



**AGENDA
ORDINARY COUNCIL MEETING**

23 MAY 2018

COMMENCING AT 7:00 PM

**COUNCIL CHAMBERS
SHIRE OF NARROGIN
89 EARL STREET
NARROGIN WA 6312**

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 AGENDA

23 MAY 2018

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS

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

Elected Members

Mr L Ballard – Shire President
Cr T Wiese – Deputy Shire President
Cr C Ward
Cr N Walker
Cr P Schutz
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
Mr F Ludovico – Executive Manager Corporate & Community Services
Ms C Thompson – Executive Assistant

Visitors

Ms Ciara Aspinall – Rural Clinical School Narrogin Representative

On Leave of Absence

Cr M Fisher

Absent

Apologies

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

- 3.1 Financial
- 3.2 Proximity
- 3.3 Impartiality

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

X:xx pm – Public Question time commenced

Tina Jones – "Clean up the Narrogin Creek" Group Representative - Narrogin

1. Summary of Question –received with notice on 15 May 2018

The Clean up the Narrogin Creek Group is a new volunteer-based group with the objectives of establishing a working party to address ongoing improvements to the habitat for local fauna, remove litter, undertake landscaping and replanting, promote the creek line and public amenities with anticipated funding/grants, in collaboration with The Shire, Landcare, and local indigenous groups.

"May we have Council permission ~ approval ~ authorisation and assistance to obtain our goal of cleaning up The Narrogin Brook please?"

Summary of Response

X:xx pm – The President declared Public Question Time closed and noted that no questions have been taken on notice.

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting

OFFICER'S RECOMMENDATION

That Council:

Accept the minutes of the Ordinary Council Meeting held 24 April 2018 and they be confirmed as an accurate record of proceedings.

7.2 Special Council Meeting

Please note that there was an oversight in recording the minutes of the Special Council Meeting as the mover and seconder, to come out of behind closed doors, was not recorded and needs to be amended with the minutes.

OFFICER'S RECOMMENDATION

That Council:

Accept the minutes, as amended, of the Special Council Meeting held 4 May 2018 and they be confirmed as an accurate record of proceedings.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Ms Ciara Aspinall – Rural Clinical School Narrogin Representative – Dementia Friendly Town - Narrogin Project.

10. MATTERS WHICH REQUIRE DECISIONS

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10.1 DEVELOPMENT AND REGULATORY SERVICES

10.1.032 LOCAL LAW – FINAL ADOPTION OF BUSH FIRE BRIGADES AMENDMENT 2018

File Reference:	19.6.4
Disclosure of Interest:	Nil
Applicant:	Shire of Narrogin
Previous Item Nos:	Agenda item 10.3.132 of 20 December 2017 – resolution 1217.150 Agenda item 10.3.012 of 28 February 2018 – resolution 0218.013
Date:	11 May 2018
Author:	Niel Mitchell – Governance Officer
Authorising Officer:	Azhar Awang – Executive Manager Development and Regulatory Services

Attachments

- Attachment 1 – Submissions received
- Attachment 2 – Bush Fire Brigades Amendment Local Law 2018 – text
- Attachment 3 – Bush Fire Brigades Local Law 2017 – compiled with proposed amendments

Summary

To finalise the process of adoption of the Bush Fire Brigades Amendment Local Law 2018.

Comment

The purpose of this report is to:

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

The Joint Standing Committee on Delegated Legislation noted two matters they considered required amendment, as well as a number of minor errors that should be attended to at the same time, although not critical to the operation of the local law. At the meeting on 20 December 2017, Council gave an undertaking to correct these matters.

At its ordinary meeting held on 28 February 2018 the Council resolved to commence the process to make the Amendment Local Law.

- Purpose – to provide for the appointment or election of specified bush fire brigade officers, and clarify process for objection to decisions regarding membership
- Effect – to align the local law with these requirements.

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 the 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.

An advertisement was placed in the West Australian on 28 March 2018 and the Narrogin Observer on 29 March 2018, with the submission period for public comment closing on 11 May 2018.

At the close of the submission period, submissions had been received from –

- Department of Local Government, Sport and Cultural Industries (DLGSCI)

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

- of a context or technical nature, punctuation and grammar.
- clarification of provisions, re-wording etc

No submission had been received from Department of Fire and Emergency Services.

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 Department comments.

Once formally adopted by Council, the–

- local law is 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 10 days of publication in the Government Gazette.

Please note –

- disallowance of the 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

- Department of Local Government, Sporting and Cultural Interests
- Bush Fire Officers' meeting

Statutory Environment

- *Local Government Act 1995 – s.3.12 – Procedure for making local laws incl. subclause (4)*
– requirement for absolute majority
- *Bush Fires Act 1954 – s.62 – power for local government to make local laws*
- *Shire of Narrogin Bush Fire Brigades Local Law 2017*

Policy Implications

Nil

Financial Implications

Cost of publication in Government Gazette and giving local public notice, estimated at \$1,800 and is contained within the budget.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	2. Social Objective (To provide community facilities and promote social interaction)
Outcome:	2.2 Build a healthier and safer community
Strategy:	2.2.1 Support the provision of community security services and facilities

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

Voting Requirements

Absolute Majority

Cont./

OFFICER'S RECOMMENDATION

That Council:

1. Resolve to make the following Local Law as per Attachment 2, incorporating amendments outlined by the Department of Local Government, Sporting and Cultural Industries –
 - Bush Fire Brigades Amendment Local Law 2018,
2. Authorise the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorise the CEO to –
 - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government in full and Minister for Fire & Emergency Services; and
 - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

Commonly-used abbreviations:
CEO Chief Executive Officer
DLGSCI Dept of Local Government, Sporting and Cultural Industries

Proposed Shire of Narrogin **Bush Fire Brigades Amendment Local Law 2018** – Summary of submissions

Dept of Local Government and Communities –

Item	Clause	Comment	Review Comment	Recommendation
1		<p>Ministerial notification The Department notes that this local law is made under the <i>Bush Fires Act 1954</i> in addition to the <i>Local Government Act 1995</i>. The Shire should ensure that a copy of the draft is submitted to the Minister for Emergency Services if this has not occurred already. If the Minister is not provided with a draft, this may affect the local law's validity.</p>	<p>Minister advised. Phone discussion with Legislation Manager, DFES – no issues</p>	N/A
2		<p>Minor Edits The following minor edits are suggested:</p> <ul style="list-style-type: none"> · Local law title: bold "SHIRE OF NARROGIN". · Clause 2: Reword of clause 2 as follow: --- 'This local law comes into operation 14 days after the date of its publication in the <i>Government Gazette</i>.' --- · Clause 3: Insert "as" between "2017" and "published". · Clause 4: Reword as follows: --- In the contents page, delete "Member has right to review" and replace with "Rights to object to or review of decision". --- · Clause 6: <ul style="list-style-type: none"> o At the beginning of clause 4.4(6) insert "If a person makes an objection under subclause (4)(b)" o Replace "the decision" with "any decision". 	<p>Amended</p> <p>Amended</p> <p>Amended</p> <p>Amended to "Right to object to or review of decisions". Suggested wording has the same effect as the draft text. Draft text has been accepted in other amendment local laws by the Department and by the JSCDL to date</p> <p>Amended</p> <p>Amended</p>	<p>Amend</p> <p>Amend</p> <p>Amend</p> <p>Amend</p> <p>Not amend style</p> <p>Amend</p> <p>Amend</p>

**BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995**

SHIRE OF NARROGIN

BUSH FIRE BRIGADES AMENDMENT LOCAL LAW 2018

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

1. Citation

This local law may be cited as the *Shire of Narrogin Bush Fire Brigades Amendment Local Law 2018*.

2. Commencement

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

3. Principal local law amended

This local law amends the *Shire of Narrogin Bush Fire Brigades Local Law 2017* as published in the *Government Gazette*.

4. Table of Contents amended

In the contents page, delete reference to clause 4.4 and insert –

- 4.4 Right to object to or review of decision

5. Clause 3.3 amended

Delete clause 3.3 and insert –

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 are two or more 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) an appropriate person as second lieutenant.
- (2) When considering the appointment of persons to the positions in subclause (1), the local government and bush fire brigade are to have regard to the qualifications, training and experience which may be advisable to fill each position.
- (3) The local government may remove any appointed person from any position.

6. Clause 4.4 amended

Delete clause 4.4 and insert –

4.4 Right to object to or review of decision

- (1) If an application for membership is refused under clause 4.2, the CEO is to notify the applicant in writing as soon as practicable after the decision is made, of –
 - (a) the reasons for the refusal; and
 - (b) the right to object to the local government within 14 days of the date of notice.
- (2) If it is proposed that a bush fire brigade member is to be suspended under clause 4.3(2) or terminated under clause 4.3(3)(c) or (d), the CEO is to notify the bush fire brigade member in writing as soon as practicable after the decision is made, of –
 - (a) the reasons for the intention to suspend or terminate the bush fire brigade member;
 - (b) the opportunity to respond and answer any matters which might give grounds for suspension or dismissal –

- (i) in person or in writing to the CEO; or
 - (ii) to meet with a minimum of any three of the Captain, CBFCO, CEO; or President; and
- (c) the right to object to the local government within 14 days of the date of notice, or such other time as may be agreed.
- (3) The decisions of any meeting in accordance with subclause (2)(b)(ii) of a bush fire brigade member with a minimum of any three of the Captain, CBFCO, CEO; or President –
 - (a) are to be made by simple majority; and
 - (b) may revoke, vary or confirm the original decision to suspend or terminate the bush fire brigade member.
- (4) The bush fire brigade member is to be notified in writing as soon as practical after a decision under subclause (3) is made, of –
 - (a) the decision and the reasons for the decision; and
 - (b) the right to object to the local government within 14 days of the date of notice.
- (5) The local government may dispose of an objection by –
 - (a) dismissing the objection;
 - (b) varying the decision objected to; or
 - (c) revoking the decision objected to, with or without –
 - (i) substituting for it another decision; or
 - (ii) referring the matter, with or without directions, for another decision by a minimum of any three of the Captain, CBFCO, CEO; or President.
- (6) If a person makes an objection under subclause (4)(b) the local government shall give written advice of any decision made under subclause (5) to the person.

Dated _____ 2018

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

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995

SHIRE OF NARROGIN

BUSH FIRE BRIGADES LOCAL LAW 2017

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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 23 August 2017 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) 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 are two or more 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 there 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) an appropriate person as second lieutenant.
- (2) When considering the appointment of persons to the positions in subclause (1), the local government and bush fire brigade are to have regard to the qualifications, training and experience which may be advisable to fill each position.
- (3) The local government may remove any appointed person from any 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 volunteer fire fighters.
- (2) Registration as a volunteer fire fighter 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 Right to object to or review of decision

- (1) If an application for membership is refused under clause 4.2, the CEO is to notify the applicant in writing as soon as practicable after the decision is made, of –
 - (a) the reasons for the refusal; and
 - (b) the right to object to the local government within 14 days of the date of notice.
- (2) If it is proposed that a bush fire brigade member is to be suspended under clause 4.3(2) or terminated under clause 4.3(3)(c) or (d), the CEO is to notify the bush fire brigade member in writing as soon as practicable after the decision is made, of –
 - (a) the reasons for the intention to suspend or terminate the bush fire brigade member;
 - (b) the opportunity to respond and answer any matters which might give grounds for suspension or dismissal –
 - (i) in person or in writing to the CEO; or
 - (ii) to meet with a minimum of any three of the Captain, CBFCO, CEO; or President; and
 - (c) the right to object to the local government within 14 days of the date of notice, or such other time as may be agreed.
- (3) The decisions of any meeting in accordance with subclause (2)(b)(ii) of a bush fire brigade member with a minimum of any three of the Captain, CBFCO, CEO; or President –
 - (a) are to be made by simple majority; and
 - (b) may revoke, vary or confirm the original decision to suspend or terminate the bush fire brigade member.

- (4) The bush fire brigade member is to be notified in writing as soon as practical after a decision under subclause (3) is made, of –
 - (a) the decision and the reasons for the decision; and
 - (b) the right to object to the local government within 14 days of the date of notice.
- (5) The local government may dispose of an objection by –
 - (a) dismissing the objection;
 - (b) varying the decision objected to; or
 - (c) revoking the decision objected to, with or without –
 - (i) substituting for it another decision; or
 - (ii) referring the matter, with or without directions, for another decision by a minimum of any three of the Captain, CBFCO, CEO; or President.
- (6) If a person makes an objection under subclause (4)(b) the local government shall give written advice of any decision made under subclause (5) to the person.

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 24 August 2017

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

NOTES –

1. This document is a draft for administrative purposes only, and is not to be relied on for legal purposes

DRAFT

**10.1.033 APPLICATION FOR PLANNING CONSENT – SINGLE DWELLING
(REDUCED FRONT & REAR SETBACK) – LOT 219 (No.102)
FELSPAR STREET, NARROGIN**

File Reference: A105229
Disclosure of Interest: Nil
Applicant: Plunket Homes (1903) Pty Ltd
Previous Item Nos: Nil
Date: 10 April 2018
Author: Eric Anderson – Assistant Planning Officer
Authorising Officer: Azhar Awang – Executive Manager Development & Regulatory Services

Attachments

- Attachment 1 – Application for Planning Consent
- Attachment 2 – Locality Plan

Summary

Council is requested to consider the application for planning consent for the single dwelling (reduced front & rear setback) at Lot 219 (No.102) Felspar Street, Narrogin. Council has received one objection during the advertising period.

Background

On 15 March 2018 the Shire of Narrogin received an application for planning consent for a single dwelling (reduced front & rear setback) at lot 219 (No.102) Felspar Street, Narrogin. As the proposal required a setback variation, advertising was undertaken in accordance to clause 6.3 of the Former Town of Narrogin Town Planning Scheme No.2 (FT-TPS). Notices to the adjoining landowners were sent on 27 March 2018 as well as an advertisement in the Narrogin Observer on 5 April 2018. The proposed setback variation was advertised for a period of 21 days and the closing date for submissions was 26 April 2018. At the closing date of public submissions, one objection was received.

Comment

The submission that was received during the advertising period is summarised as follows:

	Comment	Applicants Response	Officer's Comments
Public 1	Opposed to the development as it seems the application has been made to facilitate future subdivision. The development is contrary to the aims of the super Lot comprising of Lot 219 which was under taken originally to provide larger sized lots in the Narrogin town site. In the	The dwelling has been positioned due to the following reasons. 1. The dwelling has been positioned on the flattest portion of the land to reduce earthworks and sand fill.	1. Noted. It is in the interest of the Shire of Narrogin to encourage more environmentally sustainable development.

	<p>complainants view the Proposal is inconsistent with the council's objective of single detached dwellings on larger sized lots with open space and landscaping. There is a distinct urban character in the area. Question the terms of sale of the land regarding subdivision. Strongly opposed to an increase in density. Raises questions about council's future intention for the density of residential development in this part of town.</p>		
		<p>2. Fire safety – the dwelling has been positioned the furthest location away from the tree line, resulting in a lower BAL rating and lower home insurance costs.</p> <p>3. The dwelling has been positioned to face Felspar Street in the hope that it will increase the resale value of the property.</p> <p>4. The dwelling position has resulted in lower sewer connection and run costs due to the sewer line location.</p> <p>5. Solar & energy efficiency has also been considered with the current dwelling location.</p> <p>6. The landowner has young children and it proved practical and safe to have the dwelling away from the hustle and traffic of Narrakine Road.</p> <p>7. The proposed location offers more privacy and less noise pollution.</p>	<p>2. Noted. The proposed location has achieved a BAL rating of 12.5 which is the second lowest category.</p> <p>3. Noted. Not a planning concern.</p> <p>4. Noted.</p> <p>5. Noted. The aspects of solar and energy efficiency have been considered where not provided but it is likely referring to the location of solar panels and the clearance from overshadowing vegetation.</p> <p>6. Noted. Pedestrian safety concerns are desirable. Traffic data is not provided and traffic will likely not be at a level that is detrimental to the use of the land.</p> <p>7. Noted. Noise reduction is desirable however it is unlikely that noise at the location will be detrimental to the use of the land.</p>

			<p>The subject property is currently zoned R10 under the Former Town Planning Scheme No.2. Under the R-codes the minimum lot size that can be achieved for a single R10 dwelling is 875m². The remaining area of the lot including the truncated area is 812m² and is unlikely that a subdivision in this location will meet the minimum lot size required under the current zoning.</p>
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The covenant that is alluded to in public submission 1 has been found to have expired on 31 December 2016. Further email correspondence between the applicant and planning staff can confirm that the applicant does not currently intend to develop a grouped dwelling development or subdivision in the immediate future.

Zoning

The subject land is zoned “Residential” under the Former Town of Narrogin Town Planning Scheme (FT-TPS) with a total area of 1601m² and has a Residential Design Code (R-Code) density rating of R10. The surrounding residential zoned properties to the east are also zoned R10.

Setback

The minimum setback for the front setback for a R10 density property is 7.50 m from the primary street. The owners have chosen to have their primary street frontage as Felspar Street instead of Narrakine Road at a setback distance of 6.80m. The applicant is also seeking a rear setback variation from 6.00m to 3.038m.

It is considered that the front setback variation is a minor variation and will not adversely impact the surrounding amenity.

The rear setback variation is considered moderate but less than the maximum variation of 50 per cent as outlined by the R-codes. The proposed property will also be set lower than the existing dwelling to the north reducing the impact of over shadowing.

Considering the submission received and the Officer comment, it is recommended that Council support the proposed setback variation.

Consultation

- Azhar Awang – Executive Manager, Development and Regulatory Services
- Letters to adjoining land owners

Statutory Environment

Former Town of Narrogin Town Planning Scheme No.2

Policy Implications

State Planning Policy – Residential Design Codes

Financial Implications

Application for Planning Consent Fee to the value of \$947 has been made payable to the Shire of Narrogin and borne by the applicant.

The applicant is required to pay all expenses as per the FT-TPS.

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

Voting Requirements

Simple Majority or Absolute Majority – if unsure, check *The Act*.

OFFICER'S RECOMMENDATION

That Council:

Approves the development for the single dwelling (reduced to a 6.80 metres setback at the front and a 3.038 metres setback at the rear) at Lot 219 (No.102) Felspar Street, Narrogin subject to the following conditions:

1. The approval shall expire if the development permitted is not completed within two years of approval, 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. All drainage and run-off associated with the development shall be contained on site or connected to the Shire's stormwater drainage system to the satisfaction of the Chief Executive Officer.
3. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.
4. 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.
5. Landscaping within the front setback area shall be established within 60 days of the practicable completion of the building and shall be fully reticulated and maintained to the satisfaction of the Chief Executive Officer.

6. Finishes to the external building shall be sympathetic to existing buildings on site and the surrounding area to the satisfaction of the Chief Executive Officer.

Commonly-used abbreviations:	
R-Code	Residential Design Code
FT-TPS	Former Town of Narrogin Town Planning Scheme No 2

SOUTH WEST OFFICE

18/42 Strickland St, PO Box 6066, T 08 9780 9300
Bunbury WA 6230 South Bunbury WA 6231 F 08 9780 9399

plunketthomes.com.au
domainbyplunkett.com.au



2 February 2018

Shire of Narrogin
PO Box 1145
Narrogin WA 6312

Shire of Narrogin RECEIVED	
Directed to	<u>Eric/Azhar</u>
15 MAR 2018	
Ref No	<u>IPA1813498</u>
Property File	<u>A105229</u>
Subject File	
Ref	

Dear Sir/Madam

Our Ref: 170168

Lot 219 Narrakine Road, Narrogin

ATTENTION: PLANNING DEPARTMENT

Please find enclosed an application for Development Approval from Plunkett Homes (1903) Pty Ltd for the abovementioned property. We enclose the following documentation:

- Signed Development Application Form
- Site Plans
- Floor Plans
- Elevation Plans

Should you require any additional information, please do not hesitate to contact our office or email shiresw@plunkettgroup.com.au

Yours sincerely,

KIRSTEN ANDRIC

The Shire Team

shiresw@plunkettgroup.com.au

PLANNING CONSENT



89 Earl Street
PO Box 1145
Narrogin WA 6312

(08) 9890 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	Plunkett Homes (1903) Pty Ltd
Correspondence Address	PO Box 6066, BUNBURY WA 6231
Applicant Phone Number	(08) 9780 9300

I hereby apply for planning consent to:

- Use the land described hereunder for the purpose of: **Single Dwelling – Reduced Rear Setback (Zoned R10)**
- Erect, alter or carry out development on land described hereunder in accordance with the accompanying plans (3 copies attached)

Existing use of land	Vacant Land
Approximate cost of proposed development	\$295,951.00
Estimated time of completion	October 2018
No of persons to be housed / employed after completion	4

TITLES OFFICE DESCRIPTION OF LAND

LOCALITY PLAN

House No	191	Lot No	219	Location No	
Plan or Diag	P054319	Street Name	Narrakine Road		
Certificate of Title	Volume: 2682	Folio: 219			

LOT DIMENSIONS

Site area	1601 Square metres
Frontage	25.483 Metres
Depth	51.583 metres

AUTHORITY

Applicant's Signature *K. Andena* Date *18.12.2017*

NOTE: WHERE THE APPLICANT IS NOT THE OWNER, THE OWNER'S SIGNATURE IS REQUIRED.

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.

Owner's Signature *Julie Deane* Date 12.12.2017

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 Reference		Application No	
Date Received		Date of Approval / Refusal	
Date of Notice of Decision		Officer's Signature	

Bushfire Attack Level Assessment Report

Prepared by a BPAD Accredited Practitioner



Fire Protection Association Australia Life Property Environment



AS 3959 BAL Assessment Report

This report has been prepared by an Accredited BPAD Practitioner using the Simplified Procedure (Method 1) as detailed in Section 2 of AS 3959 – 2009 (Incorporating Amendment Nos 1, 2 and 3). FPA Australia makes no warranties as to the accuracy of the information provided in the report. All enquiries related to the information and conclusions presented in this report must be made to the BPAD Accredited Practitioner.

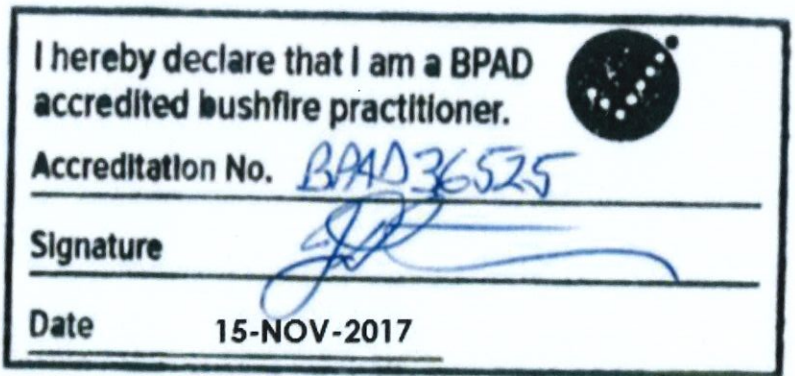
Property Details and Description of Works

Address Details	Unit no	Street no	Lot no	Street name / Plan Reference		
		191	219	Narrakine Road		
Local government area	Suburb			State	Postcode	
	Narrogin			WA	6312	
Main BCA class of the building	Class 1a	Use(s) of the building	Residential Dwelling(s)			
Description of the building or works	Construction of new dwelling.					

Report Details

RUIC Report / Job Number	Report Version	Assessment Date	Report Date
7322	V1.0	10 November 2017	15 November 2017

BPAD Accredited Practitioner Details

Name Jeremy Durston (BPAD36525)	 <p>I hereby declare that I am a BPAD accredited bushfire practitioner. Accreditation No. <u>BPAD36525</u> Signature <u>[Signature]</u> Date <u>15-NOV-2017</u></p>
Company Details Rural Fire Risk Consultancy Pty Ltd (RUIC Fire)	



Authorized Practitioner Stamp

Reliance on the assessment and determination of the Bushfire Attack Level contained in this report should not extend beyond a period of 12 months from the date of issue of the report. If this report was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated report issued.

Site Assessment & Site Plans

The assessment of this proposed development was undertaken on 10 November 2017 by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959 - 2009 Simplified Procedure (Method 1).



7322_001_01_BaseMap_20171114
 Projection: GDA94 MGA50
 Author: MM - RUIC | Date: 2017-11-14
 Data Source: Cadastre - Landgate; Imagery - Nearmap;
 Roads: Site Boundary, Veg. BAL, Buffer, BMS - RUIC,
 Disclaimer: Although the data within this map is considered accurate at the time of creation, RUIC Fire does not guarantee, and accepts no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of any data used within this map.

Size: A4
 Scale: 1:2,000
 0 20 40 60 m

BAL ASSESSMENT MAP
Lot 219 (#191) Narrakine Road,
Narrogin

RUIC
 FIRE
 1300 797 607
 ruicfire.com.au



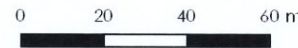
1300 797 607
ruicfire.com.au

BAL ASSESSMENT MAP

**Lot 219 (#191) Narrakine Road,
Narrogin**



Size: A4
Scale: 1:1,500



7322_001_01_BaseMap_20171114
Projection: GDA94 MGA50
Author: MM - RUIC | Date: 2017-11-14
Data Source: Cadastre - Landgate; Imagery - Nearmap;
Roads, Site Boundary, Veg, BAL, Buffers, BMS - RUIC.

Disclaimer: Although the data within this map is considered accurate at the time of creation, RUIC Fire does not guarantee, and accepts no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of any data used within this map.

Vegetation Classification

All vegetation within 100m of the proposed development was classified in accordance with Clause 2.2.3 of AS 3959-2009. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below.

Photo ID: 1a Plot: 1	
Vegetation Classification or Exclusion Clause	
Class A Forest	
Description / Justification for Classification	
Trees to above 10m in height with canopy cover over 30%. Understorey of low shrubs and grass.	
Photo ID: 1b Plot: 1	
Vegetation Classification or Exclusion Clause	
Class A Forest	
Description / Justification for Classification	
Trees to above 10m in height with canopy cover over 30%. Understorey of low shrubs and grass.	

<p>Photo ID: 2a Plot: 2</p> <p>Vegetation Classification or Exclusion Clause</p> <p>Excludable - 2.2.3.2(f) Low Threat Vegetation</p> <p>Description / Justification for Classification</p> <p>Residential area managed for low threat in accordance with the Shire of Narrogin Firebreak and Fuel Hazard Reduction Notice, specifying: "Where the area of land is 4,000m2 in area or less – all flammable material on the land shall be reduced to a height of less than 10 centimetres."</p>	 <p>DIRECTION 184 deg(T) 32.94065°S ACCURACY 5 m 117.16509°E DATUM WGS84</p> <p>Narrating Rd BAL Narrogin 10/11/17, 2:43:37 pm</p>
<p>Photo ID: 2b Plot: 2</p> <p>Vegetation Classification or Exclusion Clause</p> <p>Excludable - 2.2.3.2(f) Low Threat Vegetation</p> <p>Description / Justification for Classification</p> <p>Residential area managed for low threat in accordance with the Shire of Narrogin Firebreak and Fuel Hazard Reduction Notice, specifying: "Where the area of land is 4,000m2 in area or less – all flammable material on the land shall be reduced to a height of less than 10 centimetres."</p>	 <p>DIRECTION 8 deg(T) 32.94001°S ACCURACY 5 m 117.16509°E DATUM WGS84</p> <p>Narrating Rd BAL Narrogin 10/11/17, 2:48:54 pm</p>
<p>Photo ID: 2c Plot: 2</p> <p>Vegetation Classification or Exclusion Clause</p> <p>Excludable - 2.2.3.2(f) Low Threat Vegetation</p> <p>Description / Justification for Classification</p> <p>Residential area managed for low threat in accordance with the Shire of Narrogin Firebreak and Fuel Hazard Reduction Notice, specifying: "Where the area of land is 4,000m2 in area or less – all flammable material on the land shall be reduced to a height of less than 10 centimetres."</p>	 <p>DIRECTION 81 deg(T) 32.94067°S ACCURACY 5 m 117.16575°E DATUM WGS84</p> <p>Narrating Rd BAL Narrogin 10/11/17, 2:46:50 pm</p>

<p>Photo ID: 2d Plot: 2</p> <p>Vegetation Classification or Exclusion Clause</p> <p>Excludable - 2.2.3.2(f) Low Threat Vegetation</p> <p>Description / Justification for Classification</p> <p>Residential area managed for low threat in accordance with the Shire of Narrogin Firebreak and Fuel Hazard Reduction Notice, specifying: "Where the area of land is 4,000m2 in area or less – all flammable material on the land shall be reduced to a height of less than 10 centimetres."</p>	
<p>Photo ID: 2e Plot: 2</p> <p>Vegetation Classification or Exclusion Clause</p> <p>Excludable - 2.2.3.2(f) Low Threat Vegetation</p> <p>Description / Justification for Classification</p> <p>Residential area managed for low threat in accordance with the Shire of Narrogin Firebreak and Fuel Hazard Reduction Notice, specifying: "Where the area of land is 4,000m2 in area or less – all flammable material on the land shall be reduced to a height of less than 10 centimetres."</p>	

Relevant Fire Danger Index

The fire danger index for this site has been determined in accordance with Table 2.1 or otherwise determined in accordance with a jurisdictional variation applicable to the site.

Fire Danger Index

FDI 40

Table 2.4.5

FDI 50

Table 2.4.4

FDI 80

Table 2.4.3

FDI 100

Table 2.4.2

Potential Bushfire Impacts

The potential bushfire impact to the proposed development from each of the identified vegetation plots are identified below.

Table 1: BAL Analysis

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
1	Class A Forest	Upslope	46m	BAL – 12.5
2	Excludable – Clause 2.2.3.2(f)	N/A	N/A	BAL – LOW

Determined Bushfire Attack Level (BAL)

The Determined Bushfire Attack Level (highest BAL) for the proposed development has been determined in accordance with clause 2.2.6 of AS 3959-2009 using the above analysis.

Determined Bushfire Attack Level

BAL – 12.5

AS3959-2009 c3.5 Shielding Provision

Shielding is not applicable as the BAL rating cannot be reduced below BAL-12.5.

Appendix 1: Plans and Drawings

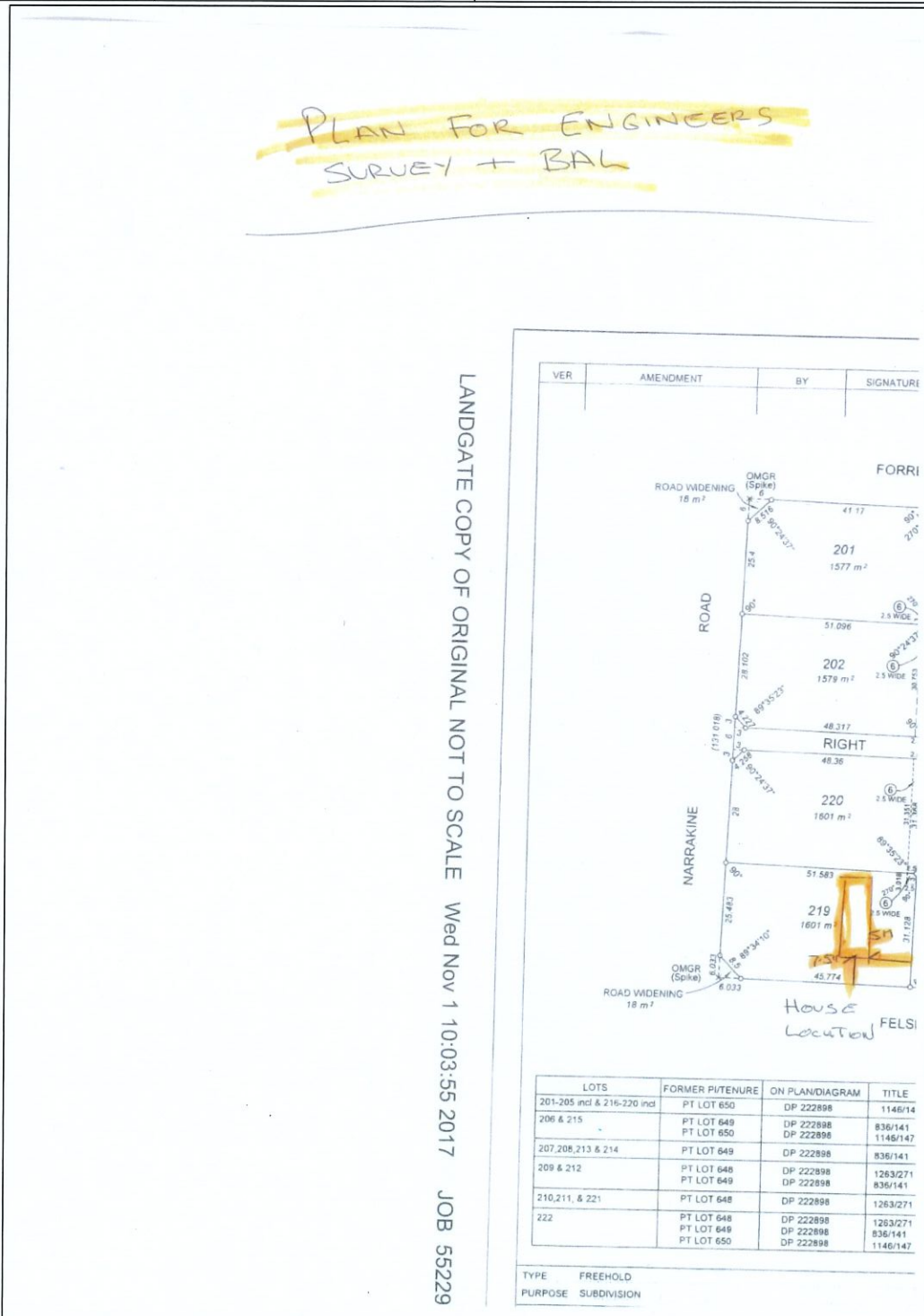
Plans and drawings relied on to determine the bushfire attack level

Drawing / Plan Description Plan For Engineers Survey & BAL

Job Number -

Revision -

Date of Revision -



Appendix 2: Additional Information / Advisory Notes

BUSHFIRE ATTACK LEVEL ASSESSMENT EXPLAINED

A Bushfire Attack Level (BAL) Assessment is a means of measuring the severity of a buildings potential exposure to ember attack, radiant heat and direct flame contact in a bushfire event and to determine the construction requirements appropriate for the building.

The methodology used to determine the BAL rating and the subsequent building construction standards are directly sourced from *Australian Standard 3959-2009 Construction of buildings in bushfire prone areas* (AS 3959-2009). The BAL rating is determined through identification and assessment of the following parameters:

- Fire Danger Index (FDI) rating. FDI 80 is assigned within WA.
- Classification of vegetation within 100 metres of the subject building.
- Separation distance between the building and the classified vegetation source/s.
- Slope of the land under the classified vegetation.

AS 3959-2009 has six levels of BAL ratings based on the radiant heat flux exposure to buildings as outlined below. AS 3959 details the building construction standards relevant to each BAL; the relevant sections of AS 3959 are provided below.

Bushfire Attack Level (BAL)	Heat flux exposure thresholds	Description of predicted bushfire attack and levels of exposure	Section of AS 3959
BAL-LOW	See clause 2.2.3.2	There is insufficient risk to warrant specific construction requirements	4
BAL-12.5	$\leq 12.5\text{kW/m}^2$	Ember attack	3 & 5
BAL-19	$>12.5\text{kW/m}^2$ to $\leq 19\text{kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 & 6
BAL-29	$>19\text{kW/m}^2$ to $\leq 29\text{kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3 & 7
BAL-40	$>29\text{kW/m}^2$ to $\leq 40\text{kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames	3 & 8
BAL-FZ	$>40\text{kW/m}^2$	Direct exposure to flames from fire front in addition to heat flux and ember attack	3 & 9

BAL FZ
Direct exposure to flames, radiant heat and embers from the fire front.

BAL 40
Increasing ember attack and windborne debris, radiant heat between 29 kW/m^2 and 40 kW/m^2 . Exposure to flames from fire front likely.

BAL 29
Increasing ember attack and windborne debris, radiant heat between 19 kW/m^2 and 29 kW/m^2

BAL 19
Increasing ember attack and windborne debris, radiant heat between 12.5 kW/m^2 and 19 kW/m^2

BAL 12.5
Ember attack radiant heat below 12.5 kW/m^2

Critical Fire Fighting Point
 10 kW/m^2

Human exposure limit (BCA)
 2.5 kW/m^2

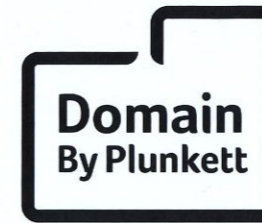
Sunlight 1.3 kW/m^2

RUIC FIRE

LOT 219

Latitude: 32°56'23"4S Longitude 117°10'05"8E

SEC Dome
Power Pole
Phone Pits
Water Conn.
TP 10.00 Top Pillar/Post
TW 10.00 Top Wall
TR 10.00 Top Retaining
TF 10.00 Top Fence



Unit 18, Block 8,
Homemaker Centre,
42 Strickland Street,
Bunbury, W.A. 6230,
PO Box 6060, South
Bunbury, W.A. 6231.

Ph 08 9780 9300,
Fx 08 9780 9399,
www.plunkett.com.au

Reg. Builder N°: 7995,
A.B.N. 98 009 250 373.

WARNING :
PLAN/DIAGRAM NOT YET APPROVED
BY TITLES OFFICE. VERIFY LOT
DIMENSIONS & ANGLES WITH TITLE.

CLIENT: **ENAD & EJERCITO** CONTRACT / JOB NO. **170168**
MAP REF.

SITE SURVEY **LOT 219** COASTAL NO. **NO**
(Scaled from StreetSmart Directory Only - Confirm With Site) **OLD AREA**

#191 Narrakine Road

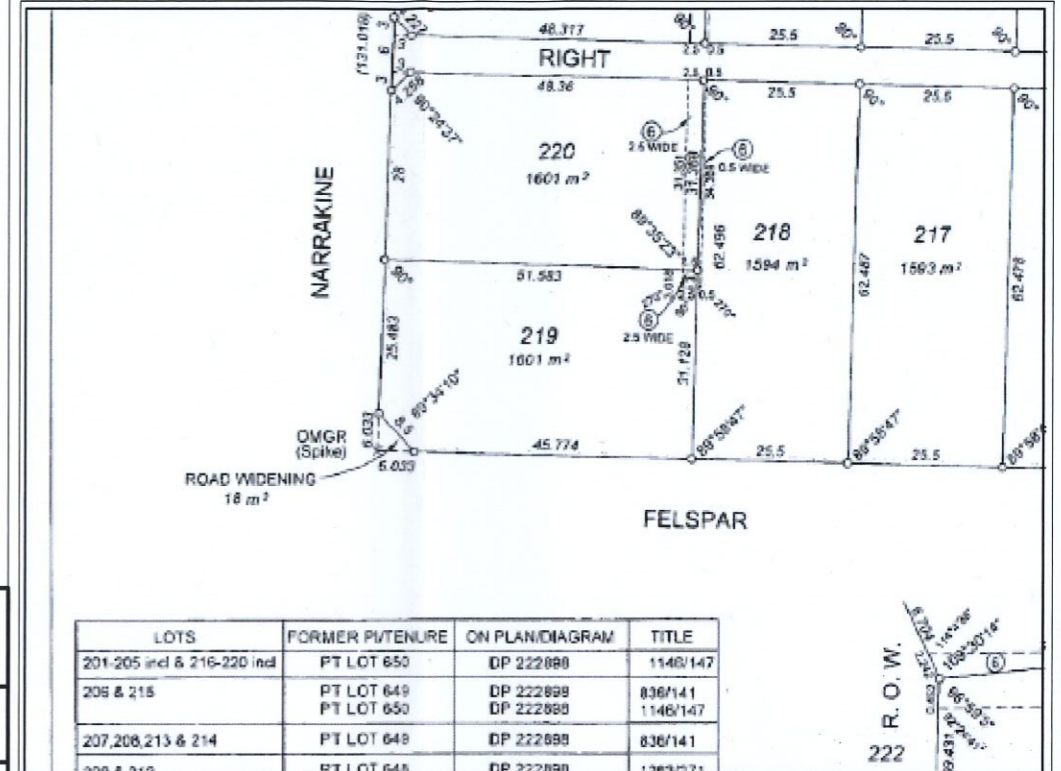
Suburb **Narrogin**
Loc.Auth. **Town of Narrogin**
D.Plan **54319** Volume **2682** Folio **219**
Location **Check Title**

DISCLAIMER:
Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property.

