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MINUTES

Shire of Wandering Council Meeting 18 May 2023

OUR VISION

Wandering is a community of responsible, resilient and adaptable residents thriving in our scenic, economically diverse environment.

These Minutes of the Council meeting held 18 May 2023 are confirmed as a true and correct record of proceedings without amendment. Confirmed on 15 June 2023 by the Presiding Member, Cr I Turton.


.....
Cr I Turton Presiding Member

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Wandering disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Wandering during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Wandering. The Shire of Wandering warns that anyone who has an application lodged with the Shire of Wandering must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wandering in respect of the application.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision.

The Shire of Wandering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

Alan Hart
Chief Executive Officer

SHIRE OF WANDERING

Minutes of the Ordinary Meeting of Council held in the Council Chambers on Thursday 18 May 2023.

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1. Declaration of Opening / Announcements of Visitors

The President declared the meeting open at 3.40pm.

2. Attendance / Apologies / Approved Leave of Absence

Councillors

Cr Ian Turton (Shire President)
Cr Paul Treasure (Deputy Shire President)
Cr Graeme Parsons
Cr Sheryl Little
Cr Gillian Hansen
Cr Max Watts

Staff

Alan Hart (Chief Executive Officer)
Karl Mickle (Operations Manager)

Apologies

Members of the Public

Nil.

3. Announcements by the Presiding Member

4. Response to Previous Public Questions Taken on Notice

Nil.

5. Public Question Time

No members of the public were present.

6. Petitions / Deputations / Presentations / Submissions

Nil.

7. Applications for Leave of Absence

010523 Moved: Cr I Turton Seconded: Cr S Little
That Cr Paul Treasure and Cr Max Watts be granted leave for the Ordinary Council Meeting to be held on 15 June 2023.

Carried

8. Disclosures of Interest

Nil.

9. Confirmation of Minutes of Previous Meetings Held

9.1 Ordinary Council Meeting Minutes – 20 April 2023

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the Council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

020523 Moved: Cr G Hansen Seconded: Cr G Parsons

Recommendation and Council Decision:

That the Minutes of the Ordinary Meeting of Council held on 20 April 2023 be confirmed as true and correct.

Carried 6/0

10. Reports of Committees of Council

Wandering Community Centre Committee Meeting held 9 May 2023

10.1 Consideration of Revised Plan for the Proposed Verandah	
File Reference:	11.111.11101
Location:	Down Street, Wandering
Applicant:	N/A
Author:	Alan Hart, Chief Executive Officer
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	9 May 2023
Disclosure of Interest:	Nil
Attachments:	Updated Plan of Community Centre
Previous Reference:	N/A

Summary:

For the Council to consider the revised plan as prepared by Kim Harris as a result of Kim meeting with the committee on 18 April 2023.

Background:

The Wandering Community Centre is the community hub for the Wandering community and has been identified as a building that needs to be upgraded to ensure that community expectations of a modern facility are addressed and the building is fit for purpose going into the future.

A working group of various Community Members has been working with Council Representatives and an Architect to develop a design that meets the above objectives and it is now time to progress this further to the next stage.

Comment:

Following the community consultation held in early 2023, the committee has been focussing on the plans for the extension of the community centre to be undertaken in stages, with the first stage to be a new verandah on the eastern side of the Wandering Community Centre. Subsequently the committee met with Kim Harris from Harris Designs on 18 April 2023 to revise the plans and Kim has submitted a revised set of plans for the new verandah which incorporates the changes as requested by the committee.

The revised plans are now presented to the committee for their comment/endorsement.

Once the committee endorses the plans, they will be presented to Council for their consideration and detailed (construction) designs can be undertaken as well as a cost estimate of the approved design.

Consultation:

Shire of Wandering Elected Members
Community Groups that use the Wandering Community Centre
Shire of Wandering Community

Statutory Environment:

Not applicable

Policy Implications:

Not applicable

Financial Implications:

The full financial implications of the upgrade of the Wandering Community Centre are not known at this stage of the process.

Strategic Implications:

PROVIDE STRONG LEADERSHIP

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations

Risk Implications:

Nil

Voting Requirements:

Simple Majority

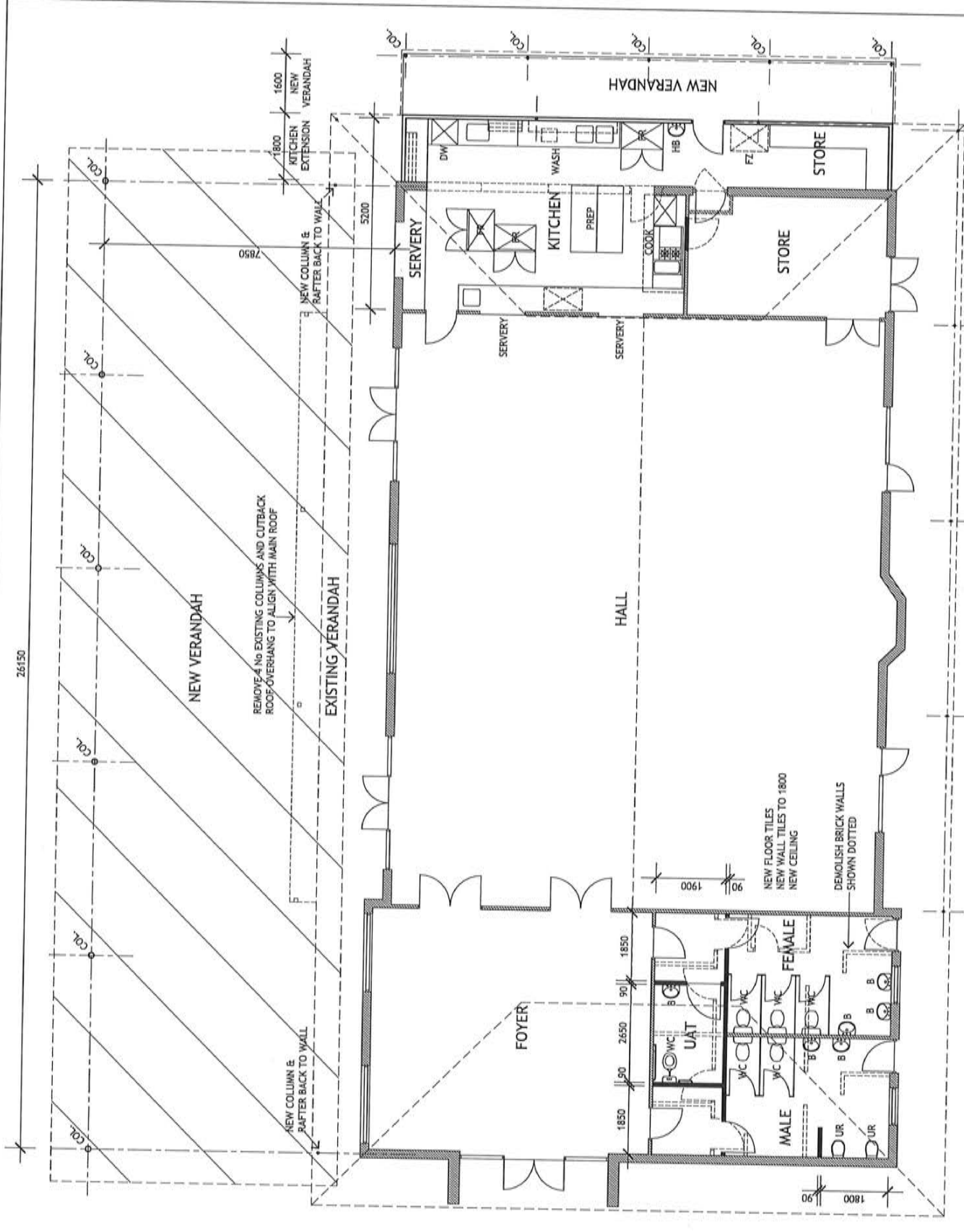
030523 Moved: Cr M Watts Seconded: Cr G Hansen

Recommendation and Council Decision:

That the Committee recommends to Council that the plans for Option 1 for the new verandah be approved to allow the detailed design and costings be undertaken.

Carried 4/2

Note: Crs Parsons and Treasure requested their names be recorded as voting against the decision.



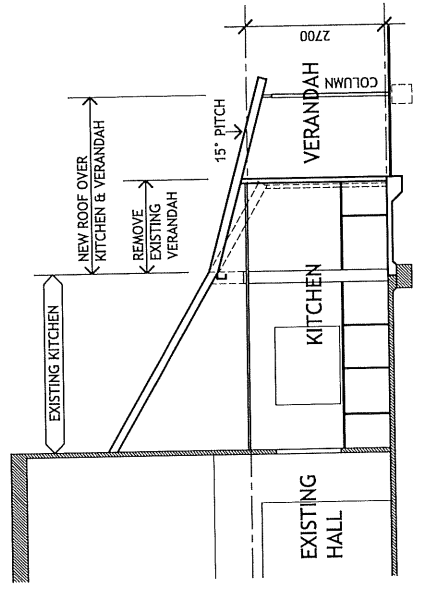
WANDERING COMMUNITY CENTRE
DOWN STREET, WANDERING



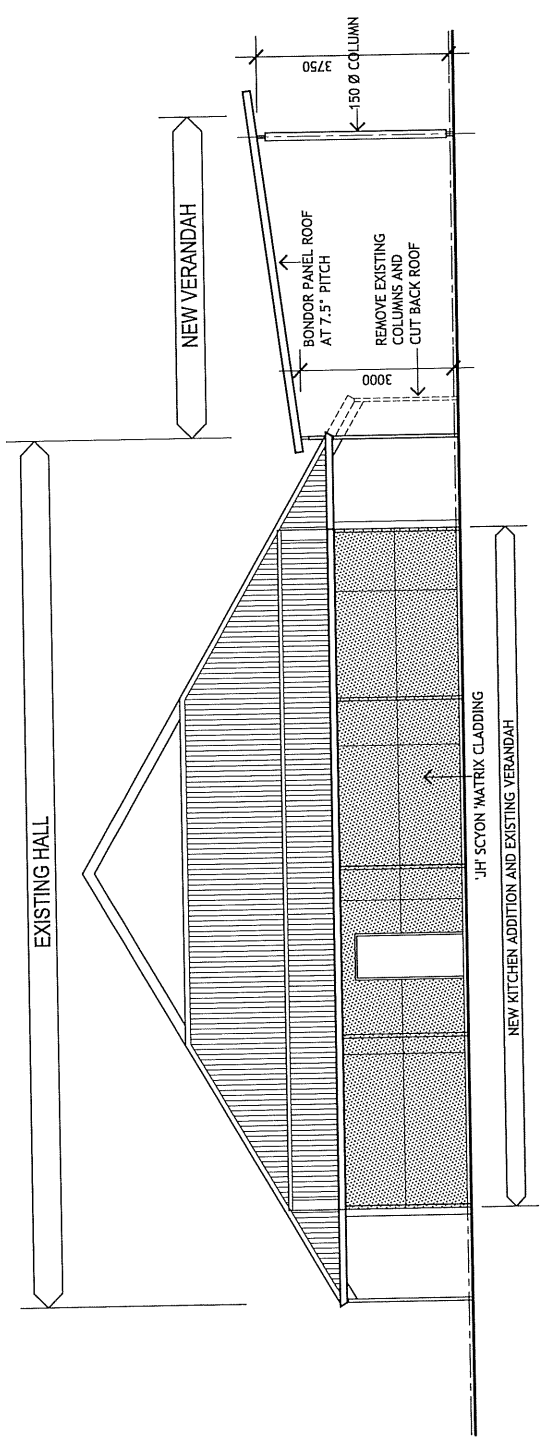
DRAWING **SK1**
DATE 05-05-23
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CAD WCC-HALLING 6
REV B



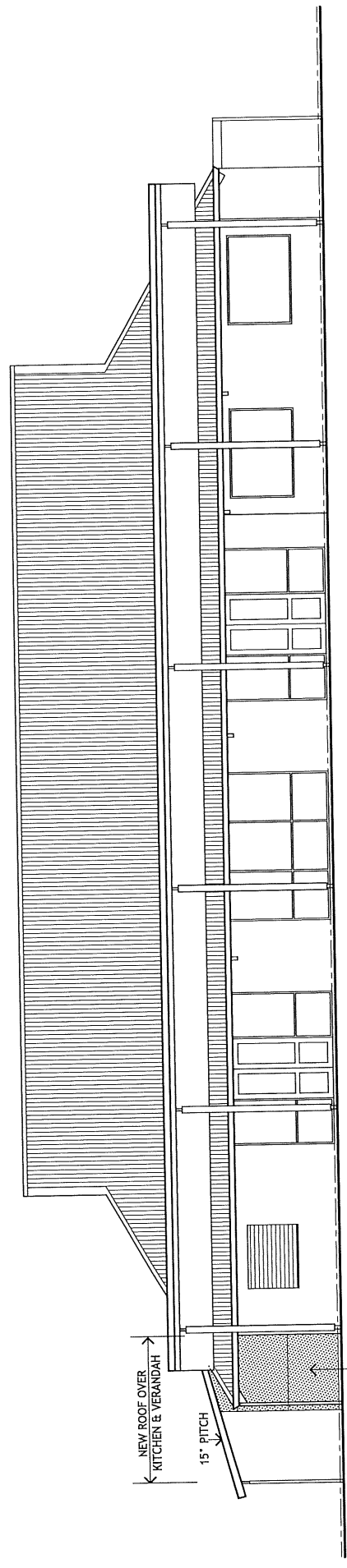
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SECTION
 SCALE 1:100

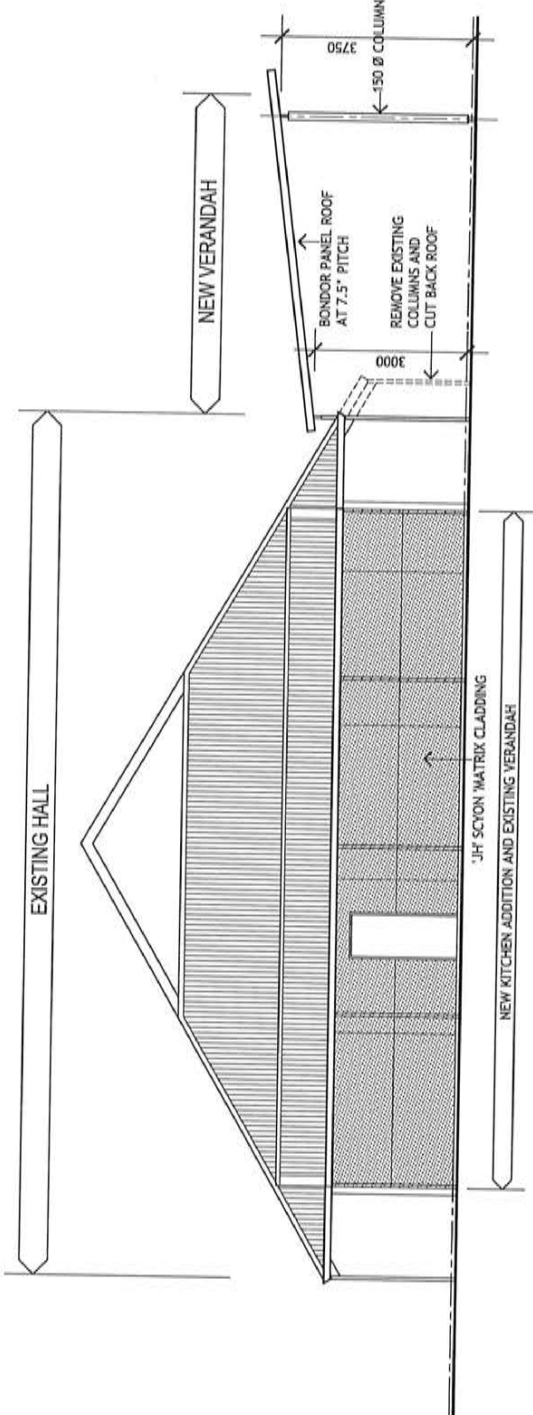


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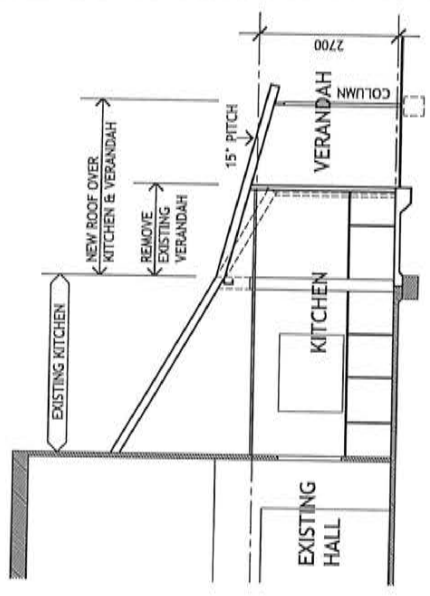


EAST ELEVATION
 SCALE 1:100

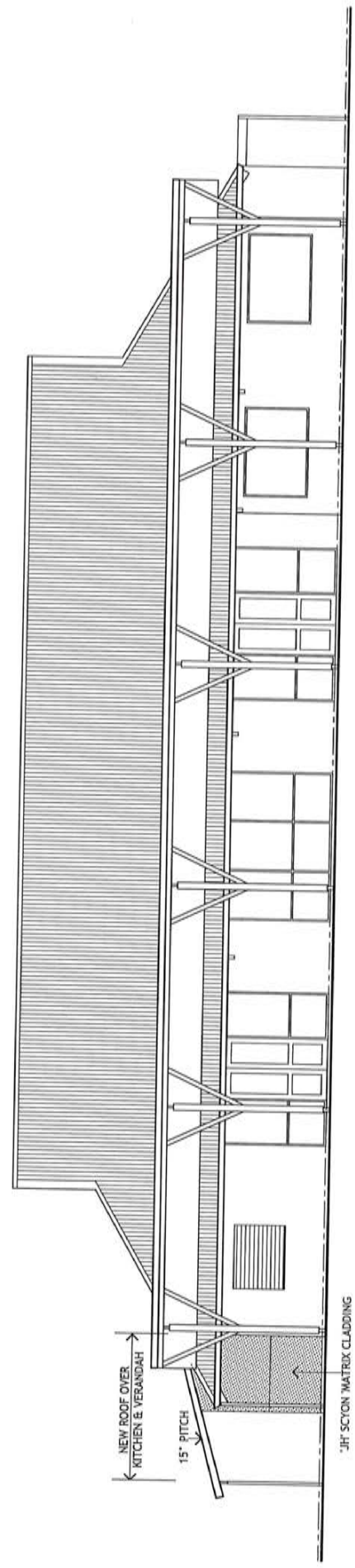
OPTION A



SOUTH ELEVATION
SCALE 1:100



SECTION
SCALE 1:100



EAST ELEVATION
SCALE 1:100

OPTION B

WANDERING COMMUNITY CENTRE
DOWN STREET, WANDERING

11. Reports from Councillors

Cr Ian Turton (President)

A road inspection has been completed on capital works undertaken in 2022/23 year.

Cr Paul Treasure (Deputy President)

Cr Graeme Parsons

Inspected Kubbine Road and the work completed to-date.

Cr Max Watts

Cr Gillian Hansen

Cr Sheryl Little

12. Chief Executive Officer

12.1 Shire of Wandering Policy Manual Review	
File Reference:	11.111.11101
Author:	Lisa Boddy, Customer Service Coordinator
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	5 May 2023
Disclosure of Interest:	Nil
Attachments:	Policy 6 – Council Member Recognition Policy 13 – Legal Representation Policy 47 – Australia Day Award Policy 31 - Amending Policies
Previous Reference:	Item 12.1 Ordinary Council Meeting 20 April 2023

Summary:

To continue with the process of reviewing all Council policies to ensure they are still relevant and correct for the day to day workings of the Shire.

Background:

At the Ordinary Council Meeting held on 18 August 2022 Council resolved to adopt Policy 83 – Policy Manual which states that:

All policies within the Policy Manual are to be reviewed by Council every three years, being one third of Council's policies each year in a three year period. Council may review an individual policy at any time before the next review date if it determines it to be necessary.

As there are currently 83 policies of the Shire it is proposed that each month two to three policies are reviewed by Council, this will ensure that all policies are reviewed in the stated three year period.

Comment:

Three policies are to be reviewed this month:
Policy 6 – Council Member Recognition
Policy 13 – Legal Representation
Policy 47 – Australia Day Award

These policies were presented to the General Planning Forum on 4 May 2023. The recommended changes have been highlighted in the attachments.

Policy 31 'Amending Policies' has been included as a reference to guide the review process.

Consultation:

Chief Executive Officer
Elected Members

Statutory Environment:

Local Government Act 1995 S.2.7(2)(b)

Policy Implications:

As reviewed.

Financial Implications:

Nil.

Strategic Implications:

Provide Strong Leadership

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance Service Level Plans detail operational roles, responsibilities and resources.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Not regularly updating the Shire's Policy manual poses a reputable risk with a medium risk rating. In order to maintain transparency and to facilitate appropriate decision making processes, it is imperative that policy statements reflect the current position of Council and work practices at the Shire as well as best practice approaches.

Voting Requirements:

Simple Majority

040523 Moved: Cr S Little Seconded: Cr P Treasure

Recommendation and Council Decision:

That Council adopts the following policies with any amendments made.

- **Policy 6 – Council Member Recognition**
- **Policy 13 – Legal Representation**
- **Policy 47 – Australia Day Award**

Carried 6/0

****PROPOSED NEW POLICY****

POLICY TYPE:	LEGISLATIVE
DATE ADOPTED:	18/07/2019

POLICY NO:	6
DATE LAST REVIEWED:	17/09/2020 16/09/2021 18/05/2023

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	Yes
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DELEGATION NO.	06
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ADOPTED POLICY	
TITLE:	Council Member Recognition
OBJECTIVE:	To establish a guide for recognition of outgoing Council Members so as to avoid the necessity to refer every instance to the Department of Local Government, Sport and Cultural Industries for determination.

DEFINITIONS

"Policy" means this Shire of Wandering Policy.

"Council Members" means includes all Councillors.

"Retiring" means not being re-elected or standing down from public office.

POLICY STATEMENT

An appropriate gift, not cash, costing up to \$150 may be purchased for retiring Council Members who have completed a four year term, or up to \$300 if they have completed two or more four year terms on Council, along with a framed Certificate of Service. These are to be presented at the end of year Councillor dinner.

****CURRENT POLICY****

POLICY TYPE:	LEGISLATIVE	POLICY NO:	6
DATE ADOPTED:	18/07/2019	DATE LAST REVIEWED:	17/09/2020 16/09/2021 18/05/2023
LEGAL (PARENT):	<i>Local Government Act 1995</i>	LEGAL (SUBSIDIARY):	
DELEGATION OF AUTHORITY APPLICABLE:	Yes	DELEGATION NO.	06

ADOPTED POLICY	
TITLE:	Council Member Recognition
OBJECTIVE:	<ul style="list-style-type: none"> To pursue and encourage an environment of honesty and integrity from its council members and to officially recognise the dedication, service and commitment of those council members to the general community.

DEFINITIONS

"Total service" shall mean any consecutive term of office served by an individual Council member with the Shire of Wandering commencing from the date first elected to office as a result of an election outcome and concluding with the departure from office as a result of an election outcome, resignation or death.

POLICY STATEMENT

1. PRINCIPLES

(a) Recognition upon departure from office after any period of service

- Framed certificate of recognition to be presented by the Shire President or CEO at a full Council Meeting.
- Presentation shall take place at the last Council meeting of the Council prior to the election, the attendance at and the timing of the formal presentation to be set at a time convenient to Council and the recipient.
- Where the departure from Council is as a result of an election, the attendance at and the timing of the formal presentation will be set at a time convenient to Council and the recipient.

(b) Recognition of completion of 12 years total service (Three Consecutive Terms)

- Plaque, gift and framed certificate of recognition to be presented by the Shire President or CEO at a full Council meeting

Presentation is to be scheduled for the first Council meeting after which the 12 years' service is achieved, subject to availability of the Recipient Council member/s.

(c) Recognition of completion of 20 years total service

- Gift, plaque and framed certificate of recognition to be presented by the Shire President or CEO at a full Council meeting.

Presentation is to be scheduled for the first Council meeting after which the 20 years' service is achieved, subject to availability of the recipient Council member/s.

(d) Recognition of Deceased Council member

- If the former Council member passes away prior to the presentations referred to in Clauses 2.2 to 2.5, then the presentation is to be subject to the preference of the relative or representative.

(e) Disqualified Council members

- Any Council member who is disqualified from office under the Local Government Act 1995 shall not be eligible for recognition

POLICY TYPE:	LEGISLATIVE	POLICY NO:	13
DATE ADOPTED:	18/07/2019	DATE LAST REVIEWED:	17/09/2020 16/09/2021
LEGAL (PARENT):	Local Government Act 1995		
LEGAL (SUBSIDIARY):			
DELEGATION OF AUTHORITY APPLICABLE:	Yes	DELEGATION NO.	15 & 16
ADOPTED POLICY			
TITLE:	Legal Representation – Council Members and Employees		
OBJECTIVE:	<ul style="list-style-type: none"> To describe the arrangements for legal representation for council members and employees 		

DEFINITIONS

Approved Lawyer is to be –

- A 'certified practitioner' under the Professions Act 2008; 'person who is admitted to the legal profession' under the Legal Profession Act 2008;
- From a law firm on the WALGA's panel of legal service providers, if relevant, unless Council considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and
- Approved in writing by Council or the CEO under delegated authority.

Council member or employee – means a current or former ~~person elected to the Council of the Shire of Wandering in a local government election. Commissioner, council member, non-elected member of a council committee or employee of the Shire.~~

Committee Member – means a person who is a member of a committee appointed by Council who is not a Council member.

Employee – means a person who at the relevant time is or was an employee of the Shire of Wandering pursuant to s5.41(g) of the Local Government Act 1995, or, if the CEO, under s5.36(1)(a).

Legal proceedings – may be civil, criminal or investigative.

Legal representation – is the provision of legal services, to or on behalf of a council member or employee, by an approved lawyer that are in respect of: relevant person, by an approved lawyer that are in respect of:

- (a) A matter or matters arising from the performance of the functions of the council member or employee relevant person; and
- (b)(d) Legal proceedings involving the ~~relevant person~~ council member or employee that have been, or may be, commenced.

Legal representation costs – are the costs, including fees and disbursements, properly incurred in providing legal representation.

Legal services – includes advice, representation or documentation that is provided by an approved lawyer.

Payments – by the Shire of legal representation costs may be either by –

- A direct payment to the approved lawyer (or the relevant firm); or
- A reimbursement to the council member or employee relevant person.

POLICY STATEMENT

1. PAYMENT CRITERIA

There are ~~four (4) five (5)~~ major criteria for determining whether the Shire will pay the legal representation costs of a council member or employee relevant person. These are:

- The legal representation costs must relate to a matter that arises from the performance, by the council member or employee relevant person, of his or her functions;

- (b) The legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- (c) In performing his or her functions, to which the legal representation relates, the council member or employee relevant person must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- (d) The legal representation costs do not relate to a matter that is of a personal or private nature.
- ~~(e) The legal representation costs do not relate to a situation where the shire of wandering is the defendant.~~

2. EXAMPLES OF LEGAL REPRESENTATION

Examples of legal representation costs that may be approved are:

- (a) If the criteria in clause 1 of this policy are satisfied, the Shire may approve the payment of legal representation costs:
 - Where proceedings are brought against a council member or employee relevant person in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the council member or employee relevant person;
 - To enable proceedings to be commenced and/or maintained by council member or employee relevant person to permit him or her to carry out his or her functions – for example where a council member or employee relevant person seeks to take action to obtain a restraining order against a person using threatening behaviour to the council member or employee relevant person; or
 - Where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about a council members or employees relevant person.
- (b) The Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a council member or employee relevant person.

3. APPLICATION FOR PAYMENT

A council member or employee relevant person who seeks assistance under this policy is to make an application(s), in writing, to the CEO, or the council ~~if the relevant person is the CEO~~.

The written application for payment of legal representation costs is to give details of:

- (a) The matter for which legal representation is sought;
- (b) How the matter relates to the functions of the council member or employee relevant person making the application;
- (c) The ~~proposed~~ lawyer (or law firm) who is to be asked to provide the legal representation;
- (d) The nature of legal representation to be sought (such as advice, representation in court, preparation of documents etc);
- (e) An estimated cost of the legal representation; and
- (f) Why it is in the interest of the shire for payment to be made.

The application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

As far as possible the application is to be made before commencement of the legal representation to which the application relates.

The application is to be accompanied by a signed written statement by the applicant that he or she:

- (a) Has read and understand, the terms or this policy;
- (b) Acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 79 and any other conditions to which the approval is subject; and
- (c) Undertakes to repay the shire any legal representation costs in accordance with the provisions of this Policy.

