is not available and the artwork was commissioned as a permanent piece, then all reasonable effort should be made to avoid permanent removal within the year of its installation
- F. The artwork is to be documented via photograph/video footage and the plaque to be preserved through History House

Applicable legislation

Act	Copyright Act 1968
Regulation	
Local law	
Policy	PLN 3.12 – Percent for Public Art Local Planning Policy

Delegation of Power

- NA

Link to Influencing Strategies or Plans

- City of Armadale Arts and Culture Strategy
- Percent for Art Policy
- Community Development Strategy 2021 – 2026

Link to Procedure

- NA

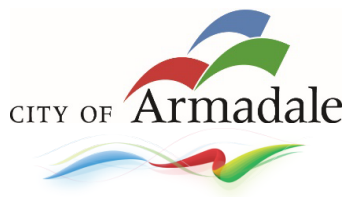
Other Implications

*Financial/Budget Implications*

- NA

Administrative Information

Adopted on	
Reviewed or amended	
Responsible department	Community Development



## Policy

### Public Art

#### **Objective**

This policy is to provide an administrative framework for public art commissions, maintenance and management of all aspects of public art across the City of Armadale.

#### **Scope**

This policy applies to City staff and external organisations looking to establish new artworks, maintain or decommission existing public artworks across the City. Public art is diverse in nature and it is recognised that different approaches are often required depending on the artwork's purpose, expected life and the budget commitment.

#### **Policy Definitions and Terms**

**Public Art:** For the purposes of this policy, 'public art' is defined as artworks in public places or areas of private property that are open or visible to the public and designed/created by an artist.

This includes any visual or multi-disciplinary art forms comprising a range of media including tangible sculpture to intangible/ephemeral works, painting, crafts, film and video, sound, light, or performance. It is not limited to site, and can include any location where the public can access an artwork outdoors. This can include parks, pavements, building facades, bridges, bodies of water, natural environment and other locations.

Public art can include (but is not limited to):

- The artistic treatment of functional infrastructure such as seating, bike racks, fountains, playground equipment and light posts which are unique
- Murals and mosaics covering external walls, ceilings, floors and walkways
- Sculptures, free-standing or incorporated to other facilities

*For purposes of policy clarity, the following is NOT considered public art:*

- Reproductions of original artworks by mechanical or other means (however, limited editions controlled by the artist, or original prints, cast sculpture, photographs, etc., may be included)
- Decorative, ornamental or functional elements of construction that are designed by an architect or other design consultants engaged by an architect, unless the City has provided prior agreement to in accordance with the commissioning guidelines outlined in this document

- Those elements generally considered to be components of the landscape architectural design, vegetative materials, pool(s), paths, benches, receptacles, fixtures, planters, etc., which are designed by the architect, landscape architect or other design professional (other than an artist) engaged by the primary designer or developer. Walls, bases, footings, pools, lighting or other architectural elements on or in which the artworks are placed or affixed, or mechanical elements and utilities needed to activate the artwork
- Art objects which are mass produced, ordered from a catalogue, or of a standard design, such as playground sculpture or fountains
- Directional or other functional elements, such as signing, business logos or names related to the development or building owner, colour coding, maps
- Statues, representations of historical figures or historical plaques, unless part of a larger artwork designed by a professional artist where the work illuminates historical facts and deeds significant to the community
- Purchase of existing artworks without the selection process, as provided for in the commissioning guidelines outlined in this document.

**Artist:** For the purpose of this policy, an artist can be defined as someone who meets at least two of the following categories:

- A person who has had work purchased by major public and private collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections, Local or State Governments
- A person who has a proven track record and regularly earns income from arts related activities, such as selling artwork or undertaking public art commissions
- A history of exhibiting their artwork at reputable art organisations that sell the work of professional artists ie galleries
- Possess a university degree or minimum three year full time TAFE Diploma in visual arts, or when relevant, a qualification in other art forms such as multi-media

## **Policy**

### **1. Introduction**

The City of Armadale recognises the contribution of public art in creating vibrant and attractive places and is committed to the incorporation of stimulating and relevant public art that represents and enriches the character and identity of local communities.

### **2. Objectives**

The objectives for public art within the City of Armadale are:

- A. To provide new public art within the City through City funded projects and private development.
- B. To promote excellence, creativity and innovation in the delivery of public art, which enables the public amenity of public spaces.



- C. To provide opportunities for a wide variety of artistic outcomes, including permanent, temporary and mural artworks, that engage and interact with the community.
- D. To contribute to and enhance the sense of community identity and increase cultural tourism.

### 3. Key Priorities

- **Instil Local Pride:** High quality art outcomes that are relevant to the local community, yet are also inspiring to a visiting audience should encourage a sense of community pride.
- **Grow Local Arts and Culture:** Public art should help local artists thrive and flourish in Armadale and it should tell local stories contributing to a strong local culture.
- **Community Vibrancy and Engagement:** Where appropriate public art should follow good community consultation and engagement practices, to encourage a sense of community ownership, knowledge and intergenerational exchange. The outcomes should be entertaining and engaging.
- **Sustainable Economy:** Public art should contribute to a cultural tourism offering in Armadale. It should assist in building business relationships for a more attractive and economically viable City.

### 4. Key Themes

The four key themes distilled from the research and community engagement phases of the 2016 Public Art Strategy continue to remain relevant today. They will be used to plan public art projects that are relevant to Armadale, by drawing on one or more of the unique Armadale narratives that flow from each theme noted below. These will be the basis for public art briefs developed by the City of Armadale and others delivering public art across the City.

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**History & Heritage:** The City of Armadale takes great pride in its history and cultural heritage. Through the City's webpage, as well as through the institutions in the Minnawarra Historic Precinct, such as the Minnawarra History House Museum, public artists and other cultural workers can obtain a rich tapestry of information on the history and heritage of Armadale. The area now known as the City of Armadale was originally exclusively occupied by the Noongar people, and there is still a strong Noongar community presence in Armadale today. The Noongar people were very connected to the land. Their survival depended on a thorough understanding of the environment and the plants and creatures in it. This information has been passed down to Noongar elders of today, making them valuable sources of cultural knowledge.

With the arrival of Europeans to Western Australia the Swan River Colony was created in 1829 and the town of Kelmscott was established as an army barrack. Kelmscott was proclaimed a town site in 1830, making it one of the oldest towns in the state. The district prospered in the early days as a centre for timber cutting, orchards, dairies, market gardens and brickmaking works. The official opening of the railway line from Perth to Bunbury in 1893 accelerated the development of Armadale and Kelmscott, and by the end of the 1920's the significant roadways that connect Armadale began to be established; the area remains an important transport hub today.

During the early 1900s, planting of orchards grew at an increasing rate in Roleystone and Karragullen. This was a time of Italian migration into the district. The following decades saw unprecedented population growth for the region. Whole new areas of housing appeared, with many of the residents being British immigrants. By 1970 major urban development was taking place on the slopes of the Darling Scarp. In 1985 Armadale was granted City status. From the deep and rich history of Armadale's Aboriginal people, the fascinating tales from early settler life, the significance of the first settlement in Kelmscott, the important military, industrial and transport stories, Armadale's rich history provides much inspiration for story telling through public art.

**Urban/Rural Gateway:** The City of Armadale is recognised as a strategic regional centre servicing urban and semi-rural communities. Straddling the cross-over between the Perth coastal plain and the Darling Scarp, Armadale comprises a unique mix of urban development, forested hills and agricultural lands.

The City is a vital regional centre for Perth's expanding south-east corridor, and an important connection to the rural areas further east. It is a semi-rural retreat and hinterland; a quick getaway destination for Perth residents. Armadale is the site of important rail and road intersections. The intersection of Armadale Road with South Western and Albany Highways is an important landmark, not only for motorists travelling south/southeast, but also because of its historic significance as the location of Armadale's historic hotel precinct. Its strategic location at these gateway arterial routes, close to Perth, but linked to rural areas, has led to Armadale establishing itself as a modern urban hub and a major metropolitan shopping, commercial and service centre. Increasing development and building activity continues in the newer western suburbs, which are the focus of intense residential and infrastructure development, with new schools, shopping and recreation facilities. Residential growth is supported by an expanding commercial/industrial precinct, with increased business and employment opportunities adding to the positive regional economic outlook.

## **5. Artwork Plaques**

In line with Australian Copyright Law, a plaque is to be developed for each public artwork. These plaques are to be consistent in format and include the following information:

- The title of the artwork (most prominent text)
- The artist's name
- The year the artwork was commissioned
- The name of the commissioner and/or logo eg. City of Armadale
- Details of any partner organisations or funding bodies (if required).

In some instances the artist statement may also be appropriate to include on the plaque to assist in interpretation of the artwork.

## 6. Commissioning Guidelines for City Funded Public Artwork

### 6.1 Types of Commissions

Type	Description	Anticipated Funding Source	Process Requirements	Estimated Budget Per Artwork	Anticipated Lifespan	Community Consultation
Medium to Long Term Public Art	Considered permanent public artworks, these are works that have high value and can be in various forms such as murals, sculpture or digital works.	Public Art Reserve Fund and/or Public Art Budget	Direction from Council of location, budget and theme/Request for Quote/Registration of Interest, Public Art Assessment Panel, Memo to Councillors	>\$50,000	>10 years	Limited or information only
Community Public Art	Artwork that is created with the involvement of community members or groups, such as local residents or school students. Community art is usually produced through a collaboration project between a qualified artist and the community group.	Program Funding	Basic Registration of Interest or Direct Invite, Manager Approval, Memo to Councillors	<\$50,000	5-10 years	Consultation, co-design and/or installation
Temporary Public Art	Artwork designed to be installed for a short-time such as seasonal programming, artworks from natural fibres or chalk	Program Funding	Basic Registration of Interest or Direct Invite, Department approval if required, inclusion in Information Bulletin.	>\$5,000	<1 year	Various

All contracting of artists must also follow the requirements outlined in the Procurement Policy.

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## **6.2 Artist Brief**

When the City of Armadale is seeking to shortlist artists for a project, artists are invited to submit a Request for Quote (RFQ) or a Registration of Interest (ROI) in response to the artist brief. The request will be made either directly to appropriate artists, or through public promotion such as advertising or social media depending on the size, scale and objective of project.

The artist brief will be prepared following consultation with appropriate stakeholders and will provide the following, which is not intended to dictate the actual design of the finished artwork, but leave sufficient flexibility for artistic interpretation and creative response. The information and level of detail provided as well as the submission requirements will be relevant to the scale of the project.