DISCLAIMER:
Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.

DISCLAIMER:
Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

DISCLAIMER:
Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.



LOTS	FORMER PVITURE	ON PLAN/DIAGRAM	TITLE
201-205 incl & 216-220 incl	PT LOT 650	DP 222890	1146/147
208 & 215	PT LOT 649	DP 222899	836/141
	PT LOT 650	DP 222898	1146/147
207,208,213 & 214	PT LOT 648	DP 222898	836/141
209 & 212	PT LOT 648	DP 222898	1283/171

GRANDEUR
TYPE: BRICK VENEER SPECIFICATION: LIFESTYLE-SOUTHWEST

© COPYRIGHT MODEL N°

REV	VO #	DRN	DATE	CHK
01	SRC	NHA	27.11.17	AM
02	388169	HBH	23/01/18	NHA
			02032018	HBH

Sub-contractors to verify all dimensions on site.

WORKING DRAWINGS
THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

DATED:/...../.....

OWNER WITNESS

OWNER WITNESS

BUILDER WITNESS

SHEET N° **1 OF 9**
+ 2 ANC

JOB N° **170168**

REVISION **02** DATE **02032018**

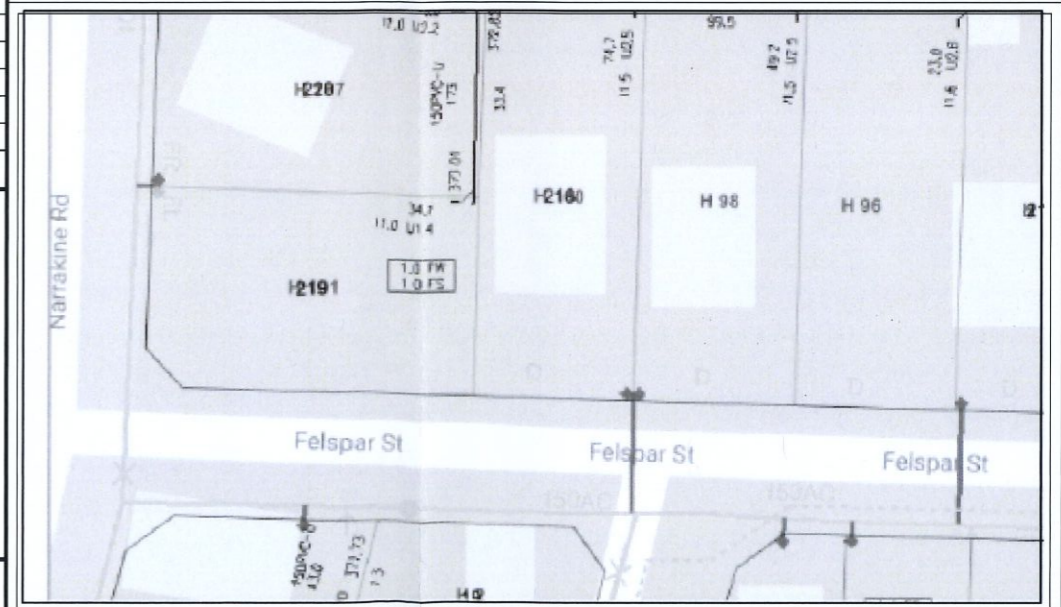
BEWARE: POSSIBLE SERVICE RUN IN & COST

Elec U/Ground / O/Head Water Yes Sewer Yes

BEWARE: POSSIBLE SERVICE RUN IN & COST

Gas No Phone Comms Footpath Concrete

Road Bitumen Kerb Mountable Drainage Poor



COTTAGE & ENGINEERING SURVEYS
Licensed Surveyors

87-89 Guthrie Street, Osborne Park, Western Australia
Telephone: (08) 9446 7361 Facsimile: (08) 9445 2998
Email: perth@cottage.com.au Website: www.cottage.com.au
J/No: 427236 Drawn: C. Weightman

NOTE: EARTHWORKS / SET-OUT DIMENSIONS MAY VARY ON SITE AT BUILDERS DISCRETION. SEWER / DRAINAGE MAY VARY FROM SCHEMATIC PRESENTATION / CHECK MINIMUM CLEARANCES, RETAINING WALLS, ETC. THIS SURVEY DOES NOT GUARANTEE THE LOCATION OF BOUNDARY PEGS OR FENCES. CHECK TITLE FOR EASEMENTS / COVENANTS ETC.

SEC	Dome
PP	Power Pole
TP	Top Pillar/Post
TW	Top Wall
TR	Top Retaining
TF	Top Fence

J/N: 427236 DATE: 14 Nov 17 SCALE: 1:200 DRAWN: C. Weightman

D.Plan54319

DISCLAIMER:
 Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property.

DISCLAIMER:
 Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.

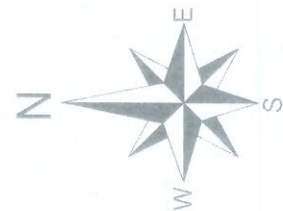
DISCLAIMER:
 Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

Sewer M/H Approx. 32m (7.98)

BEWARE:
 Shallow sewer junction. Check With Water Corp BUILDER and PLUMBER check GRADE.

DISCLAIMER:
 Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.

BEWARE: POSSIBLE SERVICE RUN IN & COST



GRANDEUR

TYPE: BRICK VENEER SPECIFICATION: LIFESTYLE-SOUTHWEST MODEL: N°

REV	VO #	DRN	DATE	CHK
01	SRC	NHA	23/01/18	NHA
02	388169	HBH	02/03/2018	HBH

Sub-contractors to verify all dimensions on site.				
WORKING DRAWINGS				
THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.				
DATED:				
OWNER	WITNESS			
OWNER	WITNESS			
BUILDER	WITNESS			

SHEET N° 2 OF 9

JOB N° 170168
 REVISION 02 DATE 02/03/2018

SITE PAVING AREAS	
LOCATION	AREA
DRIVEWAY	48.05
ALFRESCO	17.20
CROSSOVER	11.05
PORCH	3.92
CROSSOVER	3.39
TOTAL	83.61 m²

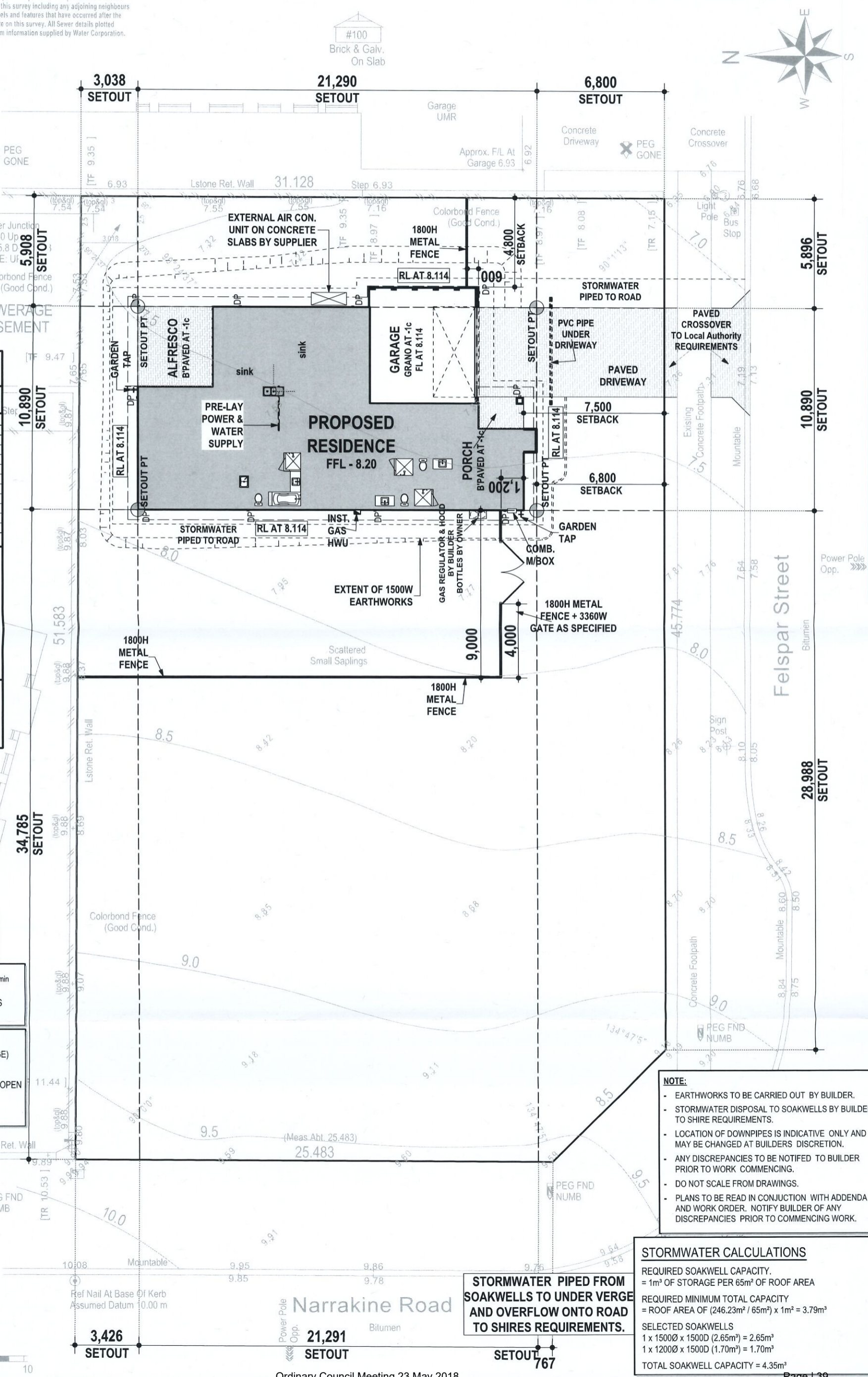
NOTE:
 • FENCING & LANDSCAPING TO BE DISCUSSED ON PRESTART MEETING.

BUSHFIRE PRONE AREA - (BAL-12.5) - min requirements
 DWELLING COMPLIES TO BCA 3.7.4 AND AS 3959.

SITE COVERAGE
 ZONED TBA (TBA% ALLOWABLE COVERAGE)
 SITE AREA: 1600.72m²
 HOUSE AREA: 196.98m² (EXCLUDES AREA OPEN ON TWO OR MORE SIDES)
 % OF SITE COVERAGE: 12.30%

SITE PLAN

1:200
 LOT MISCLOSE 0.000 m
 SOIL DESCRIPTION Sand / Gravel / Clay(Found) / Rock(Poss) / Light Grass Cover
 Scale 1:200



NOTE:
 - EARTHWORKS TO BE CARRIED OUT BY BUILDER.
 - STORMWATER DISPOSAL TO SOAKWELLS BY BUILDER TO SHIRE REQUIREMENTS.
 - LOCATION OF DOWNPIPES IS INDICATIVE ONLY AND MAY BE CHANGED AT BUILDERS DISCRETION.
 - ANY DISCREPANCIES TO BE NOTIFIED TO BUILDER PRIOR TO WORK COMMENCING.
 - DO NOT SCALE FROM DRAWINGS.
 - PLANS TO BE READ IN CONJUNCTION WITH ADDENDA AND WORK ORDER. NOTIFY BUILDER OF ANY DISCREPANCIES PRIOR TO COMMENCING WORK.

STORMWATER CALCULATIONS
 REQUIRED SOAKWELL CAPACITY = 1m³ OF STORAGE PER 65m² OF ROOF AREA
 REQUIRED MINIMUM TOTAL CAPACITY = ROOF AREA OF (246.23m² / 65m²) x 1m³ = 3.79m³
 SELECTED SOAKWELLS
 1 x 1500Ø x 1500D (2.65m³) = 2.65m³
 1 x 1200Ø x 1500D (1.70m³) = 1.70m³
 TOTAL SOAKWELL CAPACITY = 4.35m³

STORMWATER PIPED FROM SOAKWELLS TO UNDER VERGE AND OVERFLOW ONTO ROAD TO SHIRES REQUIREMENTS.

Unit 18, Block B, Homemaker Centre,
42 Strickland Street, Bunbury, W.A. 6230,
PO Box 6060, South Bunbury, W.A. 6231,
Ph 08 9780 9300,
Fx 08 9780 9399,
www.plunkettthomes.com.au
Res. Builder No. 2995, A.B.N. 96 009 250 373.



INSULATION NOTE:
PROVIDE INSULATION AS PER ADDENDA.
a) R4.0 BATT INSULATION TO ALL FLAT CEILINGS INCLUDING GARAGE BUT EXCLUDING ALFRESCO, PORCH & EAVES.
b) R2.5 BATT INSULATION TO ALL EXTERNAL CAVITY WALLS.

CONSTRUCTION NOTE:
BRICK VENEER CONSTRUCTION WITH 90mm INTERNAL TIMBER STUD FRAMING TO A.S.1684. REFER TO ENG'S DETAILS FOR DOUBLE STUDS AND BRACING.
TIMBER ROOF FRAME TO A.S.1684.

Floor Areas			
Floor	Location	Area	Perimeter
Ground floor	HOUSE	162.40	64.36
	GARAGE	36.41	24.30
	ALFRESCO	17.20	16.60
	PORCH	4.08	8.20
		220.09 m²	113.46 m
Roof Area Calculation - Ground Floor			
Floor	Pitch	Area (flat)	Area (pitched)
Ground floor	24° 43'	248.64	273.71
		248.64 m²	273.71 m²

REV	VO #	DRN	DATE	CHK
01	SRC	NHA	23/01/18	NHA
02	388169	HBH	02/03/2018	HBH

WORKING DRAWINGS
THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.
DATED: 02/03/2018

OWNER: _____
WITNESS: _____
OWNER: _____
WITNESS: _____
OWNER: _____
WITNESS: _____

CLIENT: **ENAD**
ADDRESS: **LOT 219 (#191)
NARRAKINE ROAD
NARRROGIN**

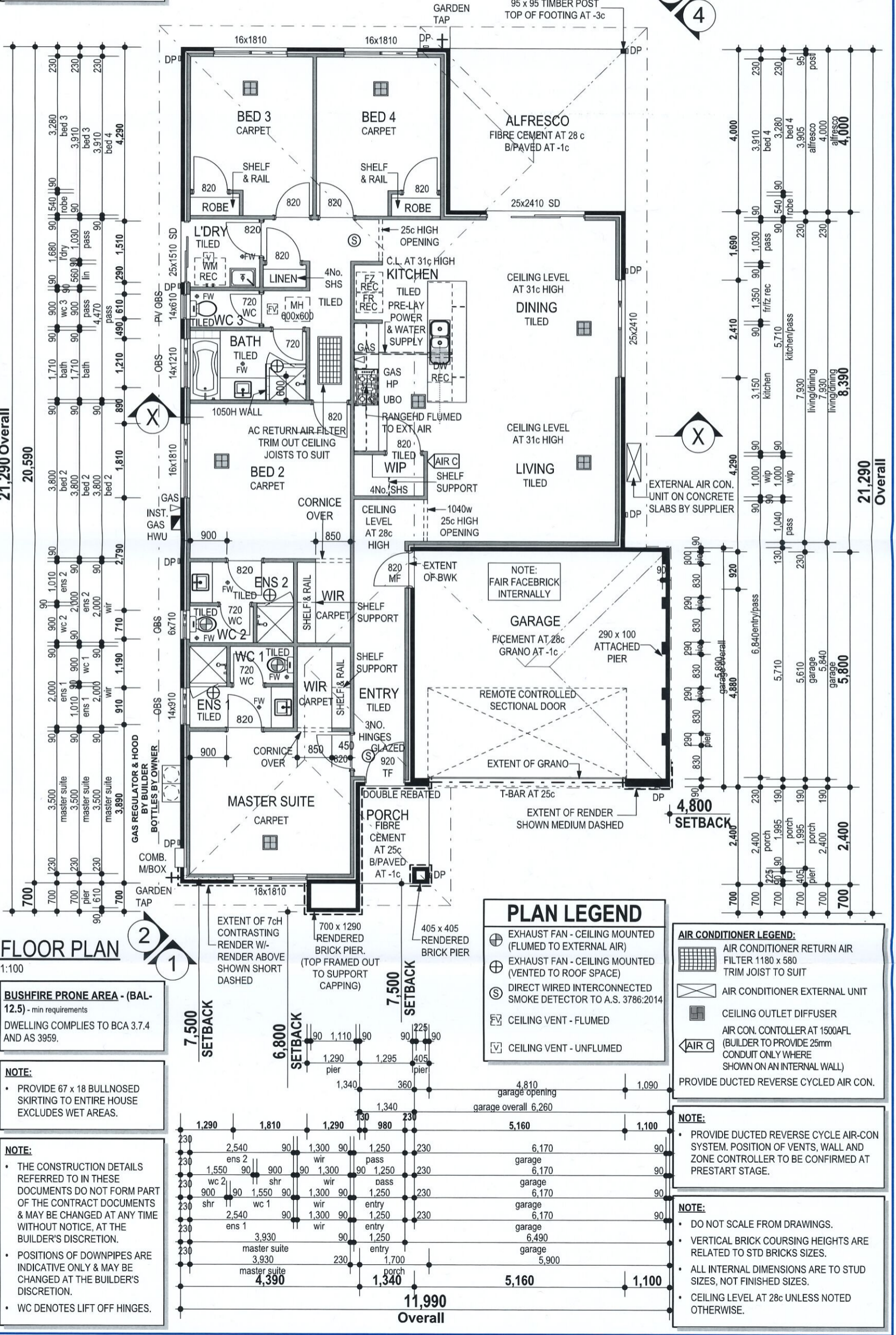
TYPE BRICK VENEER
SPECIFICATION: LIFESTYLE-SOUTHWEST
GRANDEUR

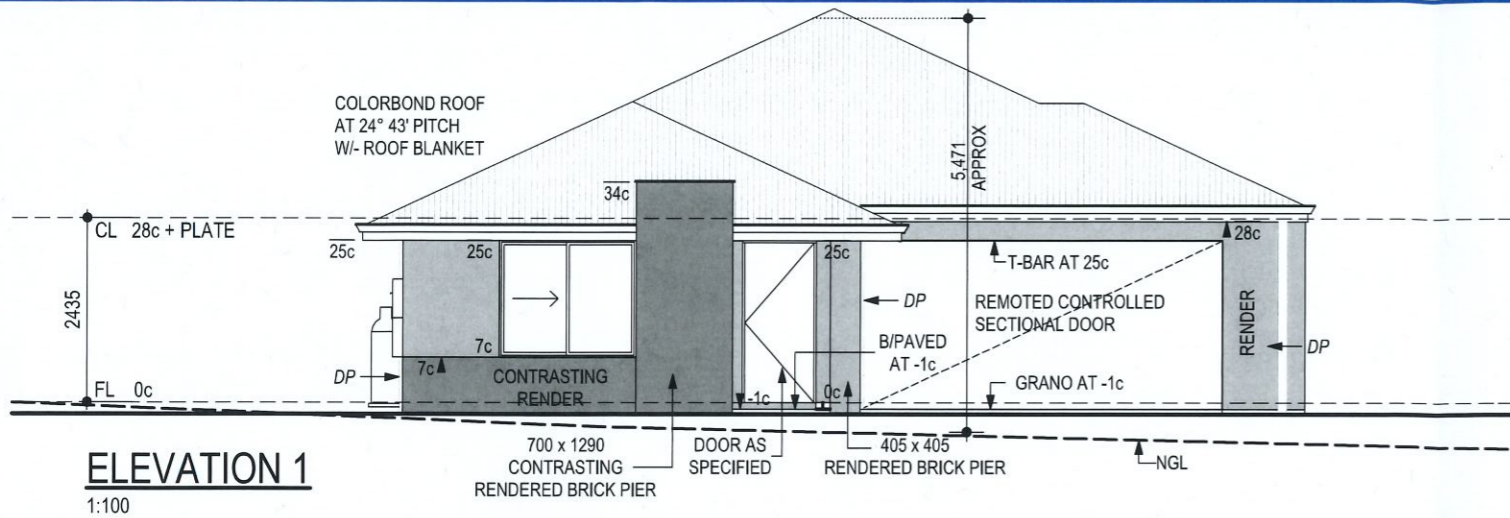
MODEL No. _____
DATE: 02/03/2018

REVISION: 02

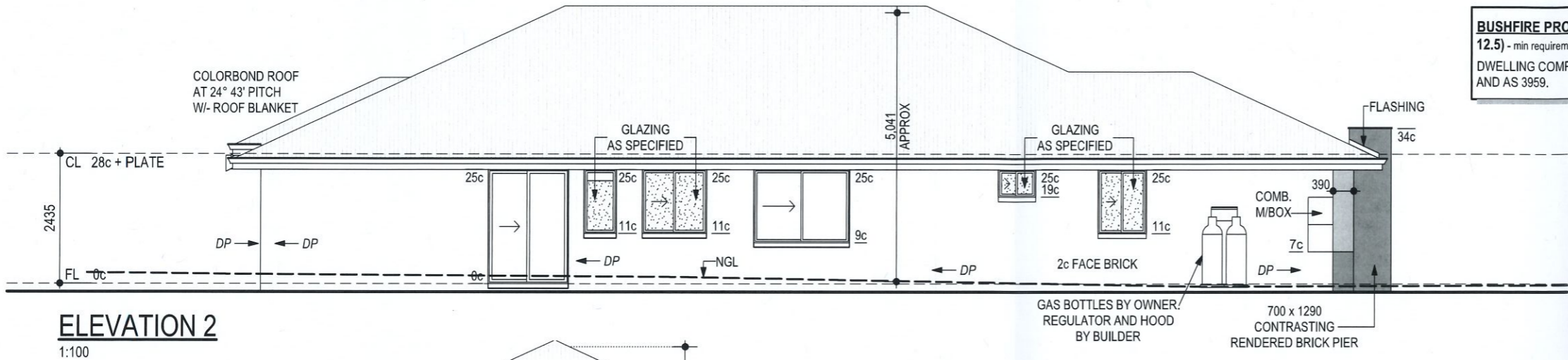
© COPYRIGHT
3 OF 9
+ 2 ANC

JOB No. 170168

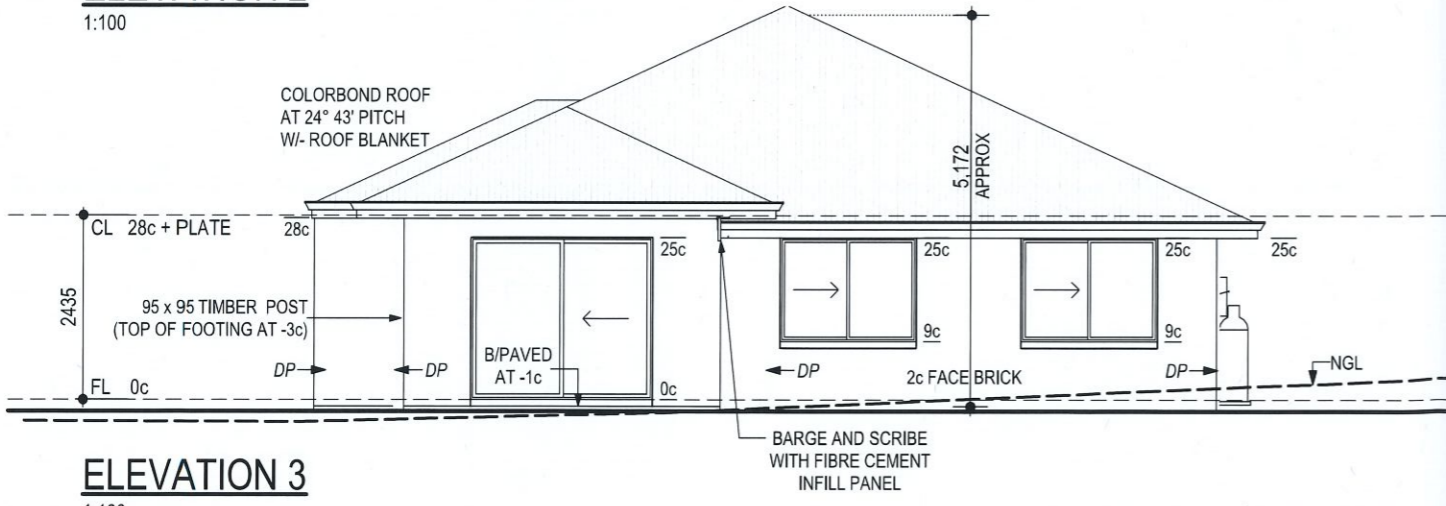




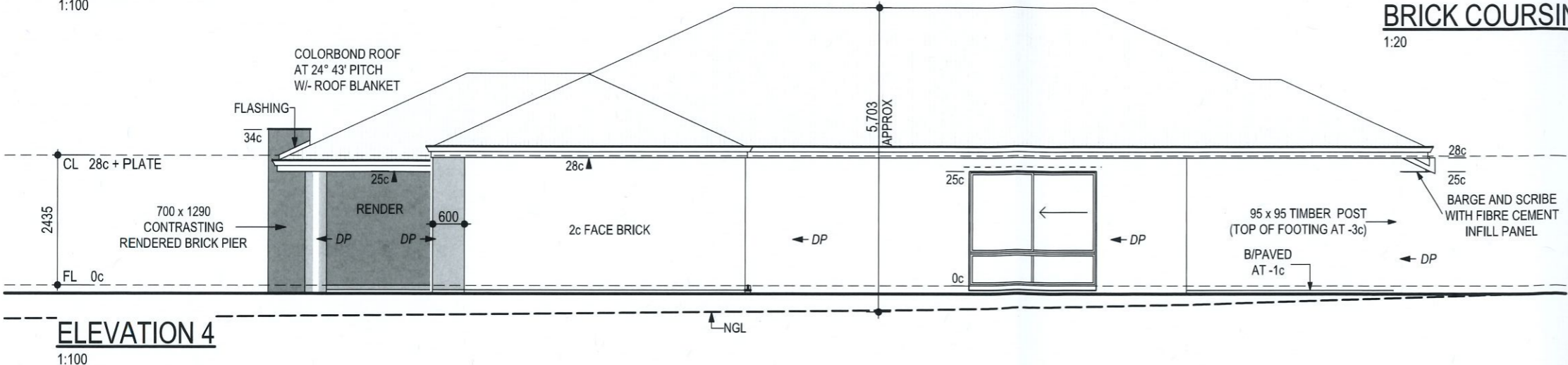
ELEVATION 1
1:100



ELEVATION 2
1:100

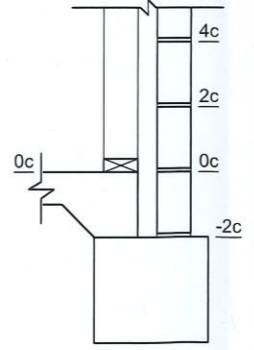


ELEVATION 3
1:100



ELEVATION 4
1:100

BRICK COURSING
1:20



INSULATION NOTE:
PROVIDE INSULATION AS PER ADDENDA.
a) R4.0 BATT INSULATION TO ALL FLAT CEILINGS INCLUDING GARAGE BUT EXCLUDING ALFRESCO, PORCH & EAVES.
b) R2.5 BATT INSULATION TO ALL EXTERNAL CAVITY WALLS.

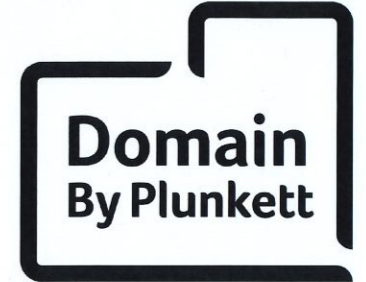
CONSTRUCTION NOTE:
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TIMBER ROOF FRAME TO A.S.1684.

BUSHFIRE PRONE AREA - (BAL-12.5) - min requirements
DWELLING COMPLIES TO BCA 3.7.4 AND AS 3959.

GRANDEUR

TYPE: BRICK VENEER SPECIFICATION: LIFESTYLE-SOUTHWEST
MODEL N°

© COPYRIGHT



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PO Box 6060, South Bunbury, W.A. 6231.
Ph 08 9780 9300.
Fx 08 9780 9399.
www.plunkethomes.com.au
Reg. Builder N°: 7995. A.B.N. 98 009 250 373.

REV	VO #	DRN	DATE	CHK
01	SRC	NHA	27.11.17	AM
02	388169	HBH	02032018	HBH

Sub-contractors to verify all dimensions on site.

WORKING DRAWINGS

THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

DATED:/...../.....

OWNER	WITNESS
OWNER	WITNESS
BUILDER	WITNESS

CLIENT:
ENAD

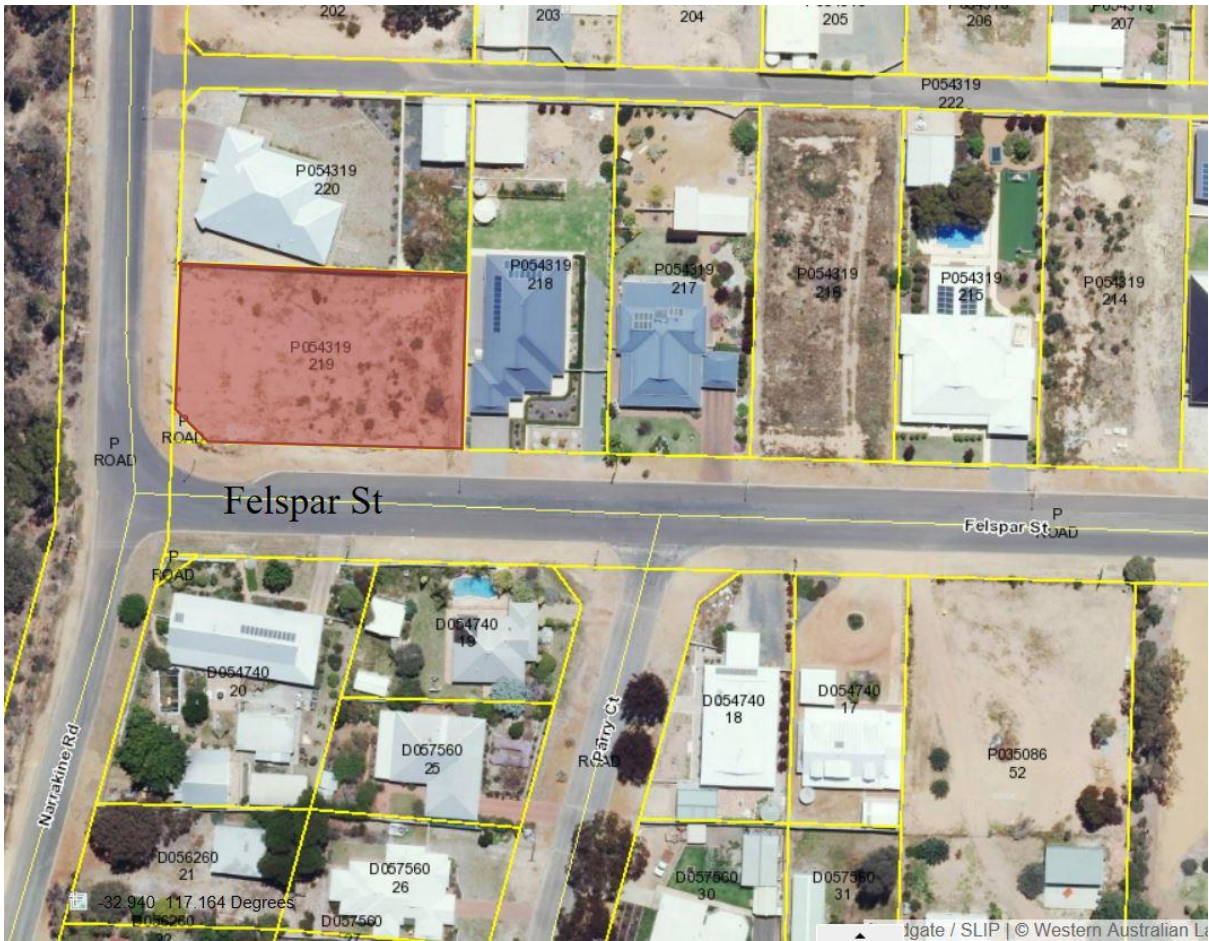
ADDRESS:
**LOT 219 (#191)
NARRAKINE ROAD
NARROGIN**

SHEET N° **4** OF 9 + 2 ANC.

JOB N° **170168**

REVISION	DATE
02	02032018





Locality Plan

10.1.034 SKATE PARK ART WORK CONCEPT

File Reference:	26.3.8
Disclosure of Interest:	Nil
Applicant:	Not Applicable
Previous Item Nos:	Nil
Date:	14 May 2018
Author:	Susan Guy – Manager Community Leisure and Culture
Authorising Officer:	Azhar Awang – Executive Manager Development & Regulatory Services

Attachments

- Attachment 1 –Skate Park Art Work Concept

Summary

Council is requested to endorse the art work at the Shire of Narrogin's Skate Park in Gnarojin Park.

Background

The State Government's Percent for Art Scheme stipulates that projects in the State Government's Capital Works Program with an estimated total cost in excess of \$2 million must include a Percent for Art component.

The first stage of the Narrogin Link Road (Pioneer Drive extending from Kipling Street to Herald Street) was completed in 2002 at a cost of \$5 million. During the infrastructure planning phase for Stage 1 of the Link Road, a public art component was overlooked by Main Roads WA (MRWA), as well as much more recently in association with the planning and construction of Stage 2. The Shire wrote to MRWA in 2016 pointing out MRWA's oversight.

It was argued that should Narrogin have benefited from the Percent for Art Scheme in 2003, based on the State average percent for art allocation of 0.7% of capital works projects at that time, the former Town of Narrogin may well have seen a minimum of \$35,000 allocated to a public art project associated with the Link Road. In response, MRWA agreed to allocate \$20,000 to the Shire for public art. Originally MRWA planned to commission the project however, as \$20,000 is a relatively small budget, it was negotiated for the Shire to undertake all of the commissioning work to save costs. MRWA agreed with only one condition being that the art work be visible from the Link Road. It was further agreed that with this limited budget the back of the large bowl of the extended skate park would be a suitable location for a mural which could be seen from the Link Road when travelling north.

Art consultant Yvette Coyne was engaged to oversee this project. Ms Coyne is a professional arts coordinator and producer with five years' experience at the City of Vincent where she managed its Public Art program and initiated a highly successful mural art program throughout the City.

The Consultant invited three urban artists with the experience and skill set to complete the Narrogin urban art project. Chris Nixon was selected due to his experience as an illustrator, designer and creative director based in Perth and has worked across a wide range of media platforms. His works include the installation of large scale mural artwork at Melville Senior High School, Bassendean Primary School, Leederville's Oxford Hotel, Melville Plaza, the Kalgoorlie CBD and Curtin University campus.

Comment

This project is a "place-making" initiative with the dual objectives of enhancing the skate park as a public space with exciting and innovative artwork, reconciling the existing painted surfaces with the new surfaces and reducing the likelihood of graffiti vandalism and its associated costs through fostering young people's sense of ownership of the urban art as well as the skate park precinct itself.

The artist undertook a site visit in April this year which was scheduled to coincide with a skate and scooter competition at the Park. Chris Nixon engaged with parents and a youth worker as well as the youth attending the event. He encouraged discussion about the meaning of the park to young people and ideas for the art work concept with the intent to consider ways to encourage ownership of the space. The artist's concept for the artwork is fire and water and introduces an abstract palette of patterns to symbolise the connection to the local surrounds. His concept is fully explained in the attachment.

The artists has also scheduled activities for young people where they can contribute to the work during the installation and while under his professional supervision.

Consultation

- Azhar Awang – Executive Manager Development and Regulatory Services
- Chris Nixon – Artist, Nixon Illustrations
- Dwayne Riley – Project Officer As One Nyitting Ltd
- Karen Keeley – Senior Visual Arts Lecturer TAFE
- Narrogin youth
- Yvette Coyne – Art Consultant

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

The project is fully funded in this financial year's budget allocations of a total of \$28,000. \$20,000 from MRWA contribution and \$8,000 from the relocation outsource project. The project will be completed within this financial year.

Strategic Implications

The Shire's stated vision in its Strategic Community Plan 2017- 2027 is: "To be a leading regional economic driver and a socially interactive and inclusive community".

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	1. Economic Objective (Support growth and progress, locally and regionally)
Objective	2. Provide community facilities and promote social interaction
Strategy	2.3.4 Provide improved community facilities (eg library/recreation)

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

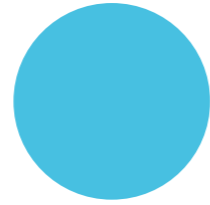
Endorse art work at the Shire of Narrogin's Skate Park in Gnarojin Park as per the attached Fire & Water Art Work.

Commonly-used abbreviations:	
MRWA	Main Roads Western Australia
MLC	Manager Community Leisure and Culture

FIRE & WATER

NARROGIN SKATE PARK
ARTWORK CONCEPT
CHRIS NIXON

C O N C E P T
F I R E & W A T E R



My concept for the Narrogin Skate Park Artwork titled FIRE & WATER, draws reference from our community engagement session identifying several key themes and requests — Fire, nature and vibrancy. I connected with the idea of Fire and Water as elements necessary for life, crossing all cultures with their own deeper connections as they shape the landscape and life in general. Fire can be a strong link to build a community and bring people together with water offering the balance to fire, still acting as a link for all communities and cultures.

I have introduced an abstract palette of patterns to symbolise this connection to the local surrounds, paying particular attention to the Dryandra Woodlands, referencing the endangered numbat, the gum trees and wildflowers. The colour palette represents fire and water in a stylised abstract form to create a bold, vibrant and striking artwork to link both the old and new sites, while carefully integrating with the existing environment to form a cohesive palette of natural materials with bold contrasting colours. The colours also react to the space with the water elements on the flat ground, with fire rising from the earth. The fire colours also represent areas of higher difficulty, which could dictate how the space is used depending on the rider's ability.

