



Shire of
Narrogin

**MINUTES
ORDINARY COUNCIL MEETING**

23 AUGUST 2017

These minutes were confirmed at the Ordinary Council Meeting held on 27 September 2017

Signed: *Jim Wiese* Date *27.9.2017*
(Presiding Member at the meeting at which minutes were confirmed)

Council Minutes are 'Unconfirmed' until they have been adopted at the following meeting of Council.

DISCLAIMER

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Please note that meetings are recorded for minute taking purposes.

ORDINARY COUNCIL MEETING MINUTES

23 AUGUST 2017

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS

7:04 pm – Deputy President Wiese declared the meeting open.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Elected Members

Cr T Wiese – Deputy Shire President (Presiding Person)

Cr N Walker

Cr P Schutz

Cr M Fisher

Cr C Bartron

Cr B Seale

Cr G Ballard

Staff

Mr A Cook – Chief Executive Officer

Mr A Awang – Executive Manager Development & Regulatory Services

Mr T Evans – Executive Manager Technical & Rural Services

Ms C Thompson – Executive Assistant

Ms N Bryant – Manager Finance

On Leave of Absence

Mr L Ballard – Shire President

Cr C Ward

Apologies

Mr F Ludovico – Executive Manager Corporate & Community Services

Visitors

Mr Kane Nankiville – Narrogin Podiatry

3. DECLARATION OF INTEREST BY ELECTED MEMBERS AND COUNCIL EMPLOYEES IN MATTERS INCLUDED IN THE MEETING AGENDA

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION 0817.093 AND OFFICER'S RECOMMENDATION

Moved: Cr Fisher

Seconded: Cr Schutz

That Council:

Accept the minutes of the Ordinary Council Meeting held on 26 July 2017 and be confirmed as an accurate record of proceedings.

**CARRIED 6/1
Cr Seale voted against**

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. MATTERS WHICH REQUIRE DECISIONS

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Note: An amended plan was submitted by the applicant prior to the meeting and is attached in the minutes.

10.1 DEVELOPMENT AND TECHNICAL SERVICES

10.1.079 APPLICATION FOR PLANNING CONSENT – CONSULTANCY ROOMS (PODIATRIST) – LOT 10 (NO 66) FEDERAL STREET, NARROGIN

File Reference: A167600
Disclosure of Interest: Nil
Applicant: Kane Nankiville
Previous Item Nos: Nil
Date: Friday 11 August 2017
Author: Leigh Medlen – Planning Assistant
Authorising Officer: Azhar Awang – Executive Manager Development and Regulatory Service

Attachments

- Attachment 1 – Application for Planning Consent
- Attachment 2 – Locality Plan
- Attachment 3 – Letter from applicant to Cr Wiese (submitted prior to the meeting)
- Attachment 4 Amended plan (submitted prior to the meeting)

Summary

Council is requested to consider an application for planning consent for the use of Consultancy Rooms at Lot 10 (No. 66) Federal Street, Narrogin.

Background

The subject property is within the Shire of Narrogin's Central Business District (CBD) and is therefore zoned as 'Central Business' under the Former Town of Narrogin Town Planning Scheme No.2 (FT-TPS).

The subject property has a street frontage to Federal Street and access to the rear of the property via Rowley Street.

The proposal is to use the property as consultancy rooms (Podiatrist) at the rear of the building and allow for the front shop/office/retail space to be developed in due course. This report refers to the use of the consultancy rooms at the rear of property as the development in the front space will be assessed on receipt of a separate application.

The proposal is to use the rear of the property to operate as a consultancy room one day per week. The applicant has discussed possible expansion to two consultants, however this is not present within the application. The proposal is to have a shared space between the front retail space and the proposed space for the consultancy rooms for kitchen facilities. The front space

is required to have disability access throughout the floor space as currently there is a step going into the building and three floor levels which will required to be ramped for disability access.

Comment

A Consultancy Room land use within a 'Central Business Zone' has a land use permissibility of 'PS', which states:

"Use not permitted unless special approval given by Council and conditions complied with."

The development standards prescribed by a consultancy rooms land use within a 'Central Business Zone' sets standards for car parking and landscaping.

Landscaping

Landscaping is a development standard prescribed by the FT-TPS. Seven (7) per cent of the site area is required to be landscaped. The subject property currently has 28.45 per cent of the site as open space, with the remainder of the lot is built upon. Given the property is already existing and the percentage of the site dedicated as open space, the standard prescribed by the FT-TPS is satisfied.

Car Parking

The car parking requirements as prescribed by the FT-TPS state the number of car parking spaces are to be provided at a ratio of 4 car bays per consultant. The application is for one consultant which would result in the provision of 4 car bays however, the applicant has suggested the number of consultants could be expanded. Currently, on site three (3) car bays are provided, one of which would be blocked by the third car.

To satisfy the car parking requirement the following options have been provided for Council's consideration:

Option One: Cash in Lieu

Council may accept a cash in lieu contribution to satisfy the short fall of car parking subject to the following requirements:

- i) *A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the Valuer General of Western Australia, of that area of his land which would have been occupied by the parking spaces;*

The cash in lieu contribution has therefore been calculated using the standard 90 degree car parking dimensions as prescribed by the FT-TPS. The dimensions are 2.6 metres wide, 4.9 metres in length and a 6.4 metre turning circle, with a total area of approximately 29.38m².

Estimated Cost of land in CBD @ \$308.60/m² for 30m² = \$9,258

Cost of Asphalt Construction/Seal @ 30m² = \$2,000

Cash in lieu contribution for 1 car bay therefore is estimated at = \$11,258

Council can vary the amount of cash in lieu to encourage new business enterprises as per our Community Strategic Plan.

Option Two: Pro Rata

The current proposal is proposing one consultant for one day per week, a pro rata system of car parking could be considered as the business will not be undertaken on a daily basis. The car parking provided on site now is adequate to contain the activity proposed, however should the activity increase the provision of car parking could increase to contain the parking of the future activity.

Option Three: Council consider a variation

Council can consider a variation to the standards prescribed by the FT-TPS by applying Clause 6.2 which states as follows:

6.2.1 If a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed by the Scheme, the Council may approve the application unconditionally or subject to such conditions as the Council thinks fit, always provided that the council is satisfied that:

- i) Approval of the proposed development would be consistent with the orderly and proper planning of the locality, the preservation of the amenity of the area and be consistent with the objectives of the Scheme;*
- ii) The non-compliance will not have any adverse effect upon the occupiers or users of the development or inhabitants of the locality or upon the likely future development of the locality; and*
- iii) The spirit and purpose of the requirements or standards will not be unreasonably departed from thereby.*

The proposed variation has been assessed against the criteria listed above which has found the following:

- In relation to provision i) the variation to the car parking would be consistent with orderly and proper planning as the Scheme allows for Council to vary the development standards. The variation proposed by the application would be unlikely to negatively impact the amenity of the area. The operation and provision of the podiatry service to the Narrogin Community would be beneficial. If however, the car parking requirement is not fulfilled now and the business and front office space expands and develops and employee parking cannot be contained on site, there is a potential for car parking to become problematic given the context of the subject property.

In relation to provision ii) the context of the site should be considered when assessing the impact of the variation to the development of the locality. Previously, prior to the introduction of timed parking along Federal Street, The Shire of Narrogin experienced difficulties with employees using the on-street parking along Federal Street. This did not allow a steady movement of car bays to become readily available for customers use within the CBD precinct. Therefore, within the current application, the future development of the front retail space should be considered, as employees of this space will require car parking on site as well.

In the event the activity within the consultancy rooms increases combined with the development of the front retail space, the need for additional employee parking will arise.

This could present adverse impacts onto the surrounding road networks and result in a shortage of employee car parking should the requirement prescribed by the FT-TPS not be satisfied now.

The former Town of Narrogin supported cash in lieu contributions to meet the shortfall of car parking rather than vary the requirements prescribed by the FT-TPS. This option is provided for consideration. Additionally, Rowley Street is a one-way street and, should the parking become problematic, it could have flow-on effects to the traffic flow off Rowley Street.

- In regards to provision iii) the variation to the car parking requirement would not reduce the validity of the car parking standard for future development however, the precedent it may set should be considered particularly due to the central location of the proposal.

The three options detailed above are presented for Council's consideration to satisfy the car parking requirements of the FT-TPS. The three options provided are consistent with orderly and proper town planning. It is recommended the car parking requirement be fulfilled and the four car bays are achieved either through a cash in lieu contribution, a pro rata system or by considering a variation to the requirement prescribed by the FT-TPS.

Consultation

- Kane Nankiville – Applicant
- Azhar Awang – Executive Manager, Development and Regulatory Services
- Josiah Farrell – Building Surveyor
- John Warburton – Manager of Operations, Technical and Rural Services

Statutory Environment

- Former Town Planning Scheme No. 2 – Clause 6.2 Relaxation of Standards

Policy Implications

Nil

Financial Implications

Any payment could be considered as Cash in Lieu contribution for future car parking (similar to a Public Open Space contribution), and would be held in the Shire's Trust Account until it is utilised.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	3. Environment Objective (Conserve, protect and enhance our natural and built environment)
Outcome:	3.4 A well maintained built environment
Strategy:	3.4.1 Improve and maintain built environment

Objective	1. Economic Objective (Support growth and progress, locally and regionally)
Outcome:	1.1 Growth in revenue opportunities
Strategy:	1.1.1 Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business
Strategy:	1.1.3 Promote Narrogin's health and aged services including aged housing

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

Support the application for planning consent for the use of Lot 10 (No. 66) Federal Street, Narrogin as Consultancy Rooms subject to the following conditions:

1. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire is granted by it in writing.
2. This planning approval is only for the consulting room and that a separate application will be required for the additional use of the building.
3. The approval hereby granted is for one day per week.
4. The development hereby approved shall occur generally in accordance with the submitted plans in support of the application and these shall not be altered or modified without the prior written approval of the Shire of Narrogin.
5. All drainage run-off associated with the development shall be contained on site or connected to the Council's stormwater drainage system to the satisfaction of the Chief Executive Officer.
6. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use. A further application will be required to develop the front space of the property.
7. Bins and storage areas shall be screened from public view to the satisfaction of the Chief Executive Officer.
8. A minimum of four car bays (four car bays per consultant) are required to be provided as per the Former Town of Narrogin Town Planning Scheme No.2. If car parking cannot be wholly contained on site, a cash in lieu contribution or an alternative arrangements to satisfy the minimum number of car bays is required.

9. Rowley Street shall be kept clear at all times for the purposes of loading and unloading goods or materials.
10. A Planning Application Fee of \$147.00 is required to be made payable to the Shire of Narrogin prior to the issuing of a building license.
11. A signed application will be required.
12. Painting to any external finishes (painting) shall be sympathetic with existing surrounding building to the satisfaction of the Chief Executive Officer.

Advice Notes:

1. The door entering the dedicated consulting room space is required to have disability access with a clear entry and exit of 850mm.
2. The front shop space of the property will require an additional application for planning approval and consent for that use. The front shop space will be required to have disability and mobility access throughout the floor space which is accessible by the public.

COUNCIL RESOLUTION 0817.094 AND OFFICER'S RECOMMENDATION

Moved: Cr Schutz

Seconded: Cr Bartron

That Council:

Support the application for planning consent for the use of Lot 10 (No. 66) Federal Street, Narrogin as Consultancy Rooms subject to the following conditions:

1. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire is granted by it in writing.
2. This planning approval is only for two consulting rooms and that a separate application will be required for the additional use of the building.
3. The approval hereby granted is for the consultation rooms to be facilitated for a maximum of two days per week and any further intensification of business activity must return to Council as a new application.
4. The development hereby approved shall occur generally in accordance with the amended plan submitted by the applicant, as attached, in support of the application and these shall not be altered or modified without the prior written approval of the Shire of Narrogin.
5. All drainage run-off associated with the development shall be contained on site or connected to the Council's stormwater drainage system to the satisfaction of the Chief Executive Officer.

6. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use. A further application will be required to develop the front space of the property.
7. Bins and storage areas shall be screened from public view to the satisfaction of the Chief Executive Officer.
8. A variation to the former Town of Narrogin Town Planning Scheme No 2 for the provision of four car parking bays to be provided on site. If car parking cannot be wholly contained on site, a cash in lieu contribution or an alternative arrangements to satisfy the minimum number of car bays is required.
9. Rowley Street shall be kept clear at all times for the purposes of loading and unloading goods or materials.
10. A Planning Application Fee of \$147.00 is required to be made payable to the Shire of Narrogin prior to the issuing of a building license.
11. A signed application will be required.
12. Painting to any external finishes (painting) shall be sympathetic with existing surrounding building to the satisfaction of the Chief Executive Officer.

Advice Notes:

13. The door entering the dedicated consulting room space is required to have disability access with a clear entry and exit of 850mm.
14. The front shop space of the property will require an additional application for planning approval and consent for that use. The front shop space will be required to have disability and mobility access throughout the floor space which is accessible by the public.

CARRIED 7/0

Reason for change: Council amended items 2, 3, 4 and 8.

- 2 & 4 – An amended plan was submitted by the applicant detailing two consulting rooms.
- 3 – The amended plan equates to two consulting days.
- 8 – Council approved a variation to the former Town of Narrogin Town Planning Scheme No. 2 for the provision of four car parking days.

Commonly-used abbreviations:	
FT-TPS	Former Town of Narrogin Town Planning Scheme No. 2
FS-TPS	Former Shire of Narrogin Town Planning Scheme No. 2

PLANNING CONSENT



83 Earl Street
PO Box 1145
Narrogin WA 6312

(08) 9800 0900

www.narrogin.wa.gov.au
enquiries@narrogin.wa.gov.au

CASHIER HOURS:
8:30am - 4:30pm
MONDAY - FRIDAY

TOWN PLANNING SCHEME NO.2
DISTRICT SCHEME

Name of Applicant	KANE NANKIVILLE
Current Mailing Address	1019 ALBANY HWY, ST JAMES WA 6102
Applicant Phone Number	041 993 9984

I hereby apply for planning consent to:

- Use the land described hereunder for the purpose of **Podiatry Consult Room. (Rowley St).**
- Erect, alter or carry out development on land described hereunder in accordance with the accompanying plans (3 copies attached)

Existing use of land	vacant retail shop with 2 street frontages.
Approximate cost of proposed development	25K to 30K. (depending on council requirements)
Estimated time of completion	within 6 mths.
No. of persons to be housed/employed after completion	one podiatrist, possibly one receptionist for the day.

TITLES OFFICE DESCRIPTION OF LAND

LOCALITY PLAN

House No.		Lot No.	9, 10, 11	Location No.	
Plat No.	23070	Shire Name	66 Federal St, Narrogin		
Volume	1217/687			Folio	

LOT DIMENSIONS

Site area	370sqm	Square metres
Frontage	5.8m	Metres
Depth	60.3m	metres

AUTHORITY


Applicant's Signature		Date	31 July 2017
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NOTE: WHERE THE APPLICANT IS NOT THE OWNER, THE OWNER'S SIGNATURE IS REQUIRED.

Use of this form is subject to the terms and conditions of the application for planning consent.

NOTE ALL OWNERS OF THE PROPERTY MUST SIGN THIS APPLICATION FORM. WHERE PROPERTY IS OWNED BY A COMPANY, AT LEAST TWO DIRECTORS OF THE COMPANY MUST SIGN THE APPLICATION.

Please Sign & Return

Owner's Signature 	Date 1.8.17
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NOTE THIS FORM IS TO BE SUBMITTED IN DUPLICATE, TOGETHER WITH THREE COPIES OF PLANS, COMPRISING THE INFORMATION SPECIFIED IN THE PARTICULARS REQUIRED WITH THE APPLICATION OUTLINED BELOW.

THIS IS NOT AN APPLICATION FOR A BUILDING LICENCE

PARTICULARS REQUIRED WITH APPLICATION FOR PLANNING CONSENT

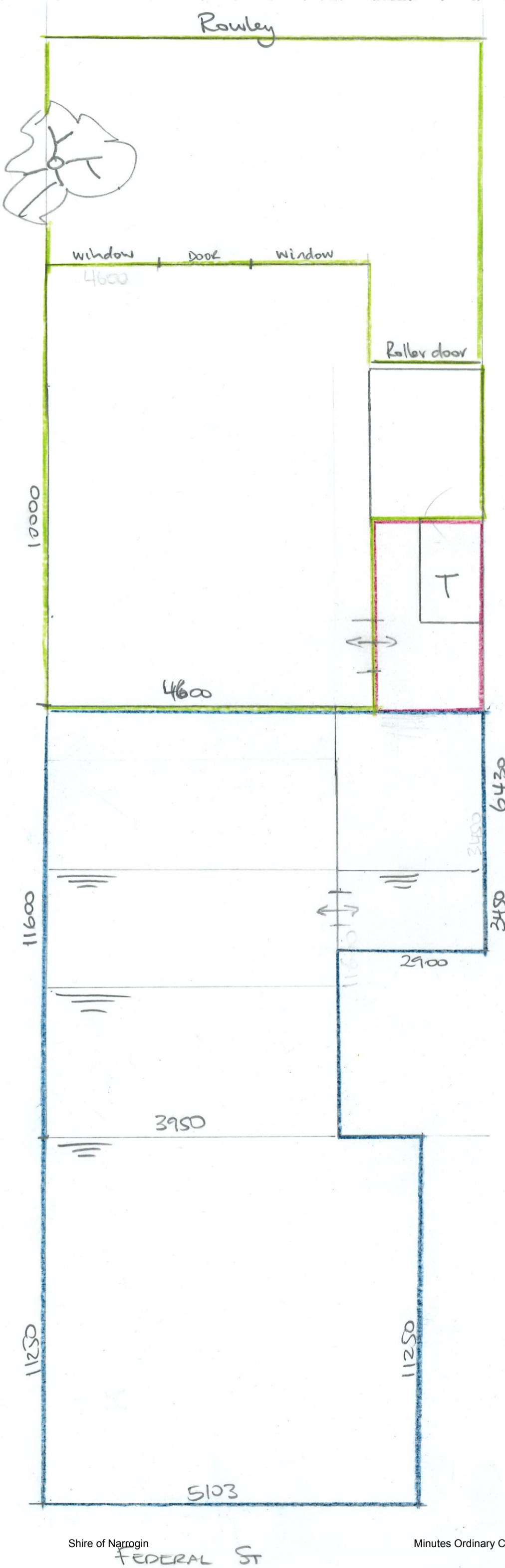
Where an application involves the erection or alteration of a building or a change in levels of a site, the plans accompanying an application for planning consent shall, unless especially exempt by the Shire:

- a. Indicate the position and describe the existing buildings and improvements on the site and indicate those which are to be removed;
- b. Indicate the position and describe the buildings and improvements proposed to be constructed, their appearance, height and proposed uses in relation to existing and proposed contours;
- c. Indicate the position, type and height of all the existing trees on the site and indicate those to be retained and those to be removed;
- d. Indicate the areas to be landscaped and the location and type of shrubs, trees and other treatment proposed;
- e. Indicate site contours and details of any proposed alteration to the natural contour of the area;
- f. Indicate car parking areas, their layout and dimensions and accessways and the position of existing and/or proposed crossovers; and
- g. Indicate site dimensions and be to metric scale.

