



MINUTES 25 JUNE 2014

**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 25 June 2014



1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President Cr Peter Macnamara declared the meeting opened at 3.00pm.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE PREVIOUSLY GRANTED

ATTENDANCE:

Cr Peter Macnamara	Cr Brad West
Cr David Armstrong	Cr Sandra Hartley
Cr Tracey deGrussa	Cr Alfreda Lyon
Cr Michael Godfrey	Cr Hugh Barrett – Lennard
Cr Richard Morgan	

STAFF:





Stuart Taylor	Chief Executive Officer
David Taylor	Deputy Chief Executive Officer
Len deGrussa	Manager Building Services
Tanya Greenwood	Manager Community Services
Karl Mickle	Works & Services Manager
Irene Myring	(Minutes)

3. PUBLIC QUESTION TIME

Nil

4. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Shire President updated Council on:

-  *The Citizenship that he performed yesterday*
-  *That .Heydi de Waal, Lorraine Lobo and Susan Mcquire would be joining Council for dinner.*
-  *The Avon-Midland Zone meeting which was held on Friday at the Wongan Hills hotel; and*
-  *Finally he thanked councillors for attending the Annual Electors meeting*

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATION/S FOR LEAVE OF ABSENCE

MOTION: **MOVED** **Cr Lyon/ Cr Godfrey**

That Cr Hartley be granted leave of absence for July and August Ordinary Council meetings.

CARRIED: 9/0
RESOLUTION: 010614

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 ADMINISTRATION & FINANCIAL SERVICES

9.1.1 ACCOUNTS SUBMITTED

FILE REFERENCE:	F1.4
REPORT DATE:	2 July 2014
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Deputy Chief Executive Officer
ATTACHMENTS:	May 2014

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:	2 July 2014
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Deputy Chief Executive Officer
ATTACHMENTS:	Financial Reports

PURPOSE OF REPORT:

That the following statements and reports for the month ended May 2014 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.

- f. Rates Outstanding Report
- g. Debtors Outstanding Report
- h. Bank Reconciliation Report
- i. Investment Report
- j. Reserve Account Balances Report
- k. Loans Schedule

Discretionary
Discretionary
Discretionary
Discretionary
Discretionary

CARRIED: 9/0
RESOLUTION NO: 040614

9.1.3 POLICY REVIEW

FILE REFERENCE:	A2.20.4
REPORT DATE:	
APPLICANT/PROPONENT:	Shire of Wongan-Ballidu
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	David Taylor – DCEO
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 Investments and how they are to be managed. This policy was out of date and needed to be amended to bring back into line with the Local Government Act and the Local Government (Financial Management) Regulations.

The changes were in relation to the timeframe in which an investment is allowed to be held. In September 2012, the legislation was changed to include that a maximum term for a fixed bank deposit is 12 months and the maximum term that a guaranteed government bond is 3 years.

POLICY REQUIREMENTS:

Investment Policy

Title:	INVESTMENT POLICY
Policy Owner:	Administration & Financial Services
FILE:	F1.1
Minute No:	051212
Date	20 December 2012
Review:	December 2014

OBJECTIVE:

To invest the Shire of Wongan-Ballidu's surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

The objectives of the policy are threefold in terms of preservation of capital, liquidity and the return on investment.

- The preservation of capital is the primary objective of the Shire's investment to ensure the safety and security of the investment made in relation to the credit risk of the borrowers and interest rate on offer.
- The investment of the Shire's funds should ensure there is sufficient liquidity to meet the operational cash flow requirement as when they fall due without incurring additional cost to the Shire.
- The investment made should achieve a predetermined return on investment taking into account the market condition and risk profile of the borrowers.

LEGISLATIVE REQUIREMENTS

All investments are to comply with the following:

- Local Government Act 1995 - Section 6.14
- The Trustees Act 1962 - Part III Investments
- Local Government (Financial Management) Regulations 1996 - Regulations 19, 28 and 49
- Australian Accounting Standards

SCOPE

This policy applies to all officers involved in the investment of Council funds.

