



MINUTES 27 FEBRUARY 2013

**ORDINARY MEETING
OF COUNCIL**



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**SHIRE OF WONGAN-BALLIDU
MINUTES
FOR THE ORDINARY MEETING OF COUNCIL**

Held in the Council Chambers
on Wednesday 27 February 2013



1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President Cr Michael Brennan declared the meeting opened at 3.01pm.

Cr Barrett-Lennard tendered his resignation as Deputy President.

The Shire President called for nominations for a Deputy President A nomination was received for Cr Macnamara there being no other nominations the Shire President declared Cr Macnamara elected as Deputy Shire President.

The Executive Assistant left the chambers at 3.02pm

The Chief Executive Officer left the chambers at 3.04pm

The Chief Executive Officer and the Executive Assistant returned to the chambers at 3.05pm

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE PREVIOUSLY GRANTED

ATTENDANCE:

Cr Michael Brennan	Cr Peter Macnamara
Cr David Armstrong	Cr Brad West
Cr Tracey deGrussa	Cr Alfreda Lyon
Cr Barrett-Lennard	Cr David Brown
Cr Michael Godfrey	

STAFF:

Stuart Taylor	Chief Executive Officer
Dennis Coates	Deputy Chief Executive Officer
Len deGrussa	Manager Building Services
Tanya Greenwood	Manager Community Services
Irene Myring	(Minutes)

PUBLIC

Bridgett Collins

3. PUBLIC QUESTION TIME

Bridgett Collins wanted to know if Council was going to address with her storm water concerns re 22 Camm Street and 14 Mocardy St, the Shire President and CEO stated that they would investigate her concerns and then inform her of the outcome.

Bridgett then left the chambers at 3.15pm

4. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

5. PETITIONS AND PRESENTATIONS

Nil

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 ADMINISTRATION & FINANCIAL SERVICES

9.1.1 ACCOUNTS SUBMITTED

FILE REFERENCE:	F1.4
REPORT DATE:	5 March 2013
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Dennis Coates – Deputy Chief Executive Officer
ATTACHMENTS:	December 2012 and January 2013

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.

9.1.2 FINANCIAL REPORTS

FILE REFERENCE:	F1.4
REPORT DATE:	5 March 2013
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Dennis Coates – Deputy Chief Executive Officer
ATTACHMENTS:	Financial Reports

PURPOSE OF REPORT:

That the following statements and reports for the month ended December 2011 and January 2013 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:–

1. 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:

1. Local Government Act 1995
2. Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS:

There are no Strategic Implications relating to this item.

SUSTAINABILITY IMPLICATIONS:

Ø **Environment**

There are no known environmental implications associated with the proposals.

Ø **Economic**

There are no known economic implications associated with the proposals.

Ø **Social**

There are no known social implications associated with the proposals.

FINANCIAL IMPLICATIONS:

The financial reports for the periods ending December 2012 and January 2013 are attached to the Council agenda.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: No

STAFF RECOMMENDATION:

That the following Statements and reports for the months ended December 2012 and January 2013 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

COMMITTEE RECOMMENDATION:

That the following Statements and reports for the months ended December 2012 and January 2013 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

9.1.3 COMPLIANCE AUDIT RETURN 2012

FILE REFERENCE:	F1.7.1
REPORT DATE:	2 February 2012
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor – Chief Executive Officer
ATTACHMENTS:	Compliance Return

PURPOSE OF REPORT:

To consider and adopt the 2012 Compliance Audit return.

BACKGROUND:

Council is required to carry out a compliance audit for the period 1 January 2012 to 31 December 2012 against the requirements included in the 2012 Compliance Audit Return.

The Compliance Audit Return is to be,

- a. Presented to Council at a meeting of the Council,
- b. Adopted by the Council, and
- c. The adoption recorded in the minutes of the meeting at which it is adopted.

The adopted Compliance Audit Return is to be submitted to the Director General, Department of Local Government and Regional Development by 31 March 2013.

COMMENT:

Regulation 14 requires that the local government's Audit Committee now reviews the CAR and reports the results of that review to the Council prior to adoption by Council and the March submission to the Department.

There were two areas of non compliance one where a primary return was presented instead of an annual return and the second where the dates for submissions in the disposal of property were incorrect.

POLICY REQUIREMENTS:

There are no known legislative requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 Section 7.13(i)
Local Government (Audit) Regulations Regulation 13. 14 and 15

STRATEGIC IMPLICATIONS:

There are no strategic implications in relation to this item.

9.1.4 DELEGATED AUTHORITY

FILE REFERENCE:	A2.22 Local Government Act & Regulations
REPORT DATE:	1 February 2013
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 & Code of Conduct

PURPOSE OF REPORT:

To review and adopt the annual list of delegations and the Code of Conduct.

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.

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: 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. 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. 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 delegated authority to the Chief Executive Officer under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954
 Council delegated authority to the Ranger under section 59 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: Authorisation is given 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: 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: Authorisation is given 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: The Chief Executive Officer is authorised 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: The Chief Executive Officer is authorised 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: That the Chief Executive Officer be delegated to dispose of any goods that have been impounded.

DELEGATED AUTHORITY 11

DELEGATION: LEGAL PROCEEDINGS – BUSH FIRE ACT
SECTION/ACT: Bush Fires Act 1954, Section 59 and 59A
DELEGATION: The Chief Executive has been authorised under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954.