OFFICE USE ONLY

File Ref	Application No.
Date Received	Date of Approval/Refusal
Date of Notice of Decision	Officer's Signature

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66 Federal St

370 sq m total

~ 210 sq m building.

extends between Federal St & Rowley.

Drawing not to scale but widths and lengths accurate.

I am interested in the shop fronting Rowley.

Plan: to utilize the green zone by dividing internal space into a consult room and reception/waiting room.

Gyprock internal walls, cabinetry etc.

Purple zone: shaved space, kitchenette and bathroom.

Blue Zone: retail space for another business, already fitted out with retail shelving.

3 level changes within the retail space exist.

This entire property has been vacant for an extended period of time.

This plan allows two businesses to open in the CBD.

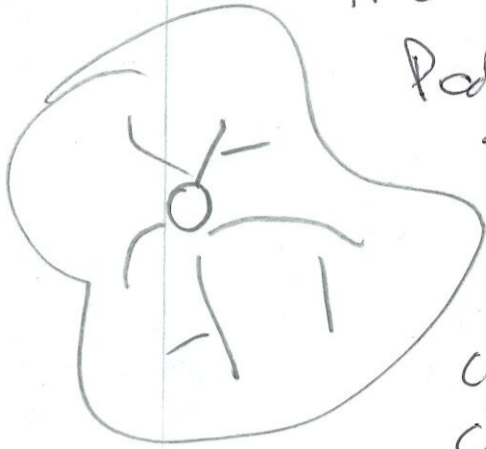
See next plan for green zone.

Proposed Podiatry Consulting room in green zone.

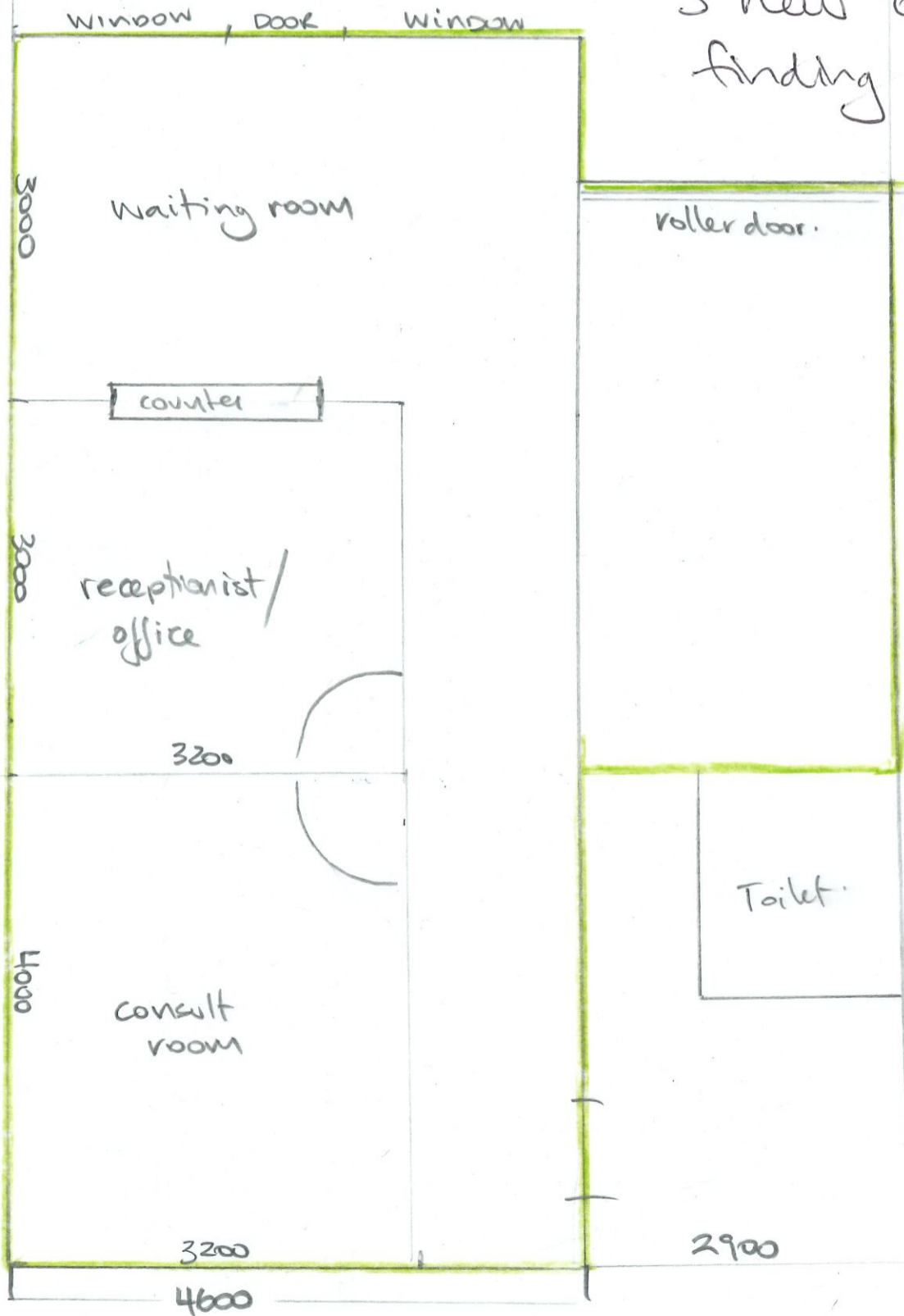
I envisage a simple space divided by gyprock walling to form one consult room, one receptionists room and a waiting room. No plan for the area behind the roller door.

There is no steps or changes in level.

Podiatry clinic only open 1 day per week (Tues).
30 minute consults as a rule.



I have been a podiatrist in Narrogin since 1994 commuting weekly from Perth. Began at Federal St clinic with Dr John Parry, moving in about 2011 to John Parry Medical Centre. The arrival of 3 new GP's to JPMC requires my finding another space to continue this service.







ACTIVE PODIATRY VIC PARK

NARROGIN PODIATRY

1079 Albany Hwy
(next to corner Victoria St)
St James WA 6102

57 Williams Rd
Narrogin WA 6312

Kane D. Nankiville
B.Sc(Pod) M.A.Pod.A
PODIATRIST

Phone: (08) 9458 6999
Mobile: 041 993 9984

Phone: (08) 98 811 100

Monday 21st August 2017

Dear Cr Tim Wiese

Re: proposed podiatry clinic; 66 Federal Street, Narrogin.

Thank you for taking the time to return my call on Sunday. As I stated, I was a little surprised to see my application come up on the August Council agenda. I was under the impression that the planning conditions were in draft form only. It was my intention to amend those draft conditions to better suit my practice requirements.

Ultimately for this property purchase to be economically viable I need to be able to operate with two practitioners. I have supplied the amended plan. All changes are to be simple plaster wall construction with no external structural alterations.

I have no short term plan to utilise the retail shop, my primary interest at this point is to find a permanent home for the clinic.

I am fully prepared to construct 4 car bays at the rear of 66 Federal Street (1 in front of roller door, with a further 3 across the Rowley Street frontage of the property). This should be sufficient for 1 practitioner. My primary concern is in needing 8 bays in total for 2 practitioners.

I respectfully ask that Council please consider extinguishing the 4 parking bays per practitioner requirement: as per condition #8 of the Planning Officer's recommendations.

In this request I specifically ask Council to consider:

1. We seek to operate from this site **one** day per week only (Tuesday)
We have operated in Narrogin on a one day per week basis since 1994 and have no plans to increase this.(Commitments in Perth wouldn't allow for this anyway)
2. Both podiatrists attend from Perth in the **same** vehicle on the **same** day (so the existing parking should be more than sufficient)
3. No reception staff are required as we use wireless technology and run the office via our main clinic in Perth.
4. If the cash in lieu or pro rata options (option 1 & 2) are enforced then the project would no longer be viable and the purchase would not proceed.

Quite simply, I am prepared to invest in Narrogin to guarantee future podiatry services.

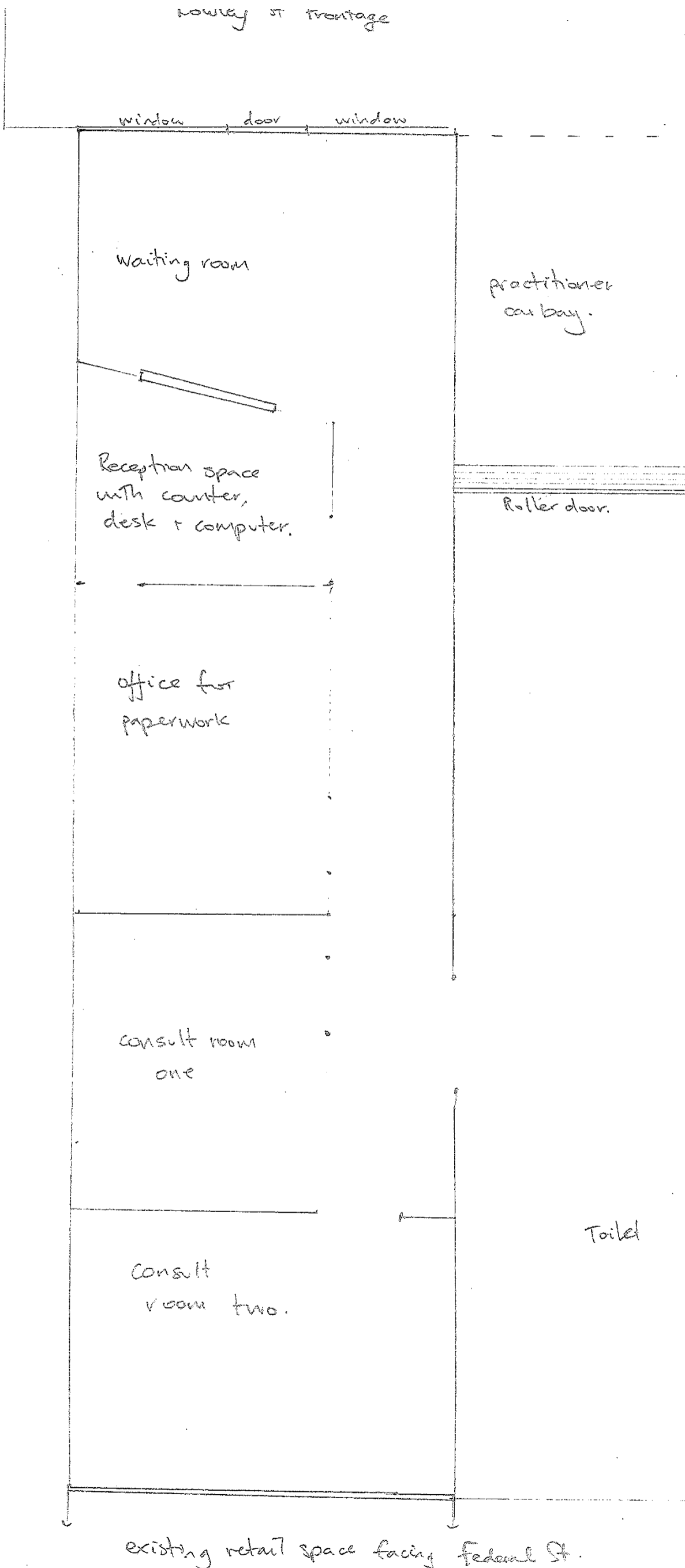
I have proven my commitment to Narrogin by attending weekly since 1994.

Could the Council please make the requested policy variations in this instance so this project can continue.

Regards

A handwritten signature in black ink, consisting of a stylized 'K' followed by a long horizontal line.

Kane Nankiville



21 Aug 2017.

10.1.080 TENDER 2017/18-01 – ROAD SEAL TENDER

File Reference:	28.1.1
Disclosure of Interest:	Nil
Applicant:	Torre Evans – Executive Manager Technical & Rural Services
Previous Item Nos:	Nil
Date:	14 August 2017
Author:	Torre Evans – Executive Manager Technical & Rural Services
Authorising Officer:	Aaron Cook – Chief Executive Officer

Attachments

- Attachment 1 – List of roads for seal price schedule
- Attachment 2 – Tender Evaluation (Commercial in Confidence provided under separate cover)

Summary

Council is requested to consider awarding Tender number 2017/18-01 Road Seal Tender to Fulton Hogan for all budgeted road seal projects within the 2017/18 adopted budget.

Background

Upon adopting the 2017/18 budget, there were a number of roads for sealing works (Attachment 1 – List of Roads for Sealing) as part of the ongoing maintenance and refurbishments of roads within the Shire and according to the TALIS report and Council's adopted Five Year Road Program.

As these works would need to be completed by contractors and specialised machinery is required the cost of such works is estimated to exceed the \$150,000 tender threshold and therefore necessary for the works to be facilitated through a tender process.

The Road Seal Tender was facilitated through the WALGA Preferred Supplier, eQuotes portal which satisfies the local government statutory requirement.

Comment

The Road Seal Tender was advertised through the WALGA eQuotes Portal from 26 July 2017 and 11 August 2017. The Request for Tender document (RFT) was sent to ten WALGA preferred suppliers through the WALGA eQuotes portal with five companies responding. See below companies:

- Downer
- Colas
- Malatesta
- Bitutek and
- Fulton Hogan

The tender was evaluated on 85% price and 15% relevant experience.

To evaluate the price, contractors were asked to submit pricing based on a cost per square metre rate for an aggregate size of 7mm and 10mm basalt and granite and at a set litre per square metre rate of bitumen for each road and submit a total price for all roads.

The average total cost for each contractor was calculated by adding the four (4) total costs for 7mm basalt, 7mm granite, 10mm basalt and 10mm granite and then dividing this total by 4 to give an average total price for their submission.

To calculate an evaluation percentage for the price was by dividing 85% by the number of compliant submissions to give an increment percentage rate and therefore award percentages based on this. For example 85% divided by 5 submissions equals 17% so the best value for money price receives 85% the next best value for price receives 68% and so on.

All five companies were WALGA preferred suppliers and had relevant experience for these works.

An evaluation panel was formed that consisted of:

- Torre Evans – Executive Manager Technical & Rural Services
- John Warburton – Manager Operations
- Keenan Wenning – Technical Officer; with
- Aaron Cook – Chief Executive Officer, checking the final results.

Assessments scores are illustrated below:

Contractor	Assessment Score %
Fulton Hogan	100
Colas	83
Downer	66
Bitutek	49
Malatesta	32

The cheapest pricing between basalt and granite was granite from Fulton Hogan. Based on this, the cost for sealing work will be \$492,347 including GST, using granite. This may vary up or down by up to 2% depending on sand patching results which determine the accurate bitumen application rate. (Refer to separate confidential Attachment 2).

The \$492,347.34 plus possibly 2% variation is contained within the 2017/18 budget for the listed roads in attachment 1.

Consultation

- Aaron Cook – Chief Executive Officer
- John Warburton – Manager Operations
- Keenan Wenning – Technical Officer

Statutory Environment

Local Government (Functions and General) Regulations 1996 Part 4 – Provisions of Goods and Services, Division 2 – Tenders for Providing Goods and Services (s.3.57)

Policy Implications

Nil

Financial Implications

All road seal works are contained within the 2017/18 Budget

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	3. Environment Objective (Conserve, protect and enhance our natural and built environment)
Outcome:	3.4 A well maintained built environment
Strategy:	3.4.1 Improve and maintain built environment

Objective	1. Economic Objective (Support growth and progress, locally and regionally)
Outcome:	1.3 An effective well maintained transport network
Strategy:	1.3.1 Maintain and improve road network in line with resource capacity

Voting Requirements

Simple majority

COUNCIL RESOLUTION 0817.095 AND OFFICER'S RECOMMENDATION

Moved: Cr Seale

Seconded: Cr Walker

That Council:

1. Award the 2017/18 Road Seal Tender (17/18 – 01) to Fulton Hogan for the sum of \$492,347.34 including GST as per their 7mm granite submission for all road seal projects listed in Attachment 1.
2. Authorise the Chief Executive Officer to execute and manage the contract, including any variations, providing these variations do not exceed the allocated budget provision or reduce the overall scope.

