

SHIRE
OF

CUBALLING

**ORDINARY COUNCIL MEETING
HELD ON 19 DECEMBER 2014**

MINUTES

These minutes were confirmed at the Ordinary Meeting held on Thursday 19th February 2015.

Signed.....

Cr Mark Conley, Shire President

Thursday 19th February 2015

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Cuballing for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Cuballing disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions.

Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and with derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Cuballing during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Cuballing.

The Shire of Cuballing warns that anyone who has an application lodged with the Shire of Cuballing must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Cuballing in respect of the application.

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Nil
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Nil
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Nil
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Nil
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Nil
13. **CLOSURE OF MEETING**

1. **OPENING - ANNOUNCEMENT OF VISITORS**

Meeting commenced at 3.10pm

2. **ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

Cr Mark Conley	President
Cr Roger Newman	Deputy President
Cr Tim Haslam	
Cr Scott Ballantyne	
Cr Eliza Dowling	
Cr Dawson Bradford	
Mr Gary Sherry	Chief Executive Officer
Ms Tonya Williams	Deputy Chief Executive Officer
Mr David Sivyer	Visitor

3. **PUBLIC QUESTION TIME**

Nil

4. **STANDING ORDERS**

COUNCIL DECISION:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

Moved: Cr Haslam

Seconded: Cr Bradford

Carried 6/0

5. **APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

6. **MINUTES**

6.1 **CONFIRMATION OF 21ST NOVEMBER 2014 ORDINARY MEETING OF COUNCIL**

COUNCIL DECISION:

That the minutes (as circulated) of the Ordinary Meeting of the Shire of Cuballing held in the Council Chambers on 21st November 2014 be confirmed as a true and correct record.

Moved: Cr Dowling

Seconded: Cr Newman

Carried 6/0

7. PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS

Nil

8. DISCLOSURES OF INTEREST

8.1 DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

8.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

Cr Conley declared an Impartiality Interest in that he is a close neighbour of the applicant in item 9.2.143.

Cr Bradford declared a Proximity Interest in item 9.2.142 in that he occupies adjoining land to the Yornaning West Road.

Cr Conley advised that with public interest in Item 9.2.143 that this matter will be brought forward.

Cr Conley declared an Impartiality Interest and left the chamber at 3.15pm.

With the absence of the presiding member the Deputy Shire President, Cr Newman assumed the chair.

9.2.143 Development Application – Winery - Lot 31 Halls Road, Wardering

Location/Address: Lot 31 Halls Road, Wardering
Applicant: David Sivyer
Reporting Officer: Gary Sherry – Chief Executive Officer
Date: 7th December 2014
File Reference: A335
Attachment
9.2.143A Location Plan
9.2.143B Site Plan
9.2.143C Information from Applicant

Summary

Conditional Planning Approval is recommended for a winery at Lot 31 Halls Road, Wardering.

Background

1. The Application Site

The site location is set out in Attachment 9.2.143A. The property is of an area of 64.15 hectares. The set out of the winery is included in Attachment 9.2.143B which will be located in existing buildings.

2. The Application

The Development Application for a Winery Lot 31 Halls Road, Wardering is included at Attachment 9.2.143C.

The applicant has had a vineyard on the site for some time and has collected 2 crops from the vines.

3. Public Consultation

The Development Application was advertised in the Narrogin Observer for public comment on Thursday 4th December 2014. In addition the Shire Administration sent letters to 4 adjoining/nearby landowners seeking comment on the proposed Winery. Notices were also placed on the property. Comment was advertised as being received until Thursday 18th December 2014.

At the time of preparation of this report the comment period had not yet closed, however to date there has been little interest in the application. Any comment received after the publication of the Council Agenda will be provided to Council prior to the Council meeting.

4. Submissions.

At this time the Shire Administration has not received any comment.

5. *Planning Context*

The site is zoned General Agriculture in the *Shire of Cuballing Town Planning Scheme No 2* (TPS2).

A winery is defined by TPS2 as premises used for the production of viticulture produce and may include sale of the produce.

The Zoning Table of a Town Planning Scheme identifies the uses permitted in the various zones. Winery's are listed as the use type "A" in the TPS2 Zoning Table. This means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with the TPS2 requirements.

The special notice required includes:

- Writing to inform neighbours who may be impacted by the use notice of the application;
- Publishing the notice of the application in a local newspaper; and
- Giving notice on a sign on or near the property.

Each of these notices must give at least 14 days from the notice being given until the close of public comment.

Comment

The key planning considerations are suggested to be:

- that the application is consistent with Council's TPS2 and R Codes;
- the impact will not have significant impact on neighbours.

Council approval is recommended because:

- The site is located in a rural setting and is some distance from neighbours and not in a high density development location.
- the winery has existed for two vintages as a small, not for profit hobby without impact on neighbours. There is no suggestion that the development will substantially increase and change the impact on neighbours. This application arises because the applicants wish to commercialise production and obtain a liquor licence to permit legal sale of the product;
- The application is not seeking to conduct activities, such as tastings, involving visits to the site by large numbers of public or customers. Sale of produce will be completed by mail order or direct sale to outlets;
- Although the application indicates a desire to expand the operation, such expansion of production and activity on the site would be the subject of another future development application where the scope and details would; and
- At this time no submissions from neighbours have been received at this time. It is being assumed at this time that landowners have no objections to the Planning Application. Should there be any submissions received prior to the Council meeting, Councillors will be advised prior to the meeting.

Statutory Environment

9.4 Advertising of applications

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is –

- (a) an 'A' use as referred to in clause 4.3.2; or
- (b) a use not listed in the Zoning Table, the local government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the local government may require notice be given in accordance with clause 9.4.3.

9.4.3 The local government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways –

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the local government by a specified day being not less than 14 days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4 The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the local government is to consider and determine the application.

Financial Implications - Nil

Strategic Implications - Nil at this time.

Policy Implications – Nil at this time

Economic Implications

The proposed activity submitted for approval if undertaken would provide diversification of the local economy of the Shire of Cuballing.

Social Implications

No objections or comment has been received from nearby landowners at this time.

Environmental Implications - Nil

Consultation

Adjoining or nearby landowners were invited by letter to make written comment on the Planning Application by 18th December 2014.

A notice was placed on the property advising of the application and inviting written comment on the Planning Application by 18th December 2014.

A public notice was placed with the Narrogin Observer on 4th December 2014 inviting written comment on the Planning Application by 18th December 201

No comments have been received at this time.

Options

Council can resolve:

1. the Officer's Recommendation;
2. to approve the Planning Application with amended or altered conditions;
3. to refuse the Planning Application; or
4. defer and seek additional information.