The Ranger has been authorised under section 59 of the Bush Fires Act 1954 to issue infringements under section 59a of the Bushfires Act 1954

DELEGATED AUTHORITY 12

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 13

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 the Chief Executive Officer is authorised 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 14

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 15

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 16

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: Authorisation is given to make payments via corporate credit card in accordance with Councils Policy – Fuel and Credit Cards.

DELEGATION AUTHORITY 17

DELEGATION TENDERS

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

DELEGATION: 1. The Chief Executive Officer is authorised to accept tenders up to \$100,000 and not exceeding budget allocation.

WORKS AND SERVICES

DELEGATED AUTHORITY 01

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. To temporarily close thoroughfares to vehicles.
2. To determine applications for the temporary closure of roads for the purpose of conducting events.

DELEGATED AUTHORITY 02

DELEGATION: PAYMENT OF CROSSOVER CONTRIBUTION

SECTION/ACT: Local Government Act 1995 – Section 5.42

DELEGATION: The Chief Executive officer is authorized to pay Councils contribution to the construction of a crossover in accordance with Policy W29 Vehicle Crossovers.

DELEGATED AUTHORITY 03

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 04

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 authority and power to authorise the installation of soft landscaping and/or hard paving within a road reserve.

DELEGATED AUTHORITY 05

DELEGATION: SEED COLLECTION – WILDFLOWER PICKING

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Approval to pick wildflowers on Council controlled reserves. 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 01

DELEGATION: DEMOLITION LICENCES
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 374A
DELEGATION: That the Manager Building Services be delegated to issue demolition licences.

DELEGATED AUTHORITY 02

DELEGATION: BUILDINGS – ISSUING NOTICES REQUIRING ALTERATIONS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401
DELEGATION: That the Manager Building Services be delegated to issue a Notice requiring alterations where a breach of building requirements is considered sufficient to warrant the issue of a Notice.

DELEGATED AUTHORITY 03

DELEGATION: BUILDINGS – UNLAWFUL WORKS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401A
DELEGATION: That the Manager Building Services be delegated 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 04

DELEGATION: BUILDINGS – DANGEROUS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Sections 403, 404
DELEGATION: That the Manager Building Services 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 05

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: Authorisation is given 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 06

DELEGATION: BUILDING LICENCES
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960 Section 374
DELEGATION: The Manager Building Services be delegated to approve plans submitted and issue building licences.

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

DELEGATED AUTHORITY 07

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

SECTION/ACT: Not Applicable

DELEGATION: 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 08

DELEGATION: TOWN PLANNING FUNCTIONS

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

DELEGATION: That Council delegate 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 09

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

SECTION/ACT: Local Government Act 1995

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

DELEGATED AUTHORITY 10

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 11

DELEGATION: USE APPROVAL OF COUNCIL CONTROLLED BUILDINGS

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates to the Chief Executive Officer authority to approval 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 12

DELEGATION: SUBDIVISION CLEARANCE

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

DELEGATION: The Chief Executive Officer is authorized 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.

DELETED

Community Health Building – Reason: Building Sold

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. Codes of conduct

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Ø **Environment**

There are no known environmental implications associated with the proposal.

Ø **Economic**

There are no known economic implications associated with the proposal.

Ø **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:

1. 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: 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. 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. 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 delegated authority to the Chief Executive Officer under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954
Council delegated authority to the Ranger under section 59 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: Authorisation is given 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: 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: Authorisation is given 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: The Chief Executive Officer is authorised 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: The Chief Executive Officer is authorised 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: That the Chief Executive Officer be delegated to dispose of any goods that have been impounded.

DELEGATED AUTHORITY 11

DELEGATION: LEGAL PROCEEDINGS – BUSH FIRE ACT

SECTION/ACT: Bush Fires Act 1954, Section 59 and 59A

DELEGATION: The Chief Executive has been authorised under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954.

The Ranger has been authorised under section 59 of the Bush Fires Act 1954 to issue infringements under section 59a of the Bushfires Act 1954

DELEGATED AUTHORITY 12

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 13

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 the Chief Executive Officer is authorised 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 14

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 15

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 16

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: Authorisation is given to make payments via corporate credit card in accordance with Councils Policy – Fuel and Credit Cards.

DELEGATION AUTHORITY 17

DELEGATION TENDERS

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

DELEGATION: The Chief Executive Officer is authorised to accept tenders up to \$100,000 and not exceeding budget allocation.

WORKS AND SERVICES

DELEGATED AUTHORITY 01

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. To temporarily close thoroughfares to vehicles.
2. To determine applications for the temporary closure of roads for the purpose of conducting events.

DELEGATED AUTHORITY 02

DELEGATION: PAYMENT OF CROSSOVER CONTRIBUTION

SECTION/ACT: Local Government Act 1995 – Section 5.42

DELEGATION: The Chief Executive officer is authorized to pay Councils contribution to the construction of a crossover in accordance with Policy W29 Vehicle Crossovers.

DELEGATED AUTHORITY 03

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 04

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 authority and power to authorise the installation of soft landscaping and/or hard paving within a road reserve.

