



**MINUTES 16 FEBRUARY 2012**

**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:	7 March 2012
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Grace French, Deputy Chief Executive Officer
ATTACHMENTS:	December 2011 and January 2012

#### **PURPOSE OF REPORT:**

That the accounts as submitted be received.

#### **BACKGROUND:**

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

#### **COMMENT:**

Refer to attachment.

#### **POLICY REQUIREMENTS:**

There are no known policy requirements related to this item.

#### **LEGISLATIVE REQUIREMENTS:**

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

#### **Lists of Accounts**

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

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

#### **STRATEGIC IMPLICATIONS:**

There are no strategic implications in relation to this item.

## **SUSTAINABILITY IMPLICATIONS:**

### ➤ **Environment**

There are no known environmental implications associated with the proposals.

### ➤ **Economic**

There are no known environmental implications associated with the proposals.

### ➤ **Social**

There are no known environmental implications associated with the proposals.

## **FINANCIAL IMPLICATIONS:**

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

## **VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: No**

## **STAFF RECOMMENDATION:**

1. That the accounts submitted from 1 December 2011 to 31 December 2011 on Municipal cheque numbers: 18949 - 18981 plus Electronic Funds Transfers 7721-7844 totalling \$577,719.19 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.
2. That the accounts submitted from 1 January 2012 to 31 January 2012 on Municipal cheque numbers: 18982-19018 plus Electronic Funds Transfers 7845-7955 totalling \$791,187.29 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.

## **COMMITTEE RECOMMENDATION:**

1. That the accounts submitted from 1 December 2011 to 31 December 2011 on Municipal cheque numbers: 18949 - 18981 plus Electronic Funds Transfers 7721-7844 totalling \$577,719.19 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.
2. That the accounts submitted from 1 January 2012 to 31 January 2012 on Municipal cheque numbers: 18982-19018 plus Electronic Funds Transfers 7845-7955 totalling \$791,187.29 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.

## **MOTION:**

**MOVED**

**Cr Lyon/Cr Walton**

1. **That the accounts submitted from 1 December 2011 to 31 December 2011 on Municipal cheque numbers: 18949 - 18981 plus Electronic Funds Transfers 7721-7844 totalling \$577,719.19 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.**

2. That the accounts submitted from 1 January 2012 to 31 January 2012 on Municipal cheque numbers: 18982-19018 plus Electronic Funds Transfers 7845-7955 totalling \$791,187.29 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.

**CARRIED: 7/0**  
**RESOLUTION NO: 020212**

## 9.1.2 FINANCIAL REPORTS

FILE REFERENCE:	F1.4
REPORT DATE:	7 March 2012
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Grace French, Deputy Chief Executive Officer
ATTACHMENTS:	Financial Reports

### PURPOSE OF REPORT:

That the following statements and reports for the month ended December 2011 and January 2012 be received:

### BACKGROUND:

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

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

### Financial activity statement report

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

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

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

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

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

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

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

### COMMENT:

Refer to attachment.



## **POLICY REQUIREMENTS:**

Policy F64 - Monthly Financial Reporting Requirements

## **LEGISLATIVE REQUIREMENTS:**

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

## **STRATEGIC IMPLICATIONS:**

There are no Strategic Implications relating to this item.

## **SUSTAINABILITY IMPLICATIONS:**

### ➤ **Environment**

There are no known environmental implications associated with the proposals.

### ➤ **Economic**

There are no known economic implications associated with the proposals.

### ➤ **Social**

There are no known social implications associated with the proposals.

## **FINANCIAL IMPLICATIONS:**

The financial reports for the period ending December 2011 and January 2012 are attached to the Council agenda.