### Background

Provide artists with a brief overview of the City's expectations for the project such as the following:

- Overview of the City and context of this artwork within this
- Project background
- Location, including any permissions required to install art on private or public land
- Estimated timing
- Allocated budget (this could be a budget range or left open for quotes if appropriate)
- Process for ROI (include shortlist information and assessment criteria and process).

### Artist Selection Criteria

The artist will be required to submit the following as part of the ROI:

- CV, including qualifications, and information addressing the City's definition of Artist
- Three examples of previous work, including photo, location, budget and one referee per project
- Written response outlining approach to the artwork brief
- Evidence of relevant insurances such as Public Liability.

The Arts and Events Team are to be engaged in all City commissioned public art projects, to provide input and recommendations throughout the process and cross reference alignment with other public art across the City.

Following the ROI deadline, artists are shortlisted by City officers with the top three prepared for approval.

### 6.3 Public Art Approvals

Type	Approval Requirement	Est. Approval Timeline
Medium to Long Term Public Art	The approval process commences with Council providing direction on the location, budget and theme of the art work. Public Art Assessment Panel (PAAP) to be provided a report on the applicants, shortlisting process and recommended applicants for further consideration. Once the Panel agrees on shortlisted candidates the artists are contracted to develop a concept design and present to the Panel. The Panel will rate applicants and finalise successful applicant. Councillors will be advised by a Memo. The PAAP can refer the decision to Council, if they feel further input is required.	3 months
Community Public Art	Following the community engagement the artist finalises the concept design and submits it to the contracting City officer with a statement outlining the consultation process and outcomes and the local relevance of the work. This is sent to the Arts and Events Team for input and presented to the Manager of the relevant Department for final approval. A Councillor memo will then be distributed.	<1 month
Temporary Public Art	The approval requirement will be determined within the Department commissioning the work and will be relevant to the anticipated life of the artwork, for example chalk drawings on a pavement won't require pre-approval, however they will need to be monitored at the time of application. Bush trail art however may have concepts submitted and be approved by City officers delivering the project.	<2 weeks

On rare occasions a high end mural project (medium to long term public art) may be commissioned by the City which attracts national and international artists at a reduced cost for the compromise of providing artists maximum creative control. An example is the ReDiscover Urban Arts Trail in the Armadale city centre. These works may be commissioned by the City with prior approval of the artists' brief, summary of proposed artists and project plan from Public Art Assessment Panel, with the understanding that final concept approval by the Panel will only be to ensure that the artwork is not offensive or detrimental to the local community. Final concepts will be provided to the Panel for approval either via email or a meeting.

#### Public Art Assessment Panel

The Public Art Assessment Panel will meet as required to assess and approve medium to long term public art proposals in accordance with the specifics of this Public Art Policy. The Panel have the authority to make decisions to approve or defer to the Committee for approval.

The Public Art Assessment Panel consists of:

- The Mayor or delegated elected member
- CEO or relevant City of Armadale Officer designated by the CEO
- Manager Community Development
- The City's Art Contractor commissioning the work (where applicable)
- The City's contracted Art Curator.

For medium to long term public artworks, each shortlisted artist will be commissioned to prepare a detailed visual concept of their proposal. They will then present this to representatives from the Public Art Assessment Panel.

The panel will assess against the criteria detailed in the original Artist Brief and in accordance with this Public Art Policy.

The Panel have the authority to make decision to approve the artist selection or defer to the Community Services Committee if the panel considers the artwork to have a significant visual impact on the public or judges the artwork likely to be contentious.

Once a preferred concept has been approved, the artist will enter into a formal written contract with the City of Armadale.

#### **6.4 Concept Design**

Once shortlisted, each artist will be recruited to prepare a concept design in response to the brief (which may be updated to provide additional information if necessary). Artists will usually be paid a pre-determined fee for further preparation of the concept and the associated presentation to the Public Art Assessment Panel.

The concept design submission must include all of the following that are relevant to the project:

- Details of the artist's qualifications, experience and suitability for the project (already submitted in the ROI process)
- Concept documentation; including research, concept development, and a detailed statement addressing compliance with the public art policy themes
- Visual concept plans of the artwork(s), including plans to scale, dimensions, materials, colours surface treatments, an indication of the relationship of the artwork to the site. This may be represented with a model or 3D graphic representation depending on the project and artist style
- Budget breakdown, including materials, artist fees, construction cost and installation costs;



- Identify anticipated planning approval/building licence and engineering certification requirements as appropriate with scale, nature and size of project
- A brief outline of the ongoing maintenance required (noting a detailed maintenance manual will be required for the successful artist).

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### **6.5 Preparation, Installation and Handover Preparation**

Public artworks may require government approvals such as a development approval, building approval and/or engineering certification. The artist will be responsible for liaising with the correct departments and obtaining the relevant local government approvals. The following documents will need to submit to the City's Building and Planning Departments to confirm what approvals are required:

- Site location plan to scale
- Detail concept design - scale drawings, including materials and finishes
- Structural drawings (if required) and associated approvals.

The artist creates or supervises the creation of the artwork. The City will in most cases require sign off at specified milestones outlined in the artist's contract and will pay staged payments against the milestones. Where appropriate progress updates and images are to be provided and may include a studio or site visit.

#### Installation and Handover

The artwork is to be finished and accepted before installation, once accepted the artist will arrange for the safe and legal installation of the work. The Artists is to provide a Risk Management Plan to demonstrate how appropriate health and safety legislation is being adhered to, ensuring a safe working environment during construction and installation.

The City will arrange for the installation of a plaque that acknowledges the artist, the title of the work and the year it was made.

Prior to the final handover the artist is required to provide details of the artwork for the City's public art register and a Maintenance Manual. Once these are received, the final payment is then made to the artist.

#### Details of the Artwork – Public Art Register

- Year artwork was made
- Title of artwork
- Artists statement relating to the artwork
- Name of artist, bio and contact information
- Details of any collaborators
- Materials utilised

#### Maintenance Manual

- The expected life span of the work
- Recommended maintenance schedule
- Details of materials used
- The method of construction and the fabricator and subcontractors details
- Electrical and mechanical systems installed
- Finishes to the surfaces such as formulae for patinations

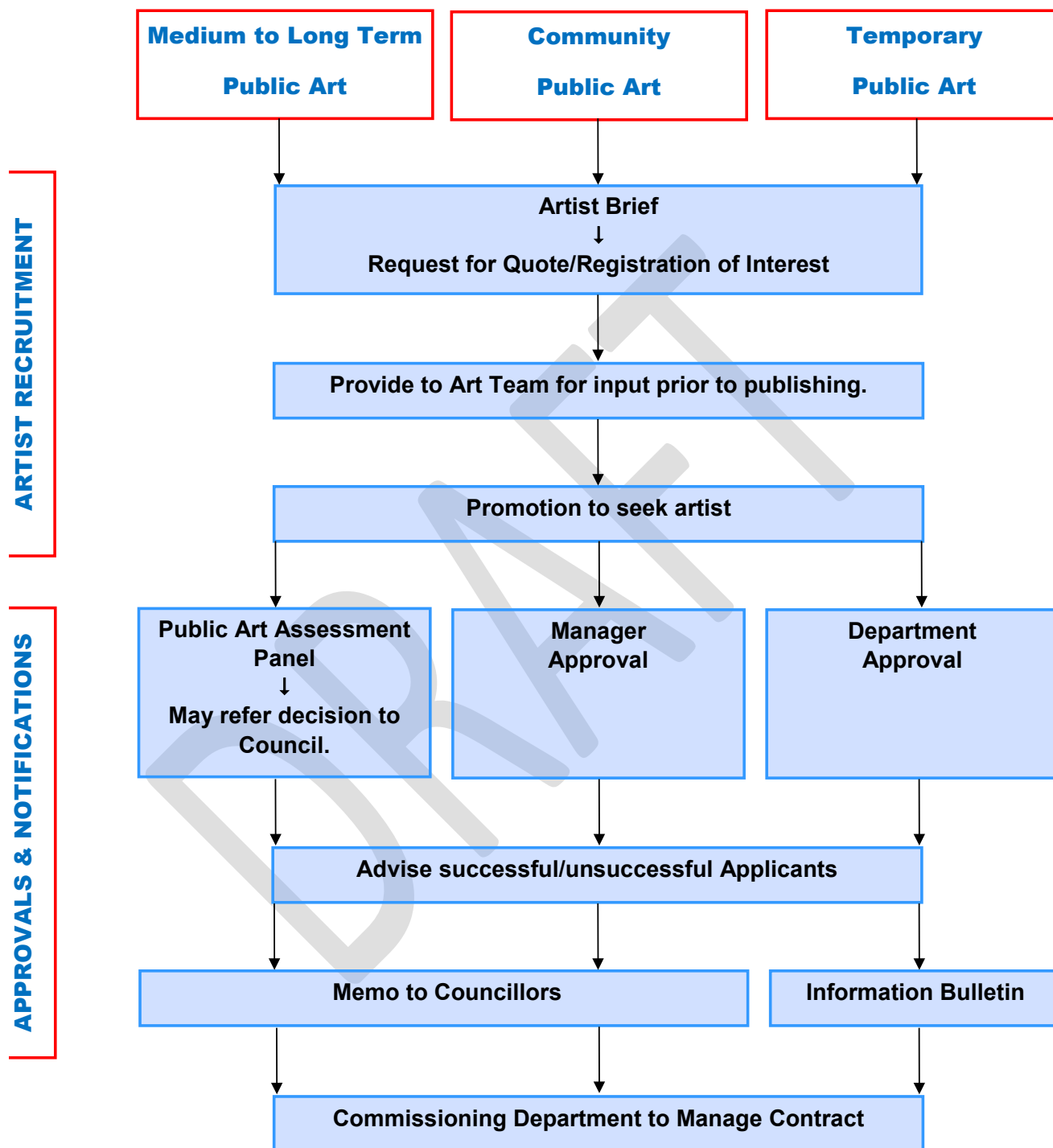
- As installed drawings
- Photographs, documentation and evaluation of the process
- Estimate of maintenance and replacement costs.

#### **6.6 Artwork launch**

Depending on the size and scale of the project, a launch may be held to celebrate the final artwork, reinforcing the community engagement process, increasing profile of the work and demonstrating the City's respect and commitment to the artist and final artwork.