The artwork maps to key lines of the park, offering runs for riders of all abilities to follow. From the site visit I took note of key areas for traffic flow, to better synchronise the artwork with the site.

I have aimed to tie the basketball court into the space with a touch of colour, while offering the far bank as a place of reflection and a place to 'check-in'. I thought this area could be a nice space to touch as you enter the park, paying respect to the site and greater community. The skate park is a safe place, for all cultures and backgrounds to enjoy, no matter the level of skill, just purely to enjoy.

CHRIS NIXON

Chris Nixon is an illustrator, designer and creative director based in Perth, Australia. Inspired by the West Coast and classic surf culture with an emphasis on the handmade and crafted, his textured work and direction spreads across a wide range of media. From children's books to animation, commercial illustration to large scale public art, Nixon threads a distinct style across all scales and sizes to extend his creativity. Chris has created several large scale artworks which have been installed around Australia and has exhibited work in Tokyo, Berlin, Bali, Sydney and Melbourne.

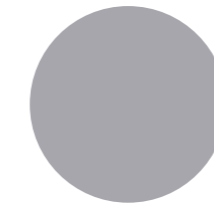
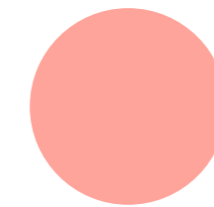
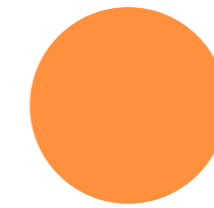
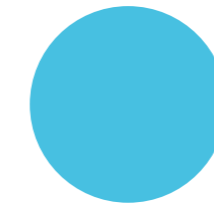
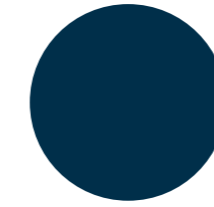
chrisnixon.net



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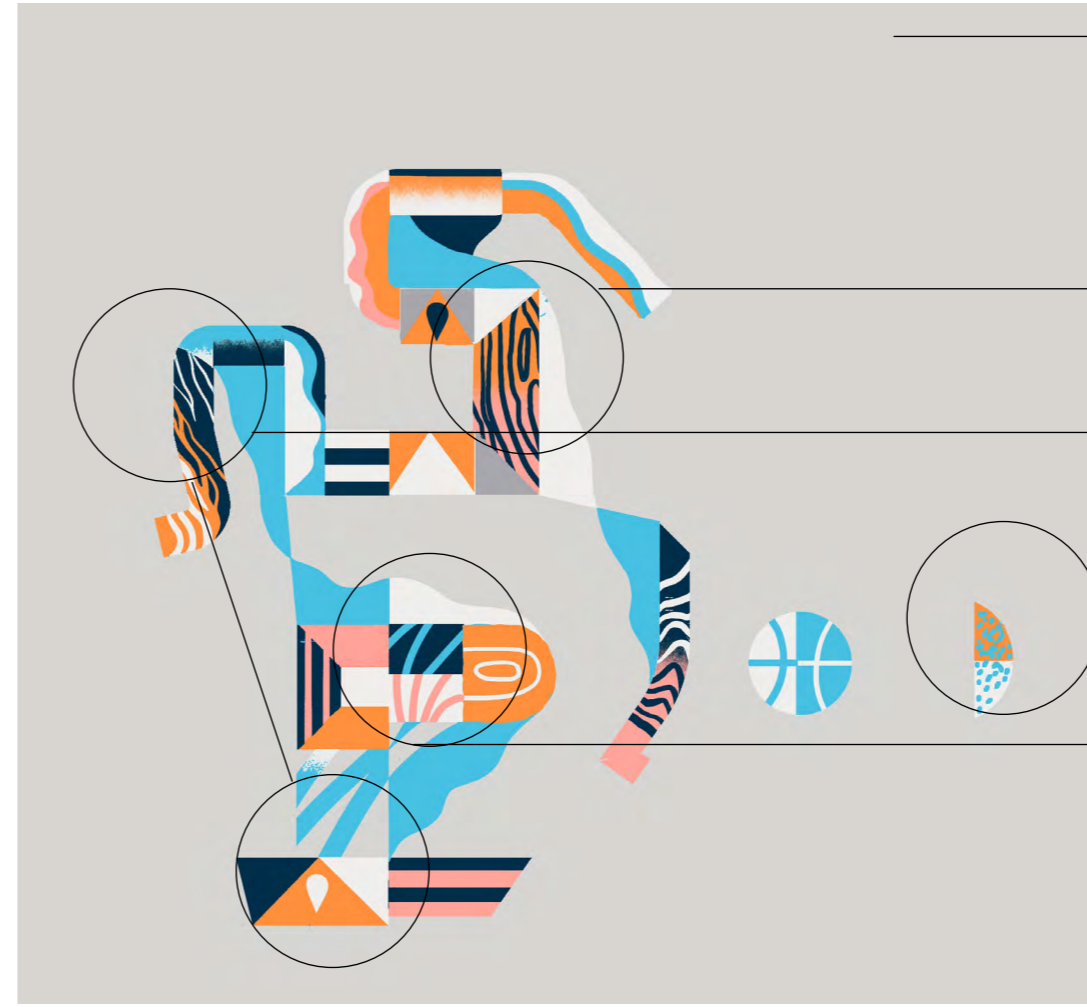
AERIAL VIEW CONCEPT



F
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PRIMARY
COLOUR PALETTE
NUTECH PAVECOAT PAINT

SECONDARY COLOUR
EXISTING CONCRETE



DESIGN ELEMENTS

SANDALWOOD

Significance of local Sandalwood industry - acting as a symbol for all cultures.



FIRE & WATER ELEMENTS

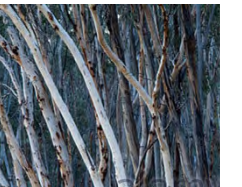
HAND PRINT SECTION

Section of park to check in - high five yourself and respect the site as an inclusive playground community. Kids and all community members can place a hand print on this section to take ownership and create a sense of pride in the new space.



FLORA & FAUNA PATTERNS

References to wildflowers and local wildlife - numbats from Dryandra Woodlands.





LETTERING REFERENCES

LETTERING

CONCEPT

Referencing the name of the park and offering a discussion point for the original spelling of the town name as recognised by the local Noongar community. The lettering acts as branding for the site, linking the colour palette to identify with the site as an overall vibrant treatment. The side wall references the concept of FIRE & WATER in an abstract way, linking the colours and lettering to the artwork of the site and drawing the viewer's eye into the space.

NUTECH PAVECOAT PAINT

PaveCoat® - H2O Concrete Sealer
Water-Based Acrylic Concrete Sealer
Nutech PaveCoat H2O is a single pack water-based acrylic concrete sealer and has been developed to achieve excellent penetration and adhesion characteristics to overcome the problems associated with traditional concrete sealer solutions in organic solvents. PaveCoat H2O forms a tough film on the surface. PaveCoat H2O concrete sealers are widely distributed in Australia in a wide range of colours and custom tinting.

APPLICATION — ROLLERS/ BRUSH/ SPRAY GUN FOR GRADIENTS.



CONCEPT



REFERENCE IMAGES OF SITE



EXISTING ARTWORK TO BE PAINTED OVER



C
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C
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T

10.2 TECHNICAL AND RURAL SERVICES

There are no matters requiring decision by Council for the month of May.

10.3 CORPORATE AND COMMUNITY SERVICES

10.3.035 LIST OF ACCOUNTS FOR ENDORSEMENT – APRIL 2018

File Reference:	12.1.1
Disclosure of Interest:	Nil
Applicant:	Nil
Previous Item Nos:	Nil
Date:	30 April 2018
Author:	Brooke Conway – Finance Officer Accounts
Authorising Officer:	Frank Ludovico – Executive Manager Corporate & Community Services

Attachments

List of Accounts for Endorsement – April 2018, provided under separate cover.

Summary

Council is requested to endorse the payments as presented in the List of Accounts for Endorsement – April 2018.

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 “List of Accounts for Endorsement – April 2018” is presented to Council for endorsement. Below is a summary of activity.

April 2018 Payments

Payment Type	\$	%
Cheque	2,218.50	0.27
EFT (incl Payroll)	764,853.19	91.45
Direct Debit	64,081.89	7.66
Credit Card	5,207.83	0.62
Total Payments	836,361.41	100

Local Spending Analysis of Total Payments

<i>Local Suppliers</i>	<i>221,013.44</i>	<i>26.43</i>
<i>Payroll</i>	<i>302,200.68</i>	<i>36.13</i>
<i>Total</i>	<i>523,214.12</i>	<i>62.56</i>

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

Nil

Financial Implications

All expenditure has been approved via adoption of the 2017/2018 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

OFFICER'S RECOMMENDATION

That Council:

Endorse the payments as presented in the List of Accounts for Endorsement, for the month of April 2018 for the Municipal Fund totalling \$836,361.41.

10.3.036 MONTHLY FINANCIAL REPORTS – APRIL 2018

File Reference:	12.8.1
Disclosure of Interest:	Nil
Applicant:	Nil
Previous Item Nos:	Nil
Date:	7 May 2018
Author:	Nicole Bryant – Manager Finance
Authoriser:	Frank Ludovico – Executive Manager Corporate & Community Services

Attachments

Monthly Financial Report for the period ended 30 April 2018.

Background

Council is requested to review the April 2018 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 April 2018 Monthly Financial Reports are presented for review.

Consultation

Frank Ludovico, Executive Manager Corporate and Community Services

Statutory Environment

Local Government Financial Regulations (1996) Regulation 34 applies.

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

OFFICER'S RECOMMENDATION

That Council:

Receive the April 2018 Monthly Financial Reports as presented.



MONTHLY FINANCIAL REPORT

FOR THE PERIOD ENDED 30 APRIL 2018

TABLE OF CONTENTS

	Page
Statement of Financial Activity	1
Net Current Assets	2
Major Variances	3
Acquisitions of Assets	4 - 8
Graphs	9 - 10
Reserve Movements	11
Project Listing	12 - 13

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

SHIRE OF NARROGIN
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
FOR THE PERIOD ENDED 30 APRIL 2018

STATEMENT OF FINANCIAL ACTIVITY

	Revised Annual Budget (d)	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(b)	Var
Operating Revenues	\$	\$	\$	\$	%	
Governance	30,200	25,160	29,998	4,838	16%	
General Purpose Funding	1,329,125	1,019,970	987,388	(32,582)	(3%)	
Law, Order and Public Safety	41,738	36,750	52,037	15,287	29%	▲
Health	5,500	5,080	7,241	2,161	30%	
Education and Welfare	1,505,459	1,397,790	1,395,494	(2,295)	(0%)	
Housing	10,400	8,660	8,400	(260)	(3%)	
Community Amenities	1,161,102	1,104,561	1,181,884	77,323	7%	
Recreation and Culture	178,420	160,300	149,264	(11,037)	(7%)	
Transport	1,035,738	426,180	423,296	(2,884)	(1%)	
Economic Services	251,910	226,971	257,291	30,320	12%	▲
Other Property and Services	223,307	136,213	128,285	(7,928)	(6%)	
Total (Excluding Rates)	5,772,899	4,547,635	4,620,578	72,943	2%	
Operating Expense						
Governance	(685,489)	(585,840)	(457,209)	128,631	(28%)	
General Purpose Funding	(241,412)	(189,573)	(177,421)	12,152	(7%)	
Law, Order and Public Safety	(468,281)	(395,534)	(364,570)	30,964	(8%)	
Health	(227,576)	(180,296)	(190,911)	(10,615)	6%	
Education and Welfare	(1,872,808)	(1,608,578)	(1,333,052)	275,526	21%	▲
Housing	(33,084)	(28,312)	(26,065)	2,247	9%	
Community Amenities	(1,489,162)	(1,165,544)	(1,114,544)	51,000	5%	
Recreation and Culture	(3,052,739)	(2,460,594)	(1,921,617)	538,977	28%	▲
Transport	(4,359,057)	(3,650,736)	(3,931,748)	(281,012)	(7%)	
Economic Services	(718,786)	(604,433)	(507,864)	96,569	19%	▲
Other Property and Services	(30,000)	(25,435)	(19,131)	6,304	33%	
Total	(13,178,394)	(10,894,875)	(10,044,132)	850,743		
Funding Balance Adjustment						
Add back Depreciation	2,698,268	2,248,450	2,252,918	4,468	0%	
Adjust (Profit)/Loss on Asset Disposal Current)	23,963	29,465	6,726	(22,739)	(338%)	▼
Adjust Deferred Pensioner Rates (Non-Current)	0	0	0	0		
Movement in Leave Reserve (Added Back)	47,745	0	2,154	2,154	100%	
Adjust Rounding	0	0	0	0		
Net Operating (Ex. Rates)	(4,635,520)	(4,069,325)	(3,161,756)	907,569		
Investing Activities						
Non-Operating Grants, Subsidies and Contributions	1,812,507	1,737,507	1,695,671	(41,836)	2%	
Purchase of Investments	0	0	0	0		
Land Held for Resale	0	0	0	0		
Land and Buildings	(1,114,704)	(213,776)	(215,997)	(2,221)	(1%)	
Plant and Equipment	(1,339,639)	(1,116,127)	(1,230,623)	(114,496)	(9%)	
Furniture and Equipment	(30,000)	0	0	0		
Infrastructure Assets - Roads	(1,160,292)	(1,140,844)	(1,152,766)	(11,922)	(1%)	
Infrastructure Assets - Footpaths	(111,435)	(53,135)	(53,135)	0	0%	
Infrastructure Assets - Road Drainage	(30,000)	(23,340)	(23,340)	0	0%	
Infrastructure Assets - Parks & Ovals	0	0	0	0		
Infrastructure Assets - Townscape	0	0	0	0		
Infrastructure Assets - Other	(883,980)	(424,671)	(424,672)	(1)	(0%)	
Proceeds from Disposal of Assets	356,702	279,700	364,133	84,433	23%	▲
Proceeds from Sale of Investments	0	0	0	0		
Amount attributable to investing activities	(2,500,841)	(954,686)	(1,040,729)	(86,043)		
Financing Activities						
Proceeds from New Debentures	350,000	0	0	0		
Proceeds from Advances	0	0	0	0		
Repayment of Debentures	(220,291)	(132,411)	(127,507)	4,904	4%	
Self-Supporting Loan Principal	0	0	0	0		
Transfer from Reserves	768,685	77,282	68,480	(8,802)	(13%)	
Advances to Community Groups	0	0	0	0		
Transfer to Reserves	(1,316,214)	(21,438)	(22,077)	(639)	(3%)	
Amount attributable to financing activities	(417,820)	(76,567)	(81,104)	(4,537)		
Net Capital	(2,918,661)	(1,031,253)	(1,121,833)	(90,580)		
Total Net Operating + Capital	(7,554,181)	(5,100,578)	(4,283,589)	816,989		
Rate Revenue	4,640,116	4,645,116	4,544,777	(100,339)	(2%)	
Opening Funding Surplus(Deficit)	2,930,417	2,930,417	2,930,417	0	0%	
Closing Funding Surplus(Deficit)	16,353	2,474,955	3,191,605	716,650		

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018

NET CURRENT ASSETS

	Positive=Surplus (Negative=Deficit)	
	2017-18	
	30/04/2018	31/03/2018
	This Period	Last Period
	\$	\$
Current Assets		
Cash Unrestricted	3,478,162	3,969,270
Cash Restricted (Reserves)	3,727,859	3,727,220
Receivables - Rates and Rubbish, ESL, Excess Rates	355,620	420,953
Receivables -Other	209,233	81,552
Inventories	40,279	52,153
	7,811,152	8,251,148
Less: Current Liabilities		
Payables	(418,702)	(226,714)
Loan Liability	(92,786)	(92,786)
Provisions	(845,116)	(845,116)
	(1,356,604)	(1,164,616)
Net Current Asset Position	6,454,548	7,086,533
Less: Cash Restricted	(3,727,859)	(3,727,220)
Add Back: Component of Leave Liability not Required to be funded	374,518	374,455
Add Back: Current Loan Liability	92,786	92,786
Adjustment for Trust Transactions Within Muni	(2,389)	(2,814)
Net Current Funding Position	3,191,604	3,823,740

NOTE: For the Cash Assets above the following investments have been made as at reporting date:

<u>Cash Unrestricted</u>	Maturity	
Municipal Fund	2,500,000	16-May-18 2.35%pa
<u>Cash Restricted (Reserves)</u>		
Reserve Fund	3,573,000	15-May-18 2.55%pa

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018

MAJOR VARIANCES

Financial Regulation 34(1) requires reporting on variances between the year to date Budget and year to date Actuals, based upon the variance criteria determined in the Annual Budget.

The material variance adopted by Council for the 2016/17 year is \$10,000 or 10%.

REPORTABLE OPERATING REVENUE VARIATIONS

LAW, ORDER AND PUBLIC SAFETY

PERMANENT - Animal Control: Animal registration fees, fines and penalties, hire of ranger services all higher than anticipated.

ECONOMIC SERVICES

PERMANENT - TOUR: Caravan park fees higher than anticipated

PERMANENT - TOUR: Reimbursements higher than anticipated

REPORTABLE OPERATING EXPENSES VARIATIONS

EDUCATION AND WELFARE

TIMING - HACC: Expenditure lower than budget due to timing, estimated evenly over 12 month period.

TIMING - CHSP: Expenditure lower than budget due to timing, estimated evenly over 12 month period.

PERMANENT - Aged & Disability: Karinya Dementia Wing funds spent, no funds remain to transfer.

TIMING - Aged Disability: Expenditure lower than budget due to timing, estimated evenly over 12 month period.

TIMING - Other Welfare: Expenditure lower than budget due to timing, estimated evenly over 12 month period.

RECREATION AND CULTURE

PERMANENT - Other Rec & Sport: Parks and gardens and Sundry Dry Park: Expenditure lower than budget due to timing, estimated evenly over 12 month period.

TIMING - NRRRC: Gas and electricity expenditure lower than anticipated

TIMING - LIBRARY: Expenditure lower than budget due to timing, estimated evenly over 12 month period.

ECONOMIC SERVICES

TIMING - Tourism & Area Promotion: Expenditure lower than budget due to timing, estimated evenly over 12 month period.

TIMING - Building & Control: Expenditure lower than budget due to timing, estimated evenly over 12 month period.

TIMING - Other Economic Services: Expenditure lower than budget due to timing, estimated evenly over 12 month period.

REPORTABLE FUNDING BALANCE ADJUSTMENT VARIATIONS

PROCEEDS FROM DISPOSAL OF ASSETS

PERMANENT - Disposal of assets are higher due to purchase of executive vehicles.

REPORTABLE INVESTING ACTIVITY VARIATIONS

NIL

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018

ACQUISITION OF ASSETS

Summary Acquisitions	Current Budget				
	This Year				
	Original Budget	YTD Budget	Actual	Variance (Under)Over	
	\$	\$	\$	\$	
Inventories					
Land for Resale	0	0	0	0	
Property, Plant & Equipment					
Land and Buildings	1,013,558	213,776	215,997	2,221	▲
Plant & Equipment	716,613	1,116,127	1,230,623	15,992	▲
Furniture & Equipment	30,000	0	0	0	
Tools	0	0	0	0	
Infrastructure					
Roads	1,160,292	1,140,844	1,152,766	11,922	▲
Footpaths	66,000	53,135	53,135	0	
Road Drainage	30,000	23,340	23,340	0	
Parks & Ovals	0	0	0	0	
Townscape	0	0	0	0	
Other Infrastructure	859,747	424,671	424,672	1	
Totals	3,876,210	2,971,893	3,100,533	30,137	

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018

ACQUISITION OF ASSETS

Land & Buildings	Current Budget					
	This Year					
	Original Budget	Revised Budget	YTD Budget	Actual	Variance (Under)Over	
	\$	\$	\$	\$	\$	
OTHGOV - Capital Administration Building Building Renovation Administration	40,119	50,119	24,587	24,587	0	
ANIMAL - Building (Capital) Other Law & Order Building (Capital)	0	85,000	0	0	0	
AGEDSNRS - Building (Capital) Senior Citizen Centre Building (Capital)	0	7,500	6,700	6,700	0	
WELFARE - Building (Capital) Disability Toilet - Changing Places	59,000	59,000	54,794	54,794	0	
STF HOUSE - Building (Capital) Staff Housing Building (Capital)	20,000	10,968	10,968	13,188	2,220	▲
COM AMEN - Building (Capital) - Other Community Amenities Memorial Park Public Toilets Capital	20,000	20,000	0	0	0	
HALLS - Building (Capital) Town Hall (Federal St) Building Capital	94,000	94,000	20,098	20,098	0	
Highbury Hall Building Capital	7,500	5,178	5,178	5,178	0	
NRRC - Building (Capital) NRRC Building (Capital)	50,000	50,000	10,792	10,792	0	
REC - Other Rec Facilities Building (Capital) Thomas Hogg Oval Buildings Capital	25,000	35,000	8,442	8,442	0	
LIB - Building (Capital) Library Landscape - Stage 1A Accessable Ramp	80,000	80,000	0	0	0	
HERITAGE - Building (Capital) Museum Building (Capital)	5,000	5,000	2,690	2,690	0	
ROADC - Building (Capital) Lydeker Depot Building (Capital)	30,000	30,000	23,074	23,074	0	
TOUR - Building (Capital) Accommodation Units (NCP)	350,000	350,000	0	0	0	
Caravan Park Renovations	152,939	152,939	0	0	0	
ADMIN - Building (Capital) Old Shire Office Building Capital	80,000	80,000	46,453	46,453	0	
Totals	1,013,558	1,114,704	213,776	215,997	2,221	

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018

ACQUISITION OF ASSETS

Plant & Equipment	Current Budget				Variance (Under)Over	
	This Year					
	Original Budget	Revised Budget	YTD Budget	Actual		
ANIMAL - Plant & Equipment (Capital)	\$	\$	\$	\$	\$	
Light Bar Fixing Ranger Vehicle	2,500	2,104	2,104	2,104	0	
OLOPS - Plant & Equipment (Capital) - OLOPS						
CCTV Upgrade	109,113	112,788	112,787	112,788	1	
CCTV Installation Refuse Site	0	15,000	0	0	0	
AGEDOTHER - Plant & Equipment (Capital)						
NGN219 CATS Vehicle 2017	0	26,500	0	0	0	
PLAN - Plant & Equipment						
NGN00 EMDRS Vehicle 2017	0	35,268	35,268	35,268	0	
NGN00 EMDRS Vehicle 2018	0	0	0	35,756	35,756	▲
NRRC - Plant & Equipment (Capital)						
NRRC Airconditioner	70,000	70,000	1,000	1,000	0	
PLANT - Plant & Equipment (Capital)						
Tipper Truck 3 Tonne	25,000	22,455	22,455	22,455	(0)	
10,000L Emulsion Storage Tank	75,000	57,831	57,831	57,831	0	
John Deere Ride on Mower 2017	10,000	9,745	9,745	9,745	(0)	
24 Tonne Excavator	260,000	260,000	216,100	216,100	0	
Irrigation Pump	35,000	32,140	32,140	32,140	0	
8T Side Tipping Truck	110,000	90,190	90,190	90,190	0	
Trailer & Signs(Event Traffic Management)	10,000	10,000	0	0	0	
ON0 EMTRS Vehicle 2017	0	36,389	36,389	36,389	(0)	
N001 MO Vehicle 2017	0	36,998	36,998	36,998	(0)	
ON0 EMTRS Vehicle 2017(B)	0	0	0	36,508	36,508	▲
TOUR - Plant & Equipment (Capital)						
CCTV Installation NCP	10,000	10,000	0	0	0	
COMMUNITY - Plant & Equipment (Capital)						
ONGN EMCCS Vehicle 2017	0	34,652	34,652	34,652	0	
1NGN CEO Vehicle 2017	0	49,111	49,111	49,111	0	
1NGN CEO Vehicle 2018	0	0	0	49,393	49,393	▲
Totals	716,613	1,339,639	1,116,127	1,230,623	15,992	

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

SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018

ACQUISITION OF ASSETS

Roads	Current Budget					
	This Year					
	Original Budget	Revised Budget	YTD Budget	Actual	Variance (Under)Over	
ROADC - Roads (Capital) - Council Funded	\$	\$	\$	\$	\$	
Heath Street - Renewal (Local)	11,009	11,009	2,902	2,902	0	
ROADC - Roads (Capital) - Roads to Recovery						
Doney Street - Renewal (Local) (R2R)	33,064	33,064	33,064	35,497	2,433	
Felspar Street - Renewal (Local) (R2R)	49,982	49,982	46,981	46,981	0	
Glyde Street - Renewal (Local) (R2R)	14,061	14,061	14,061	14,646	585	
Garfield Street - Renewal (Local) (R2R)	8,244	8,244	8,244	8,411	167	
Homer Street - Renewal (Local) (R2R)	6,548	6,548	6,544	6,663	119	
Fairway Street - Renewal (Local) (R2R)	4,050	4,050	3,995	3,995	0	
Hale Street - Renewal (Local) (R2R)	11,322	11,322	11,322	13,128	1,806	▲
Hillman Street - Renewal (Local) (R2R)	6,048	6,048	4,500	4,500	0	
Marsh Street - Renewal (Local) (R2R)	6,480	6,480	6,480	6,507	27	
May Street - Renewal (Local) (R2R)	12,240	12,240	8,883	8,883	0	
Gibson Street - Renewal (Local) (R2R)	13,020	13,020	11,345	11,345	0	
Cresswell Street - Renewal (Local) (R2R)	1,485	1,485	1,484	1,726	242	▲
Narrakine Road - Renewal (Local) (R2R)	5,040	5,040	5,040	6,300	1,260	▲
Whinbin Rock Road - Renewal (Rural) (R2R)	285,522	285,522	285,522	199,541	(85,981)	▼
Wagin-Wickepin Road - Renewal (Rural) (R2R)	18,036	18,036	18,036	18,422	386	
Narrogin Valley Road - Renewal (Rural) (R2R)	37,091	37,091	37,091	38,337	1,247	
Highbury West Road - Renewal (Rural) (R2R)	21,600	21,600	21,055	108,712	87,657	▲
Rowe Street - Renewal (Local) (R2R)	7,965	7,965	7,965	8,209	244	
ROADC - Roads (Capital) - Regional Road Group						
Narrogin-Harrismith Road - Renewal (Local) (RRG)	607,486	607,486	606,331	608,061	1,730	
Totals	1,160,292	1,160,292	1,140,844	1,152,766	11,922	

Footpaths	Current Budget					
	This Year					
	Original Budget	Revised Budget	YTD Budget	Actual	Variance (Under)Over	
ROADC - Footpaths (Capital)	\$	\$	\$	\$	\$	
Daglish Street Footpath Construction	27,000	15,900	15,900	15,900	0	
Felspar Street Footpath Construction	27,000	19,035	19,035	19,035	0	
Williams Road - Footpath Construction	12,000	22,000	18,200	18,200	0	
Lefroy Street - Footpath Construction	0	45,000	0	0	0	
Totals	66,000	111,435	53,135	53,135	0	

Road Drainage	Current Budget					
	This Year					
	Original Budget	Revised Budget	YTD Budget	Actual	Variance (Under)Over	
ROADC - Drainage (Capital)	\$	\$	\$	\$	\$	
Drainage Works	30,000	30,000	23,340	23,340	0	
Totals	30,000	30,000	23,340	23,340	0	

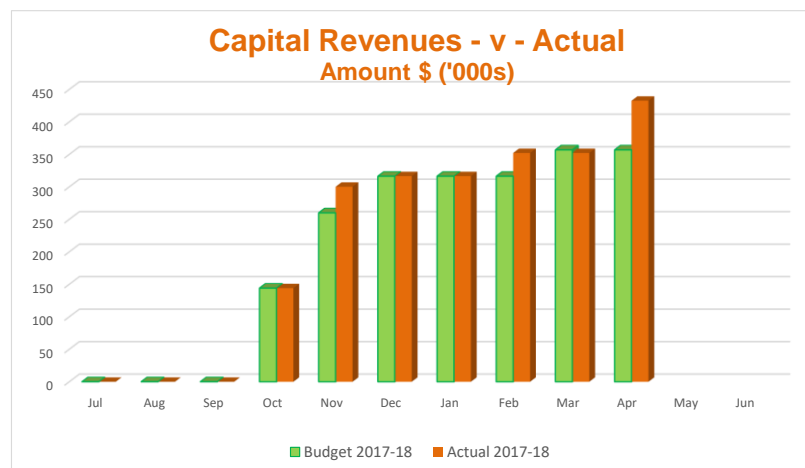
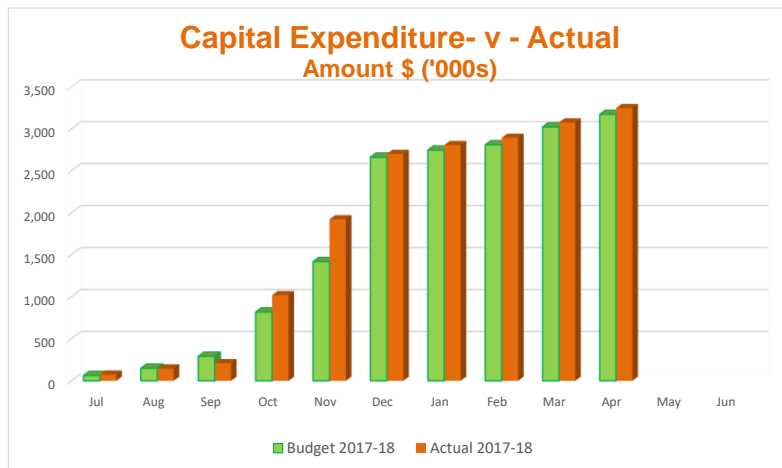
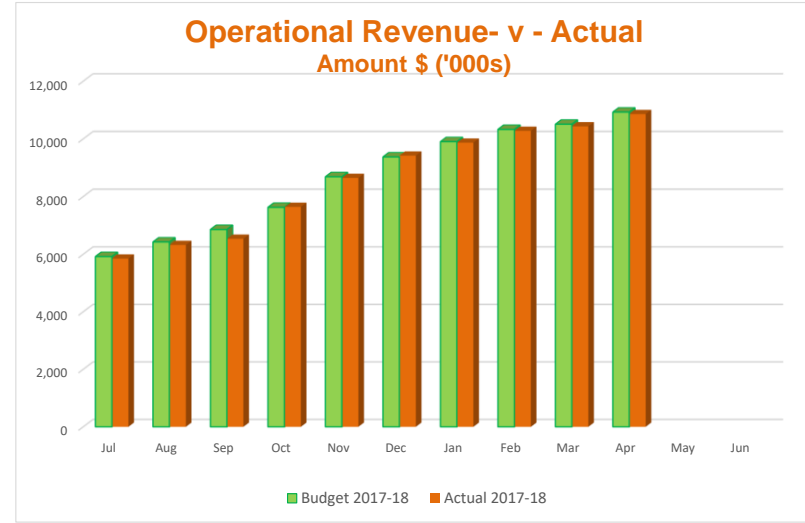
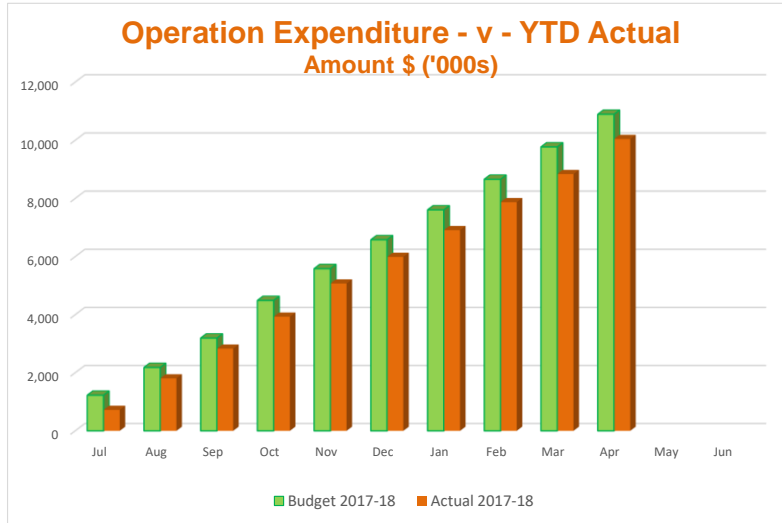
SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018

ACQUISITION OF ASSETS

Other Infrastructure	Current Budget				Variance (Under)Over
	This Year				
	Original Budget	Revised Budget	YTD Budget	Actual	
	\$	\$	\$	\$	\$
ANIMAL - Infrastructure Other (Capital)					
Animal Pound Exercise Area	2,944	3,258	3,258	3,258	0
SAN - Infrastructure Other (Capital)					
White Road Refuse Site Upgrade	15,000	15,000	0	0	0
Refuse Site Transfer Station	148,000	148,000	131,075	131,075	0
Bin Surrounds	40,000	40,000	1,066	1,066	0
SEW - Infrastructure Other (Capital)					
TWIS Dams	20,000	20,000	0	0	0
COM AMEN - Infrastructure Other (Capital) - Other Community Amenities					
Cemetery Upgrade	85,000	85,000	1,554	1,554	0
Gnarojin Park Master Plan	30,000	30,000	0	0	0
CBD Enhancement	55,023	55,023	36,942	36,942	0
NRRC - Infrastructure Other (Capital)					
NRRC Infrastructure Other (Capital)	30,000	30,000	15,848	15,848	0
REC - Infrastructure Other (Capital)					
Heritage Trail	12,000	12,000	0	0	0
Memorial Park Paving Upgrade	25,000	6,952	6,952	6,952	0
Lions Park - Playground Equipment	50,000	42,599	42,599	42,599	0
Jersey Park - Playground Equipment	16,000	13,660	13,660	13,660	0
Northwood Park - Playground Equipment	45,000	45,000	45,000	45,000	0
Ashworth Park - Playground Equipment	8,000	6,019	6,019	6,019	0
Hockey Club - Playground Equipment	16,000	14,939	14,939	14,939	(0)
Highbury Hall - Playground Equipment	22,000	18,300	18,300	18,300	0
Town Clock	10,000	10,000	225	225	0
Skate Park Construction	30,000	30,000	20,470	20,470	0
Skate Park Improvements	39,780	39,780	2,321	2,321	0
Sydney Hall Way - Playground Equipment	0	15,000	12,014	12,014	0
Garfield Park - Playground Equipment	0	18,000	13,488	13,488	0
Highbury Park - Playground Equipment	0	14,000	13,605	13,605	0
ROADC - Infrastructure Other (Capital)					
Street Furniture	12,000	21,800	15,740	15,740	0
Ensign Carpark	60,000	60,000	0	0	0
CWA Carpark	60,000	25,000	0	0	0
Ensign / Earl Street Carpark	0	25,500	0	0	0
TOUR - Infrastructure Other (Capital)					
NCP Infrastructure Upgrade	8,000	8,000	395	395	0
Caravan Park Resealing, Line Marking	20,000	20,000	0	0	0
Banner Poles	0	11,150	9,202	9,202	(0)
Totals	859,747	883,980	424,671	424,672	1

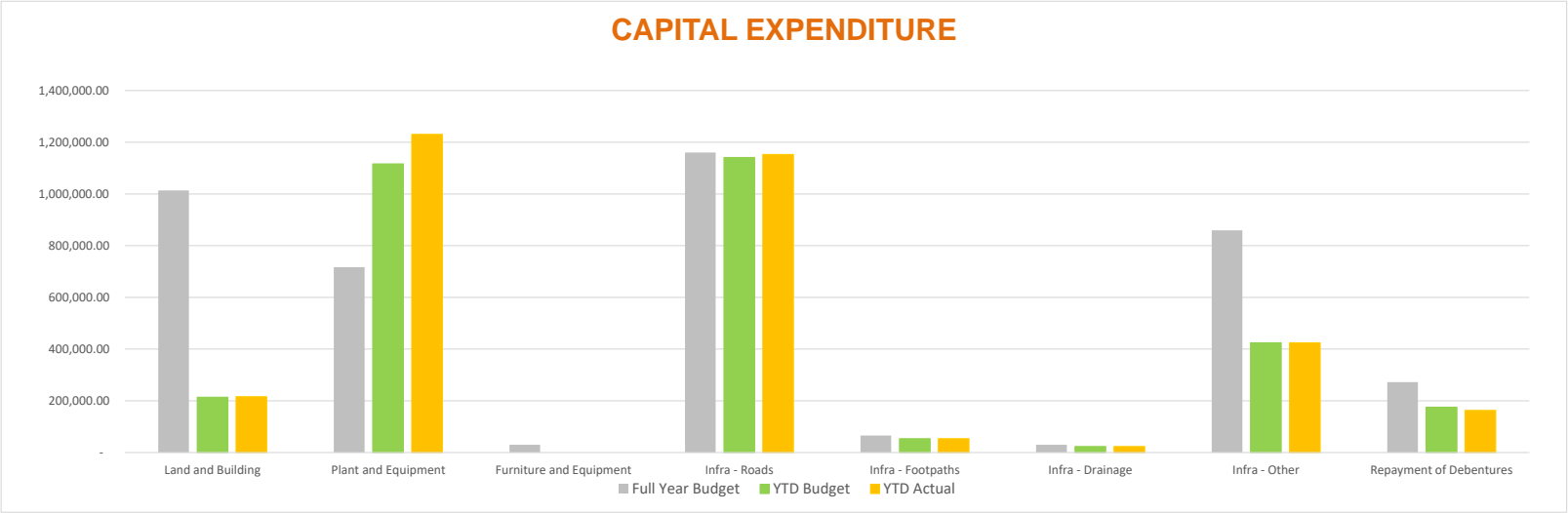
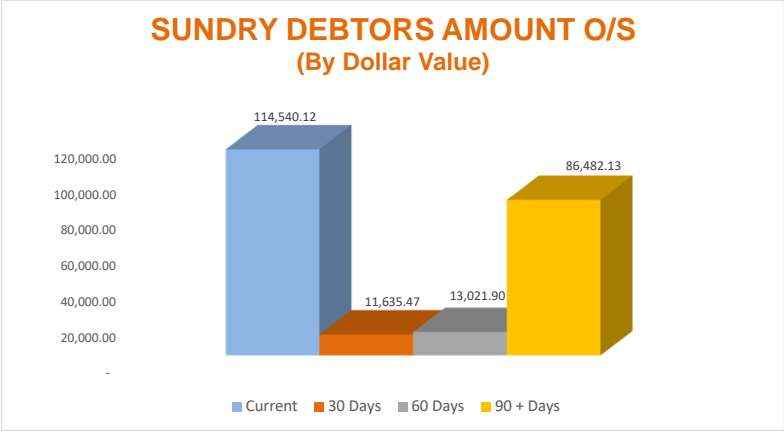
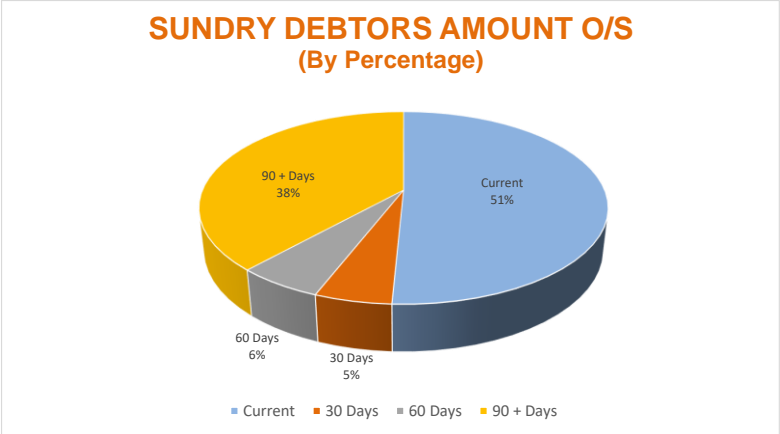
**SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018**