## **VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: YES**

## **STAFF RECOMMENDATION:**

That the following Statements and reports for the month ended 31 December 2011 be received:

1. Monthly Statements as follows;
  - a. Statement of Financial Activity (by Nature and Type) FM Regs 34
  - b. Statement of Operating Activities by Programme/Activity (Summary) FM Regs 34
  - c. Statement of Capital Expenses by Program/Activity (Summary) FM Regs 34
  - d. Statement of Net Current Assets (NCA) FM Regs 34
  - e. Rate setting statement Discretionary
  - f. Disposal of Assets Discretionary
  - g. Bank Reconciliation Report Discretionary
  - h. Reserve Account Balances Report Discretionary
  - i. Loans Schedule Discretionary

That the following Statements and reports for the month ended 31 January 2012 be received:

2. Monthly Statements as follows;
  - a. Statement of Financial Activity (by Nature and Type) FM Regs 34
  - b. Statement of Operating Activities by Programme/Activity (Summary) FM Regs 34
  - c. Statement of Capital Expenses by Program/Activity (Summary) FM Regs 34
  - d. Statement of Net Current Assets (NCA) FM Regs 34
  - e. Rate setting statement Discretionary
  - f. Disposal of Assets Discretionary
  - g. Bank Reconciliation Report Discretionary
  - h. Reserve Account Balances Report Discretionary
  - i. Loans Schedule Discretionary

**COMMITTEE RECOMMENDATION:**

That the following Statements and reports for the month ended 31 December 2011 be received:

1. Monthly Statements as follows;
  - a. Statement of Financial Activity (by Nature and Type) FM Regs 34
  - b. Statement of Operating Activities by Programme/Activity (Summary) FM Regs 34
  - c. Statement of Capital Expenses by Program/Activity (Summary) FM Regs 34
  - d. Statement of Net Current Assets (NCA) FM Regs 34
  - e. Rate setting statement Discretionary
  - f. Disposal of Assets Discretionary
  - g. Bank Reconciliation Report Discretionary
  - h. Reserve Account Balances Report Discretionary
  - i. Loans Schedule Discretionary

That the following Statements and reports for the month ended 31 January 2012 be received:

2. Monthly Statements as follows;
  - a. Statement of Financial Activity (by Nature and Type) FM Regs 34
  - b. Statement of Operating Activities by Programme/Activity (Summary) FM Regs 34
  - c. Statement of Capital Expenses by Program/Activity (Summary) FM Regs 34
  - d. Statement of Net Current Assets (NCA) FM Regs 34
  - e. Rate setting statement Discretionary
  - f. Disposal of Assets Discretionary
  - g. Bank Reconciliation Report Discretionary
  - h. Reserve Account Balances Report Discretionary
  - i. Loans Schedule Discretionary

**MOTION: MOVED Cr Walton/Cr Armstrong**

**That the following Statements and reports for the month ended 31 December 2011 be received:**

- 1. Monthly Statements as follows;**
  - a. Statement of Financial Activity (by Nature and Type) FM Regs 34**
  - b. Statement of Operating Activities by Programme/Activity (Summary) FM Regs 34**
  - c. Statement of Capital Expenses by Program/Activity (Summary) FM Regs 34**
  - d. Statement of Net Current Assets (NCA) FM Regs 34**
  - e. Rate setting statement Discretionary**
  - f. Disposal of Assets Discretionary**
  - g. Bank Reconciliation Report Discretionary**
  - h. Reserve Account Balances Report Discretionary**
  - i. Loans Schedule Discretionary**

**That the following Statements and reports for the month ended 31 January 2012 be received:**

- 2. Monthly Statements as follows;**
  - a. Statement of Financial Activity (by Nature and Type) FM Regs 34**
  - b. Statement of Operating Activities by Programme/Activity (Summary) FM Regs 34**
  - c. Statement of Capital Expenses by Program/Activity (Summary) FM Regs 34**
  - d. Statement of Net Current Assets (NCA) FM Regs 34**
  - e. Rate setting statement Discretionary**
  - f. Disposal of Assets Discretionary**
  - g. Bank Reconciliation Report Discretionary**
  - h. Reserve Account Balances Report Discretionary**
  - i. Loans Schedule Discretionary**

**CARRIED: 7/0  
RESOLUTION NO: 030212**

### 9.1.3 COMPLIANCE AUDIT RETURN 2011

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

#### **PURPOSE OF REPORT:**

To consider and adopt the 2011 Compliance Audit return.

#### **BACKGROUND:**

Council is required to carry out a compliance audit for the period 1 January 2011 to 31 December 2011 against the requirements included in the 2011 Compliance Audit Return.

