



AGENDA

ORDINARY MEETING OF COUNCIL WEDNESDAY 22 FEBRUARY 2017





SHIRE OF WONGAN-BALLIDU

NOTICE OF AN ORDINARY COUNCIL MEETING

DEAR COUNCIL MEMBER

THE NEXT ORDINARY MEETING OF THE SHIRE OF WONGAN-BALLIDU WILL BE HELD ON WEDNESDAY 22 FEBRUARY 2017, IN THE COUNCIL CHAMBERS, CNR ELPHIN CRESCENT & QUINLAN STREET, WONGAN HILLS, COMMENCING 3.00PM

STUART TAYLOR
CHIEF EXECUTIVE OFFICER

DISCLAIMER

THE RECOMMENDATIONS CONTAINED IN THE AGENDA ARE SUBJECT TO CONFIRMATION BY COUNCIL. THE SHIRE OF WONGAN-BALLIDU WARNS THAT ANY PERSON(S) WHO HAS AN APPLICATION LODGED WITH COUNCIL SHOULD RELY ONLY ON WRITTEN CONFIRMATION OF THE DECISION MADE AT THE COUNCIL MEETING. NO RESPONSIBILITY WHATSOEVER IS IMPLIED OR ACCEPTED BY THE SHIRE OF WONGAN-BALLIDU FOR ANY ACT, OMISSION, STATEMENT OR INTIMATION TAKING PLACE DURING A COUNCIL MEETING.

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SHIRE OF WONGAN-BALLIDU

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE PREVIOUSLY GRANTED

3. PUBLIC QUESTION TIME

4. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

5. PETITIONS AND PRESENTATIONS

6. APPLICATION/S FOR LEAVE OF ABSENCE

7. CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 14 DECEMBER 2016

STAFF RECOMMENDATION:

That the minutes of the Ordinary meeting of Council held on Wednesday 14 December 2016 be confirmed as a true and correct record of the proceedings.

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 GOVERNANCE

9.1.1 DELEGATED AUTHORITY

FILE REFERENCE:	A2.22 Local Government Act & Regulations
REPORT DATE:	13 February 2017
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor – Chief Executive Officer
ATTACHMENTS:	Updated Delegations & Local Government Operational Guidelines – Delegations

PURPOSE OF REPORT:

To review and adopt the annual list of delegations.

BACKGROUND:

Under the Local Government Act 1995 Council is able to delegate some of its functions to its committees or the Chief Executive Officer. The Chief Executive Officer may also delegate to other employees. These delegations are required to be reviewed once each financial year.

COMMENT:

The Chief Executive Officer has reviewed the delegations in accordance with the Local Government Operational Guidelines – Delegations, and after thorough investigation several delegations have been deleted as they were either prohibited from being delegated or they can be 'acted through', others have been added in accordance with Councils Policy's.

The delegations which have been altered, added and deleted are listed below:

DELETIONS:

Delegated Authority 11 - Delegation: Legal Proceedings – Bushfire Act – This delegation was deleted as it was found to be a repeat of Delegation 4.

Delegated Authority 18 - Delegation: Chief Executive Officer Review Committee – This delegation was deleted as Council no longer has committees.

AMENDMENTS:

Delegations were renumbered to account for deletions.

FINANCE & ADMINISTRATION

DELEGATED AUTHORITY 01

DELEGATION: PAYMENTS FROM MUNICIPAL AND TRUST FUNDS

SECTION/ACT: Local Government Act 1995, Section 6.7, 6.9 and 6.10

DELEGATION: That Council delegate authority to the Chief Executive Officer to authorise and make payments from the Municipal and Trust Funds manually and electronically, including transferring funds to and from the Reserve accounts as allowed for in the budget as per the following.

A listing of all payments made is to be presented to the next ordinary meeting of Council.

DELEGATED AUTHORITY 02

DELEGATION: DONATIONS

SECTION/ACT: Local Government Act 1995, Section 5.42

DELEGATION: That Council delegate authority to the Chief Executive Officer to grant requests for donations from Local Community Groups/Organizations, towards community based activities, up to an amount of \$500 per donation subject to the relevant budget allocation.

DELEGATED AUTHORITY 03

DELEGATION: WRITING OFF DEBTS

SECTION/ACT: Local Government Act 1995, Section 6.12(c)

DELEGATION:

1. Council delegates to the Chief Executive Office authority to write off debts wherein the individual debt is not more than \$500. In exercising this authority, the Chief Executive Officer is to take into consideration Council Policy and the prospects of recovering the debt.
2. Council delegates to the Chief Executive Office authority and power to write off any amount of money less than \$500, owed to the Shire of Wongan-Ballidu that in his opinion are a bad debt.
3. Council delegates to the Chief Executive Office authority to write off amounts raised in error on all debtor and rate accounts.

DELEGATED AUTHORITY 04

DELEGATION: AUTHORISED PERSONS

SECTION/ACT: Section 9.10(1) of the Local Government Act 1995, Bush Fires Act 1954 and the Control of Vehicles (Off Road Areas) Act 1978

DELEGATION: That the Ranger be appointed as an Authorised Officer under the Control of Vehicles (Off-road Areas) Act 1978
Council delegates authority to the Chief Executive Officer under section 59(3) of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954
Council delegates authority to the Ranger under section 59(3) of the Bush Fires Act 1954 to issue infringements under section 59a of the Bushfires Act 1954.

DELEGATED AUTHORITY 05

DELEGATION: APPOINTMENT OF AUTHORISED PERSONS

SECTION/ACT: Local Government Act 1995, Section 9.10

DELEGATION: Council delegates to the Chief Executive Office authority to appoint persons to exercise the powers of a Local Government under subdivisions 2, 3 and 4 of Division 3 of Part 3 and subdivisions 1 and 2 of Division 2, Part 9 of the Local Government Act 1995.

A person who is authorised to give infringement notices under Section 9.16 is not to be made an authorised person for the purposes of Section 9.17, 9.19 or 9.20. In this event the Chief Executive Officer is not an authorised person under Section 9.16 of the Local Government Act.

DELEGATED AUTHORITY 06

DELEGATION: ENFORCEMENT AND LEGAL PROCEEDINGS

SECTION/ACT: Local Government Act 1995, Section 3.39, 9.10, 5.42 and Litter Act 1979 Section 31 (2b)

DELEGATION: Council delegates to the Chief Executive Office authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions for the enforcement of provision of the various Acts and instigate legal proceedings accordingly.

DELEGATED AUTHORITY 07

DELEGATION: WITHDRAWAL OF INFRINGEMENT NOTICES
SECTION/ACT: Local Government Act 1995, Section 9.20
DELEGATION: Council delegates to the Chief Executive Office authority to withdraw infringement notices issued under the Local Government Act 1995, Dog Act 1976, Councils Local Laws and the Bushfire Act 1954.

DELEGATED AUTHORITY 08

DELEGATION: AUTHORISED OFFICERS – LITTER ACT 1979
SECTION/ACT: Litter Act 1979, Section 26 (1) (c)
DELEGATION: Council delegates to the Chief Executive Office authority to appoint “Authorised Officers” as detailed in the Litter Act 1979.

DELEGATED AUTHORITY 09

DELEGATION: IMPOUNDING OF GOODS
SECTION/ACT: Local Government Act 1995, Section 3.39
DELEGATION: Council delegates to the Chief Executive Office authority to remove and impound any goods that are involved in a contravention that can lead to impounding.