DELEGATED AUTHORITY 05

DELEGATION: SEED COLLECTION – WILDFLOWER PICKING
SECTION/ACT: Local Government Act 1995 – Sections
DELEGATION: Approval to pick wildflowers on Council controlled reserves. 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 PLANNING & BUILDING

DELEGATED AUTHORITY 01

DELEGATION: DEMOLITION LICENCES
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 374A
DELEGATION: That the Manager Building Services be delegated to issue demolition licences.

DELEGATED AUTHORITY 02

DELEGATION: BUILDINGS – ISSUING NOTICES REQUIRING ALTERATIONS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401
DELEGATION: That the Manager Building Services be delegated to issue a Notice requiring alterations where a breach of building requirements is considered sufficient to warrant the issue of a Notice.

DELEGATED AUTHORITY 03

DELEGATION: BUILDINGS – UNLAWFUL WORKS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401A
DELEGATION: That the Manager Building Services be delegated 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 04

DELEGATION: BUILDINGS – DANGEROUS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Sections 403, 404
DELEGATION: That the Manager Building Services 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 05

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: Authorisation is given 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 06

DELEGATION: BUILDING LICENCES

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

DELEGATION: The Manager Building Services be delegated to approve plans submitted and issue building licences.

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

DELEGATED AUTHORITY 07

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

SECTION/ACT: Not Applicable

DELEGATION: 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 08

DELEGATION: TOWN PLANNING FUNCTIONS

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

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

- (l) 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;
- (m) 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;
- (n) Grant an extension of development approval for up to two (2) years;
- (o) Granting variations to relevant Planning Policies and provisions of the Residential Design Codes on Building Licence applications;
- (p) 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.
- (q) Deletion or modification of conditions of approval, whether imposed under delegated authority or not;
- (r) Making recommendations to the WA Planning Commission on:
 - iv. applications for subdivision or amalgamation of land;
 - v. minor variations to approved subdivisions;
 - vi. clearance of conditions of subdivision approval;
- (s) Determination of Applications for the relocation of Building Envelopes;
- (t) Provision of written and verbal responses to planning appeals, mediated settlements resulting from appeals and WA Planning Commission requests for reconsideration;
- (u) Taking all necessary action against owners or occupiers of properties to cease illegal uses or comply with conditions of Development Approval, including pursuing

- (v) prosecution through Council's Solicitors; and
- (v) 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:

- (f) Where the delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation;
- (g) Where written objection is received to the proposal from any statutory agency;
- (h) 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;
- (i) 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:
 - (iv) 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
 - (v) the objections can be overcome by imposing a condition(s) on the development approval, or modifying the design of the development; or
 - (vi) the objection does not relate to valid planning and development issues associated with the proposal.
- (j) Where, in the opinion of the Chief Executive Officer:
 - (vi) Any of the requirements of this policy are not satisfied; or
 - (vii) 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
 - (viii) It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application; or
 - (ix) The decision involves a matter of principle which, in the opinion of the Chief Executive Officer, should be made by the Council; or
 - (x) 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 09

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

SECTION/ACT: Local Government Act 1995

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

DELEGATED AUTHORITY 10

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 11

DELEGATION: USE APPROVAL OF COUNCIL CONTROLLED BUILDINGS

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates to the Chief Executive Officer authority to approval 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 12

DELEGATION: SUBDIVISION CLEARANCE

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

DELEGATION: The Chief Executive Officer is authorized 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.

2. Adopt unchanged the Code of Conduct as previously distributed.

COMMITTEE RECOMMENDATION:

1. 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: 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. 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. 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 delegated authority to the Chief Executive Officer under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954
 Council delegated authority to the Ranger under section 59 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: Authorisation is given 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: 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: Authorisation is given 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: The Chief Executive Officer is authorised 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: The Chief Executive Officer is authorised 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: That the Chief Executive Officer be delegated to dispose of any goods that have been impounded.

DELEGATED AUTHORITY 11

DELEGATION: LEGAL PROCEEDINGS – BUSH FIRE ACT
SECTION/ACT: Bush Fires Act 1954, Section 59 and 59A
DELEGATION: The Chief Executive has been authorised under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954.

The Ranger has been authorised under section 59 of the Bush Fires Act 1954 to issue infringements under section 59a of the Bushfires Act 1954

DELEGATED AUTHORITY 12

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 13

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 the Chief Executive Officer is authorised 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 14

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 15

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 16

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: Authorisation is given to make payments via corporate credit card in accordance with Councils Policy – Fuel and Credit Cards.

DELEGATION AUTHORITY 17

DELEGATION TENDERS

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

DELEGATION: The Chief Executive Officer is authorised to accept tenders up to \$100,000 and not exceeding budget allocation.

WORKS AND SERVICES

DELEGATED AUTHORITY 01

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. To temporarily close thoroughfares to vehicles.
2. To determine applications for the temporary closure of roads for the purpose of conducting events.

DELEGATED AUTHORITY 02

DELEGATION: PAYMENT OF CROSSOVER CONTRIBUTION

SECTION/ACT: Local Government Act 1995 – Section 5.42

DELEGATION: The Chief Executive officer is authorized to pay Councils contribution to the construction of a crossover in accordance with Policy W29 Vehicle Crossovers.