The Compliance Audit Return is to be,

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

The adopted Compliance Audit Return is to be submitted to the Director General, Department of Local Government and Regional Development by 31 March 2012.

#### **COMMENT:**

The structure of the CAR is generally similar to that of previous years, areas of compliance covered by the 2011 CAR have been restricted to those considered high risk, resulting in a CAR that contains substantially fewer questions, reducing the size of this CAR from the previous 27 pages to eight pages for 2011.

Amendments to regulation 13 of the *Local Government (Audit) Regulations 1996*, to be gazetted on 30 December 2011, are allowing these changes to occur.

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

#### **POLICY REQUIREMENTS:**

There are no known legislative requirements related to this item.

#### **LEGISLATIVE REQUIREMENTS:**

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

#### **STRATEGIC IMPLICATIONS:**

There are no strategic implications in relation to this item.

**SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

There are no known environmental impacts associated with this proposal.

➤ **Economic**

There are no known economic impacts associated with this proposal.

➤ **Social**

There are no known social implications associated with this proposal.

**FINANCIAL IMPLICATIONS:**

There are no financial implications in relation to this item.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: Yes**

**STAFF RECOMMENDATION:**

That Council adopt the 2011 Compliance Audit Return as presented.

**COMMITTEE RECOMMENDATION:**

That Council adopt the 2011 Compliance Audit Return as presented.

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

**That Council adopt the 2011 Compliance Audit Return as presented.**

**CARRIED: 7/0  
RESOLUTION NO: 040212**

## 9.1.4 POLICY – FREEMAN OF THE SHIRE

FILE REFERENCE:	
REPORT DATE:	15 February 2012
APPLICANT/PROPONENT:	Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST	NIL
PREVIOUS MEETING REFERENCES:	NIL
AUTHOR:	Chief Executive Officer
ATTACHMENTS:	YES

### **PURPOSE OF REPORT:**

To review the Honorary Freeman of the Shire policy in view of the recent Council decision to appoint a second Honorary Freeman of the Shire

### **BACKGROUND:**

The Shire has a policy that provides guidance to Council in the appointment of Honorary Freeman of the Shire.

The question was raised as to the appropriate number of Honorary Freeman for the Shire and whether the Policy has a defined number and if not should the current policy be reviewed to address that issue

### **COMMENT:**

The Policy provides no guidance to Council as to the accepted number for the conferred title of Freeman of the Shire. It has been suggested that there was an informal Policy that the Shire would only appoint one Freeman of the Shire at any given time, however no evidence can be found to support this view and no evidence can be found to support a formal view on the number of Freeman.

To address this and to give formal guidance the suggested policy has been provided for Council adoption

### **POLICY REQUIREMENTS:**

Review of current policy

### **LEGISLATIVE REQUIREMENTS:**

Nil

### **STRATEGIC IMPLICATIONS:**

Nil

### **SUSTAINABILITY IMPLICATIONS:**

- **Environment**
- **Economic**
- **Social**

**FINANCIAL IMPLICATIONS:**

There are no financial implications in relation to this item

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED:**

**STAFF RECOMMENDATION:**

That Council adopt the amended policy for Freeman of The Shire of Wongan Ballidu

**COMMITTEE RECOMMENDATION:**

That Council adopt the amended policy for Freeman of the Shire of Wongan Ballidu

**MOTION:                                      MOVED                      Cr Walton/Cr Godfrey**

**That Council adopt the amended policy for Freeman of the Shire of Wongan Ballidu.**

**CARRIED: 7/0  
RESOLUTION NO: 050212**

<b>Title:</b>	<b>FREEMAN OF THE SHIRE OF WONGAN-BALLIDU</b>
<b>Policy Owner:</b>	<b>Finance and Administration</b>
<b>File No:</b>	<b>A1.9.3</b>
<b>Resolution No:</b>	<b>050212</b>
<b>Date:</b>	<b>16 February 2012</b>
<b>Scheduled Review:</b>	<b>February 2014</b>

## **OBJECTIVE**

To provide guidance on the awarding of the title of Honorary Freeman of Shire of Wongan-Ballidu, including how, why, and to whom it should be awarded.