DELEGATED AUTHORITY 10

DELEGATION: DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS
SECTION/ACT: Local Government Act 1995, Section 3.47
DELEGATION: Council delegates to the Chief Executive Office authority to dispose of any goods that have been impounded.

DELEGATED AUTHORITY 11

DELEGATION: VARIATION OF PROHIBITED BURNING TIMES, RESTRICTED BURNING TIMES AND/OR PRESCRIBED CONDITIONS
SECTION/ACT: Bush Fires Act 1954, Section 17(10) and Section 18 (5)
OFFICER(S) UPON WHOM DELEGATION CONFERRED: Shire President, Chief Bush Fire Control Officer (jointly)
DELEGATION: To vary the prohibited burning times, restricted burning times and/or prescribed conditions.

DELEGATED AUTHORITY 12

DELEGATION: EXECUTION AND AFFIXING OF COMMON SEAL TO DOCUMENTS
SECTION/ACT: Local Government Act 1995 – Section 9.49A(3)
DELEGATION: Notwithstanding the provisions of Section 9.49 of the Local Government Act, Council delegates to the Chief Executive Office authority to affix the Common Seal to documents to be executed by the Shire where such documents are consistent and in accord with a resolution of Council, Council Policy G 48 or a delegated power.

DELEGATED AUTHORITY 13

DELEGATION: STAFF PAYMENTS OF GRATUITIES TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD
SECTION/ACT: Local Government Act 1995 – sections 5.42 and 5.50
DELEGATION: Council delegates the Chief Executive Officer authority to implement in accordance with Councils policy relating to gratuities to officers and employees who are retiring in accordance with Councils Policy.

Conditions: Subject to Budget provision.

DELEGATED AUTHORITY 14

DELEGATION: DISPOSAL OF SURPLUS FURNITURE & EQUIPMENT
SECTION/ACT: Local Government Act 1995 – Sections 3.58, 5.42 and 5.43 and Local Government (Functions and General
DELEGATION: Council delegates its authority and power to the Chief Executive Officer to dispose of surplus furniture with a market value of less than \$20,000.

DELEGATED AUTHORITY 15

DELEGATION: CORPORATE CREDIT CARD
SECTION/ACT: Local Government Act 1995, Section 5.42, Section 5.44 and Section 6.5 and Regulation 11 of the Local Government (Financial Management) Regulations 1996. Sections 53 and 55 of the Financial Administration and Audit Act 1985.
DELEGATION: Council delegates to the Chief Executive Office authority to make payments via corporate credit card in accordance with Councils Policy – Fuel and Credit Cards.

DELEGATION AUTHORITY 16

DELEGATION TENDERS
SECTION/ACT: Local Government Act 1995, Section 3.57 and Section 5.8
DELEGATION: Council delegates to the Chief Executive Office authority to accept tenders up to \$100,000 and not exceeding budget allocation.

DELEGATED AUTHORITY 17

DELEGATION: DOG ACT
SECTION/ACT: Dog Act 1976, Section 10 (AA)
DELEGATION: Council delegates to the Chief Executive Office authority under section 10(AA) of the Dog Act 1976 to exercise any power or duty of the Local Government under any other provision of this Act.

DELEGATED AUTHORITY 18

DELEGATION: CAT ACT 2011
SECTION/ACT: Cat Act 2011 Section 44
DELEGATION: The Chief Executive Officer is authorised under Section 44 of the Cat Act 2011 to exercise any power or duty of the local government under any other provision of this Act.

WORKS AND SERVICES

DELEGATED AUTHORITY 19

DELEGATION: TEMPORARY ROAD CLOSURES
SECTION/ACT: Local Government Act 1995, Section 3.50A, 3.50[1], 3.50[1a], 3.50[4].3.50[6] and 3.50[8] and Road Traffic (Events on Roads) Regulations 1991
DELEGATION: 1. Council delegates to the Chief Executive Office authority to temporarily close thoroughfares to vehicles.
2. Council delegates to the Chief Executive Office authority to determine applications for the temporary closure of roads for the purpose of conducting events.

DELEGATED AUTHORITY 20

DELEGATION: PAYMENT OF CROSSOVER CONTRIBUTION
SECTION/ACT: Local Government Act 1995 – Section 5.42
DELEGATION: Council delegates to the Chief Executive Office authority to pay Councils contribution to the construction of a crossover in accordance with Council's Policy - Vehicle Crossovers.

DELEGATED AUTHORITY 21

DELEGATION: PRIVATE WORKS ON, OVER, OR UNDER PUBLIC PLACES

SECTION/ACT: Local Government Act 1995 – Sections 9.1

DELEGATION: Council delegates its authority and power to the Chief Executive Officer to grant permission to construct anything on, over, or under a public thoroughfare or public place that is Local Government property and impose conditions in respect to the permission.

Conditions: Refer to Local Government (Uniform Local Provisions) Regulation 17.

DELEGATED AUTHORITY 22

DELEGATION: STREET VERGE TREATMENTS – INDIVIDUAL PROPERTIES

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates its authority and power to the Chief Executive Officer to authorise the installation of soft landscaping and/or hard paving within a road reserve.

DELEGATED AUTHORITY 23

DELEGATION: SEED COLLECTION – WILDFLOWER PICKING

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates to the Chief Executive Office authority to grant approval to pick wildflowers on Council controlled reserves; and approval to collect seeds on Council controlled reserves.

Delegation conditions: All applications to be in writing; preference given to local land care groups/businesses.

HEALTH, BUILDING & PLANNING

DELEGATED AUTHORITY 24

DELEGATION: DEMOLITION LICENCES

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 374A

DELEGATION: Council delegates to the Chief Executive Office authority to issue demolition licences.

DELEGATED AUTHORITY 25

DELEGATION: BUILDINGS – ISSUING NOTICES REQUIRING ALTERATIONS

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401

DELEGATION: Council delegates to the Chief Executive Office authority to issue a Notice requiring alterations where a breach of building requirements is considered sufficient to warrant the issue of a Notice.

DELEGATED AUTHORITY 26

DELEGATION: BUILDINGS – UNLAWFUL WORKS

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401A

DELEGATION: Council delegates to the Chief Executive Office authority to direct a survey of a building to be considered to be in a dangerous state and to issue a notice, requiring the owner or occupier to take it down, secure or repair it, as the case requires, if the survey confirms a building to be in a dangerous state.

DELEGATED AUTHORITY 27

DELEGATION: BUILDINGS – DANGEROUS

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Sections 403, 404

DELEGATION: Council delegates to the Chief Executive Office authority to direct a survey of a building that is considered to be in a dangerous state.

If the Building Surveyor, or other competent person, certifies that the building is in a dangerous state, to cause the building to be shored up or otherwise secured and a proper hoarding or fence to be put up for the protection of the public from danger, and shall cause a written notice to be served on the owner or occupier of the building requiring him/her forthwith to take it down, secure, or repair it as the case requires.

DELEGATED AUTHORITY 28

DELEGATION: PRIVATE SWIMMING POOL INSPECTIONS

SECTION/ACT: Local Government Act, 1995 Sections 5.42 & 5.44 and Schedule 9.2(3) and Section 2, Section 245A (5), (6) and (7) of the Local Government (Miscellaneous Provisions) Act 1960

DELEGATION: Council delegates to the Chief Executive Office authority to appoint officer(s) of the Council as "Authorised Officers" as required in Section 245A (5), (6) & (7) of the Local Government (Miscellaneous Provisions) Act 1960 for the purposes of inspecting and enforcing private swimming pool local laws or regulations. The delegate(s) has the authority to deal with such matters relevant to this declaration.