DELEGATED AUTHORITY 03

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 04

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 authority and power to authorise the installation of soft landscaping and/or hard paving within a road reserve.

DELEGATED AUTHORITY 05

DELEGATION: SEED COLLECTION – WILDFLOWER PICKING

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Approval to pick wildflowers on Council controlled reserves. 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 PLANNING & BUILDING

DELEGATED AUTHORITY 01

DELEGATION: DEMOLITION LICENCES

SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 374A
DELEGATION: That the Manager Building Services be delegated to issue demolition licences.

DELEGATED AUTHORITY 02

DELEGATION: BUILDINGS – ISSUING NOTICES REQUIRING ALTERATIONS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401
DELEGATION: That the Manager Building Services be delegated to issue a Notice requiring alterations where a breach of building requirements is considered sufficient to warrant the issue of a Notice.

DELEGATED AUTHORITY 03

DELEGATION: BUILDINGS – UNLAWFUL WORKS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401A
DELEGATION: That the Manager Building Services be delegated 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 04

DELEGATION: BUILDINGS – DANGEROUS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Sections 403, 404
DELEGATION: That the Manager Building Services 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 05

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: Authorisation is given 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 06

DELEGATION: BUILDING LICENCES
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960 Section 374
DELEGATION: The Manager Building Services be delegated to approve plans submitted and issue building licences.

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

DELEGATED AUTHORITY 07

DELEGATION: SALE AND/OR CONSUMPTION OF LIQUOR – COUNCIL PROPERTY
SECTION/ACT: Not Applicable
DELEGATION: 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 08

DELEGATION: TOWN PLANNING FUNCTIONS

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

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

- (w) 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;
- (x) 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;
- (y) Grant an extension of development approval for up to two (2) years;
- (z) Granting variations to relevant Planning Policies and provisions of the Residential Design Codes on Building Licence applications;
- (aa) 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.
- (bb) Deletion or modification of conditions of approval, whether imposed under delegated authority or not;
- (cc) Making recommendations to the WA Planning Commission on:
 - vii. applications for subdivision or amalgamation of land;
 - viii. minor variations to approved subdivisions;
 - ix. clearance of conditions of subdivision approval;
- (dd) Determination of Applications for the relocation of Building Envelopes;
- (ee) Provision of written and verbal responses to planning appeals, mediated settlements resulting from appeals and WA Planning Commission requests for reconsideration;
- (ff) 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
- (gg) 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:

- (k) Where the delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation;
- (l) Where written objection is received to the proposal from any statutory agency;
- (m) 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;
- (n) 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:
 - (vii) 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

- (viii) the objections can be overcome by imposing a condition(s) on the development approval, or modifying the design of the development; or
- (ix) the objection does not relate to valid planning and development issues associated with the proposal.
- (o) Where, in the opinion of the Chief Executive Officer:
 - (xi) Any of the requirements of this policy are not satisfied; or
 - (xii) 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
 - (xiii) It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application; or
 - (xiv) The decision involves a matter of principle which, in the opinion of the Chief Executive Officer, should be made by the Council; or
 - (xv) 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 09

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

SECTION/ACT: Local Government Act 1995

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

DELEGATED AUTHORITY 10

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 11

DELEGATION: USE APPROVAL OF COUNCIL CONTROLLED BUILDINGS

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates to the Chief Executive Officer authority to approval 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 12

DELEGATION: SUBDIVISION CLEARANCE

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

DELEGATION: The Chief Executive Officer is authorized 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.

2. Adopt unchanged the Code of Conduct as previously distributed.

MOTION: **Moved:** **Cr Macnamara/Cr Brown**

1. 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: **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. 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. 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 delegated authority to the Chief Executive Officer under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954

Council delegated authority to the Ranger under section 59 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: **Authorisation is given 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: 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: Authorisation is given 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: The Chief Executive Officer is authorised 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: The Chief Executive Officer is authorised 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: That the Chief Executive Officer be delegated to dispose of any goods that have been impounded.

DELEGATED AUTHORITY 11

DELEGATION: LEGAL PROCEEDINGS – BUSH FIRE ACT

SECTION/ACT: Bush Fires Act 1954, Section 59 and 59A

DELEGATION: The Chief Executive has been authorised under section 59 of the Bush Fires Act 1954 to institute and carry out proceedings for offences against the Bush Fires Act 1954.

The Ranger has been authorised under section 59 of the Bush Fires Act 1954 to issue infringements under section 59a of the Bushfires Act 1954

DELEGATED AUTHORITY 12

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 13

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 the Chief Executive Officer is authorised 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 14

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 15

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 16

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: Authorisation is given to make payments via corporate credit card in accordance with Councils Policy – Fuel and Credit Cards.

DELEGATION AUTHORITY 17

DELEGATION: TENDERS

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

DELEGATION: The Chief Executive Officer is authorised to accept tenders up to \$100,000 and not exceeding budget allocation.

WORKS AND SERVICES

DELEGATED AUTHORITY 01

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. To temporarily close thoroughfares to vehicles.

2. To determine applications for the temporary closure of roads for the purpose of conducting events.

DELEGATED AUTHORITY 02

DELEGATION: PAYMENT OF CROSSOVER CONTRIBUTION
SECTION/ACT: Local Government Act 1995 – Section 5.42
DELEGATION: The Chief Executive officer is authorized to pay Councils contribution to the construction of a crossover in accordance with Policy W29 Vehicle Crossovers.