In relation to clause 3 wWhen a person is to be in receipt of monies under this Policy, the person shall sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the policy.

An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant, by an appropriate employee.

4. LEGAL REPRESENTATION COSTS - LIMIT-CAP

Council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

A council member or employee relevant person may make a further application to Council in respect of the same matter.

5. COUNCIL'S POWERS

Council may:

- (a) Refuse an application for payment of legal representation costs;
- (b) Grant an application for payment of legal representation costs; or
- (c) Grant subject to conditions, an application for payment of legal representation costs

(Conditions under this Policy may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.)

In assessing an application, Council may have regard to any insurance benefits that may be available to the applicant under the Shire's Council members and Officers liability policy or its equivalent.

Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

Council may determine that a relevant person whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:

- (a) Not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
- (b) Given false or misleading information in respect of the application.

A determination may be made by Council only based on, and consistent with, the findings of a court, tribunal or inquiry.

Council may decide the legal representation costs paid by the Shire are to be repaid by the council member or employee-relevant person in accordance with this Policy.

6. REPAYMENT OF LEGAL REPRESENTATION COSTS

A council member or employee relevant person whose legal representation costs have been paid by the Shire is to repay the Shire:

- (a) All or part of those costs – in accordance with a determination by Council under clause 57(vii);
- (b) As much of those costs as are available to be paid by way of set-off – where the council member or employee-relevant person receives monies paid for costs, damages or settlement, in respect of the matter for which the Shire paid the legal representation costs.

The Shire may act in a court of competent jurisdiction to recover any monies due to it under this Policy.

POLICY TYPE:	
DATE ADOPTED:	18/05/2023

POLICY NO:	47
DATE LAST REVIEWED:	18/05/2023

LEGAL (PARENT):	Local Government Act 1995
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Australia Day Award
OBJECTIVE:	<ul style="list-style-type: none"> To clarify the process of the <u>bi</u>-annual Australia Day Award – Citizen of the Year

DEFINITIONS

N/A

POLICY STATEMENT

The Shire of Wandering acknowledges worthy local persons and groups through the Australia Day Citizen of the Year Awards.

Biannually (every odd year) pending suitable nominations Each-year in October and November an advertisement is to be placed in the Wandering Echo, Shire website and Shire Facebook page calling for nominations for Citizen of the Year.

Award recipients are to be personally advised of the award to enable them to make appropriate arrangements, speeches, etc. Award recipients are also asked to participate in event related publicity and promotional activities.

Award recipients are to be recognised by Council on Australia day, if a function is held, or alternatively at the first Council meeting after Australia Day.

The successful recipients of the Awards are to be listed on the Honour Board in the front foyer of Council's Administration Building.

Eligibility and Criteria

Nominations for the Awards are to be judged according to the eligibility criteria published by the Australia Day Citizenship Awards Guidelines each year. Nominators are excluded from the judging process.

How to Nominate

Nominations for the Awards are to be made by completing an application form which is available on the Shire website or from the Shire administration Office.

All nominations are to be discussed, under confidential cover, and a decision made at the December Ordinary Council meeting.

Closing Date

Nominations close on 30 November each year.

ASSOCIATED DOCUMENTS

Citizen of the Year Application Form

POLICY TYPE:	GOVERNANCE AND COUNCIL MEMBERS
DATE ADOPTED:	18/07/2019

POLICY NO:	31
DATE LAST REVIEWED:	17/09/2020 16/09/2021

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Policies – process for adopting, amending or repealing
OBJECTIVE:	<ul style="list-style-type: none"> To establish a process for the introduction, amendment or repealing of a council policy

POLICY STATEMENT

The Shire of Wandering recognises the importance of maintaining this Policy Manual as a contemporary and relevant, appropriate document to guide the Council, administration and community.

Prior to introducing, amending or repealing a policy of Council, the proposal will go through the following process:

- (a) Comparisons with other Local Governments.
- (b) Likely effect on the residents - consultation if necessary.
- (c) Cost impact.
- (d) Need to include a sunset clause?
- (e) Legal implications.

All recommendations affecting policy must be made available to Council prior to the relevant Council Meeting and may not be introduced as a late item.

12.2 Delegations Manual – Update of Employee Title	
File Reference:	04.041.04111
Location:	N/A
Applicant:	N/A
Author:	Lisa Boddy, Customer Service Coordinator
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	5 May 2023
Disclosure of Interest:	Nil
Attachments:	Current Shire of Wandering Delegations Manual
Previous Reference:	N/A

Summary:

To update the Shire of Wandering Delegations Manual in accordance due to recent staff and job title changes.

Background:

All delegations made under the Act must be made by absolute majority and recorded in a register. Sections 5.18 and 5.46 of the Act require that at least once every financial year, delegations are to be reviewed. Council undertook its last annual review of delegations in September 2022. Since this date the Executive Manager Technical Services (EMTS) has ceased employment with the Shire and has been replaced with an Operations Manager (OM). The delegations previously assigned to the EMTS require to be delegated to the newly appointed OM.

Comment:

The update of title is necessary to ensure the delegations remain consistent with legislation and applicable to the Shire’s current operational needs.

Consultation:

Chief Executive Officer

Statutory Environment:

Local Government Act 1995 S.2.7(2)(b)

Policy Implications:

Nil.

Financial Implications:

Nil.

Strategic Implications:

Provide Strong Leadership

Our Goals	Our Strategies
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Not regularly updating the Shire's Delegations poses a compliance risk with a medium rating. Failure to adequately review the Register of Delegations will result in non-compliance with the Local Government Act and could also lead to inefficient practices.

Voting Requirements:

Absolute Majority

050523 Moved: Cr G Hansen Seconded: Cr G Parsons

Recommendation and Council Decision:

That Council approves the update of the Shire of Wandering Delegations Manual to replace the title Executive Manager Technical Services with Operations Manager.

Carried 6/0

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**Register of:
Delegations,
Sub-delegations,
Appointments,
and
Authorisations**

Adopted by Council 15/08/2019

Revised 16/04/2020

Reviewed: 17/09/2020

Reviewed: 15/07/2021

Reviewed: 16/09/2021

Reviewed 08/09/2022

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Delegations Deleted 16/09/2021:

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04	Duplication of Services	Delete
07	Local Government Elections	Delete
09	Tenders and Expressions of Interest	Delete
10	Disposal of Property, Plant & Equipment	Delete
11	Information available to the Public	Delete
13	Expenditure in the event of an Emergency	Delete
16	Crown Reserves & Street Names (Council preference for dealing with such matters)	Delete
18	Rates Issues – General Delegation	Delete
20	Reimbursement of Expenses to Shire President & Council Members.	Delete
53	Building Site Refuse Disposal Bond (Policy 68 Deleted)	Delete

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1. INTRODUCTION

FORMAT OF REGISTER

This Register includes:

- Delegations from the Council to the Chief Executive Officer, and where appropriate to other employees or other persons; and
- Sub delegations from the Chief Executive Officer to other employees or other persons
- Authorisations made by the Council or the Chief Executive Officer
- Appointments made by the Council or the Chief Executive Officer, or as of right by virtue of legislation

The Register includes the relevant delegation decision followed by a sub delegation decision (where relevant).

The Register includes instruments of sub delegation, authorisation and appointment by the Chief Executive Officer, which do not need to be adopted/approved by Council. They are included to reflect a "one stop shop" approach.

TERMINOLOGY AND ACRONYMS

Clause – of the Shire of Wandering Town Planning Scheme No 3 referenced by 'cl', as in cl8.2.1.

Employee – refers to an employee of the Shire of Wandering. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (s5.44 Local Government Act 1995 and others), any 'person' may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 require only employees or certain qualified employees to be 'authorised' or 'appointed'). Thus, care needs to be taken to ensure that contractors are not 'delegated' functions or duties, although they may be appointed as Authorised Persons.

Regulation – subordinate legislation, referenced by 'r', as in r22.

Schedule – to an Act, referenced as 'Sch', as in Sch 3.2.

Section - of an Act, referenced by 's', as in s5.42.

Sub delegation – the terms 'sub delegate' and 'sub delegation' are used as a style preference, rather than 'on delegate' or 'on delegation'.

DELEGATIONS AND SUB DELEGATIONS

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not 'undermine' the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

The Council (and the Chief Executive Officer in the case of most sub delegations) will only delegate matters where the relevant employees (or other persons) have the appropriate skills and expertise to implement the delegation/sub delegation or authorisation within the Shire's decision-making frameworks. At the same time the exercise of all delegated and sub delegated authority, as well as

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authorisations is subject to complying with relevant Policies of the Shire, which are cross referenced within each Instrument.

An important safeguard is also the principle that nothing prevents the delegating body or person from taking back a delegation or sub delegation or making the relevant decision on an issue.

This Register describes:

- the 'head of power' for the exercise of delegation to an elected member, employee, Committee or person,
- the 'head of power' for sub delegation (where such authority exists under the relevant legislation),
- the precise authority being delegated, including any limits, restrictions or conditions,
- relevant Shire policies applicable to the execution of the delegation or sub delegation,
- the statutory requirements for the Council to review all delegations, and others to review sub delegations

In general, for all matters, whether made under the Local Government Act 1995, or otherwise, the requirement of the Local Government Act 1995 to review the Register at least once every financial year will be followed, except where delegations under other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the Local Government Act will be applied to ensure uniformity of approach and outcome.

AUTHORISATIONS

This Register includes authorisations under the Local Government Act 1995 and other legislation. In most cases, authorisations are made by the Chief Executive Officer under delegated authority. In some cases, authorisations are made by the Council itself because the relevant statute requires.

Some legislation provides for authorisation of Local Government officers to have powers as are necessary for them to perform their required duties as a specific function of the local government. These duties are carried out as 'acting through' functions under s5.45(2) of the Local Government Act 1995.

APPOINTMENTS

Consistent with the aim of providing a single resource, this Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council or the Chief Executive Officer has chosen not to make an appointment at the date of adoption of this Register.

LOCAL GOVERNMENT ACT 1995

The majority of delegations and sub delegations described in this Register originate under the Local Government Act 1995 which permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government,

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- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,
- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the Chief Executive Officer:

- under r18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
- under r18C and 18D which relate to the recruitment and performance management of the Chief Executive Officer
- under r16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day to day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

OTHER LEGISLATION

Legislation other than the Local Government Act 1995, its Regulations and the Shire's Local Laws created under the Act where delegations, authorisations or appointments may occur (and which are relevant to the Shire of Wandering) include:

- Animal Welfare Act 2002;
- Australian Citizenship Act 2007;
- Building Act 2011 and Building Regulations 2012
- Bush Fires Act 1954, regulations and local laws created under that Act;
- Cat Act 2011 and regulations;
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
- Dog Act 1976 and regulations;
- Equal Employment Opportunity Act 1984;
- Environmental Protection Act 1986;
- Food Act 2008;
- Freedom of Information Act 1992;
- Graffiti Vandalism Act 2016
- Health (Miscellaneous Provisions) Act 1911 regulations and local laws created under that Act;
- Health (Asbestos) Regulations 1992
- Land Administration Act 1997, and regulations;
- Litter Act 1979 and regulations;
- Local Government (Miscellaneous Provisions) Act 1960;

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- Parks and Reserves Act 1895;
- Planning and Development Act 2005 including regulations, policies and the Town Planning Scheme;
- Public Interest Disclosure Act 2003
- Public Health Act 2016
- Rates and Charges (Rebates and Deferments) Act 1982;
- Road Traffic Act 1974;
- Strata Titles Act 1985

The Shire of Wandering Town Planning Scheme No 3 permits delegation by Council to employees (rather than via the Chief Executive Officer as per the Local Government Act). Accordingly, the process defined by the Town Planning Scheme for delegating authority and duties is utilised.

SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER

The Local Government Act 1995 allows the Chief Executive Officer to delegate any of the powers delegated to the office of Chief Executive Officer to another employee (s5.44(1)), in writing (s5.44(2)) and may include conditions (s5.44(4)).

REVIEW OF DELEGATIONS

The Register of Delegations relevant to the Chief Executive Officer and other employees will be reviewed at least once every financial year (in accordance with the provisions of s5.46(1), (2)).

As a matter of principle, the Shire of Wandering will review all delegations, authorisations and appointments at least once in every financial year, whether under the Local Government Act 1995, or another Act. This is despite the varying requirements for review viz:

- Building Act 2011 - no requirement
- Bush Fires Act 1954 - no requirement
- Cat Act 2011 - annual review requirement
- Dog Act 1976 - annual review requirement
- Food Act 2008 - no requirement
- Graffiti Vandalism Act 2016 - no requirement
- Public Health Act 2016 - no requirement
- Planning and Development Act 2005 - annual review requirement

This will include the Chief Executive Officer reviewing all sub delegations, authorisations and appointments made by him or her.

RECORD OF ACTIONS AND DECISIONS

If a person is exercising a power or duty that has been delegated (including sub delegated), the Local Government Act requires that records be kept whenever the delegated authority is utilised (s5.46(3)).

The record is to contain information on:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and

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- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty (r19 Local Government (Administration) Regulations 1996)

Departments/Sections responsible for a work process are to ensure that data is captured, and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

Similar provisions do not exist under other legislation regarding record keeping.

The Chief Executive Officer has determined that in relation to all record keeping of the exercise of delegated authority under legislation other than the Local Government Act 1995 that the provisions of the latter will apply and the same record keeping approach as required under the Local Government Act will be applied. These requirements will be applied as an administrative instruction from the Chief Executive Officer.

PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES

A person to whom a duty or power is delegated under the Local Government Act 1995 is a 'designated employee' under s5.74(b) of the Act and is required to:

- disclose relevant interests s5.70 LGA
- complete a Primary Return s5.75 LGA
- complete Annual Returns s5.76 LGA

Although these requirements relate only to delegations under the Local Government Act 1995 and not any other Acts, the Council and the Chief Executive Officer have taken the decision to require compliance with those provisions, even where made under other Acts, to ensure all employees are treated equally in such disclosures.

A delegation has prepared in this Register to give effect to this approach, with the Chief Executive Officer delegated authority to nominate employees as "designated employees".

ACTING THROUGH ANOTHER PERSON

The Local Government Act recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire. s5.45 (2) of the Act states:

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or
- a Chief Executive Officer from performing any of his or her functions by acting through another person.

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right. Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For further information, see Department of Local Government and Communities Guideline No 17 - Delegations.

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2. DELEGATIONS BY COUNCIL AND SUB DELEGATIONS BY CEO

Delegation No: 01		Annual Electors' Meeting – Setting Date	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	Cannot be sub delegated
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s5.27(2)</i>	
Conditions	<p><i>Chief Executive Officer must consult the Shire President and reach agreement on the proposed date, or it must be submitted to Council for determination.</i></p> <p><i>A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to set the date for the annual electors' meeting.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 03		Appointment of Authorised Officers	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	Cannot be sub delegated
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s9.10(1); s9.11; s9.13; s9.16; s9.17; s9.19; s9.20</i>	
Conditions	<p><i>Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).</i></p> <p><i>A register of Authorised Persons is to be maintained as a Local Government Record.</i></p> <p><i>Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to appoint authorised persons for the purposes of Division 2 Sub Division 1 of the Local Government Act 1995.

The Chief Executive Officer is delegated authority to appoint Authorised Persons under s9.10(1), s9.11, s9.13, s9.16, s9.17, s9.19 and s9.20 of the Local Government Act 1995.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 05		Executing Documents	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 22	SUB-DELEGATED TO:	Cannot be sub delegated
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s9.49</i>	
Conditions	<i>In accordance with s9.49A (3) of the Act, the common seal is to be affixed to a document in the presence of the Shire President and Chief Executive Officer. This duty cannot be delegated.</i>		

POWER OR DUTY DELEGATED

Pursuant to s5.42 Local Government Act 1995 the Chief Executive Officer is delegated authority to execute documents under s9.49A(2) of the Local Government Act 1995 including:

- The affixing of the Common Seal of the Shire to a document that needs the Shire's Common Seal to be legally effective and that is in one or more of the following categories:
 - (a) Documents required to satisfy conditions of subdivision and/or development approval;
 - (b) Documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);
 - (c) Documents required as part of a funding agreement for an approved grant;
 - (d) Documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;
 - (e) Documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire; and
 - (f) Documents that are necessary or appropriate to enable a Chief Executive Officer to carry out their functions under any written law

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 06		Gifts to Retiring Councillors	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 6	SUB-DELEGATED TO:	Cannot be sub delegated
POLICY REFERENCE:			
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s5.100A; s5.102</i>	
Conditions	<p><i>The retirement of a council member who has served at least one full 4-year term of office is prescribed under s5.100A(a) as circumstances in which a gift can be given to the Council member.</i></p> <p><i>The amount as prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in sub-regulation (1).</i></p> <p><i>Must have regard to Division 8 of Part 5 of the Local Government Act 1995.</i></p> <p><i>The Chief Executive Officer to consult with the Shire President on any proposal for a gift, and if it relates to the Shire President, with the Deputy Shire President.</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to decide a gift to retiring Councillors in accordance with s5.100A of the Local Government Act 1995 and r34AC of the Local Government (Administration) Regulations 1996.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 08		Private Property and Thoroughfares	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Executive Manager Technical Services</i>
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s3.20 s3.24; s3.25; s3.26(2), (3); s3.27(1); s3.28; s3.31 – s3.36</i> <i>Sch 3.1, 3.2 and 9.1 Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996</i>	
Conditions	<p><i>In relation to s3.32 (1)</i></p> <ul style="list-style-type: none"> <i>A notice of an intended entry is to be given to the owner or occupier of the land, premises or thing that is to be entered.</i> <i>The notice is to specify the purpose for which the entry is required and continues to have effect for so long as that requirement continues.</i> <i>The notice is to be given not less than 24 hours before the power of entry is exercised.</i> <i>Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates.</i> <i>Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant).</i> <p><i>In relation to r12, r13, r14, r15, r16, r17 of the Local Government (Uniform Local Provisions) Regulations 1996 due process must be followed for the issuing of a notice under s3.25 of the Act.</i></p> <p><i>Decisions under this Delegation must be exercised in alignment with Obstruction of Footpaths and Thoroughfares (where same exists).</i></p> <p><i>Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</i></p> <p><i>Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.</i></p> <p><i>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</i></p> <p><i>In relation to r.9 Local Government (Uniform Local Provisions) Regulations 1996: Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1) - each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8</i></p> <p><i>In relation to r.11(1), (4), (6) & (8) Local Government (Uniform Local Provisions) Regulations 1996: Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 - Permission may only be granted where, the proponent has:</i></p> <ul style="list-style-type: none"> <i>Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</i> 		

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- *Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.*
- *Provided evidence of sufficient Public Liability Insurance.*
- *Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.*
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POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated:

- the powers and duties of the local government, and specifically authorised under s.3.20, s3.24, s3.25, s3.26(2), (3), s3.27(1), s3.28, s3.31, 3.32, 3.33, 3.34, 3.35 & 3.36 and Sch 3.1,3.2 and 9.1 of the *Local Government Act 1995* in relation to notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given.
- the power to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, subject to Regulation 11(1) of the *Local Government (Uniform Local Provisions) Regulations 1996* and Schedule 3.1, Division 2, item 2:

The Chief Executive Officer is delegated authority to undertake the following pursuant to Schedule 3.1, Division 1 Things a notice may require to be done including:

- Prevent water from dripping or running from a building on the land onto any other land.
- Place in a prominent position on the land a number to indicate the address.
- Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
- Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law — (a) is suitably enclosed to separate it from the public place; and (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place. (2) The notice cannot be given to an occupier who is not an owner.
- Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly. (2) In this item — “unsightly”, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality. (3) The notice cannot be given to an occupier who is not an owner.
- Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy. In this item — “disused material” includes disused motor vehicles, old motor vehicle bodies and old machinery.
- Take specified measures for preventing or minimizing sand drifts on the land that are likely to adversely affect other land.
- Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
- Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government’s control or management and adjoins the land where the tree is situated.

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- Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
- Take specified measures for preventing or minimizing— (a) danger to the public; or (b) damage to property, which might result from cyclonic activity.
- Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
- Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
- Take specific measures to prevent — (a) artificial light being emitted from the land; or (b) natural or artificial light being reflected from something on the land, creating a nuisance.
- Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised. (2) In this item — “private thoroughfare” has the same meaning as in Schedule 9.1 clause 7(1) and s3.25(1)(b) of the Local Government Act 1995:
- Schedule 3.1, Division 2 Provisions contraventions of which may lead to a notice requiring things to be done
- Regulations under Schedule 9.1, clause 3 (Obstructing or encroaching on public thoroughfare).
- Regulations under Schedule 9.1, clause 5(1) (Gates and other devices across public thoroughfares) requiring a person to remove a gate or other device from across a public thoroughfare when requested by a local government to do so.
- Regulations under Schedule 9.1, clause 6 (Dangerous excavation in or near public thoroughfare).
- Regulations under Schedule 9.1, clause 7(2) (Crossings from public thoroughfares to private land or to private thoroughfares) that — (a) prohibit a person from constructing a crossing; or (b) by means of a notice in writing given to a person by the Commissioner of Main Roads, require the person to bring a crossing into accordance with an approval by the Commissioner of Main Roads or to remove a crossing and restore the place where it was to its former condition.
- Regulations under Schedule 9.1, clause 8(1) (Constructing private works on, over, or under public places).
- Regulations under Schedule 9.1, clause 9 (Protection of watercourses, drains, tunnels and bridges).
- Regulations under Schedule 9.1, clause 10 (Protection of thoroughfares from water damage).
- Regulations under Schedule 9.1, clause 12 (Wind erosion and sand drifts).
- Grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].
- Impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
- Give Notice re wind erosion and sand drifts – Sch.9.1 cl.12, r.21(1)

REVIEW REQUIREMENTS

At least once every financial year.

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Sub Delegation No: 08a		Private Property and Thoroughfares	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT): POWER TO DELEGATE Local Government Act 1995 s5.44		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED Local Government Act 1995 s3.20, s3.24; s3.25; s3.26(2), (3); s3.27(1); s3.28; s3.31 – s3.36 Sch 3.1, 3.2 and 9.1 Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996	
Conditions	<p><i>In relation to s3.32 (1)</i></p> <ul style="list-style-type: none"> A notice of an intended entry is to be given to the owner or occupier of the land, premises or thing that is to be entered. The notice is to specify the purpose for which the entry is required and continues to have effect for so long as that requirement continues. The notice is to be given not less than 24 hours before the power of entry is exercised. Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates. Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant). <p><i>In relation to r12, r13, r14, r15, r16, r17 of the Local Government (Uniform Local Provisions) Regulations 1996 due process must be followed for the issuing of a notice under s3.25 of the Act.</i></p> <p><i>Decisions under this Delegation must be exercised in alignment with Obstruction of Footpaths and Thoroughfares (where same exists).</i></p> <p><i>Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</i></p> <p><i>Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.</i></p> <p><i>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</i></p> <p><i>In relation to r.9 Local Government (Uniform Local Provisions) Regulations 1996: Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1) - each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8</i></p> <p><i>In relation to r.11(1), (4), (6) & (8) Local Government (Uniform Local Provisions) Regulations 1996: Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 - Permission may only be granted where, the proponent has:</i></p> <ul style="list-style-type: none"> Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. 		

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| | <ul style="list-style-type: none">• <i>Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</i>• <i>Provided evidence of sufficient Public Liability Insurance.</i>• <i>Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</i> |
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POWER OR DUTY DELEGATED

The Executive Manager Technical Services is sub delegated:

- the powers and duties of the local government, and specifically authorised under s3.20, 3.24, s3.25, s3.26(2), (3), s3.27(1), s3.28, s3.31, 3.32, 3.33, 3.34, 3.35 & 3.36 and Sch 3.1,3.2 and 9.1 of the *Local Government Act 1995* in relation to notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given.
- the power to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, subject to Regulation 11(1) of the *Local Government (Uniform Local Provisions) Regulations 1996* and Schedule 3.1, Division 2, item 2:

The Executive Manager Technical Services is sub delegated authority to undertake the following pursuant to Schedule 3.1, Division 1 Things a notice may require to be done including:

- Prevent water from dripping or running from a building on the land onto any other land.
- Place in a prominent position on the land a number to indicate the address.
- Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
- Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law — (a) is suitably enclosed to separate it from the public place; and (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place. (2) The notice cannot be given to an occupier who is not an owner.
- Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly. (2) In this item — “unsightly”, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality. (3) The notice cannot be given to an occupier who is not an owner.
- Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy. In this item — “disused material” includes disused motor vehicles, old motor vehicle bodies and old machinery.
- Take specified measures for preventing or minimizing sand drifts on the land that are likely to adversely affect other land.
- Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
- Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government’s control or management and adjoins the land where the tree is situated.

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- Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
- Take specified measures for preventing or minimizing— (a) danger to the public; or (b) damage to property, which might result from cyclonic activity.
- Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
- Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
- Take specific measures to prevent — (a) artificial light being emitted from the land; or (b) natural or artificial light being reflected from something on the land, creating a nuisance.
- Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised. (2) In this item — “private thoroughfare” has the same meaning as in Schedule 9.1 clause 7(1) and s3.25(1)(b) of the Local Government Act 1995:
- Schedule 3.1, Division 2 Provisions contraventions of which may lead to a notice requiring things to be done
- Regulations under Schedule 9.1, clause 3 (Obstructing or encroaching on public thoroughfare).
- Regulations under Schedule 9.1, clause 5(1) (Gates and other devices across public thoroughfares) requiring a person to remove a gate or other device from across a public thoroughfare when requested by a local government to do so.
- Regulations under Schedule 9.1, clause 6 (Dangerous excavation in or near public thoroughfare).
- Regulations under Schedule 9.1, clause 7(2) (Crossings from public thoroughfares to private land or to private thoroughfares) that — (a) prohibit a person from constructing a crossing; or (b) by means of a notice in writing given to a person by the Commissioner of Main Roads, require the person to bring a crossing into accordance with an approval by the Commissioner of Main Roads or to remove a crossing and restore the place where it was to its former condition.
- Regulations under Schedule 9.1, clause 8(1) (Constructing private works on, over, or under public places).
- Regulations under Schedule 9.1, clause 9 (Protection of watercourses, drains, tunnels and bridges).
- Regulations under Schedule 9.1, clause 10 (Protection of thoroughfares from water damage).
- Regulations under Schedule 9.1, clause 12 (Wind erosion and sand drifts).
- Grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].
- Impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
- Give Notice re wind erosion and sand drifts – Sch.9.1 cl.12, r.21(1)

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 12		Donations, Discounts and Debt Write-offs	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 41	SUB-DELEGATED TO:	
POLICY REFERENCE:			
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.5; s6.7; s6.9 Local Government (Financial Management) Regulations 1996</i>	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Includes power to waive or reduce fees charged for the use of Shire facilities by not-for-profit community organisations.</i></p> <p><i>Does not include authority to write off rates or service charges (s6.12(2))</i></p> <p><i>Details of donations and waivers of fees and charges approved under delegated authority must be recorded in the appropriate record to meet legislative requirements and Council informed of approved applications at the next ordinary meeting of Council.</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to make donations to not for profit community organisations in accordance with s6.7 (2) of the Local Government Act 1995 to a maximum value of \$1,000 per annum

The Chief Executive Officer is delegated authority to defer, grant discounts, waive or write off debts, in accordance with s6.12 (1) (b), (c) and s6.12 (3) of the Local Government Act 1995 to a maximum amount of \$20 per transaction.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 14		Investment of Surplus Funds	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 10	SUB-DELEGATE TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.14</i> <i>Local Government (Financial Management) Regulations</i>	
Conditions	<p><i>In exercising this delegated authority, Chief Executive Officer shall observe s6.14 of the Act.</i></p> <p><i>The Chief Executive Officer is to establish and document internal control procedures to be followed by employees to ensure control over investments in accordance with the Local Government (Financial Management) Regulations 1996.</i></p> <p><i>The control procedures are to enable the identification of the nature and location of all investments and the transactions related to each investment.</i></p> <p><i>A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</i></p> <p><i>Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</i></p> <p><i>The Chief Executive Officer is to review every two years the list of eligible institutions and those used by the Shire.</i></p> <p><i>All investment activity must comply with Local Government (Financial Management) Regulations r19C and Council Policy.</i></p> <p><i>Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17]</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to invest any funds held in the Municipal Fund, Reserve Fund or the Trust Fund that is not, for the time being, required for any other purpose. Such investments are to be made with banking institutions as provided for under Part III of the Trustees Act 1962.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 15		Legal Representation and Cost Indemnification	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 13	SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.7(2)</i>	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Legal expenses do not exceed \$5,000.00 in respect of each application.</i></p> <p><i>Where it is the Chief Executive Officer who is seeking urgent financial support for legal services, the Council shall deal with the application.</i></p> <p><i>An application approved by the CEO is to be submitted to the next ordinary meeting of Council for advice only.</i></p>		

POWER OR DUTY DELEGATED

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the Chief Executive Officer may exercise, on behalf of the Council, the powers of the Council under Policy 13 to a maximum of \$5,000 in respect of each application.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 17		Payment from Municipal or Trust Funds	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:	Policy 12 Policy 40	SUB-DELEGATED TO:	Executive Manager Technical Services CRC Coordinator
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.5; s6.7; s6.9</i> <i>Local Government (Financial Management) Regulations 1996</i>	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Subject to the requirements of r5,11,12 and 13 of the Local Government (Financial Management) Regulations 1996.</i></p> <p><i>All payments from the Municipal Fund or Trust Fund are to be authorised and signed in accordance with the Council's policies and the Shire's approved work procedures. Authority to the Chief Executive Officer is unlimited subject to annual budget limitations.</i></p> <p><i>Payment authorisation via internet banking or cheque payment requires a combination of two signatories one of which must include the CEO, or Executive Manager Technical Services or CRC Coordinator.</i></p> <p><i>Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month which is to be presented to the next available ordinary meeting of the Council.</i></p> <p><i>Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</i></p> <p><i>Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. (Audit r.17)</i></p> <p><i>Each matter is to be reviewed at least once in every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to make payments from the municipal or trust funds and to establish systems and procedures which give effect to internal controls and risk mitigation for:

- Collection of money owed to the Shire;
- Safe custody and security of money collected or held by the Shire;
- Maintenance and security of all financial records, including payroll, stock control and costing records;
- Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;
- Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;

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- Payments from the Shire's Municipal Fund or Trust Fund in accordance with r12 of the Local Government (Financial Management) Regulations 1996. This includes the authority to make payments of accounts and salaries and wages, payroll deductions and other obligations by cheque or Electronic Funds Transfer.
- Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.