CARRIED 7/0

Appendix C - Shire of Narrogin Road Seal Tender 17/18 - 01 - SHIRE OF NARROGIN RESEAL SITES

Road Location	Road Name	AREA M2	STONE AND LITRE RATE	COST PER M2 BASALT	TOTAL COST BASALT	COST PER M2 GRANITE	TOTAL COST GRANITE	STONE AND LITRE RATE	COST PER M2 BASALT	TOTAL COST BASALT	COST PER M2 GRANITE	TOTAL COST GRANITE
Urban	CRESSWELL STREET	495	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	DONEY STREET	11021.2	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	FELSPAR STREET	9971	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	FELSPAR STREET	4141.2	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	GARFIELD STREET	2748	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	GIBSON STREET	4340	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	GLYDE STREET	4687	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	HALE STREET	3774	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	HEATH STREET	1616.6	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	HEATH STREET	1699.2	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	HILLMAN STREET	2016	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	HOMER STREET	2180.9	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	MARSH STREET	2160	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	MAY STREET	4080	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	ROE STREET	2655	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Urban	NARRAKINE RD	2380	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Rural	WAGIN WICKEPIN RD	6026.4	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Rural	NARROGIN VALLEY RD	12456	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Rural	HIGHBURY WEST ROAD	648	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Rural	HIGHBURY WEST ROAD	792	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Rural	HIGHBURY WEST ROAD	6732	7mm @ 1.4LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Rural	WHINBIN ROCK ROAD	6090	7mm @ 1.4LTRS		\$ -		\$ -	N/A		\$ -		\$ -
Rural	WHINBIN ROCK ROAD	6272	7mm @ 1.4LTRS		\$ -		\$ -				\$ -	
Rural	NARROGIN HARRISMITH RD	28000	14mm @ 1.8LTRS		\$ -		\$ -			\$ -		\$ -
Rural	NARROGIN HARRISMITH RD	28000	7mm @ 1.0 LTRS		\$ -		\$ -	10mm @ 1.5LTRS		\$ -		\$ -
Rural	NARROGIN HARRISMITH RD	7428	14mm @ 2.4 LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
Rural	NARROGIN HARRISMITH RD	12870	14mm @ 2.4 LTRS		\$ -		\$ -	10mm @ 1.8LTRS		\$ -		\$ -
TOTALS					\$ -		\$ -			\$ -		\$ -

NOTE: Costs are to include GST

Name of Company _____

Name of submitting person _____

10.2 CORPORATE AND COMMUNITY SERVICES

10.2.081 LIST OF ACCOUNTS FOR ENDORSEMENT – JULY 2017

File Reference: 12.1.1
Disclosure of Interest: Nil
Applicant: Nil
Previous Item Nos: Nil
Date: 31 July 2017
Author: Brooke Conway – Finance Officer Accounts
Authorising Officer: Frank Ludovico – Executive Manager Corporate & Community Services

Attachments

- List of Accounts for Endorsement – July 2017

Summary

Council is requested to endorse the payments as presented in the List of Accounts for Endorsement – July 2017.

Background

Pursuant to *Local Government Act 1995 Section 6.8 (2)(b)*, where expenditure has been incurred by a local government, it is to be reported to the next ordinary meeting of Council.

Comment

The attached “List of Accounts for Endorsement – July 2017” is presented to Council for endorsement. Below is a summary of activity.

Total Creditor Payments July 2017	\$600,497.95
Total Payroll Payments July 2017	\$334,712.27
Total Payments July 2017	\$935,210.22
Percentage paid by EFT July 2017	57.08%
Percentage paid by Cheque July 2017	0%
Percentage paid by Payroll July 2017	35.79%
Percentage of Local Suppliers & Wages paid July 2017	54.52%
Dollar Value spent with Local Suppliers July 2017	\$175,120.39
Percentage of Non-Local Suppliers July 2017	45.48%

Please note ‘F’ is fully funded, ‘PF’ is partially funded, ‘R’ is reimbursements and ‘I’ is insurance claims.

The payment schedule has been provided to Elected Members under separate cover. Printed copies will be available on request at the administration building and the library.

Consultation

Nicole Bryant – Manager Finance

Statutory Environment

Local Government Act 1995 Section 6.8 (2)(b), Policy Implications

Policy Implications

Nil

Financial Implications

All expenditure has been approved via adoption of the 2017/18 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1 An efficient and effective organisation

Voting Requirements

Simple Majority

COUNCIL RESOLUTION 0817.094 AND OFFICER'S RECOMMENDATION

Moved: Cr Schutz

Seconded: Cr Fisher

That Council:

Endorse the payments as presented in the List of Accounts for Endorsement, for the month of July 2017 for the Municipal Fund totalling \$935,210.22.

CARRIED 7/0

10.2.082 MONTHLY FINANCIAL REPORTS – JULY 2017

File Reference: 12.8.1
Disclosure of Interest: Nil
Applicant: Nil
Previous Item Nos: Nil
Date: 8 August 2017
Author: Nicole Bryant – Manager Finance
Authoriser: Frank Ludovico – Executive Manager Corporate & Community Services

Attachments

- Monthly Financial Report for the period ended 31 July 2017.

Background

Council is requested to review the July 2017 Monthly Financial Reports.

Summary

In accordance with the *Local Government Financial Management Regulations (1996), Regulation 34*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council.

Comment

The July 2017 Monthly Financial Reports are presented for review. Please note the reports have been reviewed and streamlined in order to provide succinct information to Council.

Consultation

Frank Ludovico, Executive Manager Corporate and Community Services

Statutory Environment

Local Government Financial Regulations (1996) (as amended) 22, 32, and 34 apply.

Policy Implications

Nil

Financial Implications

All expenditure has been approved via adoption of the 2017/18 Annual Budget, or resulting from a Council Motion for a budget amendment.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1 An efficient and effective organisation

Voting Requirements

Simple Majority

COUNCIL RESOLUTION 0817.097 AND OFFICER'S RECOMMENDATION

Moved: Cr Bartron

Seconded: Cr Fisher

That Council:

Receive the July 2017 Monthly Financial Reports as presented.

CARRIED 7/0



MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDED 31 JULY 2017

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

SHIRE OF NARROGIN
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
FOR THE PERIOD ENDED 31 JULY 2017

STATEMENT OF FINANCIAL ACTIVITY

	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(b)	Var
Operating Revenues	\$	\$	\$	\$	%	
Governance	5,100	8	164	156	95%	
General Purpose Funding	1,267,125	14,080	7,236	(6,844)	(95%)	
Law, Order and Public Safety	135,838	10,316	1,814	(8,502)	(469%)	
Health	5,500	208	3,782	3,574	94%	
Education and Welfare	1,299,024	246,033	341,885	95,852	28%	▲
Housing	12,200	1,016	800	(216)	(27%)	
Community Amenities	1,006,256	863,812	866,370	2,558	0%	
Recreation and Culture	555,080	11,697	1,134	(10,563)	(931%)	▼
Transport	1,652,956	11,372	11,070	(302)	(3%)	
Economic Services	242,378	20,196	17,350	(2,846)	(16%)	
Other Property and Services	146,253	12,186	11,027	(1,159)	(11%)	
Total (Excluding Rates)	6,327,710	1,190,924	1,262,632	71,708		
Operating Expense						
Governance	(613,506)	(100,543)	(87,026)	13,517	16%	▲
General Purpose Funding	(204,758)	(20,648)	(11,308)	9,340	83%	
Law, Order and Public Safety	(475,559)	(47,634)	(33,114)	14,520	44%	▲
Health	(202,407)	(19,507)	(14,303)	5,204	36%	
Education and Welfare	(1,722,909)	(154,153)	(99,012)	55,141	56%	▲
Housing	(32,172)	(4,533)	(1,053)	3,480	330%	
Community Amenities	(1,424,149)	(125,367)	(88,531)	36,836	42%	▲
Recreation and Culture	(3,071,419)	(372,327)	(138,551)	233,776	169%	▲
Transport	(4,278,344)	(363,206)	(143,268)	219,938	154%	▲
Economic Services	(708,835)	(71,324)	(38,128)	33,196	87%	▲
Other Property and Services	(30,000)	(41,265)	(52,291)	(11,026)	(21%)	▼
Total	(12,764,058)	(1,320,507)	(706,584)	613,923		
Funding Balance Adjustment						
Add back Depreciation	2,480,898	206,733	0	(206,733)	(100%)	▼
Adjust (Profit)/Loss on Asset Disposal	54,965	4,581	0	(4,581)	(100%)	
Adjust Employee Benefits Provision (Non-Current)	0	0	0	0		
Adjust Deferred Pensioner Rates (Non-Current)	0	0	0	0		
Movement in Leave Reserve (Added Back)	0	0	0	0		
Adjust Rounding	0	0	0	0		
Net Operating (Ex. Rates)	(3,900,486)	81,731	556,048	474,317		
Capital Revenues						
Proceeds from Disposal of Assets	117,000	0	0	0		
Proceeds from New Debentures	350,000	0	0	0		
Proceeds from Sale of Investments	0	0	0	0		
Proceeds from Advances	0	0	0	0		
Self-Supporting Loan Principal	0	0	0	0		
Transfer from Reserves	867,618	0	0	0		
Total	1,334,618	0	0	0		
Capital Expenses						
Land Held for Resale	0	0	0	0		
Land and Buildings	(1,013,558)	(44,500)	(42,321)	2,179	5%	
Plant and Equipment	(716,613)	0	0	0		
Furniture and Equipment	(30,000)	0	0	0		
Infrastructure Assets - Roads	(1,160,355)	0	0	0		
Infrastructure Assets - Footpaths	(66,000)	0	0	0		
Infrastructure Assets - Road Drainage	(30,000)	0	0	0		
Infrastructure Assets - Parks & Ovals	0	0	0	0		
Infrastructure Assets - Townscape	0	0	0	0		
Infrastructure Assets - Other	(849,967)	(26,501)	(22,676)	3,825	17%	
Purchase of Investments	0	0	0	0		
Repayment of Debentures	(220,292)	0	0	0		
Advances to Community Groups	0	0	0	0		
Transfer to Reserves	(838,823)	0	0	0		
Total	(4,925,608)	(71,001)	(64,997)	6,004		
Net Capital	(3,590,989)	(71,001)	(64,997)	6,004		
Total Net Operating + Capital	(7,491,475)	10,730	491,051	480,321		
Rate Revenue	4,670,116	4,661,916	4,579,103	(82,814)	(2%)	
Opening Funding Surplus(Deficit)	2,821,359	2,718,765	2,718,765	0	0%	
Closing Funding Surplus(Deficit)	0	7,391,411	7,788,918	397,507		

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017

NET CURRENT ASSETS

	Positive=Surplus (Negative=Deficit)		
	2017-18		
	31/07/2017	30/06/2017	31/07/2016
	This Period	Last Period	Same Period Last Year
	\$	\$	\$
Current Assets			
Cash Unrestricted	2,640,667	2,989,997	5,424,530
Cash Restricted	4,096,309	3,984,852	4,187,053
Receivables - Rates and Rubbish, ESL, Excess Rates	5,956,659	308,033	5,787,123
Receivables -Other	78,782	260,823	121,339
Inventories	13,775	13,775	1,199
	12,786,192	7,557,480	15,521,244
Less: Current Liabilities			
Payables	(538,059)	(381,112)	(430,274)
Loan Liability	(220,293)	(220,293)	(230,418)
Provisions	(845,116)	(845,116)	(730,966)
	(1,603,468)	(1,446,521)	(1,391,657)
Net Current Asset Position	11,182,724	6,110,959	14,129,587
Less: Cash Restricted	(3,984,852)	(3,984,852)	(4,187,053)
Add Back: Component of Leave Liability not Required to be funded	372,364	372,364	368,990
Add Back: Current Loan Liability	220,293		230,418
Adjustment for Trust Transactions Within Muni	(1,612)	0	(57)
Net Current Funding Position	7,788,918	2,498,472	10,541,885

**SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017**

MAJOR VARIANCES

REPORTABLE OPERATING REVENUE VARIATIONS

EDUCATION AND WELFARE

PERMANENT - Homecare 1st Qtr instalments all higher than budget expectation

RECREATION AND CULTURE

TIMING - Kids Sport funding has not yet resumed for financial year

TIMING - Reimbursements for other recreation yet to be raised

REPORTABLE OPERATING EXPENSES

GOVERNANCE

TIMING - All expenditure estimated evenly over 12 month period

GENERAL PURPOSE FUNDING

TIMING - All expenditure estimated evenly over 12 month period

LAW, ORDER AND PUBLIC SAFETY

TIMING - All expenditure estimated evenly over 12 month period

EDUCATION AND WELFARE

TIMING - All expenditure estimated evenly over 12 month period

COMMUNITY AMENITIES

TIMING - All expenditure estimated evenly over 12 month period

RECREATION AND CULTURE

TIMING - All expenditure estimated evenly over 12 month period

TRANSPORT

TIMING - All expenditure estimated evenly over 12 month period

ECONOMIC SERVICES

TIMING - All expenditure estimated evenly over 12 month period

REPORTABLE CAPITAL REVENUE VARIATIONS

Nil

REPORTABLE CAPITAL EXPENSES VARIATIONS

INFRASTRUCTURE ASSETS - OTHER

TIMING - Expenditure estimated evenly over 12 month period

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017

ACQUISITION OF ASSETS

Summary Acquisitions	Current Budget		
	This Year		
	Original Budget	YTD Budget	YTD Actual
	\$	\$	\$
Inventories			
Land for Resale	0	0	0
Property, Plant & Equipment			
Land and Buildings	1,013,558	44,500	42,321
Plant & Equipment	716,613	0	0
Furniture & Equipment	30,000	0	0
Tools	0	0	0
Infrastructure			
Roads	1,160,355	0	0
Footpaths	66,000	0	0
Road Drainage	30,000	0	0
Parks & Ovals	0	0	0
Townscape	0	0	0
Other Infrastructure	849,967	26,501	22,676
Totals	3,866,492	71,001	64,997



SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017

CAPITAL ACQUISITIONS

Land & Buildings	Current Budget		
	This Year		
	Original Budget	YTD Budget	YTD Actual
	\$	\$	\$
OTHGOV - Capital Administration Building Building Renovation Administration	40,119	0	5,613
ANIMAL - Building (Capital) Animal Pound Building (Capital)	0	0	2,617
WELFARE - Building (Capital) Disability Toilet - Changing Places	59,000	30,000	30,000
STF HOUSE - Building (Capital) Staff Housing Building (Capital)	20,000	0	0
COM AMEN - Building (Capital) - Other Community Amenities Memorial Park Public Toilets Capital	20,000	0	0
HALLS - Building (Capital) Town Hall (Federal St) Building Capital Highbury Hall Building Capital	94,000 7,500	7,833 0	0 0
NRRC - Building (Capital) NRRC Building (Capital)	50,000	0	0
REC - Other Rec Facilities Building (Capital) Thomas Hogg Oval Buildings Capital	25,000	0	0
LIB - Building (Capital) Library Landscape - Stage 1A Accessable Ramp	80,000	0	0
HERITAGE - Building (Capital) Museum Building (Capital)	5,000	0	0
ROADC - Building (Capital) Lydeker Depot Building (Capital)	30,000	0	0
TOUR - Building (Capital) Accommodation Units (NCP) Caravan Park Renovations	350,000 152,939	0 0	0 0
ADMIN - Building (Capital) Old Shire Office Building Capital	80,000	6,667	4,091
Totals	1,013,558	44,500	42,321

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017

CAPITAL ACQUISITIONS

Plant & Equipment	Current Budget		
	This Year		
	Original Budget	YTD Budget	YTD Actual
ANIMAL - Plant & Equipment (Capital)	\$	\$	\$
Light Bar Fixing Ranger Vehicle	2,500	0	0
OLOPS - Plant & Equipment (Capital) - OLOPS			
CCTV Upgrade	109,113	0	0
NRRC - Plant & Equipment (Capital)			
NRRC Airconditioner	70,000	0	0
PLANT - Plant & Equipment (Capital)			
Tipper Truck 3 Tonne	25,000	0	0
10,000L Emulsion Storage Tank	75,000	0	0
John Deere Ride on Mower 2017	10,000	0	0
24 Tonne Excavator	260,000	0	0
Irrigation Pump	35,000	0	0
8T Side Tipping Truck	110,000	0	0
Trailer & Signs(Event Traffic Management)	10,000	0	0
TOUR - Plant & Equipment (Capital)			
CCTV Installation NCP	10,000	0	0
Totals	716,613	0	0

Furniture & Equipment	Current Budget		
	This Year		
	Original Budget	YTD Budget	YTD Actual
CHCP - Furniture & Equipment (Capital)	\$	\$	\$
Mobile Works Solution (HACC)	10,000	0	0
LIB - Furniture & Equipment (Capital)			
Library Software Upgrade	20,000	0	0
Totals	30,000	0	0

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017

CAPITAL ACQUISITIONS

Roads	Current Budget		
	This Year		
	Original Budget	YTD Budget	YTD Actual
ROADC - Roads (Capital) - Council Funded	\$	\$	\$
Heath Street - Renewal (Local)	11,009	0	0
ROADC - Roads (Capital) - Roads to Recovery			
Doney Street - Renewal (Local) (R2R)	33,064	0	0
Felspar Street - Renewal (Local) (R2R)	49,983	0	0
Glyde Street - Renewal (Local) (R2R)	14,061	0	0
Garfield Street - Renewal (Local) (R2R)	8,244	0	0
Homer Street - Renewal (Local) (R2R)	6,548	0	0
Fairway Street - Renewal (Local) (R2R)	4,050	0	0
Hale Street - Renewal (Local) (R2R)	11,322	0	0
Hillman Street - Renewal (Local) (R2R)	6,048	0	0
Marsh Street - Renewal (Local) (R2R)	6,480	0	0
May Street - Renewal (Local) (R2R)	12,240	0	0
Gibson Street - Renewal (Local) (R2R)	13,020	0	0
Cresswell Street - Renewal (Local) (R2R)	1,485	0	0
Narrakine Road - Renewal (Local) (R2R)	5,040	0	0
Whimbin Rock Road - Renewal (Rural) (R2R)	285,522	0	0
Wagin-Wickepin Road - Renewal (Rural) (R2R)	18,036	0	0
Narrogin Valley Road - Renewal (Rural) (R2R)	37,152	0	0
Highbury West Road - Renewal (Rural) (R2R)	21,600	0	0
Rowe Street - Renewal (Local) (R2R)	7,965	0	0
ROADC - Roads (Capital) - Regional Road Group			
Narrogin-Harrismith Road - Renewal (Local) (RRG)	607,486	0	0
Totals	1,160,355	0	0

Footpaths	Current Budget		
	This Year		
	Original Budget	YTD Budget	YTD Actual
ROADC - Footpaths (Capital)	\$	\$	\$
Daglish Street Footpath Construction	27,000	0	0
Felspar Street Footpath Construction	27,000	0	0
Williams Road - Footpath Construction	12,000	0	0
Totals	66,000	0	0

Road Drainage	Current Budget		
	This Year		
	Original Budget	YTD Budget	YTD Actual
ROADC - Drainage (Capital)	\$	\$	\$
Drainage Works	30,000	0	0
Totals	30,000	0	0

