



MINUTES 25 FEBRUARY 2015

ORDINARY MEETING

OF COUNCIL



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9. REPORTS OF OFFICERS AND COMMITTEES

9.1 ADMINISTRATION & FINANCIAL SERVICES

9.1.1 ACCOUNTS SUBMITTED

FILE REFERENCE:	F1.4
REPORT DATE:	4 March 2015
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Deputy Chief Executive Officer
ATTACHMENTS:	December 2014 and January 2015

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:	4 March 2015
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Deputy Chief Executive Officer
ATTACHMENTS:	Financial Reports

PURPOSE OF REPORT:

That the following statements and reports for the month ended December 2014 and January 2015 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.

- c. Statement of Net Current Assets (NCA)
- d. Rate setting statement
- e. Disposal of Assets
- f. Rates Outstanding Report
- g. Debtors Outstanding Report
- h. Bank Reconciliation Report
- i. Investment Report
- j. Reserve Account Balances Report
- k. Loans Schedule

FM Regs 34
Discretionary
Discretionary
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Discretionary
Discretionary

CARRIED: 9/0
RESOLUTION:040215

9.1.3 DELEGATED AUTHORITY

FILE REFERENCE:	A2.22 Local Government Act & Regulations
REPORT DATE:	1 February 2015
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor – Chief Executive Officer
ATTACHMENTS:	Updated Delegations & Local Government Operational Guidelines – Delegations

PURPOSE OF REPORT:

To review and adopt the annual list of delegations 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.

DELEGATED AUTHORITY 18

DELEGATION: CHIEF EXECUTIVE OFFICER REVIEW COMMITTEE
SECTION/ACT: Local Government Act 1995 – Sections 5.36(2)(a) and (b)
DELEGATION: The Chief Executive Officer Review Committee is given delegated authority to undertake the process of the Chief Executive Officers Performance Review and:
If the Chairperson of the All Purposes Committee is then either the President or Deputy President then a third member shall be appointed by Council.

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.

DELEGATED AUTHORITY 13

DELEGATION: COMMUNITY RESOURCE CENTRE
SECTION/ACT: Local Government Act 1995
DELEGATION: That the Chief Executive Officer be delegated to call tenders for the completion of the Community Resource Centre with additional funding, as and if required, to be by way of a budget amendment to reallocate Council’s input into the Mocardy Dam project (2011/12 C.L.G.F Funding)

DELEGATED AUTHORITY 14

DELEGATION: DOCTORS CONTRACT
SECTION/ACT: Local Government Act 1995
DELEGATION: That the Chief Executive Officer be given delegated authority to complete the contract with Dr Rifat Qamar for service at the Wongan Hills Medical Centre

DELETED

Delegated Authority 13 - Delegation: Community Resource Centre – advertising completed
Delegated Authority 14 - Delegation: Doctors Contract – contract signed and completed

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:

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 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

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.

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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.

CARRIED: 9/0
RESOLUTION: 050215

9.1.4 DEVELOPMENT ASSESSMENT PANELS: LOCAL GOVERNMENT NOMINATIONS

FILE REFERENCE:	
REPORT DATE:	7 January 2015
APPLICANT/PROPONENT:	Len deGrussa Manager Building Services
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
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.

Nominee's details are to be submitted to the Department of Planning and Development by 27 February 2015.

BACKGROUND:

Appointments of all local government DAP members expire on 26 April 2015. Members whose term has expired will be eligible for re-consideration at this time.

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

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a two-year term, expiring on 26 April 2017. 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:

Current Local DAP Members are Crs Tracey deGrussa and Sandra Hartley with alternate Local Members being Crs Michael Godfrey and Alfreda Lyon.

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

STRATEGIC IMPLICATIONS:

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

9.1.5 REVIEW CODE OF CONDUCT

FILE REFERENCE:	A1.1.2
REPORT DATE:	6 January 2015
APPLICANT/PROPONENT:	Stuart Taylor - Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Annually in February
AUTHOR:	Stuart Taylor - Chief Executive Officer
ATTACHMENTS:	Code of Conduct

PURPOSE OF REPORT:

That Council adopt the Code of Conduct without alteration.