REVIEW REQUIREMENTS

At least once every financial year.

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Sub Delegation No: 17a		Payment from Municipal or Trust Funds	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	04/10/2019 16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:	Policy 12 Policy 40	SUB-DELEGATED TO:	Executive Manager Technical Services CRC Coordinator
LEGAL (PARENT): POWER TO DELEGATE Local Government Act 1995 s5.44		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED Local Government Act 1995 s6.5; s6.7; s6.9 Local Government (Financial Management) Regulations 1996	
Conditions	<p>Must comply with relevant policies</p> <p>Subject to the requirements of r5,11,12 and 13 of the Local Government (Financial Management) Regulations 1996.</p> <p>All payments from the Municipal Fund or Trust Fund are to be authorised and signed in accordance with the Council's policies and the Shire's approved work procedures. Authority to the Chief Executive Officer is unlimited subject to annual budget limitations.</p> <p>Payment authorisation via internet banking or cheque payment requires a combination of two signatories one of which must include the CEO, or Executive Manager Technical Services or CRC Coordinator.</p> <p>Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month which is to be presented to the next available ordinary meeting of the Council.</p> <p>Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</p> <p>Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. (Audit r.17)</p> <p>Each matter is to be reviewed at least once in every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.</p>		

POWER OR DUTY DELEGATED

The Executive Manager Technical Services, CRC Coordinator are delegated authority to make payments from the Shire's Municipal Fund or Trust Fund in accordance with r12 of the Local Government (Financial Management) Regulations 1996, subject to the following limits:

- Executive Manager Technical Services – \$200,000 - or as directed by the CEO for special circumstances
- CRC Coordinator - \$150,000.

This includes the authority to make payments of accounts and salaries and wages, payroll deductions and other obligations by cheque or Electronic Funds Transfer.

Note: The Shire's current banking arrangements via internet banking or cheque payment requires a combination of two signatories.

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REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 18 Temporary Overdraft Facility - Municipal Fund

DATE ADOPTED:	17/03/2022	DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	N/A
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.5; s6.7; s6.9 Local Government (Financial Management) Regulations 1996</i>	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Subject to the requirements of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</i></p> <p><i>Maximum overdraft facility limit, without explicit prior approval of Council, to be \$300,000.</i></p> <p><i>To allow for payments from the Municipal Fund of normal day to day operational expenses only and to be authorised and signed in accordance with the Council's policies and the Shire's approved work procedures. Authority to the Chief Executive Officer is unlimited subject to annual budget limitations.</i></p> <p><i>Payment authorisation via internet banking or cheque payment requires a combination of two signatories one of which must include the CEO, or Executive Manager Technical Services or CRC Coordinator.</i></p> <p><i>Each occasion the temporary overdraft facility is used the CEO is to inform Council including the overdraft limit established and the manner in which such facility is to be repaid such as through receipt of a grant or rate income.</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to put in place a temporary overdraft facility for the municipal fund and to establish systems and procedures which give effect to internal controls and risk mitigation for:

- Collection of money owed to the Shire;
- Safe custody and security of money collected or held by the Shire;
- Maintenance and security of all financial records, including payroll, stock control and costing records;
- Proper accounting of the Municipal Fund, including revenue and expenses;
- Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
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Delegation No: 19		Rates – Recovery where Unpaid	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 12 - Policy 41 & Policy 71	SUB-DELEGATED TO:	
POLICY REFERENCE:			
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.50(1), (2); s6.56(1); s6.60(2), (3), (4); s6.64(1), (3); s6.71(1); s6.74(1); s6.76(4), (5); Sch 6.2 1(1); Sch 6.3 1(4), 4(1)</i>	
Conditions	<i>Must comply with relevant policies</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Council under s6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4), 6.76(5), Sch 6.2 1(1), Sch 6.3 1(4), Sch 6.3 4(1) of the Local Government Act 1995.

- This delegation includes the powers, duties and functions of the local government including to:
- Determine the date that a rate or service charge becomes due and payable in accordance with s6.50 of the Local Government Act 1995.
- Recovery of rates and service charges pursuant to the provisions of s6.56(1) of the Local Government Act 1995.
- Require a lessee to pay rent in accordance with s6.60(2), 6.60(3), 6.60(4) of the Local Government Act 1995.
- Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled in accordance with s6.64(3).

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
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Delegation No: 21		Impounding Abandoned Vehicles and Goods	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act s3.39; s3.40A (1), (4); s3.42; s3.43; s3.44; s3.46, s3.47 (1), (2) s3.47(2A) s3.47A; s3.48</i> <i>r32 Local Government (Administration) Regulations 1995.</i>	
Conditions	<i>Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to exercise the powers and duties of the Shire in respect to:

- Remove and impound any goods that are involved in a contravention that can lead to impounding in accordance with s3.39.
- Impound abandoned vehicle wrecks in accordance with s3.40A (1), (4).
- Take appropriate action in respect to impounded non-perishable goods in accordance with s3.42 and s3.43.
- Give notice in accordance with s3.44 to collect goods.
- Refuse to allow goods to be collected until all costs have been paid in accordance with s3.46.
- Sell or dispose of confiscated or uncollected goods in accordance with s3.47 (1) (2) and s3.47(2a)
- Disposal of sick or injured animals in accordance with s3.47A.
- Take action to recover expenses in accordance with s3.48.

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
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Delegation No: 22 Permits for Stall Holder, Trader and/or Outdoor Eating Facilities

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<i>Regard must be had for the relevant local laws of the Shire.</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to determine applications for new permits or renewal of permits for the activity of a stallholder, trader and/or an outdoor eating facility.

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
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Delegation No: 23 Closure of Streets, Thoroughfares, Control of Reserves & Invested facilities

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 – s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 – s3.50(1) (1a) (4) (5) (6); s3.50A; s3.51(3); s3.52; s3.53; s3.54; Sch 3.1, Division 2</i> <i>Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991.</i> <i>r6(3) Local Government (Functions and General) Regulations 1996</i> <i>r12, r13, r15 Local Government (Uniform Local Provisions) Regulations 1996</i>	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Temporary closure of streets must not exceed 28 days.</i></p> <p><i>The Chief Executive Officer, or any employee sub delegated the authority must ensure any applicant has obtained relevant Police approval and provided appropriate indemnities and insurance cover.</i></p> <p><i>Where exercising powers and duties pursuant to s3.50, the following conditions apply:</i></p> <ol style="list-style-type: none"> <i>1. Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.</i> <i>2. Have regard to the provisions of s3.50(1).</i> <p><i>If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</i></p> <p><i>Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.</i></p> <p><i>The permanent closure of thoroughfares is to be referred to Council for determination</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Shire regarding closing certain thoroughfares to vehicles and partial closure of thoroughfare for repairs or maintenance and temporary closures (including revocation of Orders) for events in accordance with s3.50, 3.50(1), 3.50(1a), 3.50(4), 3.50(5), 3.50(6), 3.50A Local Government Act, r6(3) Local Government (Functions and General) Regulations 1996, S81(c)(2)(b) Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991 (where relevant).

The Chief Executive Officer is delegated authority to give the required notices as specified in s3.51(3) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

The Chief Executive Officer is delegated authority to:

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- Ensure that public thoroughfares are kept open for public use as required under s3.52(2) of the Act.
- In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided in accordance with s3.52(3).
- Keep plans of the levels and alignments of public thoroughfares that are under the Council's control or management and make those plans available for public inspection in accordance with s3.52(4).
- Control and manage otherwise unvested facilities within the Shire in accordance with s3.53 of the Local Government Act 1995.
- Control and manage land that is vested to the Shire in accordance with s3.54 of the Local Government Act 1995.
- Approve the construction of a crossing (vehicle crossover) giving access from a public thoroughfare to:
 - i. the land; or
 - ii. a private thoroughfare serving the land;

in accordance with r12, 13 and 15 of the Local Government (Uniform Provisions) Regulations 1996.

REVIEW REQUIREMENTS

At least once every financial year.

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Sub Delegation No: 23a Closure of Streets, Thoroughfares, Control of Reserves & Unvested facilities

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT): <i>Local Government Act 1995 – s5.44</i>	LEGAL (SUBSIDIARY): <i>Local Government Act 1995 – s3.50(1) (1a) (4) (5) (6); s3.50A; s3.51(3); s3.52; s3.53; s3.54; Sch 3.1, Division 2</i> <i>Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991.</i> <i>r6(3) Local Government (Functions and General) Regulations 1996</i> <i>r12, r13, r15 Local Government (Uniform Local Provisions) Regulations 1996</i>		
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Temporary closure of streets must not exceed 28 days.</i></p> <p><i>The Executive Manager Technical Services, or any employee sub delegated the authority must ensure any applicant has obtained relevant Police approval and provided appropriate indemnities and insurance cover.</i></p> <p><i>Where exercising powers and duties pursuant to s3.50, the following conditions apply:</i></p> <ol style="list-style-type: none"> <i>Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.</i> <i>Have regard to the provisions of s3.50(1).</i> <p><i>If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</i></p> <p><i>Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.</i></p>		

POWER OR DUTY DELEGATED

The Executive Manager Technical Services is delegated authority to exercise the powers and discharge the duties of the Shire regarding closing certain thoroughfares to vehicles and partial closure of thoroughfare for repairs or maintenance and temporary closures (including revocation of Orders) for events in accordance with s3.50, 3.50(1), 3.50(1a), 3.50(4), 3.50(5), 3.50(6), 3.50A Local Government Act, r6(3) Local Government (Functions and General) Regulations 1996, s81(c)(2)(b) Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991 (where relevant).

The Executive Manager Technical Services is delegated authority to give the required notices as specified in s3.51(3) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

The Executive Manager Technical Services is delegated authority to:

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- Ensure that public thoroughfares are kept open for public use as required under s3.52(2) of the Act.
- In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided in accordance with s3.52(3).
- Keep plans of the levels and alignments of public thoroughfares that are under the Council's control or management and make those plans available for public inspection in accordance with s3.52(4).
- Control and manage otherwise unvested facilities within the Shire in accordance with s3.53 of the Local Government Act 1995.
- Control and manage land that is vested to the Shire in accordance with s3.54 of the Local Government Act 1995.
- Approve the construction of a crossing (vehicle crossover) giving access from a public thoroughfare to:
 - i. the land; or
 - ii. a private thoroughfare serving the land;

in accordance with Regulations 12, 13 and 15 of the *Local Government (Uniform Provisions) Regulations 1996*.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 24		Obstruction of Thoroughfares	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT): POWER TO DELEGATE <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <i>r.5(2) Interfering with, or taking from, local government land</i> <i>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</i> <i>r.7A Obstruction of public thoroughfare by fallen things - Sch.9.1 cl.3(1)(b)</i> <i>r.7 Encroaching on public thoroughfare - Sch.9.1. cl.3(2)</i>	
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 .		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated:

- Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:
 - a. prevent damage to the footpath; or
 - b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].
- Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].
- Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].
- Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].
- Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].

REVIEW REQUIREMENTS

At least once every financial year.

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Sub Delegation No: 24a		Obstruction of Thoroughfares	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT): <i>s.5.44 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i>		LEGAL (SUBSIDIARY): <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <i>r.5(2) Interfering with, or taking from, local government land</i> <i>r.6 Obstruction of public thoroughfare by things placed and left</i> <i>- Sch. 9.1 cl. 3(1)(a)</i> <i>r.7A Obstruction of public thoroughfare by fallen things –</i> <i>Sch.9.1 cl.3(1)(b)</i> <i>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</i>	
Conditions	<i>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</i>		

POWER OR DUTY DELEGATED

The Executive Manager Technical Services is delegated:

- Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:
 - a. prevent damage to the footpath; or
 - b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].
- Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].
- Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].
- Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].
- Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 25		Roads – Heavy Vehicle Access	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>The Council supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to determine applications by heavy vehicle transport operators for Restricted Access Vehicle (RAV) and Accredited Mass Management Scheme (AMMS) Networks to access roads managed and maintained by the Council.

REVIEW REQUIREMENTS

At least once every financial year.

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Sub Delegation No: 25a		Roads – Heavy Vehicle Access	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT): <i>Local Government Act 1995 s5.44</i>		LEGAL (SUBSIDIARY):	
Conditions	Must comply with relevant policies The Council supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.		

POWER OR DUTY DELEGATED

The Executive Manager Technical Services is delegated authority to determine applications by heavy vehicle transport operators for Restricted Access Vehicle (RAV) and Accredited Mass Management Scheme (AMMS) Networks to access roads managed and maintained by the Council.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 28		Group Values on Contiguous Land	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 20	SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 – s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<i>Must comply with relevant policies The final determination for group rating rests with the Valuer General, the CEO may only recommend an outcome</i>		

DEFINITION

For the purpose of this delegation, pieces of land will be taken to be contiguous if they abut one another at any point or if they are separated only by intervening land being a street, road, lane, footway, court, railway, thoroughfare, travelling stock route, a reserve or other similar open space dedicated for public purposes.

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated the power to determine applications for group values on contiguous land.

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
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Delegation No: 29		Street Stalls/Appeals	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 – s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<i>Must comply with relevant policies</i> Regard must be had for the relevant local laws of the Shire.		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated the power, to determine applications for street stalls/ appeals subject to satisfactory insurance arrangements and compliance with any statutes.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 30 Building Act & Regulations – Powers, Duties and Functions

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Building Act 2011:</i> <i>s.127(1) & (3) Delegation: special permit authorities and local government</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Building Act 2011: various, as detailed</i> <i>Building Regulations 2012: various, as detailed</i>	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Sub delegation may only be to employees of the Shire (s127(3)).</i></p> <p><i>This delegation includes the power to serve notice on the builder or owner requiring alterations to a building, or in relation to encroachments, pursuant to s189, S190 of the Building Act 2011. These powers cannot be sub delegated.</i></p> <p><i>In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the Shire of Wandering in accordance with s5.36 of the Local Government Act 1995; and with respect to uncertified applications, hold the appropriate qualification as set out under r6 of the Local Government (Building Surveyors) Regulations 2008.</i></p> <p><i>In relation to s21 this sub delegation does not apply to places listed on the State's Register of Heritage Places or the Council's Heritage Register or to places classified by the National Trust.</i></p> <p><i>Must observe s100(2) of the Building Act 2011 in relation to entry to private residence.</i></p> <p><i>In relation to s110 this delegation permits a sub delegate to determine that an Order is to remain in effect in accordance with s117(2) of the Building Act 2011 where it is considered appropriate.</i></p> <p><i>In relation to s93(2)(d) of the Building Act 2011 and s.53 of the Building Regulations 2012 - *Regulation 52 (2): For the purposes of section 93(2)(d) a person who was an authorised person for the purposes of section 245A of the repealed provisions immediately before repeal day is to be taken to be an authorised person in relation to the inspection of private swimming pool enclosures for the period commencing on repeal day and ending on the day that is 5 years after that day.</i></p>		

POWER OR DUTY DELEGATED

Pursuant to s96 of the Building Act 2011 the Chief Executive Officer is delegated the authority to appoint authorised persons for the purposes of the Building Act 2011 and the Building Regulations 2012 in relation to buildings and incidental structures located or proposed to be located in the local government's district.

Pursuant to s99 the CEO is delegated authority to impose limitations on powers of authorised persons.

Pursuant to s127 the Chief Executive Officer is delegated all the powers and duties of the local government under the Building Act and Regulations and is authorised to take legal proceedings pursuant to s133 of the Act in relation to both the Act and Regulations.

These delegations include the powers and duties specified at:

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- s18(1) - to require an applicant to provide any documentation or information required to determine a building permit application;
- s20 – to approve, or refuse to approve a certified or uncertified application for a building permit;
- s21,22 – to approve, or refuse to approve an application for a demolition permit;
- s27(1), (3) - to impose conditions on permit
- s.55 - Further information
- s58 – to approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate;
- s62 – to impose conditions on an occupancy permit or modification of a building approval certificate;
- s65 – to approve, or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect;
- s76 – to give consent for encroachments on Crown land under the care, control and maintenance of the local government;
- s93(2)(d) of the Building Act 2011 and s.53 of the Building Regulations 2012;
- S96(3) of the Building Act (and subject to s100(2) of the Building Act 2011) to appoint Authorised Persons;
- s110 – to make a Building Order in relation to building work, demolition work and/or, an existing building or incidental structure, whether completed before, or after commencement day;
- s111 – to give Notice of proposed building order other than building order (emergency)
- s114 – serve a building order;
- s117 – revoke a building order; and
- s118(2), (3) – to take action in relation to non-compliance with building orders;
- s131(2) - to determine applications for the inspection of or to seek copies of building records;
- s133 - to commence a prosecution for an offence against this Act;
- s145A(1) - to undertake local government functions in relation to Referrals and Issuing Certificates including authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government;
- S145A(2) - authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)];
- r23 (application to extend time), r24 (extension of time), r26 (approval of new responsible person);
- r40 - extension of period of duration of time of occupancy permit or building certificate;
- r51 - private pool barriers - alternatives solutions;
- r55, 61 - smoke alarms - alternative solutions - local government approval of battery powered smoke alarms

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 31 Building Act & Regulations – Occupancy Permits and Building Approval Certificates for Strata Plans and Survey Strata Plans

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Strata Titles Act 1985 – sA5B, s25 in respect of Built Strata Applications except for those applications listed as exceptions in WAPC Planning Bulletin 52/2009. Includes issue of Form 26</i>	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Delegation and authority do not apply to those applications that:</i></p> <ol style="list-style-type: none"> <i>1. Propose the creation of a vacant lot;</i> <i>2. Proposed vacant air stratas in multi-tiered strata scheme developments;</i> <i>3. In the opinion of the WAPC as notified to the local government in writing, or in the opinion of the local government as notified to the WAPC in writing, relate to:</i> <ol style="list-style-type: none"> <i>a) type of development; and/or</i> <i>b) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</i> <i>4. The WAPC is to be provided with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.</i> 		

POWER OR DUTY DELEGATED

The Chief Executive Officer is authorised to issue occupancy permits and building approval certificates for strata plans and survey strata plans as required by s5B of the Strata Titles Act 1985 and to make certain decisions pursuant to s25 Strata Titles Act 1985 in respect of Built Strata Applications except for those applications listed as exceptions in Western Australian Planning Commission (WAPC) Planning Bulletin 52/2009.

Includes authority to issue Form 26

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 32		Bush Fires Act – General Delegation	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Bush Fires Act 1954 – s48</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Does not include those matters in the Act which require a resolution of the Council, are prescribed in the Act for performance by prescribed employees or are subject to separate delegated authority within this Register.</i></p> <p><i>Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958</i></p>		

POWER OR DUTY DELEGATED

Pursuant to s48 Bush Fires Act 1954 the Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the local government.

This delegation includes the authority to initiate legal action and prosecution.

The Chief Executive Officer is delegated authority to hand over the control of bush fires to the Department of Fire and Emergency Services (DFES).

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 33		Bush Fires Act – Prohibited Burning Times	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Bush Fires Act 1954 – s48</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Bush Fires Act 1954:</i> <i>s.17(7) Prohibited burning times may be declared by Minister</i> <i>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</i> <i>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</i> <i>Bush Fire Regulations 1954:</i> <i>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</i> <i>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</i> <i>r.39B Crop dusters etc., use of in restricted or prohibited burning times</i>	
Conditions	<i>Must comply with relevant policies</i> <i>Decisions under s,17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- where seasonal conditions warrant it, determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer s.17(7).
- determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].
- declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
- determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].
- issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].
- prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 34		Bush Fires Act – Variations to Fire Break Orders	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Bush Fires Act 1954 – s48</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<i>Must comply with relevant policies Maximum approval period to be twelve (12) months. CEO to consult with relevant Brigade Fire Control Officer prior to exercising this delegation.</i>		

POWER OR DUTY DELEGATED

Pursuant to s48 Bush Fires Act 1954 the Chief Executive Officer is delegated authority to vary or approve alternative arrangements to the Shire's Firebreak Orders.

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 35 Bush Fires Act – Restricted Burning Times and other Matters

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Bush Fires Act 1954 – s48</i>		<i>Legal (Subsidiary): Power or duty delegated</i> <i>Bush Fires Act 1954:</i> <i>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</i> <i>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</i> <i>s.24F Burning garden refuse during limited burning times</i> <i>s.24G Minister or local government may further restrict burning of garden refuse</i> <i>s.25 No fire to be lit in open air unless certain precautions taken</i> <i>s.25A Power of Minister to exempt from provisions of section 25</i> <i>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</i> <i>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</i> <i>s.27D Requirements for carriage and deposit of incendiary material</i> <i>Bush Fire Regulations 1954:</i> <i>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</i> <i>r.15C Local Government may prohibit burning on certain days</i> <i>r.27(3) Permit, issue of</i> <i>s.33 Local government may require occupier of land to plough or clear fire-breaks</i> <i>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</i> <i>r.39B Crop dusters etc., use of in restricted or prohibited burning times</i> <i>r.39C Welding and cutting apparatus, use of in open air</i> <i>r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.</i> <i>r.39D Explosives, use of</i> <i>r.39E Fireworks, use of</i> <i>s.46 Bush fire control officer or forest officer may postpone lighting fire</i>	

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	<p><i>s.52(1) Approved area may be declared</i></p> <p><i>s.58 General penalty and recovery of expenses incurred</i></p> <p><i>s.59 Prosecution of offences</i></p> <p><i>s.59A(2) Alternative procedure – infringement notices</i></p>
<p>Conditions</p>	<p><i>Must comply with relevant policies</i></p> <p><i>Maximum approval period to be twelve (12) months.</i></p> <p><i>CEO to consult with relevant Brigade Fire Control Officer and Chief Bush Fire Control Officer prior to exercising this delegation.</i></p>

POWER OR DUTY DELEGATED

Pursuant to s48 Bush Fires Act 1954 the Chief Executive Officer is delegated authority to:

- where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].
 - a) a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].
- Where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].
- Determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].
- Arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].
- Give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].
- Prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].
 - a) Issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3), r.33(5)].
 - b) Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].
- Provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:
 - a) a. camping or cooking [s.25(1)(a)].
 - b) b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].
- Prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].

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- Serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
- Give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Wandering
 - a) clearing of firebreaks as determined necessary and specified in the notice; and
 - b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and
 - c) as a separate or coordinated action with any other person carry out similar actions [s.33(1)].
- Direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].
 - a) Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
- Declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning vary Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
- Appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and
 - a) Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and
 - b) Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].
- Issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Wandering [s.38(5A)]
- Appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].
- Appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
- Determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].
- Issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].
- Prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].
- Recover the cost of measures taken by the Shire of Wandering or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

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- Give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:
 - a) a person operating a bee smoker device during a prescribed period [r.39CA(5)].
 - b) a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].
 - c) a person using explosives [r.39D(2)].
 - d) a person using fireworks [r.39E(3)].
- Determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D].
Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.
- Prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].
 - a) Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
- Apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)] (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)
- Recover general penalty and recovery of expenses incurred s58
- Institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].
- To serve an infringement notice for an offence against this Act [s.59A(2)].

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 35		Cat Act – Duties and Functions	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Cat Act 2011 – s44</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Cat Act Regulations 2012</i>	
Conditions	<p><i>Pursuant to s48(2) only an employee of the Shire can be appointed under s62.</i></p> <p><i>Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</i></p> <p><i>In relation to authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat – it should be noted this delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995.</i></p>		

POWER OR DUTY DELEGATED

Pursuant to s44 Cat Act 2011 the Chief Executive Officer is delegated authority to perform all duties and functions of the local government under the Cat Act 2011 and Cat Act Regulations 2012.

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 36		Dog Act – Duties and Functions	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Ranger Executive Manager Technical Services
LEGAL (PARENT): POWER TO DELEGATE <i>Dog Act 1976 – s10AA(1) and (3)</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Dog Act 1976 - as detailed below</i>	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Cannot delegate authority to commence enforcement proceedings at s44 of the Dog Act 1976</i></p> <p><i>In relation to S.31 Control of dogs in certain public places – this cannot be delegated because it requires an absolute majority and therefore must be determined by Council.</i></p>		

POWER OR DUTY DELEGATED

Pursuant to s10AA(1) of the Dog Act 1976 the Chief Executive Officer is delegated all powers and duties of the local government under the Dog Act 1976 and regulations and the Shire's Dogs Local Law.

Pursuant to s10AA(3) of the Dog Act 1976 the Chief Executive Officer is specifically authorised to sub delegate any and all of these powers and duties to other employees or other persons.

These delegations specifically exclude (and which must be determined by the Council):

- s.33E(1) - Individual dog may be declared to be dangerous dog (declared)
- s.33F(6) s.33G(4) s.33H(1) - Owners to be notified of making of declaration, Seizure and destruction - Local government may revoke declaration or proposal to destroy

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 36a		Dog Act – Duties and Functions	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Contract Ranger Executive Manager Technical Services
LEGAL (PARENT): POWER TO DELEGATE <i>Dog Act 1976 – s10AA(1) and (3)</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Dog Act 1976 –s12A; s14; s29; s38; s39; s43; s47; s12A; s14; s16(2); s16(3A); s16(3); s16(3C); s16(6); s26; s33E; s33F; s33G; s33H; s39; s43A;</i>	
Conditions	<i>Must comply with relevant policies No authority to commence enforcement proceedings at S44 of the Dog Act 1976.</i>		

POWER OR DUTY DELEGATED

Pursuant to s10AA(1) of the *Dog Act 1976* the Chief Executive Officer has been delegated all powers and duties of the local government.

Pursuant to s10AA(3) of the *Dog Act 1976* the Chief Executive Officer is specifically authorised to sub delegate any and all of these powers and duties

The Chief Executive Officer sub delegates all powers and duties to the Contract Ranger.

These delegations specifically exclude:

- s.33E(1) - Individual dog may be declared to be dangerous dog (declared)
- s.33F(6) s.33G(4) s.33H(1) - Owners to be notified of making of declaration Seizure and destruction Local government may revoke declaration or proposal to destroy

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 37 Fines, Penalties & Infringement Notices – Appointment of Prosecution Officers

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Fines, Penalties and Infringement Notices Enforcement Act 1994 – s13(2); s16; s22</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<i>Appointed Designated Officers give written notice of their designated authority to the Registrar.</i> <i>Appointed Designated Officers hold a Certificate of Appointment.</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is authorised to appoint Designated Officers for the purposes of the Fines, Penalties and Infringement Notices Enforcement Act 1994, Section 13(2), administer the issuing of, and any subsequent proceedings in relation to, the notice.