## **POLICY**

The Shire of Wongan-Ballidu recognises that from time to time members of the community demonstrate outstanding commitment and contribution to the Shire of Wongan-Ballidu and that this contribution should be recognised. It will do this by in special circumstances that meet the criteria of this policy, award an individual the title of "Honorary Freeman of the Shire of Wongan-Ballidu". This honour will not be awarded annually but only on rare and exceptional occasions.

### **Residency Eligibility**

Nominees should have lived within the Shire of Wongan-Ballidu for a significant number of years (significant would usually mean at least 20 years) and had a long and close association and identification with the Shire.

### **Service**

The nominee should have given extensive and distinguished service to the community that goes beyond the particular local government concerns (eg: service to other organisations, voluntary and community groups) in a largely voluntary capacity. The nominee must have made an outstanding contribution to the Shire of Wongan-Ballidu such that the nominee's contribution can be seen to stand above the contributions made by most other people.

### **Outcome**

The nominees specific achievement must be of a nature, which would encourage the Shire to nominate that person for an honour under Australian honours system.

### **Nomination Procedure**

Nominations must be made in the strictest confidence without the nominee's knowledge.

Any resident or elector of the Shire of Wongan-Ballidu may make a nomination but an elected member must sponsor it.

Nominations must be made in writing to the Chief Executive Officer. On receipt of a nomination, the nomination shall be circulated to all elected member for a confidential, informal discussion. If an elected member expresses an objection to the nomination, that elected member must give reasons for the objection. If no elected member objects, it shall be assumed that all agree to the nomination.

If the elected members agree that the nominee should be made an Honorary Freeman of the Shire of Wongan-Ballidu, then the nomination shall be put before Council and a formal vote taken.

### **Number of Honorary Freeman**

The award of Freeman of the Shire of Wongan-Ballidu should be limited in number at any given time to maintain the prestigious nature of the title and will only be awarded in rare and exceptional circumstance

### **Entitlements**

Any person awarded an Honorary Freeman of the Shire of Wongan-Ballidu may designate him/herself "Honorary Freeman of the Shire of Wongan-Ballidu".

The award shall be made at a ceremony, which will be decided by the President.

The recipient shall be awarded a plaque to commemorate receiving the award.

Any Honorary Freeman of the Shire of Wongan-Ballidu shall be invited to all subsequent civic events and functions.

A photograph of the recipient will be displayed in the Shire Administration Centre.

*Freeman of the Shire of Wongan-Ballidu:*

*David Hood JP*

*Irwin Barrett-Lennard OAM JP*

*J B Ackland OBE JP (Deceased)*



*Old Policy*

<b>Title:</b>	<b>FREEMAN OF THE SHIRE OF WONGAN-BALLIDU</b>
<b>Policy Owner:</b>	<b>General Purposes Committee</b>
<b>File No:</b>	<b>A1.9.3</b>
<b>Minute No:</b>	
<b>Date:</b>	<b>7 February 2005</b>
<b>Scheduled Review:</b>	<b>October 2006</b>

**OBJECTIVE**

To provide a policy on the awarding of the title of Honorary Freeman of Shire of Wongan-Ballidu, including how, why and to whom it should be awarded.

**POLICY**

The Shire of Wongan-Ballidu recognises that from time to time members of the community demonstrate outstanding commitment and contribution to the Shire of Wongan-Ballidu and that this contribution should be recognised. It will do this by in special circumstances that meet the criteria of this policy, award an individual the title of "Honorary Freeman of the Shire of Wongan-Ballidu". This honour will not be awarded annually but only on rare and exceptional occasions.

**Residency Eligibility**

Nominees should have lived within the Shire of Wongan-Ballidu for a significant number of years (significant would usually mean at least 20 years) and had a long and close association and identification with the Shire.

**Service**

The nominee should have given extensive and distinguished service to the community that goes beyond the particular local government concerns (eg: service to other organisations, voluntary and community groups) in a largely voluntary capacity. The nominee must have made an outstanding contribution to the Shire of Wongan-Ballidu such that the nominee's contribution can be seen to stand above the contributions made by most other people.

**Outcome**

The nominees specific achievement must be of a nature, which would encourage the Shire to nominate that person for an honour under Australian honours system.