DELEGATED AUTHORITY 29

DELEGATION: BUILDING LICENCES

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960 Section 374

DELEGATION: Council delegates to the Chief Executive Office authority to approve plans submitted and issue building licences.

CONDITIONS: A summary of building licenses issued to be submitted to Council monthly.

DELEGATED AUTHORITY 30

DELEGATION: SALE AND/OR CONSUMPTION OF LIQUOR – COUNCIL PROPERTY

SECTION/ACT: Not Applicable

DELEGATION: Council delegates to the Chief Executive Office authority to approve applications for the sale of liquor and/or the consumption of liquor on property under the care, control and management of Council.

DELEGATED AUTHORITY 31

DELEGATION: TOWN PLANNING FUNCTIONS

SECTION/ACT: Clause 8.7.1 of the Shire of Wongan-Ballidu Town Planning Scheme No. 4

DELEGATION: That Council delegates authority to the Chief Executive Officer in accordance with in respect of the Town Planning Functions of the Shire as detailed below;

- (a) Determination of applications for development approval, including applications involving:
 - (i) the variation of Scheme provisions, Planning Policy or provisions of the Residential Design Codes; or
 - (ii) the exercise of discretion under the Scheme, Planning Policy or the Residential Design Codes;
- (b) Refusal of all development applications where the proposed use is not permitted by the Scheme or where the development does not comply with the non-discretionary provisions of the Residential Design Codes or any mandatory statutory requirement or adopted Council policy;
- (c) Grant an extension of development approval for up to two (2) years;
- (d) Granting variations to relevant Planning Policies and provisions of the Residential Design Codes on Building Licence applications;
- (e) Determination of applications for development approval for buildings on land Zoned Rural Residential, including Dwellings, Sheds, Carports and other similar buildings, but excluding Transportable Buildings.
- (f) Deletion or modification of conditions of approval, whether imposed under delegated authority or not;

- (g) Making recommendations to the WA Planning Commission on:
 - i. applications for subdivision or amalgamation of land;
 - ii. minor variations to approved subdivisions;
 - iii. clearance of conditions of subdivision approval;
- (h) Determination of Applications for the relocation of Building Envelopes;
- (i) Provision of written and verbal responses to planning appeals, mediated settlements resulting from appeals and WA Planning Commission requests for reconsideration;
- (j) Taking all necessary action against owners or occupiers of properties to cease illegal uses or comply with conditions of Development Approval, including pursuing prosecution through Council's Solicitors; and
- (k) Formation of any opinion and consideration of any matter in the exercise of these delegated powers that would be required of Council under the Scheme, including, but not limited to, sufficient information required for the processing of applications, referral and advertising of applications, and interpretation of Scheme provisions, relevant Planning Policies and provisions of the Residential Design Codes.

Limits to delegated powers

With the exception of delegated power 1.(b) above, all applications will be submitted to a meeting of Council for determination in the following circumstances:

- (a) Where the delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation;
- (b) Where written objection is received to the proposal from any statutory agency;
- (c) Where the proposal is inconsistent with the intent of the Town Planning Scheme, relevant Policies, Residential Design Codes, or any Outline Development Plan or Local Planning Strategy adopted by Council;
- (d) Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Town Planning Scheme or any Policy and written objections have been received within the time specified, unless in the opinion of the Chief Executive Officer:
 - (i) the proposal is for exercise of discretion under the R-Codes and is consistent with the intent of the Town Planning Scheme, Residential Design Codes and any relevant Policy; and
 - (ii) the objections can be overcome by imposing a condition(s) on the development approval, or modifying the design of the development; or
 - (iii) the objection does not relate to valid planning and development issues associated with the proposal.
- (e) Where, in the opinion of the Chief Executive Officer:
 - (i) Any of the requirements of this policy are not satisfied; or
 - (ii) There is insufficient certainty as to whether the application complies with the intent of the Scheme, Residential Design Codes or any relevant Council Policy; or
 - (iii) It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application; or
 - (iv) The decision involves a matter of principle which, in the opinion of the Chief Executive Officer, should be made by the Council; or
 - (v) A condition recommended by a statutory agency is unnecessary or impractical, or unreasonable to be enforced by the Shire.

Reporting of Use of Delegation

All instances of the use of this delegation are to be reported to the Council in the monthly Information Bulletin.

DELEGATED AUTHORITY 32

DELEGATION: MANAGEMENT/AGREEMENT OR LEASE FOR COUNCIL OWNED BUILDINGS, FACILITIES AND RESERVES

SECTION/ACT: Local Government Act 1995

DELEGATION: Council delegates to the Chief Executive Office authority to enter into a management agreement or lease for the use of Council owned buildings, facilities and reserves.

DELEGATED AUTHORITY 33

DELEGATION: RESERVES UNDER CONTROL OF A LOCAL GOVERNMENT

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates its authority and power to the Chief Executive Officer to control and manage land that is vested or placed under the control and management of the Local Government.

DELEGATED AUTHORITY 34

DELEGATION: USE APPROVAL OF COUNCIL CONTROLLED BUILDINGS

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates to the Chief Executive Officer authority to approve functions and the 'use' of Council buildings, facilities and reserves.

Conditions: All applications to be received in writing. All approval/rejections to be in writing.

DELEGATED AUTHORITY 35

DELEGATION: SUBDIVISION CLEARANCE

SECTION/ACT: Local Government Act 1995 – Sections 5.42, Planning & Development Act 2005, Town Planning Scheme No 4

DELEGATION: Council delegates to the Chief Executive Office authority to clear conditions on WAPC subdivision/amalgamation approvals in accordance with any relevant Council Policy, Specification, and Town Planning Scheme No 4, or other relevant Act or Regulation.

Conditions: the payment of bond in lieu or completion of works in order to clear a condition of subdivision.

DELEGATED AUTHORITY 36

DELEGATION: SALE OF SHIELDS CRESCENT

SECTION/ACT: Local Government Act 1995 – Sections 5.42, Planning & Development Act 2005, Town Planning Scheme No 4

DELEGATION: Council delegates to the Chief Executive Officer:

1. Authority for the sale of Shire developed lots on Shields Crescent, Wongan Hills; and
2. To review submissions received in accordance with Section 3.58(3) of the Local Government Act; and
3. Declare that the valuation carried out more than 6 months before the proposed disposition to be a true indication of the value at the time of this proposed disposition.

DELEGATED AUTHORITY 37

DELEGATION: HEALTH ACT

SECTION/ACT: Local Government Act 1995 – Sections 5.42, Health Act 1911 – Section 26

DELEGATION: That Council delegate to the Chief Executive Officer the Functions and Powers of the Health Act 1911 as provided by Section 26 of the Health Act 1911.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Under the Local Government Act 1995 Section 5.42 Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Local Government Act 1995 subject to limitations imposed by Section 5.43.

The Chief Executive Officer may delegate to any employee of the Council under the Local Government Act 1995 Section 5.44.

Under the Local Government Act 1995 Section 5.16 Council may delegate to a committee any of its powers and duties subject to limitations imposed under Section 5.17.

Local Government Act Section 5.103.

STRATEGIC IMPLICATIONS:

There are no known strategic implications in relation to this item.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with the proposal.

➤ **Economic**

There are no known economic implications associated with the proposal.