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

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Delegation No: 38		Food Act – Payment of Compensation	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub-delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation	
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$200.00. Compensation requests above this value are to be reported to Council.		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].
- determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 39		Food Act – Prohibition Orders	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub-delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Food Act 2008:</i> <i>s.118 Functions of enforcement agencies and delegation</i> <i>(2)(b) Enforcement agency may delegate a function conferred on it</i> <i>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</i> <i>(4) Sub-delegation permissible only if expressly provided in regulations</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> <i>s.65(1) Prohibition orders</i> <i>s.66 Certificate of clearance to be given in certain circumstances</i> <i>s.67(4) Request for re-inspection</i>	
Conditions	<i>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- Serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].
- Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].
- Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 40		Food Act – Food Business Registrations	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub-delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Food Act 2008:</i> <i>s.118 Functions of enforcement agencies and delegation</i> <i>(2)(b) Enforcement agency may delegate a function conferred on it</i> <i>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</i> <i>(4) Sub-delegation permissible only if expressly provided in regulations</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> <i>s.110(1) and (5) Registration of food business</i> <i>s.112 Variation of conditions or cancellation of registration of food businesses</i>	
Conditions	<i>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</i> <i>Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</i> <i>Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</i> <i>WA Priority Classification System</i> <i>Verification of Food Safety Program Guideline</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].
- vary the conditions or cancel the registration of a food business [s.112].

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

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Delegation No: 41 Food Act – Appoint Authorised Officers and Designated Officers

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub-delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers	
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: Appointment of Authorised Officers as Meat Inspectors Appointment of Authorised Officers Appointment of Authorised Officers – Designated Officers only Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].
- appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the *Public Health Act 2016*, to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)].
- appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

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Delegation No: 42 Food Act – Debt Recovery and Prosecutions Officers			
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub-delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Food Act 2008:</i> <i>s.118 Functions of enforcement agencies and delegation</i> <i>(2)(b) Enforcement agency may delegate a function conferred on it</i> <i>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</i> <i>(4) Sub-delegation permissible only if expressly provided in regulations</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> <i>s.54 Cost of destruction or disposal of forfeited item</i> <i>s.125 Institution of proceedings</i>	
Conditions	<i>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].
- institute proceedings for an offence under the Food Act 2008 [s.125].

REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 43		Food Act – Food Businesses List – Public Access	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub-delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> r.51 Enforcement agency may make list of food	
Conditions	<i>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to decide to make a list of food businesses maintained under s.115(a) or (b), publicly available [r.51].

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

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Delegation No: 44		Graffiti Vandalism Act – General Delegation	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT): POWER TO DELEGATE <i>Graffiti Vandalism Act 2016 – s16(1)</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<p><i>In accordance with s17(1) of the Graffiti Vandalism Act 2016, the Chief Executive Officer may only sub delegate to an employee of the Shire.</i></p> <p><i>The CEO may not sub delegate authority to commence enforcement proceedings.</i></p> <p><i>The CEO may not delegate authority to deal with Objections pursuant to s20, 21 and 22 of the Act</i></p>		

POWER OR DUTY DELEGATED

Pursuant to s16(1) Graffiti Vandalism Act 2016 the Chief Executive Officer is delegated all powers and duties of the Local Government under the Graffiti Vandalism Act 2016.

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

SHIRE OF WANDERING

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Sub Delegation No: 44a Graffiti Vandalism Act – General Delegation			
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT): POWER TO DELEGATE <i>Graffiti Vandalism Act 2016 – s16(1)</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<p><i>In accordance with s17(1) of the Graffiti Vandalism Act 2016, the Chief Executive Officer may only sub delegate to an employee of the Shire.</i></p> <p><i>The CEO may not sub delegate authority to commence enforcement proceedings.</i></p> <p><i>The CEO may not delegate authority to deal with Objections pursuant to s20, 21 and 22 of the Act</i></p>		

POWER OR DUTY DELEGATED

Pursuant to s17(1) Graffiti Vandalism Act 2016 the Chief Executive Officer sub delegates:

The Executive Manager Technical Services to exercise the powers and duties of the local government under the following sections of the Graffiti Vandalism Act 2016:

- s18 Giving Notices;
- s19 Additional Powers;
- s25 Graffiti removal;
- s26 Powers of Entry;
- s27 Procedures;
- s28 Notice of Entry;
- s29 Entry under Warrant; and
- s30 Purpose of Entry.

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 47 Public Health Act 2016 – Enforcement Reports to the Chief Health Officer

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Public Health Act 2016:</i> <i>s.21 Enforcement agency may delegate</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Public Health Act 2016</i> <i>s.22 Reports by and about enforcement agencies</i>	
Conditions	<i>Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Wandering. [s.22(1)]

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 48 Public Health Act 2016 – Authority to Designate Authorised Officers			
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Public Health Act 2016: s.21 Enforcement agency may delegate</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Public Health Act 2016 s.24(1) and (3) Designation of authorised officers</i>	
Conditions	<p><i>Subject to each person so appointed being;</i></p> <ul style="list-style-type: none"> <i>Appropriately qualified and experienced [s.25(1)(a)]; and</i> <i>Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</i> <p><i>And a Register (list) of authorised officers is to be maintained in accordance with s.27</i></p>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to designate a person or class of persons as authorised officers for the purposes of:

- i. The Public Health Act 2016 or other specified Act
- ii. Specified provisions of the Public Health Act 2016 or other specified Act
- iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.

Including:

- a. an environmental health officer or environmental health officers as a class; OR
- b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR
- c. a mixture of the two. [s.24(1) and (3)].

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

SHIRE OF WANDERING

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Delegation No: 49 Public Health Act 2016 – Determine Compensation for Seized Items

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Public Health Act 2016:</i> <i>s.21 Enforcement agency may delegate</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Public Health Act 2016</i> <i>s.264 Compensation</i>	
Conditions	<i>Compensation is limited to a maximum value of \$200 with any proposal for compensation above this value to be referred for Council's determination.</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 50 Public Health Act 2016 – Commence proceedings			
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Public Health Act 2016:</i> <i>s.21 Enforcement agency may delegate</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Public Health Act 2016</i> <i>s.280 Commencing Proceedings</i>	
Conditions			

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to commence proceedings for an offence under the Public Health Act 2016 [s.280]

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 51 Town Planning Scheme No. 3 – Various duties, powers and functions

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Shire of Wandering Town Planning Scheme No. 3</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Planning and Development Act 2005</i>	
Conditions	<p><i>The Chief Executive Officer is to advise Councillors of the lodgement of a JDAP application, and report to Council at the earliest opportunity, the outcome of the JDAP decision.</i></p> <p><i>This Delegation does not preclude the Delegate from referring the categories of development or legal proceedings, to Council for determination, after having regard to the circumstances of a particular case.</i></p>		

POWER OR DUTY DELEGATED

That pursuant to the Division 2 Part 10 Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* and Sections 5.45 and 5.46 LGA Council delegate its authority and power to the Chief Executive Officer the following:

ADVERTISING

Notification and Advertising of Applications for Planning Consent

1. In accordance with Clause 9.4 of the Shire of Wandering Local Planning Scheme No 3 determine that a particular application will be advertised and notify the applicant accordingly.
2. Determine those landowners and occupiers to whom notice of an application for Planning Consent required to be advertised shall be provided pursuant to Clause 9.4.3(b) of Shire of Wandering Local Planning Scheme No. 3.
3. Determine the requirement for consultation with other of authorities for an application for Planning Approval pursuant to Clause 10.1 of the Shire of Wandering Local Planning Scheme No. 3.
4. Determine the requirement for advertising for public comment a draft Development Plan/s pursuant to Clause 8.1 of the Shire of Wandering Local Planning Scheme No. 3.
5. To extend the advertising period for planning scheme amendments and development plans, where considered necessary to provide for adequate consultation and/or accommodate specific community consultation exercises (e.g. special electors meetings, workshops etc).

WAPC REFERRALS OF APPLICATIONS FOR SUBDIVISION APPROVALS

Pursuant to s142 of the *Planning and Development Act 2005*, provide comment to the Western Australian Planning Commission (WAPC) on matters associated with subdivision applications, proposed development plans (or similar) and licence applications.

CLEARANCE OF LOCAL GOVERNMENT CONDITIONS ASSOCIATED WITH SUBDIVISION APPROVAL

SHIRE OF WANDERING

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Pursuant to s143 of the *Planning and Development Act 2005* and where the WAPC has included conditions on a subdivision approval relevant to the Shire, determine the 'clearance' of a condition designated (LG) in a subdivision approval issued by the WAPC.

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

SHIRE OF WANDERING

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Delegation No: 52 Fence Line Clearing within Road and Other Reserves			
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 52	SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<i>Must comply with relevant policies</i>		

POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to determine applications for fence line clearing in accordance The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 r5 – Item 11*, and with Policy 52.

REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
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Delegation No: 54

Financial Hardship

DATE ADOPTED:	16/04/2020
DATE LAST REVIEWED:	16/09/2021
POLICY REFERENCE:	Policy 71

DELEGATE:	CEO
SUB-DELEGATED:	No
SUB-DELEGATED TO:	Nil

LEGAL (PARENT): <i>Local Government Act 1995 s5.42</i>
--

LEGAL (SUBSIDIARY):

Conditions	<i>Must comply with relevant policies</i>
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POWER OR DUTY DELEGATED

Council delegate its authority and power to the Chief Executive Officer to:

1. In consultation with the Shire President, determine financial hardship; and
2. Implement payment arrangements.

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

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3. DELEGATIONS, APPOINTMENTS AND AUTHORISATIONS BY OUTSIDE ORGANISATIONS

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EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
 - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

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EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of:-

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

SHIRE OF WANDERING

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EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

SHIRE OF WANDERING

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DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2nd day of June 2016



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
 Ph: 08 9884 1056
 www.wandering.wa.gov.au



SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road. <p>in respect of development applications being made under or referred to in:</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Roddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brooking Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chitterling Shire of Christmas Island Town of Claremont City of Cockburn Shire of Coocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottbus Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Denbybrook-Rainup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p>	<p>In accordance with and subject to approved Government Land policies</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>
<p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p>		
<p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p>		
<p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p>		
<p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p>		
<p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p>		
<p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p>	<p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnells Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Katgorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojoonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	
<p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>		

SHIRE OF WANDERING

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Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjaraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjari
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickiepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yalgarn
Shire of York



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016

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PLANNING AND DEVELOPMENT ACT 2005 Instrument of Delegation Del 2009/03 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 25 of the *Strata Titles Act 1985*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 26 May 2009, pursuant to section 16 of the Act, the WAPC RESOLVED—

A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 25 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.

TONY EVANS, Western Australian Planning Commission.

SCHEDULE 1

1. Applications made under section 25 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 25 of the *Strata Titles Act 1985* for a plan of subdivision, re-subdivision or consolidation, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - (i) a type of development; and/or
 - (ii) land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

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WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION

RELATING TO TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

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WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises
("Authorised Body") by itself, its employees, consultants, agents and contractors
(together "Representatives") to, from the date indicated below, erect, establish, display,
alter or take down such traffic signs and traffic control devices of whatsoever type or
class (except for permanent traffic control signals) as may be required for the purpose
and duration of any works, survey or inspection, associated with the construction,
maintenance or repair on a road (other than a main road or highway), any adjoining land
or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms
and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

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Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:

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4. APPOINTMENTS AND AUTHORISATIONS

Appointment/Authorisation No: 1		Animal Welfare Act 2002 – General Inspector	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Animal Welfare Act 2002 – s33(2)(a)(v)</i>		LEGAL (SUBSIDIARY):	
Conditions	<i>General Inspectors must be employees. General Inspectors are only able to issue infringement notices and cannot be appointed as both General Inspectors and Authorised Persons.</i>		

POWER OR DUTY DELEGATED

Pursuant to s33(2)(a)(v) Animal Welfare Act 2002 the Chief Executive Officer is appointed as a General Inspector.

REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 2 Caravan Parks and Camping Grounds Act 1995 – Authorised Persons			
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Executive Manager Technical Services Administration Assistant
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
PREVIOUS APPOINTMENT / AUTHORISATION:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Caravan Parks and Camping Grounds Act 1995 –s17(1)</i>		LEGAL (SUBSIDIARY):	
Conditions	<i>Employees appointed under s17(1) must have an identity card in accordance with s17(1)(b).</i>		

APPOINTMENT

The Chief Executive Officer, Executive Manager Technical Services, Administration Assistant are appointed as an Authorised Person pursuant to s17(1) *Caravan Parks and Camping Grounds Act 1995*.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 3		Caravan Parks and Camping Grounds Act 1995 - Enforcement	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Executive Manager Technical Services
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
<i>Caravan Parks and Camping Grounds Act 1995 –s22; s23(2), (5), (7), (11)</i>	<i>Caravan Parks and Camping Grounds Regulations 1997</i>		
Conditions	<p><i>Employees appointed under s23(2) cannot be appointed under s23(3), (5) or (7).</i></p> <p><i>Employees appointed under s23(2) must hold a certificate stating the person is authorised in accordance with s23(12).</i></p> <p><i>In accordance with r11(2) (c) any approval must be in writing.</i></p>		

APPOINTMENT

- The Chief Executive Officer is appointed an Authorised Person under s22, 23(5), 23(7), 23(11) *Caravan Parks and Camping Grounds Act 1995.*
- The Executive Manager Technical Services is appointed as an Authorised Person under s23(2) *Caravan Parks and Camping Grounds Act 1995.*
- The Executive Manager Technical Services is appointed as an Authorised Person to undertake all functions of the local government for the purposes of r6 and r11(2)(c) of the *Caravan Parks and Camping Grounds Regulations 1997.*

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 4		Control of Vehicles (Off Road Areas) Act 1978	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Executive Manager Technical Services
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
PREVIOUS APPOINTMENT / AUTHORISATION:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
<i>Control of Vehicles (Off Road Areas) Act 1978 – s38(3)</i>	<i>Control of Vehicles (Off-Road Areas) Regulations 1979</i>		
Conditions	<i>In accordance with s38(4)(d) each authorised person appointed must have a certificate stating the employee is an authorised person for the purpose of this Act.</i>		

APPOINTMENT

Pursuant to s38(3) of *Control of Vehicles (Off Road Areas) Act 1978* and the *Control of Vehicles (Off-road Areas) Regulations 1979*, the Chief Executive officer and Executive Manager Technical Services are appointed as Authorised Officers to perform all functions of the local government under the Act.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 5		Control of Council Property and Facilities	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	<i>Criminal Code Act Compilation Act 1913 – 570A(1)(a)</i>	LEGAL (SUBSIDIARY):	
Conditions			

APPOINTMENT

The Chief Executive Officer is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 6		FOI Act 1992 – Internal Review Officer	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
	<i>Freedom of Information Act 1992 – s41</i>		
Conditions			

APPOINTMENT

Pursuant to s41 *Freedom of Information Act 1992* the Chief Executive Officer is designated Internal Review Officer

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 7 FOI Act 1992 - Information Coordinator & Principal Decision Maker

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Executive Manager Technical Services
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Freedom of Information Act 1992 – s11, 12, 100</i>		LEGAL (SUBSIDIARY):	
Conditions			

APPOINTMENT

1. The Executive Manager Technical Services is appointed as the Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in accordance with s11, 12, of the *Freedom of Information Act 1992*
2. In accordance with s100 of the *Freedom of Information Act 1992* the Principal Decision Maker is the Chief Executive Officer or an employee directed by the Chief Executive Officer to undertake the duties and functions. The Chief Executive Officer has determined that the Executive Manger Technical Services will be the Principal Decision Maker.

REVIEW REQUIREMENTS

Although these Appointments are not required to be to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No 8 Local Government Act 1995 - Authorised Person – Legal Proceedings, Infringements and Enforcements

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Local Government Act 1995 - s9.10(1), (2); s9.11; s9.13; s9.16; s9.17; s9.19; s9.20; s9.24</i>		LEGAL (SUBSIDIARY):	
Conditions	<i>Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).</i>		

APPOINTMENT

The Chief Executive Officer is appointed an authorised person for the purposes of s9.10(1), 9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24 of the *Local Government Act 1995*.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 9 Public Health Act 2016 – Appointment of Authorised Officers

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Contract Environmental Health Officer
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Public Health Act 2016</i> <i>Health (Miscellaneous Provisions) Act 1911</i>		LEGAL (SUBSIDIARY):	
Conditions	<p><i>A list of all officers designated as authorised officers must be kept and maintained in accordance with S27 of the Public Health Act 2016.</i></p> <p><i>Each person who is designated as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with S30 of the Public Health Act 2016.</i></p>		

APPOINTMENT

1. The Chief Executive Officer and Contract Environmental Health Officer are appointed as an authorised officer under s24 of the *Public Health Act 2016*.
2. Pursuant to s26 *Health (Miscellaneous Provisions) Act 1911* the Chief Executive Officer and Contract Environmental Health Officer, are appointed as Authorised Persons under the Health Local Law.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 10 Public Interest Disclosure Act 2003 - Public Interest Disclosure Officer

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
<i>Public Interest Disclosure Act 2003 – s23(1)(a)</i>			
Conditions			

APPOINTMENT

Pursuant to s23(1)(a) *Public Interest Disclosure Act 2003* the Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information.

The Chief Executive Officer of the Shire of Wandering is designated accordingly.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 11 Rates and Charges (Rebates and Deferments) Regulation Act 1992 - Review Officer and Determination Officer

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Finance Officer
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Rates and Charges (Rebates and Deferments) Regulation Act 1992 – s12; s13; s32</i>		LEGAL (SUBSIDIARY):	
Conditions			

APPOINTMENT

1. The Chief Executive Officer is the Pensioner Rates Review Officer, as defined by the Act.
2. The Finance Officer is the Pensioner Rates Determination Officer as defined by the Act.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 12 Health (Asbestos) Regulations 1992 - Authorised Officers

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Executive Manager Technical Services
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Health (Asbestos) Regulations 1992 Pt 2 Criminal Procedure Act 2004</i>		LEGAL (SUBSIDIARY):	
Conditions	<i>The approved officer cannot be appointed as an authorised officer. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].</i>		

APPOINTMENT

1. The Executive Manager Technical Services be authorised pursuant to the *Health (Asbestos) Regulations 1992* for the issuing of infringement notices.
2. The Chief Executive Officer be appointed as an Approved Officer pursuant to the *Health (Asbestos) Regulations 1992* and the *Criminal Procedure Act 2004* for the withdrawal or extension to a period to pay an infringement notice.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 13 Bush Fires Act – Issue of Infringement and Prosecution

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Bush Fires Act 1954 – s59(1), (3); s59A(2)</i>		LEGAL (SUBSIDIARY):	
Conditions	<p><i>Only the Chief Executive Officer may institute legal proceedings.</i></p> <p><i>Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958.</i></p>		

APPOINTMENT

The Chief Executive Officer is authorised to issue infringement notices under s59(1), (3) and s59A (2) of *Bush Fires Act 1954*.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 14 Environmental Protection Act 1986 - Referral of Proposals

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Environmental Protection Act 1986 – s38</i>		LEGAL (SUBSIDIARY):	
Conditions	<i>Only the Chief Executive Officer may institute legal proceedings.</i>		

APPOINTMENT

Pursuant to s38 of the *Environmental Protection Act 1986* the Chief Executive Officer is authorised to refer Proposals to the Environmental Protection Authority.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 15 Equal Employment Opportunity Management Plans

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
<i>Equal Employment Opportunity Act 1984 –s145</i>			
Conditions			

APPOINTMENT

The Chief Executive Officer is to prepare and implement equal employment opportunity management plans pursuant to s145 *Equal Employment Opportunity Act 1984*.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
Ph: 08 9884 1056
www.wandering.wa.gov.au



Appointment/Authorisation No: 16 Liquor Control Act 1988 – Various			
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
	<i>Liquor Control Act 1988 – s39; s40; s61(1)(d), (2); s69(7), (8)</i>		
Conditions	<p><i>The Chief Executive Officer cannot recommend approval or refusal for first time applications for Extended Trading Permits to the relevant State Government authority. Such applications must be considered and determined by the Council.</i></p> <p><i>The Chief Executive Officer may recommend approval or refusal for subsequent applications.</i></p>		

APPOINTMENT

1. Pursuant to s39 (Health), s40 (Planning) *Liquor Control Act 1988* the Chief Executive Officer is authorised to issue Certificates for grant, change or removal of liquor licences.
2. Pursuant to s61(1)(d), (2) *Liquor Control Act 1988* the Chief Executive Officer is authorised to provide comment and make recommendations on Applications for Extended Trading Permits.
3. Pursuant to s69(7), (8) of the *Liquor Control Act 1988* the Chief Executive Officer is authorised to intervene in Applications.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

SHIRE OF WANDERING

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Appointment/Authorisation No: 17 Litter Act 1979 – Authorised Officers			
DATE ADOPTED:	15/08/2019	APPOINTEE:	All council members, CEO and all employees
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
	<i>Litter Act 1978 – s26(1)(c)(i), (ii)</i>		
Conditions	<i>Council members and Employees appointed under s26(1)(c)(i), (ii) must hold a certificate stating the person is authorised, in accordance with s26(4)(c).</i>		

APPOINTMENT

s26(1)(c)(i), (ii) prescribes that all elected members and employees are Authorised Persons by virtue of their office.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
 Ph: 08 9884 1056
 www.wandering.wa.gov.au



Appointment/Authorisation No: 18 Litter Act 1979 – Withdrawal of Infringement Notices

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Shire President
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Litter Act 1978 – s30(4a)</i>		LEGAL (SUBSIDIARY):	
Conditions	<i>Council members and Employees appointed under s26(1)(c)(i), (ii) must hold a certificate stating the person is authorised, in accordance with s26(4)(c).</i>		

APPOINTMENT

Pursuant to s30(4a) *Litter Act 1979* the Chief Executive Officer is authorised to withdraw infringement notices.

If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
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Appointment/Authorisation No: 19		Building Act 2011 – General Duties	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Building Act 2011</i>		LEGAL (SUBSIDIARY):	
Conditions			

APPOINTMENT

The Chief Executive Officer is authorised to undertake duties pursuant to the *Building Act 2011* and is an Authorised Person for all relevant purposes under the Act

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

SHIRE OF WANDERING

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Appointment/Authorisation No: 20 Cat Act 2011 – Authorised persons			
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Shire Administration Officers Contract Ranger
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
<i>Cat Act 2011 – s9; s10; s11; s12; s13; s26; s27; s37; s38; s39; s40; s48; s49; s62; s63; s64.,</i>	<i>Cat Act 2011 – s45</i>		
Conditions	<i>In accordance with s48(5) each authorised person appointed below, must have a certificate stating the employee is an authorised person for the purpose of this Act. Pursuant to s48(2) only an employee of the Shire can be appointed under s62.</i>		

APPOINTMENT

Pursuant to s45 of the *Cat Act 2011* the following employees are appointed:

1. Chief Executive Officer is a Registration Officer and Authorised Person for all purposes of the *Cat Act 2011*
2. All Shire Administration Officers as Registration Officers to perform the functions for Registration related matters in accordance with s9, 10, 11, 12, 13 of the *Cat Act 2011*.
3. The Contract Ranger as an Authorised Person for the purposes of s48, 49, 62, 63 of the *Cat Act 2011*.

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
Ph: 08 9884 1056
www.wandering.wa.gov.au



Appointment/Authorisation No: 21 Dog Act 1976 – Authorised Persons			
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Contract Ranger Shire Administration Officers
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
<i>Dog Act 1976 – s12A; s14; s29; s38; s39; s43; s47; s12A; s14; s16(2); s16(3A); s16(3); s16(3C); s16(6); s26; s33E; s33F; s33G; s33H; s39; s43A;</i>	<i>Cat Act 2011 – s45</i>		
Conditions	<i>Must comply with relevant policies Cannot delegate authority to commence enforcement proceedings at S44 of the Dog Act 1976.</i>		

APPOINTMENT

- The Chief Executive Officer and Contract Ranger as Authorised Persons, and to exercise delegations under the following sections of the Dog Act 1976:
 - s12A Entry to premises;
 - s14 Registration;
 - s29 Power to seize dogs;
 - s33G Seizure and destruction;
 - s38 Nuisance dogs;
 - s39 Dogs causing injury or damage may be destroyed;
 - s43A Name and address to be supplied for an offence; and
 - s47 Recovery of veterinary service expenses.
- The Chief Executive Officer and Contract Ranger to undertake the powers of an authorised person under the Dog Act 1976 and the Dog Regulations 2013 for all sections not mentioned in 1 above or 3 below.
- The Chief Executive Officer and Contract Ranger as a specifically Authorised Persons:
 - s33E Dangerous dogs;
 - s33F Dangerous dogs;
 - s33G Dangerous dogs;
 - s33H Dangerous dogs;
 - s39 Dogs causing injury or damage may be destroyed; and
 - s43A Name and address to be supplied for an offence.

SHIRE OF WANDERING

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4. The Chief Executive Officer, Contract Ranger, and Shire Administration Officers as Registration Officers under the following sections of the Dog Act 1976:

s14 Register of dogs; and

s16(2), 16(3A), s16(3), s16(3c), s16(6) Registration.

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

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www.wandering.wa.gov.au



Appointment/Authorisation No: 22 Fines, Penalties and Infringements Notices Enforcement Act 1994 – Appointments

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>s13 Fines Penalties and Infringement Notices Enforcement Act 1994.</i>		LEGAL (SUBSIDIARY): <i>Cat Act 2011 – s45</i>	
Conditions	<p><i>For the purposes of this Part, the Registrar may approve a prosecuting authority as a prosecuting authority to which this Part applies.</i></p> <p><i>The Registrar is not to approve a prosecuting authority unless the authority gives the Registrar written notice of those officers of the authority that are designated as prosecuting officers for the purposes of and in accordance with sections 16 and 22.</i></p>		

APPOINTMENT

The Chief Executive Officer is authorised to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.s33H

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
Ph: 08 9884 1056
www.wandering.wa.gov.au



Appointment/Authorisation No: 23 Food Act - Authorised Persons			
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Contract EHO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Food Act 2008 – s38; s56; s62; s65; s66; s67; s110; s112; s122; s125; s126</i>		LEGAL (SUBSIDIARY): <i>Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations</i>	
Conditions		<i>Copies of all decisions made are to be retained on the appropriate file or record</i>	

APPOINTMENT

Pursuant to s118 of the Food Act 2008 the Council:

- Appoints the Chief Executive Officer and Contract Environmental Health Officer, as Authorised Persons and to undertake duties and functions in relation to:
 - s38 Powers of Authorised Officers;
 - s.54 Cost of destruction or disposal of forfeited item
 - s62 Grounds for servicing Notices;
 - s65 Prohibition Orders;
 - s110 Registration of food premises;
 - s112 Food businesses – conditions and cancellations.;
 - s122 Authorised officers;
 - s.125 Institution of proceedings
 - s126 Infringement Notices.
 - s.65(1) Prohibition orders
 - s66, 67 Requests for re-inspection.
- Appoints the Chief Executive Officer as an Authorised Person to undertake duties and functions in relation to:
 - s125 Instituting proceedings and
 - s126(13) The Chief Executive Officer is to be the Designated Officer.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
Ph: 08 9884 1056
www.wandering.wa.gov.au



Appointment/Authorisation No: 24 Graffiti Vandalism Act 2016 – Authorised Persons

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Executive Manager Technical Services
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016].</i>		LEGAL (SUBSIDIARY):	
Conditions	<i>Cannot determine Objections or Suspension of effect in relation to Notice issued by the employee - s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice Must comply with relevant Council Policies</i>		

APPOINTMENT

The Chief Executive Officer is appointed an Authorised Person to deal with Objections and Suspension of effects of Notices and for all other relevant purposes under the Act

The Chief Executive Officer appoints the Executive Manager Technical Services as authorised person for the other purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016] and to have all the powers and duties of Chief Executive Officer, except as otherwise provided.

REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

13. Finance

13.1 Financial Reports – April 2023

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	Bob Waddell
Authorising Officer	Alan Hart– Chief Executive Officer
Date:	11 May 2023
Disclosure of Interest:	N/A
Attachments:	April 2023 Financial Statements
Previous Reference:	Nil

Summary:

Consideration of the financial reports for the period ending 30 April 2023.

Background:

The financial reports for the periods ending 30 April 2023 are included as attachments.

Comment:

If you have any questions regarding details in the financial reports, please contact the office prior to the Council meeting so that sufficient time is given to research the request. This will enable the information to be provided at the Council meeting.

Consultation:

Not applicable.

Statutory Environment:

Section 34 (1) (a) of the Local Government (Financial Management) Regulations 1996 states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates, monthly budget estimates, actual monthly expenditure, revenue and income, material variances between monthly budget and actual figures and net current assets on a monthly basis.

Policy Implications:

Not applicable.

Financial Implications:

Not applicable.

Strategic Implications:

Not applicable.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Nil

Voting Requirements:

Simple Majority

060523 Moved: Cr P Treasure Seconded: Cr G Parsons

Recommendation and Council Decision:

That the financial report for the period ending 30 April 2023 as presented be accepted.