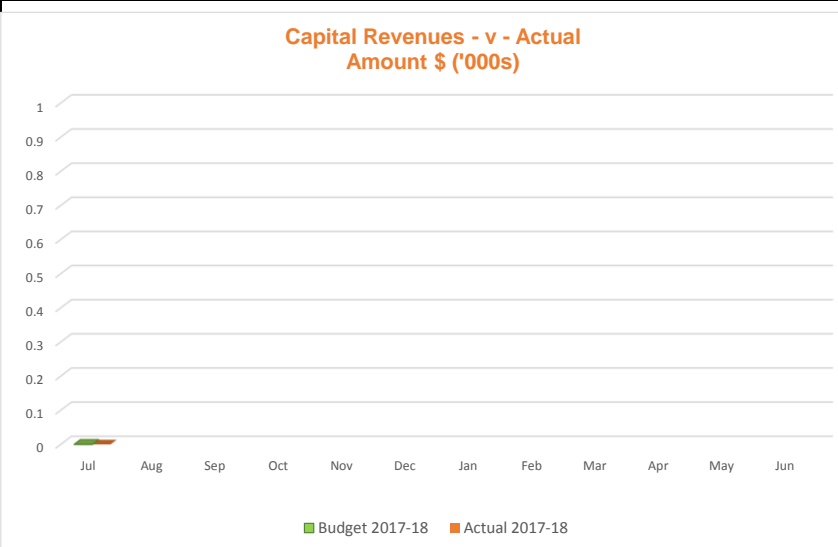
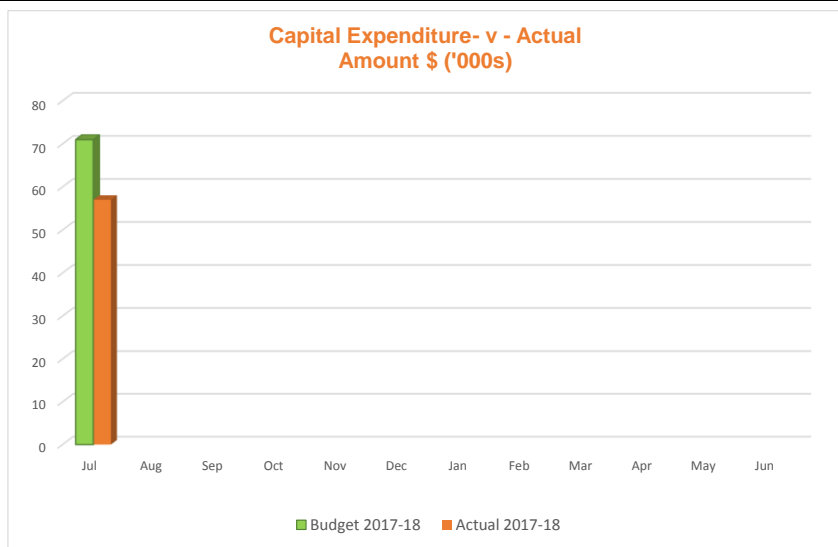
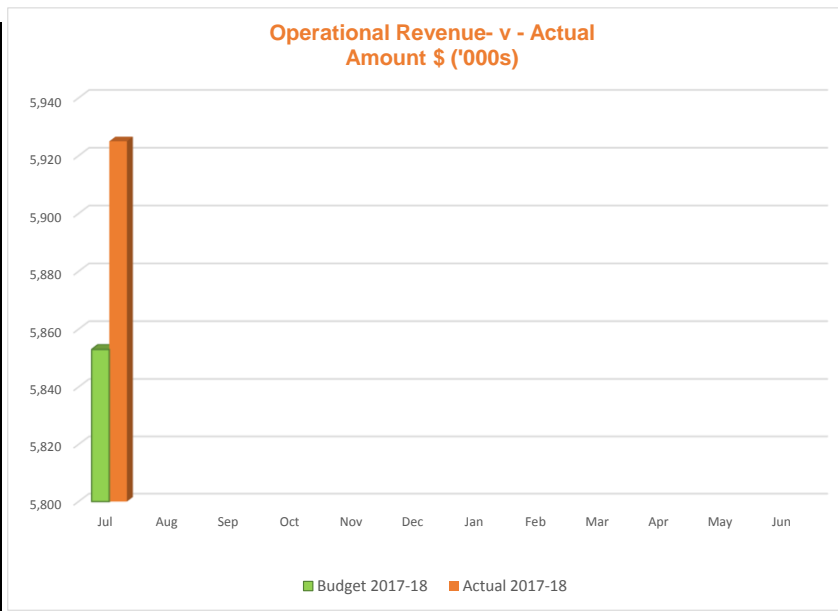
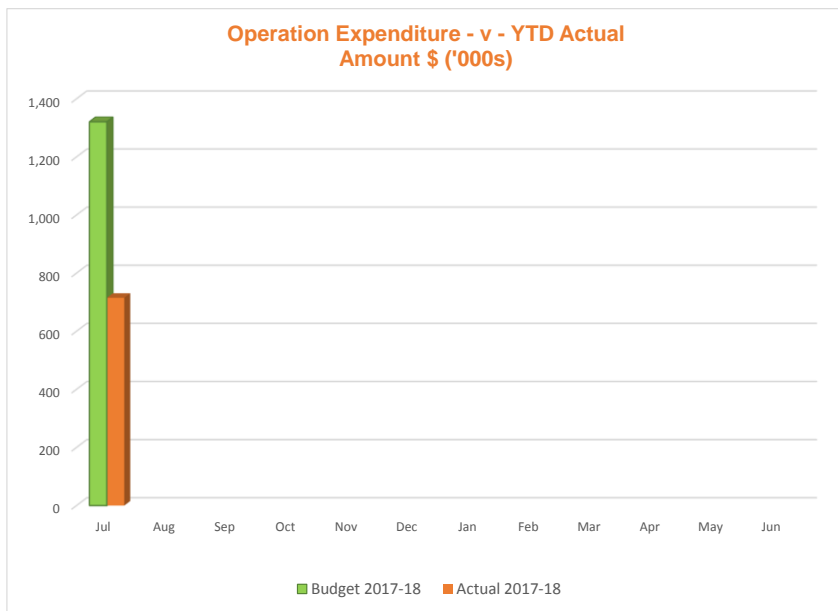
SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017

CAPITAL ACQUISITIONS

Other Infrastructure	Current Budget		
	This Year		
	Original Budget	YTD Budget	YTD Actual
	\$	\$	\$
ANIMAL - Infrastructure Other (Capital)			
Animal Pound Exercise Area	2,944	0	0
SAN - Infrastructure Other (Capital)			
White Road Refuse Site Upgrade	15,000	0	0
Refuse Site Transfer Station	148,000	12,333	1,013
Bin Surrounds	40,000	0	0
SEW - Infrastructure Other (Capital)			
TWIS Dams	20,000	0	0
COM AMEN - Infrastructure Other (Capital) - Other Community Amenities			
Cemetery Upgrade	85,000	7,083	0
Gnarojin Park Master Plan	30,000	2,500	0
CBD Enhancement	55,023	4,585	11,864
NRRC - Infrastructure Other (Capital)			
NRRC Infrastructure Other (Capital)	30,000	0	0
REC - Infrastructure Other (Capital)			
Heritage Trail	12,000	0	0
Memorial Park Paving Upgrade	25,000	0	0
Lions Park - Playground Equipment	50,000	0	0
Jersey Park - Playground Equipment	16,000	0	0
Northwood Park - Playground Equipment	45,000	0	0
Ashworth Park - Playground Equipment	8,000	0	0
Hockey Club - Playground Equipment	16,000	0	0
Highbury Hall - Playground Equipment	22,000	0	0
Town Clock	10,000	0	0
Skate Park Construction	30,000	0	0
Skate Park Improvements	30,000	0	0
ROADC - Infrastructure Other (Capital)			
Street Furniture	12,000	0	9,800
Ensign Carpark	60,000	0	0
CWA Carpark	60,000	0	0
TOUR - Infrastructure Other (Capital)			
NCP Infrastructure Upgrade	8,000	0	0
Caravan Park Resealing, Line Marking	20,000	0	0
Totals	849,967	26,501	22,676

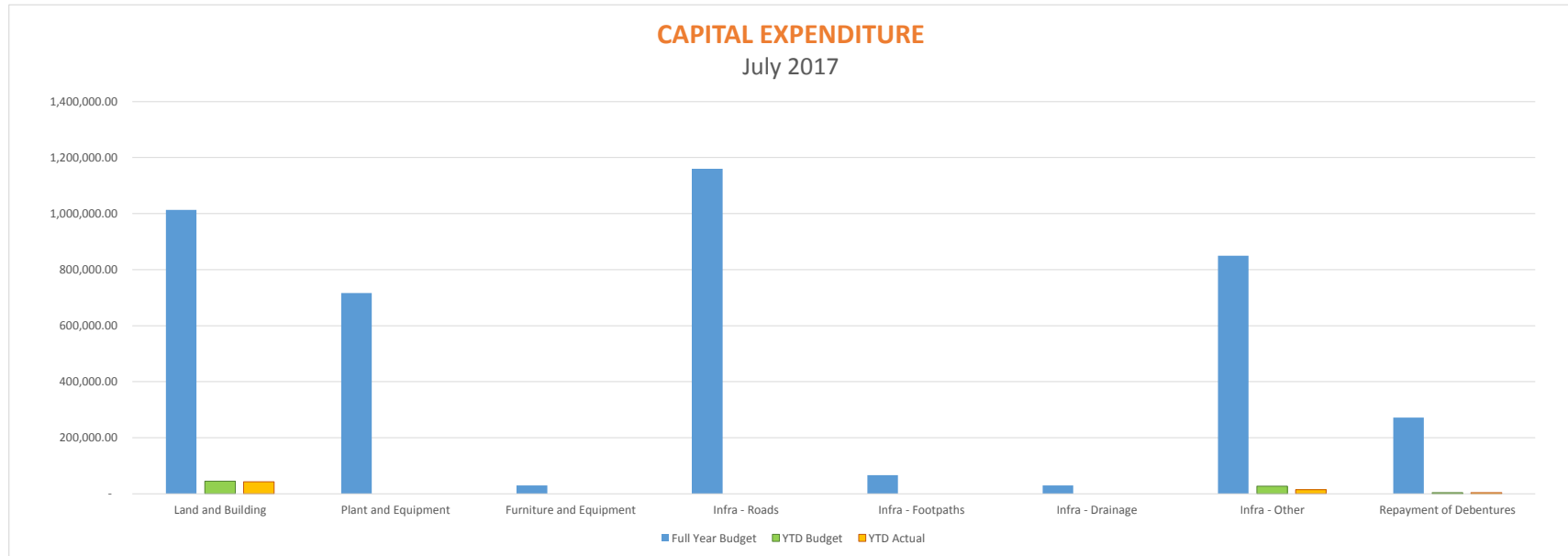
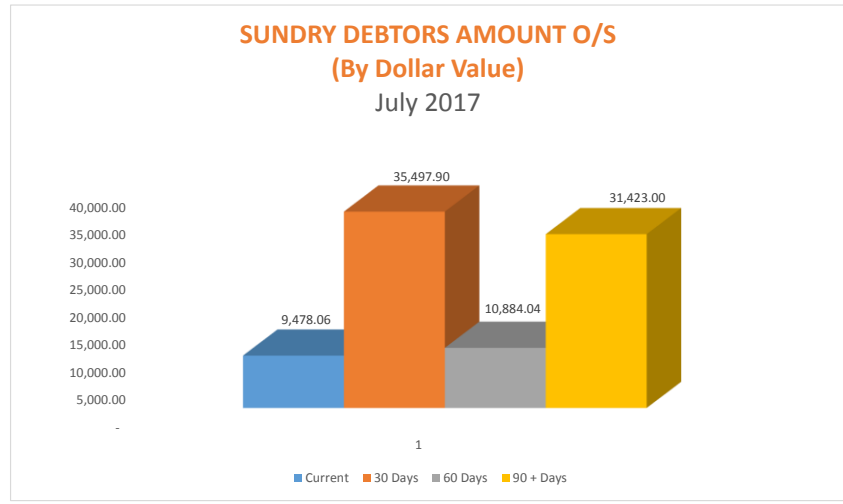
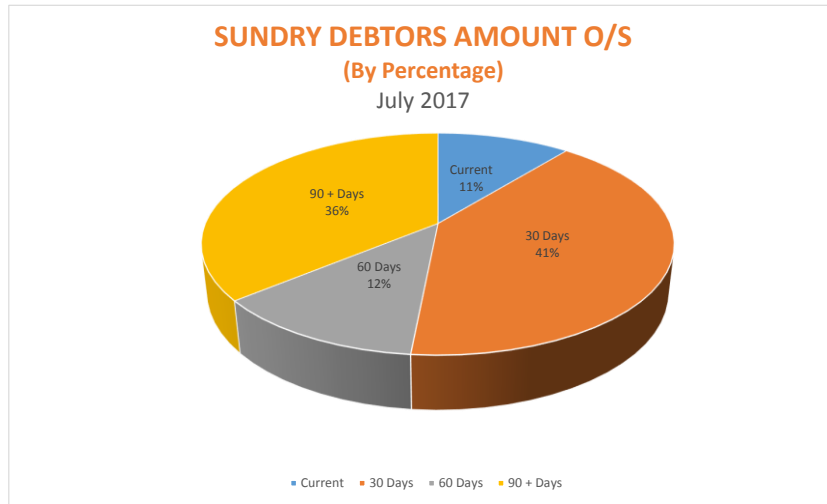
**SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017**

GRAPHS



**SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017**

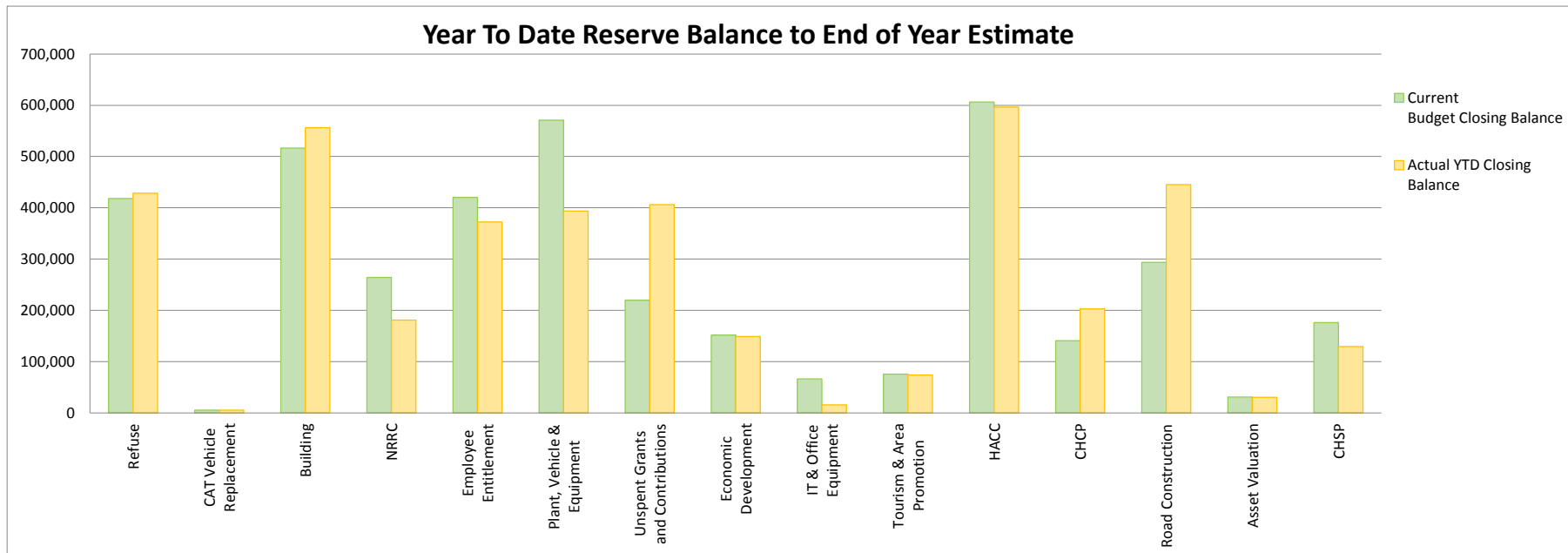
GRAPHS



SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 JULY 2017

RESERVE MOVEMENTS

Name	Opening Balance	Current Budget Interest Earned	Actual Interest Earned	Current Budget Transfers In (+)	Actual Transfers In (+)	Current Budget Transfers Out (-)	Actual Transfers Out (-)	Transfer out Reference	Current Budget Closing Balance	Actual YTD Closing Balance
Refuse	\$ 428,323	\$ 8,062	\$ 0	\$ 80,000	\$ 0	\$ 98,000	\$ 0		\$ 418,385	\$ 428,323
CAT Vehicle Replacement	5,351	101	0	0	0	0	0		5,452	5,351
Building	556,072	10,466	0	50,000	0	100,000	0		516,538	556,072
NRRC	180,691	3,401	0	80,000	0	0	0		264,092	180,691
Employee Entitlement	372,364	7,008	0	40,737	0	0	0		420,109	372,364
Plant, Vehicle & Equipment	393,454	7,405	0	410,000	0	240,000	0		570,859	393,454
Unspent Grants and Contributions	405,908	7,639	0	0	0	193,715	0		219,832	405,908
Economic Development	148,995	2,804	0	0	0	0	0		151,799	148,995
IT & Office Equipment	15,734	296	0	50,000	0	0	0		66,030	15,734
Tourism & Area Promotion	73,969	1,392	0	0	0	0	0		75,361	73,969
HACC	596,761	11,232	0	8,483	0	10,000	0		606,476	596,761
CHCP	202,894	3,819	0	0	0	65,903	0		140,810	202,894
Road Construction	445,302	8,381	0	0	0	160,000	0		293,683	445,302
Asset Valuation	30,000	565	0	0	0	0	0		30,565	30,000
CHSP	129,034	2,429	0	44,604	0	0	0		176,067	129,034
	3,984,852	75,000	0	763,824	0	867,618	0		3,956,058	3,984,852