GRAPHS



**SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018**

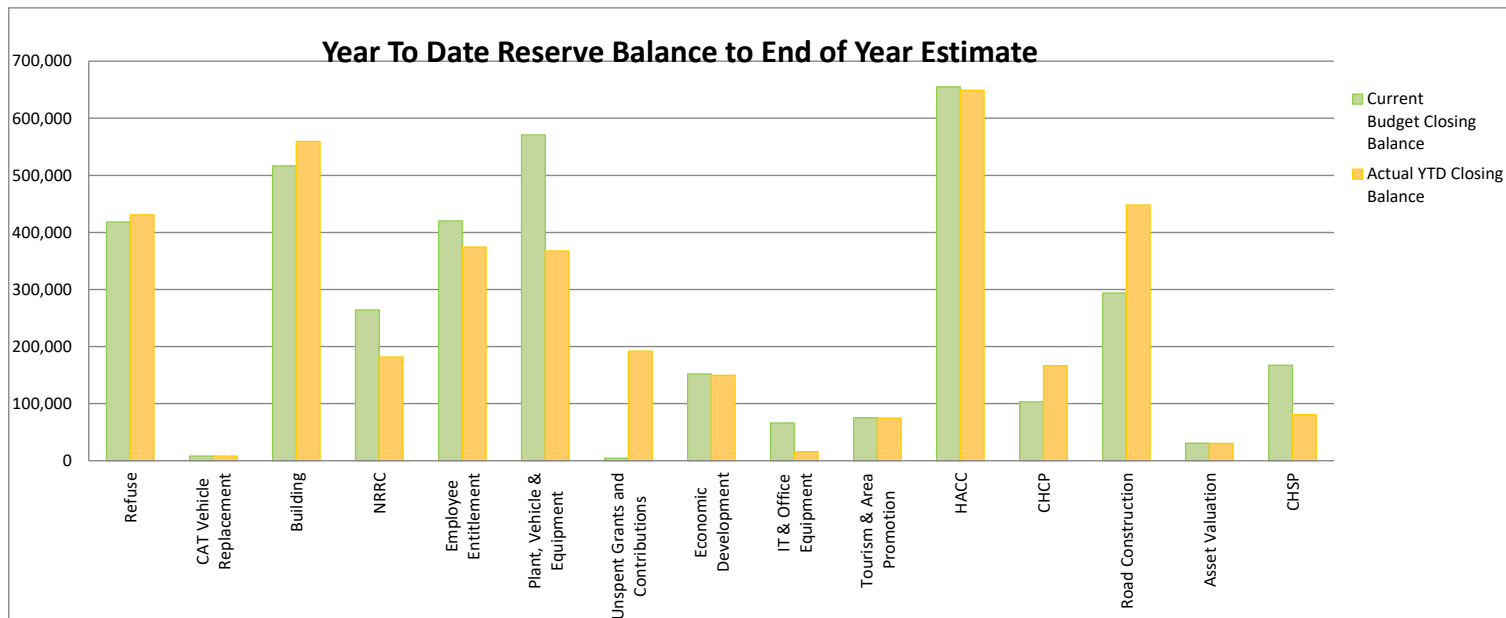
GRAPHS



SHIRE OF NARROGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2018

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 (-)	Current Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Refuse	428,323	8,062	2,478	80,000	0	98,000	0	418,385	430,801
CAT Vehicle Replacement	8,021	101	30	0	0	0	0	8,122	8,051
Building	556,072	10,466	3,217	50,000	0	100,000	0	516,538	559,289
NRRC	180,691	3,401	1,046	80,000	0	0	0	264,092	181,737
Employee Entitlement	372,364	7,008	2,154	40,737	0	0	0	420,109	374,518
Plant, Vehicle & Equipment	393,454	7,405	2,278	410,000	0	240,000	28,282	570,859	367,450
Unspent Grants and Contributions	190,485	7,639	1,372	0	0	193,715	0	4,409	191,857
Economic Development	148,995	2,804	862	0	0	0	0	151,799	149,857
IT & Office Equipment	15,734	296	90	50,000	0	0	0	66,030	15,824
Tourism & Area Promotion	73,969	1,392	427	0	0	0	0	75,361	74,396
HACC	645,352	11,232	3,453	8,483	0	10,000	0	655,067	648,805
CHCP	165,412	3,819	1,173	0	0	65,903	0	103,328	166,585
Road Construction	445,302	8,381	2,576	0	0	160,000	0	293,683	447,878
Asset Valuation	30,000	565	175	0	0	0	0	30,565	30,175
CHSP	120,089	2,429	746	44,604	0	0	40,198	167,122	80,637
	3,774,262	75,000	22,077	763,824	0	867,618	68,480	3,745,468	3,727,859



Project Progress	
Complete	●
On Track	●
Off Track	●
In Trouble	●

		2017/18 Annual Budget	2017/18 YTD Actual	Responsible Officer		2018						Comments
						January	February	March	April	May	June	
CAPITAL PROJECTS												
1	Building Renovations Admin Side Portico's and Men's & Ladies Toilet	50,119	24,587.16	Aaron Cook/Azhar Awang	●							Plans complete. To be signed off by structural engineer. RFQ to be undertaken
3	Mobile Works Solution (HACC)	10,000	0.00	Frank Ludovico	●							Transition to Federal Government funding process must be completed to enable this purchase to occur. Defer to 2018/19
6	White Road Refuse: Development plan of existing & future landfill	15,000	0.00	Azhar Awang	●							
8	CBD Bin surrounds (C/Fwd: \$20,000 plus \$20,000) Approx. 40.	40,000	1,065.88	Azhar Awang	●							
9	Desludge dams at race track & effluent plant \$20,000	20,000	0.00	Torre Evans	●							Water corporation to desludge effluent dam
10	Planning to Construct Memorial Park Public Toilets	20,000	0.00	Azhar Awang	●							
11	Finish Cemetery Carpark \$10,000, C/Fwd: Earthworks/Road/Carpark etc \$50,000, Niche Wall \$30,000	85,000	1,554.20	Azhar Awang / Torre Evans	●							Niche wall under construction, carpark to follow once finished
12	Gnarojin Park Master Plan (planning for passive and active recreation facilities, pathways etc)	30,000	0.00	Azhar Awang	●							
13	Town Hall: Concrete veranda \$20,000, Dressing Room Upgrade (Gyprock) \$20,000, Awning Extension (Rear) \$10,000, Touring Show required upgrade \$10,000, Disabled Access improvement \$5,000, Re pitching of roof lines \$25,000, Install larger flashing to change rooms \$4,000, extra seating for Town hall complex	94,000	20,097.94	Azhar Awang	●							Verandah complete
15	C/Fwd: Relocate Town Hall Air-Conditioner to NRLC. Narrogin Squash Club to contribute \$10,000.	70,000	1,000.00	Aaron Cook	●							
16	NRRC: General building capital upgrade	50,000	10,792.41	Aaron Cook	●							
17	NRRC: Stadium seating \$20,000, Multiple Club trophy cabinet \$10,000	30,000	15,848.25	Aaron Cook	●							
18	Thomas Hogg: Install a disabled access ramp from the car park to the oval	35,000	8,442.24	Torre Evans/Azhar Awang	●							Construction underway
21	Skate Park graffiti art \$20,000, signage \$10,000	39,780	2,321.16	Azhar Awang	●							
22	CBD heritage trail	12,000	0.00	Azhar Awang	●							
30	Purchase of new Library Management software	20,000	0.00	Frank Ludovico	●							Purchase order issued May 2018
31	Library Landscape - Stage 1A Accessible Ramp	80,000	0.00	Frank Ludovico/Azhar Awang	●							RFQ to be issued May 2018
67	Trailer & Signs(Event Traffic Management)	10,000	0.00	Azhar Awang	●							Investigating Traffic Management Implementation through the events team (Internal dept)
68	CCTV Installation NCP	10,000	0.00	Frank Ludovico	●							RFQ to be issued May 2018
69	Accommodation Units (NCP)	350,000	0.00	Aaron Cook/Frank Ludovico	●							Specification being prepared. Carry forward to 2018/19
70	NCP Renovations: Retiling of ablution block \$40,000, Renovate old laundry \$40,000, 2012/13 CLGF (Local) Funds \$72,939	152,939	0.00	Frank Ludovico	●							Ablution block 2 commencing. Ablution block 1 deferred to 2018/19. Old laundry RFQ being prepared
72	Caravan Park Resealing, Line Marking	20,000	0.00	Frank Ludovico	●							Deferred until accommodation units completed
73	Old Shire Building: Paining & Internal upgrades (carpet etc)	80,000	46,453.24	Aaron Cook/Azhar Awang	●							Planning still occurring
101	Lefroy Street - Footpath Construction	45,000	0.00	Torre Evans	●							Under construction
OPERATIONAL PROJECTS												
75	Proposed Youth Services. Business case to be presented later.	50,000	0.00	Aaron Cook	●							
76	Highbury Tip Maintenance	5,000	0.00	Azhar Awang	●							
77	Mackie Park Public Toilets and Office Maintenance - Mackie Park Public Toilets and Office Maintenance	13,096	18,694.13	Azhar Awang	●							RFQ awarded
79	Smith St Public Toilets (Coles Carpark) Maintenance - Smith St Public Toilets (Coles Carpark) Maintenance	14,905	5,193.11	Azhar Awang	●							RFQ awarded
80	Harris St Public Toilets (Museum) Maintenance - Harris St Public Toilets (Museum) Maintenance	4,790	5,828.47	Azhar Awang	●							
81	Highbury Public Toilets Maintenance - Highbury Public Toilets Maintenance	11,000	11,521.50	Azhar Awang	●							
82	Highbury Townscape \$8,000	8,000	435.00	Azhar Awang	●							
85	Management plan Foxes Lair & Railway Dam \$20,000, PG Main \$10,000	39,917	5,583.94	Azhar Awang	●							
86	Development of Sport and recreation Master plan (included in Strategic plan) \$60,000, General consultation \$10,000	70,000	5,000.00	Aaron Cook	●							
87	Museum Building Maintenance \$6,450.00, Modify existing doorway \$1,000	8,993	3,118.92	Azhar Awang	●							
88	Public Art Strategy	40,000	0.00	Azhar Awang	●							
90	Roadworks - WANDRRA Claim works	784,723	588,546.00	Torre Evans	●							
91	White Road Pit rehab	4,000	0.00	Torre Evans	●							
92	Whinbin Rock Road Pit rehab	4,000	0.00	Torre Evans	●							
93	Cardwell Road Pit rehab	4,000	0.00	Torre Evans	●							
94	Hilders Road Pit rehab	4,000	0.00	Torre Evans	●							
95	Wagin - Wickepin Road Pit rehab	4,000	0.00	Torre Evans	●							
96	Street Tree Maintenance: Materials \$10,000, Powerline pruning & Large tree pruning \$25,000	288,242	114,597.57	Torre Evans	●							Program shortened due to Wandrra works being completed. Street tree pruning complete.
97	Lydeker Depot Building Maintenance - Materials \$10,000, Contractors \$5,000, Sea containers \$4,500 (install LED lights, relocate A/C, install shelving)	63,291	47,450.68	Torre Evans/Azhar Awang	●							Sea Container: Electrician appointed. Waiting for materials
100	Fire rated Legal Documents storage \$2,000 plus \$2,500 general	4,500	728.18	Frank Ludovico	●							Quotes exceed budget by significant margin. Will be brought forward to 2018/19 Budget
		2,795,295	938,860									

	2017/18 Annual Budget	2017/18 YTD Actual	Responsible Officer	2018						Comments	
				January	February	March	April	May	June		
COMPLETED PROJECTS											
2	CCTV Upgrade	112,788	112,787.50	Azhar Awang	●						
4	Disability Toilet - Changing Places	59,000	54,794.27	Azhar Awang	●						
5	Kitchen Renovations 13 Hough Street	10,968	13,187.61	Azhar Awang	●						
7	Consultant for Refuse Site (\$15,000) C/Fwd: Works to Construct Transfer Station (\$133,000)	148,000	131,074.50	Azhar Awang	●						
14	Highbury Hall: Upgrade Storm water drainage system \$7,500, Remove unsuitable pollarded trees and grind stumps	5,178	5,177.82	Azhar Awang	●						
19	Removal of Town Clock \$10,000	10,000	225.00	Torre Evans	●						0
20	Skate Park: (C/Fwd: Install Irrigation, Topsoil, Turf)	30,000	20,470.40	Torre Evans	●						
23	Memorial Park: Remove old slabs and replace with limestone paving	6,952	6,952.00	Torre Evans	●						
24	Lions Park: Replace Sand with soft fall rubber	42,599	42,599.34	Torre Evans	●						
25	Jersey Park: Shade Sails	13,660	13,660.42	Torre Evans	●						
26	Northwood Park: New Playground Equipment	45,000	45,000.00	Torre Evans	●						
27	Ashworth Park: Replace cracked asphalt basketball surface line mark and new hoop \$8,000	6,019	6,019.08	Torre Evans	●						
28	Hockey Club: Shade Sails	14,939	14,938.85	Torre Evans	●						
29	Highbury Hall: Playground Equipment	18,300	18,300.00	Torre Evans	●						
32	Museum Building: kitchen cupboards/sink, repairs to window frame	5,000	2,690.00	Azhar Awang	●						
33	Street Furniture	21,800	15,740.00	Torre Evans	●						0
34	Ensign Carpark Reseal	60,000	0.00	Torre Evans	●						Schedule moved to be completed when mobile asphalt plant is in town
35	CWA Carpark Reseal	25,000	0.00	Torre Evans	●						Schedule moved to be completed when mobile asphalt plant is in town
36	Lydeker Depot: Electric gate and re align works depot security fence	30,000	23,074.18	Torre Evans	●						
37	Heath Street - Renewal (Local): Reseal	11,009	7,770.96	Torre Evans	●						
38	Doney Street - Renewal (Local) (R2R): Reseal	33,064	35,497.38	Torre Evans	●						
39	Felspar Street - Renewal (Local) (R2R): Reseal	49,982	46,981.22	Torre Evans	●						
40	Glyde Street - Renewal (Local) (R2R): Reseal	14,061	14,646.06	Torre Evans	●						
41	Garfield Street - Renewal (Local) (R2R): Reseal	8,244	8,410.69	Torre Evans	●						
42	Homer Street - Renewal (Local) (R2R): Reseal	6,548	6,662.52	Torre Evans	●						
43	Fairway Street - Renewal (Local) (R2R): Reseal	4,050	3,995.00	Torre Evans	●						
44	Hale Street - Renewal (Local) (R2R): Reseal	11,322	13,128.20	Torre Evans	●						
45	Hillman Street - Renewal (Local) (R2R): Reseal	6,048	4,499.52	Torre Evans	●						
46	Marsh Street - Renewal (Local) (R2R): Reseal	6,480	6,506.76	Torre Evans	●						
47	May Street - Renewal (Local) (R2R): Reseal	12,240	8,882.94	Torre Evans	●						
48	Gibson Street - Renewal (Local) (R2R): Reseal	13,020	11,345.18	Torre Evans	●						
49	Cresswell Street - Renewal (Local) (R2R): Reseal	1,485	1,725.90	Torre Evans	●						
50	Narrakine Road - Renewal (Local) (R2R): Reseal	5,040	6,300.08	Torre Evans	●						
51	Whinbin Rock Road - Renewal (Rural) (R2R): Reconstruct & Seal	285,522	199,540.63	Torre Evans	●						
52	Wagin-Wickepin Road - Renewal (Rural) (R2R): Reseal	18,036	18,421.96	Torre Evans	●						
53	Narrogin Valley Road - Renewal (Rural) (R2R): Reseal	37,091	38,337.12	Torre Evans	●						
54	Highbury West Road - Renewal (Rural) (R2R): Reseal	21,600	108,712.39	Torre Evans	●						
55	Rowe Street - Renewal (Local) (R2R): Reseal	7,965	8,209.22	Torre Evans	●						
56	Narrogin-Harrismith Road - Renewal (Local) (RRG): Reconstruct & Seal	607,486	608,060.99	Torre Evans	●						
57	Daglish Street Footpath Construction	15,900	15,900.00	Torre Evans	●						
58	Felspar Street Footpath Construction	19,035	19,035.00	Torre Evans	●						
59	Williams Road - Footpath Construction	22,000	18,200.00	Torre Evans	●						
60	Drainage Works: Culvert upgrades with 2 coat seal for flood way-various	30,000	23,340.00	Torre Evans	●						
61	Tipper Truck 3 Tonne	22,455	22,454.55	Torre Evans	●						
62	10,000L Emulsion Storage Tank	57,831	57,831.46	Torre Evans	●						
63	John Deere Ride on Mower 2017	9,745	9,744.98	Torre Evans	●						
64	24 Tonne Excavator	260,000	216,100.00	Torre Evans	●						
65	Irrigation Pump	32,140	32,140.00	Torre Evans	●						
66	8T Side Tipping Truck	90,190	90,190.00	Torre Evans	●						Gas BBQ Purchased instead of electric
71	NCP: Install electric and gas BBQ's	8,000	394.55	Frank Ludovico	●						
74	Senior Citizen Centre Building Maintenance - Cladding of bus bay Portico to match existing \$6,000, General Maintenance \$3,000	9,000	7,761.80	Azhar Awang	●						
78	Gnarojin Park Public Toilets Maintenance - Gnarojin Park Public Toilets Maintenance	41,309	17,590.46	Azhar Awang	●						
83	CBD Enhancement \$55,022	55,023	36,942.41	Torre Evans/Azhar Awang	●						
84	Gnarojin Park Maintenance/Operations - Dead wooding of trees	15,000	8,640.00	Torre Evans	●						
89	Arts Narrogin: Admin Support Nexis Gallery \$25,000, Attract and install a range of professional art exhibitions \$10,000	35,000	35,000.00	Azhar Awang	●						
98	Airport Cones	8,000	4,024.34	Torre Evans	●						
99	Dryandra Visitor Centre Donation \$35,000, plus increased \$25,000.	60,000	48,480.25	Frank Ludovico	●						
102	Sydney Hall Way - Playground Equipment: Shade Sail	15,000	12,013.80	Torre Evans	●						
103	Garfield Park - Playground Equipment: Shade sail	18,000	13,487.75	Torre Evans	●						
104	Highbury Park - Playground Equipment: Shade sail	14,000	13,604.80	Torre Evans	●						
105	Ensign / Earl Street Carpark	25,500	0.00	Torre Evans	●						

10.3.037 PROPOSED 2018/19 FEES & CHARGES

File Reference: 12.4.1
Disclosure of Interest: Nil
Applicant: Nil
Previous Item Nos: Nil
Date: 10 May 2018
Author: Nicole Bryant – Manager Finance
Authorising Officer: Frank Ludovico – Executive Manager Corporate and Community Services

Attachments

- Proposed Fees and Charges 2018/19

Summary

The Shire's proposed Fees and Charges are presented to Council for consideration for the Financial Year 2018/19. The proposal is required to be advertised for a period of seven (7) days so the new fees and charges will become effective from the start of the 2018/19 financial year (1 July 2018).

Background

The proposed Fees and Charges have been collated and compiled in consultation with the Executive Managers responsible for providing the relevant services to the community and ensuring appropriate levels of income/cost recovery are generated for the Shire.

Attached is a Schedule of the proposed Fees and Charges for 2018/19. The 2016/17 and 2017/18 Fees and Charges have been included for Council's reference along with percentage change for each fee, to highlight the changes considered for next financial year. Proposed newly introduced fees and charges for 2018/19 year are indicated as "new" in the schedule.

Comment

Overall, Fees and Charges in most program areas have increased in line with The Local Government Cost Index for 2018/19 of 1.8% (rounding may actually generate a slightly higher percentage). Fees were also assessed to consider whether or not they reflected the true Council expenditure associated with the revenue. Also, in some instances new fees were created to reflect new activities and in other areas greater clarification of a Fee has been provided. Generally, the changes are considered relatively minor.

A complete list of fees and charges (including statutory) have been included in the schedule to provide users with a single point of reference for fees and charges. Please note that Statutory Fees and Chargers can be altered at any time by relevant Government Agencies and if this occurs the Schedule will be updated.

Consultation

- Aaron Cook – Chief Executive Officer
- Frank Ludovico – Executive Manager Corporate and Community Services
- Azhar Awang – Executive Manager Development and Regulatory Services
- Torre Evans – Executive Manager Technical and Rural Services
- John Warburton – Manager Operations
- Lynne Yorke – Manager Community Care Services

Statutory Environment

Local Government Act 1995, Section 6.16(Imposition of Fees and charges), 6.17 (Setting level of fees and charges) and 6.19 (Local government to give notice of fees and charges).

Local Government Act 1995, Section 1.7 (Local public notice).

Policy Implications

Nil

Financial Implications

The revenue raised from fees and charges set by Council will underpin, to a degree, its ability to provide services and facilities for the 2018/19 financial year and into the future.

Strategic Implications

Nil

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

Adopt the 2018/19 Fees and Charges Schedule as presented.

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19 \$
BUSINESS UNIT: GENERAL PURPOSE FUNDING				
Rates				
3030125.1502	Penalty Interest			11.00%
3030126.1502	Instalment interest			5.50%
3030128.1304	Instalment Charge (Statutory 4 instalments)			50.00
Ad hoc payment arrangements				
3030132.1304	1 to 2 payments			0.00
3030132.1304	2 to 5 payments			18.00
3030132.1304	Greater than 5			50.00
3040204.1304	Electoral roll copy			15.00
3040204.1304	Rate Book (Paper Copy)	Y		100.00
3040204.1304	Rate Book (Electronic Copy)	Y		75.00
3030129.1304	Rate enquiries			75.00
3100605.1304	Orders & Requisitions			135.00
3030129.1304	Request for additional copies of a Rate Notice			15.00
3030131.1103	Debt Collection Fee - Landgate Search Fee			26.00
3030131.1103	Debt Collection Fee - Caveat Withdrawal			167.00
3030131.1103	Debt Collection Fee - Caveat Lodgement			167.00
3030131.1103	Debt Collection Fee - Property Seize & Sale Order			167.00
Other General Purpose Funding				
	Outstanding Sundry Debtors			11.00%
BUSINESS UNIT: LAW, ORDER & PUBLIC SAFETY				
Ranger Services				
3050302.1301	Seizure impoundment registered dog/cat		S	30.00
3050302.1301	Seizure impoundment unregistered dog/cat		S	100.00
3050300.1304	Daily Impound Fee			16.00
3050305.1304	Destruction/disposal of dog/cat			200.00
3050300.1304	Surrender of dog/cat			105.00
3050300.1304	Out of hours release fee		S	100.00
3050300.1304	Sale of dog/cat (excluding license)	Y		53.00
3050301.1304	Unsterilised dog/cat registration fee 1 year		S	50.00
3050301.1304	Unsterilised dog/cat registration Pensioner fee 1 year		S	25.00
3050301.1304	Unsterilised dog/cat registration fee 3 years		S	120.00
3050301.1304	Unsterilised dog/cat registration Pensioner fee 3 years		S	60.00
3050301.1304	Unsterilised dog/cat registration fee life time		S	250.00
3050301.1304	Unsterilised dog/cat registration Pensioner fee life time		S	125.00
3050301.1304	Sterilised dog/cat registration fee 1 year		S	20.00
3050301.1304	Sterilised dog/cat registration Pensioner fee 1 year		S	10.00
3050301.1304	Sterilised dog/cat registration fee 3 years		S	42.50
3050301.1304	Sterilised dog/cat registration Pensioner fee 3 years		S	21.25
3050301.1304	Sterilised dog/cat registration fee life time		S	100.00
3050301.1304	Sterilised dog/cat registration Pensioner fee life time		S	50.00
3050301.1304	Dangerous dog registration fee 1 year		S	50.00
3050301.1304	Annual application for approval or renewal of approval to breed cats (per cat)		S	100.00
3050305.1304	Application to keep more than standard number of cats - Residential		S	20.00
3050305.1304	Application to keep more than standard number of cats - Cat management facility		S	500.00
3050305.1304	Renewal of permit - Cat management facility or cat breeder		S	100.00
3050301.1304	Cats Registered after 31 May in any year, for that registration year		S	50% of the fee payable
3050305.1304	Application for a kennel licence		S	700.00
3050305.1304	Issue of a kennel licence or renewal of a kennel licence		S	100.00
3050305.1304	Application to transfer a kennel licence		S	100.00
3050305.1304	Application to keep more than standard number of dogs		S	50.00

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19
3050301.1304	Dogs kept in approved kennel establishment licensed under section 27 of the Act, where not otherwise registered (per establishment)		S	200.00
3050301.1304	Penalty: Unregistered dog/cat		S	200.00
3050301.1304	Penalty: Dog in public place without a collar or tags		S	200.00
3050301.1304	Penalty: Dog not on leash in certain public places		S	200.00
3050301.1304	Penalty: Dog causing a nuisance		S	200.00
3050301.1304	Penalty: Failure of alleged offender to give full name and address		S	200.00
3050304.1304	Ranger hourly rate (including travel time)	Y		84.00
3050304.1304	Mileage Rate per KM	Y		1.50
3050305.1304	Removal of trapped animal	Y		21.00
3050305.1304	Hire of small animal trap per week	Y		21.00
3050305.1304	Hire of large animal trap per week	Y		32.00
	Bond for animal trap			58.00
3050305.1304	Anti Barking Device per month	Y		32.00
	Anti Barking Device Bond			58.00
	Dangerous dog collar:	Y		
3050305.1304	- Small	Y		35.00
3050305.1304	- Medium	Y		55.00
3050305.1304	Danergous dog sign	Y		32.00
	Abandoned / Impounded Vehicles			
3050400.1301	- Towing Charge			At cost
3050400.1301	- Storage of impounded vehicle (per month or part thereof)			70.00
3050400.1301	- Administration			35.00

BUSINESS UNIT: HEALTH

Health Services

3070300.1300	Application to install waste water treatment system		S	118.00
3070300.1300	Permit to use waste water treatment system			125.00
3070300.1300	Report to Health Department on waste water system			125.00
3070301.1304	Annual Food Business Registration Fee		S	110.00
3070301.1304	Follow up inspection - Breach of License		S	110.00
3070300.1300	Annual Caravan Park Licence		S	220.00
3070300.1300	Itinerant Food Vendor/Stallholder Fee Initial License Fee		S	110.00
3070300.1300	Annual Itinerant Food Vendor/Stallholder Fee License Renewal		S	55.00
3070300.1300	Food Business Notification Fee			53.00
3070301.1304	EHO Charge Out per hour	Y		85.00
3070301.1304	Liquor Act Certification Section 39 (Commercial)			122.00
3070301.1304	Liquor Act Certification Section 39 (Not for Profit)			61.00
3070301.1304	Meat Inspection Fee			EHO Charge Out Rate
3070301.1304	Settlement inspection fee - upon request			110.00
3070301.1304	Re-inspection Fee		S	110.00

BUSINESS UNIT: EDUCATION & WELFARE

Homecare

	HACC as set by Department of Health and Ageing Schedule of fees and Charges		S	
	CHSP as set by the Department of Health and Ageing Schedule of fees and Charges			
	CHCP (Department of Social Services)			
	Admin Fee (client cost)			28%
	Co-ordination Fee			7%
	- Contingency Internal 5%			5%
	- Contingency External 10%			0.10
	Support Worker (week day) per hour			46.00
	Support Worker (week day after 6pm) per hour			51.00
	Support Worker (Saturday)			51.00
	Support Worker (Sunday / Public Holiday) per hour			81.00

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19
	Centre Based Day Care per day			101.00
	Centre Based Day Care (after 6pm) per day			121.00
	Centre Based Day Care (Saturday) per day			151.00
	Centre Based Day Care (Sunday / Public Holiday)			201.00
	Centre based Day Care Transport 10km per trip			21.00
	Meals provided per meal - delivered by Meals on Wheels Committee Main meal			9.00
	Meals provided per meal - delivered by Meals on Wheels Committee Main meal and dessert			13.00
	Meals delivered by NRHC			20.00
	Meals delivered by NRHC - Sunday / Public Holiday			25.00
	Travel per service			31.00
	Brokerage (Up to) per hour	Y		101.00
	Rosa Bus hire per hour (No Dry hire)	Y		45.00
	Rosa Bus Driver rate per km	Y		1.10
	Hire of Jesse House (as approved by Manager)	Y		150.00
Other Welfare				
	Veterans as set by the Department of Veterans Affairs	Y		
	CATS Vehicle	Y		75.00
BUSINESS UNIT: STAFF HOUSING				
Staff Housing				
	Staff will be charged the difference between the Housing Subsidy and the cost to the Town of renting the residential building.	Y		
BUSINESS UNIT: COMMUNITY AMENITIES				
Sanitation - Household & Other				
Rubbish Charges				
3100100.1304	Domestic Refuse Services (First Service)			226.00
3100200.1304	Commercial Refuse Services (First Service)			231.00
3100204.1304	Special Refuse Service (First Service)			339.00
3100101.1304	Additional service - household			226.00
3100201.1304	Additional service - commercial			253.00
3100201.1304	Additional pickup - commercial on a per bin per pick up basis			231.00
3100203.1304	Additional service - Special Refuse Service			340.00
3100105.1304	Domestic Recycling Service			84.00
Refuse Site Fees				
3100202.1304	Waste per cubic metre			16.00
3100202.1304	Demolition waste per cubic metre			77.00
3100202.1304	Truck bodies			210.00
3100202.1304	Passenger Tyre			8.25
3100202.1304	Car/Truck Battery			3.75
3100202.1304	Car bodies			39.00
3100202.1304	Small animal carcasses			27.00
3100202.1304	Large animal carcasses			81.00
3100202.1304	Liquid Waste (oils) non-commercial per litre (dollars per litre)			0.75
3100202.1304	Liquid Waste (oils) Commercial Disposal per litre (dollars per litre)			0.15
3100202.1304	Liquid Waste (excludes oils) per litre (dollars per litre)			0.15
3100202.1304	Green Waste per 2.4m x 1.8m trailer			7.00
3100202.1304	Green Waste (Commercial) per cubic meter			7.00
3100202.1304	Asbestos waste per cubic meter (minimum Charge of \$50 applies)			152.00
3100202.1304	Clinical/soiled waste per cubic metre (minimum Charge of \$50.00 applies)			152.00
3100202.1304	First 6 x Tip Passes Town of Narrogin Ratepayer (Residential properties only)			Free
3100202.1304	6 x Tip Passes Shire of Narrogin Ratepayer (Residential properties only)			----
3100202.1304	Additional 6 x Tip Passes (Expiry Date 31 August 2019)			93.00

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19
3100202.1304	9 x Green Waste Passes Town of Narrogin Ratepayer (Residential properties only)			Free
3100202.1304	9 x Green Waste Passes Shire of Narrogin Ratepayer (Residential properties only)			----
3100202.1304	Additional 9 x Green Waste Passes			52.00
	A Discount of 10% off the normal purchase price of additional Green Waste and Tip Passes will apply when purchased from the Town's Administration Centre			
3100202.1304	Power Pole Butts per cubic metre (Contaminated timber)			148.00
	General Waste from Outside the Shire of Narrogin			
3100202.1304	Per cubic metre			79.00
	Recycled Water			
3130100.1304	Sale of recycled water per kilo litre	Y		1.50
	Narrogin Racing as per lease agreement	Y		
Town Planning				
	Planning Services			
3100600.1304	Home Occupation - Initial Application Fee		S	222.00
3100600.1304	Home Occupation - Annual Renewal Fee		S	73.00
3100600.1304	Zoning Certificates, Property Settlements & Enquiries (Zoning)		S	73.00
3100600.1304	Planning Application Fees based on cost of development (as amended)			
3100600.1304	(a) Not more than \$50,000		S	147.00
3100600.1304	(b) more than \$50,000 but not more than \$500,000 based on estimated costs		S	0.32%
3100600.1304	(c) more than \$500,000 but not more than \$2.5 million		S	
				\$1,700.00 plus 0.257% for every \$1 in excess of \$500,000
3100600.1304	(d) more than \$2.5 million but not more than \$5 million		S	
				\$7,161.00 plus 0.206% for every \$1 in excess of \$2.5m
3100600.1304	(e) more than \$5 million but not more than \$21.5 million		S	
				\$12,633.00 plus 0.123% in excess of every \$1 in excess of \$5 million
	(f) more than \$21.5 million		S	34,196.00
3100600.1304	Subdivision/Strata Clearance Fees			
3100600.1304	(a) Not more than 5 lots -per lot		S	73.00
3100600.1304	(b) more than 5 lots but not more than 195 lots - per lot over 5		S	35.00
3100600.1304	(c) more than 195 Lots		S	7,393.00
3100600.1304	Change of Use Fee		S	295.00
3100600.1304	Fee for use/development already commenced		S	
				Twice the schedule fee
3100600.1304	Provision of Written Planning Advice		S	73.00
3100600.1304	Determining an application to amend or cancel development approval		S	295.00
3100600.1304	Executive Manager/Town Planner - per hour		S	85.00
3100600.1304	Environmental Health Officer/other staff -per hour		S	60.00
3100600.1304	Secretary Administrative Officer - per hour		S	45.00
3100600.1304	Executive Manager Development & Regulatory Services Charge Out - per hour		S	130.00
3100600.1304	Vehicles mileage rate	Y		1.50
3100600.1304	Itinerant Vendor License Fee per day		S	250.00
	Structure Plan and Local Development Plan			
	Scheme Amendment			

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19
3100600.1304	- Basic			2,800.00
3100600.1304	- Standard			4,200.00
3100600.1304	- Complex			5,500.00
3100600.1304	Sign Application			147.00
3100600.1304	Extractive Industry - New			739.00
3100600.1304	Extractive Industry - Commenced or carried out			1,478.00
3100600.1304	Liquor Act Certification Section 40		S	122.00
Other Community Amenities				
Cemetery				
Single Burial Permits:				
3100800.1304	Application	Y		50.00
3100800.1304	Grant of Right of Burial - Immediate Use Only	Y		250.00
3100800.1304	Interment in a grave 2.1 metres deep	Y		1,500.00
3100800.1304	Re-opening of an ordinary grave for 2nd or 3rd Burial	Y		1,500.00
3100800.1304	Reinstatement, if required	Y		500.00
3100800.1304	After hours interment - weekdays	Y		250.00
3100800.1304	After hours interment - weekend/public holidays	Y		500.00
Exhumation:				
3100800.1304	Exhumation	Y		2,400.00
3100800.1304	Exhumation reinstatement in existing grave, if required	Y		500.00
3100800.1304	Interment in a new grave after exhumation	Y		1,500.00
Ashes				
Single Interment Permit:				
3100801.1304	Application (Single Funeral Permit & Permission to place a plaque)	Y		50.00
3100801.1304	Grant for use of Niche Wall	Y		250.00
3100801.1304	Interment - Niche Wall (Temporary Blank Cover)	Y		200.00
3100801.1304	Interment - Garden	Y		200.00
3100800.1304	Interment - Grave	Y		300.00
3100800.1304	Interment - Scattering	Y		0.00
3100800.1304	After hours interment - weekdays	Y		100.00
3100800.1304	After hours interment - weekend/public holidays	Y		200.00
Other				
3100800.1304	Permission to erect Memorial - Grave, Garden	Y		80.00
3100800.1304	Transfer of Right of Burial/Pre-Need Purchase of Certificate	Y		50.00
3100800.1304	Issue of a copy of Grant Right of Burial /Pre-Need Purchase of Certificate	Y		50.00
Pre-Need Services (Booking of a Site)				
3100800.1304	Pre-need Purchase of Certificate for Burial - 5 Years	Y		300.00
3100801.1304	Pre-need Purchase of Certificate for Niche Wall - 5 Years	Y		300.00
3100801.1304	Pre-need of Certificate for Garden Memorial Position	Y		not permitted
3100801.1304	Pre-need Purchase of Certificate for Memorial Plaque Position	Y		not permitted
BUSINESS UNIT: RECREATION & CULTURE				
Public Halls & Civic Centres				
Town Hall & Reception Centre (Commercial Usage)				
3110100.1302	Town Hall Complex full day (Includes Light & Sound Equipment if approved by CEO/EMCCS) (Excludes N	Y		602.00
3110100.1302	Town Hall Complex full day (Excludes Mayors Parlour and Nexus Gallery) hourly rate	Y		87.00
3110100.1302	Town Hall full day	Y		357.00
3110100.1302	Town Hall hourly rate	Y		77.00

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19
3110100.1302	Town Hall Setting up full day	Y		117.00
3110100.1302	Town Hall Rehearsals hourly rate	Y		26.00
3110100.1302	Kitchen Only per day	Y		199.00
3110100.1302	Kitchen Only per hour	Y		41.00
3110100.1302	Cutlery and Crockery Hire per person			----
3110100.1302	Damaged cutlery and Crockery will be replaced at a charge of direct replacement cost plus 20% Administration Charge	Y		Direct Cost plus 20%
3110100.1302	Light & Sound Equipment Use (Not for relocation) (Hires to persons deemed by CEO or EMCCS to have the skills to use)	Y		51.00
3110100.1302	Super Room full day	Y		158.00
3110100.1302	Super Room per hour	Y		31.00
3110100.1302	Mayors Parlour full day	Y		158.00
3110100.1302	Mayors Parlour per hour	Y		31.00
3110100.1302	Baby Grand piano full day (Not to be removed from site)	Y		102.00
3110100.1302	Baby grand piano hourly rate	Y		15.00
3110100.1302	Upright piano hire (Internal) (To be returned on return to Town Hall)	Y		20.00
3110100.1302	Upright piano hire (External) (The Hirer is to fund all relocation costs and retune the Piano on return to the Town Hall)	Y		Cost plus 20%
3110100.1302	Reception Centre full day	Y		408.00
3110100.1302	Reception Centre hourly rate	Y		62.00
3110100.1302	Cleaning	Y		Cost plus 20%
3110100.1302	Setting up hourly rate (per staff member involved) (Minimum 1 hour charge)	Y		90.00
3110100.1302	Nexus Gallery full day	Y		----
3110100.1302	Nexus Gallery hourly rate	Y		----
3110100.1302	Nexus Gallery Art Hire per day	Y		----
	CEO is given authority to negotiate a hire fee for significant Functions and Conferences at the JHCC and Town Hall	Y		
	Bond without alcohol			337.00
	Bond with alcohol			1,122.00
Town Hall & Reception Centre (Not for Profit*)/Individual Resident or Ratepayer (Not a business)				
3110100.1302	Town Hall Complex full day (Includes Light & Sound Equipment if approved by CEO/EMCCS) (Excludes M	Y		204.00
3110100.1302	Town Hall Complex full day (Excludes Mayors Parlour and Nexus Gallery) hourly rate	Y		31.00
3110100.1302	Town Hall full day	Y		153.00
3110100.1302	Town Hall hourly rate	Y		26.00
3110100.1302	Town Hall Setting up full day	Y		153.00
3110100.1302	Town Hall Rehearsals hourly rate	Y		26.00
3110100.1302	Kitchen Only per day	Y		102.00
3110100.1302	Kitchen Only per hour	Y		21.00
3110100.1302	Damaged cutlery and Crockery will be replaced at a charge of direct replacement cost plus 20% Administration Charge	Y		Direct Cost plus 20%
3110100.1302	Light & Sound Equipment Use (Not for relocation) (Hires to persons deemed by CEO or EMCCS to have the skills to use)	Y		31.00
3110100.1302	Super Room full day	Y		77.00
3110100.1302	Super Room per hour	Y		15.50
3110100.1302	Mayors Parlour full day	Y		77.00
3110100.1302	Mayors Parlour per hour	Y		15.50
3110100.1302	Baby Grand piano full day (Not to be removed from site)	Y		51.00
3110100.1302	Baby grand piano hourly rate	Y		10.50
3110100.1302	Upright piano hire (Internal) (To be returned on return to Town Hall)	Y		15.50
3110100.1302	Upright piano hire (External) (The Hirer is to fund all relocation costs and retune the Piano on return to the Town Hall)	Y		Cost plus 20%
3110100.1302	Reception Centre full day	Y		204.00
3110100.1302	Reception Centre hourly rate	Y		31.00
3110100.1302	Setting up hourly rate (per staff member involved) (Minimum 1 hour charge)	Y		90.00

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19
3110100.1302	Cleaning	Y		Cost plus 20%
	CEO is given authority to negotiate a hire fee for significant Functions and Conferences at the JHCC and Town Hall	Y		
	Bond without alcohol			280.00
	Bond with alcohol			560.00
	(*) Any function or event that is subject to the 'Not for Profit' Fees and Charges rates must acknowledge the Shire sponsorship at the function/event.			
	John Higgins Community Complex			
3110100.1302	Fees and Charges to be set by the YMCA.			
3110100.1302	Office Standard Size per year (if not on a lease agreement)	Y		1,260.00
3110100.1302	Office Large Size per year (if not on a lease agreement)	Y		1,525.00
Other Recreation				
	Sportsgrounds			
3110301.1302	Half day hire (schools & non sporting organisations)	Y		75.00
3110301.1302	Full day hire (schools & non sporting organisations)	Y		150.00
3110301.1302	Half day hire commercial	Y		240.00
3110301.1302	Full day commercial	Y		400.00
3110301.1302	Narrogin Towns Cricket Club	Y		1,315.00
3110301.1302	Narrogin Hawks Football Club	Y		3,045.00
	Bond for Commercial Use	Y		2,310.00
	Bond for Community Use if required by the EMCCS	Y		575.00
Narrogin Regional Recreation Centre				
	Narrogin Regional Leisure Centre (NRLC)			
	Fees and Charges to be set by the YMCA.			
Libraries				
	RW Farr Regional Library			
3110500.1304	Email Access 30 minutes	Y		2.00
3110501.1301	First Overdue Notice - Book	Y		----
3110501.1301	Second Overdue Notice - Book	Y		----
3110500.1304	Handling Fee for Invoice	Y		13.25
3110500.1304	Laminating A4 size	Y		2.05
3110500.1304	Laminating A3 size	Y		4.10
3110500.1304	Scanning per page	Y		2.05
3110500.1304	Disk repair (CD/DVD)	Y		5.10
3110500.1304	Disk Cleaning (CD/DVD)	Y		2.05
3110500.1304	A4 Single Sided photocopy per copy	Y		0.45
3110500.1304	A3 & A4 Double Sided photocopy per copy	Y		0.60
3110500.1304	A3 Double Sided per copy	Y		0.80
3110500.1304	A4 Single Sided Colour per copy	Y		2.05
3110500.1304	A3 Single & A4 Double Sided Colour per copy	Y		4.10
3110500.1304	Coffee / Tea (if provided by the Town)	Y		2.05
3110500.1304	Restricted Wireless Internet Access	Y		Free
3110500.1304	Historical Research (Town & Shire of Narrogin Residence) e.g. Family History per hour	Y		35
3110500.1304	Historical Research (Non Town or Shire of Narrogin Residence)e.g. Family History per hour	Y		60
	Sale of other Items at RRP or cost plus 20% which ever is the higher.			