Voting Requirement – Simple Majority

COUNCIL DECISION:

That Council approve the Development Application for a Winery at Lot 31 Halls Road, Wardering subject to the following conditions:

- 1. this approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by Council. Where the Planning Approval has lapsed, no further development is to be carried out;**
- 2. the development hereby approved must be carried out in accordance with the plans and specifications submitted with the application (addressing all conditions) or otherwise amended by the Council and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the Council;**
- 3. production is limited to 6,000 bottles per annum;**
- 4. no retail sale of produce direct to retail customers visiting the site is permitted; and**
- 5. no activities such as public tastings or meals provided to retail customers visiting are permitted by this approval.**

Advice

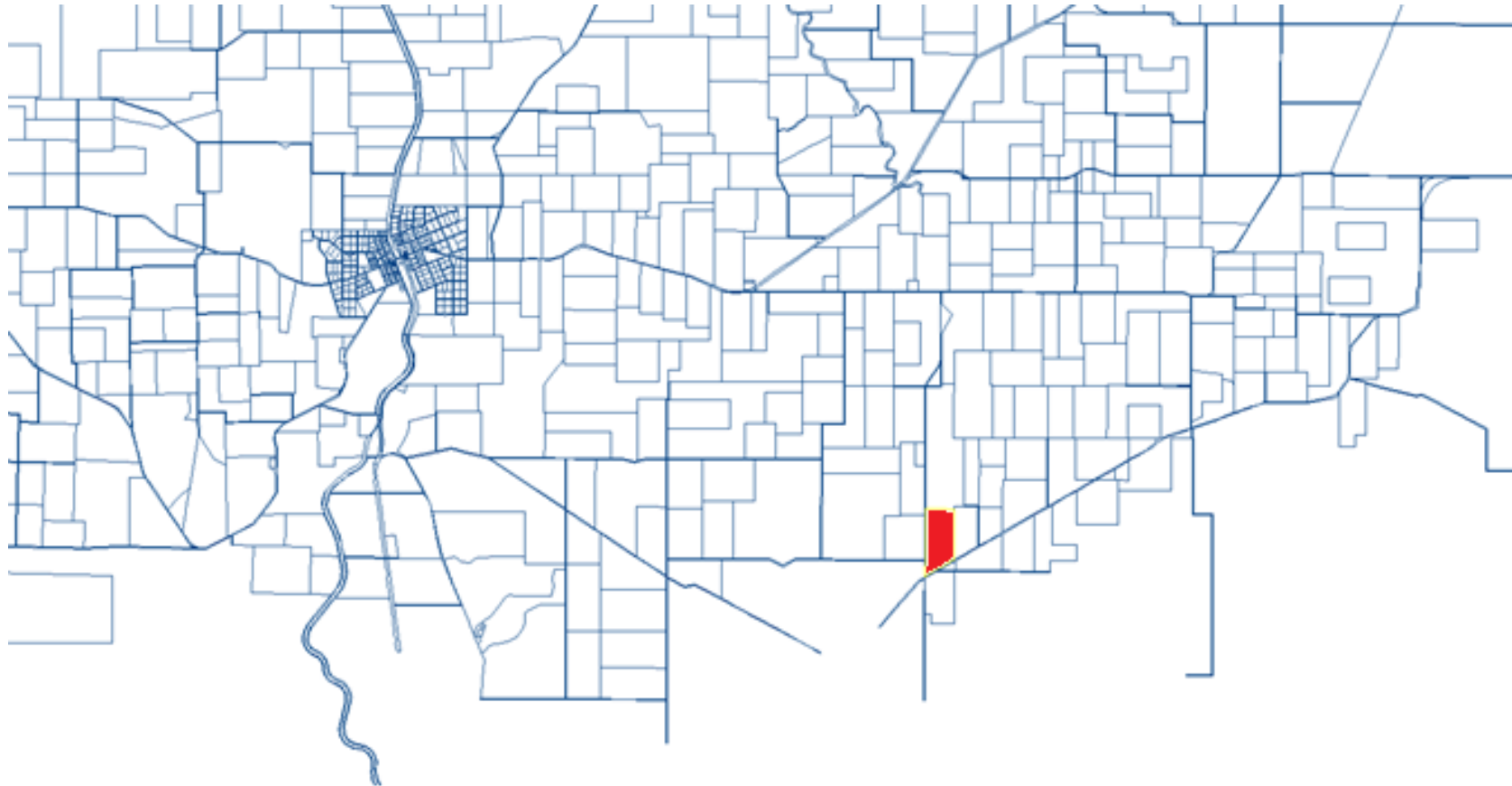
- A) The proponent is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.**
- B) Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.**

Moved: Cr Bradford

Seconded: Cr Haslam

Carried 5/0

Cr Conley returned to the Chambers at 3.24pm and resumed the chair.







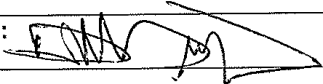
FORM OF APPLICATION FOR PLANNING APPROVAL

Town Planning Scheme No. 2
Application Number _____

Owner details:		
Name: Sivyer, David and Helen. T/A D&H Sivyer ABN 73497527760 <small>(Surname, First Names or Company Name)</small>		
Address: Lot 31 Halls Road, Wardering WA 6311 Postal Address: PO Box 221 Narrogin WA <div style="text-align: right;">Postcode: 6312</div>		
Phone:		FAX: n/a
Home: nil	Work: nil	Email: sivyerhr@bigpond.com
Mobile: 0418910248		
z		
Contact Person: David Sivyer		
Signature:	Date: 18/11/14	
Signature:	Date: 18/11/14	
The signature of the owner(s) is required on all applications. This application will not proceed without that signature. If the owner is a company, the names of all directors must be provided.		

Applicant details:		
Name: D&H Sivyer		
Address: PO Box 221 Narrogin WA 6312 <div style="text-align: right;">Postcode:</div>		
Phone:		FAX:
Home:	Work:	Email: sivyerhr@bigpond.com
Mobile: 0418910248		

S:\Town Plan\FORM OF APPLICATION FOR PLANNING APPROVAL.docx

Contact Person for Correspondence:	
David Sivyer	
Signature: 	Date: 18/11/14

9.1 REPORTS – FINANCE AND ADMINISTRATION

9.1.91 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – NOVEMBER 2014

Date:	5 th December 2014
Reporting Officer:	Nichole Gould, Admin Officer
Enabling Legislation:	Local Government (Financial Management) Regulations 1996
Council Policy:	Register Delegated Authority
Budget Implications:	Nil
Attachment:	9.1.91A List of payments
Voting Requirements:	Simple Majority

Background

Nil

Comment

Council is provided at Attachment 9.1.91A with a list of payments made from each of Council's bank accounts during the month of November 2014.

COUNCIL DECISION:

That Council notes the Chief Executive Officer's List Of Accounts for November 2014 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming included at Attachment 9.1.91A including payments from:

- 1. the Municipal fund totalling \$660,134.98; and**
- 2. the Trust Fund totalling \$25,327.10.**