➤ **Social**

There are no known social implications associated with the proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications in relation to this item.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: Yes

STAFF RECOMMENDATION:

That Council delegate the following powers and authorities to the Chief Executive Officer

FINANCE & ADMINISTRATION

DELEGATED AUTHORITY 01

DELEGATION: PAYMENTS FROM MUNICIPAL AND TRUST FUNDS

SECTION/ACT: Local Government Act 1995, Section 6.7, 6.9 and 6.10

DELEGATION: That Council delegate authority to the Chief Executive Officer to authorise and make payments from the Municipal and Trust Funds manually and electronically, including transferring funds to and from the Reserve accounts as allowed for in the budget as per the following.

A listing of all payments made is to be presented to the next ordinary meeting of Council.

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DELEGATION: DONATIONS

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DELEGATED AUTHORITY 03

DELEGATION: WRITING OFF DEBTS

SECTION/ACT: Local Government Act 1995, Section 6.12(c)

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1. Council delegates to the Chief Executive Office authority to write off debts wherein the individual debt is not more than \$500. In exercising this authority, the Chief Executive Officer is to take into consideration Council Policy and the prospects of recovering the debt.
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Council delegates authority to the Chief Executive Officer under section 59(3) of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954

Council delegates authority to the Ranger under section 59(3) of the Bush Fires Act 1954 to issue infringements under section 59a of the Bushfires Act 1954.

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DELEGATION: APPOINTMENT OF AUTHORISED PERSONS

SECTION/ACT: Local Government Act 1995, Section 9.10

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DELEGATED AUTHORITY 06

DELEGATION: ENFORCEMENT AND LEGAL PROCEEDINGS

SECTION/ACT: Local Government Act 1995, Section 3.39, 9.10, 5.42 and Litter Act 1979 Section 31 (2b)

DELEGATION: Council delegates to the Chief Executive Office authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions for the enforcement of provision of the various Acts and instigate legal proceedings accordingly.

DELEGATED AUTHORITY 07

DELEGATION: WITHDRAWAL OF INFRINGEMENT NOTICES

SECTION/ACT: Local Government Act 1995, Section 9.20

DELEGATION: Council delegates to the Chief Executive Office authority to withdraw infringement notices issued under the Local Government Act 1995, Dog Act 1976, Councils Local Laws and the Bushfire Act 1954.

DELEGATED AUTHORITY 08

DELEGATION: AUTHORISED OFFICERS – LITTER ACT 1979

SECTION/ACT: Litter Act 1979, Section 26 (1) (c)

DELEGATION: Council delegates to the Chief Executive Office authority to appoint “Authorised Officers” as detailed in the Litter Act 1979.

DELEGATED AUTHORITY 09

DELEGATION: IMPOUNDING OF GOODS

SECTION/ACT: Local Government Act 1995, Section 3.39

DELEGATION: Council delegates to the Chief Executive Office authority to remove and impound any goods that are involved in a contravention that can lead to impounding.

DELEGATED AUTHORITY 10

DELEGATION: DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS

SECTION/ACT: Local Government Act 1995, Section 3.47

DELEGATION: Council delegates to the Chief Executive Office authority to dispose of any goods that have been impounded.

DELEGATED AUTHORITY 11

DELEGATION: VARIATION OF PROHIBITED BURNING TIMES, RESTRICTED BURNING TIMES AND/OR PRESCRIBED CONDITIONS

SECTION/ACT: Bush Fires Act 1954, Section 17(10) and Section 18 (5)

OFFICER(S) UPON WHOM DELEGATION CONFERRED:

Shire President, Chief Bush Fire Control Officer (jointly)

DELEGATION: To vary the prohibited burning times, restricted burning times and/or prescribed conditions.

DELEGATED AUTHORITY 12

DELEGATION: EXECUTION AND AFFIXING OF COMMON SEAL TO DOCUMENTS

SECTION/ACT: Local Government Act 1995 – Section 9.49A(3)

DELEGATION: Notwithstanding the provisions of Section 9.49 of the Local Government Act, Council delegates to the Chief Executive Office authority to affix the Common Seal to documents to be executed by the Shire where such documents are consistent and in accord with a resolution of Council, Council Policy G 48 or a delegated power.

DELEGATED AUTHORITY 13

DELEGATION: STAFF PAYMENTS OF GRATUITIES TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD

SECTION/ACT: Local Government Act 1995 – sections 5.42 and 5.50

DELEGATION: Council delegates the Chief Executive Officer authority to implement in accordance with Councils policy relating to gratuities to officers and employees who are retiring in accordance with Councils Policy.

Conditions: Subject to Budget provision.

DELEGATED AUTHORITY 14

DELEGATION: DISPOSAL OF SURPLUS FURNITURE & EQUIPMENT

SECTION/ACT: Local Government Act 1995 – Sections 3.58, 5.42 and 5.43 and Local Government (Functions and General

DELEGATION: Council delegates its authority and power to the Chief Executive Officer to dispose of surplus furniture with a market value of less than \$20,000.

DELEGATED AUTHORITY 15

DELEGATION: CORPORATE CREDIT CARD

SECTION/ACT: Local Government Act 1995, Section 5.42, Section 5.44 and Section 6.5 and Regulation 11 of the Local Government (Financial Management) Regulations 1996. Sections 53 and 55 of the Financial Administration and Audit Act 1985.

DELEGATION: Council delegates to the Chief Executive Office authority to make payments via corporate credit card in accordance with Councils Policy – Fuel and Credit Cards.

DELEGATION AUTHORITY 16

DELEGATION: TENDERS

SECTION/ACT: Local Government Act 1995, Section 3.57 and Section 5.8

DELEGATION: Council delegates to the Chief Executive Office authority to accept tenders up to \$100,000 and not exceeding budget allocation.

DELEGATED AUTHORITY 17

DELEGATION: DOG ACT

SECTION/ACT: Dog Act 1976, Section 10 (AA)

DELEGATION: Council delegates to the Chief Executive Office authority under section 10(AA) of the Dog Act 1976 to exercise any power or duty of the Local Government under any other provision of this Act.

DELEGATED AUTHORITY 18

DELEGATION: CAT ACT 2011

SECTION/ACT: Cat Act 2011 Section 44

DELEGATION: The Chief Executive Officer is authorised under Section 44 of the Cat Act 2011 to exercise any power or duty of the local government under any other provision of this Act.

WORKS AND SERVICES

DELEGATED AUTHORITY 19

DELEGATION: TEMPORARY ROAD CLOSURES

SECTION/ACT: Local Government Act 1995, Section 3.50A, 3.50[1], 3.50[1a], 3.50[4].3.50[6] and 3.50[8] and Road Traffic (Events on Roads) Regulations 1991

DELEGATION:

1. Council delegates to the Chief Executive Office authority to temporarily close thoroughfares to vehicles.
2. Council delegates to the Chief Executive Office authority to determine applications for the temporary closure of roads for the purpose of conducting events.

DELEGATED AUTHORITY 20

DELEGATION: PAYMENT OF CROSSOVER CONTRIBUTION

SECTION/ACT: Local Government Act 1995 – Section 5.42

DELEGATION: Council delegates to the Chief Executive Office authority to pay Councils contribution to the construction of a crossover in accordance with Council's Policy - Vehicle Crossovers.

DELEGATED AUTHORITY 21

DELEGATION: PRIVATE WORKS ON, OVER, OR UNDER PUBLIC PLACES
SECTION/ACT: Local Government Act 1995 – Sections 9.1
DELEGATION: Council delegates its authority and power to the Chief Executive Officer to grant permission to construct anything on, over, or under a public thoroughfare or public place that is Local Government property and impose conditions in respect to the permission.