BUSINESS UNIT: TRANSPORT

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19
Transport				
<u>Aerodrome</u>				
3120405.1304	Major User Charge per year	Y		850.00
3120405.1304	Minor User Charge per year	Y		510.00
<u>Road Numbering</u>				
3120212.1103	Rural Road Numbering	Y		40.00
BUSINESS UNIT: ECONOMIC SERVICES				
Tourism and Area Promotion				
<u>Narrogin Caravan Park</u>				
3130200.1303	Caravan Site Fees per day (up to 2 Adults and 2 Children)	Y		33.00
3130200.1303	Caravan Site Fees per half day (up to 2 Adults and 2 Children)	Y		16.50
3130200.1303	Caravan Site Fees per week (Up to 2 Adults and 2 Children) up to the first four weeks	Y		165.00
3130200.1303	Caravan Site Fees per week (Up to 2 Adults and 2 Children) after the first four weeks	Y		155.00
3130200.1303	Each additional Person Caravan Site Single Night	Y		7.50
3130200.1303	Each additional Person Caravan Site Weekly	Y		38.00
3130200.1303	Camping Site Fees (No Power) (up to 2 Adults and 2 Children of the same family) per day	Y		13.00
3130200.1303	Camping Site Fees (Power) (up to 2 Adults and 2 Children of the same family) per day	Y		25.00
3130200.1303	Additional Person Camping Site (No Power)	Y		5.25
3130200.1303	Additional Person Camping Site (Power)	Y		7.25
3130200.1303	Caravan Park Site and Camping fees should be paid in advance. However if payment is made in arrears additional fees may apply.			
3130200.1303	Penalty fee for late payment of Site or Camping Fees	Y		5.75
3130200.1303	Washing Machines per cycle	Y		5.25
3130200.1303	Driers up to approximately 30 minutes	Y		4.25
3130200.1303	Letter Box Rental per month	Y		5.25
3130200.1303	Caravan Storage (Caravan not to be sited at a Caravan Site and Unoccupied) per week	Y		128.00
3130200.1303	Self Contained RV (Short Stay) (Not using any of the CP Facilities) per night (Subject to the Official RV Site being within the Narrogin Caravan Site)	Y		5.25
3130200.1303	Use of Showers and/or Toilet Only (persons not stay in caravan Park) Subject to the approval of the Town	Y		5.25
<u>Other Tourism & Area Promotion</u>				
3030204.1304	Shire Number Plates (Transfer of plates not included)	Y		Direct Cost plus 20%
3130200.1303	Sale of other promotional Material at RRP or Cost plus 20%	Y		
3130200.1303	RV Permit Fee	Y		5.25
Building Control				
<u>Building Services</u>				
3130300.1304	Building Surveyor hourly rate	Y		92.50
3130300.1304	Trainee Building Surveyor Charge hourly rate	Y		70.00
3130300.1304	Vehicles mileage rate	Y		1.50
3130300.1304	Vehicles mileage rate (Trainee BS)			1.00
3130300.1304	Retrieval of Building Plans		S	50.00
3130300.1304	Class 1 & 10 Building Permit Fee 0.32% - minimum		S	97.70
3130300.1304	Class 2-9 Building Permit Fee 0.09% - minimum		S	97.70
190921060	Building Services Levy Fee 0.137% - minimum		S	61.65
190921070	Building Industry Fund .2% (once work over \$20,000 value)		S	0.20%
T4	Footpath, kerb and road deposit (per street frontage) 1% of value of proposed works with a minimum of \$1,500		S	1,500.00
3130300.1304	# Certificate of Design Compliance As Per Staff Time (\$340 min) or 0.2%, whichever is greater - minimum		S	340.00

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19
3130300.1304	Certificate of Built Compliance - As Per Staff Time (\$340 min) or 0.2%, whichever is greater - minimum		S	340.00
3130300.1304	Certificates of Construction Compliance As Per Staff Time (\$340 min) or 0.2%, whichever is greater - minimum		S	340.00
3130300.1304	Certificates of House & Outbuildings Design Compliance As Per Staff Time (\$95 min) or 0.35%		S	96.00
3130300.1304	Other charges as per the Building Act			
3130300.1304	Swimming Pool Inspection fee (\$57.45/4 years)		S	14.50
3130300.1304	Bushfire Attack Level Certification			
3130300.1304	- Single dwelling			150.00
3130300.1304	- each additional dwelling			120.00

Other Economic Services

3130100.1304	Stand Pipe per 1,000L	Y		2.50
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BUSINESS UNIT: OTHER PROPERTY & SERVICES

Private Works

Charge Out Rates for Private Works

With Operator (Labour rates included in price)

3140100.1304	Grader per hour	Y		184.00
3140100.1304	Loader per hour	Y		171.00
3140100.1304	Backhoe per hour	Y		131.00
3140100.1304	Truck (12 SoNne) per hour	Y		172.00
3140100.1304	Truck (3 SoNne) per hour	Y		172.00
3140100.1304	Truck & Float per hour	Y		221.00
3140100.1304	Jet Patcher per hour	Y		164.00
3140100.1304	Multi- Roller per hour	Y		164.00
3140100.1304	Vib Roller per hour	Y		122.00
3140100.1304	Excavator per hour	Y		172.00
3140100.1304	Road Sweeper per hour	Y		164.00
3140100.1304	Dynapac Roller per hour	Y		142.00
3140100.1304	JD Tractor per hour	Y		165.00
3140100.1304	Bomag Vibrating Roller per hour	Y		142.00
3140100.1304	Cat Multi Terrain Loader per hour	Y		135.00
3140100.1304	JD Backhoe per hour	Y		131.00
3140100.1304	Trailers per hour	Y		49.00
3140100.1304	Tractor Slasher per hour	Y		29.00
3140100.1304	Tractor Aerator per hour	Y		29.00
3140100.1304	New Holland Tractor per hour	Y		165.00
3140100.1304	JD Ride on Mower (with Trailer) per hour	Y		124.00
3140100.1304	Toro Ride on Mower (with Trailer) per hour	Y		124.00
3140100.1304	Isuzu Tip Truck (4 SoNne) per hour	Y		172.00
3140100.1304	Mitsubishi Side Tipper (8 SoNne) per hour	Y		172.00
3140100.1304	10 tonne Mitsubishi Fuso	Y		172.00
3140100.1304	Tow behind Broom per hour	Y		125.00
3140100.1304	Generator hire per day or part there of (Commercial)	Y		500.00
3140100.1304	Generator hire per day or part there of (Non Commercial)	Y		250.00
3140100.1304	Materials, Contracts, Plant & Labour Rates	Y		Cost plus 20%
3140100.1304	Roadside fence line clearing inspection (per hour)	Y		110.00
3140100.1304	Labour Rate (Normal @ Normal Hours)	Y		
3140100.1304	Works Crew Labour per hour	Y		88.00
3140100.1304	Works Foreman per hour	Y		110.00
3140100.1304	Operations Manger	Y		121.00

Schedule of Fees and Charges 2018/19

GL CODE	DESCRIPTION	GST Y/N	Statutory fee "S"	2018/19
3140100.1304	Mileage Rate per KM	Y		1.50
	* No Dry Hire of plant. Only experienced ticketed Shire staff to operate plant at discretion of CEO or EMTRS			
	All other charges not separately listed in this schedule that is not set by specific legislation	Y		Cost
Administration Overheads				
<u>Administration/Office</u>				
3040203.1304	Photocopy charges - Single A4 per copy	Y		0.50
3040203.1304	Photocopy charges - A4 Double / A3 per copy	Y		1.00
3040203.1304	Photocopy charges - A4 Single Colour per copy	Y		2.00
3040203.1304	Photocopy charges - A4 Double / A3 colour per copy	Y		4.00
3040204.1304	Minutes or Agendas (free at council meeting)	Y		25.00
3040206.1304	Digital Projector per day	Y		36.00
3040101.1302	Council chambers full day	Y		400.00
3040101.1302	Council Chambers per hour	Y		51.00
3040101.1302	Meeting Room full day	Y		240.00
3040101.1302	Meeting Room per hour	Y		41.00
3040205.1304	Secretarial support per hour	Y		71.00
3040201.1304	FOI as per statutory fees	Y		as per Act
3040206.1304	Cleaning	Y		Direct Cost plus 20%
3140511.1304	IT Officer Charge Out Income (per hour)	Y		70.00
3140511.1304	Vehicles mileage rate	Y		1.50
	Security Key Bond	Y		255.00
	Bonds that have been approved by the CEO or EMCCS to be paid by credit cards will attract a fee equal to that of the bank fees paid by the Town associated with that particular transaction.			

Additional Items about the Town's Fees and Charges

Rounding	Fees and Charges are to be rounded down to the nearest 50c.
Concession Rate	A person who can prove at the time of purchase they are either under 18 years of age or a holder of a Seniors or Health Care Card.
Bonds	<p>Bonds are to be paid before the hire of facilities, equipment or the supplying of keys.</p> <p>All Bonds are to be paid by Cash or Bank Cheque unless approved by the CEO or EMCCS.</p> <p>If the CEO or EMCCS approve payment of Bond by Credit Card then additional fees will apply and the bond will be increase by 3% to cover the loss of bank fees.</p> <p>The CEO or EMCCS may amend or impose an additional bond for the use of the Town facilities by any group or individuals where they believe it is in the best interest of the Town to do so.</p>
Cleaning Requirements	Unless special arrangements have been agreed to by the Town, all facilities are to be tidied to the same standard as the facility was originally hired, at the end of the hire.
Other	All above figures are in Australian Dollars (AUD).

10.3.038 SHIRE OF NARROGIN DIFFERENTIAL RATING 2018-19

File Reference:	12.4.1 and 25.5.6
Disclosure of Interest:	Nil
Applicant:	Not Applicable
Previous Item Nos:	Nil
Date:	7 May 2018
Author:	Nicole Bryant – Manager Finance
Authorising Officer:	Frank Ludovico – Executive Manager Corporate & Community Services

Attachments

- Attachment 1 – Notice of Intention to Levy Differential Rates 2018/19.

Summary

This agenda item discusses setting of Differential Rates for the 2018/19 Financial Year.

Several models have been developed to explore different scenarios, each with their own merit.

Background

During the merger negotiations between the Town and Shire of Narrogin, it was agreed to a phasing in period of 10 years to achieve the same Gross Rental Valuation (GRV) rate in the dollar between the Shire and Town ratepayers. It was also agreed that the Shire's Highbury residents GRV Minimum would be set to 75% of the Town's Minimum Payments at year 10. To achieve this outcome, differential rating was introduced in the 2016/17 financial year. The parity rate increase will be in addition to any across-the-board rating increase that will be imposed on all rate payers.

Differential rating is required when a local government wishes to have two or more different rates in the dollar for the same rating category e.g. Unimproved Valuation (UV) and/or GRV. The *Local Government Act 1995* sets out which characteristics must be used to determine how individual rating assessments can be grouped together.

Basically, those approved characteristics can be summarised as follows:

- Town planning zone,
- Purpose or land usage,
- Vacant land, and
- Newly amalgamated/merged local governments.

The *Local Government Act 1995* does place several constraints on the setting of both a differential rate in the dollar and minimum payments as well as advertising and other reporting requirements.

To achieve the agreed 10 year rate parity, Council has adopted Policy 3.6 Rating – Merger Parity Transition. This policy describes the methodology of achieving rating equity between the two former local Governments.

Whilst the policy reflects the Memorandum of Understanding between the former Shire and Former Town of Narrogin (MOU), Council should be aware that *Local Government (Financial Management) Regulations 1996 Regulation 52A - Characteristics prescribed for differential general rates (Act s. 6.33)* limits the use of those characteristics described in the MOU for a maximum of 5 years. After this time the Shire would have the option to use the town planning zone characteristics or purposes and land usage for the final five years.

Comment

The purpose of this report is to determine the rate in the dollar and minimum payments so they can be advertised for a minimum period of 21 days to enable the local community an opportunity to provide feedback to Council about this matter.

There is no obligation for the Council to impose the advertised rates in the dollar or minimum payments when adopting the 2018/19 Budget, however Council is required to advise ratepayers of any difference between the advertised rates in the dollar and those adopted.

Council must take into consideration any submissions received from the community before any final decision is made about imposing a differential rate.

Consultation

- Aaron Cook – Chief Executive Officer
- Frank Ludovico – Executive Manager Corporate and Community Services
- Nicole Bryant – Finance Manager

Statutory Environment

Local Government Act 1995 –

S 6.32 Rates and service charges

S6.33 Differential general rate.

S6.35 Minimum payment

S6.36 Local government to give notice of certain rates

S5.63 (1)(b) Some Interests need not be Disclosed

Local Government (Financial Management) Regulations 1996

Part 3 - 23 Rates information required

Part 5 - 52A Characteristics prescribed for differential general rates (Act s. 6.33)

Part 5 - 56 Rate notice, content of etc. (Act s. 6.41)

Department of Local Government and Communities Rating Policies

Differential Rates

Minimum Payments

The proposed differential rate schedule must be advertised for a minimum of 21 days. This period allows ratepayers the ability to consider the proposed rates and make any submissions prior to Council adopting the rates in the dollar as part of the budget adoption process.

The first day it is possible to publicly advertise the proposed rates in dollar, is Saturday 26 May 2018 in the West Australian (followed by a more detail advertisement in the Narrogin Observer on 31 May 2018). Allowing for 21 days, the submission period would end 18 June 2018.

As the highest rate in the dollar in each rating class is not more than twice the lowest, Ministerial approval is not required.

Policy Implications

Council Policy 3.6 Rating – Merger Parity Transition. This policy describes the methodology of achieving rating equity between the two former local Governments.

Financial Implications

The rate level set by Council will underpin its ability to provide services and facilities for the 2017/18 Financial Year (and into the future).

The annualised Consumer Price Index (CPI) for Perth March 2018 is 1.9%. The estimated Local Government Cost Index for 2018/19 is 1.8%.

Council Policy describes the parity annual percentage increase as described below.

Annual Parity Factor Compounding % Increase	Annual % Increase - Compounding
Unimproved Value	3.21%
Unimproved Value - Minimum	5.48%
Gross Rental Value	6.92%
Gross Rental Value - Minimum	5.48%
Minimum – Rural Townsite (75%) Lesser Minimum	2.19%

Several models have been prepared using the methodology of Council Policy 3.6 Rating – Merger Parity Transition.

It should be noted the annual revaluation of Unimproved Valuations (UV) saw these valuations increase by 4.64% from 2017/18 to 2018/19 rating period. If these valuations had been applied very significant increases in rates would have occurred to UV property holders.

To maintain equity staff have reset the UV rate in the dollar in order to achieve 2017/18 UV rating income and then developed different rating models based on a range of natural increase percentages and the parity factor.

This can be seen in the tables below. In 2017/18 the UV rate in the dollar as 0.5990 cents in the dollar valuation and this produced UV rate income of \$1,067,616. In order to achieve the same starting basis for modelling in 2018/19, the base rate was reduced to 0.5674 cents and with the new UV valuations UV rating income of \$1,067,654 would be achieved.

The changes in GRV rate income are due to growth in rateable properties such as subdivisions and new construction, and are considered natural growth.

These are described below and include the Annual Parity Factor increase.

RATING PARAMETERS					
Differential Rating Category	2017/18 Actual	2017/18 Rate / \$ with new Valuations	A	B	C
			2%	3%	4%
GRV – Urban					
Rate in \$	10.6172	10.6172	10.8295	10.9357	11.0419
Minimum	1,062.00	1,062.00	1,083.00	1,094.00	1,104.00
GRV – Rural					
Rate in \$	6.1938	6.1938	6.7463	6.8082	6.8702
Minimum	691.00	691.00	743.00	750.00	757.00
Lesser Minimum (Highbury Townsite)	653.00	653.00	682.00	689.00	695.00
UV					
Rate in \$	0.5990	0.5674	0.5970	0.6026	0.6083
Minimum	691.00	691.00	743.00	750.00	757.00

RATES INCOME MODELS					
Differential Rating Category	2017/18 Actual	2017/18 Rate/\$ with new Valuations	Model A	Model B	Model C
			2%	3%	4%
GRV – Urban (Incl. minimums)	3,468,348	3,481,586.00	3,551,099.27	3,586,091.12	3,620,640.33
Percent Increase on 2017/18		0.38%	2.39%	3.39%	4.39%
GRV – Rural (Incl. minimums)	92,317.00	95,185.00	103,232.98	104,188.81	105,137.97
Percent Increase on 2017/18		3.11%	11.82%	12.86%	13.89%
UV (Incl. minimums)	1,067,616.00	1,067,654.00	1,125,907.76	1,136,473.96	1,147,208.69
Percent Increase on 2017/18		0.00%	5.46%	6.45%	7.46%
TOTAL RATES	4,628,281	4,644,425	4,780,240	4,826,754	4,872,987

\$ Difference from 2017/18	16,144	151,959	198,473	244,706
% Change from 2017/18	0.35%	3.28%	4.29%	5.29%

In respect to UV income it should be noted the combined effect of the different Parity percentages (ie Rate and the dollar and Minimum) combine to produce the 5.46% increase in income in Model A, rather than a 5.21% increase if only the rate in the dollar parity percentage was applied in Model A.

Model C is supported as it allows for satisfactory levels of asset management to occur and community service levels to be maintained. The development of the Corporate Business Plan and Long Term Financial Plan will enable Council to decide appropriate levels of service which will be reflected in future rating levels.

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council:

1. Advertise its intention, in accordance with the *Local Government Act 1995 section 6.36*, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2018/19 Financial Year, as per model C.

Rating Class	Rate in the Dollar	General Minimum Payment \$	Lesser Minimum Payment \$
Urban Gross Rental Value	11.0419	1,104.00	
Rural Gross Rental Value	6.8702	757.00	695.00

2. Adopt the Objects and Reasons for proposed Differential Rates as per attachment 1.

Commonly-used abbreviations:	
MOU	Memorandum of Understanding between the former Shire and Former Town of Narrogin.
CPI	Consumer Price Index
GRV	Gross Rental Value
UV	Unimproved Value



NOTICE OF INTENTION OF LEVY DIFFERENTIAL RATES 2018/19 INCLUDING STATEMENT OF RATING INFORMATION

MAY 2018

Shire of Narrogin

NOTICE OF INTENTION TO LEVY DIFFERENTIAL RATES 2018/19

In accordance with section 6.36 of the Local Government Act 1995, the Shire of Narrogin hereby gives notice of its intention to impose the following differential rates and minimum payment.

Rate Code Description	Rate in the \$	Minimum Payment \$	Lesser Minimum Payment \$
GRV Urban	11.0419	1,104.00	679.00
GRV Rural	6.4337	757.00	

The figures shown above are estimates and may change as part of Council deliberations after consideration of any submission. It is noted that the estimates above equate to a 4.0% increase to the rate revenue raised by Council in 2017/18.

Submissions are invited from electors and ratepayers in respect of the proposed rates, minimum payment and any related matters by 12:00 noon Monday 18 June 2018.

Submissions are to be addressed to the Chief Executive Officer, Shire of Narrogin PO Box 1145, Narrogin WA 6312 or via email enquiries@narrogin.wa.gov.au

Electors and ratepayers may view a document describing the objects and reasons for each proposed rate and the minimum payment at the Shire of Narrogin offices and libraries during normal working hours or at <http://www.narrogin.wa.gov.au/live/services/rates.aspx>

Chief Executive Officer

SUPPORTING STATEMENT OF RATING INFORMATION 2018/19

(Including Objects and Reasons for the Rating Structure)

This Statement is published by the Shire of Narrogin in accordance with Section 6.36 of the Local Government Act 1995 to advise the public of its objectives and reasons for implementing differential rates.

The purpose of levying property rates is to meet Council's budget requirements in each financial year and in future periods, to deliver services, facilities and community infrastructure to the district as a whole. Property valuations provided by the Valuer General (Landgate) are used as the basis for the calculation of rates each year.

Section 6.36 of the Local Government Act provides the ability to differentially rate properties based on certain characteristics. The application of differential rating maintains equity in the rating of properties across the Shire.

During the merger negotiations between the Shire and Town of Narrogin, it was agreed that the former Shire Rate Payers will be provided a 10-year period to achieve rating parity with the former Town of Narrogin Rate Payers. It is noted that 2018/19 will be the second year of this 10-year period.

Powers to Rate Property

There are two property valuation methods available under Section 6.28 of the Act, Gross Rental Value (GRV) and Unimproved Value (UV).

GRV is 'the gross annual rental that the land might reasonably be expected to realise if let on a tenancy agreement from year to year upon condition that the landlord is liable for all rates, taxes and other charges thereon and the insurance and other outgoings necessary to maintain the value of the land'.¹

UV land is 'valued as if it has had no improvements (as though) it remains in its original, natural state, any land degradation is taken into account'.¹

As a default, a local government sets a single general rate in the dollar for each valuation type (GRV and UV). This is termed a uniform general rate in the valuation dollar and applied to all properties within a valuation type regardless of their land use.

Rather than adopting a single uniform general rate, a local government may apply different rates in the dollar within either valuation category (GRV or UV). A differential rate can be applied using the following characteristics, or combination thereof:

- The zoning of the land;
- The predominant use (as determined by the local government);
- If the land is vacant or not.

Location can only be used as a characteristic in setting a differential rate in very limited circumstances (namely a Lesser minimum rate).

¹ Landgate, Rating and Taxing Valuations Publication, April 2008
Page 3

Objections and Appeals to a Valuation

Objections to valuations must be lodged with the Valuer General's Office within 60 days after issue of the rates notice. Rates are still required to be paid before the due date if an objection is lodged with a refund paid if the objection is successful. Forms are available from the Shire Office or on the Shire website.

Under the provisions of the Local Government Act 1995, a property owner is able to lodge an objection to rates imposed by a Council on the following grounds:

- There is an error on the rate assessment, either in respect to the owners or property details; or
- The characteristics of the land differ from that used in the differential rating system.

The objection is to be received within 60 days of the issue of the rate notice. Please contact Shire staff if you would like to discuss this matter further.

Exemptions, Instalments, Concessions and Waivers

The Shire requires organisations seeking exemption from rates in accordance with section 6.26 of the Act to make application to the Council for determination.

The Shire will provide concessions to Pensioners in accordance with the requirements of the Rates and Charges (Rebates and Deferments) Act 1992.

The Council will offer three rate payment options as follows:

- Payment in full 35 days after the date of service appearing on the rate notice;
- Two instalments; and
- Four Instalments.

Interest on overdue rates not paid in accordance with the three payment options will be subject to an overdue interest rate set by the Council at the time of adoption the annual budget.

Ratepayers with unpaid and overdue rates may be offered a scheme of arrangement for payment, subject to the approval of the Chief Executive Officer.

GROSS RENTAL VALUES (GRV)

The Local Government Act 1995, provides that properties of a non-rural purpose be rated using the Gross Rental Valuation (GRV) as the basis for the calculation of annual rates. Property values are independently assessed for all GRV properties every three years.

The base GRV valuation is effective from 1 July 2014. Interim valuations are provided to the Shire regularly by the Valuer General if changes, such as subdivisions or strata title of property, amalgamations, building constructions, demolition, additions and/or property rezoning occur during the year. In such instances, the Shire amends the valuation on record and recalculates the rates for the affected properties for the purpose of issuing an interim rate notice.

The general rates for the 2018/19 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also considering the extent of any increase in rating over the level adopted in the previous year.

GRV – Differential Rates

The Council intends to adopt differential rating principles for GRV category properties based upon the land use as follows:

GRV Urban

GRV Urban properties that had been located in the former Town of Narrogin

Objects and Reasons

To allow the Shire to impose a higher rate in the dollar to the Urban Ward ratepayers to allow the phasing in of rate parity with Urban Ward ratepayers.

During the merger negotiations between the Shire and Town of Narrogin, it was agreed that the former Shire Rate Payers will be allowed a 10-year period to achieve rating parity with the formers Town of Narrogin Rate Payers.

Differential Rate Category	Rate in the \$	General Minimum Payment
<i>GRV Urban</i>	11.0419	1,104.00

GRV Rural

GRV Rural Properties that had been located in the former Shire of Narrogin.

Objects and Reasons

To allow the Shire to set a lower rate in the dollar to Rural Ward ratepayers to allow for the phasing in of rating parity over a 10-year period.

During the merger negotiations between the Shire and Town of Narrogin, it was agreed that the former Shire Rate Payers will be allowed a 10-year period to achieve rating parity with the formers Town of Narrogin Rate Payers.

Differential Rate Category	Rate in the \$	General Minimum Payment
<i>GRV Rural</i>	6.4337	757.00

VALUES (Unimproved Valuations)

The Shire does not intend to differentially rate UV category properties.

Minimum Payments

Applying a minimum payment seeks to ensure all ratepayers contribute to basic services and facilities and Council has determined two levels of General minimums and one Lesser minimum.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

Lesser Minimum Payment

A Lesser minimum of \$679 has been set for assessment in the Highbury Townsite. During the merger negotiations between the Shire and Town of Narrogin, it was agreed that the former Shire Ratepayers will be allowed a 10-year period to achieve rating parity with the formers Town of Narrogin Ratepayers.

10.3.039 REGISTER OF DELEGATIONS – 2018 REVIEW

File Reference:	13.5.7
Disclosure of Interest:	Nil
Applicant:	Shire of Narrogin
Previous Item Nos:	N/A
Date:	22 April 2018
Author:	Niel Mitchell – Governance
Authorising Officer:	Aaron Cook – Chief Executive Officer

Attachments

Attachment 1 – Delegations Register 2018/2019

Summary

To adopt the Register of Delegations for the 2018/2019 Financial Year.

Background

The *Local Government Act 1995* requires that the Register of Delegations be reviewed in full by Council at least once each year.

Further delegations made by the Chief Executive Officer (CEO) are also required to be reviewed by the CEO.

Comment

In line with advice of the Department of Local Government, Sport and Cultural Industries (DLGSCI) and that of Civic Legal, the delegations are prepared on the basis that the CEO should have as broad an operating authority as is possible consistent with legislation, Council's strategic directions, and the level of control and management desired. Accordingly, the Delegations are written to provide the CEO with that broad ability, but are subject to a range of limitations or requirements specified in the delegation.

As these limitations and requirements are part of the delegated decision, the CEO has no discretion to modify them. Amendment must be made by absolute majority of Council.

Each delegation cites the head of power to be exercised, and generally a number of additional citations are made for ease of reference with the delegation being used.

The *Local Government Act 1995* requires –

- each delegation to be in writing both when given by Council or on further delegation by the CEO
- each delegation to be approved by absolute majority of Council when made to CEO or other officer –
 - o generally all delegations are made to CEO, regardless of authorising legislation
 - o in some instances, particularly food and buildings, a delegation may only be made to a qualified or registered person.
- the use of the delegation to be recorded in writing –

- this does not imply a listing of each use of the delegated authority to be completed, only that there is a written record of its use
- accordingly, each delegation also specifies what the written record is to be
- the CEO may only delegate to employees
 - this has been taken to include employees under contract, such as a Registered Building Surveyor etc, but does not include a consultant contracted to the Shire

DLGSCI advises that delegations must be made in accordance with the legislative head of power. Some legislation specifies delegations must be made to specific people or to qualified persons. In these circumstances, delegation to the CEO is clearly in conflict with the legislative head of power, unless there is a discretion within that legislation to delegate to the CEO.

Delegation to the CEO under some legislation may still require that a specific function must be carried out by a qualified person. If the CEO does not hold those qualifications, the CEO's authorisation of an appropriately qualified person under delegated authority is necessary.

The arrangement of the document is –

- Part A – all delegations made to CEO, regardless of authorising legislation
 - Further delegations by the CEO is permitted to officers as noted
 - The CEO is not obligated to delegate permitted delegations to officers, and may place further limits on secondary delegations as is considered appropriate
- Part B – delegations made to by Council to other officers as required by legislation
 - Further delegation by other officers is not permitted

Amendments made are –

PART A

New –

- 5.3 – Restricted burning periods – Variations
 - under Bush Fires Act 1954 s.18(5) the local government may vary restricted burning periods under certain conditions
 - s.48(1) gives authority to delegate to the CEO

Amendments –

- Deletion of references to Part C throughout
- 1.1 – deletion of requirement for CEO to report appointment of authorised persons to Council
- 3.8 – deletion of requirement for CEO to report approved purchase order limits to Council
- 5.1 – removal of authority for CEO to delete issue of burning permits, but CEO may still appoint authorised persons under Delegation 1.1
- 6.1 – correction so that delegation is to CEO not EHO
- 13.7 – inclusion of the Public Places and Local Government Property Local Law in the Statutory Context

PART B

Amended –

- 19.2 – deletion of reference to Deputy Chief Fire Control Officer – Rural. DFES has advised that the Act does not provide for Deputy CBFOs, whether or not seniority or area of operation is specified.
- 19.3 – removal of provisions relating to restricted burning periods, now transferred to Delegation 5.3. The provisions relating to prohibited burning periods remain restricted to the President and CBFCO jointly by the Bush Fires Act.

A number of minor changes were made to the Appendix to give effect to these changes, and various grammatical or spelling errors were corrected throughout.

Delegations may be adopted, amended or revoked at any time, by an absolute majority of Council.

Consultation

- Aaron Cook – Chief Executive Officer
- Frank Ludovico – Executive Manager Corporate and Community Services
- Executive Management Team

Statutory Environment

Local Government Act 1995 –

- *s.5.42 – Council may delegate certain powers and functions to the CEO by absolute majority, in writing*
- *s.5.43 – Limits on delegations to CEO*
- *s.5.44 – CEO may further delegate the discharge of duties to any employee, in writing*
- *s.5.46 – register of delegations made to CEO or to other staff by CEO –*
(1) to be kept,
(2) to be reviewed annually
(3) record of exercise of the power or discharge of duty to be kept.

Local Government (Administration) Regulations 1996 –

- *r.18G – some matters may not be delegated to CEO*
- *r.19 – Delegates to keep certain records*

Policy Implications

The Register of Delegations authorises the CEO to implement Council actions or activities in specified manner

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

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

Adopts the Register of Delegations as per attachment.

Commonly-used abbreviations:	
CBFCO	Chief Bush Fire Control Officer
CEO	Chief Executive Officer
DFES	Dept of Fire & Emergency Services
DLGSCI	Dept of Local Government, Sporting and Cultural Industries
EHO	Environmental Health Officer

REGISTER OF DELEGATIONS CEO AND OFFICERS

FOR 2018/19

REVIEWED MAY 2018



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- 5.2 Fire fighting – Emergency plant hire
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Review of delegations
Primary delegation
Secondary delegation by CEO

Certification

Review of Delegations Financial Year 2017/2018

Delegations to CEO and other Officers

The Delegations contained in Parts A and B of this Register were formally reviewed by Council on 23 May 2018 and adopted by absolute majority.

Leigh Ballard
Shire President

Date

Delegations by CEO to other Officers

The Delegations permitted in this Register have been formally reviewed by me and approved

Aaron Cook
CEO

Date

PART A – PRIMARY DELEGATIONS – to CEO

Section 1 - Council / Governance

1.1 Appointment of authorised persons

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.3.18 – local government to administer its local laws and perform its required functions under the Act • s.9.10(1) – Appointment of authorised persons
Corporate context	None
Primary delegation	CEO
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Authorised person's certificate of authorisation File copy of authorisation
File number	Personnel file Relevant subject file
History	Adopted 12 July 2016 Amended _____

Functions to be performed

1. Legislation

The CEO is delegated authority to appoint employees (including employees under contract) as authorised persons for the purposes of performing functions under the following Acts and associated Regulations –

- (a) Local Government Act 1995, excluding –
 - s.5.37(1) – determination that an employee or class of employee is or is not designated; and
 - s.5.37(1) – appointment or termination of a person to a designated position without Council's consent
- (b) Local Government (Miscellaneous Provisions) Act 1960
- (c) Health (Miscellaneous Provisions) Act 1911, excluding –
 - s.27(1) – appointment of a Medical Officer of Health
- (d) Building Act 2011
- (e) Bush Fires Act 1954
- (f) Cat Act 2008
- (g) Cemeteries Act 1986
- (h) Dog Act 1976
- (i) Environmental Protection Act & Regulations 1986
- (j) Food Act 2008
- (k) Litter Act 1979
- (l) Planning and Development Act 2005
- (m) Control of Vehicles (Off-road Areas) Act 1978
- (n) Caravan Parks & Camping Grounds Act 1995
- (o) Public Health Act 2016

2. Local Laws

The CEO is delegated authority to appoint employees (including employees under contract) as authorised persons for the purposes of performing functions under the following local laws –

- (a) Bush Fire Brigades Local Law 2017,
- (b) Cats Local Law 2016;
- (c) Cemetery Local Law 2016,
- (d) Dogs Local Law 2016,
- (e) Extractive Industries Local Law 2017,
- (f) Fencing Local Law 2016,
- (g) Public Places and Local Government Property Local Law 2016;
- (h) Parking Local Law 2016
- (i) Health Model “A” series Bylaws, adopted 1966, (former Town of Narrogin)
 - Stables Bylaw 1978,
 - Mobile Rubbish Carts Bylaw 1989.
- (j) Health Model “A” series Bylaws, adopted 1974, (former Shire of Narrogin)
- (k) Signs, Hoardings and Billposting Bylaw 1986,

3. Planning

The CEO is delegated authority to appoint employees (including employees under contract) as authorised persons for the purposes of performing functions under –

- (a) Local Planning Scheme;
- (b) Local Planning Policy.

4. General

Appointments made by the CEO are limited to employees of the Shire, and are to state the appointment is for –

- (a) the duration of employment by the Shire,
- (b) the duration of the contract with the Shire, or
- (c) specified time, event or purpose.

Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the authority to administer and perform the functions delegated to that position, subject to –

- (a) any limitations specified in the relevant general delegation to the person or position;
- (b) any specific limitations imposed by the Council or CEO in making the appointment.

All proposals to commence prosecution are to be referred to Council for decision, unless specifically authorised under delegated authority or by specific decision.

– End of Delegation

Notes

No delegated authority for –

- legislation not listed,
- persons who are not employees.
- Meeting Procedure Local Law – not required

Authorised persons exercise their authority directly from the Act, Regulation or local law that refers to “an authorised person”, and may be appointed directly by Council, or by the CEO under delegated authority.

Where the Act, Regulation or local law refers to “local government” the function must be exercised through a formal delegation.

Where the Act, Regulation or local law refers to “Council”, it means the elected members in session.

Appointments of persons other than employees are to be referred to Council for determination.

Some appointments can be made independent of employment with the Shire, and unless revoked or otherwise limited, the appointment continues to remain valid. This is the case with Fire Control Officers, Authorised Dog Control Officers etc. Their appointment means –

- the community member is an officer of Council,
- as an officer of Council, there is a duty of care to the person, as well as to the community, and must ensure that the person is adequately resourced for the task, including training, equipment etc, as necessary,
- as an officer of the Shire, there is a legal responsibility for their actions, and in making the appointment there is an obligation to be satisfied that the person is appropriate and competent to exercise the authority.