Moved: Cr Newman

Seconded: Cr Ballantyne

Carried 6/0

LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL						
Chq /EFT	Name	Description	Trust	Credit Card	Municipal	Total
20	4 - Police Licensing Payments	Police Licensing Payments	-1443.70			-1443.70
20	4 - Police Licensing Payments	Police Licensing Payments	-803.25			-803.25
20	4 - Police Licensing Payments	Police Licensing Payments	-7832.00			-7832.00
20	4 - Police Licensing Payments	Police Licensing Payments	-61.90			-61.90
20	4 - Police Licensing Payments	Police Licensing Payments	-3380.30			-3380.30
20	4 - Police Licensing Payments	Police Licensing Payments	-221.65			-221.65
20	4 - Police Licensing Payments	Police Licensing Payments	-200.00			-200.00
20	4 - Police Licensing Payments	Police Licensing Payments	-87.35			-87.35
20	4 - Police Licensing Payments	Police Licensing Payments	-4699.80			-4699.80
20	4 - Police Licensing Payments	Police Licensing Payments	-128.70			-128.70
20	4 - Police Licensing Payments	Police Licensing Payments	-305.10			-305.10
20	4 - Police Licensing Payments	Police Licensing Payments	-24.00			-24.00
20	4 - Police Licensing Payments	Police Licensing Payments	-334.95			-334.95
20	4 - Police Licensing Payments	Police Licensing Payments	-955.00			-955.00
20	4 - Police Licensing Payments	Police Licensing Payments	-2416.05			-2416.05
20	4 - Police Licensing Payments	Police Licensing Payments	-249.15			-249.15
20	4 - Police Licensing Payments	Police Licensing Payments	-235.10			-235.10
20	4 - Police Licensing Payments	Police Licensing Payments	-1289.85			-1289.85
20	4 - Police Licensing Payments	Police Licensing Payments	-371.60			-371.60
20	4 - Police Licensing Payments	Police Licensing Payments	-287.65			-287.65
EFT1082	Air Liquide PTY LTD	Oxygen And Acetylene -2 Cylinders And Delivery			-632.66	-632.66
EFT1083	Anderson Munro & Wyllie	Various Grant Acquittals			-3685.00	-3685.00
EFT1084	Beaurepaires	Tyres Various Plant			-3059.00	-3059.00
EFT1085	Bitutek	Bitumen Sealing			-39924.50	-39924.50
EFT1086	Builders Registration Board Building Commission	October			-617.50	-617.50
EFT1087	Burgess Rawson (WA) Pty Ltd	Water Usage			-121.44	-121.44
EFT1088	Child Support Agency	Payroll Deductions			-151.33	-151.33
EFT1089	Corner's Automotive Electrics	Various Repairs			-646.25	-646.25
EFT1090	Cuby Roadhouse	October Account			-1345.88	-1345.88
EFT1091	Dews Mini Excavations	Excavator Hire Narrogin Wandering Road			-1567.50	-1567.50
EFT1092	Derbahl	Pumping Out Tanks And Leach Drain Popo Toilets			-470.60	-470.60
EFT1093	Edwards Motors Pty Ltd	Replacement Vehicle Due To Accident			-42163.40	-42163.40
EFT1094	Great Southern Fuel Supplies	Fuel For October			-19319.77	-19319.77
EFT1095	Hancocks Home Hardware	Key Cut For Tennis Court Toilets			-16.00	-16.00
EFT1096	Haulmore Trailer Sales	New Haulmore Tri Axle Side Tipping Trailer With Road Train Gear And Sand Tarp Assembly			-109268.50	-109268.50
EFT1097	Hydraulic And Mechanical Assistance	BPMORF 1216 Bucket HBP Valve Fitting			-41.80	-41.80
EFT1098	It Vision	Remote Assistance Re Payroll Not Balancing			-228.80	-228.80
EFT1099	Jr & A Hersey P/L	Protective Clothing, Depot Mtnce			-1340.57	-1340.57
EFT1100	Knightline Computers	Various Computer Issues			-331.50	-331.50
EFT1101	Landgate	GRV And UV Interims			-182.50	-182.50
EFT1102	Makit Narrogin Hardware	Parts Various Jobs			-71.20	-71.20
EFT1103	Mechanical And Diesel Services	Cat Loader Repairs And Steering Pins Bomag			-8988.87	-8988.87
EFT1104	McDougall Weldments	Repair Two Wheels On Broom			-1017.96	-1017.96
EFT1105	Narrogin Bearing Services	Parts			-138.80	-138.80
EFT1106	Narrogin Earthmoving And Concrete	Transport Loader To Various Jobs And Dry Hire Loader			-2285.25	-2285.25
EFT1107	Narrogin Fruit Market	Rolls Meeting			-16.10	-16.10
EFT1108	Narrogin Gardening Services	Professional Services Reseal			-3648.00	-3648.00

LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL						
Chq /EFT	Name	Description	Trust	Credit Card	Municipal	Total
		Works Cuballing East Road				
EFT1109	Road Signs Australia	Directional Toilet Signs			-99.00	-99.00
EFT1110	SOS Office Equipment	Printing Charges Photocopier			-339.96	-339.96
EFT1111	Staples Australia Pty Ltd	Stationery			-83.64	-83.64
EFT1112	Steele's Guns And Outdoors	Engraving And Keys Cut			-102.64	-102.64
EFT1113	Toll Ipec (Courier Australia)	Freight			-30.14	-30.14
EFT1114	The West Australian	Bushfire			-120.00	-120.00
EFT1115	WA Hino Sales And Service	2014 Hino 300 Series 717 Xlong Crew			-20296.16	-20296.16
EFT1116	Westrac	Parts, Bolt Washer Spacer P202			-17.71	-17.71
EFT1117	LRA Civil Pty Ltd	J600 Install Pipes And Headwalls			-15743.20	-15743.20
EFT1118	Child Support Agency	Payroll Deductions			-151.33	-151.33
EFT1119	Gary Sherry	Reimbursement As Shire Credit Card Not Working LGMA Conference			-1672.21	-1672.21
EFT1120	Air Liquide Pty Ltd	Gas Rental			-107.32	-107.32
EFT1121	Artistralia	Screen Rights For Mr Peabody And Sherman On 12 December			-352.00	-352.00
EFT1122	Avon Waste	Bulk Bin Service And Rent			-1310.33	-1310.33
EFT1123	Bitutek	Sealing Various Roads			-308974.44	-308974.44
EFT1124	Edwards Motors Pty Ltd	Service CNO			-797.85	-797.85
EFT1125	Farmworks Ruralco	12 Bags GP Cement CLGF 156C			-99.00	-99.00
EFT1126	Hanson Construction Materials	Concrete Test On Ngn Road			-198.00	-198.00
EFT1127	Ingrey Ford Pty Ltd	Service Building Vehicle			-250.00	-250.00
EFT1128	LRA Civil Pty Ltd	Roadside Clean Up J600, Install Pipes And Headwalls			-13178.00	-13178.00
EFT1129	Midalia Steel	CLGF J156C Steel			-425.48	-425.48
EFT1130	Narrogin Gardening Services	Professional Services J600, J149A			-680.00	-680.00
EFT1131	Narrogin Packaging	Toilet Rolls, Liners, Cleaner For BBQ			-212.75	-212.75
EFT1132	Nicholls Bus And Coach Service	Inspection Side Tipper, Licence Trailer			-144.30	-144.30
EFT1133	Page Truck Hire	Pushing Of Popo Tip October			-880.00	-880.00
EFT1134	Twinkarri Tree Pruning Services	Tree Pruning And Mulching J551 And J600			-13486.00	-13486.00
EFT1135	Westrac	Hose P202			-71.98	-71.98
746	11 - Interest On Graders	Interest On Graders			-1024.72	-1024.72
746	12 - Loan Repayment No. 63 Graders	Loan Repayment No. 63 Graders			-2689.56	-2689.56
746	14 - Rent On Forrest Street	Rent On Forrest Street			-600.00	-600.00
746	10 - Big Air Cloud Management	Big Air Cloud Management			-116.49	-116.49
746	13 - ATO Clearing Account Bas	ATO Clearing Account Bas			-5721.00	-5721.00
746	13 - ATO Clearing Account Bas	ATO Clearing Account Bas			-743.00	-743.00
746	14 - Rent On Forrest Street	Rent On Forrest Street			-600.00	-600.00
14606	Ray White Real Estate	Bond - Forrest Street Narrogin			-1200.00	-1200.00
14607	Building & Construction Industry Training	October			-983.50	-983.50
14608	John Robertson Carpentry Services	Deadlock To Tennis Club Toilet Popo			-330.00	-330.00
14609	Synergy	Various Power Accounts			-2618.20	-2618.20
14610	Shire Of Cuballing (Cash)	Building Services October And Private Works CLGF Cuby			-6066.15	-6066.15

LIST OF ACCOUNTS DUE AND SUBMITTED TO COUNCIL						
Chq /EFT	Name	Description	Trust	Credit Card	Municipal	Total
		Tennis Club				
14611	Telstra	Phone Charges			-1407.39	-1407.39
14612	Water Corporation	Water Accounts			-872.80	-872.80
14613	Shire Of Cuballing (Cash)	Coles Card			-500.00	-500.00
14614	Australian Super	Superannuation Contributions			-447.18	-447.18
14615	Hostplus Super	Superannuation Contributions			-386.98	-386.98
14616	Matrix Superannuation	Superannuation Contributions			-191.64	-191.64
14617	Prime Super	Superannuation Contributions			-341.34	-341.34
14618	WA Local Government Super Plan	Superannuation Contributions			-8142.23	-8142.23
14619	Westscheme	Superannuation Contributions			-342.44	-342.44
14620	Shire Of Cuballing (Cash)	Petty Cash Reconciliation - November			-351.40	-351.40
14621	Narrogin Primary School	Donation Graduation Narrogin Primary			-50.00	-50.00
14622	Telstra	Phone Bills			-1273.13	-1273.13
14623	Water Corporation	Water Standpipe Francis St			-283.08	-283.08
	Commonwealth Bank	Credit Card Charges		-1748.63		
		TOTAL	-25327.1	-1748.63	-658386.35	-685462.08

9.1.92 STATEMENT OF FINANCIAL ACTIVITY

Date:	3 rd December 2014
Reporting Officer:	Clare Thomson
Enabling Legislation:	Local Government (Financial Management) Regulations 1996
Council Policy:	Nil
Budget Implications:	Nil
File Reference:	CMR 7
Attachment:	9.1.92A Statement of Financial Activity
Voting Requirements:	Simple Majority

Background

Local Government (Financial Management) Regulations 1996, Section 34, provides for monthly financial reporting requirements for local government.