Carried 6/0



SHIRE OF WANDERING

MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) FOR THE PERIOD ENDED 30 APRIL 2023

*LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

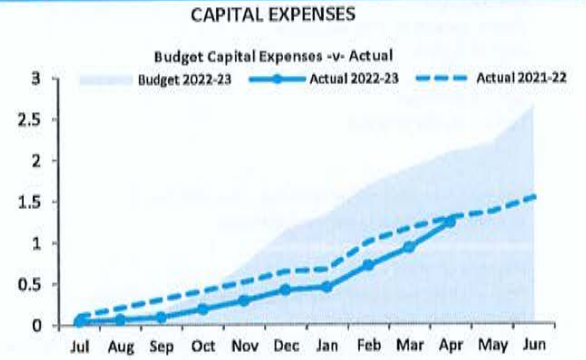
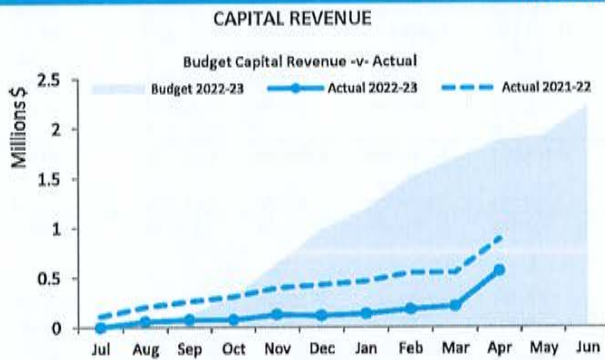
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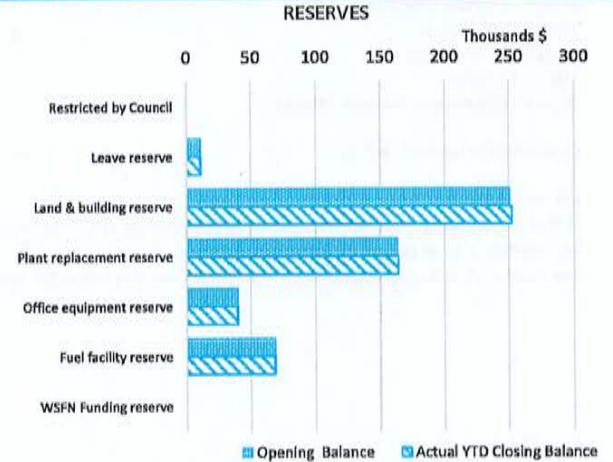
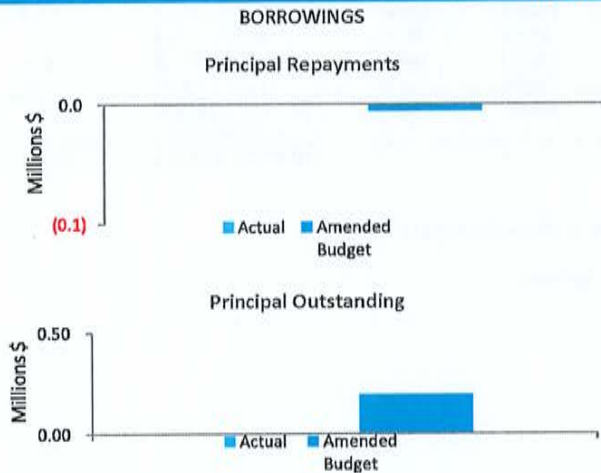
OPERATING ACTIVITIES



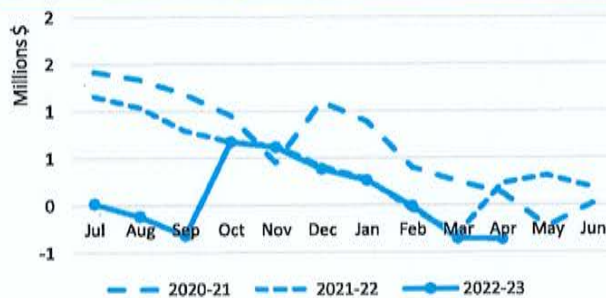
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2023

BY NATURE OR TYPE

	Ref	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Variance \$	Variance %	Var.
	Note	(a)		(b)	(c)	(c) - (b)	((c) - (b))/(b)	
		\$	\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	270,870	179,336	179,336	179,336	0	0.00%	
Revenue from operating activities								
Rates		1,327,866	1,335,581	1,344,181	1,335,194	(8,987)	(0.67%)	
Rates (excluding general rate)		3,639	3,639	3,639	3,639	0	0.00%	
Operating grants, subsidies and contributions	10	397,300	435,500	283,910	342,482	58,572	20.63%	▲
Fees and charges		822,489	836,189	697,900	642,779	(55,121)	(7.90%)	
Interest earnings		13,200	12,600	10,490	9,142	(1,348)	(12.85%)	
Other revenue		42,593	46,893	39,580	7,069	(32,511)	(82.14%)	▼
Profit on disposal of assets	5	2,333	2,333	1,940	0	(1,940)	(100.00%)	
		2,609,420	2,672,735	2,381,640	2,340,306	(41,334)	(1.74%)	
Expenditure from operating activities								
Employee costs		(1,095,977)	(1,095,977)	(912,840)	(967,427)	(54,587)	(5.98%)	
Materials and contracts		(1,120,211)	(1,160,642)	(967,660)	(1,061,687)	(94,027)	(9.72%)	
Utility charges		(31,700)	(37,200)	(30,930)	(45,300)	(14,370)	(46.46%)	▼
Depreciation on non-current assets		(1,182,279)	(1,182,279)	(982,532)	(1,061,327)	(78,795)	(8.02%)	
Interest expenses		(2,970)	(2,970)	(2,470)	0	2,470	100.00%	
Insurance expenses		(100,634)	(95,634)	(89,176)	(100,165)	(10,989)	(12.32%)	▼
Other expenditure		(41,500)	(42,000)	(33,080)	(44,001)	(10,921)	(33.01%)	▼
Loss on disposal of assets	5	0	0	0	0	0	0.00%	
		(3,575,271)	(3,616,702)	(3,018,688)	(3,279,908)	(261,220)	8.65%	
Non-cash amounts excluded from operating activities								
Amount attributable to operating activities	1(a)	1,184,999	1,184,999	985,645	1,061,397	75,752	7.69%	
		219,148	241,032	348,597	121,796	(226,801)	(65.06%)	
Investing activities								
Proceeds from non-operating grants, subsidies and contributions	11	1,699,791	1,932,551	1,853,369	562,431	(1,290,938)	(69.65%)	▼
Proceeds from disposal of assets	5	35,000	35,000	17,500	0	(17,500)	(100.00%)	▼
Payments for inventories, property, plant and equipment and infrastructure	6	(2,371,644)	(2,547,754)	(2,075,276)	(1,224,543)	850,734	40.99%	▲
Amount attributable to investing activities		(636,853)	(580,203)	(204,407)	(662,111)	(457,704)	223.92%	
Financing Activities								
Proceeds from new debentures	7	200,000	200,000	0	0	0	0.00%	
Transfer from reserves	8	54,000	54,000	0	0	0	0.00%	
Repayment of debentures	7	(18,665)	(5,665)	(4,720)	0	4,720	100.00%	
Transfer to reserves	8	(88,500)	(88,500)	0	(3,313)	(3,313)	0.00%	
Amount attributable to financing activities		146,835	159,835	(4,720)	(3,313)	1,407	(29.80%)	
Closing funding surplus / (deficit)	1(c)	0	0	318,806	(364,293)	(683,099)	214.27%	▼

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2023

BY STATUTORY REPORTING PROGRAMS

	Note	Adopted Annual Budget	Amended Annual Budget (d)	Amended YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var. ▲▼	Significant Var. \$
Opening Funding Surplus(Deficit)	1	\$ 270,870	\$ 179,336	\$ 179,336	\$ 179,336	\$ 0	0.00%		
Revenue from operating activities									
Governance		3,500	3,500	2,910	0	(2,910)	(100.00%)	▼	
General Purpose Funding - Rates	6	1,327,866	1,335,581	1,344,181	1,335,194	(8,987)	(0.67%)	▼	
General Purpose Funding - Other		184,538	183,938	78,139	129,530	51,391	65.77%	▲	\$
Law, Order and Public Safety		46,250	46,250	45,770	33,790	(11,980)	(26.18%)	▼	\$
Health		4,500	4,500	4,070	1,439	(2,631)	(64.65%)	▼	
Education and Welfare		0	0	0	0	0			
Housing		47,900	40,100	33,410	33,840	430	1.29%	▲	
Community Amenities		57,500	57,500	47,870	48,497	627	1.31%	▲	
Recreation and Culture		2,620	5,920	5,460	4,306	(1,154)	(21.34%)	▼	
Transport		65,333	94,333	51,320	49,355	(1,965)	(3.83%)	▼	
Economic Services		816,720	838,220	716,140	673,724	(42,416)	(5.92%)	▼	
Other Property and Services		52,693	62,893	52,370	30,632	(21,738)	(41.51%)	▼	\$
		2,609,420	2,672,735	2,381,640	2,340,306				
Expenditure from operating activities									
Governance		(199,272)	(199,772)	(166,922)	(186,938)	(20,016)	(11.99%)	▼	\$
General Purpose Funding		(115,854)	(115,854)	(96,530)	(116,365)	(19,835)	(20.55%)	▼	\$
Law, Order and Public Safety		(135,613)	(134,613)	(113,902)	(105,353)	8,549	7.51%	▲	
Health		(18,184)	(16,184)	(13,460)	(14,676)	(1,216)	(9.04%)	▼	
Education and Welfare		(6,043)	(6,043)	(5,010)	(5,492)	(482)	(9.63%)	▼	
Housing		(56,490)	(46,490)	(38,600)	(49,849)	(11,249)	(29.14%)	▼	\$
Community Amenities		(224,149)	(232,149)	(193,574)	(199,485)	(5,911)	(3.05%)	▼	
Recreation and Culture		(274,197)	(263,647)	(221,311)	(226,758)	(5,447)	(2.46%)	▼	
Transport		(1,564,297)	(1,519,578)	(1,262,984)	(1,252,051)	10,933	0.87%	▲	
Economic Services		(962,373)	(982,373)	(820,327)	(925,542)	(105,215)	(12.83%)	▼	\$
Other Property and Services		(18,799)	(99,999)	(86,068)	(197,396)	(111,328)	(129.35%)	▼	\$
		(3,575,271)	(3,616,702)	(3,018,688)	(3,279,908)				
Non-cash amounts excluded from operating activities	1(a)	1,184,999	1,184,999	985,645	1,061,397	75,752	7.69%		
Amount attributable to operating activities		219,148	241,032	348,597	121,796	(226,801)	(65.06%)		
Investing Activities									
Proceeds from non-operating grants, subsidies and contributions	11	1,699,791	1,932,551	1,853,369	562,431	(1,290,938)	(69.65%)	▼	\$
Proceeds from Disposal of Assets	5	35,000	35,000	17,500	0	(17,500)	(100.00%)	▼	\$
Proceeds from financial assets at amortised cost - self supporting loans	7	0	0	0	0	0			
Payments for financial assets at amortised cost - self supporting loans	7	0	0	0	0	0			
Payments for inventories, property, plant and equipment and infrastructure	6	(2,371,644)	(2,547,754)	(2,075,276)	(1,224,543)	850,734	40.99%	▲	\$
Amount attributable to investing activities		(636,853)	(580,203)	(204,407)	(662,111)				
Financing Activities									
Proceeds from New Debentures	7	200,000	200,000	0	0	0			
Transfer from Reserves	8	54,000	54,000	0	0	0			
Payments for principal portion of lease liabilities	7	0	0	0	0	0			
Repayment of Debentures	7	(18,665)	(5,665)	(4,720)	0	4,720	100.00%	▲	
Proceeds from Advances		0	0	0	0	0			
Transfer to Reserves	8	(88,500)	(88,500)	0	(3,313)	(3,313)		▼	
Amount attributable to financing activities		146,835	159,835	(4,720)	(3,313)				
Closing Funding Surplus(Deficit)	1	0	0	318,806	(364,293)				

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

	Notes	Adopted Budget	Amended Budget	YTD Budget (a)	YTD Actual (b)
		\$	\$	\$	\$
Non-cash items excluded from operating activities					
Adjustments to operating activities					
Less: Profit on asset disposals	5	(2,333)	(2,333)	(1,940)	0
Less: Movement in liabilities associated with restricted cash		5,053	5,053	5,053	70
Add: Depreciation on assets		1,182,279	1,182,279	982,532	1,061,327
Total non-cash items excluded from operating activities		1,184,999	1,184,999	985,645	1,061,397

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

	Adopted Budget Opening 30 June 2022	Amended Budget Opening 30 June 2022	Last Year Closing 30 June 2022	Year to Date 30 April 2023
Adjustments to net current assets				
Less: Reserves - restricted cash	8	(534,355)	(534,377)	(537,690)
Add: Current portion of employee benefit provisions held in reserve		11,268	11,271	11,341
Total adjustments to net current assets		(523,087)	(523,105)	(526,349)

(c) Net current assets used in the Statement of Financial Activity

Current assets					
Cash and cash equivalents	3	1,045,312	1,045,333	1,045,333	733,765
Rates receivables	4	60,351	58,028	58,028	144,974
Receivables	4	80,669	72,367	72,367	220,958
Other current assets	5	71,108	64,202	64,202	(8,584)
Less: Current liabilities					
Payables	6	(143,812)	(175,953)	(175,953)	(392,510)
Contract and Capital Grant/Contribution liabilities	9	(254,503)	(274,035)	(274,035)	(449,046)
Provisions	9	(65,168)	(87,501)	(87,501)	(87,501)
Less: Total adjustments to net current assets	1(b)	(523,087)	(523,105)	(523,105)	(526,349)
Closing funding surplus / (deficit)		270,870	179,336	179,336	(364,293)

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 30 APRIL 2023

NOTE 1

STATEMENT OF FINANCIAL ACTIVITY INFORMATION (ALTERNATE PRESENTATION)

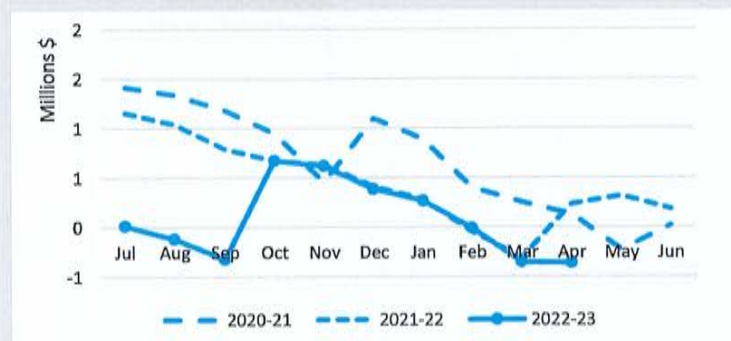
Adjusted Net Current Assets	Note	Last Years Closing 30/06/2022	This Time Last Year 30/04/2022	Year to Date Actual 30/04/2023
		\$	\$	\$
Current Assets				
Cash Unrestricted	3	510,957	570,833	196,075
Cash Restricted - Reserves	3	534,377	526,165	537,690
Cash Restricted - Bonds & Deposits	3	0	0	0
Receivables - Rates	4	58,028	52,666	144,974
Receivables - Other	4	72,367	62,745	215,927
Other Assets Other Than Inventories	5	0	5	0
Inventories	5	64,202	54,573	(3,553)
		1,239,930	1,266,986	1,091,113
Less: Current Liabilities				
Payables	6	(159,332)	(259,810)	(382,980)
Contract and Capital Grant/Contribution Liabilities	9	(274,035)	(176,081)	(449,046)
Bonds & Deposits	6	(16,621)	(20,161)	(9,530)
Loan and Lease Liability	7	0	0	0
Provisions	9	(87,501)	(114,565)	(87,501)
		(537,489)	(570,617)	(929,057)
Less: Cash Reserves	8	(534,377)	(526,165)	(537,690)
Add Back: Component of Leave Liability not Required to be funded		11,271	60,266	11,341
Add Back: Loan and Lease Liability		0	0	0
Less : Loan Receivable - clubs/institutions		0	0	0
Less : Trust Transactions Within Muni		0	0	0
Net Current Funding Position		179,336	230,470	(364,293)

SIGNIFICANT ACCOUNTING POLICIES

Please see Note 1(a) for information on significant accounting policies relating to Net Current Assets.

KEY INFORMATION

The amount of the adjusted net current assets at the end of the period represents the actual surplus (or deficit if the figure is a negative) as presented on the Rate Setting Statement.



This Year YTD
Surplus(Deficit)
Last Year YTD
Surplus(Deficit)
\$.23 M

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2023

NOTE 2
EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2022-23 year is \$10,000 or 10.00% whichever is the greater.

Nature or type	Var. \$	Var. %	Explanation of positive variances		Explanation of negative variances	
			Timing	Permanent	Timing	Permanent
Revenue from operating activities	\$	%				
Operating grants, subsidies and contributions	58,572	20.63%	▲	Some grant funding has been received in advance of budget phasing. The main grants being the Shire's Financial Assistance Grants.		
Other revenue	(32,511)	(82.14%)	▼		Various other revenue budget phasing is in advance of actual other revenue received.	Budgeted recovery income for legal fees incurred on rates collection will not occur by year end.
Expenditure from operating activities						
Utility charges	(14,370)	(46.46%)	▼			Various utility expenses have been tracking slightly higher than budgeted amount.
Insurance expenses	(10,989)	(12.32%)	▼		Various utility expenses have been tracking slightly higher than budgeted amount.	
Other expenditure	(10,921)	(33.01%)	▼		Various other expenditure budget phasing is in advance of actual other expenditure incurred.	
Investing activities						
Proceeds from non-operating grants, subsidies and contributions	(1,290,938)	(69.65%)	▼		LRCI program and road program funding has been budgeted to be received ahead of actual funding being received.	
Proceeds from disposal of assets	(17,500)	(100.00%)	▼		No Asset disposals processed to date.	
Payments for inventories, property, plant and equipment	850,734	40.99%	▲	Expenditure on the Shire's road capital program is a little bit behind scheduled budget phasing.		
Closing funding surplus / (deficit)	(683,099)	214.27%	▼		Budget phasing is mostly attributable to this variance.	

Description	Classification	Unrestricted \$	Restricted \$	Total Cash \$	Trust \$	Institution	Interest Rate	Maturity Date
Cash on hand								
Petty Cash	Cash and cash equivalents	500		500		N/A	NIL	On hand
CRC Cash on Hand	Cash and cash equivalents	100		100		N/A	NIL	On hand
Transfer Station Cash on Hand	Cash and cash equivalents	300		300		N/A	NIL	On hand
Administration Cash on Hand	Cash and cash equivalents	200		200		N/A	NIL	On hand
At Call Deposits								
Municipal Cash at Bank	Cash and cash equivalents	194,975		194,975		Bankwest	0.00%	N/A
Reserves Fund Bank	Cash and cash equivalents	0	537,690	537,690		Bankwest	0.05%	N/A
Total		196,075	537,690	733,765	0			
Comprising								
Cash and cash equivalents		196,075	537,690	733,765	0			
		196,075	537,690	733,765	0			

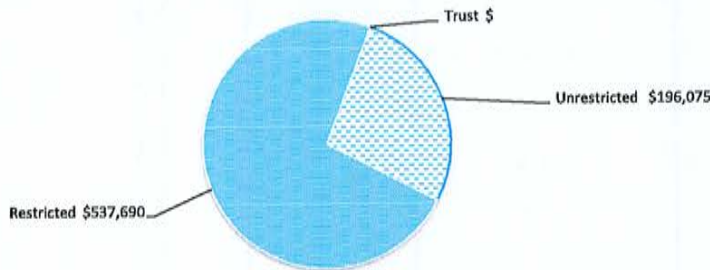
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Transport								
103	2019 Holden Trailblazer 4x4 LTZ2.8L (CEO) - 0.WD	32,667	33,000	333	0	0	0	0	0
407	Hustler Ride-on Mower	0	2,000	2,000	0	0	0	0	0
		32,667	35,000	2,333	0	0	0	0	0



Capital acquisitions	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	YTD Actual Variance
	\$	\$	\$	\$	\$
Land held for resale - cost	200,000	196,000	163,330	75,542	(87,788)
Buildings	543,390	727,500	351,256	332,721	(18,535)
Furniture and equipment	21,000	11,000	9,830	6,523	(3,307)
Plant and equipment	127,800	133,800	71,560	27,835	(43,725)
Infrastructure - roads	1,479,454	1,479,454	1,479,300	781,922	(697,378)
Payments for Capital Acquisitions	2,371,644	2,547,754	2,075,276	1,224,543	(850,734)
Capital Acquisitions Funded By:					
	\$	\$	\$	\$	\$
Capital grants and contributions	1,699,791	1,932,551	1,853,369	562,431	(1,290,938)
Borrowings	200,000	200,000	0	0	0
Other (disposals & C/Fwd)	35,000	35,000	17,500	0	(17,500)
Cash backed reserves					
Plant replacement reserve	54,000	54,000	0	0	0
Contribution - operations	382,853	326,203	204,407	662,111	457,704
Capital funding total	2,371,644	2,547,754	2,075,276	1,224,543	(850,734)

SIGNIFICANT ACCOUNTING POLICIES

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

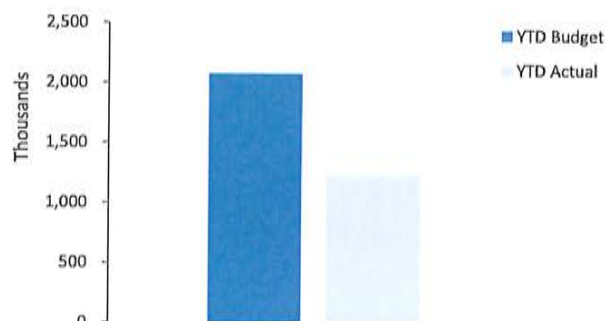
Initial recognition and measurement for assets held at cost

Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between mandatory revaluation dates for assets held at fair value

In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Payments for Capital Acquisitions





Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Level of completion indicator, please see table at the end of this note for further detail.

Account Number	Job Number	Balance Sheet Category	Account/Job Description	Adopted		Amended		Variance (Under)/Over
				Budget	Budget	YTD Budget	YTD Actual	
				\$	\$	\$	\$	\$
Land Held for Resale								
Other Property & Services								
E14761		511	Land Held for Resale - Industrial Estate & Lot 801	(200,000)	(196,000)	(163,330)	(75,542)	87,788
Total - Other Property & Services				(200,000)	(196,000)	(163,330)	(75,542)	87,788
Total - Land Held for Resale				(200,000)	(196,000)	(163,330)	(75,542)	87,788
Buildings								
Law, Order & Public Safety								
E05109		521	LGG5 - Purchase Buildings	0	(27,500)	(22,920)	(31,189)	(8,269)
E05111		521	Fire Station - New Toilet and Change Room	(121,000)	(277,610)	(231,340)	(208,587)	22,753
Total - Law, Order & Public Safety				(121,000)	(305,110)	(254,260)	(239,776)	14,484
Recreation And Culture								
E11383	WCC231	521	Wandering Community Centre Construction - Water Tanks DWER	(57,010)	(57,010)	(56,999)	(44,789)	12,210
E11383	WCC232	521	Wandering Community Centre Construction - Access Ramp to Ov	(40,000)	(40,000)	(39,997)	(44,761)	(4,764)
E11383	WCC233	521	Wandering Community Centre Construction - New Veranda Gran	(140,000)	(140,000)	0	(920)	(920)
E11383	WCC234	521	Wandering Community Centre Upgrade - Ktichen Upgrade Grant	(185,380)	(185,380)	0	(2,475)	(2,475)
Total - Recreation And Culture				(422,390)	(422,390)	(96,996)	(92,945)	4,051
Total - Buildings				(543,390)	(727,500)	(351,256)	(332,721)	18,535
Plant & Equipment								
Law, Order & Public Safety								
E05350		525	Purchase Plant & Equipment	(8,000)	(14,000)	(11,660)	(14,245)	(2,585)
Total - Law, Order & Public Safety				(8,000)	(14,000)	(11,660)	(14,245)	(2,585)
Transport								
E12360		525	Purchase Plant & Equipment	(119,800)	(119,800)	(59,900)	(13,590)	46,310
Total - Transport				(119,800)	(119,800)	(59,900)	(13,590)	46,310
Total - Plant & Equipment				(127,800)	(133,800)	(71,560)	(27,835)	43,725
Furniture & Equipment								
Governance								
E04116		523	Purchase Furniture & Equipment	(17,000)	(7,000)	(5,830)	(6,523)	(693)
Total - Governance				(17,000)	(7,000)	(5,830)	(6,523)	(693)
Other Property & Services								
E14560		523	Purchase Furniture & Equipment	(4,000)	(4,000)	(4,000)	0	4,000
Total - Other Property & Services				(4,000)	(4,000)	(4,000)	0	4,000
Total - Furniture & Equipment				(21,000)	(11,000)	(9,830)	(6,523)	3,307
Infrastructure - Roads								
Transport								
E12102	RRG222	541	RRG - York Williams Rd - Gravel Resheeting - SLK 19.43 - 26.71	(152,472)	(152,472)	(152,463)	(52,056)	100,407
E12102	RRG224	541	RRG - Nth Wandering Rd - Failures & Reseal - SLK 8.2 - 7.53	(136,274)	(136,274)	(136,266)	(147,574)	(11,308)
E12102	RRG231	541	RRG - York Williams Road - Bitumen Sealing - SLK 19.43 to 21.01	(331,578)	(331,578)	(331,566)	(347,293)	(15,727)
E12102	RRG233	541	RRG - Kubbine Road - Gravel Resheeting - SLK 0.0 - 6.16	(172,001)	(172,001)	(171,989)	(80,525)	91,464
E12103	R2R231	541	R2R - Ferguson Way - two coat seal 10/7mm aggregate	(144,721)	(144,721)	(144,702)	0	144,702
E12103	R2R232	541	R2R - Wandering Pingelly Road , Bridge 0424A over Biberkine Bro	(273,163)	(273,163)	(273,149)	(36,458)	236,691
E12103	R2R233	541	R2R - Bannister Road - Selection culver widening	(23,315)	(23,315)	(23,299)	0	23,299
E12104	BS231	541	State Black Spot - Moramocking Rd - Fuller Rd Intersection	(79,500)	(79,500)	(79,486)	(86,324)	(6,838)
E12104	BS232	541	State Black Spot - Wandering Pingelly Rd SLK 9.54 - SLK 11.90 - St	(16,430)	(16,430)	(16,419)	0	16,419
E12105	WSFN231	541	North Bannister Wandering - Rd SLK 9.1 - 22.0 - project developm	(40,000)	(40,000)	(39,989)	(9,491)	30,498
E12105	WSFN232	541	Wandering Narrogin Rd SLK 2.35 - 6.15 - project development fun	(10,000)	(10,000)	(9,986)	(8,174)	1,812
E12105	WSFN233	541	Wandering Pingelly Rd SLK 3.90 - 19.10 - project development fur	(100,000)	(100,000)	(99,986)	(13,772)	86,214
E12209	0015FD	541	Humes Way	0	0	0	(256)	(256)
Total - Transport				(1,479,454)	(1,479,454)	(1,479,300)	(781,922)	697,378
Total - Infrastructure - Roads				(1,479,454)	(1,479,454)	(1,479,300)	(781,922)	697,378
Grand Total				(2,371,644)	(2,547,754)	(2,075,276)	(1,224,543)	850,734

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2023

FINANCING ACTIVITIES
NOTE 7
BORROWINGS

Repayments - borrowings

Information on borrowings

Particulars	Loan No.	1 July 2022	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments				
			Actual	Amended Budget	Actual	Amended Budget	Actual	Amended Budget	Actual	Amended Budget			
Community amenities		\$	\$	\$	\$	\$	\$	\$	\$	\$			
Industrial Estate Development	1	0	0	200,000	200,000	0	(18,665)	0	181,335	194,335	0	(2,970)	(2,970)
Total		0	0	200,000	200,000	0	(18,665)	0	181,335	194,335	0	(2,970)	(2,970)

All debenture repayments were financed by general purpose revenue.

New borrowings 2022-23

Particulars	Amount Borrowed		Institution	Loan Type	Term Years	Interest Rate	Amount (Used)		Balance Unspent
	Actual	Budget					Actual	Budget	
Industrial Estate Development	\$ 0	200,000	WATC	Debenture	10	1.50	\$ 0	0	\$ 0
Total	0	200,000					0	0	0

The Shire has no unspent debenture funds as at 30th June 2022, nor is it expected to have unspent funds as at 30th June 2023.