Conditions: Refer to Local Government (Uniform Local Provisions) Regulation 17.

DELEGATED AUTHORITY 22

DELEGATION: STREET VERGE TREATMENTS – INDIVIDUAL PROPERTIES
SECTION/ACT: Local Government Act 1995 – Sections
DELEGATION: Council delegates its authority and power to the Chief Executive Officer to authorise the installation of soft landscaping and/or hard paving within a road reserve.

DELEGATED AUTHORITY 23

DELEGATION: SEED COLLECTION – WILDFLOWER PICKING
SECTION/ACT: Local Government Act 1995 – Sections
DELEGATION: Council delegates to the Chief Executive Office authority to grant approval to pick wildflowers on Council controlled reserves; and approval to collect seeds on Council controlled reserves.

Delegation conditions: All applications to be in writing; preference given to local land care groups/businesses.

HEALTH, BUILDING & PLANNING

DELEGATED AUTHORITY 24

DELEGATION: DEMOLITION LICENCES
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 374A
DELEGATION: Council delegates to the Chief Executive Office authority to issue demolition licences.

DELEGATED AUTHORITY 25

DELEGATION: BUILDINGS – ISSUING NOTICES REQUIRING ALTERATIONS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401
DELEGATION: Council delegates to the Chief Executive Office authority to issue a Notice requiring alterations where a breach of building requirements is considered sufficient to warrant the issue of a Notice.

DELEGATED AUTHORITY 26

DELEGATION: BUILDINGS – UNLAWFUL WORKS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401A
DELEGATION: Council delegates to the Chief Executive Office authority to direct a survey of a building to be considered to be in a dangerous state and to issue a notice, requiring the owner or occupier to take it down, secure or repair it, as the case requires, if the survey confirms a building to be in a dangerous state.

DELEGATED AUTHORITY 27

DELEGATION: BUILDINGS – DANGEROUS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Sections 403, 404
DELEGATION: Council delegates to the Chief Executive Office authority to direct a survey of a building that is considered to be in a dangerous state.

If the Building Surveyor, or other competent person, certifies that the building is in a dangerous state, to cause the building to be shored up or otherwise secured and a proper hoarding or fence to be put up for the protection of the public from danger, and shall cause a written notice to be served on the owner or occupier of the building requiring him/her forthwith to take it down, secure, or repair it as the case requires.

DELEGATED AUTHORITY 28

DELEGATION: PRIVATE SWIMMING POOL INSPECTIONS

SECTION/ACT: Local Government Act, 1995 Sections 5.42 & 5.44 and Schedule 9.2(3) and Section 2, Section 245A (5), (6) and (7) of the Local Government (Miscellaneous Provisions) Act 1960

DELEGATION: Council delegates to the Chief Executive Office authority to appoint officer(s) of the Council as "Authorised Officers" as required in Section 245A (5), (6) & (7) of the Local Government (Miscellaneous Provisions) Act 1960 for the purposes of inspecting and enforcing private swimming pool local laws or regulations. The delegate(s) has the authority to deal with such matters relevant to this declaration.

DELEGATED AUTHORITY 29

DELEGATION: BUILDING LICENCES

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960 Section 374

DELEGATION: Council delegates to the Chief Executive Office authority to approve plans submitted and issue building licences.

CONDITIONS: A summary of building licenses issued to be submitted to Council monthly.

DELEGATED AUTHORITY 30

DELEGATION: SALE AND/OR CONSUMPTION OF LIQUOR – COUNCIL PROPERTY

SECTION/ACT: Not Applicable

DELEGATION: Council delegates to the Chief Executive Office authority to approve applications for the sale of liquor and/or the consumption of liquor on property under the care, control and management of Council.

DELEGATED AUTHORITY 31

DELEGATION: TOWN PLANNING FUNCTIONS

SECTION/ACT: Clause 8.7.1 of the Shire of Wongan-Ballidu Town Planning Scheme No. 4

DELEGATION: That Council delegates authority to the Chief Executive Officer in accordance with in respect of the Town Planning Functions of the Shire as detailed below;

- (a) Determination of applications for development approval, including applications involving:
 - (i) the variation of Scheme provisions, Planning Policy or provisions of the Residential Design Codes; or
 - (ii) the exercise of discretion under the Scheme, Planning Policy or the Residential Design Codes;
- (b) Refusal of all development applications where the proposed use is not permitted by the Scheme or where the development does not comply with the non-discretionary provisions of the Residential Design Codes or any mandatory statutory requirement or adopted Council policy;
- (c) Grant an extension of development approval for up to two (2) years;
- (d) Granting variations to relevant Planning Policies and provisions of the Residential Design Codes on Building Licence applications;
- (e) Determination of applications for development approval for buildings on land Zoned Rural Residential, including Dwellings, Sheds, Carports and other similar buildings, but excluding Transportable Buildings.

- (f) Deletion or modification of conditions of approval, whether imposed under delegated authority or not;
- (g) Making recommendations to the WA Planning Commission on:
 - i. applications for subdivision or amalgamation of land;
 - ii. minor variations to approved subdivisions;
 - iii. clearance of conditions of subdivision approval;
- (h) Determination of Applications for the relocation of Building Envelopes;
- (i) Provision of written and verbal responses to planning appeals, mediated settlements resulting from appeals and WA Planning Commission requests for reconsideration;
- (j) Taking all necessary action against owners or occupiers of properties to cease illegal uses or comply with conditions of Development Approval, including pursuing prosecution through Council's Solicitors; and
- (k) Formation of any opinion and consideration of any matter in the exercise of these delegated powers that would be required of Council under the Scheme, including, but not limited to, sufficient information required for the processing of applications, referral and advertising of applications, and interpretation of Scheme provisions, relevant Planning Policies and provisions of the Residential Design Codes.

Limits to delegated powers

With the exception of delegated power 1.(b) above, all applications will be submitted to a meeting of Council for determination in the following circumstances:

- (a) Where the delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation;
- (b) Where written objection is received to the proposal from any statutory agency;
- (c) Where the proposal is inconsistent with the intent of the Town Planning Scheme, relevant Policies, Residential Design Codes, or any Outline Development Plan or Local Planning Strategy adopted by Council;
- (d) Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Town Planning Scheme or any Policy and written objections have been received within the time specified, unless in the opinion of the Chief Executive Officer:
 - (i) the proposal is for exercise of discretion under the R-Codes and is consistent with the intent of the Town Planning Scheme, Residential Design Codes and any relevant Policy; and
 - (ii) the objections can be overcome by imposing a condition(s) on the development approval, or modifying the design of the development; or
 - (iii) the objection does not relate to valid planning and development issues associated with the proposal.
- (e) Where, in the opinion of the Chief Executive Officer:
 - (i) Any of the requirements of this policy are not satisfied; or
 - (ii) There is insufficient certainty as to whether the application complies with the intent of the Scheme, Residential Design Codes or any relevant Council Policy; or
 - (iii) It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application; or
 - (iv) The decision involves a matter of principle which, in the opinion of the Chief Executive Officer, should be made by the Council; or
 - (v) A condition recommended by a statutory agency is unnecessary or impractical, or unreasonable to be enforced by the Shire.

Reporting of Use of Delegation

All instances of the use of this delegation are to be reported to the Council in the monthly Information Bulletin.