Comment

General Purpose Funding

Rates

An amount of \$1,002,487 has been raised in rates for the year. \$58,472.04 was given as a discount on rates. The discount has increased slightly due to some rate notices being sent out later due to new valuations received for several properties after the initial rate run.

At the end of October rate debtors were \$123,962, compared to \$122,577 at the same time last year.

Governance

Contributions and Reimbursements

This includes the reimbursement from the Shire of Mt Marshall for Mrs Eva Haydon's LSL contribution of \$12,932. It also includes the proceeds for the mulcher which needs to be journalled to schedule 14.

Other

All insurance premiums have now been paid.

Economic Services

Building Wages and Other Costs

This includes the cost and Darryle's wages and associated costs such as training, publications, superannuation etc. The running costs of the vehicle need to be transferred to this account and at present are \$1,271 for fuel usage.

Income – Building Surveyor Services

This figure does not include the invoices for November – these invoices amount to \$16,777.

From discussions with the CEO, accounting for Building Services will be included at Schedule 14 Other Property and Services as Private Works. Schedule 13 Economic Services will only reflect those costs directly attributable to building matters carried for the Shire of Cuballing.

Other Property and Services

Income – Private Works

This does not include the debtor invoices for October.

Expenditure PWO Other

Main expenditure is the subscription to Roman for an amount of \$5,311.

Parts and Repairs

To date \$26,630 has been spent on part and repairs – it includes \$7,850 on grader blades, 2 tractor brooms \$1,364, testing and tagging of all chains \$1,176, replacing master cylinder on CN026 \$3,027, repairs to loader bucket \$1,104, \$1,271 steering assembly P204 Bomag roller, \$1,666 converter, gasket cover, housing P202 Caterpillar wheel loader. Parts and repairs will increase considerably in the next month as the loader has needed extensive repair work estimated at \$10,000.

Internal Repair wages

This now includes the servicing of vehicles carried out by the outside staff which previously went under parts and repairs.

OFFICER'S RECOMMENDATION:

That the Statement of Financial Activity, as included at Attachment 9.1.92A, for the Shire of Cuballing for period ending 30th November 2014, be received.

Moved: Cr Ballantyne

Seconded: Cr Newman

Carried 6/0

Bank Reconciliation for the month of November 2014

	Municipal Fund	Trust Fund	Reserve Accts
Opening balance	\$1,083,206.00	\$29,361.06	\$ 1,030,184.75
Income	\$292,808.62	\$25,676.05	-
Add interest	2,204.88	-	5,836.00
Adjustment	\$0.00	-	
Expenditure	-\$721,190.36	-\$25,327.10	
Closing balance	\$657,029.14	\$29,710.01	\$ 1,036,020.75
Bank account	\$113,517.49	\$28,101.01	\$ 2,893.89
Investments	\$543,554.01	0.00	\$ 1,033,126.85
Plus O/S deposits	250.00	1,609.00	
Less O/S cheques	-\$292.36		
Closing balance	\$657,029.14	\$29,710.01	\$ 1,036,020.74

Investments 30 November 14

Account Number	Maturity Date	Interest Rate	Fund/Account		
			Municipal	Trust	Reserve
3445506	Cash Deposit	2.25%	-		1,033,126.85
34681402	Cash Deposit	2.25%	300,000.00		
	Online account	2.50%	243,554.01		
Total			543,554.01	0	1,033,126.85

SHIRE OF CUBALLING

MONTHLY STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 30 NOVEMBER 2014

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SHIRE OF CUBALLING
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 30 NOVEMBER 2014

Operating	NOTE	30-Nov 2014 Actual \$	30-Nov 2014 Y-T-D Budget \$	2014/2015 Budget \$	Variances Budget to Actual Y-T-D %
Revenues/Sources					
Governance		13,630	6,500	5,300	(109.69%)
General Purpose Funding		304,488	333,961	333,961	8.83%
Law, Order, Public Safety		9,493	23,000	30,940	58.72%
Health		1,386	1,000	1,000	(38.60%)
Education and Welfare		-	-	-	
Housing		-	-	-	
Community Amenities		831	3,000	3,000	72.30%
Recreation and Culture		2,790	17,200	17,200	83.78%
Transport		359,242	905,251	905,251	60.32%
Economic Services		41,621	16,500	23,260	(152.25%)
Other Property and Services		<u>79,273</u>	<u>208,552</u>	<u>208,552</u>	61.99%
		812,755	1,514,964	1,528,464	
(Expenses)/(Applications)					
Governance		(105,072)	(160,119)	(160,119)	34.38%
General Purpose Funding		(15,659)	(40,500)	(69,422)	61.34%
Law, Order, Public Safety		(24,194)	(116,500)	(141,470)	79.23%
Health		(8,409)	(24,500)	(35,550)	65.68%
Education and Welfare		(4,969)	(7,500)	(12,000)	33.74%
Housing		(10,794)	(17,500)	(15,200)	38.32%
Community Amenities		(55,838)	(125,000)	(181,310)	55.33%
Recreation & Culture		(71,267)	(160,169)	(160,169)	55.51%
Transport		(528,761)	(1,780,000)	(2,110,822)	70.29%
Economic Services		(75,198)	(70,500)	(98,872)	(6.66%)
Other Property and Services		<u>97,144</u>	<u>(98,846)</u>	<u>(98,846)</u>	198.28%
		(803,019)	(2,601,134)	(3,083,780)	
Adjustments for Non-Cash (Revenue) and Expenditure					
(Profit)/Loss on Asset Disposals		7,502	(87,052)	(27,500)	
Depreciation on Assets		-	813,360	813,360	
Movement current leave entitlements		-	-	-	
Capital Revenue and (Expenditure)					
Purchase Land Held for Resale		-	-	-	
Purchase Land and Buildings		(34,634)	(348,412)	(441,985)	
Purchase Infrastructure Assets - Roads & Footpaths, Other		(535,809)	(1,361,941)	(1,360,704)	
Other		-	-	-	
Purchase Plant and Equipment		(368,905)	(618,800)	(636,000)	
Purchase Furniture and Equipment		-	(13,547)	(12,000)	
Proceeds from Disposal of Assets		65,999	172,000	180,000	
Repayment of Debentures		(9,298)	(35,755)	(65,539)	
Repayment of Debentures graders		(13,349)	(10,505)	-	
Proceeds from New Debentures		-	300,000	300,000	
Transfers to Reserves (Restricted Assets)		(9,212)	(18,607)	(120,000)	
Transfer to/from Reserves		-	(144,888)	-	
Transfer to restricted assets		-	-	-	
Transfers from Reserves (Restricted Assets)		-	100,000	100,000	
Transfer from Restricted Cash		297,044	1,473,882	1,457,248	
Net Current Assets July 1 B/Fw d		498,339	888,795	580,215	
Net Current Assets Year to Date		(848,934)	(1,025,526)	-	
Amount Raised from Rates		<u>(941,520)</u>	<u>(847,772)</u>	<u>(788,220)</u>	