DELEGATED AUTHORITY 03

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 04

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 authority and power to authorise the installation of soft landscaping and/or hard paving within a road reserve.

DELEGATED AUTHORITY 05

DELEGATION: SEED COLLECTION – WILDFLOWER PICKING
SECTION/ACT: Local Government Act 1995 – Sections
DELEGATION: Approval to pick wildflowers on Council controlled reserves. 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 PLANNING & BUILDING

DELEGATED AUTHORITY 01

DELEGATION: DEMOLITION LICENCES
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 374A
DELEGATION: That the Manager Building Services be delegated to issue demolition licences.

DELEGATED AUTHORITY 02

DELEGATION: BUILDINGS – ISSUING NOTICES REQUIRING ALTERATIONS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401
DELEGATION: That the Manager Building Services be delegated to issue a Notice requiring alterations where a breach of building requirements is considered sufficient to warrant the issue of a Notice.

DELEGATED AUTHORITY 03

DELEGATION: BUILDINGS – UNLAWFUL WORKS
SECTION/ACT: Local Government (Miscellaneous Provisions) Act 1960, Section 401A

DELEGATION: That the Manager Building Services be delegated 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 04

DELEGATION: BUILDINGS – DANGEROUS

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

DELEGATION: That the Manager Building Services 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 05

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: Authorisation is given 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 06

DELEGATION: BUILDING LICENCES

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

DELEGATION: The Manager Building Services be delegated to approve plans submitted and issue building licences.

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

DELEGATED AUTHORITY 07

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

SECTION/ACT: Not Applicable

DELEGATION: 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 08

DELEGATION: TOWN PLANNING FUNCTIONS

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

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

(hh) 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;
- (ii) 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;
- (jj) Grant an extension of development approval for up to two (2) years;
- (kk) Granting variations to relevant Planning Policies and provisions of the Residential Design Codes on Building Licence applications;
- (ll) 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.
- (mm) Deletion or modification of conditions of approval, whether imposed under delegated authority or not;
- (nn) Making recommendations to the WA Planning Commission on:
 - x. applications for subdivision or amalgamation of land;
 - xi. minor variations to approved subdivisions;
 - xii. clearance of conditions of subdivision approval;
- (oo) Determination of Applications for the relocation of Building Envelopes;
- (pp) Provision of written and verbal responses to planning appeals, mediated settlements resulting from appeals and WA Planning Commission requests for reconsideration;
- (qq) 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
- (rr) 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:

- (p) Where the delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation;
- (q) Where written objection is received to the proposal from any statutory agency;
- (r) 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;
- (s) 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:
 - (x) 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
 - (xi) the objections can be overcome by imposing a condition(s) on the development approval, or modifying the design of the development; or
 - (xii) the objection does not relate to valid planning and development issues associated with the proposal.
- (t) Where, in the opinion of the Chief Executive Officer:
 - (xvi) Any of the requirements of this policy are not satisfied; or

- (xvii) 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
- (xviii) It would be in the public interest or consistent with the principles of administrative accountability for Council to determine the application; or
- (xix) The decision involves a matter of principle which, in the opinion of the Chief Executive Officer, should be made by the Council; or
- (xx) 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 09

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

SECTION/ACT: Local Government Act 1995

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

DELEGATED AUTHORITY 10

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 11

DELEGATION: USE APPROVAL OF COUNCIL CONTROLLED BUILDINGS

SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Council delegates to the Chief Executive Officer authority to approval 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 12

DELEGATION: SUBDIVISION CLEARANCE

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

DELEGATION: The Chief Executive Officer is authorized 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.

2. Adopt unchanged the Code of Conduct as previously distributed.

**CARRIED BY ABSOLUTE MAJORITY: 9/0
RESOLUTION NO: 050213**

5.1.5 LOCAL EMERGENCY MANAGEMENT ARRANGEMENT

FILE REFERENCE:	L3.5
REPORT DATE:	24 January 2013
APPLICANT/PROPONENT:	LEMC
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	
AUTHOR:	Stuart Taylor – Chief Executive Officer
ATTACHMENTS:	Local Emergency Management Arrangements & Wongan-Ballidu Recovery Plan

PURPOSE OF REPORT:

This report seeks to adopt the Local Manager Emergency Arrangements (LEMA) and the Wongan-Ballidu Recovery Plan

BACKGROUND:

The Council has an obligation pursuant to the States Emergency Management Committee to ensure its inhabitants are adequately protected, risks are minimised and recovery operations coordinated swiftly and efficiently.

The State arrangements have for some years now recommended that the local authority convenes and chair a Local Emergency Management Advisory Committee (LEMC).

The attached reports were formally adopted by District Emergency Management Committee on 23 May 2012.

COMMENT:

The Committee comprises representatives from several key agencies including the Police, FRS, BFS, and the Department for Child Services etc.

POLICY REQUIREMENTS:

There are no policy requirements in relation to this item

LEGISLATIVE REQUIREMENTS:

Emergency Management Act 2005

STRATEGIC IMPLICATIONS:

SUSTAINABILITY IMPLICATIONS:

Environment

The proposal has no real environmental effects.