As these appointments mean that the person is an officer of Council for that specific purpose, they have the statutory authority to commit Council to particular actions, initiate various proceedings etc, as listed in the authorising Act, and as permitted or limited by Council.

When making an appointment, the CEO must be certain that the person appointed is capable of undertaking the role, is a suitable, and provide the necessary resources for the role to be carried out such as training, equipment, etc.

This delegation does not apply to allocation of statutory functions made by the CEO to fulfil legislative requirements undertaken as a component of administrative tasks.

Local Laws remaining under development –

- (a) Amenity Local Law
- (b) Health Local Law

1.2 Acting CEO – Appointment

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.5.35 – Appointment of CEO requires absolute majority • s.5.37 – Designation as senior employee to have Council consent • s.5.42 – Council may delegate functions to CEO
Corporate context	None
Primary delegation	CEO
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Written record on personnel file
File number	Personnel file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to appoint an officer designated under the Local Government Act 1995 s.5.37 as Acting CEO when the CEO is on periods of leave, over a minimum of 5 days and up to a maximum period of 20 working days.

In the case of the unavailability of the CEO due to emergency, the EMCCS is automatically appointed as Acting CEO for up to 2 weeks from commencement, and continuation is then subject to confirmation by President/Council.

– End of Delegation

Notes

Council may only delegate authority to a CEO under the Local Government Act s.5.42 who is appointed in accordance with s.5.35(1)&(2) requiring an absolute majority. Accordingly, a person who is to exercise the responsibilities and delegations of CEO while acting in that position must also have specific Council approval.

Designation as a senior employee under s.5.37 complies with this requirement, as it specifies that Council must consent to the employment of a designated senior employee.

Generally, employees designated under the Act s.5.37 will only be –

- Executive Manager Corporate & Community Services
- Executive Manager Development & Regulatory Services
- Executive Manager Technical & Rural Services

A senior employee in the organisation is not automatically a designated employee under s.5.37.

Section 2 - Administration / Organisation

2.1 Common Seal – Execution of documents

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s. 5.43(ha) – CEO cannot authorise a person to sign documents on behalf of the local government • s.9.49A(1) – only affixed as authorised by Council • s.9.49A(2) – only to documents as authorised by Council • s.9.49A(3) – affixed in presence of President and CEO or senior employee authorised by CEO • s.9.49A(4) – Council may authorise person to sign documents • s.9.49A(5) – Document does not have legal status as a deed unless permitted and executed as a deed <p>Local Government (Functions & General) Regulations 1996 –</p> <ul style="list-style-type: none"> • r.34 – Common seal, unauthorised use of
Corporate context	None
Primary delegation	CEO
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	File copy of document executed Common Seal – Register of Use
File number	Various according to subject
History	Adopted 12 July 2016

Functions to be performed

Council delegates authority to the President and the CEO to affix the Common Seal without prior approval by Council where the document is –

- a) a renewal or extension of an original document, and there is no significant variation in clauses or conditions in the renewal;
- b) an agreement to provide funding to the Shire and the project/item to be funded is disclosed in the budget or previously approved by Council.

Subject to the conditions above on use of the Common Seal, the CEO is delegated authority to sign and make all necessary arrangements including lodgement, removal, withdrawal, surrender or modification to –

- (a) Notifications, covenants and easements under the Transfer of Land Act 1893;
- (b) reciprocal access and/or parking agreements;
- (c) rights of carriageway agreements;
- (d) caveats under the Transfer of Land Act 1893; and
- (e) easements or deeds under the Land Administration Act 1997 or Strata Titles Act 1985.

The Common Seal is to be kept in the custody of the CEO.

– End of Delegation

Notes

The Local Government Act s.5.43 (ha) prohibits the CEO delegating the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government (i.e. to make a decision whether to sign/affix the seal or not).

This is not to be confused with the power of the CEO under 9.49A(3)(b) to authorise a senior employee to sign a document to attest that the common seal was so affixed (i.e. the decision to affix the seal was made by authorised persons prior).

Most contracts for supply of services, including contracts of employment, do not legally require the Common Seal to be affixed, although its use may be usual practice.

2.2 Destruction of records

Statutory context	State Records Act 2000 – <ul style="list-style-type: none"> • s.16 (2) – mandatory compliance of record keeping plans with principles and standards of the State Records Commission • s.19 – requirement for a record keeping plan • Sch.1 cl.12 – local governments are a government organisation Local Government General Disposal Authority
Corporate context	Record Keeping Plan
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services
Formal record of use	Signed authority for destruction of records
File number	16.3.1 / 16.3.2 / 16.3.5
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to destroy records subject to compliance to –

- the Local Government General Disposal Authority as prepared by the State Records Office, and
- Shire of Narrogin Record Keeping Plan.

– End of Delegation

Notes

2.3 Confidential records – Inspection

Statutory context	<p>Local Government Act 1995 –</p> <ul style="list-style-type: none"> • s.5.92 – <u>Council or committee members</u> may access confidential information only if, and to the extent necessary, to fulfil their function • s.5.93 – penalties if Council or committee member, or employee misuses information • 5.94 – public inspection of information permitted, with some restrictions • s.5.94 (1) to (3) – information that is required to remain confidential • s.5.95 (1) to (6) and (8) – exclusions from public inspection • s.5.95 (7) – some previously confidential information may be made available in some circumstances <p>Administration Regulations 1996 –</p> <ul style="list-style-type: none"> • r.29A – limits on confidential information that may be inspected <p>Rules of Conduct Regulations 2007 –</p> <ul style="list-style-type: none"> • r.6 – use of information, including confidential information, by council members • r.7 – prohibition on improper use, for personal advantage or to someone's detriment • r.8 – misuse of local government resources
Corporate context	Shire of Narrogin Record Keeping Plan
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services
Formal record of use	File copy of written request and decision by CEO
File number	16.3.1 / 16.3.2
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to make available information determined by Council or the CEO to be confidential, and not available for public inspection.

Prior to making a decision, the CEO is to determine –

- (a) whether or not the information should remain confidential or public inspection permitted;
- (b) the extent of information that may be released.

The CEO is to use discretion in exercising the authority, taking note that –

- (a) there is no compulsion to release confidential information,
- (b) some information is required to remain confidential.

– End of Delegation

Notes

Examples of information that is required to remain confidential includes –

- (a) employee details, conditions, negotiations etc
- (b) supplier's bank information;
- (c) details required by legislation to be omitted from electoral roll;
- (d) information regarding debts owed to the Shire

CEO may consider some information to remain confidential, due to –

- (a) commercial in confidence;
- (b) potential for misuse;
- (c) insufficient reasons/justification to access the information.

Note – refusal of access does not prevent application being made under the Freedom of Information Act.

Section 3 - Financial Management

3.1 Tenders – authority to set specifications, criteria, call, accept, vary

Statutory context	<p>Local Government Act 1995 –</p> <ul style="list-style-type: none"> • s.3.57– Tenders for providing goods or services • s.3.58 – Disposing of property • 5.43(b) – Limits on delegation to accept tenders <p>Local Government (Functions and General) Regulations 1996 – Part 4 – provision of goods and services</p> <ul style="list-style-type: none"> • Division 1 – Purchasing policies for local government <ul style="list-style-type: none"> ○ r.11A – requirement for a purchasing policy • Division 2 – Tenders for providing goods and services, specifically – <ul style="list-style-type: none"> ○ r.14(2a) – criteria for deciding on tender to be determined in writing prior ○ r.14(4) – information to be disclosed, specifications, own tender to be determined prior ○ r.14(5) – vary information disclosed subject to all being informed ○ r.20 – Minor variation of requirements before entry into contract ○ r.23 – Rejecting and accepting expressions of interest • Division 3 – Panels of pre-qualified suppliers, specifically – <ul style="list-style-type: none"> ○ r.24AD(2a) – requirements to join panel of pre-qualified suppliers <p>Part 4A – Regional Price Preference Part 6 - Miscellaneous</p> <ul style="list-style-type: none"> ○ 30 (3) – exempt disposition of property 						
Corporate context	<table border="0"> <tr> <td style="padding-right: 10px;">Delegation</td> <td>3.8 – Municipal Fund – Incurring expenditure</td> </tr> <tr> <td>Policy</td> <td>3.1 – Purchasing – Framework</td> </tr> <tr> <td>Policy</td> <td>3.2 – Local Price Preference</td> </tr> </table>	Delegation	3.8 – Municipal Fund – Incurring expenditure	Policy	3.1 – Purchasing – Framework	Policy	3.2 – Local Price Preference
Delegation	3.8 – Municipal Fund – Incurring expenditure						
Policy	3.1 – Purchasing – Framework						
Policy	3.2 – Local Price Preference						
Primary delegation	CEO						
Secondary delegation	Permitted						
Permitted to	<p>Executive Manager Corporate & Community Services Executive Manager Technical & Rural Services Executive Manager Development & Regulatory Services</p>						
Formal record of use	<p>Report to Council via monthly briefing papers Tender register and documentation on file</p>						
File number	1.2.1						
History	<table border="0"> <tr> <td style="padding-right: 20px;">Adopted</td> <td>12 July 2016</td> </tr> </table>	Adopted	12 July 2016				
Adopted	12 July 2016						

Functions to be performed

The CEO is delegated authority, subject to prior budget provision having been made or to give effect to a Council decision, to –

- (a) prepare and finalise specifications for calling all tenders, expressions of interest and panels for pre-qualified suppliers in accordance with Budget provision and at the appropriate time;
- (b) determine the criteria for assessment of all tenders, expressions of interest and panels for pre-qualified suppliers;
- (c) invite all tenders, expressions of interest and applications for panels of pre-qualified suppliers; or

- (d) approve a minor variation to an accepted tender, provided the intentions and purposes of the tender are not substantially altered, and where the effect on the total contract is a –
- (i) reduction;
 - (ii) increase in cost to a cumulative total of \$25,000 ex GST or 5% whichever is the greater, where the adjusted total remuneration remains within Budget provision; or
 - (iii) reasonable and unforeseen increase in duration of the contract.

The CEO is delegated authority to accept tenders called where the value of the proposed purchase is less than the tender threshold stipulated by Regulations, without further reference to Council.

All tenders and expressions of interest are to be approved by Council.

Acceptance and variation of tenders is limited to CEO only.

All matters dealing with purchase or disposal of land (sale or lease) are to have the specific authorisation of Council, subject to any prior directions of Council.

– End of Delegation

Notes

Expression of interest is not a quote – refer Functions & General Regulations r.21(3). The mandatory requirements are equivalent to those for a tender.

As clarification –

- Panels of suppliers – (a), (b) and (c) only apply
- Expressions of interest – (a), (b), (c) and (d) only apply

This delegation applies to all tenders – whether acquisition or disposal.

3.2 Contracts – Variations

Statutory context Local Government (Functions and General) Regulations 1996 –

- r.21A – Varying a contract for the supply of goods or services
- r.24AJ – Contracts with pre-qualified suppliers

Corporate context None

Primary delegation CEO

Secondary delegation Permitted

Permitted to Executive Manager Corporate & Community Services
Executive Manager Technical & Rural Services
Executive Manager Development & Regulatory Services

Formal record of use File copy of authorised variation

File number Various according to subject matter

History Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority subject to prior budget provision having been made or to give effect to a Council decision to accept a minor variation of a contract entered into, subject to the intentions and purposes of the tender are not substantially altered, and where the effect on the total contract is a –

- a) reduction;
- b) increase in cost to a cumulative total of \$25,000 or 5% whichever is the greater, where the adjusted total remuneration remains within Budget provision; or
- c) reasonable and unforeseen increase in duration of the contract.

– End of Delegation

Notes

3.3 Disposing of property, and impounded, confiscated or uncollected goods

Statutory context	<p>Local Government Act 1995 –</p> <ul style="list-style-type: none"> • s.3.39 – Power to remove an impound • s.3.40 – Vehicle may be removed if goods to be impounded are in or on it • s.3.40A – Abandoned vehicle wreck – disposal • s.3.41 – Impounded perishable goods • s.3.42 – Impounded non-perishable goods • s.3.43 – Impounded non-perishable goods, court may confiscate • s.3.44 – Notice to collect goods if not confiscate • s.3.47(1) – Confiscated or uncollected goods, disposal of • s.3.47(2b) – Periods of retention before disposal • s.3.48 – Impounding expenses, recovery of • s.3.58 – Disposing of property <p>Local Government (Functions and General) Regulations 1996 –</p> <ul style="list-style-type: none"> • r.29A – Abandoned vehicle wrecks, value etc. prescribed for • r.30 – Disposition of property excluded from Act s.3.58 • r.31 – Anti-avoidance provision for Act s.3.58
Corporate context	None
Primary delegation	Chief Executive Officer
Secondary-delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Technical & Rural Services Executive Manger Development & Regulatory Services
Formal record of use	Acceptance of offer on disposal file
File number	23.4.1
History	Adopted 12 July 2016

Function/s to be performed

The CEO is delegated authority to dispose of a vehicle considered to be an abandoned vehicle wreck under section 3.40A(3).

The CEO is delegated authority to dispose of goods confiscated under section 3.43.

The CEO is delegated authority to take all appropriate action under section 3.48 that may be necessary to recover the costs of impounding good or vehicles.

The CEO is delegated authority to dispose of property under section 3.58.

This delegated authority –

- (a) is subject to the operation of Delegation 3.1 Tenders.
- (b) applies to property other than land and buildings;
- (c) applies to property less than \$20,000 ex GST (individually or collective of associated similar items), unless prior authorisation given by Council specifically or by reference (such as trade-in vehicle or replacement vehicle);

- (d) applies to property that is surplus to requirements, unlikely to be used, damaged, or impounded;
- (e) is to be exercised ensuring disposal of assets is by offering them for public sale by any fair means, or to an appropriate not-for-profit community group;

Restrictions –

- (a) Where the “income” from the asset being disposed of is to be used as part of consideration for the acquisition of a new asset, both disposal and acquisition must be disclosed in Budget;
- (b) If required, transfer of the property is subject to the asset not being available to the purchaser until such time as the replacement asset is available for Shire use;
- (c) And price offered is paid

– End of Delegation

Notes

All matters dealing with purchase or disposal of land (sale or lease) are to have the specific authorisation of Council, subject to any prior directions of Council.

3.4 Disposing of land – leases, rentals etc

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.3.58 – disposition of assets Local Government (Function and General) Regulations 1996 – <ul style="list-style-type: none"> • r.30 – limited exemption for disposition of assets
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services
Formal record of use	File copy of notice
File number	5.1.5
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to determine leases, licences or rental of land or property for periods of 12 months or less, in accordance with any policy, guidelines or conditions as set by Council from time to time.

This delegation applies where the consideration is less than \$20,000 ex GST, unless prior authorisation given by Council specifically or by reference.

All leasing or rental of property for more than 12 months to be referred to Council for decision, except for staff in Shire owned housing.

All sale of land requires authorisation by Council resolution.

– End of Delegation

Notes

Dept of Local Government and Communities considers leasing and rentals to be disposal of land under LG Act s.3.58 as it is a grant of exclusive right for the period agreed.

Functions and General Regulations r.30 has different exemptions and different values for land and other property.

3.5 Rates record, extensions and objections

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.6.39 (2) – amend rate records for up to 5 years • s.6.40 (3) – refund of rates after overpayment • s.6.76 (4) – extension of time to make objection to rate record • s.6.76 (5) – determination of objection to rate record
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services
Formal record of use	File copy of rates notice, payment, agreement or determination
File number	25.3.1 Property / Assessment file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to –

- a) amend rate records for the past five years preceding the current year,
- b) refund of rates overpaid following an adjustment to the rate record if requested,
- c) extend the time for making the objection for such period as the CEO thinks fit, on application by a person proposing to make an objection to the rate record
- d) consider any objection to the rate record and may either disallow it or allow it, wholly or in part.

– End of Delegation

Notes

3.6 Sundry and rate debtors – Recovery and agreements

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.6.49 – Agreement as to payment of rates and service charges • s.6.56 (1) – recovery of rates by complaint or action • s.6.60 (2) – recovery of rates by requiring payment of rent to Shire
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Manager Finance
Formal record of use	File copy of instruction to court or debt collection agency etc, written agreement with debtor, notice tenant etc
File number	12.7.1 / 25.5.2 / Property file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to negotiate an agreement for the payment of rates, service charge and sundry debts, together with the costs of proceedings, if any, for that recovery, subject to any administrative or instalment charges, penalty interest etc being incorporated into the agreement.

The CEO is delegated authority to recover unpaid rates or service charges after becoming due and payable, together with the costs of proceedings, if any, for that recovery –

- by use of a debt collection agency,
- in a court of competent jurisdiction;
- by serving notice on a tenant to pay rent to the Shire;
- other such means as is provided for and appropriate.

The CEO is delegated authority to recover unpaid sundry debtors, together with the costs of proceedings, if any, for that recovery –

- by use of a debt collection agency,
- in a court of competent jurisdiction;
- other such means as is provided for and appropriate.

– End of Delegation

Notes

3.7 Write off of sundry debts

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.5.95– information that is required to remain confidential • s.6.12(c) – Power to write off any amount of money
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services
Formal record of use	Listing of debts written off to be signed by CEO Report to Council via monthly briefing papers of the number of debts and total amount only
File number	12.7.1
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to write off small amounts to a maximum of \$100.00 ex GST per individual debt for –

- (a) sundry debtors and any interest, charges and associated cost where the debtor can no longer be traced, or recovery is deemed unlikely;
- (b) interest on rates or service charges, or rate instalment charge where there is satisfactory evidence of attempt to pay by the required date –
 - (i) where as a result of daily interest calculations, the rates were intended to be paid in full, but an error occurred, or the payment was received by mail after the calculation was made; or
 - (ii) on transfer of the property from one owner to the next.

This delegation does not apply to an amount of rates or any service charge levied on the annual rate notice.

– End of Delegation

Notes

This delegation is not authority for the write-off of rates or service charges, but rate interest and administration charges and sundry debts. Where a write-off is intended for rate interest/charges, there must be evidence that reasonable attempts were made to pay the amount by the date of calculation.

Debt information is to be kept confidential under the Local Government Act s.5.95(2), and therefore no identifying details should be in public documents such as Agendas or Minutes. Debt information includes rate debts as well as sundry debts.

3.8 Municipal Fund – Incurring expenditure

Statutory context	<p>Local Government Act 1995 –</p> <ul style="list-style-type: none"> • s.6.8 – expenditure from Municipal Fund • s.6.8(1)(c) – Payment in an emergency <p>Local Government (Financial Management) Regulations 1996 –</p> <ul style="list-style-type: none"> • r.5 – CEO’s duties as to financial management • r.11 – Payments, procedures for making etc • r.12 – Payments from municipal fund or trust fund, restrictions on making • r.13 – Duties of CEO <p>Local Government (Audit) Regulations</p> <ul style="list-style-type: none"> • r.16 – CEO to review certain systems and procedures 				
Corporate context	<table border="0"> <tr> <td>Council Policy</td> <td>3.1 – Purchasing – Framework</td> </tr> <tr> <td>Council Policy</td> <td>3.2 –Purchasing – Local Price Preference</td> </tr> </table>	Council Policy	3.1 – Purchasing – Framework	Council Policy	3.2 –Purchasing – Local Price Preference
Council Policy	3.1 – Purchasing – Framework				
Council Policy	3.2 –Purchasing – Local Price Preference				
Primary delegation	CEO				
Secondary delegation	Permitted				
Permitted to	Executive Manager Corporate & Community Services				
Formal record of use	<p>Issue of purchase order.</p> <p>Receipt of expenditure</p> <p>Reconciled credit card or store card statement signed by the authorised user</p>				
File number	Not applicable				
History	<table border="0"> <tr> <td>Adopted</td> <td>12 July 2016</td> </tr> <tr> <td>Amended</td> <td>_____</td> </tr> </table>	Adopted	12 July 2016	Amended	_____
Adopted	12 July 2016				
Amended	_____				

Functions to be performed

The CEO is delegated authority to incur expenditure from the Municipal Fund subject to –

- (a) being compliant with the Local Government Act and Regulations,
- (b) being in accordance with the adopted Budget,
- (c) being authorised by a resolution of Council,
- (d) and being compliant with –
 - i) Delegation 3.1 Tenders, and
 - ii) Council Policy 3.1 and 3.2,
- (e) being authorised emergency expenditure.

The CEO is to ensure –

- (a) systems and procedures required by FM Reg. r.5 are in place;
- (b) compliance with procedures developed in accordance with FM Reg r.11;
- (c) constant review of procedures in accordance with Audit Reg. r.17

The CEO may authorise the issue of a second credit card to a senior executive officer.

The CEO is authorised to approve appropriate staff to issue purchase orders, and use of credit cards and store cards –

- (a) within limits as considered appropriate,

- (b) Use of credit cards to a maximum of \$15,000 in total and store cards to a maximum account value of \$2,000.

– End of Delegation

Notes

This delegation is not for authorisation of payments from Municipal Fund Bank Account or Trust Fund Bank Account, or the procedures required for the processing of creditors invoice.

3.9 Municipal Fund and Trust Fund – Payments from Bank Accounts

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.6.8 – expenditure from Municipal Fund • s.6.8(1)(c) – Payment in an emergency Local Government (Financial Management) Regulations 1996 – <ul style="list-style-type: none"> • r.5 – CEO’s duties as to financial management • r.11 – Payments, procedures for making etc • r.12 – Payments from municipal fund or trust fund, restrictions on making • r.13 – Duties of CEO Local Government (Audit) Regulations <ul style="list-style-type: none"> • r.16 – CEO to review certain systems and procedures
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Technical & Rural Services Executive Manager Development & Regulatory Services Manager Finance
Formal record of use	Copy of approval, authorisation, payment of invoice etc. with financial transaction Monthly report to Council Meeting
File number	Not applicable
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to make payments from the Municipal Bank Account and Trust Bank Account subject to –

- being in accordance with the adopted Budget;
- being authorised by a resolution of Council;
- disbursement as authorised, of funds lodged to the Trust Account, or
- being authorised emergency expenditure.

The CEO is to ensure –

- systems and procedures required by FM Reg. r.5 are in place;
- compliance with procedures developed in accordance with FM Reg r.11;
- constant review of procedures in accordance with Audit Reg. r.17

All transactions are to have the authorised signatures or secure electronic passwords by any two of the following authorised persons, jointly –

Position	Authorising Signature / Electronic Password	
	Initial	Secondary
CEO	All	All
EMCCS	All	All
EMDRS	All	All
EMTRS	All	All
MF	All	All

– End of Delegation

Notes

This delegation is not for the issue of purchase orders, use of credit cards, store cards or fuel cards, or procedures for the processing of creditors invoice.

3.10 Investments

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.6.14 – Power to invest Local Government (Financial Management) Regulations <ul style="list-style-type: none"> • r.19 – Investments, control procedure for • r.19C – Investments of money, restrictions on
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Technical & Rural Services Executive Manager Development & Regulatory Services Manager Finance
Formal record of use	Record of lodgement of funds for investment, and instructions given
File number	12.3.2
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to invest money held in any Council fund that is not required for immediate use, provided that sufficient working funds are retained at all times.

All transactions are to have two authorised signatures or secure electronic passwords, at least one of whom must be –

- (a) CEO;
- (b) Executive Manager Corporate & Community Services; or
- (c) Manager Finance

Second signatories may be –

- (d) Executive Manager Development & Regulatory Services
- (e) Executive Manager Technical & Rural Services

– End of Delegation

Notes

FM Reg r.19C imposes limits on institutions, duration of investment, type etc.

3.11 Donations – Financial and In-kind Works / Services

Statutory context	Local Government Act 1995
Corporate context	Delegation 3.8 Municipal Fund – Incurring expenditure
Primary delegation	CEO
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Office copy of approval / authorisation
File reference	2.10.1
History	Adopted 24 May 2017

Functions to be performed

The CEO is delegated authority to –

1. Financial

Where a donation is provided for by name in the adopted Budget, the CEO may make payment at the appropriate time or on application by the recipient.

Financial donations within the non-specified amount in the adopted Budget may be made by the CEO where –

- the amount does not exceed \$300 ex GST in any financial year;
- the recipient is a community group, sporting club or non-profit organisation;
- the recipient is based locally, or the purpose has particular benefit or application to the district.

Financial and works/service in-kind donations will not be considered for –

- businesses,
- individuals;
- recipients of funding from the “Community Chest” annual Budget allocation.

Donations for specific appeals such as a crisis appeal, will be considered individually by Council.

2. In-kind

In-kind works or services may be authorised by the CEO where –

- the amount does not exceed \$500 ex GST in any financial year;
- the recipient is a community group, sporting club or non-profit organisation;
- the recipient is based locally, or the purpose has particular benefit or application to the district.

– End of Delegation

Notes

3.12 Ex-Gratia Payments

Statutory context	Local Government Act 1995
Corporate context	Delegation 3.8 – Municipal Fund – Incurring Expenditure Council Policy 3.4 – Ex-gratia payments
Primary delegation	CEO
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Office copy of letters on subject file
File reference	2.10.1
History	Adopted 24 May 2017

Functions to be performed

The CEO is delegated authority to determine ex-gratia payment claims made on the Shire if the claim –

- complies with the conditions stipulated in Council Policy 3.4 – Ex-Gratia Payments,
- is less than the relevant insurance policy excess.

Should the claim be declined by the CEO, the matter is to be referred to Council if requested by the claimant.

– End of Delegation

Notes

Section 4 - Order / public safety

4.1 Disposal of sick or injured animals

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> s.3.47A – Sick or injured animals, disposal of
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Development & Regulatory Services Executive Manager Technical & Rural Services Rangers
Formal record of use	File copy of written instruction or record of destruction
File number	19.1.3
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to arrange for an impounded animal that is ill or injured to an extent that treatment is not practical, to be humanely destroyed.

The CEO is delegated authority to take all appropriate action that may be necessary to recover the costs of destroying the animal.

– End of Delegation

Notes

4.2 Cat Act 2011

Statutory context	Cat Act 2011 – <ul style="list-style-type: none"> • s.44 – Council may delegate to CEO • s.45 – CEO may delegate to any employee • s.48 – an authorised person may perform functions under the Act • s.70 – dealing with objections – to be by Council • s.73(1) – Prosecutions under the Act
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services Executive Manager Corporate & Community Services Rangers Customer Service Officers
Formal record of use	File copy of notice, approval etc.
File number	19.7.5
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to exercise all discretionary matters in the Cat Act 2011, including –

- (a) issue of all notices and infringements etc;
- (b) granting, refusal, cancellation and setting conditions of approval to conduct activities;
- (c) extending the time period within which infringement notices may be paid.
- (d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;
- (e) carrying out of works in default of a duly served notice;

The delegation excludes –

- (a) determination of any fee or charge
- (b) dealing with an objection.

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- (a) is of such severity that the action is appropriate or
- (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

– End of Delegation

Notes

The Act (e.g. s.63, s.64, s.65) restricts some matters to CEO.

For the purposes of the Act s.48(2), s.62 and this delegation, a person under contract is considered to be an employee.

Objections and review are those matters refused under delegated authority which the applicant requests Council to reconsider.

4.3 Cats Local Law 2016

Statutory context	Cats Local Law 2016 <ul style="list-style-type: none"> • s.44 – Council may delegate to CEO • s.45 – CEO may delegate to any employee • s.48 – an authorised person may perform functions under the Act • s.73(2) – Prosecutions under a local law <p>Local Government Act 1995 –</p> <ul style="list-style-type: none"> • s.9.6 – Dealing with objection – to be by council <p>Shire of Narrogin Cats Local Law 2016</p>
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services Executive Manager Corporate & Community Services Rangers Customer Service Officers
Formal record of use	File copy of approval of discretionary use
File number	19.7.5
History	Adopted 9 August 2016

Functions to be performed

The CEO is delegated authority to approve all discretionary matters in the Shire of Narrogin Cats Local Law 2016 including –

- granting, refusal, cancellation and setting conditions of approval to conduct activities;
- issue of all notices and infringements etc;
- extending the time period within which infringement notices may be paid.
- withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;
- carrying out of works in default of a duly served notice;

The delegation excludes –

- determination of any fee or charge
- dealing with an objection.

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- is of such severity that the action is appropriate or
- an infringement notice remains unpaid after reasonable attempts to obtain payment.

– End of Delegation

Notes

For the purposes of the local law and this delegation, a person under contract is considered to be an employee.

Objections and review are those matters refused under delegated authority which the applicant requests Council to reconsider.

4.4 Dog Act 1976

Statutory context	Dog Act 1976 – <ul style="list-style-type: none"> • s.11 – appointment of dog registration officer • s.10AA – delegations must be to CEO, who may delegate functions • s.29 – appointment of authorised person to perform functions under Act • s.33F – dealing with objections (dangerous dogs) • s.44(2)(b) – enforcement proceedings by an authorised person
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services Executive Manager Corporate & Community Services Rangers Customer Service Officers
Formal record of use	File copy of notice
File number	19.7.4
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to exercise all discretionary matters in the Dog Act 1976, including –

- (a) granting, refusal, cancellation and setting conditions of approval to conduct activities;
- (b) issue of all notices and infringements etc;
- (c) extending the time period within which infringement notices may be paid.
- (d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;
- (e) carrying out of works in default of a duly served notice

The delegation excludes –

- (a) determination of any fee or charge
- (b) dealing with an objection.

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- (a) is of such severity that the action is appropriate or
- (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

The CEO has authority to waive the registration fee for a maximum of 12 months where a dog is rescued from impoundment by a new owner.

– End of Delegation

Notes

For the purposes of the Act s.10AA(5) and this delegation, a person under contract is considered to be an officer.

Objections and review are those matters refused under delegated authority which the applicant requests Council to reconsider.

4.5 Dogs Local Law 2016

Statutory context	Dogs Act 2016 – <ul style="list-style-type: none"> • s.10AA – delegations must be to CEO, who may delegate functions • s.29 – appointment of authorised person to perform functions under Act • s.44(2)(b) – enforcement proceedings by an authorised person Local Government Act 1995 – <ul style="list-style-type: none"> • s.9.6 – Dealing with objection – to be by council Shire of Narrogin Dogs Local Law 2016 – <ul style="list-style-type: none"> • cl.4.15 – dealing with objections – to be by Council
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services Executive Manager Corporate & Community Services Rangers Customer service officers
Formal record of use	File copy of approval of discretionary use
File number	19.7.4
History	Adopted 9 August 2016

Functions to be performed

The CEO is delegated authority to approve all discretionary matters in the Shire of Narrogin Dogs Local Law 2016 including –

- granting, refusal, cancellation and setting conditions of approval to conduct activities;
- issue of all notices and infringements etc;
- extending the time period within which infringement notices may be paid.
- withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;
- carrying out of works in default of a duly served notice;

The delegation excludes –

- determination of any fee or charge
- dealing with an objection.

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- is of such severity that the action is appropriate or
- an infringement notice remains unpaid after reasonable attempts to obtain payment.

– End of Delegation

Notes

For the purposes of the local law and this delegation, a person under contract is considered to be an employee.

Objections and review are those matters refused under delegated authority which the applicant requests Council to reconsider.

4.6 Impounding of vehicles and goods

Statutory context	Local Government Act 1995 – Part 3, Division 3, Subdivision 4 – Impounding abandoned vehicles wreck and goods involved in certain contraventions <ul style="list-style-type: none"> • s.3.37 to s.3.48
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services Executive Manager Corporate & Community Services Executive Manager Development & Regulatory Services Rangers
Formal record of use	File copy of notice
File number	19.4.2
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to the power to remove and impound goods from a public place if –

- (a) the goods or vehicle present a hazard to public safety;
- (b) the goods or vehicle obstruct the lawful use of any place;
- (c) the goods ore vehicle have been, or appear to have been abandoned

The CEO is delegated authority to take all appropriate action that may be necessary to recover the costs of impounding vehicles and goods.

– End of Delegation

Notes

Disposal of impounded vehicles or goods is covered by Delegation 3.2

4.7 Impounding of cattle etc

Statutory context	Local Government (Miscellaneous Provisions) Act 1960 – <ul style="list-style-type: none"> • s.458 – power to impound trespassing cattle • s.459 – power to destroy cattle in certain circumstances • s.460 – impounding in other than a public pound • s.462 – fees for impounded cattle • s.463 – damage by trespassing cattle • s.464 – local government may vary fees of Sch.2, 3, 4 after notice in Government Gazette
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services Executive Manager Corporate & Community Services Executive Manager Development & Regulatory Services Rangers
Formal record of use	Impounding register
File number	19.1.3
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to enforce the provisions of the Local Government (Miscellaneous Provisions) Act 1960, and Regulations.

The CEO is authorised to make appropriate arrangements for the custody and care of cattle, either within a designated pound, or by written arrangement with a land holder, including any costs or charges the landholder may incur or impose

The CEO is authorised to recover the costs and charges imposed by the landholder from the owner of the cattle.

The CEO is delegated authority to take all appropriate action that may be necessary to recover the costs of impounding the animal.

– End of Delegation

Notes

Although “cattle” is not defined, the Local Govt (Miscellaneous Provisions) Act provides for charges for various animals, that include sheep impounded–

- Schedule 2 – Ranger’s fees
- Schedule 3 – Poundage and sustenance charges
- Schedule 4 – rates for damage by trespass by cattle

Animals listed in the Schedules include in various combinations of descriptions –

- (1) Entire horses, mules, asses, camels, bulls or boars above or apparently above the age of 2 years
- (2) Entire horses, mules, asses, camels, bulls or boars under the age of 2 years
- (3) Mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers, calves, rams or pigs
- (4) Pigs of any description
- (5) Rams, wethers, ewes, lambs, goats
- (6) Sheep of any description
- (7) Goats

4.8 Parking Local Law 2016

Statutory context	Parking Local Law 2016
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services Rangers
Formal record of use	File copy of approval of discretionary use
File number	19.7.3
History	Adopted 9 August 2016

Functions to be performed

The CEO is delegated authority to approve all discretionary matters in the Shire of Narrogin Parking Local Law 2016 including –

- (a) granting, refusal, cancellation and setting conditions of approval to conduct activities;
- (b) issue of all notices and infringements etc;
- (c) extending the time period within which infringement notices may be paid.
- (d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;
- (e) carrying out of works in default of a duly served notice;

The delegation excludes –

- (a) determination of any fee or charge

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- (a) is of such severity that the action is appropriate or
- (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

– End of Delegation

Notes

Section 5 - Fire Control

5.1 Issue of burning permits – CEO

Statutory context	<p>Bush Fires Act 1954 –</p> <ul style="list-style-type: none"> • s.18 – Restricted burning times <ul style="list-style-type: none"> (1) – nothing in this section permits burning in prohibited period (2) – prohibited & restricted times to be published in Government Gazette (5) – Local government may vary burning periods after consultation (5B) – variation for maximum of 14 days (5C) – burning period restrictions apply to variation period (6) – permit required to set fire to bush from either FCO or CEO (7) – person issuing permit may apply requirements or conditions (8) – permit holder to comply with conditions (9) – permit may authorise burning of bush on adjoining road reserve (10A) – local government may adopt enforceable schedule for burning (11) – if fire escapes etc expenses up to \$10,000 may be recouped (12) – penalty on first breach \$4,500, subsequent breaches \$10,000 • s.23(2)(a)(iv) – road verge burning between constructed portion of road and established fire break only • s.24A – clover may be burnt in prohibited burning period with permit <p>Bush Fire Regulations 1954 –</p> <ul style="list-style-type: none"> • r.15(1) – Permit to burn as per section 18 of the Act • r.15(2) – If request to burn is conditional or refused, review is only by the local government or Chief BFCO • r.15A – BFCO to comply with directions of local government • r.15B – Permit holder to comply with permit conditions • r.15C – Local Government may prohibit burning on certain days • r.16 – CEO or specifically authorised person may permit burning of clover in prohibited period • r.17 – permit required to burn clover • r.18 – 7 days notice of clover burn required, under specified restrictions • r.19A – duties of clover burning permit holder • r.20 – local government may prohibit issue of clover burn permits • r.21A – permit holder may be required to advertise clover burn • r.21B – FCO may postpone clover burn <p>Public Places and Local Government Property Local Law 2016</p> <ul style="list-style-type: none"> - activities on land under Council management and control including roads
Corporate context	None
Primary delegation	CEO
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Duplicate copy of permit issued
File number	Not applicable

History Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to issue, vary or prohibit burning permits in accordance with Bush Fires Act s.18 and Bush Fires Regulations r.15(1).

The CEO is delegated authority, in consultation with the Chief Bush Fire Control Officer and the issuing FCO is possible, to review or vary the conditions of a permit issued, or issue a permit if refused.

The CEO is delegated authority to issue, vary or prohibit permits to burn clover in accordance with Bush Fires Act s.18 and Bush Fires Regulations r.16.

The CEO is delegated authority to approve applications to burn a road verge vested in the care, control and management of the Shire, in accordance with the Bush Fires Act 1954 s.18(9), subject to the applicant obtaining the approval of the Dept of Parks and Wildlife.

The CEO is delegated authority, in consultation with the Chief Bush Fire Control Officer, to issue instructions, restrictions or conditions relating to burning permits to apply generally throughout the Shire.

– End of Delegation

Notes

The Act s.16(6)(a) stipulates

...obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer ...

Refer also Delegation 19.1 and 19.2.

Issue of burning permits may be done by an authorised person – see Delegations 1.1 and 19.1.

5.2 Fire fighting – Emergency plant hire

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.6.8(1)(c) – authorisation of unbudgeted expenditure in an emergency <p>Bush Fires Act 1954 –</p> <ul style="list-style-type: none"> • s.38(3)(4)(5) – appointed BFCO’s may exercise specific authorities given to them
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services Executive Manager Community & Corporate Services Executive Manager Development & Regulatory Services
Formal record of use	Report to Council via briefing papers Duplicate copy of purchase order issued File copy of notes
File number	9.2.1
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to commit expenditure for the private hire of plant and equipment necessary for the efficient fighting and control of fires.

– End of Delegation

Notes

The approval to be sought is an administrative function for expenditure purposes only, and does not extend to giving of operational instructions.

Where possible, the CEO is to seek advice from the senior FCO at the fire, and approval from the President or Deputy President. However, since this delegation will only be used in emergency situations, it is acknowledged that this may not be possible.

Adequate resources to fight a fire, for the safety of fire fighters, and for the protection of life and property have the highest priority, and are not to be unnecessarily jeopardised by delay.

5.3 Restricted burning periods – Variations

Statutory context	Bush Fires Act, 1954 – <ul style="list-style-type: none"> - s.18(5) – authority to vary restricted burning time - s.18(5B) – time may not be varied by more than 14 days - s.18(5C) – compliance requirements as per s.17(8),(9),(10),(11) - s.48(1) – authority to delegate to CEO
Corporate context	None
Primary delegation	CEO
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	File copy of variations approved
File number	9.2.1
History	Adopted _____

Functions to be performed

The CEO is delegated authority to exercise the powers of Council under the Bush Fires Act 1954 s.18(5) variate of restricted burning periods,

Prior to advertising the variation, the CEO is to consult with –

- the Dept of Parks and Wildlife in accordance with s.18(5), and
- the Chief BFCO is unavailable, or Deputy Chief BFCO if Chief BFCO is unavailable.