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

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 30 NOVEMBER 2014

	30-Nov	30-Jun
3. ACQUISITION OF ASSETS	Actual	Budget
	\$	\$
The following assets have been acquired during the period under review:		
<u>By Program</u>		
Governance	36,182	55,000
Community Amenities	-	140,000
Recreation and Culture	29,011	91,154
Transport	233,598	1,151,643
Economic Services	33,636	42,000
	332,427	1,479,797
<u>By Class</u>		
Land and Buildings	29,011	231,156
Infrastructure Assets	134,138	879,641
Plant and Equipment	169,277	369,000
Furniture and fittings	-	-
	332,426	1,479,797

SHIRE OF CUBALLING
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 30 NOVEMBER 2014

5. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Loan Date	Years	Principal 1-Jul-13	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
					Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Recreation & Culture										
Loan #61 Change Rooms	31/10/2005	10	12,749		2,479	9,575	10,270	2,621	180	1,058
Transport										
Loan #62 - Loader	11/08/2008	10	123,885		6,819	26,178	117,066	95,916	2,065	9,362
Loan#63 - Graders	7/02/2014	8	289,495	-	13,349	29,784	276,146	257,039	5,222	10,349
			426,129	-	22,647	65,537	403,482	355,576	7,467	20,769

All debenture repayments were financed by general purpose revenue.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 30 NOVEMBER 2014

	30-Nov 2014 Actual \$	2014/2015 Budget \$
6. RESERVES		
Cash Backed Reserves		
(a) Plant and Equipment Reserve		
Opening Balance	283,088	283,088
Amount Set Aside / Transfer to Reserve	2,548	44,157
Amount Used / Transfer from Reserve	-	(254,000)
	<u>285,636</u>	<u>73,245</u>
(b) IT and Office Equipment Reserve		
Opening Balance	29,245	29,245
Amount Set Aside / Transfer to Reserve	262	20,194
Amount Used / Transfer from Reserve	-	-
	<u>29,507</u>	<u>49,439</u>
(c) Employee Entitlements Reserve		
Opening Balance	123,398	123,389
Amount Set Aside / Transfer to Reserve	1,107	2,489
Amount Used / Transfer from Reserve	-	-
	<u>124,505</u>	<u>125,878</u>
(d) Housing Reserve		
Opening Balance	7,629	7,629
Amount Set Aside / Transfer to Reserve	68	160
Amount Used / Transfer from Reserve	-	-
	<u>7,697</u>	<u>7,789</u>
(e) Recreation and Community Facility Res		
Opening Balance	292,950	292,950
Amount Set Aside / Transfer to Reserve	2,628	6,123
Amount Used / Transfer from Reserve	-	(5,000)
	<u>295,578</u>	<u>294,073</u>
(f) Refuse Site Reserve		
Opening Balance	58,624	58,624
Amount Set Aside / Transfer to Reserve	526	1,225
Amount Used / Transfer from Reserve	-	-
	<u>59,150</u>	<u>59,849</u>
(g) Grain Freight Reserve		
Opening Balance	106,989	106,989
Amount Set Aside / Transfer to Reserve	959	564
Amount Used / Transfer from Reserve	-	-
	<u>107,948</u>	<u>107,553</u>
(h) Equestrian Reserve		
Opening Balance	2,000	2,000
Amount Set Aside / Transfer to Reserve	65	2,042
Amount Used / Transfer from Reserve	-	-
	<u>2,065</u>	<u>4,042</u>

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 30 NOVEMBER 2014

6. RESERVES	30-Nov 2014 Actual	2014/2015 Budget
Cash Backed Reserves continued	\$	\$
(i) General Purpose Reserve		
Opening Balance	122,888	122,888
Amount Set Aside / Transfer to Reserve	1,046	2,046
Amount Used / Transfer from Reserve	-	-
	<u>123,934</u>	<u>124,934</u>
Total Cash Backed Reserves	<u>1,036,020</u>	<u>846,802</u>

All of the above reserve accounts are supported by money held in financial institutions

6. RESERVES (Continued)	30-Nov 2014 Actual	2014/2015 Budget
Summary of Transfers To Cash Backed Reserves	\$	\$
Transfers to Reserves		
Plant and Equipment Reserve	2,548	44,157
Office Equipment Reserve	262	20,194
Employee Entitlement Reserve	1,107	2,489
Housing Reserve	68	160
Recreation and Community Facility Res.	2,628	6,123
Refuse Site Reserve	526	1,225
Grain Freight Reserve	959	564
Equestrian Reserve	65	2,042
General Purpose Reserve	1,046	2,046
	<u>9,209</u>	<u>79,000</u>
Transfers from Reserves		
Plant and Equipment Reserve	-	(254,000)
IT and Office Equipment Reserve	-	-
Employee Entitlements Reserve	-	-
Housing Reserve	-	-
Recreation and Community Facility Res.	-	(5,000)
Refuse Site Reserve	-	-
Grain Freight Reserve	-	-
Equestrian Reserve	-	-
General Purpose Reserve	-	-
	<u>-</u>	<u>(259,000)</u>
Total Transfer to/(from) Reserves	<u>9,209</u>	<u>(180,000)</u>

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2013 TO 30 JUNE 2014

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Plant and Equipment Reserve

- to be used for the purchase and replacement of major items..

IT and Office Equipment Reserve

- to be used for the purchase of new and/or replacement of office equipment or furniture items.

Long Service Leave Reserve

- to be used to fund long service leave requirements.

Housing Reserve

- to be used to fund the construction of new shire housing.

Recreation and Community Facility Reserve

- to be used to fund the upgrade of the oval and associated facilities.

Refuse Site Reserve

- to be used to fund the upgrade of the refuse site.

Grain Freight Reserve

- to be used to maintain the grain freight route through the district.

Equestrian Reserve

- to be used for the maintenance and upkeep of the equestrian centre.

General Purpose Reserve

- to be used to maintain/fund various facilities throughout the district.

SHIRE OF CUBALLING

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 30 NOVEMBER 2014

	30-Nov 2014 Actual \$	Brought Forward 1-Jul \$
7. NET CURRENT ASSETS		
Composition of Estimated Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	659,734	488,032
Cash - Restricted Reserves	1,036,020	1,026,811
Cash - Restricted Cash	-	297,044
Receivables	194,352	74,675
Inventories	11,032	11,032
	1,901,138	1,897,594
LESS: CURRENT LIABILITIES		
Payables and Provisions	(16,184)	(75,400)
NET CURRENT ASSET POSITION	1,884,954	1,822,194
Less: Cash - Reserves - Restricted	(1,036,020)	(1,026,811)
Less: Cash - Restricted Municipal	-	(297,044)
NET CURRENT ASSET POSITION	848,934	498,339

SHIRE OF CUBALLING
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2014 TO 30 NOVEMBER 2014

8. RATING INFORMATION

<u>RATE TYPE</u>	Rate in \$	Number of Properties	Rateable Value \$	2014/2015 Rate Revenue \$	2014/2015 Interim Rates \$	2014/2015 Back Rates \$	2014/2015 Total Revenue \$	2014/2015 Budget \$
General Rate								
UV - Cuballing	0.006733	224	100,116,000	674,081	-	-	674,081	674,081
GRV Cuballing	0.072742	176	1,848,542	134,467	1,222	-	135,689	134,467
Sub-Totals		400	101,964,542	808,548	1,222	-	809,770	808,548
	Minimum \$							
Minimum Rates								
UV - Cuballing	760	128	10,366,627	97,280	-	-	97,280	54,600
GRV Cuballing	620	154	702,131	95,480	-	-	95,480	88,550
					-	-	-	
Sub-Totals		282	11,068,758	192,760	-	-	192,760	143,150
Ex gratia rates							1,002,530	951,698
Specified Area Rates							-	-
							-	-
Discounts							1,002,530 (57,066)	951,698 (55,000)
Totals							945,464	896,698

All land except exempt land in the Shire of Cuballing is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2014/15 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 bearing considering the extent of any increase in rating over the level adopted in the previous year.