DELEGATED AUTHORITY 32

DELEGATION: MANAGEMENT/AGREEMENT OR LEASE FOR COUNCIL OWNED BUILDINGS, FACILITIES AND RESERVES

SECTION/ACT: Local Government Act 1995

DELEGATION: Council delegates to the Chief Executive Office authority to enter into a management agreement or lease for the use of Council owned buildings, facilities and reserves.

DELEGATED AUTHORITY 33

DELEGATION: RESERVES UNDER CONTROL OF A LOCAL GOVERNMENT

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates its authority and power to the Chief Executive Officer to control and manage land that is vested or placed under the control and management of the Local Government.

DELEGATED AUTHORITY 34

DELEGATION: USE APPROVAL OF COUNCIL CONTROLLED BUILDINGS

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates to the Chief Executive Officer authority to approve functions and the 'use' of Council buildings, facilities and reserves.

Conditions: All applications to be received in writing. All approval/rejections to be in writing.

DELEGATED AUTHORITY 35

DELEGATION: SUBDIVISION CLEARANCE

SECTION/ACT: Local Government Act 1995 – Sections 5.42, Planning & Development Act 2005, Town Planning Scheme No 4

DELEGATION: Council delegates to the Chief Executive Office authority to clear conditions on WAPC subdivision/amalgamation approvals in accordance with any relevant Council Policy, Specification, and Town Planning Scheme No 4, or other relevant Act or Regulation.

Conditions: the payment of bond in lieu or completion of works in order to clear a condition of subdivision.

DELEGATED AUTHORITY 36

DELEGATION: SALE OF SHIELDS CRESCENT

SECTION/ACT: Local Government Act 1995 – Sections 5.42, Planning & Development Act 2005, Town Planning Scheme No 4

DELEGATION: Council delegates to the Chief Executive Officer:

1. Authority for the sale of Shire developed lots on Shields Crescent, Wongan Hills; and
2. To review submissions received in accordance with Section 3.58(3) of the Local Government Act; and
3. Declare that the valuation carried out more than 6 months before the proposed disposition to be a true indication of the value at the time of this proposed disposition.

DELEGATED AUTHORITY 37

DELEGATION: HEALTH ACT

SECTION/ACT: Local Government Act 1995 – Sections 5.42, Health Act 1911 – Section 26

DELEGATION: That Council delegate to the Chief Executive Officer the Functions and Powers of the Health Act 1911 as provided by Section 26 of the Health Act 1911.

9.1.2 DEVELOPMENT ASSESSMENT PANELS: LOCAL GOVERNMENT NOMINATIONS

FILE REFERENCE:	
REPORT DATE:	13 February 2017
APPLICANT/PROPONENT:	Stuart Taylor CEO
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor CEO
ATTACHMENTS:	Nil

PURPOSE OF REPORT:

To nominate four elected members of the Council, comprising two local members and two alternate local members to sit on a local DAP as required, in replacement of three current local DAP members who no longer hold office.

Nominee's details are to be submitted to the Department of Planning and Development by 28 February 2017.

BACKGROUND:

Development Assessment Panels (DAP) member appointments expire on 26 April 2017.

Members whose term has expired will be eligible for re-consideration at this time. Under regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations), Council is requested to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on the respective DAP as required.

Nominees will be required to provide names, address, and email, mobile and land line telephone numbers, date of birth, employer(s), position(s) and curriculum vitae details.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint nominees for up to a three-year term, expiring on 26 April 2020. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government members who have previously undertaken training are not required to attend further training, but are encouraged to attend refresher training.

When selecting nominees, the Council should consider that local government elections may result in a change to DAP membership if current councillors, who are DAP members, are not re-elected. If members are not re-elected, Council will need to re-nominate for the Minister's consideration. DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment. Further details can be found in the *Premier's Circular – State Government Boards and Committees Circular (2010/02)*.

COMMENT:

Current local DAP Members are Crs Alfreda Lyon and Norma Walton with alternate Local Member being Cr Jon Hasson. Crs Lyon and Walton no longer hold office following the October 2017 Ordinary Election of Council.

POLICY REQUIREMENTS:

There are no known policy requirements in relation to this item.

LEGISLATIVE REQUIREMENTS:

Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011

STRATEGIC IMPLICATIONS:

There are no known strategic requirements in relation to this item.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known environmental implications associated with this item.
- **Economic**
There are no known economic implications associated with this proposal.
- **Social**
There are no known social implications associated with this item.

FINANCIAL IMPLICATIONS:

There are no known financial implications in relation to this item.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: No

STAFF RECOMMENDATION:

That Council nominate Crs&..... as Local DAP Members and Crs&..... as alternate Local Members.

9.1.3 2017 LOCAL GOVERNMENT ELECTIONS

FILE REFERENCE:	
REPORT DATE:	17 February 2017
APPLICANT/PROPONENT:	Stuart Taylor - Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST	NIL
PREVIOUS MEETING REFERENCES:	
AUTHOR:	Stuart Taylor - Chief Executive Officer
ATTACHMENTS:	

PURPOSE OF REPORT:

For Council to resolve to appoint the Western Australian Electoral Commission to carry out the 2017 Ordinary Election as a Postal Election.

BACKGROUND:

Many Local Governments utilise the services of the Electoral Office in managing the election process as it streamlines the process and allows staff to progress other priority areas within the organisation.

In 2015 the Shire of Wongan-Ballidu engaged the Western Australian Electoral Commission to carry out the Ordinary Election as a Postal Election.

COMMENT:

These elections, three Councillors will be up for re-election; and one position in an extraordinary election to replace Cr Hugh Barrett-Lennard.

Therefore Council may deem it prudent to again engage the Electoral Commissioner to carry out the Shire of Wongan-Ballidu Local Government election as a postal election on this occasion.

Postal voting generally receives a greater return of votes than an in person vote, also the votes can be returned by the elector at their convenience rather than having to come into town on Election Day.

There is no issue with finding staff to work that day as this is the responsibility of the electoral commissioner.

Perceived to be a greater level of independence by Councillors and Community in the running of the election as the administration is removed from the election process.

POLICY REQUIREMENTS:

There are no known policy requirements in relation to this item.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

There are no known strategic requirements in relation to this item.

SUSTAINABILITY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

A quote has been received from the electoral commission to undertake the election as a postal vote the cost would be in the vicinity of \$13,000. To run the election as an in person election the costs would be approx \$10,000. These monies would be included in the 2017/2018 budget

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: Yes

STAFF RECOMMENDATION:

That Council utilise the services of the Electoral Commissioner to undertake the Shire of Wongan-Ballidu Local Elections as a postal vote election.

9.2 ADMINISTRATION & FINANCIAL SERVICES

9.2.1 ACCOUNTS SUBMITTED – DECEMBER 2016

FILE REFERENCE:	F1.4
REPORT DATE:	17 February 2017
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Deputy Chief Executive Officer
ATTACHMENTS:	December 2016

PURPOSE OF REPORT:

That the accounts as submitted be received.

BACKGROUND:

This information is provided to the Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

COMMENT:

Refer to attachment.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Local Government (Financial Management) Regulations 1996 Sections 12 & 13 require the attached reports to be presented to Council.

Lists of Accounts

Section 6.10 of the Local Government Act regulation 12 of the Financial Management Regulations (FMR's) requires a list of accounts paid for the month, and where the Council has delegated the payment of these accounts to the CEO under regulation 13 there must be a list of accounts paid, and the listing shall disclose the following:

- The payee's name
- The amount of the payment
- The date of the payment
- The fund from which it is paid; and
- Sufficient information to identify the transaction.