COA	Description	Job	Project No	Description	Description	2017/18 Annual Budget	30/06/2018 2017/18 Annual Budget	31/07/2017 2017/18 YTD Actual	Responsible Officer	2017						Comments
										July	August	September	October	November	December	
4120350	PLANT - Plant & Equipment (Capital)	PE050	17/18 - 063	10,000L Emulsion Storage Tank	Emulsion storage tank with heater and generator, plus slab and power	75,000	75,000	0.00	Torre Evans							
4120350	PLANT - Plant & Equipment (Capital)	PE051	17/18 - 064	John Deere Ride on Mower 2017	Replacement	10,000	10,000	0.00	Torre Evans							
4120350	PLANT - Plant & Equipment (Capital)	PA976A	17/18 - 065	24 Tonne Excavator	New 24 tonne excavator, trade in Daewoo excavator P976	260,000	260,000	0.00	Torre Evans							
4120350	PLANT - Plant & Equipment (Capital)	PE052	17/18 - 066	Irrigation Pump	Replace 2 old electrical motors and pumps with 1 new combined pump/motor	35,000	35,000	0.00	Torre Evans							
4120350	PLANT - Plant & Equipment (Capital)	PA025B	17/18 - 067	8T Side Tipping Truck	Replacement	110,000	110,000	0.00	Torre Evans							
4120350	PLANT - Plant & Equipment (Capital)	PA063	17/18 - 068	Trailer & Signs(Event Traffic Management)	Trailer and Signs for implementing event traffic management plans (OTHER CULTURE)	10,000	10,000	0.00	Torre Evans							
4130255	TOUR - Plant & Equipment (Capital)	PE049	17/18 - 069	CCTV Installation NCP	Installation of CCTV	10,000	10,000	0.00	Frank Ludovico							
4130260	TOUR - Building (Capital)	BC236	17/18 - 070	Accommodation Units (NCP)	Accommodation Units (NCP)	350,000	350,000	0.00	Aaron Cook/Frank Ludovico							
4130260	TOUR - Building (Capital)	LB235	17/18 - 071	Caravan Park Renovations	Retiling of ablution block \$40,000, Renovate old laundry \$40,000, 2012/13 CLGF (Local) Funds \$72,939	152,939	152,939	0.00	Frank Ludovico							
4130265	TOUR - Infrastructure Other (Capital)	IO033	17/18 - 072	NCP Infrastructure Upgrade	Install electric and gas BBQ's	8,000	8,000	0.00	Frank Ludovico							
4130265	TOUR - Infrastructure Other (Capital)	IO081	17/18 - 073	Caravan Park Resealing, Line Marking	Resealing of Caravan Park, Line marking	20,000	20,000	0.00	Frank Ludovico							
4140560	ADMIN - Building (Capital)	BC262	17/18 - 074	Old Shire Office Building Capital	Paining & Internal upgrades (carpet etc)	80,000	80,000	4,090.91	Aaron Cook/Azhar Awang							
OPERATIONAL PROJECTS							0	0.00								
2080601	AGEDSNRS - Building Maintenance	BM080	17/18 - 075	AGEDSNRS - Building Maintenance	Senior Citizen Centre Building Maintenance - Cladding of bus bay Portico to match existing \$6,000, General Maintenance \$3,000	9,000	9,000	325.00	Azhar Awang							
2080801	WELFARE - Youth Services		17/18 - 076	WELFARE - Youth Services	Proposed Youth Services. Business case to be presented later.	50,000	50,000	0	Aaron Cook							
2100106	SAN - General Tip Maintenance	W010A	17/18 - 077	SAN - General Tip Maintenance	Highbury Tip Maintenance - Highbury Tip Maintenance	5,000	5,000	0.00	Azhar Awang/Torre Evans							
2100803	COM AMEN - Public Conveniences Maintenance	BM130	17/18 - 078	COM AMEN - Public Conveniences Maintenance	Mackie Park Public Toilets and Office Maintenance - Mackie Park Public Toilets and Office Maintenance	13,000	13,096	0.00	Azhar Awang							
2100803	COM AMEN - Public Conveniences Maintenance	BM131	17/18 - 079	COM AMEN - Public Conveniences Maintenance	Gnarrojin Park Public Toilets Maintenance - Gnarrojin Park Public Toilets Maintenance	6,000	6,309	100.00	Azhar Awang							
2100803	COM AMEN - Public Conveniences Maintenance	BM132	17/18 - 080	COM AMEN - Public Conveniences Maintenance	Smith St Public Toilets (Coles Carpark) Maintenance - Smith St Public Toilets (Coles Carpark) Maintenance	14,500	14,905	0.00	Azhar Awang							
2100803	COM AMEN - Public Conveniences Maintenance	BM133	17/18 - 081	COM AMEN - Public Conveniences Maintenance	Harris St Public Toilets (Museum) Maintenance - Harris St Public Toilets (Museum) Maintenance	4,500	4,790	0.00	Azhar Awang							
2100803	COM AMEN - Public Conveniences Maintenance	BM138	17/18 - 082	COM AMEN - Public Conveniences Maintenance	Highbury Public Toilets Maintenance - Highbury Public Toilets Maintenance	6,000	6,000	0.00	Azhar Awang							
2100805	COM AMEN - Townscape		17/18 - 083	COM AMEN - Townscape	Highbury Townscape \$8,000	8,000	8,000	8,373	Torre Evans							
4100860		IO089	17/18 - 084	COM AMEN - Infrastructure Other (Capital)	CBD Enhancement \$55,022	55,022	55,023	3,490.91	Torre Evans/Azhar Awang							
2110300	REC - Parks & Gardens Maintenance/Operations	W063	17/18 - 085	REC - Parks & Gardens Maintenance/Operations	Gnarrojin Park Maintenance/Operations - Dead wooding of trees	25,000	52,165	1,311.11	Torre Evans							
2110302	REC - Sundry Dry Parks/Reserves Maintenance/Operations	W081	17/18 - 086	REC - Sundry Dry Parks/Reserves Maintenance/Operations	Management plan Foxes Lair & Railway Dam \$20,000, PG Main \$10,000	30,000	35,653	0.00	Azhar Awang							
2110330	REC - Consultants		17/18 - 087	REC - Consultants	Development of Sport and recreation Master plan (included in Strategic plan) \$60,000, General consultation \$10,000	70,000	70,000	0	Aaron Cook							
2110601	HERITAGE - Building Maintenance	BM201	17/18 - 088	Museum Building Maintenance	Museum Building Maintenance \$6,450.00, Modify existing doorway \$1,000	7,450	8,993	2,766.24	Azhar Awang							
2110806	OTHCUL - Community Arts GEN		17/18 - 089	OTHCUL - Community Arts GEN	Public Art Strategy	40,000	40,000	0.00	Azhar Awang							
2110824	OTHCUL - Arts Narrogin		17/18 - 090	OTHCUL - Arts Narrogin	Admin Support Nexis Gallery \$25,000, Attract and install a range of professional art exhibitions \$10,000	35,000	35,000	0.00	Azhar Awang							
		FDM01	17/18 - 091	Road Maintenance Flood Damage	Roadworks - WANDRRA Claim works	784,723	784,723	6,595.00	Torre Evans							
2120200	ROADM - Road Maintenance	RM058	17/18 - 092	ROADM - Road Maintenance	White Road Pit rehab	4,000	4,000	0.00	Torre Evans							
2120200	ROADM - Road Maintenance	RM205	17/18 - 093	ROADM - Road Maintenance	Whimbin Rock Road Pit rehab	4,000	4,000	4,191.19	Torre Evans							
2120200	ROADM - Road Maintenance	RM239	17/18 - 094	ROADM - Road Maintenance	Cardwell Road Pit rehab	4,000	4,000	0.00	Torre Evans							
2120200	ROADM - Road Maintenance	RM253	17/18 - 095	ROADM - Road Maintenance	Hilders Road Pit rehab	4,000	4,000	0.00	Torre Evans							
2120200	ROADM - Road Maintenance	RM207	17/18 - 096	ROADM - Road Maintenance	Wagin - Wickepin Road Pit rehab	4,000	4,000	897.67	Torre Evans							
2120210	ROADM - Street Tree Maintenance	TREES	17/18 - 097	Street Tree Maintenance	Materials \$10,000, Powerline pruning & Large tree pruning \$25,000	35,000	540,516	2,805.10	Torre Evans							
2120214	ROADM - Depot Building Maintenance	BM211	17/18 - 098	ROADM - Depot Building Maintenance	Lydeker Depot Building Maintenance - Materials \$10,000, Contractors \$5,000, Sea containers \$4,500 (install LED lights, relocate A/C, install shelving)	19,500	63,291	1,176.69	Torre Evans/Azhar Awang							
2120404	AERO - Expensed Minor Asset Purchases		17/18 - 099	AERO - Expensed Minor Asset Purchases	Airport Cones	8,000	8,000	0	Torre Evans							
2130206	TOUR - Visitor Centre Contribution		17/18 - 100	TOUR - Visitor Centre Contribution	Dryandra Visitor Centre Donation \$35,000, plus increased \$25,000.	60,000	60,000	0	Frank Ludovico							
2140524	ADMIN - Expensed Minor Asset Purchases		17/18 - 101	ADMIN - Expensed Minor Asset Purchases	Fire rated Legal Documents storage \$2,000 plus \$2,500 general	4,500	4,500	728	Frank Ludovico							
						5,105,001.20										

Anticipated completion date

10.2.083 BUDGET AMENDMENT / VARIATION

File Reference: 12.4.1
Disclosure of Interest: Nil
Applicant: Nil
Previous Item Nos: Nil
Date: 9 August 2017
Author: Nicole Bryant – Manager Finance
Authoriser: Frank Ludovico – Executive Manager Corporate & Community Services

Attachments

- Nil

Summary

The 2017/18 budget was officially adopted by Council on 26 July 2017. Throughout the year variations occur. It is the purpose of this report to bring these to the attention of the Council.

Background

It is proposed to amend the 2017/18 budget to reflect various adjustments to the General Ledger with an overall effect to the budget as detailed below. Due to the nature of these variations, they fall outside the Annual Budget Review.

Comment

It is recommended that the required budget variations to the current budget for 2017/18 as outlined below be approved.

1. Transport				
GL/Job Number	General Ledger Description	Current Budget (\$)	Variation Amount (\$)	Revised Budget (\$)
FDM01	Road Maintenance Flood Damage	784,723	(784,723)	0
WAN000	WANDRRA (BUDGET ONLY)	0	784,723	784,723

Reason: At the time the Draft Budget 2017/18 was being produced, the reporting structure for the WANDRRA flood damage was unknown, therefore funding for this was included in the general account for flood damage. The structure of the WANDRRA projects has since been finalised and this budget adjustment gives effect to these arrangements.

Note: There is no adverse impact on the anticipated end of year financial position for the Municipal Account.

Consultation

Frank Ludovico – Executive Manager Corporate and Community Services

Statutory Environment

Local Government Act 1995 Part 6 Division 4 s 6.8 (1) requires the local government not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure –

(b) is authorised in advance by resolution *

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

- Requires an absolute majority of Council

Policy Implications

Nil

Financial Implications

The impact of the proposed budget amendments is described within the comments.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1 An efficient and effective organisation

Voting Requirements

Absolute Majority

COUNCIL RESOLUTION 0817.098 AND OFFICER’S RECOMMENDATION

Moved: Cr Seale

Seconded: Cr Schutz

That Council:

Approves the required budget variations to the current budget for 2017/18 as outlined below.

1. Transport				
GL/Job Number	General Ledger Description	Current Budget (\$)	Variation Amount (\$)	Revised Budget (\$)
FDM01	Road Maintenance Flood Damage	784,723	(784,723)	0
WAN000	WANDRRA (BUDGET ONLY)	0	784,723	784,723

CARRIED 7/0

10.2.084 BUSH FIRE BRIGADES LOCAL LAW 2017 AND EXTRACTIVE INDUSTRIES LOCAL LAW 2017– FINAL ADOPTION

File Reference:	13.5.7
Disclosure of Interest:	Nil
Applicant:	Not Applicable
Previous Item Nos:	10.1.028 of 12 April 2017
Date:	10 August 2017
Author:	Niel Mitchell – Merger Project Manager
Authorising Officer:	Azhar Awang – Executive Manager Development and Regulatory Services

Attachments

- Draft Bush Fire Brigades Local Law 2017
- Submissions – Draft Bush Fire Brigades Local Law

- Draft Extractive Industries Local Law 2017
- Submissions – Draft Extractive Industries Local Law 2017

Summary

To finalise the process of adoption of –

- Bush Fire Brigades Local Law 2017, and
- Extractive Industries Local Law 2017

Background

The purpose of this report is:

1. Consider the submissions received on the proposed local laws and determine if any drafting amendment(s) are required as a result of the submissions received;
2. Give notice of the purpose and effect of the local laws;
3. Make the local laws, incorporating all amendments as approved by Council;
4. Authorise the affixing of the Common Seal to the local laws;
5. Authorise the local laws publication in the *Government Gazette*; and
6. Give local public notice, (after Gazettal), of the date the local laws will come into effect.

Comment

At its ordinary meeting held 12 April 2017, Council resolved to commence the process to make local laws.

The procedure for making local laws requires Council to advertise State-wide, advising of its intention to make a local law, and invite submissions to be made on any proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

Council advertised, both locally and State-wide, for public comment on the proposed Local Laws:

- Draft Shire of Narrogin Bush Fire Brigades Local Law 2017; and
- Draft Extractive Industries Local Law.

An advertisement was placed in the West Australian on 26 April 2017 and the Narrogin Observer on 27 April 2017, with the submission period for public comment closing on 14 June 2017.

Bush Fire Brigades Local Law 2017

At the close of the submission period, no submissions had been received, however, later submissions were received from:

- Department of Local Government, Sport and Cultural Industries (DLGSCI)
- Minister for Emergency Service (Department of Fire and Emergency Services)

The DLGSCI submissions covered multiple areas. No substantive matters were raised, with the comments being of:

- minor editorial nature, and
- being of a contextual or technical nature, punctuation and grammar.

None of the suggested changes altered the intent of the provision amended nor placed additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

The proposed local law was also specifically raised that the Fire Control Officers meeting of 30 March 2017, and a number of matters raised at the meeting were included in the draft presented to the 12 April 2017 Council Meeting.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with the DLGSCI and DFES comments.

Extractive Industries Local Law 2017

At the close of the submission period, no submissions had been received, however, a later submission was received from the Department of Local Government, Sport and Cultural Industries. An internal submission from Shire of Narrogin was also made

The Departmental submissions covered multiple areas, with most matters raised not being substantive, as the comments were generally of minor editorial nature, and being of a contextual or technical nature, punctuation and grammar.

The most substantive matters raised were in relation to –

- s.3.7 – clarification that deposit and interest are to be returned to the licence at the end of the licence period
- s.4.6 – clarification that application for a variation to a licence may be made at any time
- s.4.7 – clarification of result of determination of application to transfer a licence

DLGSCI did suggest a change to clause 7.3 and/or 10.1 to specifically state that non-payment of an annual licence fee is a breach of the local law, however, it is considered that the provisions do adequately cover this.

The Shire's internal submission clarifies application of the local law to statutory authorities.

In discussion with the Executive Manager Technical & Rural Services, it was confirmed that the proposed local law is in addition to the controls that are able to be exercised under the Local Planning Scheme, and are not in derogation or substitution of them.

None of the suggested changes altered the intent of the provision amended nor placed additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with the DLGSCI comments and the Shire's internal submission.

Summary

Once formally adopted by Council –

- local laws are to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government, and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within ten days of publication in the Government Gazette.

Please note –

- disallowance of a local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

Consultation

- Azhar Awang – Executive Manager, Development and Regulatory Services
- Torre Evans – Executive Manager Technical and Rural Services
- John Warburton – Manager Operation
- Fire Control Officers meeting of 30 March 2017

Statutory Environment

Local Government Act 1995 – s.3.12 Procedure for making local laws incl. subclause (4) – requirement for absolute majority

Policy Implications

Nil

Financial Implications

Cost of publication in Government Gazette and giving local public notice.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1 An efficient and effective organisation

Voting Requirements

Absolute Majority

COUNCIL RESOLUTION 0817.099 AND OFFICER'S RECOMMENDATION

Moved: Cr Seale

Seconded: Cr Walker

That Council:

1. Resolve to make the following local laws as per the attached drafts, incorporating amendments outlined by the Minister for Emergency Services, Department of Local Government, Sport and Cultural Industries and Shire of Narrogin:
 - Bush Fire Brigades Local Law 2017, and
 - Extractive Industries Local Law 2017
2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the local laws;
3. Publish the local laws in the Government Gazette and provide copies of the local laws to the Minister for Local Government; and
4. Forward a copy of the gazetted local laws, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

Commonly-used abbreviations:	
CEO	Chief Executive Officer
DFES	Department of Fire and Emergency Services
DLGSCI	Department of Local Government, Sport and Cultural Industries
JSCDL	Joint Standing committee on Delegated Legislation (WA Parliament)

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

BUSH FIRE BRIGADES LOCAL LAW 2017

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- 2.2 Name and area of bush fire brigade
- 2.3 Objects of bush fire brigades
- 2.4 Chain of command during normal brigade activities
- 2.5 Existing bush fire brigades
- 2.6 Dissolution of bush fire brigade
- 2.7 New arrangement after dissolution

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- 3.2 Appointment of bush fire control officers
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BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

BUSH FIRE BRIGADES LOCAL LAW 2017

Under the powers conferred by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Narrogin resolved on _____ to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Narrogin Bush Fire Brigades Local Law 2017*.

1.2 Commencement

This local law will come into operation 14 days after its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Definitions

In this local law unless the context otherwise requires –

Act means the *Bush Fires Act 1954*;

bush fire brigade has the meaning given to it in section 7 of the Act;

bush fire brigade area has the meaning given to it in clause 2.2(b);

bush fire brigade member means a volunteer fire fighter having current membership of a bush fire brigade;

bush fire brigade officer means a person holding a position referred to in clause 3.3(1);

bush fire control officer means a person appointed by the local government to exercise the powers of a bush fire control officer or bush fire officer in accordance with the Act and this local law;

Bush Fire Operating Procedures means the Bush Fire Operating Procedures as may be adopted by the local government and amended from time to time;

Captain means the person holding or acting in that position in a bush fire brigade;

CBFCO means the Chief Bush Fire Control Officer;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

Lieutenant means the person holding that position in a bush fire brigade;

local government means the Shire of Narrogin;

normal brigade activities has the meaning given to it in section 35A of the Act;

President means President of the Council;

Regulations means Regulations made under the Act; and

volunteer fire fighter has the meaning given to it in section 35A of the Act.