POLICY

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the Local Government Act 1995. The CEO may in turn delegate the day-to-day management of Council's investment to senior finance staff subject to regular reviews.

Prudent Person Standard

Investments are to be managed with the care, diligence and skill that a "prudent person" (as derived by legislation, Trustees Act 1962, and case law) would exercise. Officers are to manage investments to safeguard the portfolio in accordance with the spirit of this investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investments. Where there is a conflict of interest, it should be disclosed to the CEO as soon as possible.

Approved Investments

All investment must be denominated in Australian dollars. Without Council approval, investment of the Shire funds is limited to:-

- State/Commonwealth Government Bonds;
- Interest Bearing Deposits;
- Bank accepted/endorsed bank bills;
- Bank negotiable Certificate of Deposits; and

Prohibited Investments

This policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Risk Management Guidelines

Investments obtained are to comply with three key criteria (described below) relating to:

- Portfolio Credit Framework - to limit overall credit exposure of the portfolio
- Counterparty Credit Framework - to limit exposure to individual counterparties/institutions
- Term to Maturity Framework - limits based upon maturity of securities

a) Overall Portfolio Limits

To control quality on the entire portfolio, the following framework limits the percentage of the portfolio exposed to a particular credit rating category:

S & P Long Term Rating	S & P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	100%	100%
A	A-2	60%	80%

b) Counterparty Credit Framework

Exposure to an individual institution will be restricted by its credit rating so that single entity exposure is limited as detailed in the table below:

S & P Long Term Rating	S & P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	45%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

If any of the investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Investments fixed for greater than 12 months are to be approved by Council, reviewed on a regular term and invested for no longer than 5 years.

c) Term to Maturity Framework

The following maturity constraints will apply:

Overall Portfolio Term to Maturity Limits

Portfolio % < 1 year	100 Max; 40% Min
Portfolio % > 1 year	60%
Portfolio % > 3 year	35%
Portfolio % > 5 year	25%

Individual Investment Maturity Limits

Authorised Deposit Institution	5 years
Non Authorised Deposit Institution	3 years

Note: Authorised Deposit Institutions are corporations that are authorised under the Banking Act 1959 to take deposits from customers.

Investment Guidelines

Municipal funds will be invested for short to medium terms, and reserve funds for medium to long terms. To maintain accountability and transparency, municipal funds and reserve funds are to be invested in separate accounts.

For the purposes of this policy:

- “Long term” refers to a term of up to 12 months.
- “Medium term” refers to a term of up to 6 months.
- “Short term” refers to liquid investments (at call) or up to 3 months or less that is readily convertible to cash with no impairment to the original value of the investment.

Appendix B - Investment Policy checklist from Local Government Operational Guidelines - Number 19 - Investment Policy (February 2008) shall be used to assess each new investment. The form shall be retained as evidence. Three quotes will be obtained when investing any funds. Once the rate is finalised the investment must be approved by two signatories to the bank account.

Investment Strategy

An Investment Strategy will run in conjunction with this investment policy. The investment strategy will be presented to Councils Finance Committee every six months. The Strategy will outline:

- Council's cash flow expectations
- Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure and
- Appropriateness of overall investment types for Council's Portfolio

Investment Advisor

Any Investment Advisor be appointed must be approved by Council and be licensed by the Australian Securities and Investment Commission. The advisor appointed must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

Approved Borrowers

The following are approved by Council as financial institutions in which the Shire's funds may be invested.

- Westpac Banking Corporation (WBC)

- Australia and New Zealand Bank (ANZ)
- Commonwealth Bank of Australia (CBA)
- National Australia Bank (NAB)
- St George Bank
- Bankwest of WA

From time to time, new parties emerge wanting to participate in the Shire's investment program they will be assessed, evaluated and recommended to Council for approval. Their inclusion in the above listing is subject to approval by the Council.

Reporting and Review

A monthly report must be provided to Council detailing the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value (if applicable). The report will also detail investment income earned against budget.

Documentary evidence must be held for each investment and details thereof maintained in an investment register. For audit purposes, certificates will be obtained from financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

This policy should be reviewed if there is a marked change in the economic landscape affecting financial markets and interests and / or if there are state or federal legislative changes affecting the movement and investment of Council funds.