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6.7 Commissioning Process Chart – City Funded Public Artwork



**7. Commissioning Guidelines for Privately Funded Public Artwork as part of a Development Approval Condition Clearance Request (Percent for Public Art Submission).**

In accordance with PLN 3.12 – Percent for Public Art Local Planning Policy, certain Development Applications will be conditioned to either provide a:

- a) Monetary contribution to the City for the future funding of public art; and/or,
- b) Install public art within the property.

Refer to PLN 3.12 for further information on which applications will be required to provide public art or a monetary contribution.

The following process's outlines what the requirements are in order to clear the percent for art conditions of Development Approval.

**7.1 Engaging with the City of Armadale**

Private developers or land owners are to utilise this Public Art Policy and the Percent for Public Art Local Planning Policy PLN 3.12 to guide them through the process of commissioning public art in Armadale in order to clear a percent for public art Development Approval condition.

It is recommended that the developer/land owner engage the City's Planning Department and Arts and Events Team prior to contracting an artist, to outline their proposed approach and the potential location of the public art work. At this stage they would email through the artist brief, the community consultation process and any other relevant details of the proposed development including the address, developer and the development approval details. The City's Planning Department will liaise with the Arts and Events Team to provide feedback to the developer/land owner on the proposal within 30 days.

**7.2 Lodging a Percent for Public Art Submission**

Where public art is proposed by a private developer on privately owned land, the Developer is to engage an appropriately qualified and experienced artist, as defined in this Policy, and lodge a Development Application Clearance request to the City's Planning Department containing the public art submission.

The Percent for Public Art Submission is to contain all the required information outlined in the Percent for Public Art submission form and checklist.

Planning Services will then refer the Public Art Submission to the Arts and Events Team to assess and advise Planning Services whether the submission satisfactorily clears the relevant Condition.

### **7.3 Percent for Public Art Submission Criteria**

The public artwork by the private developer shall address Clause 4 of PLN 3.12, the Percent for Public Art Submission form and Checklist, in addition to the following criteria:

#### Themes

Commissioned artwork is to align with one of the four themes outlined in this policy. It is important that the local community benefits from the public art that is commissioned across the City, this can be by means of building awareness of local assets, capacity building, economic benefit or simply beautifying. The greater the community benefit the more favourably the project will be considered.

#### Construction Criteria

The design and materials must maximise the durability of the work and avoid risk by:

- Minimising the potential for damage, vandalism, weathering and abnormal wear and tear
- Not presenting a potential unacceptable risk of injury or potential unacceptable risk to personal safety
- Not posing a traffic or pedestrian hazard
- Not presenting maintenance difficulties
- Not being detrimental to the natural environment
- All materials used should be permanent, durable and requiring a low level of maintenance
- Mural artwork proposed will require the application of an anti-graffiti coating or address issues of graffiti prevention

#### Maintenance Criteria

A detailed maintenance guide is to be provided, as outlined in point 8. The maintenance period commences on the date for Practical Completion.

### **7.4 Approval Criteria and Process**

The City will liaise with the Developer to achieve the best results for the public art project and the local community. The City will assess and provide feedback to the developer on the public art submission within 30 days of receiving the submission.

Once Communities Services is satisfied with the Percent for Public Art Submission, Planning Services will be notified and Planning Services will advise the developer that the relevant condition has been partially cleared. Full clearance can be provided when the public art work has been constructed. Refer to section 7.6 - practical completion below.

### **7.5 Building Permits**

Public artworks may require building permits and/or engineering certification. The artist /developer will be responsible for liaising with the City's Building Department once the percent for public art submission condition has been cleared. The following documents will need to submit to the City's Building to confirm what approvals are required:

- Site location plan to scale
- Detail concept design - scale drawings, including materials and finishes
- Structural drawings (if required) and associated approvals.

#### **7.6 Practical Completion Criteria**

Upon reaching Practical Completion the developer/landowner is to install a commemorative plaque acknowledging the artist(s). The plaque is to be located close to the artwork and cite the title and date of the public artwork along with the artist's name.

In order to confirm that the artwork complies with the approved Percent for Public Art submission, the City's Arts Officer is to arrange an inspection of the completed artwork to be attended at least by the Artist/s, Major Events and Arts Coordinator, relevant Planning Officer, Developer and any other specialist required (depending on the artwork) at a time convenient to all parties.

#### **Private Land**

Following Practical Completion of public art on private land, the Developer is to:

- A. Carry out any remedial works noted during the Practical Completion inspection without delay
- B. Undertake the maintenance of the Artwork for the life of the overall development associated with the public artwork.

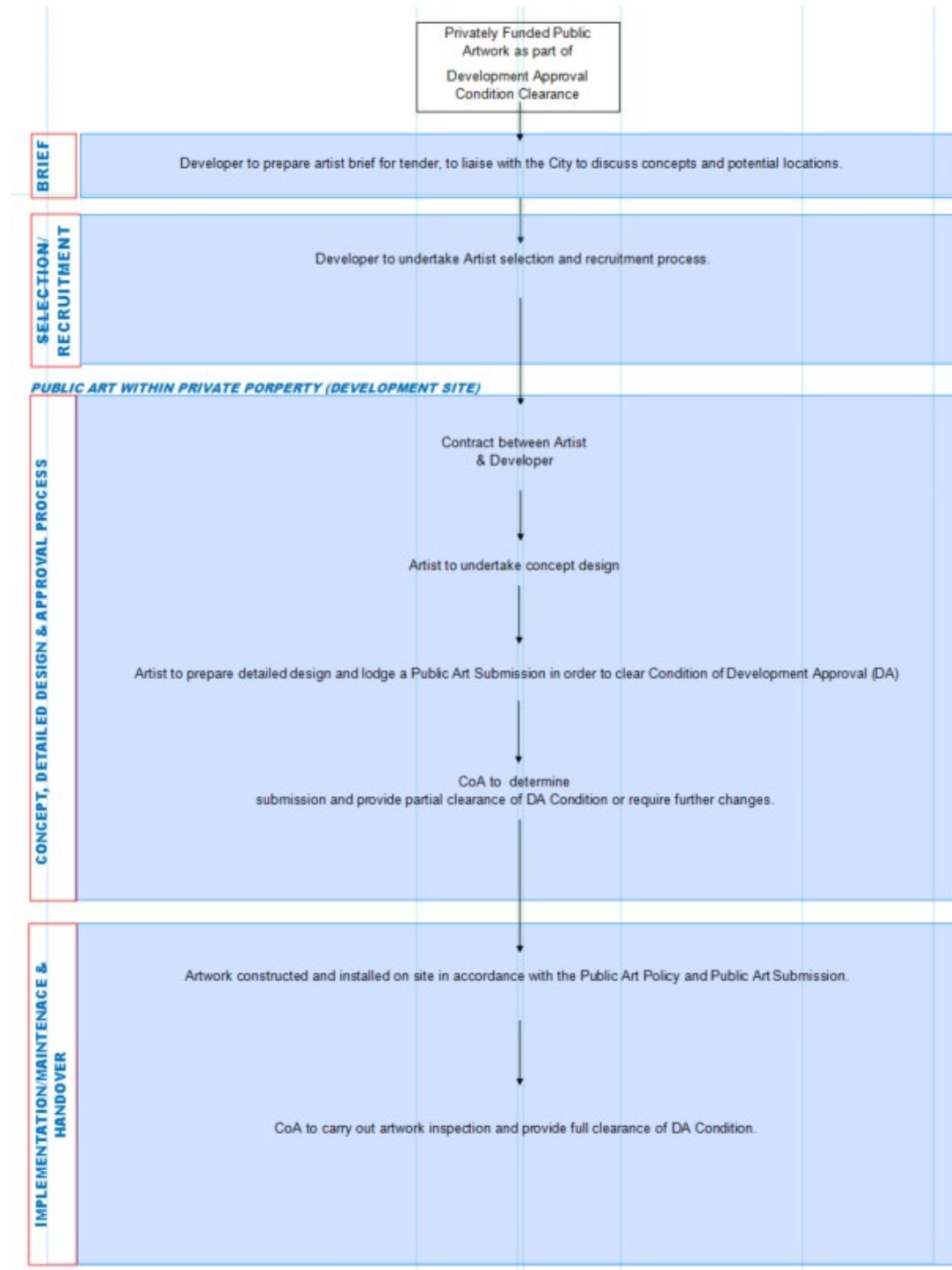
#### **7.7 Monetary Contributions**

Where monetary contributions is to be provided, as part of condition of Development Approval, the applicant is to complete and lodge the Percent for Public Art Form with the appropriate fees.

Planning Services is to:

- forward copy to cashiers and request notification when payment is made
- prepare a memo to finance (Template-CD/151666/18)
- prepare a Public Art reserve account information table (Template-CD/151661/18)
- send the table and memo, receipt details and a copy of the determination to Finance Services.

## 7.8 Commissioning Process Chart – Privately Funded Public Artwork (as part of DA Condition Approval)





## **8. Maintaining Public Artwork**

The artist is to provide a detailed maintenance guide addressing:

- A. materials utilised including brands, colours, application details and safety sheets where relevant
- B. recommended maintenance and cleaning requirements including the proposed maintenance schedule and estimated annual cost
- C. recommended conservation approach and contractors, including estimated cost for replacement

It is industry best practice to give the artist the first option to undertake more intricate maintenance work. In the instances where the work is routine, such as mowing, buffing and cleaning, the current owner of the artwork would undertake the responsibility for completing this work.

The maintenance period commences on the date for Practical Completion.

Where public art is located on land managed by the City of Armadale, it is intended that the artwork become the property of the City. For artworks commissioned by the City this occurs immediately following handover by the artist. For privately commissioned artworks, which have also been accepted by the City, this will also be considered property of the City as per the contract. Public art that is located on private land will be maintained by landowners and not the City.

Maintenance reports will be adhered to as closely as is practicable to maintain the condition of the artwork.

## **9. Decommissioning Public Artworks**

Considerations for decommissioning Public Art include:

- A. The site for which a site-integrated artwork was specifically created is structurally or otherwise altered and can no longer accommodate the work, or is made publicly inaccessible
- B. The site or art constitutes a threat to public safety
- C. The work is at the end of its intended life span
- D. Maintenance and repair obligations and costs have become excessive in relation to the value and age of the artwork
- E. There is irreparable damage through vandalism or decay
- F. There is a significant threat of damage of the work if left in its current location
- G. The work has become unsafe, or is affected by changes in health and safety regulations
- H. The site where the work is located is to be redeveloped or physically altered
- I. The work is no longer relevant or appropriate, and the commissioning party wishes to commission a new work for the site.