BACKGROUND:

Council revised and adopted its Code of Conduct for Elected Members and Staff in April 2004.

The Local Government Act 1995 Section 5.103(2) requires that Council review its code of conduct within 12 months after each ordinary election. The last ordinary election was held in October 2013.

COMMENT:

The current code of conduct is based on the Model Code Of Conduct For Elected Members And Staff adopted by the Western Australia Municipal Association.

As there are no major changes required it is recommended that Council retain the current code of conduct.

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – S.5.103 – Codes of Conduct
Local Government (Administration) Amendment Regulations 1999

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Ø Environment

There are no known environmental implications associated with this item.

Ø Economic

There are no known economic implications associated with this proposal.

Ø Social

There are no known social implications associated with this item.

FINANCIAL IMPLICATIONS:

9.1.6 LOCAL GOVERNMENT ELECTION 2015

FILE REFERENCE:	A1.7.1
REPORT DATE:	18 February 2015
APPLICANT/PROPONENT:	Stuart Taylor - Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST	NIL
PREVIOUS MEETING REFERENCES:	
AUTHOR:	Stuart Taylor - Chief Executive Officer
ATTACHMENTS:	

PURPOSE OF REPORT:

For Council to resolve to appoint the Western Australian Electoral Commission to carry out the 2015 Ordinary Election as a Postal Election

BACKGROUND:

This year there will be a total spill as the Shire reduces its number of Councillors from nine to seven.

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

In 2013 the Shire of Wongan-Ballidu engaged the Western Australian Electoral Commission to carry out the Ordinary Election as a Postal Election when there was a change of wards and representation.

COMMENT:

These elections all seven Councillors will be up for reelection.

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

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

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

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

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 section 4.61(2) that the method of conducting the election will be as a postal election.

STRATEGIC IMPLICATIONS:

9.1.7 CONTRIBUTION TO 'TURFS UP IN BALLIDU'

FILE REFERENCE:	ED1.7
REPORT DATE:	02 February 2015
APPLICANT/PROPONENT:	Ballidu
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Tanya Greenwood - Manager Community Service
ATTACHMENTS:	Letter from Ballidu Primary School

PURPOSE OF REPORT:

To consider a request from Ballidu Primary School and Parents and Citizens Association for a contribution towards the school's "Turf's up in Ballidu" project.

BACKGROUND:

Representatives of the Ballidu Parents and Citizens Association, Lisa and Ian Brennan, attended the Council dinner in Ballidu following the Ballidu Council Meeting in October 2014. Lisa and Ian explained the "Turf's up in Ballidu" project, bringing to the member's attention the lack of suitable lawn area for the children of Ballidu to use for sporting and recreation opportunities.

COMMENT:

Following the meeting in October, Ballidu Primary School principal Shannon Wasmann wrote a letter addressed to the Shire of Wongan-Ballidu seeking support for their "Turf's up in Ballidu" project. She brings to attention the rising cost of watering and maintaining the small lawn area the school currently has. She also highlights the total cost of the project (\$18 0000), indicating that the Parents and Citizens Association has done fundraising towards the project and in addition will be undertaking the ground work for preparation of the installation, as well as doing works with the installer to complete the project. This project will provide children of Ballidu with the opportunity to learn, practice and participate in sports where no previous chance has been available.

POLICY REQUIREMENTS:

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

LEGISLATIVE REQUIREMENTS:

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

STRATEGIC IMPLICATIONS:

The use of the turf aligns with the Shire of Wongan-Ballidu's Strategic Community Plan 2012-2021 Community framework;

1. **Outcome 1.1** Sport, recreation and leisure opportunities that encourage community participation
2. **Strategy 1.1.1** Promote sport, recreation and leisure facilities and programs

SUSTAINABILITY IMPLICATIONS:

Ø Environment

There are no known sustainability implications associated with this proposal.

Ø Economic

There are no known economic implications associated with this proposal.



Ballidu Primary School

ABN 64 070 641 730

November 22, 2014

Shire of Wongan Ballidu
Wongan Hills
WA 6608

I am writing to you on behalf of the Ballidu Primary School students and P&C to ask if the Shire of Wongan Ballidu would consider donating \$4000 to the school's 'Turf's up in Ballidu' turf project. An artificial turf area has been on the schools wish list for many years and with the rising cost of watering and maintaining the small lawn area the school currently has, we have decided to begin the process of seeking funds to help with the turf installation.