Amended

Title:	INVESTMENT POLICY
Policy Owner:	Administration & Financial Services
FILE:	F1.1
Minute No:	
Date	20 December 2012
Review:	June 2014

OBJECTIVE:

To invest the Shire of Wongan-Ballidu's surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

The objectives of the policy are threefold in terms of preservation of capital, liquidity and the return on investment.

- The preservation of capital is the primary objective of the Shire's investment to ensure the safety and security of the investment made in relation to the credit risk of the borrowers and interest rate on offer.
- The investment of the Shire's funds should ensure there is sufficient liquidity to meet the operational cash flow requirement as when they fall due without incurring additional cost to the Shire.
- The investment made should achieve a predetermined return on investment taking into account the market condition and risk profile of the borrowers.

LEGISLATIVE REQUIREMENTS

All investments are to comply with the following:

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- The Trustees Act 1962 - Part III Investments
- Local Government (Financial Management) Regulations 1996 - Regulations 19, 28 and 49
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SCOPE

This policy applies to all officers involved in the investment of Council funds.

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Investments are to be managed with the care, diligence and skill that a "prudent person" (as derived by legislation, Trustees Act 1962, and case law) would exercise. Officers are to manage investments to safeguard the portfolio in accordance with the spirit of this investment Policy, and not for speculative purposes.

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Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investments. Where there is a conflict of interest, it should be disclosed to the CEO as soon as possible.

Approved Investments

All investment must be denominated in Australian dollars. Without Council approval, investment of the Shire funds is limited to:-

- State/Commonwealth Government Bonds;
- Interest Bearing Deposits;
- Bank accepted/endorsed bank bills;
- Bank negotiable Certificate of Deposits; and

Prohibited Investments

This policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Risk Management Guidelines

Investments obtained are to comply with three key criteria (described below) relating to:

- Portfolio Credit Framework - to limit overall credit exposure of the portfolio
- Counterparty Credit Framework - to limit exposure to individual counterparties/institutions
- Term to Maturity Framework - limits based upon maturity of securities

d) Overall Portfolio Limits

To control quality on the entire portfolio, the following framework limits the percentage of the portfolio exposed to a particular credit rating category:

S & P Long Term Rating	S & P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	100%	100%
A	A-2	60%	80%

e) Counterparty Credit Framework

Exposure to an individual institution will be restricted by its credit rating so that single entity exposure is limited as detailed in the table below:

S & P Long Term Rating	S & P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	45%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

If any of the investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

Investments in Negotiable Bank Instruments are not to be greater than 12 months and investments in Guaranteed Government Bonds are not to be greater than 3 years.

f) Term to Maturity Framework

The following maturity constraints will apply under Section 19C of the Local Government (Financial Management) Regulations 1996

Negotiable Bank Instruments Maturity Limits (Term Deposits)

Bank Instruments % < 3 months	100% Max
Bank Instruments % < 6 months	80% Max
Bank Instruments % < 9 months	60% Max
Bank Instruments % < 12 months	40% Max
Authorised Deposit Institution Limits	12 months
Non Authorised Deposit Institution Limits	Not Allowed

Guaranteed Government Bonds Maturity Limits

Government Bonds % < 1 year	100% Max
Government Bonds % > 2 year	60% Max
Government Bonds % > 3 year	25% Max

Note: Authorised Deposit Institutions are corporations that are authorised under the Banking Act 1959 to take deposits from customers.

Investment Guidelines

Municipal funds will be invested for short to medium terms, and reserve funds for medium to long terms. To maintain accountability and transparency, municipal funds and reserve funds are to be invested in separate accounts.

For the purposes of this policy:

- “Long term” refers to a term of **up to 12 months or more**.
- “Medium term” refers to a term of up to 6 months.

- “Short term” refers to liquid investments (at call) or up to 3 months or less that is readily convertible to cash with no impairment to the original value of the investment.