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.

Funds held at balance date over which the Municipality has no control and which are not included in this statement are as follows:

Detail	Balance 1-Jul-14 \$	Amounts Received \$	Amounts Paid (\$)	Balance \$
Bonds - Building	14,389			14,389
Bonds - Hall Hire	1,050			1,050
Commodine Tennis Club	3,090			3,090
Cuballing Country Festival	1,099	-	-	1,099
Cuballing Cricket Club	200			200
Popo Plates	0	-	-	600
Cuballing Football Asson	566			566
Environment and Townscape Trust	5,713			5,713
Police Licensing	5,148	144,063	(147,756)	1,455
Swipe cards	1,545	15	(15)	1,545
	<u>32,800</u>			<u>29,707</u>

10. SUPPLEMENTARY INFORMATION

May include (not exhaustive) the following:

- Operating Statement;
- Balance Sheet;
- Debtors listings;
- Creditors listings;
- Cash/Investment summaries;
- Plant reports;
- Ratio analysis; and
- Other information considered relevant.

9.2 CHIEF EXECUTIVE OFFICER'S REPORTS

9.2.139 2015 COUNCIL MEETING SCHEDULE

Reporting Officer: Gary Sherry – Chief Executive Officer
Interest Nil
Date: 3rd December 2014
File Reference: CMR1
Attachment

Summary

Council is to consider Ordinary/Special/Elector's Meeting dates, locations and starting time for 2015.

Background

It is a legislative requirement for the public in general to be advised in advance of all meeting dates, place and starting times to facilitate attendance or participation in Council Meetings. Unforeseen circumstances may dictate a change to this schedule and local advertising will inform Electors accordingly.

Comment

This current meeting schedule has Council's Ordinary meetings held on a regular monthly interval. It has been considered appropriate that Council holds their meetings on the Thursday of the third week of each month, to fit with public holidays. The day on which the meeting would be held can be altered, but the draft schedule continues with Thursday as the Ordinary Meeting day for Council.

This current meeting schedule has Council's Ordinary meetings commencing at 3pm. This timing allows the informal Council Forum to commence at 1pm, be interrupted at 3pm and then recommence after the end of the meeting. The Department of Local Government's suggested schedule for Council activities is to hold formal Council meetings first and then informal Council Forums after the closure of the formal meeting. Should Council wish to implement this, a possible schedule would be to have Council meetings start at 3pm, Council forum commence after at say 5pm and continue to closure. The meal after Council meetings could be held slightly later.

Council currently holds all its meetings at the Council Chambers at the Cuballing Administration Centre. It would be relatively easy to hold a Council meeting in a different location as a one off event if Council thought there was benefit in such a move.

This proposed schedule includes 11 Ordinary Council Meetings. This schedule includes:

- most meetings are held four weeks after the preceding meeting with the exceptions of May 2015, August 2015 and November 2015 which are held five weeks after the preceding meeting;
- an Annual Electors Meeting has been scheduled to be held on Thursday 17th December 2015 at the Council Chambers. The exact timing for this meeting is dictated by the speed

of receiving Council's Audit Report and preparation of the Annual Report and the date is likely to be reviewed later in 2015; and

- meetings starting at 3pm. This time could be separately altered to allow Council to make Council meetings more accessible to electors.

The proposed meeting schedule is included below:

Thursday 19 February 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 19 March 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 23 April 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 21 May 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 18 June 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 16 July 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 20 August 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 17 September 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 15 October 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 19 November 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 17 December 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 17 December 2015	Annual Electors Meeting	6:00 PM	Council Chambers

Separate to the monthly meeting schedule, it is anticipated that Councillors will still meet on occasions to review or workshop individual matters.

Statutory Environment

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Financial Implications –

Local advertising in the Narrogin Observer will occur a relatively small charge.

Strategic Implications – Nil at this time.

Policy Implications – Nil at this time.

Economic Implications – Nil

Social Implications – Nil

Environmental Implications – Nil

Consultation – Nil

Options

Council can resolve:

1. the Officer's Recommendation; or
2. the Officer's Recommendation with minor amendments to times or venues; or
3. a different schedule of meetings, giving reasons for not accepting the Officer's Recommendation.

Voting Requirement – Simple Majority

COUNCIL DECISION:

That Council adopt the following Schedule of Council Meetings for 2015:

Thursday 19 February 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 19 March 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 23 April 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 21 May 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 18 June 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 16 July 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 20 August 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 17 September 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 15 October 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 19 November 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 17 December 2015	Ordinary Meeting	3:00 PM	Council Chambers
Thursday 17 December 2015	Annual Electors Meeting	6:00 PM	Council Chambers

Moved: Cr Ballantyne

Seconded: Cr Haslam

Carried 6/0

9.2.140 CONTIGUOUS RATES VALUATIONS POLICY

Reporting Officer:	Gary Sherry – Chief Executive Officer
Interest	Nil
Date:	12 th November 2014
File Reference:	150888/TP7
Attachment	9.2.140A Draft Policy 2.13 Rates – Contiguous Valuations

Summary

Council is to consider adopting policy to permit the contiguous valuation of properties in the Shire of Cuballing where, although the properties are owned by separate legal entities, the properties are owned and used in single purpose.

Background

Recently Council had an application from a landholder requesting that their rural properties, that are currently separately valued, be group valued. Providing that the land is contiguous, commonly owned and is used for one purpose, this request would automatically be re-valued by the Valuer Generals Office as one holding.

However the properties in question are contiguous, used for the one purpose, but are currently under different ownership with Certificate of Titles issued in separate names.

The Valuer Generals Office has advised that it is still possible to group value these properties, but will only do so with Councils approval.

The Western Australian Land Information Authority (Landgate) policy Unimproved Values – Rural Valuation Policy 4.310 is as follows;

Contiguous rural land held in the same ownership used and occupied as one property and which would normally be expected to sell as one holding, is to be valued as a single valuation entity. Individual values will apply to land except where it can be demonstrated that:

- The lots are contiguous and in common ownership.
- The lots are used and occupied as one holding and would normally be expected to sell as one holding.
- The current contiguity and use will continue into the foreseeable future.
- The basis of valuation is confirmed by sales evidence.

Definitions:

“Contiguous”

- a. Where survey boundaries abut or adjoin.
- b. Where locations or lots are separated by a road, drain or watercourse
- c. reserve, they may be deemed contiguous.
- d. In exceptional circumstances, some properties may be deemed by the Valuer General to be contiguous, even though their boundaries do not strictly adjoin. In such cases, the matter should be referred to the Valuer General or appropriate Chief Valuer, who may be guided by advice provided by the local government.

“Same Ownership”

- a. Same names as per Certificate of Title.
- b. Ratepayer’s name for recording on the Valuation Rolls, advised by the local government authority.

Comment

If Council wishes to permit the contiguous valuation of properties in the Shire of Cuballing where, although the properties are owned by separate legal entities, the properties are owned and used in single purpose, then Council needs to implement a Policy that will provide clear guidelines on the appropriate treatment of properties being considered for contiguous valuations. This will ensure that there are no discrepancies between the way properties are considered contiguous as far as rating is concerned.

The draft Policy that provides the clear direction required is included at Attachment 9.2.140A. In order to give consideration to the current request, the Valuer General requires such policy.