If the work is identified for decommissioning the City will conduct a formal review with the following guiding principles:

- A. Make reasonable attempt to advise the artist prior to any relocation, sale, alteration, or removal of an artwork
- B. The artist, owner, commissioners, maintenance contractors, and if appropriate professional assessors should be advised
- C. Where possible it is important to be sensitive to the views of the general public and any community groups who were involved in the original commission and to any other culturally sensitive matters relevant to the work
- D. The review should examine the artwork maintenance file, as well as any contractual agreements between the artist and the commissioning party regarding the maintenance or decommissioning of the work
- E. If immediate replacement is not available and the artwork was commissioned as a permanent piece, then all reasonable effort should be made to avoid permanent removal within the year of its installation
- F. The artwork is to be documented via photograph/video footage and the plaque to be preserved through History House

Applicable legislation

Act	Copyright Act 1968
Regulation	
Local law	
Policy	PLN 3.12 – Percent for Public Art Local Planning Policy

Delegation of Power

- NA

Link to Influencing Strategies or Plans

- City of Armadale Arts and Culture Strategy
- Percent for Art Policy
- Community Development Strategy 2021 – 2026

Link to Procedure

- NA

Other Implications

*Financial/Budget Implications*

- NA

Administrative Information

Adopted on	
Reviewed or amended	
Responsible department	Community Development

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## DELEGATIONS

### Part 1 - Local Government Act 1995

Local Government Act 1995

<b>Delegation</b>	<b>1.1.3 Administration of leases and licences (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42(1) - Delegation of some powers and duties to CEO
<b>Express power or duty delegated</b>	<b>Local Government Act 1995</b> s. 9.49A(4) - Execution of documents  (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
<b>Function</b>	Sign and exercise all rights, functions or duties incumbent on the City in respect of any lease or licence agreement that is in effect, or Council has given its approval to bring into effect.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Unless it is an exempt disposition, if the dealing with the lease or licence will be one that falls under the disposition of property provisions of s. 3.58 of the Act, then the dealing is not to occur unless it has been referred to Council for determination.
<b>Express power to subdelegate</b>	<b>Local Government Act 1995</b> s. 5.44 - CEO may delegate powers and duties to other employees
<b>Statutory framework</b>	<b>Local Government Act 1995</b> s. 3.58 - Disposing of property s. 5.42 - Delegation of some powers and duties to CEO s. 5.43 - Limits on delegations to CEO s. 5.44 - CEO may delegate powers and duties to other employees  <b>Local Government (Functions and General) Regulations 1996</b> r. 30 - Dispositions of property excluded from Act s. 3.58
<b>Policy</b>	Policy - Lease and Licence
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.

<b>Delegation</b>	<b>1.1.6 Declare vehicle is abandoned vehicle wreck (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42 - Delegation of some powers or duties to CEO s. 5.43 - Limitations on delegations to CEO
<b>Express power or duty delegated</b>	<b>Local Government Act 1995</b> s. 3.40A Abandoned vehicle wreck may be taken
<b>Function</b>	Give notice to the owner of a vehicle removed pursuant to s. 3.40A(1) that the vehicle may be collected from a place specified during such hours as are specified in the notice [Act, s. 3.40A (2)]. Declare that an impounded vehicle is an abandoned vehicle wreck [Act, s. 3.40A(4)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	1. Subject to the requirements for sections 3.40A(1), (2) and (3) being undertaken as required; 2. s. 3.45 Notice to including warning - a notice is to include a short statement of the effect of the relevant provisions of sections 3.46, 3.47 and 3.48; 3. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.7 - Dealing with confiscated, impounded or uncollected goods. 4. Compliance with - r. 29A Abandoned vehicle wrecks, value etc. prescribed for [Act, s. 3.40A (5)(c)]  <b>NOTE:</b> Declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1).
<b>Express power to subdelegate</b>	<b>Local Government Act 1995</b> s. 5.44 - CEO may delegate some powers and duties to other employees.
<b>Statutory framework</b>	Part 3, Division 3, Subdivision 4 of the <i>Local Government Act 1995</i> .
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.

<b>Delegation</b>	<b>1.1.7 Dealing with confiscated, impounded or uncollected goods (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42 - Delegation of some powers or duties to the CEO. s. 5.43 - Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<b>Local Government Act 1995</b> s. 3.42 - Impounded non-perishable goods s. 3.44 - Notice to collect goods if not confiscated s. 3.46 - Goods may be withheld until costs paid s. 3.47 - Confiscated or uncollected goods, disposal of s. 3.48 - Impounding expenses, recover of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Issue a notice to an alleged offender that impounded goods may be collected from a specified place at a specified time [Act, s. 3.42(1)(b) and Act s. 3.44].</li> <li>2. Authority to refuse to allow goods impounded under s.3.39 or s.3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [Act, s. 3.46].</li> <li>3. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [Act, s. 3.47].</li> <li>4. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [Act, s. 3.48].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<b>Local Government Act 1995</b> s. 5.44 - CEO may delegate some powers and duties to other employees.
<b>Statutory framework</b>	<b>Local Government Act 1995</b> s. 3.58 - Disposing of Property s. 3.47 - Confiscated or uncollected goods, disposal of r. 30 of the <i>Local Government (Functions and General) Regulations 1996</i> - dispositions of property excluded from Act s. 3.58
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.

<b>Delegation</b>	<b>1.1.8 Disposal of sick or injured animals (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42 Delegation of some powers or duties to the CEO. s. 5.43 Limitations on delegations to the CEO.
<b>Express power or duty delegated</b>	<b>Local Government Act 1995</b> s. 3.47A Sick or injured animals, disposal of s. 3.48 Impounding expenses, recover of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [Act, s. 3.47A(1)].</li> <li>2. Recover expenses incurred for removing, impounding and disposing of confiscated or uncollected goods [Act, s. 3.48]</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1) An animal must not be destroyed unless — <ol style="list-style-type: none"> <li>a) because of the state of the animal, destroying it is urgent; or</li> <li>b) reasonable steps have been taken to notify the owner and allowed the owner a reasonable opportunity to collect the animal.</li> </ol> </li> <li>2) Sub-condition (b) does not justify the destruction of an animal before it has been impounded for at least 7 days.</li> </ol>
<b>Express power to subdelegate</b>	<b>Local Government Act 1995</b> s. 5.44 CEO may delegate some powers and duties to other employees.
<b>Statutory framework</b>	<b>Local Government Act 1995</b> s. 3.47A Sick or injured animals, disposal of
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.



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<b>Delegation</b>	<b>1.1.30 Appointment of Poundkeepers (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42(1) - Delegation of some powers and duties to CEO
<b>Express power or duty delegated</b>	<b>Local Government (Miscellaneous Provisions) Act 1960</b> s. 449 - Pounds, establishing; poundkeepers and rangers, appointing
<b>Function</b>	Appoint fit and proper persons to be poundkeepers.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	1. The CEO is to decide that the appointee is a fit and proper person to be appointed as a poundkeeper. 2. The appointee is to be furnished with a Certificate of Appointment, signed by the CEO.
<b>Express power to subdelegate</b>	Nil.
<b>Statutory framework</b>	<b>Local Government Act 1995</b> s. 5.42(1) - Delegation of some powers and duties to CEO  <b>Local Government (Miscellaneous Provisions Act 1960</b> s. 2 - Act to be read as part of <i>Local Government Act 1995</i> s. 449 - Pounds, establishing; poundkeepers and rangers, appointing
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.

<b>Delegation</b>	<b>1.1.31 Free use of local government facilities (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42(1) - Delegation of some powers and duties to CEO
<b>Express power or duty delegated</b>	<b>Local Government Act 1995</b> s. 6.12(1)(b) - waive or grant concessions in relation to any amount of money
<b>Function</b>	Waive or grant a concession in relation to hire, use or leasing of a building or facility of the local government, where the building or facility would ordinarily attract a fee for such use.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>The function shall only be used where -</p> <ol style="list-style-type: none"> <li>1. The grant, concession or otherwise 'free' use of a facility is in association with a partnership agreement already in effect between the local government and an external organisation, or as a component of a partnership agreement that is being considered by the local government; or</li> <li>2. The grant, concession or otherwise 'free' use of a facility is of a "one off" nature by a community organisation or other not-for-profit entity that benefits the residents of the City; and</li> <li>3. The term does not exceed twelve (12) months; and</li> <li>4. The agreement does not apply to a commercial organisation; or</li> <li>5. The grant, concession or otherwise 'free' use of a facility is at the request of a State or Commonwealth Government agency in direct connection with an emerging or ongoing emergency.</li> </ol>
<b>Express power to subdelegate</b>	<b>Local Government Act 1995</b> s. 5.44 - CEO may delegate powers and duties to other employees
<b>Statutory framework</b>	<b>Local Government Act 1995</b> s. 5.42(1) s. 5.44
<b>Policy</b>	Policy - Lease and Licence
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.

<b>Delegation</b>	<b>1.1.32 Donations, community grants and requests for financial assistance (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42 - Delegation of some powers and duties to CEO
<b>Express power or duty delegated</b>	<b>Local Government (Financial Management) Regulations 1996</b> r. 12(1)(a) Payments from municipal fund or trust fund, restrictions on making  (1) A payment may only be made from the municipal fund or the trust fund —  (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO
<b>Function</b>	Make a donation, or award a grant, to an eligible organisation or individual as prescribed by relevant Council policy.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	A donation or grant shall only be made if the applicant meets the criteria prescribed by Council Policy COMD1 - Financial Assistance.
<b>Statutory framework</b>	<b>Local Government Act 1995</b> <b>Local Government (Financial Management) Regulations 1996</b>
<b>Policy</b>	COMD1 - Financial Assistance
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.