Appendix B - Investment Policy checklist from Local Government Operational Guidelines - Number 19 - Investment Policy (February 2008) shall be used to assess each new investment. The form shall be retained as evidence. Three quotes will be obtained when investing any funds. Once the rate is finalised the investment must be approved by two signatories to the bank account.

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- Council's cash flow expectations
- Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure and
- Appropriateness of overall investment types for Council's Portfolio

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Any Investment Advisor be appointed must be approved by Council and be licensed by the Australian Securities and Investment Commission. The advisor appointed must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

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- Australia and New Zealand Bank (ANZ)
- Commonwealth Bank of Australia (CBA)
- National Australia Bank (NAB)
- St George Bank
- Bankwest of WA

From time to time, new parties emerge wanting to participate in the Shire's investment program they will be assessed, evaluated and recommended to Council for approval. Their inclusion in the above listing is subject to approval by the Council.

Reporting and Review

A monthly report must be provided to Council detailing the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value (if applicable). The report will also detail investment income earned against budget.

Documentary evidence must be held for each investment and details thereof maintained in an investment register. For audit purposes, certificates will be obtained from financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

This policy should be reviewed if there is a marked change in the economic landscape affecting financial markets and interests and / or if there are state or federal legislative changes affecting the movement and investment of Council funds.

9.1.4 APPLICATION FOR PLANNING APPROVAL - LOT 842 STONESTREET ROAD, WONGAN HILLS

FILE REFERENCE:	A1508
REPORT DATE:	16 June 2014
APPLICANT/PROPONENT:	Kieren Steenson
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Len deGrussa - Manager Building Services
ATTACHMENTS:	Site plan, house floor plan & photos, shed plan

PURPOSE OF REPORT:

To present to Council an application for planning approval to:

- re-locate a second-hand transportable dwelling, being 56.48m² in area
- attach front and rear verandahs (44.78m²) and carport (27.24m²) giving a total area of 128.50m²
- construct an 18m x 9m (162m²) x 3m high steel framed shed with concrete floor and ancillary accommodation consisting of a bedroom, bathroom, kitchen and lounge/dining room
- install 2 x 24000 litres(5100 gallons) rain water tanks
- install a conventional septic system to service both the dwelling and ancillary accommodation

BACKGROUND:

The owner of the property, Kieran Steenson, purchased the second-hand transportable dwelling from the Wongan Hills Research Station and wishes to use it as his primary place of residence. He wishes to build the shed for both storage and a domestic workshop with ancillary accommodation to supplement the dwelling which has only one bedroom.

COMMENT:

Lot 842 Stonestreet Road, Wongan Hills is zoned Rural-Residential and as such is governed by the requirements in the Shire of Wongan-Ballidu Town Planning Scheme No 4 which states:

4.10.4.1 Development in a Rural-Residential zone shall comply with the following:

- a) in addition to a building license, the Council's planning approval is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of clause 6.1 of the scheme
- b) not more than one dwelling per lot shall be erected but the Council may, at its discretion, approve ancillary accommodation
- c) in order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorised by the Council
- d) in order to enhance the rural amenity of the land in areas the Council considers deficient in tree cover it may require as a condition of any planning approval the planting of trees and/or groups of trees and species as specified by the Council
- e) any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent noise, odour, or dust pollution or soil erosion to the satisfaction of the Council. With the intention of preventing overstocking, erosion and any other practice detrimental to the amenity of a rural-residential zone, the Council may take any action which in the opinion of the Council is necessary to reduce or eliminate adverse effects on the environment

caused wholly or partly by the stocking of animals and any costs incurred by the Council in taking such action shall be recoverable by the Council from the landowner

and

4.10.4.2. In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the Council shall have regard to the following:

- a) the colour and texture of external building materials
- b) building size, height, bulk, roof pitch
- c) setback and location of the building on its lot
- d) architectural style and design details of the building
- e) relationship to surrounding development
- f) other characteristics considered by Council to be relevant, and
- g) provision to be made for bush fire control in accordance with a Town Planning Scheme Policy adopted by Council

and

5.10 Transportable Buildings

5.10.1 The use of transportable buildings for any purpose within the Scheme area is subject to the planning approval of Council