Contiguous valuation of multiple residential lots by a single owner is common. However it is most likely that the farming properties will meet the guidelines laid out in the draft policy. It is unlikely multiple residential lots, in different ownership, would satisfy the joint use criteria.

In adopting the draft policy Council is effectively permitting the rating of contiguous properties currently used by single farming entities. As farming entities, and particularly family farms, evolve over time, different ownership of properties can be used. For example property titles can be bought in the names of children commencing in the farming operation or left in the name of parents who have retired away from the farming operation. To change the name of the title would incur stamp duty and other costs making the title change complex and costly. The policy will only permit landowners, using property as a single unit, to obtain contiguous valuation.

It is normal in the cases where individual land titles are individually valued the sum of the individual values are greater than a single value of the individual titles. This is greatest where groups of small titles are combined into a single valuation. The effect is reduced where large lots are combined into a single valuation.

Whilst the reduction of rates could be significant for individuals, the total financial impact on Council is not likely to be significant. Rate reductions of up to 25% could be possible where a number of small rates assessments are contiguously rated. Large properties, with the highest valuations and the most rates payable, will have the smallest, if any, reduction in Council rates.

Statutory Environment

Valuation of Land Act 1978, Sections 4 (1), 18, 23

Financial Implications

It is highly likely that there are many properties that will satisfy the requirements of the proposed policy.

Staff have completed a survey of only some of the potentially applicable rates assessments, using valuation estimates from the VGO to compare the outcomes should the owners be permitted to apply for contiguous valuations.

Assess No	Area Ha	Current Valuation \$	Current Rates Value \$	Future Valuation \$	Rates Future Value \$	Notes
A343	643.60	847,000	5,703			No significant change
A347	303.80	395,000	2,660			
A342	564.50	605,000	4,073			
A345	265.00	381,000	2,565			
	1,776.90	2,228,000	15,001	2,228,000	15,001	
A431	31.30	101,000	680			Rates income reduce by \$443 or 5.1%
A432	913.33	1,191,000	8,019			
	944.63	1,292,000	8,699	1,226,192	8,256	
A455	531.60	759,000	5,110			No significant change
A469	2,329.60	2,791,000	18,792			
	2,861.20	3,550,000	23,902	3,550,000	23,902	
A449	41.50	93,500	630			Rates income reduce by \$637 or 20.9%
A468	227.30	257,000	1,730			
A459	64.70	102,000	687			
	333.50	452,500	3,047	357,865	2,410	
A53	105.20	154,000	1,037			Rates income reduce by \$806 or 25.5%
A67	133.20	196,000	1,320			
A71	58.30	120,000	808			
	296.70	470,000	3,165	350,346	2,359	
A796	201.00	182,000	1,225			No significant change
A236	348.00	466,000	3,138			
A234	407.00	391,000	2,633			
A324	267.10	195,000	1,313			
	1,223.10	1,234,000	8,309	1,234,000	8,309	
A424	986.30	727,000	4,895			No significant change
A416	1,388.30	1,522,000	10,248			
	2,374.60	2,249,000	15,143	2,249,000	15,143	
A480	1,158.90	1,419,000	9,554			No significant change
A479	214.10	271,000	1,825			
	1,373.00	1,690,000	11,379	1,690,000	11,379	
A478	348.40	495,000	3,333			Rates Income reduce by \$472 or 8.7%
A457	40.50	120,000	808			
A488	145.70	195,000	1,313			
	534.60	810,000	5,454	740,000	4,982	

The rates assessments surveyed above represent over 13% of Council's current UV valued rates assessment. These surveyed assessments had a total rates reduction of \$2,358 or 2.5% over all the assessments. If this was extrapolated over the remaining 87% of UV valued rates assessments, the total UV rates income would be reduced by nearly \$16,900.

Strategic Implications – Nil at this time.

Policy Implications

Council will consider a draft policy that, if adopted, will be included in Council's Policy Manual.

Economic Implications

The amounts proposed to reduce rates are considered unlikely to affect the local economy in a significant manner.

Social Implications – Nil

Environmental Implications – Nil

Consultation

Consultation with CEO, local Councils and the Valuer Generals Office.

Options

Council can resolve:

1. the Officer's Recommendation;
2. the Officer's Recommendation with amendments to the Draft Policy to better satisfy Council's requirements; or
3. to not permit the contiguous valuation of properties where the properties are owned by separate entities of any kind.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. **permit the contiguous valuation of properties where the properties:**
 - a. **are contiguous (touching); and**
 - b. **are used for one purpose; and**
 - c. **are under the same ownership/management; and**
2. **adopt the draft policy 2.13 Rates – Contiguous Valuations included at Attachment 9.2.140A to provide guidance to such applications.**

COUNCIL DECISION:

That Council not permit the contiguous valuation of properties where the properties are owned by separate entities of any kind.

Moved: Cr Dowling

Seconded: Cr Bradford

Carried 6/0

Council did not resolve the Officer's Recommendation because of the potential impact on Council's budget.

2.13 Rates – Contiguous Valuations

Objective

This policy provides guidance and clarity on the treatment of contiguous valuation of land requests for Unimproved Valuations (UV) and Gross Rental Valuations (GRV) of properties made to the Valuer Generals Office.

Policy – Group Valuations for Contiguous Unimproved Valuation (UV) Properties

That where a ratepayer applies to have their currently separately valued properties assessed for contiguous valuation, application be made to the Valuer Generals Office for contiguous use valuation on land/location/lots that meet all of the following requirements:

1. That the land/location/lots are contiguous (touching).
2. That the land/location/lots are used for one purpose.
3. That the land/locations/lots are under the same ownership/management.

and must provide the following documentation:

1. A Statutory Declaration detailing the land involved is used for one purpose, providing ownership details, and a statement of who the ratepayer will be in ratebook; and
2. Copies of Certificate of Titles, Lease Documents or a statement from all “Title Holders” confirming that the land is under one management.

Guidelines

To be exercised in accordance with the Valuation of Land Act 1978, Sections 4 (1), 18, 23

9.2.141 Write Off of Private Works Invoice

Reporting Officer: Gary Sherry – Chief Executive Officer
Interest Nil
Date: 12th November 2014
File Reference: Finance 13 - Debtors

Summary

Council is to consider writing off a debtors invoice for private works for \$247.50.

Background

In March 2014 Council staff completed 1.5 hours grading for the Lange family of Popanyinning. Mr Nigel Ross Lange was invoiced \$247.50 on invoice No 2489 for the works.

Comment

Mr Kelvin Lange spoke with the Chief Executive Officer on 21st November 2014 and requested that the invoice be written off.

Mr Lange was of the expectation that because he always made available gravel from his property for Council road works at no cost to Council, Council would complete small private works jobs for free like the grading of his driveway.

How Mr Lange would come to the expectation that he would not be charged for the works is unclear this is not normal practice for Council staff. Some doubt exists over the exact nature of the request for private works to a junior member of staff. Council staff are aware that all private works are to be invoiced and this has been reinforced again.

It was explained to Mr Lange that while this providing of services for free was once permitted, it is no longer the case. It was explained to Mr Lange that Council was very willing to purchase gravel from his property. He was then welcome to use the proceeds of this sale to purchase private works services from Council if he chose. Mr Lange agreed to this method for the Shire to access gravel in the future.

Mr Lange has in the past provided considerable amounts of gravel of an amount significantly greater than the value of this invoice to the Shire of Cuballing for a range of works projects that have benefited the Shire and the community. It is recommended that only this invoice be written off in recognition of the past provision of gravel free of charge and in the knowledge it will not be repeated because both parties are completely aware that all future transactions will be on a cash basis.

Statutory Environment

Council is not able to provide private works to individual ratepayers without charge.

Financial Implications

The writing off of \$247.50 is not materially significant to Council's financial performance.