<b>Delegation</b>	<b>1.1.34 Sponsorship and grant applications, agreements and acquittals (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42 Delegation of some powers to CEO
<b>Express power or duty delegated</b>	<b>Local Government Act 1995</b> s. 9.49A(4)  (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
<b>Function</b>	Sign sponsorship or grant applications, agreements and acquittals on behalf of the City of Armadale.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Delegates are authorised to apply for and execute sponsorship and grant agreements where the City's contribution component falls within an adopted budget, forms part of the four year budget, or is consistent with a Council resolution to consider a budget allocation in a future budget; or</li> <li>2. If such a sponsorship or grant is opportunistic in nature, not in the current budget, but is consistent with a plan, or strategy and has a clear benefit to the community.</li> <li>3. Delegates are not authorised to apply for and execute grants where any additional contribution of funds in excess of the City's budget amount is required. This will require a budget variation to be approved by Council* before the CEO can exercise this delegation.</li> </ol> <p>*Absolute majority required</p>
<b>Express power to subdelegate</b>	<b>Local Government Act 1995</b> Subdelegation of this function is prohibited by s. 5.43(ha) of the Act.
<b>Subdelegate conditions</b>	N/A
<b>Statutory framework</b>	<b>Local Government Act 1995</b> s. 5.42, s. 5.43(ha) and s. 9.49A(4).
<b>Policy</b>	Nil
<b>Record keeping</b>	<p>Exercise of the authority is to be recorded in the City's records management system and Attain.</p> <p>Where the common seal is affixed the particulars are to be recorded in the Common Seal Register.</p>

## Part 2 - Local Laws

### Local Laws

<b>Delegation</b>	<b>2.1.1 Local Law Relating to Dogs - licencing and administration (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 2 - Local Laws
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Dog Act 1976</b> s. 10AA - Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<p><b>Local Government Act 1995</b> s. 3.18 Performing executive functions</p> <p>(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.</p> <p><b>Dog Act 1976</b> s. 10AA(3) Authorise the delegate to further delegate the power or duty</p> <p><b>Local Law Relating to Dogs</b>            Clause 3.2 - Limitation on the number of dogs            Clause 3.2(4) - determination of application for exemption [Dog Act 1976, s. 26(3)]            Clause 4.5 - When application can be determined            Clause 4.6 - Determination of application            Clause 4.7(b) - Where application cannot be approved            Clause 4.8 - Conditions of approval            Clause 4.11 - Determine form of licence            Clause 4.13 - Variation or cancellation of licence            Clause 4.14 - Transfer            Clause 4.15 - Notification            Clause 7.4 - Failure to pay modified penalty</p>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Approve an application for an exemption to keep or permit to be kept on premises more than two (2) dogs but not greater than six (6) dogs [cl. 3.2(4)]</li> <li>2. Revoke or vary an approval for an exemption granted by the local government [cl. 3.2(4)(c)]</li> <li>3. Determine an application for a kennel licence in accordance with the requirements of clause 4.5 and 4.6 [cl. 4.5, 4.6]</li> <li>4. Form an opinion that an applicant will not be sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare [cl. 4.7(b)]</li> <li>5. Impose conditions on an approval for a kennel licence [cl. 4.8(1)]</li> <li>6. Determine the form of a kennel licence to be issued to a licensee [cl. 4.11]</li> <li>7. Vary the conditions of a kennel licence [cl. 4.13(1)]</li> <li>8. Cancel a kennel licence for any of the grounds prescribed by the Local Law [cl. 4.13(2)]</li> <li>9. Approve the transfer of a kennel licence to another person with or without conditions as considered appropriate [cl. 4.14(2), (3)]</li> <li>10. Give written notice for any of the matters prescribed by clause 4.15 of the Local Law [cl. 4.15]</li> <li>11. Allow such further time to a person to pay a modified penalty of an infringement notice issued for a breach of the Local Law [cl. 7.4, 7.5]</li> <li>12. Further delegate the power or duty [s. 10AA(3)]</li> </ol>

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<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<b><i>Dog Act 1976</i></b> s. 10AA(3) - The delegation may expressly authorise the delegate to further delegate the power or duty
<b>Statutory framework</b>	<b><i>Dog Act 1976</i></b>  Local Law Relating to Dogs
<b>Policy</b>	Nil.
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.

DRAFT

<b>Delegation</b>	<b>2.1.2 Local Government Property Local Law - Approve, issue and determine conditions of permits (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 2 - Local Laws
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><b>Local Government Act 1995</b></p> <p>s. 5.42 - Delegation of some powers or duties to CEO</p> <p>s. 5.44 - CEO may delegate powers and duties to other employees</p>
<b>Express power or duty delegated</b>	<p><b>Local Government Act 1995</b></p> <p>s. 3.18 Performing executive functions</p> <p>(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.</p> <p><b>Local Government Property Local Law</b></p> <p>cl. 2.1 Determinations as to use of local government property</p> <p>cl. 3.2 Application for permit</p> <p>cl. 3.3 Decision on application for permit</p> <p>cl. 3.4 Conditions which may be imposed on a permit</p> <p>cl. 3.5 Imposing conditions under a policy</p> <p>cl. 3.6 Compliance with and variation of conditions</p> <p>cl. 3.9 Renewal of permit</p> <p>cl. 3.10 Transfer of permit</p> <p>cl. 3.11 Production of permit</p> <p>cl. 3.12 Cancellation of permit</p> <p>cl. 3.13 Activities needing a permit</p>

<b>Function</b>	<ol style="list-style-type: none"> <li>1. Make a Determination in accordance with clause 2.2 of the Local Law [cl. 2.1(1)].</li> <li>2. Determine the form of an application for a permit under the local law [cl. 3.2(2)(a)].</li> <li>3. Require an applicant to provide additional information reasonably related to an application for determining an application [cl. 3.2(3)].</li> <li>4. Require an applicant to give local public notice of an application for a permit [cl. 3.2(4)].</li> <li>5. Refuse to consider an application for a permit which is not in accordance with clause 3.2 (2) of the local law [cl. 3.2(5)].</li> <li>6. Approve, or refuse, an application for a permit unconditionally or subject to conditions [cl. 3.3(1)(a) and (b)].</li> <li>7. Determine a form of permit and issue a permit to an applicant [cl. 3.3(2)].</li> <li>8. Give written notice of a refusal to approve an application for a permit, to an applicant [cl. 3.3(3)].</li> <li>9. Impose conditions that are not prescribed by a clause of the local law on a permit [cl. 3.3(4)].</li> <li>10. Refuse an application for a permit on grounds that are not prescribed by a clause of the local law [cl. 3.3(5)].</li> <li>11. Impose conditions on a permit as specified in the Local Law [cl. 3.4].</li> <li>12. Impose conditions on a permit by reference to a policy [cl. 3.5(2)].</li> <li>13. Vary the conditions of a permit [cl. 3.6(1)].</li> <li>14. Renew a permit, prior to the expiry of the permit [cl. 3.9(1)].</li> <li>15. Approve the transfer of a permit to another person subject to any conditions [cl. 3.10 (2)].</li> <li>16. Refuse the transfer of a permit to another person [cl. 3.10(1)(c), 3.10(2)].</li> <li>17. Cancel a permit if the permit holder has not complied with the local law or a condition of the permit [cl. 3.12(1)].</li> <li>18. Exempt a person from compliance with clause 3.13(1) upon application by that person [cl. 3.13(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Exercise of the delegation is limited to those matters prescribed by clause 3.13 of the local law.
<b>Express power to subdelegate</b>	<b>Local Government Act 1995</b> s. 5.44 CEO may delegate powers and duties to other employees
<b>Subdelegate conditions</b>	Nil.
<b>Statutory framework</b>	<b>Local Government Act 1995</b> City of Armadale Local Government Property Local Law
<b>Policy</b>	Policy - Lease and Licence
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.



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<b>Delegation</b>	<b>2.1.3 Local Government Property Local Law - administration (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 2 - Local Laws
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Local Government Act 1995</b> s. 5.42(1) Delegation of some powers and duties to CEO
<b>Express power or duty delegated</b>	<b>Local Government Act 1995</b> s. 3.18 Performing executive functions (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.  <b>Local Government Property Local Law</b> cl. 2.3 Discretion to erect sign cl. 3.7 Agreement for building cl. 4.7 Removing or damaging flora cl. 4.8 Signs cl. 6.1(2) Unauthorised entry to function - fees cl. 8.4 Disposal of lost property cl. 8.5 Liability for damage cl. 9.2 Local government may undertake requirements of notice

<b>Function</b>	<p>1. Erect a sign on local government property to give notice of the effect of a determination which applies to that property [cl. 2.3]</p> <p>2. Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building [cl. 3.7]</p> <p>3. Give written consent to a person to remove flora on or above local government property [cl. 4.7(1)]</p> <p>4. Erect a sign on local government property specifying any conditions of use which apply to that property (subject to sub-clause (3) [cl. 4.8(1)]</p> <p>5. Exempt a person from paying an admission fee to a function on local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised [cl. 6.1(2)]</p> <p>6. Dispose of an article of lost property left on any local government property if not claimed after 1 month [cl. 8.4(1)]</p> <p>7. Dispose of an item of property left on any local government property that is of minor clothing, undergarments, consumable personal effects or other item of nominal financial value [cl. 8.4(2)]</p> <p>8. Issue a notice to a person who has unlawfully damaged local government property, that the person is required to pay the costs of reinstating the property to the state it was in prior to the occurrence of the damage; or replace that property. [cl. 8.5(1)]</p> <p>9. Undertake the requirements of a notice issued by the local government and recover the costs of doing so from the person to whom the notice was issued, as a debt [cl. 9.2]</p>
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<p><b>Local Government Act 1995</b></p> <p>s. 5.44(1) CEO may delegate powers and duties to other employees</p>
<b>Statutory framework</b>	<p><b>Local Government Act 1995</b></p> <p>s. 3.18(1) Performing executive functions</p> <p>s. 5.42(1) Delegation of some powers and duties to CEO</p> <p>s. 5.44(1) CEO may delegate powers and duties to other employees</p> <p><b>Local Government Property Local Law</b></p>
<b>Record keeping</b>	Exercise of the authority is to be recorded in the City's records management system and Attain.