KEY INFORMATION

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

Reserve accounts

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Council									
Leave reserve	11,271	53	70	5,000	0	0	0	16,324	11,341
Land & building reserve	251,084	1,174	1,557	0	0	0	0	252,258	252,640
Plant replacement reserve	163,235	764	1,012	25,000	0	(54,000)	0	134,999	164,247
Office equipment reserve	40,004	187	248	0	0	0	0	40,191	40,252
Fuel facility reserve	68,782	322	427	16,000	0	0	0	85,104	69,209
WSFN Funding reserve	0	0	0	40,000	0	0	0	40,000	0
	534,377	2,500	3,313	86,000	0	(54,000)	0	568,877	537,690

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2023

NOTE 9
BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Budget adoption						0
			Opening Surplus(Deficit)			(91,534)	(91,534)
R03103	General Rates Income	CR040423	Operating Revenue		1,715		(89,819)
R03120	Discount on Rates	CR040423	Operating Revenue		6,000		(83,819)
R03250	Interest on Municipal Funds	CR040423	Operating Revenue			(600)	(84,419)
ESLI02	DFES Capital Grants	CR040423	Operating Revenue		174,610		90,191
R09128	Rental Income - 20 Down Street Insurance reimbursement -Wandering Community Centre	CR040423	Operating Revenue			(7,800)	82,391
R11391	Centre	CR040423	Operating Revenue		3,300		85,691
R12204	MRWA Direct Grant	CR040423	Operating Revenue		5,000		90,691
R12206	DFES Bushfire Mitigation Grant	CR040423	Operating Revenue		24,000		114,691
WCP	Caravan Park Income	CR040423	Operating Revenue		20,000		134,691
R13210	LRCI Phase 1 and 2 Funding	CR040423	Operating Revenue		58,150		192,841
R13504	Sale of Newspapers	CR040423	Operating Revenue		1,500		194,341
R14590	Administration-Other Revenue	CR040423	Operating Revenue		9,200		203,541
R14590	Administration-Other Revenue	CR040423	Operating Revenue		1,000		204,541
E04100	Members Travelling	CR040423	Operating Expenses			(500)	204,041
E05190	CCTV Expenditure	CR040423	Operating Expenses		1,000		205,041
E07400	Contract EHO Expenditure	CR040423	Operating Expenses		2,000		207,041
E09101	13 Dunmall Drive - Maintenance expenses	CR040423	Operating Expenses			(1,000)	206,041
E09101	13 Dunmall Drive - Water Consumption	CR040423	Operating Expenses		1,000		207,041
E09108	20 Down Street -Rental expenditure	CR040423	Operating Expenses		15,000		222,041
E09201	5 Dunmall Drive - Maintenance Expenses	CR040423	Operating Expenses			(5,000)	217,041
E10601	Town Planning Consultants	CR040423	Operating Expenses			(8,000)	209,041
E11101	Wandering Community Centre- Maintenance Materials	CR040423	Operating Expenses		1,350		210,391
E11101	Wandering Community Centre- Service Contracts	CR040423	Operating Expenses		2,000		212,391
E11101	Wandering Community Centre- Telephone	CR040423	Operating Expenses		200		212,591
11301	Parks and Gardens -Service Contracts	CR040423	Operating Expenses		4,000		216,591
11301	Wandering Community Centre Oval Exp-Service Contracts	CR040423	Operating Expenses		2,000		218,591
11301	Wandering Community Centre Oval Exp-Water Use	CR040423	Operating Expenses		1,000		219,591
0000MNT	Roads Maintenance-Service Contracts	CR040423	Operating Expenses		56,719		276,310
E12200	Street Lighting - Service Contracts	CR040423	Operating Expenses		7,500		283,810
E12207	Street Lighting - Electricity	CR040423	Operating Expenses			(7,500)	276,310
BRIDGE	Bridge Maintenance -Service Contracts	CR040423	Operating Expenses			(24,000)	252,310
DEPOT	Depot Expenses-Service Contracts	CR040423	Operating Expenses		2,000		254,310
E13200	Caravan Park Exp - Materials	CR040423	Operating Expenses			(5,000)	249,310
E13200	Caravan Park Exp - Service Contracts	CR040423	Operating Expenses			(5,000)	244,310
E14200	Works Administration - Salaries and Wages	CR040423	Operating Expenses		30,000		274,310
E14203	Work Health and Safety -Service Contracts	CR040423	Operating Expenses		2,000		276,310
E14500	Administration-Salaries	CR040423	Operating Expenses			(30,000)	246,310
E14506	Administration -Service Contracts	CR040423	Operating Expenses			(2,000)	244,310
E14508	Administration-Insurance Premiums	CR040423	Operating Expenses		5,000		249,310
E14511	Administration IT Costs	CR040423	Operating Expenses			(35,000)	214,310
E14515	Administration -Consultants	CR040423	Operating Expenses			(47,200)	167,110
E14561	Minor Equipment Expensed	CR040423	Operating Expenses			(4,000)	163,110
E04116	Purchase of Furniture and Equipment -Chambers	CR040423	Capital Expenses		10,000		173,110
E05111	Fire Station - New toilet and Change Rooms	CR040423	Capital Expenses			(184,110)	(11,000)
E05350	CCTV Capital expenditure (Fire Station)	CR040423	Capital Expenses			(6,000)	(17,000)
E14761	Administration - Capital Expenditure	CR040423	Capital Expenses		4,000		(13,000)
E14762	Loan Repayments-Industrial Land	CR040423	Capital Expenses		13,000		0
				0	464,244	(464,244)	0

13.2 Accounts for Payment April 2023

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	Alan Hart – Chief Executive Officer
Authorising Officer	Alan Hart – Chief Executive Officer
Date:	11 May 2023
Disclosure of Interest:	N/A
Attachments:	Payment Listing and Credit Card Statement April 2023
Previous Reference:	Nil

Summary:

Council to note payments of accounts as presented.

Background:

The schedule of accounts is included as an attachment for Council information.

Comment:

If you have any questions regarding payments in the listing please contact the office prior to the Council meeting.

Consultation:

There has been no consultation.

Statutory Environment:

Section 12 of the Local Government (Financial Management) Regulations 1996 states that

- 12 (1) A list of creditors is to be compiled for each month showing –
- (a) The payee's name;
 - (b) The amount of the payment;
 - (c) Sufficient information to identify to transaction; and
 - (d) The date of the meeting of the council to which the list is to be resented.

Policy Implications:

There are no policy implications.

Financial Implications:

There are no financial implications.

Strategic Implications:

There are no strategic implications.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Nil.

Voting Requirements:

Simple Majority

**Shire of Wandering
Certificate of Expenditure – 30 April 2023**

This Schedule of Accounts to be passed for payment covering:

Payment Method	Cheque/EFT/DD Number	Amount
Municipal Fund:		
Electronic Funds Transfers	EFT8125 – EFT8178	\$212,468.40
Direct Debits	DD4297.1 – DD4307.10	\$ 14,583.84
Cheques		\$ 0
	TOTAL	\$227,052.24

to the Municipal and Trust Accounts, totalling \$227,052.24 which were submitted to each member of the Council on 18 May 2023, have been checked and fully supported by vouchers and invoices which are submitted herewith, have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings.

Alan Hart
Chief Executive Officer

070523 Moved: Cr I Turton Seconded: Cr M Watts

Recommendation and Council Decision:

That in accordance with section 13 of the Financial Management Regulations of the *Local Government Act 1995* and in accordance with delegation, payment of Municipal Fund vouchers, Licensing, Salaries and Wages and EFT Transfers, Direct Debit totalling \$227,052.24 (attached) be noted as approved for payment and credit card statement be noted.

Carried 6/0

Shire of Wandering
List of Accounts for Payments for April 2023

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
EFT8125	17/04/2023	AMPAC	Debt collections costs		(4,744.87)
93562	28/02/2023	AMPAC	Rates Debt collections costs	4744.87	
EFT8126	17/04/2023	Armadale Mower World & Service Co	Fertiliser Spreader		(399.00)
59295.2	01/03/2023	Armadale Mower World & Service Co	Fertiliser Spreader	399.00	
EFT8127	17/04/2023	Avon Waste	Domestic & commercial general waste services		(4,192.33)
55157	28/02/2023	Avon Waste	Domestic & commercial general waste service	4192.33	
EFT8128	17/04/2023	Best Office Systems	Copier Contract		(297.48)
614753	28/03/2023	Best Office Systems	Copier Contract - Shire B&W copies, Colour copies	297.48	
EFT8129	17/04/2023	Boddington Hardware & Newsagency	Boddington Hardware Monthly Account		(334.05)
770463	10/02/2023	Boddington Hardware & Newsagency	Boddington Hardware Monthly Expenditure Ferbruary 2023	231.40	
772612	28/02/2023	Boddington Hardware & Newsagency	Boddington Hardware Monthly Expenditure February 2023	102.65	
EFT8130	17/04/2023	Child Support Agency	Payroll deductions		(119.36)
DEDUCTION	29/03/2023	Child Support Agency	Payroll Deductions	119.36	
EFT8131	17/04/2023	Cr Gillian Hansen	Councillor allowances Meeting allowance		(783.00)
QTR MARCH 2023	31/03/2023	Cr Gillian Hansen	Councillor allowances Meeting allowance 31 March 2023, IT allowance	783.00	
EFT8132	17/04/2023	Focus Networks	Managed IT Support		(2,379.74)
13083	07/03/2023	Focus Networks	Managed Proactive Service-Managed Computer, Managed Proactive Service - Server, Managed Proactive Service - Network Devices	1822.70	
13108	10/03/2023	Focus Networks	Managed Firewall Service Sonicwall TZ270, SSL VPN Five Licences Monthly, Managed Proactive Service-Managed Computer, Managed Proactive Service - Server, Managed Proactive Service - Network Devices, Email Protection Service-Monthly Fee, Hosted Anti-Virus Corporate-Pre Computer Monthly Fee, DUO Multi-Factor Authentication Licence-Monthly Fee	557.04	

Shire of Wandering
List of Accounts for Payments for April 2023

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
EFT8133	17/04/2023	Graeme Robert Parsons	Councillor allowances Deputy President's allowance		(783.00)
QTR MARCH 2023	30/03/2023	Graeme Robert Parsons	Meeting allowance 31 March 2023, IT allowance 31 March 2023	783.00	
EFT8134	17/04/2023	IT Vision	Rates Service		(2,329.25)
38175	28/02/2023	IT Vision	Rates Service February 2023	2329.25	
EFT8135	17/04/2023	Ian Bruce Turton	Councillor allowances President's allowance		(2,841.50)
QTR MARCH 2023	31/03/2023	Ian Bruce Turton	Councillor allowances President's allowance March 2023, Meeting allowance, IT allowance	2841.50	
EFT8136	17/04/2023	Jozef Majko	Payroll deductions		(600.00)
DEDUCTION	29/03/2023	Jozef Majko	Payroll Deductions	600.00	
EFT8137	17/04/2023	Kingspan Water & Energy Pty Ltd	Supply and installation of Water Tanks		(39,360.00)
1161445	24/02/2023	Kingspan Water & Energy Pty Ltd	110KL corrugated tank colorbond	13225.00	
1161446	24/02/2023	Kingspan Water & Energy Pty Ltd	110KL corrugated tank colorbond, 110KL corrugated tank colorbond	26135.00	
EFT8138	17/04/2023	Maxwell John Ernest Watts	Councillor allowances Meeting allowance		(783.00)
QTR MARCH 2023	31/03/2023	Maxwell John Ernest Watts	Councillor allowances Meeting allowance March 2023, , IT allowance March 2023,	783.00	
EFT8139	17/04/2023	Paul Matthew Treasure	Councillor allowances Meeting allowance		(2,068.31)
QTR MARCH 2023	31/03/2023	Paul Matthew Treasure	Councillor allowances Meeting allowance Mar 2023, IT allowance Mar 2023, Deputy President Mar 2023	2068.31	
EFT8140	17/04/2023	RK Roach	Survey pickup - road construction slk 21.72 - 26.71		(6,292.00)
230301	20/03/2023	RK Roach	Survey Pickup - York Williams Gravel Resheet	6292.00	
EFT8141	17/04/2023	RingCentral	Communications System		(662.00)
000551424	06/03/2023	RingCentral	Monthly Communications	662.00	
EFT8142	17/04/2023	Sheryl Gaye Little	Councillor allowances Meeting allowance Mar		(1,129.50)
QTR MARCH 2023	30/03/2023	Sheryl Gaye Little	Councillor allowances Meeting allowance Mar 2023, IT allowances Meeting allowance Mar 2023, Travel allowance Mar 2023	1129.50	

Shire of Wandering
List of Accounts for Payments for April 2023

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
EFT8143	17/04/2023	Shire of Narrogin	Senior Health Officer Labour October 2022		(868.00)
78405525	16/03/2023	Shire of Narrogin	Senior Health Officer Labour - November 2022, Travel	31.00	
78405526	16/03/2023	Shire of Narrogin	Senior Health Officer Labour December 2022, Travel	62.00	
78405524	16/03/2023	Shire of Narrogin	Senior Health Officer Labour October 2022, Travel	775.00	
EFT8144	17/04/2023	Shire of Wandering Christmas Club	Payroll deductions		(260.00)
DEDUCTION	29/03/2023	Shire of Wandering Christmas Club	Payroll Deductions	260.00	
EFT8145	17/04/2023	Shire of Wandering Staff Lotto	Payroll deductions		(80.00)
DEDUCTION	29/03/2023	Shire of Wandering Staff Lotto	Payroll Deductions	80.00	
EFT8146	17/04/2023	Steve Davis Builder	Construction of wandering fire station extensions based on design drawing and quotation		(40,000.00)
23032023	23/03/2023	Steve Davis Builder	Construction of wandering fire station extensions based on design drawing and quotation	40000.00	
EFT8147	17/04/2023	Tanglefoot Winery	Council Meeting Dining		(315.00)
16032023	16/03/2023	Tanglefoot Winery	Council Meeting Dining	315.00	
EFT8148	17/04/2023	Traffic Force	Traffic Management Plan		(1,049.40)
32221	06/02/2023	Traffic Force	Traffic Management Plan-North Bannister Wandering Road	1049.40	
EFT8149	17/04/2023	WA Contract Ranger Services	Contract Ranger Service		(574.75)
4591	25/03/2023	WA Contract Ranger Services	Contract Ranger Service	574.75	
EFT8150	17/04/2023	WCP Civil Pty Ltd	Road stabilistaion		(40,128.00)
28556	14/03/2023	WCP Civil Pty Ltd	Road stabilistaion on Nth Wandering Rd	40128.00	
EFT8151	17/04/2023	WD Auto Repairs	Service and brake repair		(2,008.12)
1102	22/03/2023	WD Auto Repairs	Service and brake repair-WD6	2008.12	
EFT8152	17/04/2023	Wandering HVAC	Electrical Work		(2,570.33)
4035	07/04/2023	Wandering HVAC	RCD and Smoke Alarm Testing -All Council Buildings	889.06	
4036	07/04/2023	Wandering HVAC	Replace 10Amp Power Sockets to 15Amp at Caravan Park	1681.27	
EFT8153	17/04/2023	Wandering Wheatbelt Wine Awards	Refund of cleaning bond		(300.00)
65596	13/04/2023	Wandering Wheatbelt Wine Awards	Refund of cleaning bond	300.00	

Shire of Wandering
List of Accounts for Payments for April 2023

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
EFT8154	11/04/2023	DOT Licencing	Dot Licencing Payments		(15,738.40)
WADO11042023	11/04/2023	DOT Licencing	Transport WADO11042023	15738.40	
EFT8155	11/04/2023	Pivotel	Satellite Sleeves Bushfire radios		(60.00)
354078	15/03/2023	Pivotel	Satellite Sleeves Bushfire radios 15.3 - 14.4.2023	60.00	
EFT8156	11/04/2023	Synergy	Electricity Supply		(2,037.38)
995311230	20/03/2023	Synergy	CRC & public conveniences CRC 17 Jan - 17 Mar 2023	475.64	
2065771147	20/03/2023	Synergy	Fuel facility 17 Jan - 17 Mar 2023	267.88	
2081764726	20/03/2023	Synergy	Depot 17 Jan - 17 Mar 2023	771.12	
2065771461	20/03/2023	Synergy	Administration Office 17 Jan - 17 Mar 2023	522.74	
EFT8157	11/04/2023	Telstra	Telecommunications Charges		(1,000.00)
377253411.6	18/03/2023	Telstra	Admin office CEO Mobile, Admin office, Internet - 13 Dunmal DR, Admin iPad, Supervisor, Remote Internet, Fuel Facility, Fuel Facility, Fuel Facility, CRC Internet Connection, Office Internet Connection, Phone plan, Rounding, Service & Equipment, Depot Internet March 2023, Fire Station Internet March 2023,	1000.00	
EFT8158	21/04/2023	Australian Taxation Office	BAS March 2023		(19,296.00)
FEB 2023	28/02/2023	Australian Taxation Office	GST on Sales, Group Tax Clearing, GST on Purchases, Fuel Credits, Rounding	-5031.00	
BAS MARCH 2023	31/03/2023	Australian Taxation Office	GST on Sales BAS March 2023, Group Tax Clearing, Quarterly FBT Instalment, GST on Purchases, Fuel Credits, Rounding	24327.00	
EFT8159	21/04/2023	BOC	Gas Bottle Rental		(32.74)
5006026082	29/03/2023	BOC	Acetylene 26 Feb - 28 Mar 2023, Argoshield, Medical Oxygen 26 Feb - 28 Mar 2023	32.74	

Shire of Wandering
List of Accounts for Payments for April 2023

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
EFT8160	21/04/2023	Belmont St. John Ambulance Western Australia	Service First Aid Supplies		(1,047.27)
1063832	10/03/2023	Belmont St. John Ambulance Western Australia	Service First Aid Kit vehicle - depot, Service first aid kit - admin, Service defibrillator - admin, Service first aid kit - CRC, Service first aid kit - fire shed, Service first aid kit - caravan park, Service defibrillator - caravan park, Service first aid kit - community centre, Service defibrillator - community centre, Travel	1047.27	
EFT8161	21/04/2023	Best Office Systems	Copier Contract - March 2023		(226.27)
615182	31/03/2023	Best Office Systems	Copier Contract - Shire B&W copies, Colour copies	226.27	
EFT8162	21/04/2023	Boddington News	Boddington News		(18.00)
2/13	14/03/2023	Boddington News	Boddington News Edition #709	9.00	
7/44	31/03/2023	Boddington News	Boddington News Edition #708	9.00	
EFT8163	21/04/2023	Child Support Agency	Payroll deductions		(119.36)
DEDUCTION	12/04/2023	Child Support Agency	Payroll Deductions	119.36	
EFT8164	21/04/2023	ITR Pacific	Grader blades		(5,651.80)
505575	17/01/2023	ITR Pacific	20 Grader Blades PG3	2750.00	
5888680	19/04/2023	ITR Pacific	2 packs of grader blades	2901.80	
EFT8165	21/04/2023	Innaloo Quest	Accommodation - DOT User Training (Reimbursed by DOT)		(855.00)
2075038	31/03/2023	Innaloo Quest	Accommodation - Transport Training	855.00	
EFT8166	21/04/2023	Jozef Majko	Payroll deductions		(600.00)
DEDUCTION	12/04/2023	Jozef Majko	Payroll Deduction	600.00	
EFT8167	21/04/2023	Regional Development Australia Wheatbelt	Grant Guru subscription		(330.00)
01072022	01/07/2022	Regional Development Australia Wheatbelt	Grant Guru subscription 2022/23	330.00	
EFT8168	21/04/2023	Rynat Industries Australia	Toilet roll spindles		(28.72)
52942	03/03/2023	Rynat Industries Australia	Toilet roll spindles	28.72	
EFT8169	21/04/2023	Shire of Wandering Christmas Club	Payroll deductions		(260.00)
DEDUCTION	12/04/2023	Shire of Wandering Christmas Club	Payroll Deductions	260.00	
EFT8170	21/04/2023	Shire of Wandering Staff Lotto	Payroll deductions		(80.00)
DEDUCTION	12/04/2023	Shire of Wandering Staff Lotto	Payroll Deductions	80.00	

Shire of Wandering
List of Accounts for Payments for April 2023

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
EFT8171	21/04/2023	Startrack Express	Freight 29 March 2023		(6.41)
6230528023039	29/03/2023	Startrack Express	Freight	6.41	
EFT8172	21/04/2023	WD Auto Repairs	Service of vehicle and mechanical repairs		(647.05)
867	14/11/2022	WD Auto Repairs	Skid Steer tyre repair	165.00	
1064	01/03/2023	WD Auto Repairs	Service of vehicle and mechanical repairs - OWD	482.05	
EFT8173	14/04/2023	DOT Licencing	Dot Licencing Payments		(257.15)
BS178	14/04/2023	DOT Licencing	Transport WADO13042023	257.15	
EFT8174	14/04/2023	Synergy	Electricity Supply		(3,019.91)
2069768202	22/03/2023	Synergy	19 Humes Wy 17 Jan - 17 March 2023	342.42	
2085761843	22/03/2023	Synergy	31 Dunmall Dr 17 Jan - 17 March 2023	763.86	
2065774259	22/03/2023	Synergy	Caravan Park & Fire Station Caravan Park 17 Jan - 17 March 2023, Fire Station	994.62	
2001826257	22/03/2023	Synergy	Community Centre Usage 17 Jan - 17 March 2023	919.01	
EFT8175	21/04/2023	Bankwest	Credit Card		(1,063.55)
MAR-APRIL2023	21/04/2023	Bankwest	Credit Card -March/April 2023	1063.55	
EFT8176	21/04/2023	ClickSuper	Transaction fee March 2023		(16.50)
2302140	23/03/2023	ClickSuper	Transaction fee Feb 2023 DD23022873	5.50	
23034274	04/04/2023	ClickSuper	Transaction fee March 2023	11.00	
EFT8177	21/04/2023	DOT Licencing	Transport		(1,232.25)
WADO21042023	21/04/2023	DOT Licencing	Dot Licencing Payments	1232.25	
EFT8178	21/04/2023	Water Corporation	Standpipe Water use		(592.65)
139	23/03/2023	Water Corporation	Standpipe Water use 20 Feb - 22 Mar 2023	592.65	
DD4297-1	12/04/2023	Macquarie Super	Superannuation contributions		(107.78)
SUPER	12/04/2023	Macquarie Super	Payroll Deductions	107.78	
DD4297-2	12/04/2023	HESTA	Payroll deductions		(257.15)
SUPER	12/04/2023	HESTA	Payroll Deductions	194.43	
DEDUCTION	12/04/2023	HESTA	Payroll Deductions	62.72	
DD4297-3	12/04/2023	Aware Super	Superannuation contributions		(4,854.30)
DEDUCTION	12/04/2023	Aware Super	Payroll Deductions	706.52	
SUPER	12/04/2023	Aware Super	Payroll Deductions	4147.78	

Shire of Wandering
List of Accounts for Payments for April 2023

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
DD4297.4	12/04/2023	ANZ OnePath Masterfund	Superannuation contributions		(242.63)
DEDUCTION	12/04/2023	ANZ OnePath Masterfund	Payroll Deductions	59.18	
SUPER	12/04/2023	ANZ OnePath Masterfund	Payroll Deductions	183.45	
DD4297.5	12/04/2023	Australian Super	Superannuation contributions		(618.19)
DEDUCTION	12/04/2023	Australian Super	Payroll Deductions	150.78	
SUPER	12/04/2023	Australian Super	Payroll Deductions	467.41	
DD4297.6	12/04/2023	HostPlus Super Fund	Superannuation contributions		(249.36)
DEDUCTION	12/04/2023	HostPlus Super Fund	Payroll Deductions	60.82	
SUPER	12/04/2023	HostPlus Super Fund	Payroll Deductions	188.54	
DD4297.7	12/04/2023	MLC Masterkey	Superannuation contributions		(271.70)
DEDUCTION	12/04/2023	MLC Masterkey	Payroll Deductions	66.27	
SUPER	12/04/2023	MLC Masterkey	Payroll Deductions	205.43	
DD4297.8	12/04/2023	CBUS	Superannuation contributions		(280.34)
SUPER	12/04/2023	CBUS	Payroll Deductions	280.34	
DD4297.9	12/04/2023	Prime Super	Superannuation contributions		(258.47)
SUPER	12/04/2023	Prime Super	Payroll Deductions	258.47	
DD4307.1	26/04/2023	Macquarie Super	Superannuation contributions		(129.48)
SUPER	26/04/2023	Macquarie Super	Payroll Deductions	129.48	
DD4307.2	26/04/2023	HESTA	Superannuation contributions		(221.12)
SUPER	26/04/2023	HESTA	Payroll Deductions	167.19	
DEDUCTION	26/04/2023	HESTA	Payroll Deductions	53.93	
DD4307.3	26/04/2023	Aware Super	Superannuation contributions		(4,817.63)
DEDUCTION	26/04/2023	Aware Super	Payroll Deductions	700.85	
SUPER	26/04/2023	Aware Super	Payroll Deductions	4116.78	
DD4307.4	26/04/2023	ANZ OnePath Masterfund	Superannuation contributions		(308.12)
DEDUCTION	26/04/2023	ANZ OnePath Masterfund	Payroll Deductions	75.15	
SUPER	26/04/2023	ANZ OnePath Masterfund	Payroll Deductions	232.97	
DD4307.5	26/04/2023	Australian Super	Superannuation contributions		(618.19)
DEDUCTION	26/04/2023	Australian Super	Payroll Deductions	150.78	
SUPER	26/04/2023	Australian Super	Payroll Deductions	467.41	

Shire of Wandering
List of Accounts for Payments for April 2023

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
DD4307.6	26/04/2023	HostPlus Super Fund	Superannuation contributions		(249.36)
DEDUCTION	26/04/2023	HostPlus Super Fund	Payroll Deductions	60.82	
SUPER	26/04/2023	HostPlus Super Fund	Payroll Deductions	188.54	
DD4307.7	26/04/2023	MLC Masterkey	Superannuation contributions		(271.70)
DEDUCTION	26/04/2023	MLC Masterkey	Payroll Deductions	66.27	
SUPER	26/04/2023	MLC Masterkey	Payroll Deductions	205.43	
DD4307.8	26/04/2023	CBUS	Superannuation contributions		(173.53)
SUPER	26/04/2023	CBUS	Payroll Deductions	173.53	
DD4307.9	26/04/2023	Prime Super	Superannuation contributions		(258.47)
SUPER	26/04/2023	Prime Super	Payroll Deductions	258.47	
DD4297.10	12/04/2023	AMP Superannuation Savings Trust	Superannuation contributions		(198.16)
SUPER	12/04/2023	AMP Superannuation Savings Trust	Payroll Deductions	198.16	
DD4307.10	26/04/2023	AMP Superannuation Savings Trust	Superannuation contributions		(198.16)
SUPER	26/04/2023	AMP Superannuation Savings Trust	Payroll Deductions	198.16	
Total					(227,052.24)

Credit Card Breakdown -March-April 2023			
Date	Supplier	Description	Amount
18/03/2023	Roadhouse	Fuel OWD	\$ 79.54
27/03/2023	IGA Boddington	Council Meeting Refreshments	\$ 33.91
27/03/2023	IGA Boddington	Council Meeting Refreshments	\$ 116.98
28/03/2023	Coles	CRC Planning Forum Catering	\$ 74.65
29/03/2023	Nespresso	Office supplies	\$ 173.20
30/03/2023	Aussie Bradbard	Broadband Administration Building	\$ 158.00
07/04/2023	Adobe	Adobe Pro & inDesign Licencing	\$ 426.87
17/04/2023	Fees		\$ 0.40
		TOTAL	\$ 1,063.55

13.3 2022/2023 Budget Amendment-Wandering Fire Station Extensions

File Reference:	05.051.05108
Location:	N/A
Applicant:	N/A
Author:	Alan Hart – Chief Executive Officer
Authorising Officer	Alan Hart – Chief Executive Officer
Date:	09 May 2023
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary:

For Council to amend the 2022/2023 Budget for the extensions to the Wandering Fire Station.

Background:

The extensions to the Wandering Fire Station are nearing completion and there have been some significant variations to the project that have been approved by the Department of Fire and Emergency Services (DFES) and these variations now need to be incorporated into the 2022/23 Annual Budget.

Comment:

During construction, it was identified that the building as designed needed to be either modified or needed furnishings/equipment and these were not included in the original project scope as approved by DFES. DFES have now approved these variations, totalling \$28,500 and will fully fund the additional expenditure.

The Items to be included in the Budget adjustment are:

- Air Conditioning
- Computer for Comms Room
- Fridge for Kitchen
- Furniture
- Projector Screen
- Projector
- Electrical Upgrade
- Hot Water System
- Window in male toilet
- Security Screens in Kitchen and Toilet Windows

It is not envisaged that there will be no further variations to the project.