STRATEGIC IMPLICATIONS:

There are no strategic implications in relation to this item.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with the proposals.

➤ **Economic**

There are no known environmental implications associated with the proposals.

➤ **Social**

There are no known environmental implications associated with the proposals.

FINANCIAL IMPLICATIONS:

All payments are within the confines of Councils adopted budget. There have been no other material outstanding creditors since the cheques were prepared.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: No

STAFF RECOMMENDATION:

That the accounts submitted from 1 December 2016 to 31 December 2016 totalling \$-584867.12 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.

9.2.2 FINANCIAL REPORTS – DECEMBER 2016

FILE REFERENCE:	F1.4
REPORT DATE:	17 February 2017
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Deputy Chief Executive Officer
ATTACHMENTS:	Financial Reports

PURPOSE OF REPORT:

That the following statements and reports for the month ended December 2016 be received:

BACKGROUND:

Under the Local Government (Financial Management) Regulations 1996 the Council is to prepare financial reports outlining the financial operations at the previous month end date.

Listed below is a compilation of the reports that will meet compliance, these are listed under Sections and the relevant regulations below.

Financial activity statement report

Section 6.4 of the Local Government Act regulation 34.1 of the FMR requires a Local Government to prepare each month a statement of financial activity reporting on the sources and application of funds, as set out in the annual budget containing the following detail:

- Annual budget estimates
- Budget estimates to the end of the month to which the statement relates (known as YTD Budget) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates (known as YTD Actuals)
- Material variances between the comparatives of Budget v's Actuals
- The net current assets (NCA) at the end of the month to which the statement relates

Regulation 34.2 - Each statement of financial activity must be accompanied by documents containing:–

- An explanation of the composition of the net current assets of the month to which it relates, less committed assets and restricted assets containing the following detail:
- An explanation of each of the material variances
- Such other supporting information as is considered relevant by the local government

Regulation 34.3 - The information in a statement of financial activity may be shown:

- According to nature and type classification
- By program; or
- By business unit

Each financial year a Local government is to adopt a % value, calculation in accordance with AAS5, to be used in reporting material variances.

COMMENT:

Refer to attachment.

POLICY REQUIREMENTS:

Policy F64 - Monthly Financial Reporting Requirements

LEGISLATIVE REQUIREMENTS:

- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS:

There are no Strategic Implications relating to this item.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known environmental implications associated with the proposals.
- **Economic**
There are no known economic implications associated with the proposals.
- **Social**
There are no known social implications associated with the proposals.

FINANCIAL IMPLICATIONS:

The financial reports for the month ending 31 December 2016 are attached to the Council agenda.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: No

STAFF RECOMMENDATION:

That the following Statements and reports for the months ended 31 December 2016 be received:

1. Monthly Statements as follows;

a. Statement of Financial Activity (by Nature and Type)	FM Regs 34
b. Statement of Operating Activities by Programme/Activity (Summary)	FM Regs 34
c. Statement of Net Current Assets (NCA)	FM Regs 34
d. Rate setting statement	Discretionary
e. Disposal of Assets	Discretionary
f. Rates Outstanding Report	Discretionary
g. Debtors Outstanding Report	Discretionary
h. Bank Reconciliation Report	Discretionary
i. Investment Report	Discretionary
j. Reserve Account Balances Report	Discretionary
k. Loans Schedule	Discretionary

9.2.3 ACCOUNTS SUBMITTED – JANUARY 2017

FILE REFERENCE:	F1.4
REPORT DATE:	17 February 2017
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Deputy Chief Executive Officer
ATTACHMENTS:	January 2017

PURPOSE OF REPORT:

That the accounts as submitted be received.

BACKGROUND:

This information is provided to the Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

COMMENT:

Refer to attachment.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Local Government (Financial Management) Regulations 1996 Sections 12 & 13 require the attached reports to be presented to Council.

Lists of Accounts

Section 6.10 of the Local Government Act regulation 12 of the Financial Management Regulations (FMR's) requires a list of accounts paid for the month, and where the Council has delegated the payment of these accounts to the CEO under regulation 13 there must be a list of accounts paid, and the listing shall disclose the following:

- The payee's name
- The amount of the payment
- The date of the payment
- The fund from which it is paid; and
- Sufficient information to identify the transaction.

STRATEGIC IMPLICATIONS:

There are no strategic implications in relation to this item.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with the proposals.

➤ **Economic**

There are no known environmental implications associated with the proposals.

➤ **Social**

There are no known environmental implications associated with the proposals.

FINANCIAL IMPLICATIONS:

All payments are within the confines of Councils adopted budget. There have been no other material outstanding creditors since the cheques were prepared.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: No

STAFF RECOMMENDATION:

That the accounts submitted from 1 January 2017 to 31 January 2017 totalling \$-787599.60 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.

9.2.4 FINANCIAL REPORTS

FILE REFERENCE:	F1.4
REPORT DATE:	17 February 2017
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Deputy Chief Executive Officer
ATTACHMENTS:	Financial Reports

PURPOSE OF REPORT:

That the following statements and reports for the month ended January 2017 be received:

BACKGROUND:

Under the Local Government (Financial Management) Regulations 1996 the Council is to prepare financial reports outlining the financial operations at the previous month end date.

Listed below is a compilation of the reports that will meet compliance, these are listed under Sections and the relevant regulations below.

Financial activity statement report

Section 6.4 of the Local Government Act regulation 34.1 of the FMR requires a Local Government to prepare each month a statement of financial activity reporting on the sources and application of funds, as set out in the annual budget containing the following detail:

- Annual budget estimates
- Budget estimates to the end of the month to which the statement relates (known as YTD Budget) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates (known as YTD Actuals)
- Material variances between the comparatives of Budget v's Actuals
- The net current assets (NCA) at the end of the month to which the statement relates

Regulation 34.2 - Each statement of financial activity must be accompanied by documents containing:-

- An explanation of the composition of the net current assets of the month to which it relates, less committed assets and restricted assets containing the following detail:
- An explanation of each of the material variances
- Such other supporting information as is considered relevant by the local government

Regulation 34.3 - The information in a statement of financial activity may be shown:

- According to nature and type classification
- By program; or
- By business unit

Each financial year a Local government is to adopt a % value, calculation in accordance with AAS5, to be used in reporting material variances.

COMMENT:

Refer to attachment.

POLICY REQUIREMENTS:

Policy F64 - Monthly Financial Reporting Requirements

LEGISLATIVE REQUIREMENTS:

- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS:

There are no Strategic Implications relating to this item.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known environmental implications associated with the proposals.
- **Economic**
There are no known economic implications associated with the proposals.
- **Social**
There are no known social implications associated with the proposals.

FINANCIAL IMPLICATIONS:

The financial reports for the month ending 31 January 2017 are attached to the Council agenda.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: No

STAFF RECOMMENDATION:

That the following Statements and reports for the months ended 31 December 2016 be received:

1. Monthly Statements as follows;

a. Statement of Financial Activity (by Nature and Type)	FM Regs 34
b. Statement of Operating Activities by Programme/Activity (Summary)	FM Regs 34
c. Statement of Net Current Assets (NCA)	FM Regs 34
d. Rate setting statement	Discretionary
e. Disposal of Assets	Discretionary
f. Rates Outstanding Report	Discretionary
g. Debtors Outstanding Report	Discretionary
h. Bank Reconciliation Report	Discretionary
i. Investment Report	Discretionary
j. Reserve Account Balances Report	Discretionary
k. Loans Schedule	Discretionary

9.2.5 BUSHFIRE ADVISORY COMMITTEE – ISSUING OF PERMITS

FILE REFERENCE:	
REPORT DATE:	15 February 2017
APPLICANT/PROPONENT:	Nil
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Deputy Chief Executive Officer – David Taylor
ATTACHMENTS:	Policy 1.1 Bushfire

PURPOSE OF REPORT:

The purpose of this report is to put forward the recommendations from the Bushfire Advisory Committee to Council.