<b>Delegation</b>	<b>2.1.8 Bush Fire Brigades Local Law (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 2 - Local Laws
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><b>Bush Fires Act 1954</b> s. 48 - Delegation by local governments</p> <p><b>Local Government Act 1995</b> s. 5.42 - Delegation of some powers and duties to CEO</p>
<b>Express power or duty delegated</b>	<p><b>Local Government Act 1995</b></p> <p>3.18. Performing executive functions</p> <p>(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.</p> <p><b>Bush Fire Brigades Local Law</b></p> <p>cl. 2.2 - Name and officers of bush fire brigade cl. 3.1 - Local government responsible for structure cl. 3.3 - Appointment of training coordinator Rule 2.7 - Termination of membership Rule 2.11 - Objection rights</p>
<b>Function</b>	<p>1. Appoint persons to be - a) a Captain; b) a First Lieutenant; c) a Second Lieutenant; d) additional Lieutenants if the local government considers it necessary; e) an Equipment Officer; f) a Training Officer; g) a Secretary; and h) a Treasurer. [cl. 2.2(1)(c)]</p> <p>2. Determine an appropriate structure through which the organisation of bush fire brigades is maintained [cl. 3.1]</p> <p>3. Appoint a Training Coordinator for the district [cl. 3.3]</p> <p>4. Dismiss a person from a membership of a bush fire brigade [Rule 2.7(1)(d)]</p> <p>5. Deal with an objection to a decision involving clauses 2.5(1)(b), 2.7(1)(c), 2.7(1)(d) 2.8(3)(b), 2.8(1) or 2.8(3)(a) of the Local Law by - a) dismissing the objection; b) varying the decision objected to; or c) revoking the decision objected to, with or without - (i) substituting for it another decision; or (ii) referring the matter, with or without directions, for another decision by the Committee.</p>
<b>Delegates</b>	Chief Executive Officer

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<b>Conditions</b>	When considering the appointment of office holders of a bush fire brigade, the local government is to have regard to the qualifications and experience which may be required to fill each position.
<b>Express power to subdelegate</b>	Nil.
<b>Statutory framework</b>	<p><b><i>Bush Fires Act 1954</i></b> s. 48 - Delegation by local governments s. 63 - Local government may make local laws</p> <p><b><i>Local Government Act 1995</i></b> s. 3.18 - Performing executive functions s. 5.42 - Delegation of some powers and duties to CEO</p> <p>Bush Fire Brigades Local Law</p>
<b>Record keeping</b>	Exercise of the delegation is to be recorded in the City's records management system and Attain.

DRAFT

## Part 5 - Cat Act 2011

An Act to —

- provide for the control and management of cats; and
  - promote and encourage the responsible ownership of cats,
- and for related matters.

<b>Delegation</b>	<b>5.1.1 Cat Act 2011 - administration of functions and powers (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 5 - Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Cat Act 2011</b> s. 44 - Delegation by local government.
<b>Express power or duty delegated</b>	<b>Cat Act 2011</b>  s. 9 - Registration s. 10 - Cancellation of registration s. 11 - Registration numbers, certificates and tags s. 12 - Register of cats s. 13 - Notice to be given of certain decisions made under this Subdivision s. 26 - Cat control notice may be given to owner s. 33 - Operator of cat management facility may have cat microchipped and sterilised s. 32 - Notice to be given to cat's owner, if identified s. 34 - Dealing with unidentified and unclaimed cats s. 37 - Approval to breed cats s. 38 - Cancellation of approval to breed cats s. 39 - Certificate to be given to approved cat breeder s. 40 - Notice to be given of certain decisions made under this subdivision s. 42 - Administration by local governments - local laws s. 49(3) - Recovery of costs to destroy a cat s. 77(4) - Administer regulations made under the Act
<b>Function</b>	1. Grant, or refuse to grant, the registration or the renewal of the registration of a cat [Cat Act, s. 9(1)]  2. Refuse an application under section 9(1) of the Act if the delegate is satisfied one or more of the proscriptions of s. 9(2) of the Act apply [Cat Act, s. 9(2)]  3. Require an applicant to give to the local government within a specified time of not more than 21 days, any document or information the local government requires to determine the application [Cat Act, s. 9(5)]  4. Refuse to consider an application if the applicant does not provide the information required under section 9(5) of the Act [Cat Act, s. 9(6)]  5. Cancel the registration of a cat for any of the grounds prescribed [Cat Act, s. 10]  6. Allot a registration number to a cat that the local government registers, and give the owner a registration certificate and a registration tag for the cat showing the registration number [Cat

	<p>Act s. 10(1)]</p> <p>7. Replace a lost, stolen or destroyed registration certificate or registration tag [Cat Act s. 11(2)]</p> <p>8. Maintain a register of cats containing the information prescribed, in a form the delegate thinks fit and correct any error or omission in the register [Cat Act, s. 12]</p> <p>9. Issue a notice of decision to an applicant [Cat Act, s. 13]</p> <p>10. Give a cat control notice to a person who is the owner of a cat [Cat Act, s. 26]</p> <p>11. Give notice to the owner of a cat that their cat is held in the City's cat management facility [Cat Act, s. 32]</p> <p>12. Do anything necessary to ensure that a cat is microchipped or sterilised, or both, as is relevant, before the cat is reclaimed or otherwise transferred from a cat management facility [Cat Act, s. 33]</p> <p>13. Deal with an unidentified or unclaimed cat in the manner prescribed by section 34 of the Act [Cat Act, s. 34]</p> <p>14. Grant, or refuse to grant, the approval or the renewal of an approval to breed cats [Cat Act, s. 37(1)]</p> <p>15. Refuse an application under section 37(1) of the Act if the delegate is satisfied one or more of the proscriptions of s. 37(2) of the Act apply [Cat Act, s. 37(2)]</p> <p>16. Require an applicant to give to the local government within a specified time of not more than 21 days, any document or information the local government requires to determine the application [Cat Act, s. 37(3)]</p> <p>17. Refuse to consider an application if the applicant does not provide the information required under section 37(3) of the Act [Cat Act, s. 37(4)]</p> <p>18. Cancel an approval to breed cats if one or more of the things set out in section 37(2) of the Act apply [Cat Act, s. 38]</p> <p>19. Give a certificate to an approved cat breeder when the local government has given approval, and replace a certificate if it is stolen, lost or destroyed [Cat Act, s. 39]</p> <p>20. Issue a notice of decision to an applicant [Cat Act, s. 40]</p> <p>21. Administer a local law made under the Act and do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act [Cat Act, s. 42]</p> <p>22. Where an authorised person causes a cat to be destroyed in a humane manner, recover the amount of the costs involved in said destruction from the owner of the cat in a court of competent jurisdiction [Cat Act s. 49(3)]</p> <p>23. Administer any regulation made under section 77 of the Act to the extent that it relates to any place where the local government may perform functions, as if the regulation were a local law [Cat Act, s. 77(4)]</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .

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<b>Express power to subdelegate</b>	<b><i>Cat Act 2011</i></b> s. 45 - Delegation by CEO of local government
<b>Statutory framework</b>	<b><i>Cat Act 2011</i></b> <b><i>Cat Regulations 2012</i></b>
<b>Record keeping</b>	Exercise of authority to be recorded in Record Management System

DRAFT

## Part 6 - Dog Act 1976

An Act to amend and consolidate the law relating to the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons in relation thereto, and for incidental and other purposes.

<b>Delegation</b>	<b>6.1.1 Dog Act 1976 - registration functions (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 6 - Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Dog Act 1976</b> s. 10AA - Delegation of local government powers and duties.
<b>Express power or duty delegated</b>	<b>Dog Act 1976</b> s. 3 Appoint registration officer ( <i>Terms Used - Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i> ) s. 10AA(3) Authorise the delegate to further delegate the power or duty s.15(2) and (4A) Registration periods and fees s.16(3) and (4) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration s. 26(3) Limitation as to numbers - exemptions s. 26(3)(a) Limitation as to numbers - exemptions - imposing conditions s. 26(3)(c) Limitation as to numbers - exemptions - revoke or vary s. 62(2)(a) Transitional provision for centralised registration system



<p><b>Function</b></p>	<ol style="list-style-type: none"> <li>1. Authorise a person for the purposes of performing the prescribed office of Registration Officer [Act, s. 3]</li> <li>2. Determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>3. Direct the Registration Officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> <li>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i> [Act, s. 16(3)(a)]; or</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease [Act, s. 16(3)(b)]; or</li> <li>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept [Act, s. 16(3)(c)]; or</li> <li>iv. the dog is required to be microchipped but is not microchipped [Act, s. 16(3)(da)]; or</li> <li>v. the dog is a dangerous dog [Act, s. 16(3)d)].</li> </ol> </li> <li>4. Discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the City of Armadale's District [s15(4A)].</li> <li>5. Where the registration of a dog is refused, not renewed or cancelled pursuant to s. 16(3) notify the applicant or the person in whose name the registration was effected, and that notification shall be accompanied by a statement in writing of the grounds upon which the decision of the local government was made [Act, s. 16(4)].</li> <li>6. Apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> <li>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)].</li> </ol> </li> <li>7. Where the City of Armadale Local Law Relating to Dogs places a limit on the keeping of dogs in any specified area but the delegate is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the delegate may grant an exemption in respect of those premises [Act, s. 26(3)].</li> <li>8. Impose conditions in respect of an exemption given pursuant to s. 26(3) of the Act [Act, s. 26 (3)(a)].</li> <li>9. Revoke or vary an exemption given pursuant to s. 26(3) of the Act or a condition on an exemption [Act, s. 26(3)(c)].</li> <li>10. Record in the centralised registration system any information that the local government is required under the Act to record in a register maintained by it [Act, s. 62(2)(a)].</li> <li>11. Further delegate the power or duty [s. 10AA(3)]</li> </ol>
<p><b>Delegates</b></p>	<p>Chief Executive Officer</p>

<b>Conditions</b>	<p>1. The CEO may further delegate (sub delegate) to employees whom the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation.</p> <p>2. This delegation excludes powers and duties that are prescribed in the Act with the requirement for a resolution by local government, and the following clauses of the City's Local Law Relating to Dogs;</p> <p>a) c2.1-Determining of charges and costs</p> <p>b) c3.3(2) - Fees determined for the lodgement of an exemption</p> <p>c) c4.10(4) - Fees determined for the lodgement of an application for a licence for a kennel establishment.</p> <p>3. Item 10 above may only be used if the Director General has permitted the City to use and add information to the centralised registration system.</p>
<b>Express power to subdelegate</b>	<p><b>Dog Act 1976</b></p> <p>s. 10AA(3) - Delegation of local government powers and duties.</p> <p><b>NOTE:</b> Sub delegation only permitted where delegation to the CEO expressly authorises sub delegation).</p>
<b>Statutory framework</b>	<p><b>Dog Act 1976:</b></p> <p>s.17A - If no application for registration made – procedure for giving notice of decision under s16(3).</p> <p><b>City of Armadale Local Law Relating to Dogs</b></p> <p><b>NOTE:</b> Decisions under this Delegation may be referred for review by the State Administrative Tribunal (SAT) [s.16A, 17(4) and (6)].</p>
<b>Record keeping</b>	Exercise of authority to be recorded in Record Management System