The large turf area of 16mx12m will be located within the school yard between the basketball court and resource room. The area will be surrounded by a limestone block retaining wall with netted goals at each end. The student's fitness and sporting skills will benefit greatly from installing the turf as they will be able to learn and practice sports they have not had the opportunity to learn, such as field hockey.

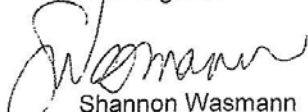
The P&C will be doing all the ground work for preparation of the turf installation and also be working with the installer to finish the project; this is an amazing donation of time and resources on their behalf. The total cost of products will be close to \$18,000, the P&C will be contributing some funds towards this cost and we have also applied to other funding bodies to help with overall costs.

We are hopeful that the Shire would consider a donation to go towards the purchase of materials for the ground preparation.

If successful with our funding applications, we hope to have the turf installed by the end of March 2015 with an official opening of the turf to be done at our end of semester 1 assembly in June. Throughout the project regular updates will be promoted through the school newsletter and new website www.ballidups.wa.edu.au. The successfully completed project will also be featured in the Central Midlands Advocate, Wongan Boomer and an official plaque will be placed on the limestone block wall with all sponsors names.

I look forward to your response, please feel free to call me at any time should you require further information about this exciting project.

Kind regards


Shannon Wasmann
Principal

1 Alpha Street (PO Box 97) Ballidu Western Australia 6606
Telephone: 08 9674 1247 Facsimile: 08 9674 1268
Email: Ballidu.PS@education.wa.edu.au
Principal: Shannon Wasmann Registrar: Liz Heavey

10. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

MOTION: **MOVED** **Cr Barrett-Lennard/Cr Hartley**

That the following items be accepted as new business of an urgent nature.

CARRIED: 9/0
RESOLUTION: 100215

11.1 CEO REVIEW COMMITTEE

MOTION: **MOVED** **Cr Barrett-Lennard/Cr Hartley**

That the following Councillors be appointed to the CEO Performance Review Committee
Shire President,
Deputy Shire President,
Cr Tracey deGrussa

CARRIED BY AN ABSOLUTE MAJORITY: 9/0
RESOLUTION: 110215

11.2 DELEGATED AUTHORITY REVIEW

FILE REFERENCE:	A2.22 Local Government Act & Regulations
REPORT DATE:	25 January 2007
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor - Chief Executive Officer
ATTACHMENTS:	Nil

PURPOSE OF REPORT:

To provide delegated authority to carry out the provisions of the Health Act

BACKGROUND:

Under the Health Act 1911 Council is able to delegate all or some of its functions to it's the Chief Executive Officer. The Chief Executive Officer may also delegate to other employees.

COMMENT:

Currently there are no Authorised Officers under the Health Act to carry out the provisions of this Act or the Shire of Wongan-Ballidu Health Local Laws, other than The Environmental Health Officer provided by the Shire of Dalwallinu

The Chief Executive Officer is seeking the delegation of section 26 of the Health Act which will enable the CEO to carry out the functions of this Act and the Local Laws appoint and or delegate other Officers accordingly to carry out the requirements of the Act.

The Shire of Wongan- Ballidu did up until 2010 each year give this delegation to the Manager Environment and Planning Services, on the leaving of that position within the Shire it was thought that no other officer could be given this delegation however, this was incorrect.

It has been found recently that with the EHO in Dalwallinu certain complaints have not been able to be dealt with effectively without an officer having the power of function provided by the Health Act.

This delegation will enable the CEO to appoint officers and exercise discretion in carry out the functions of the Act and associated regulations and Local Laws

POLICY REQUIREMENTS:

There are no known legislative requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Health Act Provisions (Health Act 1911 Section 26)

26. Powers of local government

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

[Section 26, formerly section 25, amended by No. 17 of 1918 s. 5; renumbered as section 26 by No. 38 of 1933 s. 42; amended by No. 14 of 1996 s. 4.]

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