Economic

The proposal has beneficial outcomes for the local economy in that if there was no emergency management plan in place and there was a major event then the community would take far longer to get back on its feet.

Social

The proposal has significant social implications if the Council does not agree adopting the LEMA

9.1.6 POLICY REVIEW

FILE REFERENCE:	A2.20.4
REPORT DATE:	4 February 2013
APPLICANT/PROPONENT:	Shire of Wongan-Ballidu
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor – Chief Executive Officer
ATTACHMENTS:	Copy of policy

PURPOSE OF REPORT:

The purpose of this report is to allow Council to revoke the attached policy.

BACKGROUND:

The purpose of policy documents is to enable the effective and efficient management of Council resources and to assist staff and Council achieve an equitable decision making process. Written policies also enable the community to be aware of the reasoning behind administrative and Council decisions to be familiar with the philosophy behind individual decisions. Policy statements enable much of the day-to-day business of Council to be handled by the administration, freeing up the time of the Elected Members in determining major policy and strategic direction.

An up-to-date policy manual of any organisation proves to be a valuable tool in improving the decision making process. Policies contained within the manual are those that project a corporate image and are not controlled by individual directorates. The development of the policies involves input from staff across the organisation and elected members.

A policy statement is not binding on Council but provides a guideline for Elected Members and staff in determining individual applications or requests. Generally, policies evolve as issues come before Council and should continue to evolve through a process of review and refinement. For this reason, it is important that a review process is in place. It is also possible for members of the community to seek an early review of a specific policy.

Each policy is developed in order to address specific matters. They relate to objectives to the Shire of Wongan-Ballidu, and, in some instances, as required by legislation. The principles behind the policies are directly related to the Shire's values as an organisation.

It is important to note that the manual should only contain the policy statement of the Council and should not refer to operational, staff or procedural matters.

COMMENT:

Council has a policy regarding office closure over the Christmas Period, which in part reads:
That the Shire Administration Office be closed from close of business on 24th December in any given year and reopen at 8:30am 2nd January in any given year, where normal opening hours will resume.

In 2012 the 24th fell on a Monday, the CEO requested that the office close on the 24th Councillors then stated that they felt that it was unnecessary to request this as the CEO was capable of making an informed decision on this matter and that the policy relating to this matter be revoked.

POLICY REQUIREMENTS:

Policy - Christmas New Year Shutdown refers

LEGISLATIVE REQUIREMENTS:

Title:	CHRISTMAS – NEW YEAR SHUTDOWN
Policy Owner:	Administration & Financial Services
File No:	A2.20.4
Resolution No:	061211
Date:	15 December 2011
Scheduled Review:	December 2012

OBJECTIVE

To minimise the disruption to customer service whilst acknowledging the inefficiency of opening the office for between 1-3 days during the Christmas & New Year period.

POLICY

That the Shire Administration Office be closed from close of business on 24th December in any given year and reopen at 8:30am 2nd January in any given year, where normal opening hours will resume.

All administration staff will be required to consume annual leave days (with leave loading) or any approved accumulated bonus days or RDO's during this period.

This will also assist in managing the Shire's accrued leave liability.

Revoke

9.1.7 AUDITOR MANAGEMENT REPORT – LETTER OF RESPONSE

FILE REFERENCE:	F1.7.1
REPORT DATE:	February 27, 2013
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Dennis Coates, Deputy Chief Executive Officer
ATTACHMENTS:	Response from Shire of Wongan-Ballidu

PURPOSE OF REPORT:

Section 7 of the Local Government Act 1995 requires the Audit Committee to consider results of the Audit and the Audit report, including the management report.

To consider and receive the auditor's comments and response as provided by the Deputy Chief Executive Officer. This response is provided as a separate attachment.

BACKGROUND:

At the completion of the annual audit a management report is issued, addressed to the Shire President.

This letter represents the results of the audit not included in the Independent Audit report. The Management Report may include comments relating to processes and procedures, council's financial position or suggestions for improvement in areas of non-compliance found during the audit process.

POLICY REQUIREMENTS:

There are no known legislative requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Local Government Guidelines in relation Part 7 of the Local Government (Audit) Regulations 1996.

STRATEGIC IMPLICATIONS:

Presentation of the audit and management reports to the Audit Committee assists to improve the Governance role of Council.

STATUTORY ENVIRONMENT

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

FINANCIAL IMPLICATIONS:

There are no financial implications in relation to this item, other than advising the Finance, Audit & Review Committee of any issues and subsequent actions that have been or are to be taken.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: YES

STAFF RECOMMENDATION:

That Council receive the letter of response as prepared by the Deputy Chief Executive Officer.

Mr. Dennis Coates
Our Ref: F1.144
Your Ref: WB3-5#06 (E1300823)

19 February 2013

Ms Jenni Law
Manager Advice and Support
Department of Local Government
GPO Box R1250 Perth WA 68444

Dear Jenni

BUDGET FOR THE YEAR ENDED 30TH June 2013

We acknowledge your letter dated 11 January, in regards to discrepancies in the budget and now provide our brief response to each point raised.

1. Statements of Comprehensive Income.

This statement applied to the lodgement of the previous 2011-12 budget and every effort was made to ensure the subsequent (current) budget was lodged within the required time frame.