5.10.2 The Council shall require that the standards of finish of transportable buildings are agreed on prior to the issue of planning approval and must be consistent with those prevailing in the locality in which the building is to be located

5.10.3 Council shall require an approved bond to be lodged with Council in order to ensure compliance with the agreed standard of finish within a period of twelve months or such longer period as Council may determine, and such bond shall be refunded on satisfactory completion of the conditions imposed by the planning approval

5.10.4 The bond shall be equal to the cost of undertaking the upgrading of the building to the required standard and shall be determined either independently by the Council or in consultation with the supervising Project Architect, Engineer or Builder, wherever appropriate

and

5.11 Second-hand Buildings may only be erected within the Shire at Council's discretion. All second-hand buildings shall comply with Council's policy and Council shall have regard to the impact on the amenity of the surrounding locality and Council shall require a bond and the applicant to enter into a Deed of Agreement prior to the issue of a building license

The boundary setbacks of the proposed development conform with TPS No 4

POLICY REQUIREMENTS:

Buildings in Rural Residential Areas (as attachment)

LEGISLATIVE REQUIREMENTS:

District Town Planning Scheme No 4

STRATEGIC IMPLICATIONS:

- b) Certification is to be given to the Shire of Wongan-Ballidu from a structural engineer that states the dwelling is structurally sound and is suitable for transport. This certification shall occur at the proponents expense
- c) All asbestos (if any) material is to be removed prior to the building being transported within the Shire of Wongan-Ballidu
- d) That the dwelling, verandahs and carport be freshly painted, in colours harmonious to the surrounds, prior to the expiration of a building permit

That Council grant planning approval to build a 27.24m² carport, an 18m x 9m (162m²) x 3m steel framed shed with ancillary accommodation, install 2 x 24000 rain water tanks and install a conventional septic system.

None of the above development is to commence prior to the issue of a building permit from the Shire of Wongan-Ballidu

CARRIED: 9/0
RESOLUTION NO: 060614

9.1.5 DELEGATED AUTHORITY TO CEO TO DISPOSE OF LAND

FILE REFERENCE:	A1246 and A1513
REPORT DATE:	17 June 2014
APPLICANT/PROPONENT:	Stuart Taylor, Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor, Chief Executive Officer
ATTACHMENTS:	Nil

PURPOSE OF REPORT:

To delegate authority to the CEO to negotiate and undertake the private sale of;

- a) Lot 19 (9) Quinlan Street Wongan Hills (Arts Society Block)
- b) Lot 3001 Ranger Road Ballidu (Dunn Aviation)

in accordance with Sections 3.58(3)(4) of the Local Government Act 1995.

BACKGROUND:

Dunn Aviation has requested the purchase of lot 3001 Ranger Road Ballidu as currently his business operations are situated on this land

The Wongan Hills Arts Society has requested the Shire of Wongan Ballidu dispose of Lot 19 Quinlan Street Wongan Hills (the Shire holds this land in trust for the Arts Society).

COMMENT:

The process is a relatively simple task that requires advertising and the review of submissions on the proposed sale value to the Valuation obtained from a licensed Valuer in accordance with the Act.

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

The Local Government Act 1995 section 3.58 states:

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property-

*It gives local public notice of the proposed disposition-
describing the property concerned and
giving details of the proposed disposition and
inviting submissions to be made to the local government before a date to be specified
in the notice, being a date not less than 2 weeks after the notice is first given: and
it considers any submissions made to it before the date specified in the notice
and, if its decision is made by the council or a committee, the decision and the
reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*(4) The details of a proposed disposition that are required by subsection (3) (a)(ii) include-
the names of all other parties concerned and
the consideration to be received by the local government for the disposition and
the market value of the disposition-
as ascertained by a valuation carried out not more than 6 months before the
proposed disposition or
as declared by a resolution of the local government on the basis of a valuation*

carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition

5.42. DELEGATION OF SOME POWERS AND DUTIES TO CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. LIMITS ON DELEGATIONS TO CEO'S

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (h) any power or duty that requires the approval of the Minister or the Governor; or*
- (i) such other powers or duties as may be prescribed.*

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Environment

There are no known environmental implications associated with this item.