<b>Delegation</b>	<b>6.1.2 Dog Act 1976 - dog control and enforcement functions (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 6 - Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Dog Act 1976</b> s. 10AA - Delegation of local government powers and duties.
<b>Express power or duty delegated</b>	<b>Dog Act 1976</b> s. 10AA(3) Authorise the delegate to further delegate the power or duty s. 29(5) Recovering monies due in court s. 29(11) Power to seize dogs s. 33E(1) Individual dog may be declared to be dangerous dog (declared) s. 33F(1) Issue a notice to owner - dangerous dog declaration s. 33F(6) Owners to be notified of making of declaration s. 33G(4) Seizure and destruction s. 33H(1) and (2) Local government may revoke declaration or proposal to destroy s. 33H(3) give notice in writing to the owner of the dog where 33H(1) is exercised s. 33H(5) Local government may revoke declaration or proposal to destroy s. 33M(1)(a) Local Government expenses to be recoverable s. 39(1) Application for destruction order s. 44 Enforcement proceedings

<b>Function</b>	<p>1. Recover monies due under the Act in relation to a dog for which the owner is liable [Act, s. 29 (5)].</p> <p>2. Dispose of or sell a dog which is liable to be destroyed [Act, s. 29(11)].</p> <p>3. Declare an individual dog to be a dangerous dog [Act, s. 33E(1)].</p> <p>4. Give written notice declaring a dog to be a dangerous dog (declared) to the owner of that dog [Act, s. 33F(1)].</p> <p>5. Consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [Act, s.33F(6)].</p> <p>6. Consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [Act, s.33G(4)].</p> <p>7. Revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [Act, s.33H(1)].</p> <p>8. Before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</p> <p>8. Give notice in writing to the owner of a dog where s.33H(1) has been exercised to revoke a notice made under s. 33F(1) or s. 33G of the Act [Act, s. 33H(3)].</p> <p>8. Consider and determine to either dismiss or uphold an objection to a decision to revoke: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed [Act, s.33H(5)].</p> <p>9. Determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [Act, s. 33M(1)(a)].</p> <p>10. Apply to the court for an order to destroy a dog [Act, s. 39(1)].</p> <p>11. Authorise an employee to take proceedings under the Act, whether civil or penal [Act, s. 44 (2)(b)]</p> <p>11. Further delegate the power or duty [Act, s. 10AA(3)]</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	The CEO may further delegate (sub delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express power to subdelegate</b>	<p><b>Dog Act 1976:</b> s.10AA(3) - Delegation of local government powers and duties.</p> <p><b>NOTE:</b> Sub delegation only permitted where delegation to the CEO expressly authorises sub delegation</p>

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<b>Statutory framework</b>	<p><b><i>Dog Act 1976</i></b> s. 17A - If no application for registration made – procedure for giving notice of decision under s. 16(3).</p> <p><b><i>Criminal Procedure Act 2004</i></b> s. 3(1) Terms used - public authority for the purposes of the Act</p> <p>s. 20(1)(b) Who can commence prosecution</p> <p><b>NOTE:</b> Decisions under this Delegation may be referred for review by the State Administrative Tribunal (SAT) [s. 16A, s. 17(4) and (6)].</p>
<b>Policy</b>	Delegation - Legal proceedings
<b>Record keeping</b>	Exercise of authority to be recorded in Record Management System

DRAFT

<b>Delegation</b>	<b>6.1.3 Dog Act 1976 - administration (DRAFT)</b>
<b>Category</b>	Community Services Directorate
<b>Head of power</b>	Part 6 - Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<b>Dog Act 1976</b> s. 10AA - Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<b>Dog Act 1976</b> s. 9 Administrative responsibility s. 10AA(3) - Delegation of local government powers and duties. s. 10A Payments to veterinarians towards cost of sterilisation s. 11(1) Staff and services - dog management facilities s. 14 Register of dogs s. 19 Refund of fee on cancellation s. 27 Licensing of approved kennel establishments s. 48(4) Administration of regulations
<b>Function</b>	<p>1. Duty of the local government to administer and enforce the Act [Act, s. 9]</p> <p>2. Make payments to veterinarians towards the cost of sterilisation of a dog owned by an eligible person and issue directions to such veterinarians to be complied with as a condition of receipt of a payment [Act, s. 10A(1)].</p> <p>3. Establish and maintain a dog management facility [Act, s. 11(1)].</p> <p>4. Keep an accurate and up-to-date register of dogs registered by the local government, containing the form of information prescribed, and cause any error in, or omission from, the register to be corrected [Act, s. 14]</p> <p>5. Where on the cancellation of the registration of a dog that was registered for an extended period, the person who was the registered owner returns the registration tag to the local government, the local government shall refund to the person such proportion of the registration fee as may be prescribed [Act, s. 19]</p> <p>6. Grant or refuse to grant a kennel licence [Act, s. 27(4)]</p> <p>7. Cancel a kennel licence if the delegate is dissatisfied with the conduct of the establishment [Act, s. 27(5) and (6)].</p> <p>8. Undertake civil proceedings under this Act in the name of the local government [Act, s. 44(2)(b)]</p> <p>9. Administer regulations made under section 48 of the Act to the extent that it relates to any place where the local government may perform functions, as if the regulation was a local law [Act, s. 48(4)].</p> <p>10. Authorise the delegate to further delegate the power or duty [Act, s. 10AA(3)]</p>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	<p>1. The CEO may further delegate (sub delegate) to employees whom the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation, with the exception of (8) above.</p> <p>2. Function 2 above is contingent on the delegate having the authorisation to make payments of the nature, type and spending limit granted to that person.</p> <p>3. Function 2 above is to be read in conjunction with section 10A(2) of the Act where it is prescribed "<i>No payment shall be made under subsection (1)(a) to a veterinarian for the sterilisation of a dog unless the local government is satisfied that the veterinarian has complied with any direction issued under subsection (1)(b)</i>"</p>
<b>Express power to subdelegate</b>	<p><b>Dog Act 1976</b> s. 10AA(3) - Delegation of local government powers and duties.</p> <p><b>NOTE:</b> Sub delegation only permitted where delegation to the CEO expressly authorises sub delegation).</p>
<b>Statutory framework</b>	<p><b>Dog Act 1976</b> s. 9 - Administrative responsibility</p> <p><b>City of Armadale Local Law Relating to Dogs</b></p> <p><b>NOTE:</b> Decisions under this Delegation may be referred for review by the State Administrative Tribunal (SAT) [s.16A, 17(4) and (6)].</p>
<b>Policy</b>	Delegation - Legal proceedings
<b>Record keeping</b>	The use of the delegation is to be recorded in the City's records management system

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## AMENDMENTS

There are no amendments to display

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## Delegation of authority

<b>Delegation</b>	<b>New TBC Administration of Leases and Licences</b>
<b>Category</b>	Engineering and Property (New)
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> 5.42 Delegation of some powers and duties to CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.18 - Performing executive functions. s9.49A(4) - Execution of documents
<b>Function</b>	The Chief Executive Officer is authorised to exercise all rights available and duties incumbent on the City under any lease or licence agreement, providing it doesn't alter the intent of the documentation.
<b>Delegates</b>	Chief Executive Officer
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Policy</b>	Lease and Licence Policy
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in Attain.
<b>Date adopted</b>	19 April 2021
<b>Adoption references</b>	Council Resolution - CS9/4/21



## Delegation of authority

<b>Delegation</b>	<b>NEW TBC Declare vehicle is an abandoned vehicle wreck</b>
<b>Category</b>	Ranger and Emergency Services (New)
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	Local Government Act 1995 s5.42 Delegation of some power and duties to the CEO
<b>Express power or duty delegated</b>	Local Government Act 1995, Part 3, Division 3 3.40A(2) Give notice that a vehicle may be collected s.40A(4) Declare a vehicle is an abandoned vehicle wreck s3.46 Goods may be withheld until costs paid.
<b>Function</b>	Authorised to: Determine and declare a vehicle to be an abandoned vehicle wreck in accordance with section 3.40A of the Act. Refuse to allow goods impounded under section 3.39 or 3.40A until costs paid.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Subject to the requirements for sections 3.40A(1), (2) and (3) being undertaken as required;</li> <li>2. s3.45 Notice to including warning - A notice is to include a short statement of the effect of the relevant provisions of sections 3.46, 3.47 and 3.48;</li> <li>3. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority - Confiscated or Uncollected Goods, alternatively referred for Council decision.</li> <li>4. Compliance with - r29A Abandoned vehicle wrecks, value etc. prescribed for (Act 3.40A (5)(c))</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Policy</b>	Nil
<b>Record keeping</b>	The exercise of this delegation is to be recorded in Attain.
<b>Date adopted</b>	9 November 2020
<b>Adoption references</b>	Council Meeting of 9 November 2020 - C39/11/20



## Delegation of authority

<b>Delegation</b>	<b>NEW TBC Confiscated or Uncollected Goods</b>
<b>Category</b>	Corporate and Finance (New)
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some power and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.46 Goods may be withheld until costs paid s3.47 Confiscated or uncollected goods, disposal of s3.48 Impounding expenses, recovery of
<b>Function</b>	Authority to: <ul style="list-style-type: none"> <li>1. Refuse to allow goods impounded under s3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them has been paid to the local government. [3.46].</li> <li>2. Sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s3.43.[s3.47]</li> <li>3. Recover expenses incurred for removing, impounding and disposing of confiscated or uncollected goods [s3.48].</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value of less than \$20,000 may, in accordance with r.30 of the <i>Local Government (Function and General) Regulations 1996</i> , be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Statutory framework</b>	<i>Local Government Act 1995</i> <i>Local Government (Function and General) Regulations 1996</i>
<b>Policy</b>	Nil
<b>Record keeping</b>	The exercise of this delegation is to be recorded in Attain.
<b>Date adopted</b>	9 November 2020
<b>Adoption references</b>	Council Meeting of 9 November 2020 - C39/11/20