2. August monthly statement of financial activity not presented to Council within the required time-frame.

This statement applied for the lodgement of the August 2011 monthly account and since then Council at each of their monthly committee meetings has been provided with the prior month's reports. As no meeting is held in January, two reports covering the months of December and January are tabled for the February meeting.

3. Local public notice for disposal of property not given in accordance with the LG Act.

Council accepts the audit advice to have internal processes so that dates are monitored more closely when local public notice, such as for these property disposals as required.

4. Annual return contained various sections which had been left blank.

Council agrees the forms contained sections which had been left blank and is of the belief that these were inadvertent omissions, arising in each case due to the form design, which with a slight modification would have elicited a proper response which in each case would be "Not Applicable". In future versions of this form, we will use a box or grid to clearly show those parts of the document that needed to be completed. Respondents will then have the opportunity to ensure they have properly completed this form and be able to confirm responses which are not applicable.

5. Primary return was not received in required timeframe.

We understand this finding relates to a situation in which our former Manager of Works resigned from Council on the 14th September and the staff member who at the time of the field audit (late October) was acting in the role of Manager of Works and had not yet completed three months in his role. However we accept the intent of the audit advice, which is provided though out this management letter to be more aware of various deadlines and build these into our processes.

6. Revaluation of land and building assets needed.

Council has a policy to revalue these assets. A staff recommendation is pending which will formally recommend the conduct of a formal valuation to be carried out for the year ending 30th June 2013.

7. Shire has not met with auditor during financial year as required.

Council has re-engaged UHY Haines Norton to conduct future external audits and a teleconference or site visit will be arranged, for such necessary dialogue to occur at least annually between our Councillors and the audit partner.

In closing, both Council and Staff acknowledge that we have improved our financial management in relation to our annual reporting and we have every intention and expectation to achieve better results.

Should you have any queries regarding this document, please contact Dennis Coates on (08) 96711011 or email dceo@wongan.wa.gov.au.

Yours sincerely,

Stuart Taylor
Chief Executive Officer

9.2 WORKS AND SERVICES

Nil

9.3 HEALTH, PLANNING & BUILDING

9.3.1 REQUEST FROM WONGAN HILLS SPORTS COUNCIL FOR COUNCIL TO WAIVE MAINTENANCE COSTS.

FILE REFERENCE:	RC1.2
REPORT DATE:	22 January 2013
APPLICANT/PROPONENT:	Lexie Lines Secretary/Treasurer
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Len deGrussa Manager Building Services
ATTACHMENTS:	Nil

PURPOSE OF REPORT:

To present a request to Council, on behalf of the Wongan Hills Sports Council Inc. to waive an amount of \$847.50 paid by the Shire to Miracle Recreation Equipment for repairs and maintenance to playground equipment at the Wongan Hills Recreation Centre playground.

The Sports Council have replaced three panels of fencing and a swinging horse which they say were damaged by acts of vandalism.

BACKGROUND:

The Shire of Wongan-Ballidu (**Shire**) and the Wongan Hills Sports Council Inc (**organisation**) entered into a Management (Lease) Agreement on 1 February 2008 until 31 January 2029, being a 21 year term with 10 year review for *“the **day-to-day management** of the premises and the **equipment** of the Shire (located at the premises) for a period, subject to the agreed terms contained in this agreement.”*

The premises being the land described in Schedule 10.1, together with all buildings and improvements thereon or hereafter erected thereon.

This includes, as well as other buildings, the pavilion, basketball-stadium and adjacent playground.

COMMENT:

Section 4.4 (Shire Terms) Maintenance Costs of the Management Agreement states the Shire is responsible for *“**provision of advisory and inspection services for playground equipment**”* and **Section 5.7 (Organization Terms) Maintenance and Repair** of the Management Agreement states that the organisation is responsible for *“**maintenance of playground equipment and associated facilities**”*

From the Sports Council letter of request;

“We stress that these acts of vandalism are not costs that should be incurred by the Sports Council as the playground was erected for the children of the community and surrounding communities, not specifically for Sports Council use.

We therefore suggest the Shire pays for the new equipment and the Sports Council will incur costs of labour and installation”

9.3.2 DEVELOPMENT ASSESSMENT PANELS: LOCAL GOVERNMENT NOMINATIONS

FILE REFERENCE:	D3.4 - TPS No.4
REPORT DATE:	25 January 2013
APPLICANT/PROPONENT:	Len deGrussa Manager Building Services
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	050611
AUTHOR:	Len deGrussa Manager Building Services
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.

Nominees details are to be submitted to the Department of Planning and Development by 28 February 2013.

BACKGROUND:

Appointments of all local government DAP members expire on 26 April 2013. Members whose term has expired will be eligible for re-consideration at this time.

Nominees will be required to provide names, address, 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 all nominees for up to a two-year term, expiring on 26 April 2015. 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 representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings.

COMMENT:

Previous Local DAP Members have been Cr Norma Walton and Cr Peter McNamara with Cr Michael Godfrey and Cr Alfreda Lyon as alternate Local Members.

Current Local DAP Members are Cr Michael Brennan and Cr Tracey deGrussa with the two alternate Local Members unchanged.

Some of these members may not have received training.