BACKGROUND:

A motion has been made by the Bushfire Advisory Committee requesting that the Fire Control Officers can issue permits that are valid for twenty one (21) days.

The currently Council policy allows Fire Control Officers to issue permits for seven (7) days with burning prohibited on Sunday and Public Holidays.

COMMENT:

Advice from the DFES Area Manager said that Local Governments under Regulation 15B Section 3 can issue permits for no longer than 28 days and no less than 4 days. He mentioned that not many Local Governments go past 14 days and most don't go past 7 days.

The Shire of Wongan-Ballidu policy states that permits are limited to 7 days.

The following illustrates the surrounding Shire's procedure regarding issuing of burning permits.

<u>Local Government</u>	<u>Policy</u>	<u>Burning permit no. days</u>
Shire of Goomalling	No	28 days
Shire of Victoria Plains	No	7 days maximum
Shire of Dalwallinu	No	4 - 28 days (many conditions, text messages requesting to extend shorter term permits to save the issuing of new ones but still knowing how many permits are issued)
Shire of Moora	No	14 days maximum

After discussions with surrounding CESM's there are many positives and negatives to consider when deciding on the timeframe for issuing permits.

Shorter permits:

Advantages

- Higher accuracy for weather forecasts.
- Higher control over the number of permits issued and valid as they lapse quicker.

Disadvantages

- Increased likelihood that permit holders wait all week for correct weather conditions and will light up on the last day because it is the last day even though weather conditions may not be optimal creating a focal point on when permit holders are lighting fires simultaneously. This could be a problem if something were to happen as it could stretch resources depending on the number of fires.
- Fire Control Officers issuing permits more regularly creating more paperwork.

Longer permits:

Advantages

- Lower number of permits being issued so easier to keep track of valid permits.
- Removes pressure for permit holders to light up as they can plan for optimal days.

Disadvantages

- Optimal days could result in multiple permit holders lighting and possibly stretching resources if out of control fires were to occur.

POLICY REQUIREMENTS:

Council policy *1.1 Bushfire*

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995.

Local Government (Administration) Regulations 1996.

Bush Fires Act 1954

Bush Fires regulations 1954

STRATEGIC IMPLICATIONS:

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with this item.

➤ **Economic**

There are no known economic implications associated with this proposal.

➤ **Social**

There are no known social implications associated with this item.

FINANCIAL IMPLICATIONS:

There are no known financial implications associated with this item.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: NO

BUSHFIRE ADVISORY COMMITTEE RECOMMENDATION:

That Council adopt the new policy 1.1 Bushfire with the following changes;

a)

that Fire Control Officers can issue burning permits for up to twenty one (21) days.

9.3 WORKS & SERVICES

Nil

9.4 HEALTH, BUILDING & PLANNING

9.4.1 LOCAL PLANNING SCHEME NO. 5

FILE REFERENCE:	D3.6
REPORT DATE:	15 February 2017
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Resolutions 130308, 070509, 050812, 091212, 060214 and 050415
AUTHOR:	Melissa Marcon
ATTACHMENTS:	Local Planning Scheme No. 5

PURPOSE OF REPORT:

Local Planning Scheme No.5 (LPS No.5) was advertised for public comment between 8 September 2015 and 7 December 2015. No submissions were received. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council must resolve to support the draft LPS No.5 and forward the Scheme to the Western Australian Planning Commission so that it can be finalised.

BACKGROUND:

On 10 February 2014 Council resolved to adopt draft LPS No. 5 and forward the scheme to the Minister for Planning for approval to advertise (Resolution 060214), in compliance with the *Town Planning Regulations 1967*.

The Minister approved LPS No. 5 for advertising on 3 December 2014 subject to modifications. The modifications were made and Council subsequently resolved (Resolution 050415) in April 2015 to proceed with advertising of the draft scheme. The draft LPS No. 5 was advertised between 8 September 2015 and 7 December 2015.

It should also be noted that in October 2015 the *Planning and Development (Local Planning Scheme) Regulations 2015* were gazetted, which supersede the *Town Planning Regulations 1967*.

COMMENT:

The draft LPS No.5 is based on the Model Scheme Text that formed part of the now superseded *Town Planning Regulations 1967*. The LPS proposes a number of local reserves and includes provisions that control the use and development of these reserves. The draft LPS also includes eight zones, being 'Residential', 'Commercial', 'Light Industry', 'General Industry', 'Townsite', 'Rural Residential', 'Rural' and 'Special Use', objectives for each zone and permissibilities for land uses within each zone. No Special Control Areas are proposed.

The majority of the proposed changes to the zoning of land and scheme reserves from Scheme No. 4 to draft LPS No.5 are to reflect the current use of the land.

Shire records indicate that when draft LPS No. 5 was advertised, no submissions were received.

In order to expedite the process towards finalisation, and considering that no submissions were received, it is recommended that Council resolve to support the draft scheme without modifications.

It is recognised that there has been some time lapse between the advertising period in 2015 and Council considering the resolution to support the draft scheme. During this period the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) were gazetted, which have implications for all new schemes. Once the Western Australian Planning Commission receives the draft scheme, further modifications may be recommended to update the scheme to be consistent with the new Regulations.

POLICY REQUIREMENTS:

The *Planning and Development Act 2005* requires the Local Planning Scheme to comply with State Planning Policies.

LEGISLATIVE REQUIREMENTS:

Under the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations), 25(3), the local government must pass a resolution to:

- A) Support the draft scheme without modification; or
- B) Support the draft scheme with proposed modifications to address issues raised in the submissions; or
- C) Not support the draft scheme.

Following the resolution under Regulation 25(3), the local government must provide the advertised local planning scheme documents to the Western Australian Planning Commission along with a copy of the resolution passed under Regulation 25(3).

STRATEGIC IMPLICATIONS:

When finalised, the new LPS No.5 will support the implementation of the Shire's recently finalised Local Planning Strategy.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

The Local Planning Scheme will provide statutory control of development in or near environmentally sensitive areas.

➤ Economic

The Local Planning Scheme will provide direction for the siting of economic development in the Shire.

➤ Social

Statutory control over development will allow Council to protect amenity, character and heritage within the Shire.

FINANCIAL IMPLICATIONS:

Following endorsement of the LPS by the Minister for Planning the scheme will be gazetted and notice of the approval published in the local newspaper. The Shire is responsible for the costs of gazettal and advertisement of the new LPS.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: No

STAFF RECOMMENDATION:

That Council:

- 1. Note that no submissions were received on the draft Local Planning Scheme No.5 during the advertising period of 8 September 2015 till 7 December 2015**
- 2. Resolve in accordance with Regulation 25(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* to support the draft Local Planning Scheme No. 5 without modification; and**
- 3. Resolve in accordance with Regulation 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to provide two copies of the advertised Local Planning Scheme No.5 documents, as well as a copy of the resolution passed under Regulation 25(3)(a) to the Western Australian Planning Commission.**

9.5 COMMUNITY SERVICES

NIL

10. QUESTIONS FROM MEMBERS WITHOUT NOTICE

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13. CLOSURE