Consultation:

Wandering Town Volunteer Fire Brigade.

Statutory Environment:

Regulation 33A *Local Government (Financial Management) Regulations 1996*.

Policy Implications:

N/A

Financial Implications:

There are no financial implications to this budget amendment as they are fully funded by DFES.

Strategic Implications:

Our Goals	Our Strategies
The Wandering Shire is financially sustainable	Improve accountability and transparency Prudently manage our financial resources to ensure value for money

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

N/A

Voting Requirements:

Absolute Majority

080523 Moved: Cr G Hansen Seconded: Cr M Watts

Recommendation and Council Decision:

That Council amend the 2022/23 Annual Budget by \$28,500 for the extensions to the Wandering Fire Station (E05111), fully funded by DFES Capital Grant (R05105).

Carried 6/0

13.4 Councillor Sitting Fees 2023/24	
File Reference:	04.041.04112
Location:	N/A
Applicant:	N/A
Author:	Alan Hart, Chief Executive Officer
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	2 May 2023
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	N/A

Summary:

Council to consider and set the meeting fees and allowances for Councillors for the 2023/24 financial year.

Background:

Section 7B (2) of the Salaries and Allowances Act 1975 requires the Salaries and Allowances Tribunal, at intervals of not more than 12 Months, to inquire into and determine: -

- The amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 to elected council members for attendance at meetings;
- The amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and
- The amount of allowances or the minimum and maximum amounts of allowances, to be paid under the Local Government Act to elected council members.

The Tribunal continues to utilise the four band Local Government classification model adopted in 2012 with the Shire of Wandering falling under Band 4.

For the 2023/2024 financial year, the tribunal has determined that remuneration, fees, expenses and allowance ranges for Band 4 Councils will increase by an average of 1.5% from those determined for the 2022/23 financial year.

Comment:

The Salaries and Allowances Tribunal has determined that the fees for 2023/24 will be:

Council Meeting Attendance Fees per Annum

Where a Local Government decides, by Absolute Majority, to pay a Council Member a fee referred to in section 5.98(1)(b) of the Local Government Act for attendance at a Council Meeting, the following per meeting fee range will be applicable:

Band	For a council member other than mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
4	\$3,735	\$9,890	\$3,735	\$20,325

The meeting fee set for 2022/23 was \$3,680 per annum for both Councillors and President.

Annual Allowance for a Mayor or President

Where a local government sets the amount of the annual local government allowance to which a mayor or president is entitled under section 5.98(5) of the LG Act the following allowance range will be applicable;

Band	Minimum	Maximum
4	\$535	\$20,875

Annual Allowance for Deputy President

For the purpose of section 5.98A(1) of the Local Government Act the annual allowance for a Deputy President is determined to be up to 25% of the Presidents Allowance.

In 2022/23, the Presidents allowance was set at \$6,170 and \$1,000 for the Deputy President.

It is proposed the new fee structure for 2023/24 be set as:

Band	Annual Meeting Fee		Annual Allowance	
	President	Councillor	President	Deputy President
4	\$3,735	\$3,735	\$6,270	\$1,000

Consultation:

N/A

Statutory Environment:

Local Government Act 1995 –

5.98 Fees etc. for council members

(1A) In this section –

determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.

- (1) A council member who attends a council or committee meeting is entitled to be paid —
 - (a) the fee determined for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.
- (2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —**
 - (a) the fee determined for attending a meeting of that type; or
 - (b) where the local government has set a fee within the range determined for meetings of that type, that fee.
- (2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement, **is entitled to be reimbursed for the expense in accordance with subsection (3).**
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the extent of reimbursement for the expense has been determined, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
 - (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the annual local government allowance determined for mayors or presidents; or
 - (b) here the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.

- (6) A local government cannot —
- (a) make any payment to; or
 - (b) reimburse an expense of,
a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.
- (7) A reference in this section to a **committee meeting** is a reference to a meeting of a committee comprising —
- (a) council members only; or
 - (b) council members and employees.
- [Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]
- 5.98A. Allowance for deputy mayor or deputy president
- (1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).
* Absolute majority required.
- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.
[Section 5.98A inserted by No. 64 of 1998 s. 37; amended by No. 2 of 2012 s. 15.]
- 5.98 Annual fee for council members in lieu of fees for attending meetings
A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —
- (a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or
 - (b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.
- * Absolute majority required.
[Section 5.99 amended by No. 2 of 2012 s. 16.]
- 5.98A. Allowances for council members in lieu of reimbursement of expenses
- (1) A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —
- (a) the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or
 - (b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount,
and only reimburse the member for expenses of that type in excess of the amount of the allowance.
- * Absolute majority required.
- (2) For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —
- (a) in the case of an annual allowance that is paid in advance, if it is reasonably likely that the council member will incur expenses of that type during the period to which the allowance relates;
 - (b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.
- [Section 5.99A inserted by No. 64 of 1998 s. 38; amended by No. 2 of 2012 s. 17; No. 26 of 2016 s. 13.]

Local Government (Administration) Regulations 1996 –

30. Meeting attendance fees (Act s. 5.98)

(3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) –

- (a) *meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;*
- (b) *meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;*
- (c) *council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;*
- (d) *meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;*
- (e) *meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.*

[(3B) deleted]

(3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if –

- (a) *the person who organises the meeting pays the council member a fee for attending the meeting; or*
- (b) *the council member is paid an annual fee in accordance with section 5.99; or*
- (c) *if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.*

[(3)-(5) deleted]

[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6; 13 Jul 2012 p. 3219.]

31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

(1) *For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are –*

- (a) *rental charges incurred by a council member in relation to one telephone and one facsimile machine; and*
- (b) *child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.*

[(2)-(5) deleted]

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034; 13 Jul 2012 p. 3219.]

32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))

(1) *For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are –*

- (a) *an expense incurred by a council member in performing a function under the express authority of the local government; and*
 - (b) *an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and*
- (c) *an expense incurred by a council member in performing a function in his or her capacity as a council member.* Salaries and Allowance Act 1975

- 7B. Determinations as to fees and allowances of local government councillors
- (1) *In this section —*
elected council member means a person elected under the Local Government Act 1995 as a member of the council of a local government.
 - (2) *The Tribunal is to, from time to time as provided by this Act, inquire into and determine —*
 - (a) *the amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 to elected council members for attendance at meetings; and*
 - (b) *the amount of expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and*
 - (c) *the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the Local Government Act 1995 to elected council members.*
 - (3) *Section 6(2) and (3) apply to a determination under this section.*

Policy Implications:

There are no current policy implications.

Financial Implications:

The approved meeting fees and allowances will be accounted for in the 2022/23 budget.

Strategic Implications:

Provide Strong Leadership

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance Service Level Plans detail operational roles, responsibilities and resources.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Nil

Voting Requirements:

Absolute majority

090523 Moved: Cr G Hansen Seconded: Cr G Parsons

Recommendation and Council Decision:

That Council set the Councillor meeting fees and allowances for 2023/24 as:

1.

Band	Annual Meeting Fee		Annual Allowance	
	President	Councillor	President	Deputy President
4	\$3,735	\$3,735	\$6,270	\$1,000

2. Annual Communications / IT Allowance at \$1,090

3. Travel allowance at 75c per km.

Carried 6/0

14 Planning and Technical Services

14.1 Bush Fire Advisory Committee AGM March 2023

File Reference:	05.051.05110
Location:	N/A
Applicant:	N/A
Author:	Lisa Boddy – Customer Service Coordinator
Authorising Officer	Alan Hart – Chief Executive Officer
Date:	9 May 2023
Disclosure of Interest:	N/A
Attachments:	BFAC AGM Minutes
Previous Reference:	Item 14.2 Ordinary Council Meeting 21 April 2022

Summary:

Council is requested to consider the minutes of the meeting of the Wandering Bush Fire Advisory Committee held on 28 March 2023.

Background:

The Wandering Bush Fire Advisory Committee AGM normally meets in early April to advise Council on matters relating to its responsibilities under the Bush Fire Act 1954.

Comment:

Nothing further.

Consultation:

Alan Hart, Chief Executive Officer
Graham Treasure, Chief Fire Control Officer

Statutory Environment:

Bushfires Act 1995

Policy Implications:

Policy 62 - Bush Fire Brigade – Roles and Qualifications of Officers.

Financial Implications:

There are no known financial implication relating to this item.

Strategic Implications:

Retain and Grow our Population

Our Goals	Our Strategies
People feel safe, connected and actively involved in the community	Facilitate and support Emergency Services Planning

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 9 has been determined for this item.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple majority

100523 Moved: Cr M Watts Seconded: Cr G Hansen

Recommendation and Council Decision:

That Council: endorse the BFAC recommendations for appointment of office bearers as listed below as that, pursuant to Section 38 (1) of the *Bush Fires Act 1954*, Council appoint the following persons for the financial year 2023/2024 and that the appointments be advertised in the Wandering Echo, and Council's Delegation (Appointments) be updated accordingly:

Carried 6/0

BUSH FIRE EXECUTIVES

CBFCO – Graham Treasure, DCBFCO – Tim Treasure, DCBFCO (2) – position to remain vacant

BUSH FIRE CONTROL OFFICERS:

Hastings

Richard Bostock
David Parsons
Anthony Turton

Chad Ferguson
Adam Watts
Brendan Hardie

Wandering

Tim Treasure
Brook White

Jon Hardie
Steve Watts

Codjatown

Mark Browne
Dean Warburton

Cameron Hardie
Brendan Hardie

Wandering Town

Shaun Brand
Brad Hunt

Graham Treasure
Darron Hatton

HARVEST & VEHICLE BAN (Fire Weather) COMMITTEE:

Mark Browne
Adam Watts

Tim Treasure

Clover Burning Officers –

Anthony Turton

Graham Treasure

DUAL FIRE CONTROL OFFICERS:

Brookton	Anthony Turton
Brookton	Graham Treasure
Pingelly	Richard Bostock
Pingelly	Graham Treasure
Cuballing	Mark Browne
Cuballing	Graham Treasure
Boddington	Jon Hardie
Boddington	Graham Treasure
Williams	Jon Hardie
Williams	Graham Treasure

Delegates to the ROAC – CBFCO & DCBFCO

Delegates to the LEMC – CBFCO & DCBFCO

Secretary - Shire

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
Ph: 08 9884 1056
www.wandering.wa.gov.au



Our Vision:

Wandering is a community of responsible, resilient and adaptable residents thriving in our scenic, economically diverse environment.

BUSH FIRE ADVISORY COMMITTEE MEETING

Minutes 28th March 2023

We wish to acknowledge the traditional custodians of the land we are meeting on today. We acknowledge and respect their continuing culture and the contribution they make to the Shire of Wandering, and convey our respects to Elders past and present

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BFAC - AGM - MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Meeting declared open at 7:30pm

2. RECORD OF ATTENDANCE / APOLOGIES

PRESENT:				
Peter Monk Codjatotine	Graham Treasure CFCO	Anthony Turton Hastings Captain	Shaun Brand Wandering Town Captain	Brooke Hardie Hastings
Brad Hunt Wandering Town FCO	Adam Whitford Dept. Fire & Emergency Services	Tim Treasure DCFCO	Jon Hardie Wandering FCO	Brodie Shelby DBCA
Dean Warburton Codjatotine FCO	Richard Bostock Hastings FCO	Mark Brown Codjatotine	Adam Watts Hastings	
STAFF:				
Karl Mickle Shire OM	Alan Hart Shire CEO	Cr Ian Turton Shire President	Brad Hunt Shire WM	
APOLOGIES:				
Graeme Parsons				

3. ELECTION OF OFFICERS – CHAIRMAN

ELECTION OF CHAIRMAN

Moved G Treasure
Seconded P Monk
That Cr Ian Turton be elected Chairman.
Cr Turton accepted.

CARRIED

Cr Turton took the Chair.

4. ANNOUNCEMENTS BY THE CHIEF BUSH FIRE CONTROL OFFICER & DEPUTY CHIEF BUSH FIRE CONTROL OFFICER

4.1. CHIEF BUSH FIRE CONTROL OFFICER

Notes not received

4.2. DEPUTY CHIEF BUSH FIRE CONTROL OFFICER

Quiet fire season

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

5.1. BFAC MEETING OF COUNCIL HELD – 04/10/2022.

DECISION

Moved P Monk
Seconded S Brand
That the Minutes of the Bush Fire Advisory Committee Meeting held 04/10/2022 be confirmed as a true and correct record of proceedings with the following amendment:

CARRIED

6. GENERAL BUSINESS

6.1. APPOINTMENT OF OFFICE BEARERS FOR 2023/2024

RECOMMENDATION - APPOINTMENT OF OFFICE BEARERS

That, pursuant to Section 38 (1) of the Bush Fires Act 1954, the BFAC recommends that Council appoint the following persons for the financial year 2023/2024 and that the appointments be advertised in the Wandering Echo, and Council's Delegation (Appointments) be updated accordingly:

BUSH FIRE EXECUTIVES

- CBFCO – Graham Treasure - *Moved: A Watts, Seconded: R Bostock - Carried*
- DCBFCO – Tim Treasure - *Moved: P Monk, Seconded: S Brand - Carried*
- DCBFCO (2) – Vacant (meeting decided not to fill the position)

BUSH FIRE CONTROL OFFICERS:

Hastings

- Richard Bostock
- Chad Ferguson
- David Parsons
- Adam Watts
- Anthony Turton
- Brendon Hardie

Moved: T Treasure, Seconded: J Hardie - Carried

Wandering

- Tim Treasure
- Jon Hardie
- Brooke White
- Steve Watts

Moved: M Browne, Seconded: A Watts – Carried

Codjatonine

- Mark Browne
- Dean Warburton
- Brendan Hardie
- Cameron Hardie

Moved: P Monk, Seconded: A Turton – Carried

Wandering Town

- Shaun Brand
- Graham Treasure
- Brad Hunt
- Darron Hatton

Moved: T Treasure, Seconded: B Hunt – Carried

HARVEST & VEHICLE BAN (Fire Weather) COMMITTEE:

- Mark Browne
- Tim Treasure
- Adam Watts

Moved: J Hardie, Seconded: P Monk – Carried

Clover Burning Officers –

- Anthony Turton
- Graham Treasure

Moved: P Monk, Seconded: R Bostock - Carried

DUAL FIRE CONTROL OFFICERS:

- Brookton Anthony Turton
- Brookton Graham Treasure
- Pingelly Richard Bostock
- Pingelly Graham Treasure
- Cuballing Mark Browne
- Cuballing Graham Treasure
- Boddington John Hardie
- Boddington Graham Treasure
- Williams Jon Hardie
- Williams Graham Treasure

Moved: P Monk, Seconded: D Warburton – Carried

Delegates to the ROAC – CBFCO, DCBFCO,

Delegates to the LEMC – CBFCO, DCBFCO

Secretary - Shire

Moved B Hunt, Seconded: M Browne

CARRIED

7. MEETING DATES

October 2023 date to be advised.

8. OTHER REPORTS

8.1. BUSH FIRE BRIGADES

HASTINGS

Brigade AGM - tabled

WANDERING & WANDERING TOWN

Brigade AGM - tabled

CODJATOTINE

Brigade AGM – Verbal with minutes to be submitted

8.2. DEPARTMENT OF BIODIVERSITY, CONSERVATION & ATTRACTIONS

Brody Shelby (DBCA)

Had a small talk on their upcoming burns in the Shire of Wandering.

8.3. DEPARTMENT FIRE & EMERGENCY SERVICES

Adam Whitford (DFES) delivered a verbal report stating the following:

- Fire season has been quiet with 141 fires.
- 2 Deaths in WA'
- Header fires and seed destructor problem
- Water bomber program was successful with bombers based in Narrogin.

- Water Bombing program in review.
- Water bombers can be requested at any time, DFES is pushing to keep the water bombers locally.

8.4. REVIEW OF 2023/2024 BUSH FIRE NOTICE

BFAC members reviewed the current 2022/23 Bush Fire Notice and advised that the only changes would be:

- Captains to discuss what changes they would like. E.g., Bush blocks with rural holdings and Telco towers.

Update Wandering Town VHF call signs:

- Shaun Brand – Wandering Town 1
- Graham Treasure - Wandering Town 2
- Bradley Hunt – Wandering Town 3
- Darron Hatton - Wandering Town 4

9. OTHER GENERAL BUSINESS

- Shire is working on a fire plan. Channels are changing on the radios. New standard channels for incident management and this to be standard across all brigades. Under the new plan FCO's will be able to communicate more efficiently between captains and brigade members.

Action: CBFCO and captains to preplan & submit to DFES for endorsement.

- Fire mitigation works around bridge structures.

Action: Shire to follow up to get this completed

- WhatsApp group for permits.

Action: Permit officers to take a photo of permits and post them up on WhatsApp group first responders.

- Upcoming training for new FCO's this will hopefully be held in Wandering with significant numbers wanting to attend.

- Change over 4 radios for the Codji Brigade.

Action: Brad to organise this work to be completed.

- Burning permits will cease for Easter at midnight Wednesday night and restart on Easter Monday.

- Shaun: who is the primary contact for council?

Action: Primary contact is the CEO. Council will need to discuss resourcing for radio, SMS etc during emergencies.

- Shire needs to look at a CESM and can we look at sharing with Boddington.

Ian: The Shire is working closely with Pingelly and that maybe an opportunity in the future. What are our needs and how do we fund it?

Adam Whitford: CESM's looks after the volunteers needs using the LGGs system they can get access to funding for programs and projects.

Boddington is keen to share a CESM and maybe Williams – CEO to contact other CEO's to see if they are interested in sharing a CESM. CEO to discuss with council.

Motion:

That the shire will investigate with DFES in obtaining a CESM for the district. With the possibility of resource sharing with the shires of Boddington, Williams and Cuballing.

Moved: S Brand. Seconded: A Watts

Carried

- Town Brigade has 2 new fire trucks and the Shire to thank Shaun for obtaining the trucks as it is a huge asset to the Shire.
- Bushfire safety awareness course coming please speak to Brad if anyone wants to attend.
- Graeme Parsons long service. Does the committee want the Shire to recognise Graeme's contribution towards the brigade?

Shaun: There is 4 brigade members that have made contributions over the years. Shaun is looking at a honour board to be placed in the new fire shed upgrade recognising our long serving volunteers with name and length of service.

Motion:

That the committee recommends to the Shire that an honour board be created with the following names:

- Graeme Parsons
- Peter Monk
- Melvin Schorer
- Bruce Dowsett

And to be placed in the new fire shed upgrade.

Moved: A Watts Seconded: S Brand

Carried

10. CLOSURE OF MEETING

There being no further business the meeting closed at 10:00pm.

14.2 New Shire Policies	Level of Service Grading Activities and Road Hierarchy / Maintenance Standards
File Reference:	12.122.12200
Location:	N/A
Applicant:	N/A
Author:	Karl Mickle - Operations Manager
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	09 May 2023
Disclosure of Interest:	Nil
Attachments:	Draft Policies – Level of Service Grading Activities and Road Hierarchy / Maintenance Standards Shire of Wandering Road Hierarchy
Previous Reference:	General Planning Forum 2 March 2023

Summary:

For Council to consider adopting the attached policies for Level of Service-Grading Activities and Road Hierarchy-Maintenance Standards.

Background:

Council has a road network consisting of 297km of gravel roads and 182km of bitumen roads. The purpose of these policies is to ensure that Council clearly identifies the "level of service" it requires for the maintenance and the construction standards associated to the roads that are identified in the road hierarchy within the Shire of Wandering.

Comment:

It has been identified the Shire of Wandering Policy Manual does not contain these policies. These policies clearly identify the level of service and standards associated with road maintenance within the Shire. The level of service identified in these policies will give Council and staff clear direction of the maintenance and the construction standards associated to roads within the Shire of Wandering.

Consultation:

CEO
Council

Statutory Environment:

Sections 5.90A(5) and 5.128(4) of the *Local Government Act 1995*

Policy Implications:

The implications are detailed in the proposed policies.

Financial Implications:

Council budgets each year to maintain the road network. The proposed policies will ensure that funds are allocated each year to implement the policies.

Strategic Implications:

Improve the Economic Growth of our Community.

Our Goals	Our Strategies
Roads are a critical driver for our Shire	Develop a Road Management Plan, which incorporates a Road Hierarchy, minimum Service levels, Maintenance Policy, Contractor Policy and Asset Management Plan

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Nil

Voting Requirements:

Absolute Majority

110523 Moved: Cr G Parsons Seconded: Cr P Treasure

Recommendation and Council Decision:

That Council adopts the proposed policies as follows:

- **Level of Service Grading Activities**
- **Road Hierarchy / Maintenance Standards**

Carried 6/0

POLICY TYPE:
COMMUNITY

POLICY NO: 89

DATE ADOPTED:

DATE LAST REVIEWED:

LEGAL (PARENT): *Local Government Act 1995*

LEGAL (SUBSIDIARY):

DELEGATION OF AUTHORITY APPLICABLE:

DELEGATION NO.

ADOPTED POLICY

TITLE:	Level Of Service-Grading Activities
OBJECTIVE:	To ensure that Council clearly identifies the "level of service" it requires for the maintenance of bitumen and gravel roads within the Shire of Wandering (the Shire).

DEFINITIONS

Nil.

POLICY STATEMENT

Winter Grading:

- Winter grading will commence as soon as optimum soil moisture conditions permit.
- Gravel roads will be double cut from drain invert to drain invert.
- If insufficient material is evident, every effort will be made to import top-up gravel from other areas.
- Formation road widths must be maintained at 9.0m for major arterial roads and 8.0m for minor arterial roads.
- The road cross-section gravel roads where possible will be targeted at between 5% - 6% in order to maintain good road drainage.
- The 1st round of grading will include only major and minor arterial roads and bus routes.
- The 2nd round of grading will include major and minor arterial roads, bus routes and minor roads.

Summer Grading:

- Summer grading will focus on local roads, verge clearing, back slopes and drains (including bitumen roads)
- No planned formation grading will occur on major and minor arterial roads, bus routes and minor roads during summer with the exception of sections of severe corrugations or where damage has been caused by heavy unseasonal summer rainfall.
- Large vegetation will be carted away with a target of 100km per annum.
- In the event of optimum soil moisture conditions due to summer rainfall, the focus will not move away from local roads. Graders may, however, formation grade other roads on the way from local road to local road.

Bitumen Shoulder Grading:

- When grading bitumen shoulders, staff will where practicable use two graders in convoy and commence as close as practicable to 1st July each year.
- Roads with a bitumen width of less than 6.50m wide will be graded once every year only if needed.
- Roads with a bitumen width of more than 6.50m wide should be graded once every two years but only if needed after the completion of roads with the width of less than 6.5m which have priority.
- Grading extents will be from drain invert to drain invert.
- Clearing of back-slopes on bitumen shoulders will be done only in summer.
- Road sweeping will be carried out during bitumen shoulder grading only when required.

Bitumen Shoulder Widening:

- Wherever possible, backslope vegetation will be laid down and stabilised and only large vegetation will be removed
- Existing shoulder sub-base / base course material is to be tested by scarifying up to 150mm with a single grader tine. If the material is suitable it will be left in-situ with minimal tinning and topped to shape with suitable imported gravel.

Sourcing of Gravel:

- All gravel for the current works program be pushed in July, August and September of that year to allow for moisture absorption.

ASSOCIATED DOCUMENTS

Nil.

RESPONSIBILITY FOR IMPLEMENTATION

The Chief Executive Officer is responsible for implementing this policy.

**POLICY TYPE:
COMMUNITY**

POLICY NO: 90

DATE ADOPTED:

DATE LAST REVIEWED:

LEGAL (PARENT): *Local Government Act 1995*

LEGAL (SUBSIDIARY):

DELEGATION OF AUTHORITY APPLICABLE:

DELEGATION NO.

ADOPTED POLICY

TITLE: Road Hierarchy / Maintenance Standard

OBJECTIVE:

- To ensure that the Roads are constructed and maintained according to Councils standards.
- That Council adopt the following Road Hierarchy with regards to rural roads and associated Construction and Maintenance standards:

DEFINITIONS

Nil.

POLICY STATEMENT

1: Regional Road Group Roads Type 5

CONSTRUCTION STANDARD	MAINTENANCE STANDARD
Formation width – 16 metres Pavement width – 11 metres Seal width – 8 metres if possible	Bitumen pavement surface is to be maintained as required. Gravel shoulders are to be winter graded annually on the first round. Gravel pavement is to be winter graded annually on the first round. Offshoots and surface drains are to be cleaned out when the shoulders are graded. Roadside furniture is to be maintained as required. Back-slopes on drains to be maintained as required. Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Councillors are to be contacted.

2: Regional Road Group Roads Type 4

CONSTRUCTION STANDARDS	MAINTENANCE STANDARD
Formation width – 15 metres Pavement Width - 10 metres Seal width - 7 metres or 8 metres if possible	Bitumen pavement surface is to be maintained as required. Gravel shoulders are to be winter graded annually on the first round Gravel pavement is to be winter graded annually on the first round. Offshoots and surface drains are to be cleaned out when the shoulders are graded. Roadside furniture is to be maintained as required. Back-slopes on drains to be maintained as required. Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Councillors are to be contacted.

3: Major Arterial Roads

CONSTRUCTION STANDARD	MAINTENANCE STANDARD
Formation width – 12-16 metres Pavement width – 9 metres Material depth 120mm – 150mm (depending on sub base)	Bitumen pavement surface is to be maintained as required. Gravel road pavement is to be winter graded annually on the first round. Gravel shoulders are to be winter graded annually on the first round. Offshoots and surface drains are to be cleaned out when road pavement is graded Roadside furniture is to be maintained as required. Back-slopes on drains to be maintained as required. Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Councillors are to be contacted.

4: Minor Arterial Roads

CONSTRUCTION STANDARD	MAINTENANCE STANDARD
Formation width – 11-15 metres Pavement width – 8 metres Material depth 120mm – 150mm (depending on sub base)	Bitumen pavement surface is to be maintained as required. Gravel road pavement is to be winter graded annually on the first round. Gravel shoulders are to be winter graded annually on the first round. Offshoots and surface drains are to be cleaned out when road pavement is graded Roadside furniture is to be maintained as required. Back-slopes on drains to be maintained as required. Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Councillors are to be contacted.

5: Minor Roads/ Local Roads

CONSTRUCTION STANDARD	MAINTENANCE STANDARD
Formation width – 11-15 metres Pavement width – 8 metres Material depth 100mm-120mm (depending on sub base)	Gravel road pavement is to be summer graded as required and winter graded on the second round. Offshoots and surface drains are to be cleaned out and maintained as required when road is being graded Roadside furniture is to be maintained as required. Back-slopes on drains to be maintained as required. Prior to roadside vegetation clearing, other than normal clearing of drain lines etc during maintenance, the local Councillors are to be contacted.

Current bus routes on minor or local roads are of a high priority and should be treated the same as major and minor arterial roads.

ASSOCIATED DOCUMENTS

Nil.

RESPONSIBILITY FOR IMPLEMENTATION

The Operations Manager is responsible for implementing this policy.