– End of Delegation

Notes

Section 6 - Environmental Health / Food

6.1 Control of environmental health matters

Statutory context	Public Health Act 2016 <ul style="list-style-type: none"> • s.4(2) – authorised officer • s.21 – authority to delegate to CEO • s.24 – authorised person must be qualified • s.25 – authorised person must have acceptable qualifications or be an EHO <p><i>Government Gazette 24 Jan 2017 – Designation of Health Authorised Officers</i></p>
Corporate context	None
Primary delegation	CEO
Secondary delegation	Required
Permitted to	Environmental Health Officer
Formal record of use	Report to Council via monthly briefing papers File copy of notice
File number	11.1.1
History	Adopted 12 July 2016 Amended 24 May 2017

Functions to be performed

The CEO is delegated authority to exercise and discharge all or any of the powers and functions of the local government with regard to the Health Act 1911 and Regulations, including but not limited to –

- (a) Part IV Sanitary Provisions,
- (b) Part V Dwellings;
- (c) Part VI Public Buildings;
- (d) Part VII Nuisances and Offensive Trades;
- (e) Part IX Infectious Diseases;
- (f) Part XV Miscellaneous Provisions;
- (g) Regulations made under the above parts of the Health Act 1911, and in particular the Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974

Where approvals are required, compliance with the Health Act and Regulations, the Building Code of Australia, the Local Planning Scheme and Planning Policies is mandatory.

Any application not complying is to be refused, unless there is a discretion, in which case it is to be referred to Council for decision.

The delegation excludes –

- (a) determination of any fee or charge;
- (b) dealing with an objection,

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- (a) is of such severity that the action is appropriate or
- (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

Any prosecution proposed is to be referred to Council for decision to proceed.

– End of Delegation

Notes

It should be noted that in some instances the EHO may be required to act without reference to Council or CEO, and regardless of Council's or CEO's wishes.

Objections and review are those matters refused under delegated authority which the applicant requests Council to reconsider.

The Public Health Act 2016 –

21. Enforcement agency may delegate

- (1) A power or duty conferred or imposed on an enforcement agency may be delegated –
 - (a) if the enforcement agency is the Chief Health Officer, in accordance with section 9; or
 - (b) if the enforcement agency is a local government, to –
 - (i) the chief executive officer of the local government; or
 - (ii) an authorised officer designated by the local government;

The effect of the delegation is that the CEO is to cause various actions to be taken by an authorised person.

Authorised person must be either –

- a) an EHO in the employ of the Shire at the time of the Public Health Act 2016 coming into force, or
- b) hold an appropriate qualification as published in the Government Gazette of 24 January 2017.

6.2 Health Local Law 2017 – authorised person

Appointment under Model A Series

Adoption of this Delegation is deferred until after publication of the Health Local Law in the Government Gazette.

6.3 Amenity Local Law 2016

Adoption of this Delegation is deferred until after publication of the Amenity Local Law in the Government Gazette.

Section 7 - Community Services

7.1 Cemetery Local Law 2016

Statutory context	Cemetery Local Law 2016
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Development & Regulatory Services Employee responsible for cemetery administration Rangers
Formal record of use	File copy of approval of grant of right of burial, pre-need certificate, notice etc Duplicate copy of infringement etc
File number	24.7.1
History	Adopted 9 August 2016

Functions to be performed

The CEO is delegated authority to approve all discretionary matters in the Shire of Narrogin Cemetery Local Law 2016 including –

- (a) granting, refusal, cancellation and setting conditions of approval to conduct activities;
- (b) issue of all notices and infringements etc;
- (c) extending the time period within which infringement notices may be paid.
- (d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;
- (e) carrying out of works in default of a duly served notice;

The delegation excludes –

- (a) determination of any fee or charge

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- (a) is of such severity that the action is appropriate or
- (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

– End of Delegation

Notes

Section 8 - Personnel

Applying to all matters in relation to personnel and employment –

Local Government Act 1995 –

s.5.41 Functions of CEO

The CEO's functions are to –

....

(a) manage the day to day operations of the local government; and

....

(g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

....

Local Government (Rules of Conduct) Regulations 2007 –

r.10 Relations with local government employees

(1) A person who is a council member must not –

(a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.

....

Policy 1.1 – Code of Conduct

For clarification regarding appointment, management and direction of employees –

Employee class	Council involvement	Elected member / Committee involvement	CEO involvement
CEO	<u>Required.</u> May delegate selection and interview to a Committee. Appointment must be by Council resolution.	<u>Permitted</u> – to interview and recommend to Council. <u>Prohibited</u> – to appoint, manage or direct.	As directed by Council, usually limited to process, research and reporting on an applicant.
Designated staff LG Act s.3.57	<u>Required</u> – to consent to appointment or dismissal. <u>Permitted</u> – Interview & recommendation can be done by CEO alone or with elected member input. <u>Prohibited</u> – management or direction.	<u>Permitted</u> – to interview and recommend to Council. <u>Prohibited</u> – to appoint, manage or direct.	<u>Required</u> to initiate / consent to appointment or dismissal. <u>Statutory function</u> – to manage and direct.
EHO	<u>If designated senior officer</u> – as above, otherwise – <u>In all cases</u> – qualification must comply with Public Health Act 2016 s.17.		
Other staff (non-designated)	<u>Prohibited</u> – Involvement in appointment, management or direction.	<u>Prohibited</u> – involvement in appointment, management or direction.	<u>Statutory function</u> – to appoint, manage, direct etc.

8.1 Designated senior employee – Vacancy

Statutory context	Local Government Act 1995 – • s.5.37 (3) – advertising of designated senior positions
Corporate context	None
Primary delegation	CEO
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Report to Council recommending appointment File copy of finalised Information Package
File number	Personnel file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to determine an appropriate employment package for designated senior staff other than CEO, with consideration to include but not limited to –

- (a) salary,
- (b) salary sacrifice options;
- (c) removal expenses,
- (d) accommodation arrangements,
- (e) private use of vehicle etc, and
- (f) any associated FBT implications.

The CEO is delegated authority to advertise the vacancy when, as and for an appropriate period.

– End of Delegation

Notes

This delegation does not extend to –

- the appointment of a person to the vacancy without Council consent.
- determining the remuneration package for a CEO.

Information Package for a vacancy to include –

- remuneration range;
- other benefits available;
- selection criteria or key position requirements
- closing date and application submission requirements
- any additional information appropriate.

8.2 Long service leave

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.5.48 – Long service leave benefits for employees Local Government (Long Service Leave Regulations) <ul style="list-style-type: none"> • r.6A – long service leave on half pay • r.6B – long service leave on double pay • r.7 – taking of long service leave • r.8(2) – Payment for or in lieu of leave
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services
Formal record of use	Personnel file copy of letter to employee advising of decision
File number	Personnel file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to approve –

- (a) applications for long service leave at half pay;
- (b) applications for long service leave at double pay;
- (c) appropriate period or period for taking of long service leave;
- (d) on application of the employee, to defer taking of long service leave beyond 6 months of becoming entitled subject, subject to the employee's agreement to –
 - (i) deferral being for not more than 2 years, and
 - (ii) rate of pay shall not exceed that applicable to the employee at the end of 6 months of becoming entitled.

On application, the CEO is to advise the employee that deferral of long service leave beyond six months of becoming due may be approved however when the leave is taken it will be paid at the hourly rate earned by the employee at the anniversary of the 10th year plus six months.

– End of Delegation

Notes

Applications that are to be referred to Council –

- (a) deferment of long service leave for more than 2 years;
- (b) request for payment at a rate greater than the rate applicable at 6 months after becoming entitled;
- (c) payment at the higher rate, where long service leave has been deferred at the request of the CEO.

Section 9 - Occupational Safety & Health

This section is currently empty

Section 10 - Building / Development

10.1 Building permits (authorised person)

Statutory context	<p>Local Government Act 1995 –</p> <ul style="list-style-type: none"> • s.5.36 – Local government employees <p>Building Act 2011 –</p> <ul style="list-style-type: none"> • s.3 – authorised person to be designated under s.96 • s.96(3) – the local government may designate a person to be authorised • s.127(3) – delegation by a local government must be to an employee • s.127(6A) – further delegation of authority given to CEO <p>Building Regulations 2012 –</p> <ul style="list-style-type: none"> • r.31B – applicable standards for buildings in bush fire prone areas <p>Building Services (Registration) Act 2011</p> <ul style="list-style-type: none"> • s.17 – registration of building service practitioners <p>Building Services (Registration) Regulations 2011 –</p> <ul style="list-style-type: none"> • r.4 – prescribed levels for building surveying • Part 3A – Building surveyors
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services Registered Building Surveyor Authorised Building Officer
Formal record of use	Report to Council via monthly briefing papers – Items (a), (b), (h), (i) File copy of permit, notice etc issued
File number	Property file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to determine matters under –

- (a) sections 18, 20, 22, 23, 24 – Building permits
- (b) sections 21, 22, 23, 24 – Demolition permits
- (c) sections 27 – Conditions for building permit or demolition permit
- (d) sections 32 – Duration of building permit or demolition permit
- (e) sections 58, 59, 60 – occupancy permit
- (f) sections 62 – conditions of occupancy permit
- (g) sections 65 – duration of occupancy permit
- (h) sections 110, 111, 112 – Issue of notices and building orders
- (i) sections 117 – Revocation of building orders
- (j) sections 118 – giving effect to building order if non-compliance

The delegation excludes –

- (a) determination of matter requiring a registered building surveyor

The CEO is to be consulted prior to use of any sub-delegation in relation to items (b), (h), (i) and (j).

A building permit may be issued if –

- (a) a valid Certificate of Design Compliance is presented;
- (b) compliance with requirements for bush fire prone areas;
- (c) all buildings where permitted in accordance with the Building Act 2011 and
- (d) the information required by the Regulations is provided.

A building permit is not to be issued unless payment has been received for –

- (a) the assessed building permit fees
- (b) Building Services Levy
- (c) Building and Construction Industry Training Fund levy, or production of evidence of payment or exemption where applicable

The following matters are to be referred to Council for decision

- (a) s.192 – Dangerous Buildings
- (b) s.193 – Removal of Neglected Building

Any prosecution proposed is to be referred to Council for decision to proceed.

– End of Delegation

Notes

Building permits are separate from the Local Planning Scheme functions, but are governed by them.

Any authorised person can issue a permit or notice etc – certifications can only be issued by a Registered Building Surveyor

For the purposes of this delegation, a Registered Building Surveyor under contract is considered to be an employee.

The Building Act 2011 requires response –

- within 10 days of lodgment, if a valid CDC is presented, as all assessment and preparation is done prior to lodgment in order to obtain the CDC, accordingly there is no reason that the CEO and other appropriate persons cannot be authorised to approve applications.
- for Class 1 and 10 buildings only, within 25 days of lodgement if a valid CDC is not presented, and the local government is required to source/provide the CDC.

With the Building Act 2011, the functions separated are –

- (a) Issue of permits, notices etc –
 - o does not require a registered person (Registered Building Surveyor), since the Certificate of Design Compliance has to be signed by a registered person
 - o the decision is on the basis of whether all the requirements of CDC have been met, and any appropriate person can do that if authorised
 - o delegation to issue permits can be made under this amended delegation
- (b) Building inspection and certification of plans still requires a registered person –
 - o who is registered as per the Act and Regulations and holding appropriate qualifications
 - o to provide a building certification service

Refer Delegation 17.1 Building certifications – Registered person

10.2 Illegal development

Statutory context	<p>Local Government Act 1995 –</p> <ul style="list-style-type: none"> • s.5.42(1)(b) – Delegation to CEO of powers under the Planning and Development Act 2005 s.214(2), (3) and (5) <p>Planning and Development Act 2005 –</p> <ul style="list-style-type: none"> • s.214 – development in contravention of planning scheme or interim development order <ul style="list-style-type: none"> ○ (2) – power to order stop work ○ (3) – power to remove, alter etc and restore land to original condition ○ (5) – if delay interferes with scheme operation, power to order work to be undertaken <p>Town Planning Scheme No. 1 –</p> <ul style="list-style-type: none"> • Part 9 – Applications for Planning Approval
Corporate context	Local Planning Policies
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services
Formal record of use	Report to Council via monthly briefing papers File copy of notice
File number	Property file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to issue notices in relation to illegal or delayed works in accordance with the Planning and Development Act 2005 s 214(2), (3) and (5).

Where a notice is not complied with, the CEO is authorised to commence prosecution without reference to Council.

– End of Delegation

Notes

10.3 Control of planning matters

Statutory context	Planning and Development Act 2005 – Part 5 – Local planning schemes <ul style="list-style-type: none"> • s.68 – Town planning schemes continued as local planning schemes • s.72 – Local government may prepare or adopt scheme • s.73 – Provisions of a local planning scheme • s.214 (2)(3)(5) – development works not in compliance may have written stop work or remedial action order issued Town Planning Scheme No. 1 – <ul style="list-style-type: none"> • Part 9 – Applications for Planning Approval
Corporate context	Local Planning Policies
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services
Formal record of use	Office copy of notice
File reference	Property file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to administer all planning matters or functions for the Shire of Narrogin, subject to compliance with –

- (a) Planning and Development Act,
- (b) Planning Regulations,
- (c) Residential R Codes
- (d) Local Planning Scheme, and
- (e) Local Planning Policy.

Any proposal that is not compliant, where discretionary approval by Council may be considered, is to be referred to Council for decision.

Any proposal requiring a decision but which has been refused is to be notified to Council for information.

The CEO is delegated authority to respond to –

- (a) any appeal against a discretionary decision of Council in accordance with Council's decision on the matter to which the appeal or request for reconsideration relates,
- (b) Development Assessment Panel requirements.

Where a planning approval is not complied with, the CEO is authorised to commence prosecution without reference to Council.

– End of Delegation

Notes

10.4 Applications for subdivision and amalgamations

Statutory context	Planning and Development Act 2005 – <ul style="list-style-type: none"> • s.4 – Subdivision includes amalgamation • s.135 – subdivision (and amalgamation) not permitted without WA Planning Commission approval • s.138(2) – Commission to have due regard to local planning scheme • s.142 – Commission to seek local government’s comments, objections, recommendations <p>Local Planning Scheme</p>
Corporate context	Local Planning Policies
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services
Formal record of use	File copy of advice of decision to applicant, developer etc
File number	18.6.4
History	Adopted 12 July 2016 Amended 24 May 2017

Functions to be performed

The CEO is delegated authority in respect to an application received from the *Western Australian Planning Commission (WAPC)* to subdivide, re-subdivide or amalgamate land contained within the local government and to recommend to the WAPC –

- No objection to the granting of approval of an application to amalgamate or subdivide involving five (5) lots or less (including lots forming part of any strata-title scheme), unless prior planning consent has been granted to a co-ordinated development over the land;
- No objection to the granting of approval of an application to rationalise or reconfigure existing allotments where there is no net increase in lots created, and the new lot sizes will conform with the relevant requirements of the local planning schemes and their policies, and policies adopted in accordance with the Planning and Development Act s.26 relating to State planning policies; and
- the imposition of relevant conditions on any approval proposed to be granted by the WAPC, considered necessary to secure the objectives of the local planning scheme, and any land use plan or strategy adopted by Council;

The CEO is delegated authority to certify to the WAPC compliance with conditions imposed on an approval to subdivide, re-subdivide or amalgamate land have been completed to the satisfaction of the Shire.

Standard conditions of subdivision approval as endorsed by the WA Planning Commission are to be used where possible.

– End of Delegation

Notes

Refer Planning Policy 1.1 – Subdivisions and amalgamations (in development)

10.5 Fencing Local Law 2016

Statutory context	Fencing Local Law 2016 <ul style="list-style-type: none"> • cl.7.1 – dealing with objections – to be by Council Town Planning Scheme No. 1 – <ul style="list-style-type: none"> • Part 9 – Applications for Planning Approval
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Development & Regulatory Services Registered Building Surveyor Authorised Building Officer
Formal record of use	File copy of advice of decision to applicant, developer etc
File number	Property file
History	Adopted 20 December 2016

Functions to be performed

The CEO is delegated authority to approve all discretionary matters in the Shire of Narrogin Fencing Local Law 2016 including –

- (a) granting, refusal, cancellation and setting conditions of approval to conduct activities;
- (b) issue of all notices and infringements etc;
- (c) extending the time period within which infringement notices may be paid.
- (d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;
- (e) carrying out of works in default of a duly served notice;

The delegation excludes –

- (a) determination of any fee or charge
- (b) dealing with an objection.

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- (a) is of such severity that the action is appropriate or
- (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

– End of Delegation

Notes

Objections and review are those matters refused under delegated authority which the applicant requests Council to reconsider.

Section 11 - Public Facilities

11.1 Liquor Control Act

Statutory context	Liquor Control Act 1988 – <ul style="list-style-type: none"> • s.39 – Certificate of local government of compliance with laws • s.40 – Certificate of planning authority of compliance with planning laws • s.156 – Local governments, functions of <p>Town Planning Scheme No. 1 –</p> <ul style="list-style-type: none"> • Part 9 – Applications for Planning Approval
Corporate context	Local Planning Policies
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Development & Regulatory Services Executive Manager Technical & Rural Services
Formal record of use	File copy of notice
File number	3.2.3
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to –

- (a) s.39 – Issue Certificates advising compliance with Food, Health and Local Government laws.
- (b) s.40 – Issue Certificates of the Local Planning Authority
- (c) s.66 (1)(d) and (2) – Respond to applications for Extended Trading Permits;
- (d) s.69 (8) – Make submissions on health grounds regarding a license;
- (e) s.153 (2) – Request copies of reports produced by the Liquor Licensing Authority;
- (f) s.156 – Report to the Liquor Licensing Authority any offences committed by a licensee and ensure appropriate assistance is given to the Authority if requested.

– End of Delegation

Notes

11.2 Discount/waiver/subsidy of facility hire fees

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.6.12(1)(b) – Power to defer, grant discounts etc
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services
Formal record of use	Copy of approval of written request
File number	12.15.3
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to approve reduction in fees and charges of Council owned facilities, subject to –

- a) the request is from a local community, charitable or not-for-profit organisation; or
- b) the event is for the specific benefit of the local community; and
- c) each request of the organisation does not exceed \$500 ex GST;
- d) cleaning cost of the venue hire is not to be discounted.

– End of Delegation

Notes

11.3 Public Places and Local Government Property Local Law 2016

Statutory context	Public Places and Local Government Property Local Law 2016
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Director Corporate & Community Services Executive Manager Technical & Rural Services Executive Manager Development & Regulatory Services Manager Operations Environmental Health Officer Rangers
Formal record of use	File copy of hire, approval, notice, etc File copy of advice of decision to applicant, developer etc Duplicate copy of infringement etc
File number	Property file Facility hire record, diary, receipt etc Local government property file
History	Adopted 20 December 2016

Functions to be performed

The CEO is delegated authority to approve all discretionary matters in the Shire of Narrogin Public Places and Local Government Property Local Law 2016 including –

- (a) hire of facilities, including issue of permit for consumption/sale of alcohol;
- (b) granting, refusal, cancellation and setting conditions of approval to conduct activities in public places or on local government property;
- (c) issue of all notices and infringements etc;
- (d) extending the time period within which infringement notices may be paid;
- (e) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;
- (f) carrying out of works in default of a duly served notice;

The delegation excludes –

- cl.1.5 – setting of any fee or charge
- cl.2.1 – making of a Determination;
- cl.2.6 – amending or revoking a Determination;
- cl.4.1 – Activities requiring a licence on local government property –
 - (c) erect a structure for amusement in excess of 28 days;
 - (m) erect a building or refuelling site;
 - (o) erect or install a structure for water, power, sewer, communication, television or similar service;
- cl.6.9 – giving notice of crossover in unsafe location;
- cl.11.1 – dealing with an objection;

On written application made under cl.3.3, the CEO is authorised to give permission to hirers of premises or land under the control and management of the local government to consume and sell liquor on the premises or land, under such conditions and in such areas as considered appropriate.

Every permit issued for consumption/sale of alcohol is to be advised to Narrogin Police.

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –
(a) is of such severity that the action is appropriate or
(b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

– End of Delegation

Notes

Refer Delegation 3.7 – Discount/waiver/subsidy of facility hire fees

Refer Delegation 15.2 – Native flora and Fauna

Objections and review are those matters refused under delegated authority which the applicant requests Council to reconsider.

Section 12 - Tourism

This section is currently empty

Section 13 - Works & Services

13.1 Reserves under control of the local government

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> s.3.54(1) – Reserves under control of a Local Government Land Administration Act 1997
Corporate context	Policy 13.1 – Standard Crossovers Policy 13.2 – Roads – Developer Conditions Policy 13.3 – Roads – Access to Lots / Locations without Road Frontage Policy 13.4 – Road Reserves – Stormwater Discharge
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Technical & Rural Services Executive Manager Development & Regulatory Services
Formal record of use	File copy of decision on written application
File number	21.4.2
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to do anything on land vested or under the control and management of Council –

- (a) subject to prior budget provision having been made, or
- (b) to give effect to a Council decision.

– End of Delegation

Notes

13.2 Things to be done on land not local government property

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.3.24 – Authorising person under this subdivision • s.3.27 – Particular things local government can do on land that is not local government property • s.3.33 – Entry under warrant • s.3.34(2) – Entry in an emergency • Sch.3.2 – Particular things local governments can do on land even though it is not local government property
Corporate context	None
Primary delegation	Chief Executive Officer
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services Executive Manager Corporate & Community Services Executive Manager Development & Regulatory Services Manager Operations
Formal record of use	File copy of notice
File number	Property file
History	Adopted 12 July 2016

Function to be performed

The CEO is delegated authority to carry out work on land that is not local government property subject to –

- a) prior budget provision having been made,
- b) to give effect to a Council decision;
- c) if the matter is considered to be an emergency;
 - a) the consent is obtained of –
 - the owner of the land;
 - if the land is occupied, the occupier of the land; and
 - if the land is under the control or management of any other person, that other person.
 - b) compensation agreed for the functions is provided for within the adopted Budget or is specifically approved.

– End of Delegation

Notes

The delegation applies to land not under local government control that is within the district, and is in relation to things being done on the land, not taken from the land.

13.3 Works on land outside the district

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.3.20 – performing function outside the district • s.3.21 – duties when performing functions • s.3.22 - compensation
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services Executive Manager Corporate & Community Services Manager Operations
Formal record of use	File copy of agreement, consent etc
File number	28.4.2
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to undertake necessary executive functions on land outside the district that is not property of the Shire provided that –

- c) the consent is obtained of –
 - the owner of the land;
 - if the land is occupied, the occupier of the land; and
 - if the land is under the control or management of any other person, that other person.
- d) compensation agreed for the functions is provided for within the adopted Budget or is specifically approved.

– End of Delegation

Notes

Executive functions does not include private works requested of the Shire by an individual or other local government, but does apply to sourcing of roadmaking materials and water.

The delegation applies to land not under local government control that is outside the district, and is in relation to things being done on the land, not taken from the land.

13.4 Materials from land not under local government control

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.3.21 – Duties when performing functions • s.3.22 – Compensation for materials, damage, access etc
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Technical & Rural Services Manager Operations
Formal record of use	Written agreement with land owner/occupier
File number	28.4.2 / Property file where the land is within the district
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to negotiate with land owners and/or occupiers for access to materials required for local government functions, principally –

- extraction of gravel, sand or other materials from land;
- water, etc.

The agreement reached with the land owner/occupier is to –

- state a specific duration, that it is indefinite or otherwise provide for termination;
- provide for mutually agreed compensation;
- specify rehabilitation responsibilities if appropriate;
- within the budget provision.

The CEO is delegated authority to apply to the Department of Environmental Regulation for permits to clear vegetation as applicable.

– End of Delegation

Notes

The delegation applies to land not under local government control that that may be either within or outside the district, and is in relation to materials to be taken from the land, not things being done on the land.

Until such time as agreement is signed, or compulsory notice of acquisition is given under the Act, employees should not access the materials.

13.5 Notices requiring certain things to be done

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.3.24 – Authorising person under this subdivision • s.3.25(1) – Notices requiring certain things to be done by owner or occupier of land • s.3.26(2) – Additional powers when notice is given • s.3.33 – Entry under warrant • s.3.34(2) – Entry in an emergency • s.9.60 – Regulations that operate as local laws • Sch.3.1 – Powers under notices to owners or occupiers of land • Sch 9.1(6) – dangerous excavations in or near public thoroughfare • Sch.9.1(7) – Matters for which regulations under s.9.60 may be made Local Government (Uniform Local Provisions) Regulations 1996 – <ul style="list-style-type: none"> • r.11 – dangerous excavation in or near public thoroughfare • 13 – Requirement to construct or repair crossing
Corporate context	None
Primary delegation	Chief Executive Officer
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services Executive Manager Corporate & Community Services Executive Manager Development & Regulatory Services
Formal record of use	File copy of notice
File number	Property file
History	Adopted 12 July 2016

Function/s to be performed

The CEO is delegated authority to issue notices requiring certain things to be done by the owner or occupier of land.

The CEO is delegated authority to take any necessary action to achieve the purpose for which the notice was given in the event of non-compliance of the notice recipient.

The CEO is delegated authority to seek a warrant for entry to carry out the works of a notice where the owner or occupier of land has not complied with the notice in the time specified.

Any prosecution proposed resulting from non-compliance with a notice is to be referred to Council for decision to proceed.

– End of Delegation

Notes

Under LG Act s.9.6(1) an objection to a notice must be dealt with by Council and cannot be delegated.

Objections and review are those matters refused under delegated authority which the applicant requests Council to reconsider.

13.6 Notice of local government works

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.3.51(3) – notice to adjoining owners affected by works
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services Executive Manager Corporate & Community Services Executive Manager Development & Regulatory Services
Formal record of use	File copy of notice
File number	Advertisement records – 16.2.2 / 16.2.4 Property file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to give the required public notice and individual notice to landowners and occupiers adjoining proposed works to –

- (a) fix or alter the levels, or the alignment of a public thoroughfare, or
- (b) drain water from a public thoroughfare or public place onto adjoining land

– End of Delegation

Notes

13.7 Private works/infrastructure on, over or under public land

Statutory context	<p>Local Government Act 1995 –</p> <ul style="list-style-type: none"> • s.3.37 – Contraventions that can lead to impounding • s.9.60 – Regulations that operate as local laws • Sch.9.1(8) – Private works/infrastructure on, over, or under public places • Sch.9.2(5) – gates across public thoroughfares <p>Local Government (Uniform Local Provisions) Regulations 1996 –</p> <ul style="list-style-type: none"> • r.9 – gates across a public thoroughfare • r.17 – Private works on, over, or under public places <p>Public Places and Local Government Property Local Law 2016</p> <ul style="list-style-type: none"> - activities on land under Council management and control including roads
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services
Formal record of use	Report to Council via monthly briefing papers if significant infrastructure File copy of written approval
File number	Property file of applicant Copy on road/reserve/local government property file
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to approve private works/infrastructure on, over or under public places subject to –

- (a) written application being made;
- (b) the applicant accepts all liability for every part and aspect of the works/infrastructure;
- (c) impose conditions, such as –
 - building permit, structural engineering certification, environmental assessment etc, where appropriate;
 - any damage or interference to public assets to be made good to the satisfaction of CEO (roadway, fence, other structure etc)
 - traffic management plan to be approved
- (d) where deemed appropriate, an insurance certificate indemnifying the Shire while works are underway, or for any structure, is to be provided;
- (e) estimated value of works does not exceed \$25,000 ex GST.

The CEO may enter into an agreement with the applicant to carry out the works/infrastructure as a private works.

Any prosecution proposed for non-compliance is to be referred to Council for decision to proceed.

– End of Delegation

Notes

Local Government (Uniform Local Provisions) Regulations 1996 –

r.17 – Private works on, over, or under public places

(4) – approval of local government required

(5) – conditions may be imposed

(6) – mandatory conditions – no permanent impairment of public use, public safety to be ensured, damaged to be fully repaired

(7) – penalty for non-compliance is \$5,000 and \$500 daily

(8) – person constructing is responsible for maintenance, and must insure structure, specifically indemnifying Council against any claim

(9) – unauthorised constructions, or contravention of approval/conditions can lead to impounding

If insurance indemnity is required, a certificate is to be provided to the Shire annually. It is to be a condition of approval, that a lapse of insurance means automatic withdrawal of approval, and removal of the previously insured structure is required within 14 days.

This delegation includes minor works on the road such as –

- drilling for soil testing;
- pressure or gravity pipe from a water tank or windmill to a stock trough;
- farm drainage.

13.8 Events on roads

Statutory context	<p>Road Traffic Act 1974 –</p> <ul style="list-style-type: none"> • s.81C(2) – Making order for road closure for event • s.81D – Road closure, how effected by local government <p>Road Traffic (Administration) Act 2008 –</p> <ul style="list-style-type: none"> • s.139(2) – Temporary suspension of road law <p>Road Traffic (Events on Roads) Regulations 1991 –</p> <ul style="list-style-type: none"> • s.4 – local government approval and payment of fee required • r.9 – Erection of barriers, signs and other equipment <p>Public Places and Local Government Property Local Law</p> <ul style="list-style-type: none"> - activities on land under Council management and control including roads
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services Executive Manager Corporate & Community Services Executive Manager Development & Regulatory Services
Formal record of use	File copy of decision on written application
File number	28.7.1
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority –

- (a) in consultation with the President, to approve with or without conditions or refuse to approve, an event or function on a thoroughfare in accordance with section 81C of the *Road Traffic Act 1974*;
- (b) in consultation with the President, to approve with or without conditions, or refuse to approve, the temporary suspension of written law in accordance with section 83 of the *Road Traffic Act 1974*; and
- (c) make all necessary arrangement to comply with Road Traffic (Events on Roads) Regulations r.9.

The CEO is delegated authority, in consultation with the President, to respond to any request for information made under section 7(1) of the *Public Order in Streets Act 1984*.

In considering any application, the CEO is to have regard to Police and Main Roads WA guidelines.

– End of Delegation

Notes

See Road Traffic (Administration) Act –

135. Protection from liability for wrongdoing

- (1) An action in tort does not lie against a person for anything that the person has done, in good faith, in the performance or purported performance of a function under a road law.
- (3) A local government is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1) in relation to a function of a local government under section 11, 139 or 141.

141. Closure of roads

- (2) A local government may cause a road in its district to be closed for such period that the local government considers necessary if the local government considers that the road is unsafe for traffic but the road cannot be closed by the local government for more than one month without with the Minister's written approval to do so.

See Events on Roads Regulations –

9. Erection of barriers, signs and other equipment

- (1) A road closure ordered by the Commissioner of Police under Part VA of the Act shall be effected by the erection and maintenance by the local government for the district within which the road concerned is situated of —
 - (a) barriers, being free standing posts and rails, or other barriers which are substantial and uniform in construction;
 - (b) signs, being substantial and uniform in design, with the words "Road Closed" or similar, clearly printed in black letters upon a reflective background; and
 - (c) such other equipment as the local government considers is reasonably necessary to effect the road closure.
- (2) The costs of erecting, maintaining and removing barriers, signs and other equipment to effect a road closure are payable to the local government by the person or body who applied for the order for that road closure.
- (3) A local government may waive the payment of all or any of the costs referred to in subregulation (2).
- (4) Any costs payable to a local government under subregulation (2) may be recovered as a debt due to that local government in a court of competent jurisdiction.

19 April 2016

Main Roads WA – Traffic Management for Events on Roads: "Code of Practice"

13.9 Temporary road closures

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.3.50 – closing to vehicles • s.3.50A – closure for repairs or maintenance Road Traffic Act 1974 <ul style="list-style-type: none"> • s.81D – how a road is to be closed • s.92 – power to close unsafe roads Public Places and Local Government Property Local Law 2016 – <ul style="list-style-type: none"> • cl.5.2 – no entry to closed local government property • cl.6.13 – no driving on closed thoroughfare
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Technical & Rural Services Executive Manager Development & Regulatory Services Manager Operations
Formal record of use	File copy of public notice, instruction to staff etc
File number	28.7.1
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to –

- (a) temporarily close a thoroughfare or a portion of a street for a period not exceeding 28 days (without providing local public notice) if of the opinion –
 - a thoroughfare is likely to be damaged by the passage of traffic generally or traffic of any particular class;
 - that the thoroughfare is unsafe for use.
- (b) temporarily close a road or portion of a road for repairs and maintenance;
- (c) temporarily close a thoroughfare for a period in excess of 28 days by providing local public notice.

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- (a) is of such severity that the action is appropriate or
- (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

– End of Delegation

Notes

Section 14 - Plant / Equipment

This Section is currently empty

Section 15 - Natural Resource Management

15.1 Control of Vehicles (Off-road Areas) Act 1978

Statutory context	Control of Vehicles (Off-road Areas) Act 1978 – <ul style="list-style-type: none"> • s.5(1) – Duty of local government to administer and enforce the Act • s.5(3) – authorised officers
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Corporate & Community Services Executive Manager Technical & Rural Services Executive Manager Development & Regulatory Services Manager Operations Rangers
Formal record of use	File copy of notice
File reference	19.6.5
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to exercise all discretionary matters in the Control of Vehicles (Off-road Areas) Act 1978, including –

- granting, refusal, cancellation and setting conditions of approval to conduct activities;
- issue of all notices and infringements etc;
- extending the time period within which infringement notices may be paid.
- withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;
- carrying out of works in default of a duly served notice;

The delegation excludes –

- determination of any fee or charge

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- is of such severity that the action is appropriate or
- an infringement notice remains unpaid after reasonable attempts to obtain payment.

– End of Delegation

Notes

15.2 Native flora and fauna

Statutory context	<p>Environmental Protection Act 1986 –</p> <ul style="list-style-type: none"> • s.51C – Unauthorised clearing of native vegetation <p>Wildlife Conservation Act 1950 –</p> <ul style="list-style-type: none"> • s.14 – Protection of fauna • s.23C – Licences to take protected flora • s.23D – Taking and sales of protected flora on private land <p>Wildlife Conservation Regulations 1970</p> <p>Public Places and Local Government Property Local Law 2016 –</p> <ul style="list-style-type: none"> • cl.4.4(2) – Written authority of local government required to remove, damage, interfere with any flora on local government property
Corporate context	None
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services
Formal record of use	File copy of notice of approval
File number	11.3.1
History	Adopted 12 July 2016

Functions to be performed

The CEO is delegated authority to approve a request for permission to pick wildflowers and / or collect seed on lands under Council's control, under the following conditions –

- written application is to be made;
- it is for their own domestic or hobby use;
- permission is given for a period not exceeding one week;
- the area of picking and/or collection is strictly limited;
- not more than one collector is permitted in any one location;
- a maximum of 10% of seed only to be taken in any one area.

All applications for commercial picking of wildflowers or collection of seed are to be referred to Council for consideration, and required details include –

- collector's credentials and purpose (collector includes the permit holder and up to 2 assistants),
- duration of approval, if any,
- the area of picking and/or collection
- not more than one collector being permitted in any one location
- a maximum of 25% of seed only to be taken in any one area

All applications for the collection of animals, reptiles, amphibians and birds from lands under Council's control, are to be referred to Council for consideration.

All applications to collect flora or fauna are to provide the following information at minimum –

- (a) collector's credentials, including any person acting on the collector's behalf
- (b) purpose of collection – domestic, hobby, display, educational, commercial
- (c) flora/fauna to be collected – rarity, locality, need for preservation etc
- (d) locality of collection – ease of access, likelihood of general public-knowledge or access
- (e) period or duration sought

Where Council has previously permitted an application, the CEO may issue permission in subsequent consecutive years under identical terms and conditions, without further reference to Council.

The following statement is to be included in every approval by the CEO –

The approval of the Department of Parks and Wildlife is mandatory, and Shire permission is invalid without the Department's written consent accompanying Shire approval.

– End of Delegation

Notes

Dept of Parks and Wildlife –

- may issue a permit for a maximum of one year;
- is to be provided a copy of every approved application.

Section 16 - Unclassified

16.1 Restricted Access Vehicles on Shire Roads

Statutory context	Local Government Act 1995
	Land Administration Act 1997 – <ul style="list-style-type: none"> • s.56(2) – road reserves under the control of the local government
	Public Works Act 1902 – <ul style="list-style-type: none"> • s.86(2) – Governor may declare roads to be under the control of the local government
	Road Traffic (Vehicle Standards) Regulations 2002
	Public Places and Local Government Property Local Law 2016
Corporate context	Policy 16.1 Restricted Access Vehicles on Shire Roads
Primary delegation	CEO
Secondary delegation	Permitted
Permitted to	Executive Manager Technical & Rural Services
Formal record of use	File copy of decision on written application
File number	3.2.2
History	Adopted 12 July 2016 Amended 24 May 2017

Functions to be performed

The CEO is delegated authority to determine any application referred from Main Roads WA to use heavy haulage vehicles (Restricted Access Vehicles) on any local road within the district, recommending approval or refusal–

- a) in accordance with Council Policy 16.1 Restricted Access Vehicles on Shire Roads;
- b) where the estimated volume is 50,000 tonnes per year or less,
- c) if the road has already been assessed by Main Roads WA as being suitable for the configuration proposed by the applicant,
- d) recommending CA07 conditions on roads where deemed necessary to manage RAV access in order to preserve the condition of the road and avoid heavy vehicle damage
- e) written agreement of the application accepting liability for damage to the roads that exceeds fair use.

All other applications are to be referred to Council.

Where the CEO declines an application, the applicant has the right to lodge a written appeal which will be presented to Council for consideration.

– End of Delegation

Notes

PART B – PRIMARY DELEGATIONS – to other officers

Section 17 - Building and / Development

17.1 Building certifications – Registered person

Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> • s.5.36 – Local government employees Building Act 2011 – <ul style="list-style-type: none"> • s.3 – authorised person to be designated under s.96 • s.96(3) – The local government may designate a person to be authorised • s.127(3) – Delegation by a local government must be to an employee • s.127(6A) – Further delegation of authority given to CEO Building Services (Registration) Act 2011 <ul style="list-style-type: none"> • s.17 – registration of building service practitioners Building Services (Registration) Regulations 2011 – <ul style="list-style-type: none"> • r.4 – prescribed levels for building surveying • Part 3A – Building surveyors
Corporate context	None
Primary delegation	Registered Building Surveyor
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Report to Council via monthly briefing papers – Items (a), (b), (h), (i) File copy of notice, approval etc
File number	Property file
History	Adopted 12 July 2016

Functions to be performed

The Registered Building Surveyor is delegated authority to issue any certification required by the Building Act 2011 in accordance with the approved registration level held by the individual.

In addition, the Registered Building Surveyor is also delegated all matters in relation to Delegation 10.1 Building Permits (authorised persons).

Any prosecution proposed is to be referred to Council for decision to proceed.

– End of Delegation

Notes

The Registered Building Surveyor is to be appointed by Council, if not an employee. If an employee, Delegation 1.1 applies.