PART 2 - ESTABLISHMENT OF BUSH FIRE BRIGADES

2.1 Establishment of a bush fire brigade

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

2.2 Name and area of bush fire brigade

On establishing a bush fire brigade under clause 2.1(1) the local government is to –

- (a) give a name to the bush fire brigade; and
- (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities.

2.3 Objects of bush fire brigades

The objects of the bush fire brigade are to carry out –

- (a) the normal brigade activities; and
- (b) the functions of the bush fire brigade which are specified in the Act, the Regulations and this local law.

2.4 Chain of command during normal brigade activities

(1) Subject to the Act, the chain of command to apply during normal brigade activities is –

- (a) bush fire control officers in order of seniority;
- (b) bush fire brigade officers in order of seniority; and
- (c) all other volunteer fire fighters.

(2) The person in command has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the fire fighters, and may exercise all the powers and duties provided for by the Act.

2.5 Existing bush fire brigades

A bush fire brigade established prior to the day on which this local law comes into operation –

- (a) is to be taken to be a bush fire brigade established under and in accordance with this local law;
- (b) the provisions of this local law apply to the bush fire brigade save for clause 2.1; and
- (c) any rules governing the operation of the bush fire brigade are repealed and substituted with the provisions of this local law.

2.6 Dissolution of bush fire brigade

In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, or is not achieving the objectives for which it was established.

2.7 New arrangement after dissolution

If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

PART 3 - ORGANISATION OF BUSH FIRE BRIGADES

3.1 Local government responsible for structure

The local government is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

3.2 Appointment of bush fire control officers

- (1) In accordance with section 38 of the Act, the local government may appoint bush fire control officers in their absolute discretion, and apply conditions as considered appropriate.
- (2) Where only one person is appointed as a bush fire control officer, that person is the CBFCO for the purposes of this local law.
- (3) Where more than one person is appointed as a bush fire control officer, the local government shall determine seniority as CBFCO, Deputy CBFCO, and further seniority as is considered appropriate.
- (4) When considering the appointment of a person as a bush fire control officer, the local government is to have regard to the qualifications, training and experience which may be advisable to fill the position.

3.3 Appointment of bush fire brigade officers

(1) The local government shall appoint the following bush fire brigade officers in their absolute discretion –

- (a) a bush fire control officer from the bush fire brigade area to be Captain;
 - (b) where there is more than one bush fire control officer in a bush fire brigade area, a bush fire control officer from the bush fire brigade area as first lieutenant;
 - (c) where this is not more than one bush fire control officer in a bush fire brigade area, an appropriate person from the bush fire brigade area as first lieutenant; and
 - (d) if considered necessary, any additional officers as necessary for the effective management of normal brigade activities;
- (2) The local government may remove any appointed person from any position.
 - (3) A bush fire brigade may make appointments to other positions as they see fit and as considered appropriate.
 - (4) When considering the appointment of persons to the positions of Captain, Lieutenant or other position, the local government is to have regard to the qualifications, training and experience which may be advisable to fill each position.

3.4 Managerial role of CBFCO

Subject to any directions by the local government, the CBFCO –

- (a) has primary managerial responsibility for the organisation and maintenance of bush fire brigades;
- (b) is to support Captains and bush fire brigade officers in their roles; and
- (c) where a vacancy in the position of Captain appointed under clause 3.3(1)(a), or in order of seniority, other appointed bush fire brigade officer willing to act in that position, the CBFCO is to act as Captain until an appointment is made by the local government to the position.

3.5 Duties of Captain and bush fire brigade officers

- (1) The duties of the Captain include –
 - (a) to provide leadership to bush fire brigades;
 - (b) to monitor bush fire brigades' resourcing, equipment and training levels;
 - (c) to liaise with the local government concerning –
 - (i) fire prevention or fire suppression matters generally;
 - (ii) directions to be issued by the local government to bush fire control officers (including those who issue permits to burn);
 - (iii) bush fire brigades; or
 - (iv) bush fire brigade officers;
 - (d) to ensure that lists of bush fire brigade members are maintained in accordance with clause 4.3(1);
 - (e) to report annually to the local government the office bearers of the bush fire brigade in the form of Form 12 of the Regulations;
 - (f) to report to the local government not later than 30 April each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's –
 - (i) training and readiness;
 - (ii) protective clothing;
 - (iii) equipment; and
 - (iv) vehicles and appliances;
 - (g) to consider the nomination of persons to the local government for appointment as bush fire control officers by the local government;
 - (h) to arrange for normal brigade activities as authorised by the Act or by the local government;
 - (i) where a vacancy occurs in a position appointed under clause 3.3(1)(b) or (c), to –
 - (i) advise the CEO of the vacancy as soon as practicable ; and,
 - (ii) make alternate suitable arrangements for that position until an appointment is made by the local government; and
 - (j) to make recommendations to the local government for endorsement prior to implementation.
- (2) The duties of other bush fire brigade officers are to support the CBFCO and Captain in their roles.

3.6 Training of bush fire control officers

- (1) The local government is to supply each bush fire control officer and Captain with a copy of the Act, the Regulations, any Bush Fire Operating Procedures adopted, this local law and any other written laws which may be relevant to the performance of the bush fire brigade officers' functions, and any

amendments made from time to time.

- (2) Bush fire control officers are required to complete a Bush Fire Control Officers course conducted by an organisation approved by the CEO, within 12 months of appointment, unless a course has been completed within the 4 years prior to appointment as a bush fire control officer.
- (3) Bush fire control officers are required to complete a bush fire control officers course at least once every 5 years.

PART 4 - MEMBERSHIP

4.1 Types of membership of bush fire brigades

- (1) The membership of a bush fire brigade consists of bush fire brigade officers and bush fire brigade members.
- (2) Registration as a bush fire brigade member does not commit the person to participating in all normal brigade activities.

4.2 Membership applications

The decision on admission of a bush fire brigade member, with or without conditions or restrictions, may be made by –

- (a) either the Captain or CBFCO; jointly with
- (b) either the CEO or President.

4.3 Membership – review, refusal, suspension or termination

- (1) No later than 30 April in each year, the Captain is to review the membership and report to the CEO and CBFCO the name and contact details of each bush fire brigade member.
- (2) If circumstances warrant, membership of the bush fire brigade may be refused or suspended at any time for a period considered appropriate in the opinion of –
 - (a) either the Captain or CBFCO; jointly with
 - (b) either the CEO or President.
- (3) Membership of the bush fire brigade terminates if the member –
 - (a) dies;
 - (b) gives written notice of resignation to the Captain or CEO;
 - (c) is permanently incapacitated by mental or physical ill-health; or
 - (d) is no longer a resident or a landowner or occupier in the district, or for other sufficient reason.
- (4) A decision to terminate membership under subclause (3)(c) or (d) is to be made by –
 - (a) either the Captain or CBFCO; jointly with
 - (b) either the CEO or President.
- (5) Where a decision under subclause (2), (3)(c) or (3)(d) is unable to be agreed, the matter is to be referred to the local government.
- (6) The decision of the local government shall be final.
- (7) Members are eligible to reapply where membership has ceased for any reason.

4.4 Member has right to review

- (1) A bush fire brigade member may appeal to the local government, any –
 - (a) refusal of membership;
 - (b) suspension of membership; or
 - (c) termination of membership.
- (2) The decision of the local government shall be final.

4.5 Existing liabilities to continue

The resignation, suspension or termination of a member under clause 4.3 does not affect any liability of the bush fire brigade member arising prior to the date of resignation, suspension or termination of membership.

4.6 Disagreements

- (1) Any disagreement between bush fire brigade members regarding normal brigade activities may be referred to the Captain.

- (2) Where a disagreement in subclause (1) is considered by the Captain to be of importance to the interests of the bush fire brigade, then the Captain may refer the disagreement to the CBFCO or to the local government.
- (3) Where a disagreement is referred to the CBFCO, the CBFCO may –
 - (a) determine the disagreement; or
 - (b) refer the matter to the local government.
- (4) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement referred to it.

PART 5 - GENERAL

5.1 Administration

All administrative matters of a bush fire brigade are to be managed by the local government, other than bush fire brigade specific internal arrangements.

5.2 Finances

All financial matters of a bush fire brigade are to be managed by the local government, other than bush fire brigade specific internal arrangements.

5.3 Equipment

All equipment purchased by the local government is the property of, and shall be insured by, the local government.

5.4 Consideration in the local government budget

In addition to funding made available through emergency services grants, the local government may provide further funding depending upon the assessment of budget priorities for the year in question.

Dated _____ 2017

The Common Seal of the Shire of Narrogin was affixed by authority of a resolution of Council in the presence of –

L.N. BALLARD President

A.J. COOK, Chief Executive Officer.

Proposed Shire of Narrogin **Bush Fire Brigades Local Law 2017** – Summary of submissions received

Submissions received –

- Department of Local Government and Communities
- Dept of Fire and Emergency Services

Dept of Local Government and Communities –

Item	Clause	Comment	Review Comment
1		<p>Minister of Emergency Services Bush fire brigades local laws are made under the <i>Local Government Act 1995</i> and the <i>Bush Fires Act 1954</i>. Accordingly, the local government must ensure that it provides a copy of the proposed local law to the Minister for Emergency Services as soon as possible, if it has not done so already.</p>	<p>Done at same time as notification made to Minister for Local Government</p> <p>No response received</p>
		Recommendation –	Noted
2	1.4	<p>Bush Fire Control Officer</p> <p>a) The Shire may like to consider inserting a definition of “Bush Fire Control Officer” in clause 1.4 - Definitions. Whilst this definition is not essential, it may assist readers and reduce the possibility of misinterpretation.</p>	<p>The Bush Fires Act 1954 does not provide a clear definition of a “bush fire control officer”, but does specify –</p> <p>s.45A(1) If –</p> <p style="padding-left: 40px;">(a) an officer or member of a bush fire brigade or a bush fire control officer (a bush fire officer) has ...</p> <p>And also –</p> <p>s.45(1) In this section –</p> <p style="padding-left: 40px;">(1) bush fire officer means a bush fire control officer or an officer or member of a bush fire brigade;</p> <p>Accordingly, it would not be appropriate to define a bush fire control officer as a bush fire officer, as –</p> <ul style="list-style-type: none"> • the meaning in s.45 is specific to that section dealing with the authority to hand over control to a CALM Act officer, and • it is broader than the intended use within the community, where the role of a bush fire control officer is separated from the functions of brigade officer and members <p>If Council does wish to insert a definition, the following definition is suggested –</p> <p style="padding-left: 40px;">bush fire control officer means a person appointed by the local government to exercise the powers of a bush fire control officer or bush fire officer in accordance with the Act and this local law;</p>

		b) Clause 3.3 refers to “fire control officer”. It is suggested that the term be substituted with “bush fire control officer” to provide consistency throughout the local law.	Amended x 4
		Recommendation –	Amend as suggested
3		Minor Edits <ul style="list-style-type: none"> • Clause 2.2(a): insert the word “and” after the semicolon. • Clause 2.3(b): replace “the local law” with “this local law”. • Clause 3.4: insert a comma after “the local government” and before “the CBFCO”. • Clause 3.5(1)(i)(i): replace the comma with a semicolon and insert the word “and” after it. • Clause 3.6(1): delete “captain” and insert “Captain”. • Clause 4.2: delete “member” and insert “a bush fire brigade member”. • Clause 4.3(3): <ul style="list-style-type: none"> a. In paragraph (c), replace the comma with a semicolon and insert the word “or” after it. b. In paragraph (d), replace the comma with a full stop. • Clause 4.6: remove the space beneath subclause (2) and above subclause (3). 	All minor edits made as suggested.
		Recommendation –	Amend as suggested

Dept of Fire and Emergency Services –

Item	Clause	Comment	Review Comment
1	3.2	Appointment of bush fire control officers The proposed clause 3.2(1) states, "The local government may appoint bush fire control officers in their absolute discretion, and apply conditions as considered appropriate." It may be helpful to make reference in this clause to section 38 of the <i>Bush Fires Act 1954</i> (the Act), which empowers local governments to appoint a bush fire control officer (BFCO), and sets out the requirements for the appointment of BFCO's.	Unnecessary, as the power to do so is already legislated. However, reference is inserted as suggested.
		Recommendation –	Amend as suggested

2	All	<p>Appointment of bush fire brigade officers</p> <p>It is recommended to replace all references to a "fire control officer" in this clause with "bush fire control officer". This wording is consistent with the terminology used in the Act.</p>	Amended throughout as per DLGC suggestion
		Recommendation –	Amend as suggested
3	4.1	<p>Types of membership of bush fire brigades</p> <p>The proposed clause 4.1 (1) states, "the membership of a bush fire brigade consists of volunteer fire fighters." The proposed clause 1.4 defines <i>volunteer fire fighters</i> to have "the meaning given to it in section 35A of the Act." The definition of <i>volunteer fire fighter</i> in section 35A of the Act is "a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member."</p> <p>a) You may like to consider changing clause 4.1 (1) to say "the membership of a bush fire brigade consists of <i>bush fire brigade officers</i> and <i>bush fire brigade members</i>."</p> <p>Both these terms are defined in the proposed clause 1.4. This will ensure that a person working under the direction of a bush fire control officer or bush fire brigade member (see section 35A of the Act) is not classified as a member of a bush fire brigade established under proposed clause 2.1.</p> <p>b) You may also consider changing the reference in proposed clause 4.1 (2) to "a volunteer fire fighter", so the clause provides that "registration as a member of a bush fire brigade does not commit the person to participating in all normal brigade activities."</p>	<p>Amended</p> <p>Amended</p>
		Recommendation –	Amend as suggested

LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

EXTRACTIVE INDUSTRIES LOCAL LAW 2017

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LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

EXTRACTIVE INDUSTRIES LOCAL LAW 2017

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Narrogin resolved on _____ to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Narrogin Extractive Industries Local Law 2017*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

The provisions of this local law –

- (a) subject to paragraphs (b), (c) and (d);
 - (i) apply and have force and effect throughout the whole of the district; and
 - (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;
- (b) do not apply to the extraction of minerals under the *Mining Act 1978*;
- (c) do not apply to the carrying on of an extractive industry on Crown land; and
- (d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land for use on that land.

1.4 Definitions

In this local law unless the context otherwise requires –

Act means the *Local Government Act 1995*;

carry on an extractive industry means quarrying and excavating for stone, gravel, sand and other material, and the transporting of the material off the site, but excludes extractive activities undertaken by statutory authorities;

application for licence includes application to renew, transfer, vary or cancel a licence as the context requires;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

district means the district of the Shire of Narrogin;

excavation includes quarry;

infringement notice means the notice referred to in clause 10.4(a);

land, unless the context requires otherwise, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates, and includes adjoining lots or locations in the same occupation or ownership;

licence means a licence issued under this local law;

licensee means the person named in the licence as the licensee;

local government means the Shire of Narrogin;

local planning scheme means a planning scheme of the local government made under the *Planning and Development Act 2005*;

notice of withdrawal means the notice referred to in clause 10.4(b);

owner has the meaning given to it in section 1.4 of the Act;

occupier has the meaning given to it in section 1.4 of the Act;

person does not include the local government;

planning approval means an approval for a development and/or a land use that is issued under a local planning scheme administered by the local government;

Schedule means a schedule to this local law;

secured sum means the sum required to be paid or the amount of a bond, bank guarantee or other security under clause 3.7; and

set fee a fee determined by the local government in accordance with sections 6.16 to 6.19 of the Act;

site means the land specified by the local government in a licence.

thoroughfare has the meaning given to it in section 1.4 of the Act; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.7.

PART 2 - REQUIREMENT FOR LICENCE

2.1 Extractive industries prohibited without licence

A person must not carry on an extractive industry –

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

PART 3 - APPLICATION REQUIREMENTS

3.1 Applicant to advertise proposal

(1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before making application for a licence –

(a) forward a notice to –

- (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, and
- (ii) every authority or person having control or jurisdiction over any of the things referred to in clause 3.3(1)(g) and (h) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and

(b) as soon as practicable after complying with the requirements of paragraph (a) –

- (i) forward a copy of the notice to the CEO; and
- (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.

(2) The information contained in the notice referred to in subclause (1) shall include but is not limited to –

- (a) particulars of the proposed excavation;
- (b) inviting objections or comments to be made to the CEO within 21 days of date of receipt of the notice.

(3) The local government may undertake a public consultation process including but not limited to –

- (a) provision of information by mail or similar;
- (b) electronically through a website or similar; and
- (c) public meetings.

(4) The local government may, within 14 days after receiving a copy of a notice referred to in subclause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices –

- (a) in a form approved by the local government;
- (b) the content, size, construction and position of which have been approved by the local government;
- (c) specifying particulars of the proposed excavation; and
- (d) inviting objections or comments within 21 days from the placement of the notice.

3.2 Application for licence

(1) An application for a licence shall –

- (a) be made in writing;
- (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;

- (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address.
- (c) be accompanied by –
- (i) the set fee;
 - (ii) a current certificate of currency for public liability policy in accordance with clause 7.1;
 - (iii) the consent in writing to the application from the owner of the excavation site; and
 - (iv) a copy of the planning approval for an extractive industry to be conducted on the land;
- (d) include any information that the local government may reasonably require; and
- (e) be signed by the applicant.
- (2) An application for a licence must be lodged with the local government together with details of the proposed excavation, including but not limited to –
- (a) a plan of the excavation site in accordance with clause 3.3;
 - (b) a works and excavation program in accordance with clause 3.4;
 - (c) a rehabilitation and decommissioning program in accordance with clause 3.5;
 - (d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;
 - (e) a certificate from a licensed surveyor;
 - (f) evidence that the requirements of clause 3.1(1), (3) and (4) have been carried out;
 - (g) copies of all land use planning approvals required under any planning legislation;
 - (h) copies of any environmental approval required under any environmental legislation;
 - (i) copies of any geotechnical information relating to the excavation site;
 - (j) evidence that an application for a clearing permit has been lodged with the Department of Environmental Regulation if that is required under regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; and
 - (k) any other information that the local government may reasonably require.
- (3) The application under subclause (1) and detailed information under subclause (2) shall consist of 1 signed paper copy and an electronic copy.
- (4) The local government may exempt a person making an application for a licence from supplying any of the data specified in subclause (2)(c), (d), (e) or (i), where –
- (a) the surface area is not to exceed 2000 square metres; and
 - (b) the material to be extracted from the proposed excavation is not to exceed 2000 cubic metres.