Rd No.	Road Name	Bitumen	Gravel	Total	Road Hierarchy	Bus Route
0034MNT	Andersons Rd		3.11	2.23	Minor Road	
0002MNT	Bannister Rd		14.58	14.58	Minor Arterial Rd	
0059MNT	Barrett Rd		3.29	3.29	Minor Road	
0062MNT	Blackboy Gully Rd		13.80	13.80	Local Road	
0008MNT	Carabin Rd		10.95	10.95	Minor Arterial Rd	
0079MNT	Charleton Rd	1.44		1.44	Local Road	
0042MNT	Cheetanning St	0.46		0.46	Town Road	
0006MNT	Codjototine Hastings Rd		11.53	11.87	Minor Arterial Rd	
0017MNT	Codjototine Mooterdine Rd		7.72	7.72	Local Road	
0022MNT	Corser Rd		3.00	3.00	Local Road	
0003MNT	Crossman Dwarda Rd			81.12	Regional Distributor (RRG)Type5	YES
0054MNT	Deans Rd	81.12		4.62	Local Road	
0038MNT	Down St	0.87		0.87	Town Road	
0065MNT	Down St East	0.21		0.21	Town Road	
0037MNT	Dowsett St	0.14		0.14	Town Road	
0069MNT	Dunmall Drive	0.30		0.30	Town Road	
0012MNT	Dwarda East Rd		7.15	7.26	Major Arterial Rd	
0080MNT	Echidna Close	0.11		0.26	Local Road	
0023MNT	Edwards Rd		4.12	4.12	Local Road	
0044MNT	Extracts Rd		2.69	2.69	Minor Road	
0075MNT	Ferguson Way		0.25	0.25	Local Road	
0004MNT	Fourteen Mile Brook Rd		11.67	13.87	Regional Distributor (RRG)Type5	YES
0029MNT	Fuller Rd	2.20		1.88	Minor Road	
0024MNT	George Rd		7.55	7.55	Minor Arterial Rd	
0053MNT	Glens Rd		0.95	0.95	Local Road	
0040MNT	Gnowing St	0.18		0.18	Town Road	
0027MNT	Grahams Rd		2.21	2.21	Local Road	
0050MNT	Hardie Rd		2.40	2.40	Local Road	
0015MNT	Herdigan Rd		7.28	7.28	Minor Road	
0051MNT	Hotham St	0.18		0.18	Town Rd	
0070MNT	Humes Way	0.30		0.30	Town Rd	
0078MNT	Knight Rd		0.66	0.66	Local Road	

Rd No.	Road Name	Bitumen	Gravel	Total	Road Hierarchy	Bus Route
0011MNT	Kubbine Rd	0.50	6.16	6.66	Local Distributor (RRG)Type4	
0067MNT	Lamont Rd		0.60	0.60	Local Road	
0076MNT	Mellows Rd	0.63		0.63	Local Road	
0045MNT	Metro Rd (Forrestry)		23.70	23.70	Minor Road	
0039MNT	Michibin St	0.21		0.21	Town Road	
0047MNT	Mill St	0.35		0.35	Town Road	
0014MNT	Mission Rd		4.85	4.85	Local Road	
0052MNT	Monk Rd		0.80	0.80	Local Road	
0064MNT	Mooterdine Loop		7.90	7.90	Local Road	
0013MNT	Moramockinging Rd	4.38	9.32	13.70	Minor Arterial Rd	YES
0071MNT	Ngulla Mia Rd		1.58	1.58	Local Road	
0005MNT	Noombling Norrine Rd		13.35	13.35	Minor Arterial Rd	
0055MNT	Nth Bannister Wandering Rd	26.16		26.16	Regional Distributor (RRG)Type5	
0001MNT	Nth Wandering Rd	11.56	15.79	27.35	Local Distributor (RRG)Type4	YES
0061MNT	O'Connell Rd		2.01	2.01	Local Road	YES
0035MNT	Oleary Rd		2.74	2.74	Local Road	
0066MNT	Parrot Bush Rd		0.59	0.59	Local Road	
0060MNT	Pennington Rd	1.07	0.97	2.04	Local Road	
0077MNT	Pollard Rd	0.53		0.53	Local Road	
0049MNT	Popanyinning West Rd	0.47		0.47	Local Distributor (Minor Arterial)	
0021MNT	Potts Rd		5.00	5.00	Minor Road	
0057MNT	Pumphreys Narrogin Rd (Wandering Narrogin Rd)			0.00	Major Arterial Rd	YES
0081MNT	Reggum Court		0.34	0.34	Local Road	
0025MNT	Reid Rd	3.16		3.16	Minor Road	
0010MNT	Ricks Rd		25.90	25.90	Minor Road	YES
0074MNT	Schorer Rd		0.10	0.10	Local Road	
0041MNT	Sewell St	0.20		0.20	Town Road	
0009MNT	Sheoak Rd	0.21	6.19	6.40	Minor Road	
0018MNT	Stevens Rd		2.70	2.70	Minor Road	
0048MNT	Turton St		0.34	0.34	Town Road	
0058MNT	Ulbrich Rd		3.10	3.10	Local Road	
0068MNT	Underwood Rd		0.60	0.60	Local Road	
0082MNT	Wandering Narrogin Rd	6.50		6.50	Regional Distributor (RRG)Type5	YES

Rd No.	Road Name	Bitumen	Gravel	Total	Road Hierarchy	Bus Route
0056MNT	Wandering Pingelly Rd	26.15		26.15	Regional Distributor (RRG)Type5	
0063MNT	Wandoo Crescent Rd		0.71	0.71	Local Road	
0072MNT	Warburton Rd		1.15	1.15	Local Road	
0020MNT	Watts St		2.48	2.48	Local Road	YES
0031MNT	Wearne Rd (Forrestry)		7.24	7.24	Minor Road	
0073MNT	West Wandering Rd		1.00	1.00	Local Road	
0046MNT	Westwood St	0.10		0.10	Town Road	
0028MNT	White Rd		1.96	1.96	Local Distributor (RRG)Type4	
0036MNT	White St	0.29		0.29	Town Road	
0007MNT	York Williams Rd	11.85	14.76	26.61	Regional Distributor (Major Arterial)	YES
0016MNT	Young Rd		7.30	7.30	Minor Road	
0019MNT	Joe Kelly Rd		4.27	4.27	Local Road	
	Totals	182.17	297.17	478.46		

Summary	Bitumen	Gravel	Total	Maintenance Hierarchy		KM's
				First Round	Second Round	
Major Arterial Rd	166.15	57.49	223.64	(Major Arterial-Minor		155.16
Minor Arterial Rd	5.19	67.28	72.47	(Minor & Local Rd)		172.06
Minor Road	3.37	96.28	99.65			
Local Road	3.67	75.78	79.45			
Town Rd	3.79	0.34	4.13			

14.3 Application for Development Transportable Dwelling – 5 Humes Way, Wandering

File Reference:	A428
Location:	Lot 118 (5) Humes Way, Wandering
Applicant:	Shaun Brand
Author:	Cody Meyer, Altus Planning
Authorising Officer:	Alan Hart, Chief Executive Officer
Date:	09 May 2023
Disclosure of Interest:	Nil
Attachments:	Proposed Development Plans
Previous Reference:	Nil

Summary:

The Shire has received a development application seeking approval for the placement of a transportable dwelling at Lot 118 (No. 5) Humes Way, Wandering (the 'subject site').

As per the requirements of Clause 5.9.1 of Town Planning Scheme No. 3 and the Shire's Local Planning Policy 5 – Second-hand buildings, a transportable dwelling requires approval under the Shire's planning framework.

For the reasons that follow in the assessment below, it is recommended the application be approved.

Background:

The subject site is located within the Wandering town centre and is currently vacant. It is bound by Humes Way to the north, similarly sized and vacant residential land to the east and west, and larger agricultural land to the south. The applicant is proposing to relocate a transportable dwelling to the site from a nearby property.

Comment:

The subject site measures a total of 1,000sqm in area with boundaries that are almost all equal in length, resulting in a square shaped lot. The subject site is zoned 'Residential' under the Shire's Town Planning Scheme No. 3 (TPS3) with a density coding of R10. An aerial image is provided overleaf as Figure 1.



Figure 1: Aerial View of Subject Site

Town Planning Scheme No. 3

The objectives for the 'Residential' zone are provided at Clause 4.2(5) of the Scheme and state as follows:

- a) *to provide for the predominant form of residential development to be single houses*
- b) *to provide for diversity of lifestyle choice with a range of residential densities where possible.*
- c) *to achieve a high standard of residential development having regard to the economic importance of tourism to the district.*
- d) *to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.*

The application proposes a transportable dwelling which is compatible with the surrounding locality and provides for an increased choice of dwelling types within the Wandering town centre. It is therefore largely consistent with the above objectives.

The proposed transportable dwelling is considered a 'Dwelling' land use under Table 1 – Zoning Table of TPS3. The 'Dwelling' land use is a 'P' (Permissible) land use under TPS3 which means that the development is permitted subject to any applicable requirements. A 'Dwelling' land use is defined as per the definition within the R-Codes, which states:

“A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family”

Local Planning Policy 5 – Second-hand Buildings

The structure is considered a 'Second-hand Building' under the Shire's Local Planning Policy 5 – Second Hand Buildings (LPP5). A 'Second-hand building' is defined within the policy as follows:

“A second-hand building shall include any building or outbuilding which has previously been located on another site other than on the lot upon which it is to be placed, and may include a second-hand relocated dwelling”

As mentioned previously, LPP5 states that all second-hand building proposals are subject to council approval. It is acknowledged that the structure is being relocated to the subject site from 8 Ferguson Way, Wandering and therefore is consistent with the above definition. The requirements of LPP5 are discussed in the table below.

Provision	Comment
All second-hand buildings shall be subject to engineering certification confirming that the building is capable of retaining its structural integrity during the course of relocation. Obtaining the certification is the responsibility of the applicant.	The applicant has provided an engineering certification letter prepared by Dan Turner. The letter confirms the building is in a 'sound structural condition' and will safely resist the wind loads specified in AS1170.2.2011. It has a concrete base and requires no additional tying down. The unit is claimed to be in excellent condition.
All second-hand buildings, if separated into sections, shall include the following engineering details: The manner in which the building is to be separated including the line of separation. Additional bracing details confirming that the separated sections will retain their structural integrity during the course of the relocation. Re-joining details particularly with respect to structural framing members including plating and fixing details.	NA – building is not to be separated.
All applications shall be forwarded to the Shire of Wandering on the appropriate forms with three (3) recent photos of the second-hand building and may include lodgement of a bond to be determined by Council, refundable on completion of the project to the satisfaction of the Shire.	The applicant has submitted at least three photos of the proposed transportable dwelling.

Provision	Comment
All health and building legislative requirements will be applicable to all second-hand buildings even though those requirements may not be stipulated on the approved plans.	Subject to the advice of Shire Health and Building officers.
Any buildings containing asbestos will not be approved for relocation into the Shire of Wandering.	The building does not contain asbestos.

It is considered that the proposal meets the above requirements.

Clause 5.13 provides for the requirements applicable to development within the Residential zone.

Subclause 5.13.1 provides that any residential development in the residential zone shall be subject to the requirements of State Planning Policy 7.3 – Residential Design Codes Vol. 1 (R- Codes). An assessment of the proposal against the R-Codes is provided below.

Subclause 5.13.1 – R-Code Assessment	
In considering an application for planning approval the Local Government will have due regard for the following, in addition to the provisions of the Scheme.	
Provision	Comment
5.1.1 – Site Area C1.1: Development which complies with the dwelling type and site area requirements set out in Table 1 and the following provisions	The subject site is zoned R10 with a lot size of 1000sqm. The minimum size for a R10 lot is 875sqm. The site is therefore compliant.
5.1.2 – Street Setback C2: Buildings setback from the primary street boundary in accordance with Table 1	Table 1 requires a setback from the street of 7.5m The application proposes a minimum street setback of 7.5m and is therefore compliant.
5.1.3 – Lot boundary setback C3.1: Buildings which are setback in accordance with Table 1 and Tables 2a and 2b.	In accordance with Table 1 and Tables 2a/2b, the following are the minimum required setback distances: Western b'dry (side): 1.5m Eastern b'dry (side): 1.5m Southern b'dry (rear): 6m The dwelling is to be located 7.5m from the western (side) boundary, 9.2m from the eastern (side) boundary, and 13m from the southern (rear) boundary. The setback distances are therefore compliant.
5.1.4 – Open Space C4: Open space provided in accordance with Table 1.	Table 1 requires the site to include open space at a minimum of 60% of the lot area. The site measures 1000sqm and the proposed building footprint is 146.1sqm. This represents 14.6% and therefore the remaining open space is 85.4% and compliant.
5.1.6 – Building Height C6: Buildings to comply with Table 3	The building is a category B building per the R-Codes, with a permitted max. wall height of 7m and a total building height of 10m. The dwelling wall measures 2.7m and the overall height is approximately 3m and therefore compliant.

Provision	Comment																	
5.2.3 – Street Surveillance C3.1: The street elevation of the dwelling to address the street with clearly definable entry points and accessed from the street.	The dwelling has major openings which face the street and therefore satisfies this requirement.																	
5.3.1 – Outdoor living area C1.1: An outdoor living area to be provided in accordance with Table 1	There is no minimum requirement for an outdoor living area for properties coded R10.																	
5.3.3 – Parking C3.1: The following minimum number of on-site car parking spaces is to be provided for each single house comprising the following number of bedrooms: <table border="1" data-bbox="236 667 743 860"> <thead> <tr> <th rowspan="2">Type of dwelling</th> <th colspan="2">Car parking spaces</th> </tr> <tr> <th>Location A</th> <th>Location B</th> </tr> </thead> <tbody> <tr> <td>1 bedroom dwelling</td> <td>1</td> <td>1</td> </tr> <tr> <td>2 + bedroom dwelling</td> <td>1</td> <td>2</td> </tr> <tr> <td>Aged persons' dwelling</td> <td>1</td> <td>1</td> </tr> <tr> <td>Ancillary dwelling</td> <td>nil</td> <td>1</td> </tr> </tbody> </table>	Type of dwelling	Car parking spaces		Location A	Location B	1 bedroom dwelling	1	1	2 + bedroom dwelling	1	2	Aged persons' dwelling	1	1	Ancillary dwelling	nil	1	The land is considered as being within 'Location B' as it is not within close proximity to a high frequency bus service or rail route. While a broad area to the east of the proposed dwelling location has been designated as the car parking area, specific spaces are not shown on the plans. However, given the relatively large area of remaining open space on the land, this is not maintained as of any concern and is appropriate considering the nature of the development. It is further noted that there is sufficient room for 2 car parking bays.
Type of dwelling		Car parking spaces																
	Location A	Location B																
1 bedroom dwelling	1	1																
2 + bedroom dwelling	1	2																
Aged persons' dwelling	1	1																
Ancillary dwelling	nil	1																
5.3.4 – Design of car parking spaces C4.1: Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.1	As mentioned above, the proposal does not provide dimensioned car bays on the site plan. However, a large area is provided and designated for vehicular parking. In this respect, comment against the relevant design principle is required as the parking area does not meet the deemed to comply requirements. <i>P4: Car, cycle and other parking facilities are to be designed and located on-site to be conveniently accessed, secure, consistent with the streetscape and appropriately manage stormwater to protect the environment.</i> In response to P4 above, it is maintained that the car parking area is conveniently accessed and provides an appropriate area for the parking of vehicles and therefore adequately addresses the design principle.																	

Provision	Comment
<p>5.3.5 – Vehicular Access</p> <p>C5.1: Access to on site car parking to be provided from the primary street where no secondary street, right of way, or communal street exists.</p> <p>C5.2: Driveways to primary street provided as follows:</p> <ul style="list-style-type: none"> - Not narrower than 3m at the street boundary; and - No driveway wider than 6m and in aggregate no greater than 9m <p>C5.3: Driveways shall be:</p> <ul style="list-style-type: none"> - No closer than 0.5m from a side lot boundary or street pole; - No closer than 6m to a street corner; - Aligned at right angles to the street; - Located to avoid trees; and - Adequately paved and drained. 	<p>Access to the site is provided via a crossover from Humes Way to the subject site.</p> <p>The crossover measures 3m in width and is setback 2m from the lot boundary. It is greater than 6m from any street corner and is aligned at a right angle to the street. It does not interfere with any street trees.</p> <p>The driveway meets all requirements bar the fact it will not be paved or sealed with an impervious surface as per C5.3. However when looking at the relevant design principles, it can be maintained that the driveway is appropriate.</p> <p><i>P5.1: Vehicular access to be provided for each development site to provide:</i></p> <ul style="list-style-type: none"> - <i>Vehicle access safety</i> - <i>Reduced impact of access points on the streetscape</i> - <i>Legible access</i> - <i>Pedestrian safety</i> - <i>Minimal crossovers</i> - <i>High quality landscaping features</i> <p>It is considered that the vehicular access to the parking area is safe, does not create unnecessary access points from the street, and is not a threat to pedestrian safety. It subsequently meets the design principles and is considered compliant.</p>
<p>5.3.9 – Stormwater Management</p> <p>C9: All water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.</p>	<p>To be enforced via a condition of approval.</p>

Having regard to the above assessment, the proposal is considered appropriate for approval.

Planning and Development (Local Planning Schemes) Regulations 2015

Deemed Provisions – Cl 67 Matters to be considered by local Government

Deemed Provisions – CI 67 Matters to be considered by local Government	
Provision	Comment
(a) the aims and provisions of the Scheme and any other relevant town planning scheme operating within the Scheme Area;	The proposal is consistent with the objectives of the 'Residential' zone under TPS3.
(c) any approved Statement of Planning Policy of the Commission;	The proposal is consistent with SPP7.3 – R-Codes. It meets most deemed-to-comply provisions, with variations being adequately justified via the design principles.
(m) the compatibility of a use or development within its setting;	As a dwelling the proposal is appropriate for the residential zone.
(o) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;	The proposal has a negligible impact upon the natural environment.
(n) the preservation of the amenity of the locality;	The proposal will not result in an adverse impact upon the existing amenity of the locality as it is a dwelling proposed within a residential area.
(s) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;	The proposed car parking, access and manoeuvrability for vehicles has been assessed and is considered appropriate for the proposed development.

Consultation:

Based on the above assessment, it has been determined that the application did not warrant public consultation.

Statutory Environment:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Wandering Total Planning Scheme No. 3

Policy Implications:

Nil.

Financial Implications:

Costs may be incurred by the Shire if the landowner requests a review of the determination from the State Administrative Tribunal (SAT).

Strategic Implications:

The recommendations of this report are consistent with the Shire's Strategic Community Plan 2018 - 2028.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Voting Requirements:

Simple Majority.

120523 Moved: Cr M Watts Seconded: Cr G Hansen

Recommendation and Council Decision:

Based on the above assessment, it is recommended that the application is approved, subject to the following conditions:

- **The development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- **Compliance with the relevant Health Regulations to the satisfaction of the Environmental Health Officer.**
- **No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of the Environmental Health Officer.**
- **Effluent disposal system(s) being sensitive to the current environmental concerns associated with nutrient leaching and runoff and being to the satisfaction of the Shire's Principal Health Surveyor.**
- **All stormwater discharge shall be retained onsite by suitable means to the satisfaction of the Shire.**

Carried 6/0

15. Elected Members Motions of Which Previous Notice Has Been Given

Nil.

16. New Business or Urgent Business Introduced by Decision of the Meeting

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

16.1 Elected Members

Nil.

16.2 Officers

Nil.

17. Matters Behind Closed Doors

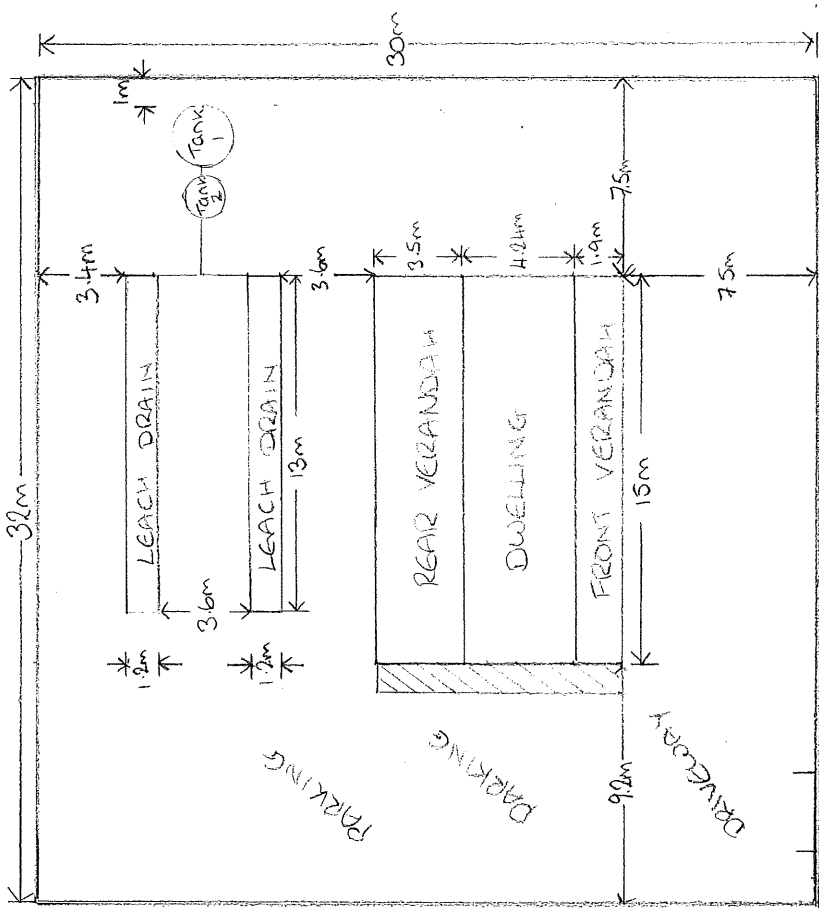
Nil.

18. Closure of Meeting

The Presiding Member declared the meeting closed at 5.10pm.



- 5 Humes Way
Wandering
VIA 620E
- Scale 1:200
- Drawn by
Helen Herbert
02/05/2002
- Lot Boundaries:
32m wide
30m deep
Retaining wall
between house + drive
way
• Septic Tanks
Tank 1 : 1500 dia
Tank 2 : 1200 dia
(see separate approval)
- House to be verback
7.5m from NW corner
- Power and Water
Maine located
NW corner



Frontyard

Vacant Block

PARKING

DARKING

DRIVEWAY

Crossover (3m)

Humes Way

Vacant Block

The Builder reserves the right to vary dimensions and materials from those set out in this plan. Please check plans, specifications and address carefully. All dimensions to face unless otherwise stated.

Page	Description
1.1	Shepitan 1,200
1.2	Shepitan 1,300
2.1	Residence
4.1	Site Office
4.2	Site Office Layouts
4.3	Site Office Layouts

APPROVED subject to building license being issued
 Date:
 Permit:
 Planning Surveyor:
 Internal lock (90 wide) surrounded by mesh as shown
 Internal 200mm overall
 Shower graded to floor waste

Tiled Hob Detail WMT1.2
 Revision History:
 DA 15/10/2011 Steve Dug

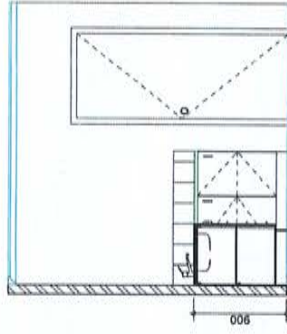
Residence Layouts

Version: Ver 1.1 Scale 1:50
 Page: 4.1

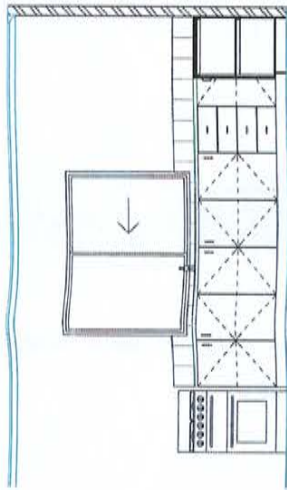
**Matagan Homes
 Lot 6 (#22) Ferguson Way
 Wandering 6308**

Owner 1: _____
 Owner 2: _____
 Builder: _____
 Date: _____

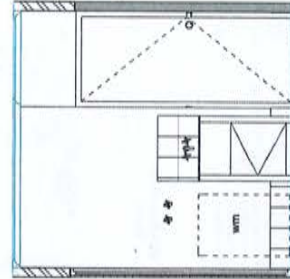
C:\Workshop\matagan\Lot 6\DWG\1510111517.RVT



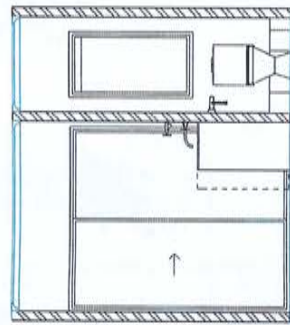
Kitchen 02



Kitchen 01



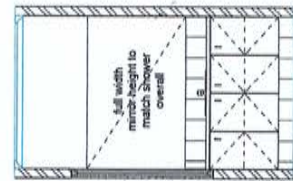
Laundry 02



Laundry 01



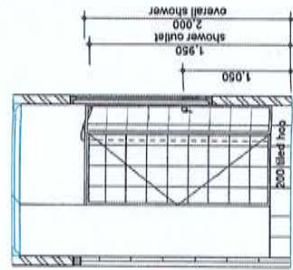
Tile heights and positions are nominal only



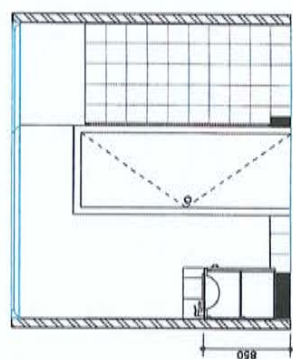
Bath 04



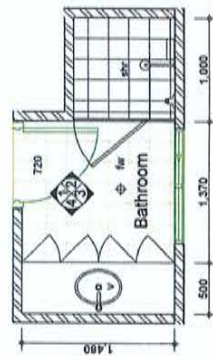
Bath 03



Bath 02



Bath 01





PO Box 22 North Dumdumley 6207
 QLD 4013
 www.greydogdesign.com.au

The Builder remains at all times responsible for construction and materials from blast or debris. The Builder must ensure that the building is constructed in accordance with all applicable laws and regulations. All dimensions to take preference over zoning.

Page	Description
1.1	Sketch
1.2	Site Plan
2.1	Residence
2.2	Site Office
4.1	Residence Layouts
4.2	Site Office Layouts

Revision History:
 DA 15/10/2011 Shire Dwg

BCA Residence

Version: Ver 1 | Scale 1:99, 1:1
 Page: 7.1

Matagan Homes
 Lot 6 (#22) Ferguson Way
 Wandering 6308

Owner 1: _____
 Owner 2: _____
 Builder: _____
 Date: _____

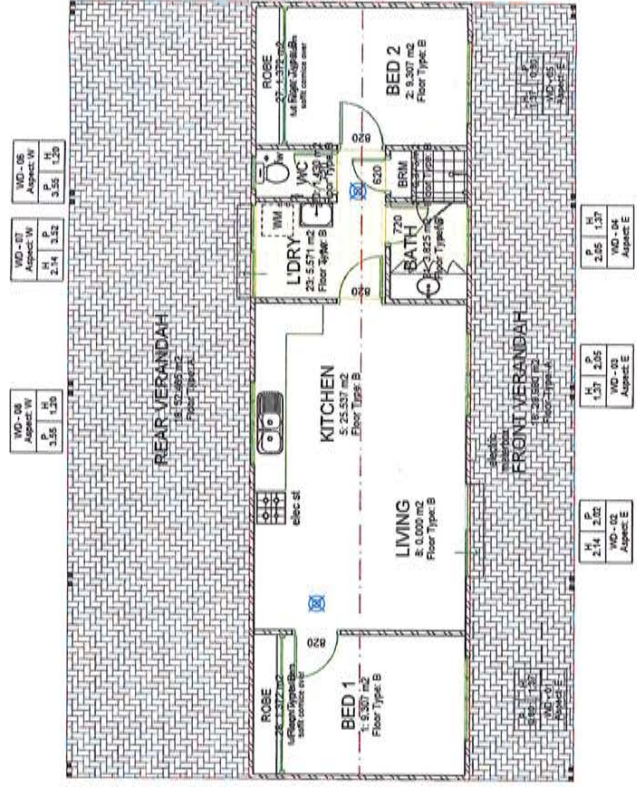
190

Floor	Zone Category	Room Name	Area (sq m)
Ground Floor	Habitable	BED 1	9.31
Ground Floor	Habitable	BED 2	25.54
Ground Floor	Habitable	KITCHEN	6.00
Ground Floor	Habitable	LIVING	1.83
Ground Floor	Non-Habitable	BATH	0.37
Ground Floor	Non-Habitable	BRM	6.82
Ground Floor	Non-Habitable	DISABLED TOILET	29.98
Ground Floor	Non-Habitable	FRONT VERANDAH	5.57
Ground Floor	Non-Habitable	REAR VERANDAH	1.37
Ground Floor	Non-Habitable	ROBE	1.37
Ground Floor	Non-Habitable	WC	1.43

BCA Floor Areas
 Residence
 60.13 m²

Floor (Story)	ID	Sector	Height	Width (P)	(H)
Ground Floor	WD-01	E	1.372	1.6	0.76
Ground Floor	WD-02	E	2.143	1.81	2
Ground Floor	WD-03	E	1.372	1.1	2
Ground Floor	WD-04	E	1.372	1.1	2
Ground Floor	WD-05	E	1.372	1.6	0.76
Ground Floor	WD-06	W	1.2	0.64	3.5
Ground Floor	WD-07	W	2.143	1.81	3.5
Ground Floor	WD-08	W	1.2	1.8	3.5

SHIRE OF WANDERING
 APPROVED subject to building license being obtained and subject to all current bylaws.
 Date: Perpet No.
 Surveyor:
 WARNING - Do not commence building until plans and specifications have been studied in conjunction with conditions imposed and the approved drawings.



WD-01
Aspect: W
H: 1.37
P: 3.56

WD-02
Aspect: W
H: 2.14
P: 3.52

WD-03
Aspect: W
H: 1.37
P: 3.56

WD-04
Aspect: E
H: 1.37
P: 2.05

WD-05
Aspect: E
H: 1.37
P: 2.05

WD-06
Aspect: E
H: 2.14
P: 3.52