Economic

There are no known economic implications associated with this proposal.

Social

There are no known social implications associated with this item.

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: Yes

9.1.6 MASTER LENDING AGREEMENT

FILE REFERENCE:	F1.7.1
REPORT DATE:	18 June 2014
APPLICANT/PROPONENT:	Shire of Wongan-Ballidu
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	David Taylor – DCEO
ATTACHMENTS:	Nil

PURPOSE OF REPORT:

The purpose of this report is to enter into a Master Lending Agreement with the West Australian Treasury Corporation.

BACKGROUND:

The West Australian Treasury Corporation (WATC), which is the lending body for all Local Government borrowings in WA is in the process of implementing a Master Lending Agreement (LGMLA) for all Local Governments. The new LGMLA has been developed to incorporate the recently introduced Commonwealth Governments Personal Property Security Act 2009 (PPSA) and to improve the lending process to all Local Governments.

In order for the Shire of Wongan-Ballidu to move onto the LGMLA, WATC requires that the Shire of Wongan-Ballidu executes the LGMLA under its Common Seal as authorized by resolution of Council.

COMMENT:

The LGMLA will combine all the Shire of Wongan-Ballidu loans, both existing and future under one agreement, which will remove the need for individual loan agreements to be executed under seal each time the Shire of Wongan-Ballidu borrows from the WATC.

Any borrowings under the LGMLA will be subject to the WATC's credit approval policy at the time of application, and Council will still need to approve any new loans through the annual budget process, or through the requirements of 6.20(2) of the Local Government Act.

The LGMLA has been reviewed by the State Solicitor's office and the Department of Local Government, and will improve the efficiency of the lending process.

POLICY REQUIREMENTS:

All policies relating to entering into loan arrangements on behalf of Council have not been amended.

LEGISLATIVE REQUIREMENTS:

Council is still required to comply with all requirements of the Local Government Act and Regulations in respect to the Master Lending Agreement. All loans that have already been previously approved by Council will not be affected.

STRATEGIC IMPLICATIONS:

The ability to raise loans will assist in the ability for the Shire of Wongan-Ballidu to achieve strategic projects.

SUSTAINABILITY IMPLICATIONS:

Ø Environment

There are no environmental issues relating to this item

Ø Economic

There are no economic issues relating to this item

Ø Social

There are no social issues relating to this item

FINANCIAL IMPLICATIONS:

There are no financial or budget implications for Council to have past, or future loans provided by WA Treasury Corp under a Master Lending Agreement.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: YES

STAFF RECOMMENDATION:

1. That the Shire of Wongan-Ballidu enters into a Master Lending Agreement with Western Australian Treasury Corporation as attached; and
2. That Council approve the affixation of the Common Seal of Wongan-Ballidu to the Master Lending Agreement in the presence of the Shire President and the Chief Executive Officer, each of whom shall sign the document to attest the affixation of the Common Seal; and
3. That the Chief Executive Officer or the Deputy Chief Executive Officer of the Shire of Wongan-Ballidu authorized by the Chief Executive Officer from time to time, is authorised to sign schedule documents under the Master Lending Agreement and or to give instructions thereunder on behalf of the Shire of Wongan-Ballidu.

MOTION:

MOVED

Cr Armstrong/ Cr Barrett-Lennard

- 1. That the Shire of Wongan-Ballidu enters into a Master Lending Agreement with Western Australian Treasury Corporation as attached; and**
- 2. That Council approve the affixation of the Common Seal of Wongan-Ballidu to the Master Lending Agreement in the presence of the Shire President and the Chief Executive Officer, each of whom shall sign the document to attest the affixation of the Common Seal; and**
- 3. That the Chief Executive Officer or the Deputy Chief Executive Officer of the Shire of Wongan-Ballidu authorized by the Chief Executive Officer from time to time, is authorised to sign schedule documents under the Master Lending Agreement and or to give instructions thereunder on behalf of the Shire of Wongan-Ballidu.**

**CARRIED: 9/0
RESOLUTION NO: 080614**