3.3 Plan of excavation site

- (1) The plan referred to in clause 3.2(2)(a) shall be in a scale of between 1:500 and 1:2000 showing –
- (a) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
 - (b) the land on which the excavation site is to be located;
 - (c) the external surface dimensions of the land;
 - (d) the location and depth of the existing and proposed excavation of the land;
 - (e) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
 - (f) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (g) the location of existing infrastructure services including but not limited to powerlines and communication cables, and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (h) the location of all existing bores, dams, watercourses, drains or sumps on or adjacent to the land;
 - (i) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (j) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
- (2) All survey data supplied by an applicant for the purpose of subclause (1) shall comply with Australian Height Datum and Australian Map Grid standards.

3.4 Works and excavation program

The works and excavation program referred to in clause 3.2(2)(b) shall contain –

- (a) the nature and estimated duration of the proposed excavation for which the licence is applied;
- (b) the stages and the timing of the stages in which it is proposed to carry out the excavation;
- (c) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
- (d) details of the depth and extent of the existing and proposed excavation of the site;
- (e) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
- (f) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
- (g) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
- (h) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
- (i) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
- (j) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
- (k) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
- (l) a noise management plan, including a description of the measures to be taken to comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*;
- (m) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
- (n) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation;
- (o) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas; and
- (p) details of measures to reduce impact on the adjoining owners and occupiers, and the wider community.

3.5 Rehabilitation and decommissioning program

The rehabilitation and decommissioning program referred to in clause 3.2(2)(c) shall indicate –

- (a) the objectives of the program, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
- (b) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
- (c) how any face is to be made safe and batters sloped;
- (d) the method by which topsoil is to be replaced and revegetated;
- (e) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
- (f) how rehabilitated areas are to be maintained; and
- (g) the program for the removal of buildings, plant, waste and final site clean up.

3.6 Certificate of a licensed surveyor

The certificate a licensed surveyor referred to in subclause 3.2(2)(e) shall certify the correctness of –

- (a) the datum peg and related point referred to in subclause 3.2(2)(d); and
- (b) the plan referred to in subclause 3.2(2)(a).

3.7 Security for restoration of excavation site and for road infrastructure

- (1) The local government may require that the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government, for the purposes of –
 - (a) ensuring that an excavation site is properly restored or reinstated, and

- (b) ensuring that road infrastructure is repaired and maintained to the standard agreed in accordance with subclauses 4.4(2) and (3).
- (2) The security required under subclause (1) may be required to be provided by the applicant to the local government –
 - (a) as a condition of a licence; or
 - (b) before the issue of a licence.
- (3) A bond required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.
- (4) If a bank guarantee or other security required under subclause (1) ceases to be current, excavation is to cease until a further security in a form acceptable to the local government has been provided.
- (5) Subject to clause 7.4, any interest accrued in respect of the bond paid into the fund under subclause (3) is to be returned to the licensee at the completion of the restoration and reinstatement works required by the licence conditions or otherwise under this local law.

PART 4 - LICENCING

4.1 When an application may be determined

An application for a licence is not to be determined by the local government until –

- (a) the applicant submits proof of that the requirements for notices, public information and consultation have been undertaken in accordance with subclauses 3.1(1), (2) and (3);
- (b) the applicant has made an application for licence in accordance with subclause 3.2(1), (2) and (3);
- (c) the local government has considered any written submissions received within the time specified in subclauses 3.1(2)(b) and 3.1(4), and
- (d) planning approval for an extractive industry use of the land has been obtained.

4.2 Determination of application

- (1) Upon receipt of an application, the local government may –
 - (a) refuse the application; or
 - (b) approve the application –
 - (i) over the whole or part of the land in respect of which the application is made; and
 - (ii) on such terms and conditions, if any, as it sees fit.
- (2) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 3.2.
- (3) Where the local government approves an application for a licence, it shall –
 - (a) determine the licence period, not exceeding 21 years from the date of issue; and
 - (b) approve the issue of a licence in the form determined by the local government from time to time.
- (4) Where the local government approves the issue of a licence, the CEO shall issue the licence to the applicant upon receipt by the local government of –
 - (a) payment of the annual set fee;
 - (b) payment of the secured sum if any, imposed under clause 3.7;
 - (c) the documents, if any, executed to the satisfaction of the CEO, under clause 3.7; and
 - (d) a copy of the public liability insurance policy required under clause 7.1(1).

4.3 Conditions which may be imposed

Without limiting subclause 4.2(1), the local government may impose conditions in respect of the following matters, including but not limited to –

- (a) the orientation of the excavation to reduce visibility from other land;
- (b) the appropriate siting of access thoroughfares, buildings and plant;
- (c) the stockpiling of material;
- (d) the hours during which any excavation work may be carried out;
- (e) the hours during which any processing plant associated with, or located on, the site may be operated;
- (f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
- (g) the depths below which a person shall not excavate;

- (h) distances from adjoining land or roads within which a person must not excavate;
- (i) the safety of persons employed at or visiting the excavation site;
- (j) the control of dust and wind-blown material;
- (k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
- (l) the prevention of the spread of dieback or other disease;
- (m) the drainage of the excavation site and the disposal of water;
- (n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
- (o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- (p) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation program;
- (q) requiring the licensee to enter into an agreement with the local government to pay a contribution in respect of thoroughfares in the district used by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence, in accordance with subclauses 4.4(2) and (3) –
 - (i) any extraordinary expenses incurred by the local government; and
 - (ii) repair of damage caused;
- (r) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law; and
- (s) any other matter for properly regulating the carrying on of an extractive industry.

4.4 Transport of materials

- (1) The local government may, from time to time, prescribe by giving written notice to the licensee –
 - (a) determine routes to be taken by the licensee for the transport of materials from the site through the roads within the district, if the proposed routes are not suitable for the proposed haulage;
 - (b) the tonnage limits to be transported along a particular route; and
 - (c) the times during which materials from the site may be transported through the roads within the district.
- (2) If a road on a route prescribed under subclause (1) is inadequate for the transport of materials from the site, the local government may require the licensee to pay all or part of the costs or estimated costs, as determined by the local government, of upgrading the road to the standard required by the local government for these purposes.
- (3) The licensee must pay to the local government, as and when required by the local government, the costs or estimated costs, as determined by the local government, of repairs and maintenance to any road that are required as a result of the transport of materials from the site.
- (4) Each licence is to be taken to be subject to a condition requiring the licensee to comply with this clause.

4.5 Renewal of licence

- (1) An application to renew a licence is not to be determined by the local government until the applicant has complied with subclause 4.5(2).
- (2) An application to renew a licence shall –
 - (a) be made in writing;
 - (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address.
 - (c) be accompanied by –
 - (i) the set fee;
 - (ii) by a copy of the current licence;
 - (iii) a current certificate of currency for public liability policy in accordance with clause 7.1;
 - (d) be lodged by the licensee at least 90 days before the date of expiry of the licence;

- (e) include a plan showing the contours of the excavation carried out to the date of that application;
 - (f) detail the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in subclauses 3.2(2)(b) and (c); and
 - (g) submit any other things referred to in clauses 3.2 and 4.2.
- (3) The local government may waive any of the requirements specified in clause 4.5(2)(f) or (g).
 - (4) The applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 3.2 and 4.2 if –
 - (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application.
 - (5) Upon receipt of an application for renewal of a licence, the local government may –
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions as it sees fit.
 - (6) Where the local government renews a licence under subclause (5), it shall notify the licensee in writing.

4.6 Variation of licence

- (1) An application to vary a licence –
 - (a) may be made at any time; and
 - (b) is not to be determined by the local government until the applicant has complied with clause 4.6(2).
- (2) An application to vary a licence shall –
 - (a) be made in writing;
 - (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address;
 - (c) be accompanied by –
 - (i) the set fee;
 - (ii) by a copy of the current licence; and
 - (iii) a current certificate of currency for public liability policy in accordance with clause 7.1;
 - (d) be lodged by the licensee at least 90 days before the date of expiry of the licence;
 - (e) include a plan showing the contours of the excavation carried out to the date of that application;
 - (f) detail the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 3.2(2)(b) and (c);
 - (g) any other things referred to in clauses 3.2 and 4.2.
 - (h) include any information that the local government may reasonably require; and
 - (i) be signed by the licensee and the owner of the excavation site (if different to the licensee);
- (3) The local government may waive any of the requirements specified in clause 4.6(2)(f) or (g).
- (4) The applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 3.2 and 4.2 if –
 - (a) an application to vary a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application.
- (5) Upon receipt of an application to vary a licence, the local government may –
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions as it sees fit.
- (6) Where the local government approves a licence variation under subclause (5), it shall notify the licensee and owner of the excavation site in writing.

4.7 Transfer of licence

- (1) An application to transfer a licence is not to be determined by the local government until the applicant has complied with clause 4.7(2).
- (2) An application to transfer a licence shall –

- (a) be made in writing;
 - (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address.
 - (c) be accompanied by –
 - (i) the set fee;
 - (ii) a copy of the current licence;
 - (iii) a certificate of currency in the name of the proposed transferee for public liability policy in accordance with clause 7.1;
 - (iv) the consent in writing to the transfer from the owner of the excavation site;
 - (d) be lodged by the licensee at least 90 days before the date of proposed transfer of the licence;
 - (e) comply with and satisfy all conditions and requirements of the current licence;
 - (f) provide equivalent security under clause 3.7 as is required by the current licence; and
 - (g) include any information that the local government may reasonably require; and
 - (h) be signed by the licensee and the proposed transferee.
- (3) Upon receipt of an application to transfer a licence, the local government may –
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions as it sees fit.
- (4) Where the local government approves the transfer of a licence under subclause (3), it shall notify the licensee and owner of the excavation site in writing.
- (5) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees and charges paid by the former licensee in respect of the transferred licence.
- (6) Where the local government does not approve the transfer of a licence –
- (a) the local government may cancel the licence in accordance with clause 4.8, or
 - (b) the licensee may –
 - (i) continue operations in accordance with the licence issued;
 - (ii) give notice of cessation of operations in accordance with clauses 6.1; or
 - (iii) give notice of temporary cessation of operations in accordance with clause 6.3.

4.8 Cancellation of licence by the local government

- (1) The local government may cancel a licence where the licensee has –
- (a) ceased to substantially carry on the extractive industry for a period in excess of 12 months and not advised the local government of cessation of operations under clause 6.1;
 - (b) been convicted of an offence against –
 - (i) this local law; or
 - (ii) any other law relating to carrying on an extractive industry;
 - (c) failed to comply with –
 - (i) any of the conditions of an excavation licence;
 - (ii) any provisions of this local law; or
 - (iii) any term of an agreement made with the local government in accordance with this local law and default continues for a period of 14 days from service on the licensee of written notice of default;
 - (d) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government;
 - (e) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law;
 - (f) failed to pay the annual licence fee under clause 7.3;
 - (g) failed to have a current public liability insurance policy under clause 7.1(1); or
 - (h) failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2).
- (2) Where the local government cancels a licence under this clause –
- (a) the cancellation takes effect on and from the day on which the licensee is served with the notice, and
 - (b) the local government shall advise the licensee and owner of the excavation site in writing.
- (3) Where a local government cancels a licence under subclause (1), the local government shall not be

required to refund any part of the fees and charges paid by the licensee in respect of the cancelled licence.

PART 5 - LIMITATIONS, OBLIGATIONS AND PROHIBITIONS ON LICENSEE

5.1 Obligations of the licensee

A licensee shall –

- (a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign –
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 300 mm high and not less than 450 mm wide;
 - (iii) the top of the sign is between 1.2 metres and 1.8 metres above ground level; and
 - (iv) bears the words “DANGER EXCAVATIONS – KEEP OUT”;
- (c) except where the local government approves otherwise, drain and keep drained to the local government’s satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government;
- (e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (f) comply with the conditions imposed by the local government in accordance with clause 4.3.

5.2 Limits on excavation near boundary

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within –

- (a) 500 metres of any residence unless with the consent of the adjoining neighbours;
- (b) 50 metres of any bore, watercourse, wetland, swamp or other water reserve; or
- (c) 50 metres of any thoroughfare;
- (d) 20 metres of the boundary of any land on which the excavation site is located;
- (e) 20 metres of any land affected by a registered grant of easement;
- (f) 2 metres of the estimated maximum groundwater level as determined from time to time by the Department of Water and Environmental Regulation or otherwise as adopted by the local government.

5.3 Prohibitions

A licensee shall not –

- (a) remove any trees or shrubs within 40 metres of the boundary of any thoroughfare on land in respect of which a licence has been granted without written permission from the local government and if required, the Department of Environmental Regulation, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 4.3;
- (b) store, or permit to be stored, except in the case of approved rock quarry sites, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Mines, Industry Regulation and Safety; or
- (c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation program approved by the local government.

5.4 Blasting

- (1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless –
 - (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;

- (b) subject to subclause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;
 - (c) the blasting is carried out in strict accordance with the *Mines Safety and Inspection Act 1994*, the *Environmental Protection Act 1986*, and all relevant local laws of the local government; and
 - (d) in compliance with any other conditions imposed by the local government concerning –
 - (i) the time and duration of blasting;
 - (ii) the purposes for which the blasting may be used; and
 - (iii) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.
- (2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or public holiday except with the prior approval of the local government.

PART 6 - CESSATION OF OPERATIONS

6.1 Notice of cessation of operations by licensee

- (1) A notice of cessation shall –
- (a) be made in writing;
 - (b) state –
 - (i) name of person or company for whom the application is being lodged;
 - (ii) name of primary contact person for the company and in relation to the application;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address;
 - (c) be accompanied by –
 - (i) by a copy of the current licence; and
 - (ii) a current certificate of currency for public liability policy in accordance with clause 7.1;
 - (d) advise if the cessation is to be –
 - (i) temporary and the expected duration or circumstances for re-commencement; or
 - (ii) permanent,
 - (e) detail arrangements for meeting any ongoing liabilities or environmental obligations –
 - (i) name of person or company to whom matters are to be referred;
 - (ii) name of primary contact person for the company;
 - (iii) telephone, mobile phone and email contact details; and
 - (iv) postal and street address;
 - (f) be lodged by the licensee as soon as cessation of operations has been determined by the licensee and not more than 7 days after the operations have ceased in any event;
 - (g) include a plan showing the contours of the excavation carried out to the date of that application;
 - (h) detail the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 3.2(2)(b) and (c);
 - (i) any other things referred to in clauses 3.2 and 4.2.
 - (j) include any information that the local government may reasonably require; and
 - (k) be signed by the licensee.
- (2) Upon notice of cessation of operations, the local government shall –
- (a) acknowledge the notice of cessation of operations; and
 - (b) confirm the acceptability or otherwise of the arrangements for the cessation of operations.

6.2 Cessation of operations – permanent

- (1) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies, the licence is deemed to have expired on the date such cessation is so notified.
- (2) The permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

6.3 Cessation of operation – temporary

- (1) Where a licensee has given written notice of temporary cessation of operations, then on or before the annual licence date each year, the licensee shall –

- (a) confirm to the local government the matters in subclauses 6.1(1)(d) and (e); and
 - (b) provide a copy of the current public liability certificate required under clause 7.1.
- (2) For the duration of the cessation –
- (a) contributions or payments agreed under subclauses 4.3(q) or (r) are suspended until such time as operations are resumed, but all other conditions and obligations remain in place; and
 - (b) the annual licence fee under clause 7.3 is suspended.
- (3) The licence granted under clause 4.2 shall remain valid for the term of the licence and shall not be extended by the duration of cessation of operations.
- (4) The temporary cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

6.4 Works to be carried out on cessation of operations

Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 6.1 –

- (a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee;
- (b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is –
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical : horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;
- (c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning program approved by the local government;
- (d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
- (e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
- (f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
- (g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

PART 7 - MISCELLANEOUS

7.1 Public liability

- (1) A licensee shall have at all times a current public liability insurance policy naming the local government and indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.
- (2) The licensee shall provide to the local government a copy of the policy taken out under subclause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.

7.2 Mines Safety and Inspection Act 1994 and Environmental Protection Act 1986

- (1) In any case where the *Mines Safety and Inspection Act 1994* or the *Environmental Protection Act 1986* applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.
- (2) In this clause, the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986* include all subsidiary legislation made under those Acts.

7.3 Annual licence fee

On or before 30 June in each year, a licensee must pay to the local government the set fee for the annual licence.

7.4 Use of secured sum by the local government

- (1) If a licensee fails to pay any fees and charges or carry out or complete the restoration and reinstatement works required by the licence conditions either –
 - (a) within the time specified in those conditions; or
 - (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions, then; subject to the local government giving the licensee 14 days' notice of its intention to do so—
 - (i) the local government may carry out or cause to be carried out the required work or so much of that work as remains undone; and
 - (ii) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 3.7 towards its costs under this clause.
- (3) The liability of a licensee to pay the local government's costs or any outstanding fees and charges under this clause is not limited to the amount, if any, secured under clause 3.7.
- (4) For avoidance of doubt, the local government's powers under this clause are in addition to its other enforcement powers under this local law.

PART 8 - NOTICES

8.1 Notice to remedy non-compliance

Where anything is required to be done or not permitted to be done by this local law, an authorised person may give the licensee a notice in writing requiring the licensee to comply with the requirements of this local law.

8.2 Notice requirements

A notice given must –

- (a) be in writing;
- (b) specify the reason for giving the notice, the work or action that is required to be undertaken; and
- (c) the time within which the work or action is to be undertaken.