**Nomination Procedure**

Nominations must be made in the strictest confidence without the nominee's knowledge.

Any resident or elector of the Shire of Wongan-Ballidu may make a nomination but an elected member must sponsor it.

Nominations must be made in writing to the Chief Executive Officer. On receipt of a nomination, the nomination shall be circulated to all elected member for a confidential, informal discussion. If an elected member expresses an objection to the nomination, that elected member must give reasons for the objection. If no elected member objects, it shall be assumed that all agree to the nomination.

If the elected members agree that the nominee should be made an Honorary Freeman of the Shire of Wongan-Ballidu, then the nomination shall be put before Council and a formal vote taken.

**Entitlements**

Any person declared an Honorary Freeman of the Shire of Wongan-Ballidu may designate him/herself "Honorary Freeman of the Shire of Wongan-Ballidu".

The award shall be made at a ceremony, which will be decided by the President.

The recipient shall be awarded a plaque to commemorate receiving the award.

Any Honorary Freeman of the Shire of Wongan-Ballidu shall be invited to all subsequent civic events and functions.

A photograph of the recipient will be displayed in the Shire Administration Centre.

*Freeman of the Shire of Wongan-Ballidu:*

*Irwin Barrett-Lennard OAM JP*  
*J B Ackland OBE JP (Deceased)*

## 9.2 GENERAL PURPOSES

### 9.2.1 DELEGATED AUTHORITY REVIEW

FILE REFERENCE:	A2.22 Local Government Act & Regulations
REPORT DATE:	1 February 2011
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor – Chief Executive Officer
ATTACHMENTS:	Updated Delegations & Local Government Operational Guidelines – Delegations & Code of Conduct

#### PURPOSE OF REPORT:

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

#### BACKGROUND:

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

#### COMMENT:

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

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

#### 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: 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 05

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 06

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 07

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 08

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 09

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 10

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 11

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 12

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

#### DELEGATED AUTHORITY 13

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 14

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 15

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 16

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 17**

**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 18**

**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 19**

**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 20**

**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 21**

**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 22**

**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 23**

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 24

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 25

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 26**

**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 27**

**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 29**



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 30

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.

DELEGATED AUTHORITY 31

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 32

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 33

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 34

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 35

DELEGATION: DISPOSE OF COMMUNITY HEALTH BUILDING  
SECTION/ACT: Local Government Act 1995

**DELEGATION:** The CEO has delegated authority to advertise and review submissions and dispose of the Community Health building in accordance with section 3.58 (3) and (4) of the Local Government Act 1995.

**DELETED**

Legal Proceedings Litter Act 1979 (delegation added to 04)

Lodgement of Caveats

Sale of Lot 2 Rogers Street (building sold)

Tender – Architectural Services (tender process 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:**

➤ **Environment**

There are no known environmental implications associated with the proposal.

➤ **Economic**

There are no known economic implications associated with the proposal.

➤ **Social**

There are no known social implications associated with the proposal.

**FINANCIAL IMPLICATIONS:**

There are no financial implications in relation to this item.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: Yes**

**STAFF RECOMMENDATION:**

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

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: 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 05

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 06

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 07

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 08

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 09

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 10

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 11

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 12

DELEGATION: DEMOLITION LICENCES

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

DELEGATION: That the Manager Planning & Environmental Services be delegated to issue demolition licences.

#### DELEGATED AUTHORITY 13

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.

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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.

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**DELEGATION:** BUILDINGS – DANGEROUS  
**SECTION/ACT:** Local Government (Miscellaneous Provisions) Act 1960, Sections 403, 404  
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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.

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**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 17**

**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.

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**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.

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**DELEGATION:** DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS  
**SECTION/ACT:** Local Government Act 1995, Section 3.47  
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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 21

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.

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#### DELEGATED AUTHORITY 22

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 23

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 24

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 25

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:

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- (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
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#### Reporting of Use of Delegation

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DELEGATION: EXECUTION AND AFFIXING OF COMMON SEAL TO DOCUMENTS  
SECTION/ACT: Local Government Act 1995 – Section 9.49A(3)  
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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.