## Delegation of authority

<b>Delegation</b>	<b>NEW TBC Disposal of sick / injured animals</b>
<b>Category</b>	Ranger and Emergency Services (New)
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some power and duties to the CEO
<b>Express power or duty delegated</b>	Local Government Act 1995, Part 3, Division 3 s3.47A Sick or injured animals, disposal of
<b>Function</b>	Authorised to humanely destroy an impounded animal where it is determined to be too ill or injured to be treated.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	An animal must not be destroyed unless —  <ol style="list-style-type: none"> <li>1. because of the state of the animal, destroying it is urgent; or</li> <li>2. reasonable steps have been taken to notify the owner and allowed the owner a reasonable opportunity to collect the animal.</li> </ol> <p>Condition (2) does not justify the destruction of an animal before it has been impounded for at least 7 days.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees.
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Policy</b>	Nil
<b>Record keeping</b>	The exercise of this delegation is to be recorded in Attain.
<b>Date adopted</b>	9 November 2020
<b>Adoption references</b>	Council Meeting of 9 November 2020 - C39/11/20

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<b>Delegation</b>	<b>CS 3.0 Free use of facilities</b>
<b>Category</b>	Primary Delegations - Council to CEO
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>Approve free use of Council owned facilities in partnership agreements with external organisations subject to:</p> <ul style="list-style-type: none"> <li>• The term not exceeding twelve (12) months; and</li> <li>• Any agreement not applying to commercial organisations</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	5.42 and 6.12(1)(b) <i>Local Government Act 1995</i>
<b>Policy</b>	Nil
<b>Date adopted</b>	13 May 2019
<b>Adoption references</b>	Resolution - C17/5/19
<b>Last reviewed</b>	13 May 2019

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<b>Delegation</b>	<b>CS 6.0 One-off use of facilities</b>
<b>Category</b>	Primary Delegations - Council to CEO
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	Authority to approve any requests for "one-off" free use of Council's facilities. Any requests for "one-off" free use of facilities shall be considered on its merits but will normally only be eligible for approval if it is a not-for-profit community service activity that provides a significant benefit to the community. In the event that a request is refused the matter is to be referred to the Community Services Committee for consideration prior to a decision.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	In the event that a request is refused the matter is to be referred to the Community Services Committee for consideration prior to a decision.
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	Section 6.12(1)(b) Local Government Act 1995
<b>Policy</b>	Nil
<b>Date adopted</b>	13 May 2019
<b>Adoption references</b>	Resolution - C17/5/19
<b>Last reviewed</b>	13 May 2019

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<b>Delegation</b>	<b>CS 5.0 Request for assistance</b>
<b>Category</b>	Primary Delegations - Council to CEO
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	In accordance with COMD1, consider requests for assistance according to the following categories <ul style="list-style-type: none"> <li>• Donations</li> <li>• Community Grant</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Yes - Refer to Secondary Delegations
<b>Statutory framework</b>	12(1)(a) <i>Local Government (Financial Management) Regulations 1996</i>
<b>Policy</b>	<a href="#">Policy Manual</a> - COMD 1 – Request for Financial Assistance
<b>Date adopted</b>	13 May 2019
<b>Adoption references</b>	Resolution - C17/5/19
<b>Last reviewed</b>	13 May 2019



## Delegation of authority

<b>Delegation</b>	<b>NEW TBC Sponsorship and grant applications, agreements and acquittals</b>
<b>Category</b>	Corporate and Finance (New)
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> , 5.42 Delegation of some powers to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> , Part 9, Division 3 s9.49A(4) Execution of Documents
<b>Function</b>	Authorised to sign sponsorship or grant applications, agreements and acquittals on behalf of the City of Armadale.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. The CEO is authorised to apply for and execute sponsorship and grant agreements where the City's contribution component falls within budget, forms part of the four year budget, or is consistent with a Council resolution to consider a budget allocation in a future budget; or</li> <li>2. If such a sponsorship or grant is opportunistic in nature, not in the current budget, but is consistent with a plan, or strategy and has a clear benefit to the community.</li> <li>3. The CEO is not authorised to apply for and execute grants where any additional contribution of funds in excess of the City's budget amount is required. This will require a budget variation to be approved by Council before the CEO can exercise this delegation.</li> </ol>
<b>Express power to subdelegate</b>	Nil <i>Local Government Act 1995</i> s5.43 Limits on delegations to CEO
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Policy</b>	Nil
<b>Record keeping</b>	The exercise of this delegation is to be recorded in Attain.  Where the common seal is affixed the details are to be recorded in the Common Seal Register.
<b>Date adopted</b>	19 April 2021
<b>Adoption references</b>	Council Resolution - C9/4/21





## Delegation of authority

<b>Delegation</b>	<b>CS 11.0 Dog Local Law</b>
<b>Category</b>	Primary Delegations - Council to CEO
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The Chief Executive Officer is delegated authority to exercise of all its powers and the discharge of all of its duties under the Local Laws Relating to Dogs and the power to further delegate the power or duty, except: Section 2.1 – Determining of charges and Costs Section 3.3(2) – Fees determined for the lodgement of an exemption Section 4.10(4) – Fees determined for the lodgement of an application for a licence for a kennel establishment
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	Dog Act 1976 Local Laws relating to Dogs
<b>Policy</b>	Nil
<b>Date adopted</b>	13 May 2019
<b>Adoption references</b>	Resolution - C17/5/19
<b>Last reviewed</b>	13 May 2019



## Delegation of authority

<b>Delegation</b>	<b>NEW TBC Cat Act 2011 - Administration and enforcement</b>
<b>Category</b>	Ranger and Emergency Services (New)
<b>Head of power</b>	Part 5 - Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011</i> s44 Delegation by Local Government <i>...the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.</i> s48 Authorised Persons
<b>Function</b>	Authority to:  1. Exercise any of the City's powers or the discharge of any of its duties under the Cat Act 2011 2. Appoint such persons to be Authorised Persons or classes of persons for performing particular functions under this Act.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<i>Cat Act 2011</i>  1. s48(2) A person who is not an employee of the local government cannot be appointed to be an authorised person for the purpose of section 62 - <i>Giving an infringement</i> . 2. s48(6) A power or duty under the following sections cannot be delegated to an Authorised Person:  <ul style="list-style-type: none"> <li>• s63 - Receive payment for a modified penalty</li> <li>• s64 - Extension of time to pay an infringement</li> <li>• s65 - Withdrawal of an infringement</li> </ul>
<b>Express power to subdelegate</b>	<i>Cat Act 2011</i> s45 Delegation by CEO of local government
<b>Statutory framework</b>	<a href="#">Cat Act 2011</a> <a href="#">Cat Regulations 2012</a>
<b>Policy</b>	Nil
<b>Record keeping</b>	The exercise of this delegation is to be recorded in Attain.
<b>Date adopted</b>	9 November 2020
<b>Adoption references</b>	Council Meeting of 9 November 2020 - C39/11/20



## Delegation of authority

<b>Delegation</b>	<b>NEW TBC Dog Act 1976 - Power or duty of the local government under any provision of this Act.</b>
<b>Category</b>	Ranger and Emergency Services (New)
<b>Head of power</b>	Part 6 - Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Dog Act 1976</i> 10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976</i> s10AA Delegation of local government powers and duties s10(AA)(3) Authorise the delegate to further delegate the power or duty s29(1) Appointment of authorised persons s11(1) Appointment of registration officers
<b>Function</b>	Authority to: <ol style="list-style-type: none"> <li>1. exercise of all its powers and the discharge of all its duties under the <i>Dog Act 1976</i>, associated regulations and the City of Armadale's Local Law Relating to Dogs.</li> <li>2. Further delegate the power or duty.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	This delegation excludes: <ol style="list-style-type: none"> <li>1. power and duties that are prescribed in the Act with the requirement for a resolution by local government; and</li> <li>2. The following clauses of the City's Local Law Relating to Dogs; <ol style="list-style-type: none"> <li>a) c2.1-Determining of charges and costs</li> <li>b) c3.3(2) - Fees determined for the lodgement of an exemption</li> <li>c) c4.10(4) - Fees determined for the lodgement of an application for a licence for a kennel establishment.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Dog Act 1976</i> s10(AA)(3) Authorise the delegate to further delegate the power or duty
<b>Statutory framework</b>	<i>Dog Act 1976</i> Local Laws Relating to Dogs
<b>Policy</b>	Nil
<b>Record keeping</b>	The exercise of this delegation is to be recorded in Attain.
<b>Date adopted</b>	9 November 2020
<b>Adoption references</b>	Council Meeting of 9 November 2020 - C39/11/20

## **Delegations recommended for deletion with no replacement**



## Delegation of authority

<b>Delegation</b>	<b>NEW TBC Administration of Lease to Wallangarra Riding and Pony Club Inc - Fletcher Park</b>
<b>Category</b>	Engineering and Property (New)
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> - Part 9, Division 3 s9.49A(4) Execution of Documents
<b>Function</b>	Administer the existing lease with Wallangarra Riding and Pony Club of the premises at Fletcher Parl.
<b>Delegates</b>	Chief Executive Officer
<b>Statutory framework</b>	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>Policy</b>	ADM 2 - Property Lease Rentals
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in Attain.
<b>Date adopted</b>	12 October 2020
<b>Adoption references</b>	Council Meeting of 12 October 2020 - C32/10/20

<b>Delegation</b>	<b>New TBC Lease - Wallangarra Riding and Pony Club - Deed of Variation of existing lease</b>
<b>Category</b>	Engineering and Property (New)
<b>Head of power</b>	Part 1 - Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> - Part 9, Division 3 s9.49A(4) Execution of Documents
<b>Function</b>	Approves for the Chief Executive Officer to be granted delegated authority to negotiate the terms of a deed of variation of the existing Lease with WRPC, and to then enter into a deed of variation of the existing Lease with WRPC to: (a) reduce the rent payable by WRPC as from \$11,709.73 (plus GST) to \$8,196.81 (Plus GST). (b) surrender that portion of the existing leased premises depicted as the 'Environmentally Sensitive Area' in the plan attached to the Council Report (12 October 2020)
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	PROVIDED THAT the deed of variation of the existing Lease entered into with WRPC: 1. will not renew or extend the term of the existing Lease as WRPC shall remain on a month-to-month lease (holding over pursuant to the existing Lease) for the time being, until the City's Council Policy ADM2 – Property Lease Rentals ('ADM2') has been finalized; and 2. shall be subject to the Minister for Lands' consent pursuant to section 18 of the Land Administration Act 1997 (WA) (if required);
<b>Statutory framework</b>	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>Policy</b>	ADM 2 - Property Lease Rentals
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in Attain
<b>Date adopted</b>	12 October 2020
<b>Adoption references</b>	Council Meeting of 12 October 2020 - C32/10/20