8.3 Local government may undertake requirements of notice

If a person fails to comply with a notice referred to in clause 8.1, the local government may –

- (a) do the thing specified in the notice,
- (a) take whatever remedial action it considers appropriate and which would have been if the breach or failure had not occurred; and
- (b) recover all costs from the licensee, as a debt.

8.4 Offence to fail to comply with notice

A person who fails to comply with a notice given under this local law commits an offence.

PART 9 - OBJECTIONS AND REVIEW

9.1 Objection and review rights

The provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply when the local government makes a decision as to whether it will –

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law.

PART 10 - OFFENCES AND PENALTIES

10.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

10.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of the day during which the offence has continued.

10.3 Modified penalties

- (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

10.4 Forms

For the purposes of this local law –

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule – Prescribed offences

[clause.10.3]

Item	Clause	Nature of offence	Modified penalty \$
1	2.1(a)	Excavate without a licence	500
2	2.1(b)	Carry on an extractive industry not in accordance with conditions of licence	500
3	4.4(1)	Failure to comply with notice regarding transport of materials.	500
4	5.1(a)	Failure to securely fence or keep gateways locked	500
5	5.1(b)	Failure to comply with boundary signage requirements	500
6	5.1(c)	Failure to provide adequate drainage	500
7	5.1(d)	Failure to restore and reinstate site in accordance with approved plan	500
8	5.1(e)	Failure to control dust, noise, vibration and other nuisances	500
9	5.1(f)	Failure to comply with conditions of licence	500
10	5.2(a)	Excavate within 500 metres of a residence without approval	500
11	5.2(b)	Excavate within 50 metres of a bore, watercourse, wetland swamp or other water reserve without approval	500
12	5.2(c)	Excavate within 50 metres of a thoroughfare without approval	500
13	5.2(d)	Excavate within 20 metres of the boundary of any land on which the excavation is situated without approval	500
14	5.2(e)	Excavate within 20 metres of land affected by a registered grant of easement without approval	500
15	5.2(f)	Excavate within 2 metres of estimated maximum groundwater level without approval	500

16	5.3(a)	Removal of trees or shrubs within 40 metres of any boundary with a thoroughfare reserve without approval	500
17	5.3(b)	Store or permit to be stored explosives or explosive devices without approval	500
18	5.3(c)	Fill or excavate other than in accordance with the conditions of licence	500
19	5.4(1)(a)	Carry out or permit to be carried out blasting without approval	500
20	5.4(1)(b)	Carry out or permit to be carried out blasting outside the hours approval be the local authority	500
21	5.4(1)(d)	Failure to comply with conditions relating to blasting imposed by the local government	500
22	5.4(2)	Carry out or permit to be carried out blasting on a Saturday, Sunday or public holiday without approval	500
23	6.1(1)	Failure to provide notice of cessation of operations	500
24	6.3(1)	Failure to provide annual confirmation of details during period of temporary cessation of operations	500
25	6.4	Failure to undertake restoration and reinstatement as required on cessation of operations	500
26	8.4	Failure to comply with requirements of notice	500
27	10.1	Other offences not specified	500

Dated _____

The Common Seal of the Shire of Narrogin was affixed by authority of a resolution of Council in the presence of –

L.N. BALLARD, President

A.J. COOK, Chief Executive Officer

Proposed Shire of Narrogin **Extractive Industries Law 2017** – Summary of submissions received

Submissions received –

- Department of Local Government and Communities

Dept of Local Government and Communities –

Item	Clause	Comment	Review Comment
1		<p>Clause 3.7 – Use of interest generated by bond money Clause 3.7 provides that a licensee may be required to provide a bond, bank guarantee or other security to the local government. It is suggested that this clause outlines what happens to any proceeds generated by the bond once the security is no longer required.</p>	<p>Include – (5) Subject to clause 7.4, any interest accrued in respect of the bond paid into the fund under subclause (3) is to be returned to the licensee at the completion of the restoration and reinstatement works required by the licence conditions or otherwise under this local law.</p>
		Recommendation –	Noted
2		<p>Clause 4.6 – Variation of licence a) Clause 4.6 relates to varying a licence, however, subclauses (2) – (5) refer to the process of “renewing” a licence. It is suggested that the Shire reviews these subclauses. b) The Shire should consider whether the requirements for applying to vary a licence should be the same as the requirements for an application to renew a licence. c) The Shire should also clarify whether or not an application for variation of a licence can be made during the term of the licence or only at the time when a renewal of licence is due to be considered.</p>	<p>a) Amended x 3 b) Clause 4.6(f) and (g) stipulate that all information of clause 3.2 is to be provided. Clause 3.2 deals with new applications, and the information to be submitted is extensive. In recognition that a variation may be minor, 4.6(3) permits the local government to vary the requirements, so that only the information relating to the change is necessary. In addition, if an application for variation is made within 12 months of issue, 4.6(4) provides that the information required for a new application is not necessary, unless required by Council. Accordingly, a variation requires all the information of a new application unless exempted by the local government or it is made within 12 months. c) That an application to vary can be made at any time is implied in 4.6(4)(a), but is clarified by amending 4.6(1) to read – (1) An application to vary a licence – (a) may be made at any time; and (b) is not to be determined by the local government until the applicant has complied with clause 4.6(2).</p>
		Recommendation –	Amend as suggested

3	<p>Clause 4.7 – Transfer of licence</p> <p>a) Clause 4.7(2) refers to an application to <i>renew</i> a licence. It is suggested the Shire replace the word ‘renew’ with ‘transfer’.</p> <p>b) Clause 4.7 does not clearly outline what happens to a licence if the local government refuses the transfer application. It is suggested that the clause specifies whether the licence is cancelled or returned back to the licensee.</p>	<p>a) Amended</p> <p>b) Added –</p> <p>(6) Where the local government does not approve the transfer of a licence –</p> <p>(a) the local government may cancel the licence in accordance with clause 4.8, or</p> <p>(b) the licensee may –</p> <p>(i) continue operations in accordance with the licence issued;</p> <p>(ii) give notice of cessation of operations in accordance with clauses 6.1; or</p> <p>(iii) give notice of temporary cessation of operations in accordance with clause 6.3.</p>
	Recommendation –	Amend as suggested
4	<p>Clause 10.1 – Payment of annual fee under clause 7.3</p> <p>Clause 10.1 provides that a person who fails to do anything required or directed to be done under this local law commits an offence and is liable for a penalty under clause 10.2.</p> <p>Clause 7.3 provides that the licensee must pay an annual licence fee. It is suggested that the local law specifies whether the failure to pay this fee is an offence under clause 10.1.</p>	<p>It is considered that the situation is clear –</p> <ul style="list-style-type: none"> - clause 7.3 requires an annual fee to be paid, - if not paid, it is an offence under clause 10.1 as the licensee is required to pay an annual fee, - while no specific modified penalty is stated, item 27 of the Schedule provides for “Other offences not specified”
	Recommendation –	No amendment is required
5	<p>Clause references</p> <p>Clause 3.6 refers to a certificate referred to in subclause 3.3(2)(e). There is currently no subclause 3.3(2)(e) in the local law. It is suggested that the Shire amend the clause with the correct reference (possibly 3.2(2)(e)).</p> <p>The Shire should ensure that all cross-references within the local law are accurate, particularly if any changes are made as a result of these comments.</p>	<p>Amended</p> <p>Checked</p>
	Recommendation –	Amend as suggested
6	<p>Minor Edits</p> <p>a) Clause 1.2 – delete the additional space at the beginning of the sentence.</p>	<p>All minor edits amended as suggested, except as noted.</p>

	<p>b) Clause 1.3 – in paragraph (a), insert “are” at the beginning of the sentence and replace “, (d) and (e)” with “and (d)”.</p> <ul style="list-style-type: none"> • In subparagraph (ii), delete the additional “(ii)”. <p>c) Clause 1.4:</p> <ul style="list-style-type: none"> • The definition of “authorised person” should be deleted as it is not used throughout the local law. • Delete the comma after the defined term “owner”. • In the definitions of “set fee” and “thoroughfare”, replace “<i>Local Government Act 1995</i>” with “Act”. <p>d) Clause 3.2(3) - delete the semicolon after “paper copy”.</p> <p>e) Clause 3.2(4) – replace “making application” with “making an application”.</p> <p>f) Clause 3.5(g) – delete the semicolon and insert a full stop at the end of the sentence.</p> <p>g) Clause 4.2(4)(c) – delete the comma after “3”.</p> <p>h) Clause 4.3(q) – in sub-paragraph (i), replace “in” with “required for increased maintenance; and”. Then delete the sub-paragraph (ii) and re-number sub-paragraph “(iii)” to “(ii)”.</p> <p>i) Clause 4.7(2) – replace “application to renew” with “application to transfer”.</p> <p>j) Clause 4.7(3) – renumber paragraphs “(c)” and “(d)” with “(a)” and “(b)”.</p> <p>k) Clause 4.8(1)(a) – delete the space before the semicolon at the end of the sentence.</p> <p>l) Clause 5.1(b)(iii) – delete “metre” and insert “metres” after “1.2”.</p> <p>m) Clause 5.2(f) – replace “Department of Water” with “Department of Water and Environmental Regulation”.</p> <p>n) Clause 5.3(b) – replace “Department of Mines and Petroleum” with “Department of Mines, Industry Regulation and Safety”.</p> <p>o) Clause 6.1(1):</p> <ul style="list-style-type: none"> • In paragraph (d), replace the first semicolon with a hyphen. • In paragraph (d)(i), replace “expected” with “the expected”. • In paragraph (d)(ii), replace “permanently” with “permanent”. <p>p) Clause 6.1(2)(b) – replace “operation” with “operations”.</p> <p>q) Clause 6.2(1) – insert a comma after “applies”.</p> <p>r) Clause 6.3(4) – delete “permanent or”.</p>	<p>(c) Dot 1 – “authorised person” is used in clause 8.1</p>
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		<p>s) Clause 7.2(1) – paragraph (a) can be removed as any non-compliance of that legislation is to be dealt with under the legislation itself.</p> <p>t) Clause 8.1 – delete the space between “any” and “thing”.</p> <p>u) Schedule –</p> <ul style="list-style-type: none"> • Item 3 – delete the full stop in the nature of offence column. • Item 20 – replace “approval be the local authority” with “approved by the local government”. 	
		Recommendation –	Amend as suggested except (c) first dot point

Shire of Narrogin –

1	1.4	<p>Definitions</p> <p>Carry on and extractive industry – amend to permit the Shire to engage in extractive activities for roadworks etc.</p> <p>These works are for the public benefit, and are not for profit.</p>	<p>Definition amended to read –</p> <p><i>carry on an extractive industry</i> means quarrying and excavating for stone, gravel, sand and other material, and the transporting of the material off the site, but excludes extractive activities undertaken by statutory authorities;</p> <p>Has the effect of also exempting Main Roads, and Water Corp etc</p>
		Recommendation –	Amend as suggested

10.2.085 CLOSURE DURING CHRISTMAS PERIOD

File Reference: Nil
Disclosure of Interest: Affects all staff
Applicant: Chief Executive Officer
Previous Item Nos: Nil
Date: 14 August 2017
Author: Mr Aaron Cook – Chief Executive Officer
Authorising Officer: Nil

Attachments

Nil

Summary

It is presented for Council to consider to close the Administration Office, Works Crew, Library and sections of Home Care during the Christmas and New Year break as per previous years other than a rostered skeleton crew.

Background

Each year the Shire closes its offices during the Christmas and New Year break.

Comment

For many years, the former Town and Shire of Narrogin and last year the new Shire of Narrogin closed its doors for the Christmas Break from the close of business on Christmas Eve until the day after New Year's Day. Most years, including this year, staff are required to take three days leave from accrued entitlements with other days being public holidays.

Calendar below shows the green public holidays and yellow days of required leave.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11 Dec	12	13	14	15	16	17
18	19	20	21	22 Close at end of Business	23	24
25 Public Holiday	26 Public Holiday	27	28	29	30	31
1 Public Holiday	2 Return to Work	3	4	5	6	7

This item is presented early to allow staff to prepare for their family requirements and place an advertisements.

The closure includes the Administration staff, Works Crew, Library and some staff from Home Care. The Leisure Centre will continue to operate as per previous years only being closed on the public holidays as facilitated by the YMCA.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1 An efficient and effective organisation
Strategy:	4.1.1 Continually improve operational efficiencies and provide effective services
Strategy:	4.1.2 Continue to enhance communication and transparency

Outcome:	4.2 An employer of choice
Strategy:	4.2.1 Provide a positive, desirable workplace

Voting Requirements

Simple Majority

COUNCIL RESOLUTION 0817.100 AND OFFICER'S RECOMMENDATION

Moved: Cr Seale

Seconded: Cr Schutz

That Council:

Approve the Administration, Works Crew, Library and office of Homecare to close for the Christmas break from the close of business on 22 December 2017 to reopen on 2 January 2018. Rostered works staff will attend to minor regular duties that are required and urgent issues that arise. All staff will be required to utilise accrued leave for the three closed working days.

CARRIED 7/0

Cr Schutz, Cr Fisher and Mr Cook wished to have it noted that they are members of the Committee of the Narrogin Chamber of Commerce. Cr Schutz and Cr Fisher remained in the meeting and voted on the matter. Mr Cook remained in the meeting.

10.2.086 CHRISTMAS BUSINESS TRADING HOURS

File Reference: 8.1.3
Disclosure of Interest: Nil
Applicant: Narrogin Chamber of Commerce
Previous Item Nos: Nil
Date: 14 August 2017
Author: Mr Aaron Cook – Chief Executive Officer
Authorising Officer: Nil

Attachments

- Letter and list of dates from the Narrogin Chamber of Commerce.

Summary

It is presented to Council to endorse the proposed extended business trading hours for the month of December 2017 as presented by the Narrogin Chamber of Commerce.

Background

Each year the Narrogin Chamber of Commerce requests that Council make an application to the Department of Mines, Industry Regulation and Safety (The Department) to extend the business operating hours for the Christmas period being the month of December. If approved by Council, officers then make application to The Department for this to be formally approved.

Comment

As per previous years it is presented for Council to endorse the attached dates and times for the proposed Christmas trading hour's extension for the month of December 2017. The dates and times have been developed by the Narrogin Chamber of Commerce in consultation with its members and was resolved on 3 July 2017.

Should Council approve the attached dates and times, application is then made to The Department for formal approval. Once the approval has been received from The Department, the Christmas trading hours will be advertised by the chamber of commerce and the Shire.

It should be noted that the increase in operating hours does not commit any business to opening extended hours but provides the ability if they should choose.

Consultation

- Narrogin Chamber of Commerce

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective:	1. Economic Objective (Support growth and progress, locally and regionally)
Outcome:	1.1 Growth in revenue opportunities
Strategy:	1.1.1 Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business

Voting Requirements

Simple Majority

COUNCIL RESOLUTION 0817.101 AND OFFICER'S RECOMMENDATION

Moved: Cr Walker

Seconded: Cr Seale

That Council:

Endorse the proposed Christmas trading hours as presented by the Narrogin Chamber of Commerce for December 2017 and make application to the Department of Mines, Industry Regulation and Safety for formal approval.

CARRIED 7/0



Narrogin Chamber of Commerce

"To be a representative body promoting the growth and development of business in our community"

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Executive Officer: Kerry Bryant
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Mr Aaron Cook
Chief Executive Officer
Shire of Narrogin
PO Box 1145
NARROGIN WA 6312

Dear Aaron

PROPOSED TRADING HOURS FOR 2017 / 2018 CHRISTMAS / NEW YEAR PERIOD

At the committee meeting held on the 03rd July 2017 the attached proposed Narrogin Christmas / New Year retail trading hours for 2017-2018 was felt to meet the needs of both shoppers and retailers in our region.

When the dates applied for by the Shire of Narrogin are approved, would you please advise the chamber so that we can forward this information to our members?

Kind regards

A handwritten signature in black ink that reads "Kerry Bryant". The signature is written in a cursive, flowing style.

Kerry Bryant
Executive Officer

14 July 2017

Enc: 2017-2018 Proposed Hours

PROPOSED
Narrogin Christmas/New Year retail trading hours 2017/2017

Date	Trading Hours
Friday 1 December 2017	8.00 am to 6.00 pm
Saturday 2 December 2017	8.00 am to 5.00 pm
Monday 4 December 2017	8.00 am to 6.00 pm
Tuesday 5 December 2017	8.00 am to 6.00 pm
Wednesday 6 December 2017	8.00 am to 6.00 pm
Thursday 7 December 2017	8.00 am to 9.00pm
Friday 8 December 2017	8.00 am to 6.00pm
Saturday 9 December 2017	8.00 am to 5.00pm
Sunday 10 December 2017	10.00 am to 5.00pm
Monday 11 December 2017	8.00 am to 6.00pm
Tuesday 12 December 2017	8.00 am to 6.00 pm
Wednesday 13 December 2017	8.00 am to 6.00 pm
Thursday 14 December 2017	8.00 am to 9.00 pm
Friday 15 December 2017	8.00 am to 6.00 pm
Saturday 16 December 2017	8.00 am to 5.00 pm
Sunday 17 December 2017	10.00 am to 5.00 pm
Monday 18 December 2017	8.00 am to 6.00 pm
Tuesday 19 December 2017	8.00 am to 6.00 pm
Wednesday 20 December 2017	8.00 am to 6.00 pm
Thursday 21 December 2017	8.00 am to 9.00 pm
Friday 22 December 2017	8.00 am to 6.00 pm
Saturday 23 December 2017	10.00 am to 5.00pm
Sunday 24 December 2017	10.00 am to 5.00pm
Monday 25 December 2017(public holiday)	CLOSED
Tuesday 26 December 2017 (public holiday)	CLOSED
Wednesday 27 December 2017	8.00 am to 6.00 pm
Thursday 28 December 2017	8.00 am to 9.00 pm
Friday 29 December 2017	8.00 am to 6.00 pm
Saturday 30 December 2017	8.00 am to 5.00 pm
Sunday 31 December 2017	CLOSED
Monday 1 January 2018 (public holiday)	CLOSED

11. ELECTED MEMBER'S MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING

Nil

13. CLOSURE OF MEETING

8.25 pm – Deputy President Wiese declared the meeting closed.