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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.

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SECTION/ACT: Local Government Act 1995 – Sections

DELEGATION: Approval to pick wildflowers on Council controlled reserves. Approval to collect seeds on Council controlled reserves.

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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.

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DELEGATION: RESERVES UNDER CONTROL OF A LOCAL GOVERNMENT

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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.

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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.





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:** 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 05**

**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 06**

**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 07**

**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 08**

**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 09**

**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 10**

**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 11**

**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 12**

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

**DELEGATED AUTHORITY 13**

**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 14**

**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 15**

**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 16**

**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 17**

**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 18**

**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 19**

**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 20**

**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 21**

**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 22**

**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 23**

**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 24**

**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 25**

**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 26**

**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 27**

**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 29**

**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 30**

**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.

**DELEGATED AUTHORITY 31**

**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 32**

**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 33**

**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 34**

**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 35**

**DELEGATION: DISPOSE OF COMMUNITY HEALTH BUILDING**

**SECTION/ACT: Local Government Act 1995**

**DELEGATION: The CEO has delegated authority to advertise and review submissions and dispose of the Community Health building in accordance with section 3.58 (3) and (4) of the Local Government Act 1995.**

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

**CARRIED BY ABSOLUTE MAJORITY: 7/0  
RESOLUTION NO: 060212**



**9.3 WORKS & SERVICES**

**9.4 HEALTH, PLANNING & BUILDING COMMITTEE**

**9.5 BUSH FIRE ADVISORY COMMITTEE**

## 10. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

### 11.1 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

**MOTION:** **MOVED** **Cr Walton/Cr Armstrong**

**That Council allow new business of an urgent nature to be considered.**

**CARRIED: 7/0**  
**RESOLUTION: 070212**

### 11.2 ANNUAL REPORT FOR 2010-2011

FILE REFERENCE:	F1.5
REPORT DATE:	13 February 2012
APPLICANT/PROPONENT:	
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor - Chief Executive Officer
ATTACHMENTS:	Annual Report & Financials

#### **PURPOSE OF REPORT:**

To present to Council the Annual Report for the year-ended 30<sup>th</sup> June 2011.

#### **BACKGROUND:**

Under the provisions of Section 5.54 of the Local Government Act 1995, Council is to consider and accept the Annual Report prior to 31 December 2011.

#### **COMMENT:**

The Annual Report will be made available to the public on Monday 20 February 2012.

#### **POLICY REQUIREMENTS:**

There are no policy requirements in relation to this item.

#### **LEGISLATIVE REQUIREMENTS:**

Sections 5.53 – 5.55 of the Local Government Act 1995.

#### **STRATEGIC IMPLICATIONS:**

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

#### **SUSTAINABILITY IMPLICATIONS:**

➤ **Environment**

There are no known environmental implications associated with this item.

➤ **Economic**

There are no known economic implications associated with this proposal.

➤ **Social**

There are no known social implications associated with this item.

**FINANCIAL IMPLICATIONS:**

There are no financial implications in relation to this item.

**VOTING REQUIREMENTS:**

**ABSOLUTE MAJORITY REQUIRED: Yes**

**STAFF RECOMMENDATION:**

That Council accept the Annual Report for the financial year ended 30 June 2011 and in accordance with Section 5.55 of the Local Government Act 1995.

**MOTION: Moved: Cr Armstrong/Cr Walton**

**That Council accept the Annual Report for the financial year ended 30 June 2011 in accordance with Section 5.55 of the Local Government Act 1995.**

**CARRIED BY ABSOLUTE MAJORITY: 7/0  
RESOLUTION NO: 080212**

**11.3 CEO PERFORMANCE REVIEW**

**MOTION: Moved: Cr Walton/Cr West**

**That a Committee be formed with Councillors West, Brennan and Lyon to carry out the Chief Executive Officers performance review.**

**CARRIED BY ABSOLUTE MAJORITY: 7/0  
RESOLUTION NO: 090212**

**12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**13. CLOSURE**

There being no further business the President, Cr Brennan declared the meeting closed at 3.45pm.

These minutes were confirmed at a meeting on March 2012.

Signed \_\_\_\_\_

President  
Date March 2012