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

9.3.3 ABOLITION OF MILING LAND CARE CONSERVATION DISTRICT COMMITTEE (LCDC)

FILE REFERENCE:	CA3.4.5
REPORT DATE:	3 December 2012
APPLICANT/PROPONENT:	Department of Agriculture & Food
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor – Chief Executive Officer
ATTACHMENTS:	Nil

PURPOSE OF REPORT:

That Council not object to the abolition of the Miling Land Conservation District Committee (LCDC).

BACKGROUND:

Gail Arnold of the Department of Agriculture and Food writes advising that the Department of Agriculture and Food intends to abolish of the Miling LCDC.

The Miling LCDC was gazetted on 28 June 1991 there were three Shires in involved in the establishment of this committee (see below), therefore all three must agree to the abolition.

This order may be cited as the Soil and Land Conservation Miling Land Conservation District Order 1991.

Interpretation

2. In this order-

"appointed member" means a person appointed under clause 5 (1) (b), (c), (d), (e) or (f) to be a member of the committee;

"committee" means the Land Conservation District Committee for the Miling Land Conservation District;

"member" means a member of the committee;

"the district" means the Miling Land Conservation District constituted by clause 3;

"the producer organizations" means the bodies known respectively as the Western Australian Farmers Federation (Inc.) and the Pastoralists and Graziers Association of Western Australia.

Miling Land Conservation District

3. The land described in the Schedule to this order is hereby constituted the Miling Land Conservation District. Establishment of the committee

4. Pursuant to section 23 (2) of the Soil and Land Conservation Act 1945 there is hereby established for the district a land conservation district committee to be known as the Land Conservation District Committee for the Miling Land Conservation District.

Constitution of the committee

5. (1) It is hereby determined, on the recommendation of the Minister, after consultation with the Shires of Moora, Dalwallinu and Wongan-Ballidu, that the committee shall comprise 13 members of whom-

(a) one shall be the Commissioner of Soil and Land Conservation or his nominee;

(b) one shall be appointed by the Minister on the nomination of the Shire of Moora;

(c) one shall be appointed by the Minister on the nomination of the Shire of Dalwallinu;

(d) one shall be appointed by the Minister on the nomination of the Shire of Wongan-Ballidu ;

(e) 3 shall be appointed in accordance with subclause (2); and

(f) 6 shall be appointed by the Minister and shall be persons actively engaged in, or affected by or associated with, land use in the district.

COMMENT:

Before presenting their recommendation to the Minister the Department of Agriculture & Food seeks the three Councils support to abolish the Miling LCDC.

POLICY REQUIREMENTS:

There are no policy requirements in relation to this item.

9.3.4 MANNING OF WONGAN HILLS REFUSE SITE

FILE REFERENCE:	CA1.2.1
REPORT DATE:	13 February 2013
APPLICANT/PROPONENT:	Len deGrussa - Manager Building Services
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Len deGrussa - Manager Building Services
ATTACHMENTS:	Costing schedule

PURPOSE OF REPORT:

To outline the differences between using Shire staff or contractors in order for Council to determine the best option for the operation of the Wongan Hills Refuse Site.

BACKGROUND:

The Shire plan to start manning and charging fees at the Wongan Hills refuse site, if all goes well, on 1 July 2013.

This is the first of three items that will be presented for consideration by Council. The others being the fee structure (March meeting) and awarding of contract (April meeting) if Council decide to use a contractor.

COMMENT:

Manager Building Services believes that although the costs are similar the advantages of using a contractor outweigh those of using Shire staff as depicted by the following points:

Contractor

- Require less supervision
- Run as their own business
- Have the opportunity to increase income through recyclables
- Will not have to be paid penalty rates for weekends and public holidays
- Will organise the sale of all recyclables.

Employee

- Salaried / wages position
- May be a problem sourcing staff to work on weekends
- Will require constant supervision
- Council responsible for all insurance costs

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

Department of Environment and Conservation Environmental Protection Act 1986 License Number L6953/1997/8 Wongan Hills Landfill Site Location 4107 on plan 217155 and Location 350 on plan 58302 Wongan-Koorda Road Wongan Hills WA 6603

EMPLOYEE or CONTRACTOR TO MAN REFUSE SITE

Employee to man refuse site	
Year 1 2013/2014 cost	
Salary	48000
Plus penalty rates	10000
Plus overheads	20000
Total	78000
Less Tipping fees	10000
Less sale of recyclables	10000
Total cost	58000

Contractor to man refuse site	
Year 1 2013/2014 cost	
Contract rate	50000
100% of recyclables	10000
Contingency	8000
Total Shire cost for contractor to man refuse site	68000
Less tipping fees retained by Shire	10000
Net cost	58000
Additional cost to Shire	Nil

Year 1 2013/2014 offsets	
Current budget to operate refuse site	68000
Less sale of recyclables	10000
Less tipping fees	10000
Total offsets	48000
Total Shire cost for employee to operate refuse site	10000

Year 1 2013/2014 offsets	
Current budget to operate refuse site	68000
Less tipping fees	10000
Total	58000
Total Shire cost for contractor to operate refuse site	Nil

13. CLOSURE

There being no further business the President, Cr Brennan declared the meeting closed at 3.51pm.

These minutes were confirmed at a meeting on

Signed _____
President