Section 18 - Environmental Health / Food

18.1 Control of food matters – Qualified person

Statutory context	<p>Food Act 2008 –</p> <ul style="list-style-type: none"> - s.118 – authority to delegate functions and obligations to qualified authorised person - s.122(1)(b) – authorised person must hold office as an environmental health officer under the <i>Health Act 1911</i> <p>Food Regulations 2009 –</p> <ul style="list-style-type: none"> - s.5 – a local government is an appropriate enforcement agency for the purposes of certain food businesses, animal processing premises and retail pet meat shops <p>Public Health Act 2016</p> <ul style="list-style-type: none"> • s.4(2) – authorised officer • s.24 – authorised person must be qualified • s.25 – authorised person must have acceptable qualifications or be an EHO <p><i>Government Gazette</i> 24 Jan 2017 – Designation of Health Authorised Officers</p>
Corporate context	None
Primary delegation	Environmental Health Officer
Secondary delegation	Not permitted by EHO Permitted by CEO to qualified person
Permitted to	None
Formal record of use	File copy of notice, record of inspection etc
File number	19.6.4 / 24.3.1 / 24.3.2 / Property file
History	Adopted 12 July 2016

Functions to be performed

The EHO is delegated authority to exercise and discharge the powers and functions of the local authority with regard to the Food Act 2008, including but not limited to –

- a) powers of entry to premises,
- b) taking of food samples for analysis,
- c) formal warnings;
- d) improvement notices;
- e) prohibition orders; and
- f) infringement notices.

The delegation excludes –

- (a) determination of any fee or charge;
- (b) dealing with an objection,

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- (a) is of such severity that the action is appropriate or
- (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

Any prosecution proposed is to be referred to Council for decision to proceed.

– End of Delegation

Notes

Council may appoint a person as an authorised person who is not employees.

CEO may appoint a person as an authorised person who is an employee under Delegation 1.1

It should be noted that under the Act, the EHO may be required to prosecute, regardless of Council's direction or wishes.

Objections and review are those matters refused under delegated authority which the applicant requests Council to reconsider.

Section 19 - Fire Control

19.1 Issue of burning permits – Fire Control Officers

Statutory context	<p>Bush Fires Act 1954 –</p> <ul style="list-style-type: none"> • s.18 – Restricted burning times <ul style="list-style-type: none"> (1) – nothing in this section permits burning in prohibited period (2) – prohibited & restricted times to be published in Government Gazette (5) – Local government may vary burning periods after consultation (5B) – variation for maximum of 14 days (5C) – burning period restrictions apply to variation period (6) – permit required to set fire to bush from either FCO or CEO (7) – person issuing permit may apply requirements or conditions (8) – permit holder to comply with conditions (9) – permit may authorise burning of bush on adjoining road reserve (10A) – local government may adopt enforceable schedule for burning (11) – if fire escapes etc expenses up to \$10,000 may be recouped (12) – penalty on first breach \$4,500, subsequent breaches \$10,000 • s.23(2)(a)(iv) – road verge burning between constructed portion of road and established fire break only <p>Bush Fire Regulations 1954 –</p> <ul style="list-style-type: none"> • r.15(1) – Permit to burn as per section 18 of the Act • r.15(2) – If request to burn is conditional or refused, review is only by the local government or Chief BFCO • r.15A – BFCO to comply with directions of local government • r.15B – Permit holder to comply with permit conditions • r.15C – Local Government may prohibit burning on certain days • r.16 – only CEO or specifically authorised person may permit burning of clover in prohibited period • r.21B – FCO may postpone clover burn
Corporate context	None
Primary delegation	Fire Control Officers
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Duplicate copy of permit issued
File number	9.2.1
History	Adopted 12 July 2016

Functions to be performed

Fire Control Officers are delegated authority to issue, vary or prohibit burning permits in accordance with Bush Fires Act s.18 and Bush Fires Regulations r.15(1).

Fire Control Officers are delegated authority, in consultation with the Chief Bush Fire Control Officer, to issue instructions, restrictions or conditions relating to individual burning permits.

Fire Control Officers are delegated authority to approve an applications to burn a road verge vested in the care, control and management of the Shire, subject to –

- compliance with the Bush Fires Act 1954 s.18(9),
- prior consultation with the CEO, and
- the applicant obtaining the approval of the Dept of Parks and Wildlife.

– End of Delegation

Notes

This delegation does not extend to –

- clover burning permits,

The Act s.16(6)(a) stipulates –

...obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer ...

Refer also Delegation 5.1 and specific matters restricted to CEO, and to Delegation 19.2.

19.2 Issue of clover burning permits – Clover Burning Permit Officers

Statutory context	Bush Fires Act 1954 – <ul style="list-style-type: none"> s.24 – clover may be burnt during prohibited burning times <p>Bush Fire Regulations 1954 –</p> <ul style="list-style-type: none"> r.16 – CEO or specifically authorised person may permit burning of clover in prohibited period r.17 – permit required to burn clover r.18 – 7 days notice of clover burn required, under specified restrictions r.19A – duties of clover burning permit holder r.20 – local government may prohibit issue of clover burn permits r.21A – permit holder may be required to advertise clover burn r.21B – FCO may postpone clover burn
Corporate context	None
Primary delegation	Chief Fire Control Officer Deputy Chief Fire Control Officer
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Duplicate copy of permit issued
File number	9.2.1
History	Adopted 12 July 2016 Amended _____

Functions to be performed

The following Bush Fire Control Officers are delegated authority to issue permits to burn clover in accordance with Bush Fires Act s.18 and Regulations r.16 and to apply such conditions or requirements as is considered appropriate –

- (a) Chief Bush Fire Control Officer
- (b) Deputy Chief Bush Fire Control Officer

– End of Delegation

Notes

Specified officers may be delegated authority to issue clover burning permits in accordance with Bush Fires Act s.24 and Bush Fires Regulations r.16, and to apply such conditions or requirements as is considered appropriate.

Refer also Delegation 5.1 and specific matters restricted to CEO.

19.3 Prohibited burning periods – Variations

Statutory context	Bush Fires Act, 1954 – <ul style="list-style-type: none"> - s.17(7) – authority to vary prohibited burning time - s.17(7B) – time may not be varied by more than 14 days - s.17(8) – requirements to give various notice, and Minister may rescind or modify the variation - s.17(9) – publication requirements - s.17(10) – local government may delegate to President and Chief BFCO jointly - s.17(11) – Local government may rescind delegation or vary any delegated decision
Corporate context	None
Primary delegation	Shire President and Chief Fire Control Officer, jointly
Secondary delegation	Not permitted
Permitted to	None
Formal record of use	Written advice to CEO
File number	9.2.1
History	Adopted 12 July 2016 Amended _____

Functions to be performed

The Shire President and Chief Fire Control Officer are delegated authority to jointly exercise the powers of Council under the Bush Fires Act 1954 s.17 (7), (8), (10) – prohibited burning periods.

Should the Shire President be unavailable or hold joint office as Chief BFCO, the Deputy Shire President is deemed to be Acting Shire President in relation to this matter.

If the Chief BFCO is unavailable, the Deputy Chief BFCO is deemed to be Acting Chief BFCO.

In the absence of Deputy President or a Deputy Chief BFCO, the CEO is authorised to act for that person, but not for both.

The CEO is to be advised in order that public notification may be arranged.

– End of Delegation

Notes

History Summary

Item	Meeting	Purpose	Applies	Delegations affected
1	12 July 2016	Revocation	From 1 July 2016	All previous delegations
2	12 July 2016	Adoption	From 1 July 2016	All delegation in this Register
3	9 August 2016	Adoption	From 10 Aug 2016	Delegations 4.3, 4.5, 4.8 and 7.1 following Gazettal of relevant local laws
4	20 December 2016	Adoption	From 21 Dec 2016	Delegations 10.5 and 11.3 following Gazettal of relevant local laws
5	24 May 2017	Adoption and Review	From 1 July 2017	Adopted – Delegations 3.11 and 3.12 Amended - Delegations 3.8, 6.1, 10.4, 16.1 Review – All other delegations in this Register, with context and title corrections
6	23 May 2018	Adoption and Review	From 1 July 2018	Adopted – Delegation 5.3 Amended - Delegations 1.1, 3.8, 5.1, 6.1, 13.7, 19.2, 19.3 Review – All other delegations in this Register, with context and title corrections Appendix text – consistent with amendments

APPENDIX

This document records the compiled delegations made by Council under the authority of the Local Government Act 1995 and other legislative instruments as specified.

This register is the formal written record by which a delegation is made and conferred. Therefore, committees, the CEO and officers are provided with this document as their record of delegation/s made to them.

Statutory Context

This Delegations Register has been prepared in accordance with –

Local Government Act 1995:

s.5.16 – Delegation of some powers and duties to certain committees

- Separate document as differing provisions apply

s.5.17 – Limits on delegations of powers and duties to certain committees

s.5.18 – Register of delegations to committees

s.5.42 – Delegation of some powers and duties to CEO

s.5.43 – Limits on delegations to CEO

s.5.44 – CEO may delegate powers and duties to other employees

s.7.1B – Delegation of some powers and duties to audit committees

Local Government (Administration) Regulations 1996 –

r.19 – Record to be kept by delegates

Other legislation includes, but is not limited to –

Building Act 2011

Bushfires Act 1954

Cat Act

Dog Act 1976

Food Act 2008

Health Act 1911

Local Government (Miscellaneous Provisions) Act 1960

Planning and Development Act 2005

Local Government Local Laws, currently adopted –

Cat Local Law 2016

Cemetery Local Law 2016 (amended)

Dog Local Law 2016

Fencing Local Law 2016

Health Model “A” Series By-laws (Shire 1974, Town 1966, both amended)

Meeting Procedures Local Law 2016

Parking Local Law 2016

Public Places and Local Government Property Local Law 2016

Signs, Hoardings and Bill-Posting By-Law 1986

Local Planning Scheme

Revised Local Planning Scheme for the merged Shire of Narrogin is nearing completion

Unless stated otherwise, the Local Government Act 1995 section 5.42 is the fundamental statutory context for Council to make the delegations in Parts A and B.

Local Government Act 1995 –

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* *Absolute majority required.*

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

It is inadequate to quote this reference as the specific authority for the function delegated.

Various other legislative instruments empower or require Council to make delegations. The legislative empowerment is stated within each delegation.

Council expects the CEO to apply the provisions of the Local Government Act s.5.44 and other legislation to delegate powers and duties to other employees, including s.5.44(3) powers and duties which have been delegated to the CEO under s5.42.

Corporate context

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various officers, and to stipulate conditions, standards or methods of control and management.

This Delegations Register has been prepared to complement a range of obligations imposed by legislation including local laws, and various document adopted by Council.

The order of priority for compliance is –

1. Federal and State legislation and regulations,
2. the Local Planning Scheme,
3. a specific resolution of Council,
4. Delegations Register – being specific authorisations resolved by Council, and having a statutory context under the Local Government Act,
5. Local Planning Policy – as it is made under the authority of the Local Planning Scheme, by resolution of Council,
6. Council Policy – being instructions resolved by Council on how particular matters are to be dealt with,
7. Executive Instruction – standing instructions or procedures issued by the CEO,
8. administrative directions or instructions.

Although not decisions of Council, and therefore not a requirement of staff, consideration should be given to the following as being best practice –

- DLGRD Guidelines
- WALGA Councillors Manual, Practice Notes etc.

Unless specifically resolved that a delegation is to be included in the Delegations Register, it is considered that it is for a specific matter, and is not a general or on-going Delegation.

There are some Delegations that have specific legislative provision, and these are noted in the individual Delegation.

Definitions

The LG Act has not defined the term “delegation” or “delegated power”. However:

s.5.16 refers to “... the exercise of any of its powers and duties ...”

s.5.42 refers to “... the exercise of any of its powers or the discharge of any of its duties ...”

The following terms used in this document apply insofar as they are consistent with enabling legislation.

authority means the permission or requirement for Council, a Committee or a person to act in accordance with:

- the Local Government Act, Regulation or other legislation,
- a delegation made by Council,
- a policy made by Council, or
- a specific decision by Council, or
- Standard Procedural Direction given or authorised by the CEO.

delegation means the authority for a Committee, the CEO or other person to exercise a power, or discharge a duty, as conferred by absolute majority decision of council under the provisions of the relevant legislation.

Council Policy is the standing instruction resolved by Council as to how a particular matter is to be implemented:

Executive Instruction means the requirement for a staff member to act in accordance with a direction given by the CEO.

Planning Policy is established under the Planning & Development Act 2005, and the local planning scheme, and has mandatory procedures to adopt, amend or revoke.

Guidelines No.17 – Delegations (Department of Local Government)

The Department of Local Government and Communities has published Guidelines for the formation of Delegations.

The Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

... the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters. Similarly, not all “acting through” matters will be listed. Policy describes how that action or some other action is to be carried out.

Making, amending and revoking delegations

Delegations from Council may be made, amended or revoked at any time by an absolute majority of Council.

Where permitted by Council in the delegation, the CEO may authorise a secondary delegation at any time.

Delegations from the CEO to other employees are at the discretion of the CEO and do not require a Council resolution. The CEO can delegate a power or duty, the exercise or discharge of which has been

delegated by a local government to the CEO, subject to any conditions imposed by the local government on its delegation to the CEO (s.5.44 (3)).

It is a requirement that the use of all delegated authority is recorded but it is not a requirement to report the use of delegated authority to Council.

Council may impose limitations on secondary delegation or the functions delegated as they see fit. The CEO is not obligated to delegate the whole or any delegation authorised by Council, but may choose not to or place further limitations on the delegation.

However, unless specifically resolved that the authority is to be included in the Delegations Register, the authority to act is for a specific matter, and is not a general or on-going delegation.

Use of delegations

Delegations are made to assist with the smooth operation of the organisations, and allow appropriate levels of authority to determine a wide range of matters.

There is no requirement for any authorised person to use a delegation. It is at the person's discretion whether or not to exercise a delegated authority, and they may refer the matter to a higher level at any time, should it appear in their judgement to be the best option.

Record of use of delegations

The Act requires that the use of each delegation is recorded, but does not require that the use is reported to Council, nor does it specify recording or listing the use in a particular format. Such requirements would result in an unwieldy volume of work that is unproductive.

However, in some instances, the use of the delegation is of sufficient importance that Council should be advised so as to be aware of the impact of the decision made.

In order to reduce the unnecessary paperwork burden as far as is possible, the formal record of use of a delegation is the document that is produced in the normal course of administration of the matter. This document may be a form approving or refusing an application, a letter, batch approval for payment of creditors, file note, email or similar.

All these satisfy the requirement of the State Records Office for recordkeeping.

Review of delegations

A delegation has effect for the period of time specified in the delegation or indefinitely if no period has been specified.

It is a requirement of the Local Government Act s5.18 and s.5.46 (1) that all delegations made under the authority of that Act be reviewed by the delegator at least once in each financial year.

Any decision to amend or revoke a delegation by a local government is to be by an absolute majority s.5.45 (1) (b).

Review of delegations from the Council to committees and the CEO will be carried out before the end of each financial year and preferably in conjunction with the annual review of Council policies.

The CEO will review delegations to staff as required on changeover of staff or change of staff functions and will review all delegations at least once in the financial year in accordance with the legislation.

Primary delegation

The primary delegation recipient includes the person acting in that position should the named recipient be absent from duty. This provision does not apply where the named person is on duty, but not present at the office at the time.

Secondary delegation by CEO

The CEO is expected and encouraged to further delegate to appropriate officers, subject to the limitations imposed by the Local Government Act, other enabling legislation, or the conditions of the delegation made by Council to the CEO –

- s.5.43 – limits on delegations to CEO
- s.5.44 (1) – does not permit the CEO to delegate the capacity to further delegate, and further stipulates that the delegation may only be to employees
 - o no such stipulation is made for delegations under other legislation
- s.5.46 – requires the CEO to review sub-delegations to other employees at least annually

The delegation by the CEO is to be –

- by signed document to the person,
- the recipient to return a signed acceptance, which is to be placed on file, and
- a copy to be retained by them.

– End

10.3.040 LEASE – SENIOR CITIZENS CENTRE

File Reference:	A314700
Disclosure of Interest:	Nil
Applicant:	Shire of Narrogin
Previous Item Nos:	Nil
Date:	11 May 2018
Author:	Niel Mitchell – Governance
Authorising Officer:	Frank Ludovico – Executive Manager Corporate & Community Services

Attachments

Attachment 1 – Draft Lease for Senior Citizens' Centre

Summary

Council is asked to consider and approve the draft lease and authorise obtaining Ministerial approval for the lease arrangements in accordance with the Reserve Management Order.

It is proposed to once again lease the premises under essentially the same terms and conditions as the current lease.

Background

The Narrogin and Districts Senior Citizens' Centre Incorporated has leased the premises (land and buildings) for many years with the current lease being made in 2012 for an initial 3 year period with a 3 year option which was exercised and expired on 28 February 2018.

Discussions have been held with the Executive of the Narrogin and Districts Senior Citizens' Centre Incorporated Management Committee (NDSCC) and they wish to continue the lease on the same arrangements as the previous lease. They also accept the need for a lease payment and for it to be indexed.

Comment

Being on Reserve 11307, the requirements of the Management Order are to be complied with, principally –

- Council may lease the reserve for a period not exceeding 21 years. This period includes any options that may be able to be exercised, and
- Ministerial approval of the lease is required.

A number of corrections, and minor changes have been made, but the intent and outcomes of the lease remain. The major variations are:

- cl.4.3 to 4.17 – renumbered for continuity, as the previous lease had removed clause 4.3 without re-numbering
- cl.7 – the references in the previous lease did not exist. In reviewing earlier leases, the essential terms were included and they have been re-inserted.
- Schedule Item 4 –

- rent for the 2018-2019 lease year is set at the previous year plus CPI for Perth for the 12 months ending 31 December 2017
- annual rent is now stipulated to be paid within 1 month of the commencement of the lease year, i.e. in advance
- CPI Index is determined to be that applying to Perth for the 12 months ending 31 December prior to the annual date
- Formula to apply after Year 1 of the lease
- Schedule Item 6 – in the final paragraph, reference to “industrial insurance” is not to public liability, but to insurance on equipment such as air-conditioners, hot water system or boilers etc. These items are fixed to the building, but are not considered part of building insurance
- Execution – 2 persons to sign on behalf of NDSCC
- First year rental under the new lease is calculated as follows –

• Rent for the 2017-2018 lease year, paid November 2017	\$3,703.53
• Annual CPI for Perth for the 12 months ending 31 Dec 2017	0.8%
• Adjusted first year rental	\$3,733.16

As the lease is to a charitable or not for profit organisation, it is an exempt disposition of property under the *Local Government (Function and General) Regulations 1996 r.30*.

Consultation

- Frank Ludovico – Executive Manager Corporate & Community Services
- Executive of the Narrogin and Districts Senior Citizens' Centre Incorporated Management Committee

Statutory Environment

Local Government Act 1995 –

- s.3.58 – disposition of property

Local Government (Function and General) Regulations 1996 –

30. *Dispositions of property excluded from Act s. 3.58*

(1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*

(2) *A disposition of land is an exempt disposition if —*

(b) *the land is disposed of to a body, whether incorporated or not —*

(i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

(ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

Policy Implications

Nil

Financial Implications

Lease income of \$3,733.16 per year initially, subject to negotiation with NDSCC, with CPI increase for following years.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	2. Social Objective (To provide community facilities and promote social interaction)
Outcome:	2.2 Build a healthier and safer community
Strategy:	2.2.1 Support the provision of community security services and facilities
Outcome:	2.3 Existing strong community spirit and pride is fostered, promoted and encouraged
Strategy:	2.3.2 Engage and support community groups and volunteers

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	3. Environment Objective (Conserve, protect and enhance our natural and built environment)
Outcome:	3.3 Efficient use of resources
Strategy:	3.3.1 Increase resource usage efficiency

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer to:
 - a. finalise negotiations with the Narrogin and Districts Senior Citizens Centre Incorporated, in accordance with the draft lease, subject to minor variations that may be requested by Management Committee; and
 - b. obtain the approval of the Minister for Lands to lease Reserve 11307 for a term of 3 years with a 3 year option to extend.
2. Authorise the President and Chief Executive Officer to affix the Common Seal and sign the lease once approved by the Minister for Lands.

Commonly-used abbreviations:	
CEO	Chief Executive Officer
EMCCS	Executive Manager Corporate & Community Services
NDSCC	Narrogin and Districts Senior Citizens Centre Incorporated

LEASE

DEED dated _____
(Date of signing of lease)

BETWEEN Shire of Narrogin of 89 Earl Street, Narrogin, Western Australia
('Lessor')

AND Narrogin and Districts Senior Citizens Centre Incorporated
(NDSCC) ('Lessee').

RECITALS

- A. The Lessor is the registered proprietor of the Land.
- B. The Lessor has agreed to Lease the Premises to the Lessee at the Rent and upon the terms and conditions contained in this Lease.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Deed, unless the contrary intention appears, the following words have the following meanings:

CEO means Chief Executive Officer.

Commencement Date means the Commencement Date specified in the Schedule;

Expiration Date means the Expiration Date specified in the Schedule;

Land means the Land referred to in the Schedule;

Lessee means the Lessee referred to in the Schedule;

Lessee's Covenants means terms covenants and conditions contained in this Lease and on the part of the Lessee to be observed and performed;

Permitted Use means the permitted use specified in the Schedule;

Premises means that part of the Land described in the Schedule and all improvements, fixtures and fittings in the Premises;

Rent means the rent specified in the Schedule and the rent payable under this Lease from time to time;

Term means the term of this Lease specified in the Schedule commencing on the Commencement Date and terminating on the Expiration Date;

The Shire means the Shire of Narrogin;

this Lease means this lease and any variations to it agreed between the parties.

1.2 Interpretation

Words importing the masculine gender shall include the feminine gender and shall also have application to corporations.

Words importing the plural number shall include the singular number and words importing the singular number shall include the plural number.

References to statutes shall include all statutes amending the statutes referred to or passed in lieu thereof.

When two or more Lessees are parties to this Lease the covenants and agreements on their part shall bind them and any two or greater number of them jointly and severally.

2. LEASE

The Lessor LEASES the Premises to the Lessee for the Term at the Rent and otherwise upon the terms and conditions contained in this Lease.

3. RENT

There will be an annual rent payable to the Shire.

4. LESSEE'S COVENANTS

The Lessee COVENANTS with the Lessor as follows:

4.1 Rates, Taxes & Outgoings

To pay and discharge all rates and taxes including land tax assessed or charged in respect of the Premises and all other outgoings, including without limitation all telephone, electricity, gas, water, rubbish collection, emergency services levy and sewerage charges levied, charged or imposed upon the Premises or any part of the Premises or arising out of the use of the Premises and whether expressed to be payable by the owner or occupier of the Premises.

4.2 Maintenance, Repairs & Painting

The Lessee is to keep and maintain the premises in the condition presented to the lessor. The Lessee is to maintain every part of the Premises and all additions to the Premises and all lighting and electrical installations, including gardens area and car park, air conditioners, mobility hoists, electric doors and other such items servicing and general maintenance, and all drainage and all other fixtures and fittings, including window treatments and flooring in good repair to a standard acceptable to the Lessor and Lessee and to paint all such parts of the interior and exterior of the Premises as are now painted or are usually painted at such times and in accordance with the directions of the CEO of the Town.

4.3 Cleaning

At the Lessee's own expense during the Term at all times to keep and maintain the Premises clean, drained, free from rubbish, refuse and disused material of any kind and in good and sanitary condition to a standard acceptable to the Lessor.

4.4 Entry by Lessor to View and Undertake Urgent Repairs

To permit the Lessor, its officers, members or agents at all reasonable times with or without

workmen or others to enter the Premises to view the state of repair and condition of the Premises and to forthwith carry out any repairs, cleaning, painting or other works for which the Lessee is responsible under this Lease in accordance with any notice in writing given to the Lessee or left on the Premises by the Lessor.

The Lessor will take all practical steps to advise the Lessee of the need to entry the premises to undertake inspections or undertake urgent repair works.

4.5 Abatement of Nuisances

- (a) Not to do or leave undone any act, matter or thing which may be or be deemed to be a nuisance within the meaning of the *Local Government Act 1995* or any other Act or under any local laws or regulations applicable to the Premises or the use or occupation of the Premises by the Lessee and immediately to abate any such nuisance or alleged nuisance.
- (b) To ensure that the Premises are not used in any manner which may be or become a nuisance, disturbance or annoyance to the quiet and comfort of any occupier of any land in the vicinity of the Premises and on being required to do so by the Lessor or any officer of the Lessor to immediately abate any such nuisance, disturbance or annoyance.

4.6 Disorderly Behaviour

To prevent disorderly behaviour and indecent language in the Premises at all times during the day and night.

4.7 Compliance with Statutes and Licences

- (a) At its own expense to comply with, carry out and perform the requirements of the *Local Government Act 1995* and all other Acts, local planning schemes, local laws or regulations or of any requisitions or orders under them applicable to the Premises or the use or occupation of the Premises.
- (b) To take out and keep current any licences required in connection with any activities carried on from the Premises.

4.8 Permitted Use

To use the Premises solely for the Permitted Use or others uses as permitted by Council and allowable under the conditions of the Reserve Vesting Order.

4.9 Prohibited Use

Not to use the Premises for any illegal or immoral purpose nor for any business or commercial use without the prior written consent of the Lessor.

4.10 Insurance

The Lessee is to take out and keep in force the following policies of insurance with an insurer approved by the Lessor:

- (a) to effect and keep in force throughout the term a public risk policy of insurance in an amount of not less than \$10,000,000 for any one event or such greater amount as the Lessor may require and to produce to the Lessor on request a certificate of the currency of that policy.
- (b) Such policies of insurance as specified in Item 6 of the schedule.
- (c) is to effect and keep in force throughout the term a contents insurance policy to cover all

goods owned by the Lessor.

The Lessee is:

- (d) not to do or permit to be done anything whereby any policy of insurance in respect of the Premises may become void or voidable or by which the rate or premium on it may be increased.

4.11 Alterations and Improvements

Not without the prior written consent of the Lessor to erect or suffer to be erected any building or structure on the Premises nor to make or suffer to be made any alteration in or additions to any building or any other improvements to the Premises nor to remove any such improvements or to cut, maim or injure or suffer to be cut, maimed or injured any of the walls or timbers of the Premises.

4.12 Fixtures, Fittings and Furniture

Not without the prior written consent of the Lessor to erect, install or place any fixtures, fittings in or upon the Premises.

4.13 Assignment or Subletting

Not to assign, sublet or part with the possession of the Premises or any part of the Premises without the prior consent in writing of the Lessor and it is DECLARED that Sections 80 and 82 of the *Property Law Act 1969* are expressly excluded.

4.14 Signs

Not without the prior written consent of the Lessor to affix or exhibit or permit to be affixed to or exhibited upon any part of the exterior of the Premises or in any place visible from beyond the Premises any permanent placard, sign, poster, hoarding or advertisement.

4.15 Delivery Up of Possession

At the expiry or sooner determination of the Term peaceably and quietly to deliver up possession of the Premises and all furniture, fixtures and fittings belonging to the Premises in such good and tenable repair, order and condition as shall be consistent with the covenants contained in this Lease PROVIDED THAT immediately upon the expiry or sooner determination of the term the Lessee shall remove any tenant's fixtures and fittings and shall make good any damage caused to the Premises in doing so.

4.16 Removal of Trees etc

Unless the Lessee has the prior written consent of the Lessor in each case (which consent the Lessor shall have the unrestricted right to refuse) the Lessee shall not:

- (a) remove or agree to or permit the removal from the Premises any fixtures, fittings or other improvements or any rock, stone, gravel, earth or minerals comprised therein;
- (b) cut or permit to be cut any trees on the Premises or remove or permit the removal of any timber from the Premises.

4.17 Fire

To use and adopt all proper measures and precautions against the outbreak or spread of fire

upon, from or to the Premises and to comply with the *Bushfires Act 1954* and with all local laws, orders, regulations, requisitions, orders and notices made or given thereunder or pursuant thereto.

The Lessee is to maintain all fire firing equipment in good working order.

5. LESSOR'S COVENANT- QUIET POSSESSION

The Lessor COVENANTS with the Lessee that the Lessee paying the rental reserved by this Lease and observing and performing the covenants expressed and implied by this Lease and on the Lessee's part to be observed and performed shall during the Term and any extension of the Term quietly enjoy the use and occupation of the Premises without interruption by the Lessor or any person lawfully claiming through or under the Lessor.

6. MUTUAL AGREEMENTS

IT IS MUTUALLY AGREED as follows:

6.1 Default by Lessee

If:

- (a) the Lessee breaches any of the Lessee's Covenants and the breach continues for 14 days after notice has been served on the Lessee by the Lessor; or
- (b) the Lessee goes into liquidation or ceases to be an incorporated body whether compulsory or voluntary (except for the purpose of amalgamation or reconstruction) or a receiver or manager is appointed; or
- (c) any mortgagee of the Lessee's property enters into possession of the Premises; or
- (d) any execution or process is made against the property of the Lessee; or
- (e) the Lessee being a natural person shall commit an act of bankruptcy; or
- (f) the Lessee abandons or vacates the Premises;

then and in any of such cases (but subject to the *Bankruptcy Act 1966*) (*Commonwealth*) the Lessor may at its option at any time after that event and without any notice or demand enter and repossess the Premises and as a result of that the Term and the estate and interest of the Lessee in the Premises will immediately determine but without prejudice to any other of the rights and remedies of the Lessor under this Lease and without releasing the Lessee from liability in respect of the Lessee's Covenants.

6.2 Destruction of Premises

- (a) Subject to clause 6.2(b), if the Premises or any part of the Premises shall be burned down, destroyed or damaged by fire so as to render the same unfit for the purpose permitted by this Lease then in such case (unless the insurance of the Premises shall have been forfeited or become null and void or the payment of any moneys payable under such insurance be refused or withheld through any act or default of the Lessee or its members, agents, servants, invitees or licensees) the Rent or a fair and just proportion of the Rent according to the nature and extent of the damage sustained shall cease to be payable until the Premises shall have been rebuilt and rendered fit for the purpose permitted by this Lease. In case of difference touching this paragraph such difference shall be referred to the award of a single arbitrator if the parties can agree upon one and otherwise to two

arbitrators one to be appointed by the Lessor and the other by the Lessee and their umpire (to be appointed before proceeding with the arbitration) and in either case in accordance with the provisions of the *Commercial Arbitration Act 2012* or any modification or re-enactment thereof for the time being in force PROVIDED THAT in the event of such difference no part of the Rent shall be allowed by the Lessor to the Lessee as aforesaid but the Lessee shall continue to pay the Rent in full until the date of the award of such arbitrator at which time the Lessor shall refund to the Lessee free of interest any Rent which according to such award shall have been overpaid. In any such arbitration each party shall be entitled to be represented by a duly qualified legal practitioner and this clause shall be deemed to be the agreement in writing referred to in Section 20 of the *Commercial Arbitration Act 2012* in respect of such representation.

- (b) If the Premises or any substantial part thereof be burnt down, destroyed or damaged so as to be wholly unfit for occupation or use this Lease may at the option of the Lessor (such option to be declared in writing within 28 days after such destruction) be determined the Lessee in that event paying the rental hereby reserved up to such determination and all moneys paid or payable under any policy of insurance effected in respect of the Premises shall belong to the Lessor absolutely.

6.3 Entry by Lessor

If the Lessee shall fail to duly and punctually observe or perform any of the Lessee's Covenants the Lessor shall be entitled to carry out the observance or performance of such covenant, condition or agreement and for such purpose the Lessor or the Lessor's agents workmen or architects may if necessary enter the Premises or any part of the Premises or any part of the Premises and the cost and expense incurred in such observance or performance together with interest thereon at the rate of 11% per annum shall be a debt due by the Lessee to the Lessor and shall be payable on demand and may be recovered by the Lessor in the same manner as if such debt were for rent due under this Lease in arrear by action in law and such cost expense and interest shall be a charge on the Term.

6.4 Structural Alterations

Notwithstanding anything contained in clauses 4.2 (Maintenance, Repairs and Painting), 4.3 (Cleaning), 4.7 (Compliance with Statutes and Licences) and be necessitated or occasioned by reason of any act or default of the Lessee.

6.5 Service of Notices

That all notices, consents and approvals or any demand to be given to or made upon the Lessee shall be in writing and may be signed by the Lessor or its solicitors or agents and all such notices or demands shall be considered as having been properly served upon the Lessee if delivered to the Lessee or posted to the Lessee by prepaid registered post addressed to the Premises or to the address of the Lessee and if served by post shall be conclusively deemed to be served upon and be received by the Lessee at the expiration of the next day following the day when the same shall be posted.

6.6 Headings

That the headings appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of the clauses of this Lease nor in any way affect this Lease.

7. ESSENTIAL TERMS

The covenants by the Lessee contained in this Lease to pay Rent and rates, taxes and

insurance in respect of the Premises at the time and in the manner therein respectively prescribed and to only use the Premises for the Permitted Use and Clauses 3, 4.1, 4.3, 4.8, 4.9, 4.10 and 4.13 are essential terms of this Lease and any breach of any of those covenants shall be regarded by the Lessor and the Lessee as a fundamental breach by the Lessee of this Lease. Should the Lessor determine this Lease following such a breach then (without prejudicing or limiting any other right or remedy of the Lessor arising from such breach or otherwise under this Lease) the Lessor shall be entitled to recover from the Lessee and the Lessee covenants to pay to the Lessor as and by way of liquidated damages for such breach the Rent, rates, taxes and insurance which would have been payable by the Lessee for the unexpired residue of the Term after making allowance for the Rent, rates, taxes and insurance which the Lessor by taking reasonable steps to relet the Premises obtains or could reasonably be expected to obtain by reletting the Premises for such unexpired residue of the Term on reasonable terms as to rent and otherwise PROVIDED THAT:

- (a) any such reletting shall not be required to be on like terms as are expressed and implied in this Lease;
- (b) the Lessor's entitlement to recover damages as aforesaid shall not be prejudiced or limited if:
 - (i) the Lessee abandons or vacates the Premises;
 - (ii) the Lessor elects to re-enter the Premises or to determine this Lease;
 - (iii) the Lessor accepts the Lessee's repudiation of this Lease; or
 - (iv) the parties' conduct constitutes a surrender by operation of law;
- (c) the Lessor shall be entitled to institute proceedings to recover damages either before or after any of the events or matters referred to in sub-paragraph (c):
- (d) any conduct by the Lessor to mitigate damages shall not of itself constitute acceptance of the Lessee's breach or repudiation or a surrender by operation of law; and
- (e) nothing expressed or implied in this Lease shall be construed to mean that no other covenant in this Lease on the part of the Lessee to be observed or performed may be an essential term.

8. ADDITIONAL TERMS

All (if any) the additional terms covenants and conditions contained in the Schedule are incorporated into and apply to this Lease.

THE SCHEDULE

Item 1 **The Lessee**

Narrogin and Districts Senior Citizens Centre Inc.

Item 2 **Land**

1-3 Fathom Street, Narrogin.
(Located on Reserve No 11307)

Item 3 **Term**

Period of three years, with a three year option at the discretion of both parties.

Commencement Date

1 March 2018

Expiration Date

28 February 2021

Expiration of Option Period if agreed in writing by both Parties.

28 February 2024

Item 4 **Rent**

1st year rent	\$3,733.16.
2nd year rent	\$1st year rent payment plus annual CPI increase.
3rd year rent	\$2nd year rent payment plus annual CPI increase.

Option (if enacted)

4th year rent	3rd year rent payment plus annual CPI increase
5th year rent	4th year rent payment plus annual CPI increase.
6th year rent	5th year rent payment plus annual CPI increase.

Rent is due by the 31 March each year after the annual date.

The annual increase is based on the Perth CPI Index for the 12 months to 31 December prior to annual date of rent payment, and will be applied after the 1st years rent.

Item 5 **Permitted Use**

Facilitation of a Senior Citizen Facility and Services for the Aged)

Other uses as agreed to in writing by Council and allowable under the conditions of the Reserve Vesting Order.

Item 6 **Insurance**

The Lessee is to provide workers compensation insurance for its operations and officers' actions.

The Lessee is responsible for the building, contents and industrial special risk policy in joint names of the lessor and the lessee to cover the Premises and all plate glass installed on the Premises against loss damage by fire, fusion, explosion, smoke, lightning, flood, storm, tempest, rain, water, water damage, leakage, earthquake, riot, civic commotion, malicious damage, impact by vehicles, aircraft and articles dropped therefrom and any other risks required by the Lessor, such cover not to be less than the full insurable value of the Premises and plate glass on a replacement and/or reinstatement basis.

The Lessee is to supply a photocopy of each policy of insurance with the lessor and at least seven (7) days before they become due to pay all premiums necessary for that purpose and deposit with the Lessor a photocopy of the receipt for the current years premium or a certificate of renewal of insurance company and if the Lessee at any time fails to insure and keep insured as above it is agreed the Lessor may do all things necessary to effect or maintain the insurance and that the lessee must repay any moneys expended by the Lessor for the purpose on demand and any moneys so expended are deemed to be rent in arrears and may be recovered by the Lessor accordingly.

The Lessee may request that the Lessor takes out the building, contents and industrial insurance on the Lessee's behalf subject to the condition that the Lessee will reimburse all insurance premium costs associated with the request within 30 days of the Lessor demanding the reimbursement.

Item 7 **Bond**

The requirement to pay a bond is waived.

Item 8 **Specific Maintenance Clarification**

Lessor Responsibility:

- Replacement of all Capital Items for example Air Conditioning Units, Roofing Materials and all fixed/built in items.
- Repair of Building Failure issues for example leaking roof, rusted gutters, structural cracking of walls.
- Insurance Excess cost is the responsibility of the Lessor in the event of the Building structurally failing.

Lessee Responsibility:

- Any and all items installed by the Lessee both maintenance and replacement.
- Cost incurred for the servicing of air conditioning units.
- Costs incurred in servicing and maintenance of the automatic door.
- Maintenance of the internal and external painting of the Centre as required; however, at the minimum of full painting every ten years.
- Costs for cleaning of all carpets and flooring.
- Replacement of worn flooring through the Centre as required.
- Payment of all Insurance Excess cost in the event of Claims that are from the fault or error of the Lessee and all claims that cannot be attributed to the Structural Failure of the Building.

Item 9 **Special Usage Charges**

The Lessor's Homecare Section may hire the premise for aged care purposes at a 20% discount rate from the standard hire charges (as per the current agreement prior to this lease).

Subject to availability, the Lessee will not refuse any reasonable request from the Lessor for hire of the premises.

Item 10 **Utilities Accounts**

Where ever practical, utility accounts must be in the name of the Lessee.

EXECUTED as a Deed.

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

Dated this _____

(Signature of Shire President)

_____, Shire President
(Name of Shire President)

(Signature of Chief Executive Officer)

_____, Chief Executive Officer
(Name of Chief Executive Officer)

Signed by authority of a resolution of the **Narrogin and Districts Senior Citizens Centre Incorporated**

Dated this _____

(Signature of NDSCC Chairperson)

_____, NDSCC Chairperson
(Name of NDSCC Chairperson)

(Signature of NDSCC Secretary)

_____, NDSCC Secretary
(Name of NDSCC Secretary)

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

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

13. CLOSURE OF MEETING