Strategic Implications – Nil at this time.

Policy Implications

The Chief Executive Officer has delegated authority to write off debtor amounts less than \$100 that are uneconomic to collect. This amount is greater than that delegation.

Economic Implications - Nil
Social Implications – Nil
Environmental Implications – Nil

Consultation

Mr Kelvin Lange

Options

Council can resolve:

1. the Officer's Recommendation; or
2. to not write off the \$247.50 on invoice No 2489 and direct staff to continue to pursue payment.

Voting Requirement – Simple Majority

COUNCIL DECISION:

That Council write off \$247.50 on invoice No 2489 for private works in the name of Mr Nigel Ross Lange.

Moved: Cr Ballantyne

Seconded: Cr Dowling

Carried 6/0

Allocation Remaining	6,707	9,573	24,391	25,204	65,875
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Therefore Council has an allocation of approximately \$65,875 will remain unexpended.

Comment

The under expenditure on the construction and sealing of Pauley Road was not unexpected. Staff were intending to complete works to reconstruct a section of Yornaning West Road that is currently failing. Staff have completed costings and are ready to seek quotations prior to work commencing in February/March 2015.

This failing section of Yornaning West Road is approximately 3.8 Kilometres from the Yornaning West Road/Narrogin Wandering Road intersection.

The preferred treatment for this section is cement stabilisation.

Cost estimates for this work are.

Description	Labour Cost	Labour O/H	Plant Cost	Materials Other	Total
Yornaning West Road	7,815	7,033	7,684	33,000	55,532
Remaining Grant Funds					54,230

It is open for Council to complete a similar task, that meets the Roads to Recovery guidelines and where the cost is similar to the remaining Grant Funding of \$54,230.

Statutory Environment

Roads to Recovery grant funding is required to be expended within the funding guidelines.

Financial Implications

If Council does not complete any works prior to June 2015 the funds can be held over to the 2015/16 or another year prior to 2017/18.

However in this scenario Council will not receive the remaining grant funding for which Council has budgeted and this will effectively reduce Council's income by \$65,875.

Strategic Implications

That the complete expenditure of this grant funding was not budgeted and that the prioritisation of additional works to complete the expenditure of budgeted funds were not part of strategic plan needs to be addressed by Council.

Policy Implications – Nil at this time

Economic Implications – Nil at this time

Social Implications – Nil

Environmental Implications – Nil at this time

Consultation – No consultation has been completed.

Options

Council can resolve:

1. the Officer's Recommendation;
2. to have staff prepare a range of possible works projects for Council for Council consideration at the February 2015 Ordinary Meeting of Council;

3. to not complete any works at this time, withholding the funding to 2015/16, when the funds can be expended on a strategic project to be decided by Council. This option will result in a reduction of income of at most \$65,875 in 2014/15.

Voting Requirement – Absolute Majority

COUNCIL DECISION:

That Council complete the cement stabilisation of a section of Yornaning West Road, approximately 3.8km from the Yornaning West Road/Narrogin Wandering Road intersection, utilising the Roads to Recovery grant funding remaining in Council's 2014/15 Budget Allocation.

Moved: Cr Newman

Seconded: Cr Haslam

Carried by Absolute Majority 5/0

Cr Bradford returned to the Chambers at 4.10pm

9.2.144 Fire Infringement Notice

Reporting Officer: Gary Sherry – Chief Executive Officer
Interest Nil
Date: 9th December 2014
File Reference: A61/Bushfire Control B8
Attachment 9.2.144A Location plan

Summary

Council is to consider withdrawing an infringement issued under the powers of the Bush Fire's Act and Council's annual Firebreak Order 2014/15.

Background

Council adopted the annual Firebreak Order 2014/15 at their October 2014 Ordinary Meeting.

As part of this Order, owners of property are required, from 1st November 2014 to 15th May 2015, to maintain their townsite and rural residential property in following manner:

- All lots with an area of 2,024m² (½ acre) or less, shall be clear of all flammable material or have grass mown to a height no greater than 5cm or
- All lots or combination of lots that comprise of one holding and having an area greater than 2,024m² (½ acre) or greater shall be either clear of all flammable material or have a firebreak 2.5 metres wide free of all flammable material provided inside and along all external boundaries.

Rural land are required to only satisfy the second condition of establishing and maintaining fire breaks.

The requirements of the annual Firebreak Order 2014/15 are unchanged from previous years. In addition the Shire included information about the Firebreak requirements in their Rates Notice mail out and also in separate mail out to every local resident and ratepayer on 10th October 2014.

Subsequently Shire staff and local senior volunteer fire fighters have inspected properties in the Shire for compliance with Council's Firebreak Order 2014/15. 12 owners were issued with an infringement for non-compliance and a further 20 owners were formally advised that their efforts at compliance were not sufficient.

Comment

One of the 12 owners issued with an Infringement Notice was Ms LM Carroll of Cuballing whose property at Lot 17 Campbell Street did not meet the required standard. Following discussions with Ms Carroll, Council have received the following correspondence:

I am writing to you to express my disappointment at the infringement notice I recently received in the mail for not having the required firebreaks in place on my block - Lot 17 Campbell Street.

On receipt of the notice I immediately rang Anthony Mort who met me at the block and we walked around whilst I showed him the work I had undertaken to minimize fuel load risk. Anthony acknowledged the work I had completed but that it still didn't comply. Knowing that I had made a big effort to comply, I was disheartened that I had not been personally contacted - even a phone call could have prevented such action.

I subsequently made an appointment to meet with Gary Sherry, Cuballing CEO, on Friday 28 November and whilst we walked the block I explained why I had bought the block and the firebreak work that had been undertaken before end of October of this year

I bought the block around 2002 because of my love of the bush and nature and over the years I have planted native shrubs and trees, including sandalwood, and attempted to allow the native grasses, shrubs and trees to once again flourish. This then creates a remnant habitat for our native birds, lizards and insects. With just 7% of bush remaining in the Wheatbelt Region (Cuballing forms part of that Region), I am focussed on retaining, restoring and saving what I can of bush remnants.

With that in mind I employed someone to spray the wild oats in early winter and later on, before the beginning of the fire ban, I had the dells and parts of the open areas of the block whipper-snipped whilst the front verge was mowed. The remaining three boundaries were whipper-snipped to more than 2.5 metres width and less than 5cm in height. My confidence in meeting my fuel reduction obligation was shattered when I received in the mail the \$250 'bluey' and imperative to undertake the works immediately.

I have contacted Robert Dew and he will be clearing a 2.5m firebreak all around the block tomorrow (Wednesday 3 December).

In an effort to find common ground, and in recognition of the fire mitigation undertaken beforehand as well as the firebreaks to be in place tomorrow, I am respectfully requesting Council to consider waiving the \$250 fine.

In closing I would like to congratulate the Cuballing Council on the nature work undertaken on the reserve at the back of the Cuballing Fire Brigade. I have mulched and watered around 150 of the planted native seedlings and look forward to a 'forest' paradise for the birds in the years to come, however, the rabbit problem in our town might seriously impede the dream.

Ms Carroll did undertake some fuel load suppression on her property, however the lot did not meet the requirements of the Firebreak Order 2014/15. Whilst she did mow/whipper snip some high standing, non-native, dry grasses, the 0.98 hectare property that is substantially regrowth native vegetation did not have a complete fire break around the property. Ms Carroll also has titles of crown land with remnant or regrowth native vegetation located nearby that are now not to the same fire protections standards as Ms Carroll's lot.

Ms Carroll has now completed a fully compliant fire break around the perimeter of the property using a local contractor. The fire break is substantial and in the opinion of local bush fire volunteers will be able to be easily maintained in the future.

Statutory Environment

Bush Fires Act 1954

33. Local government may require occupier of land to plough or clear fire break
- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire breaks clear of inflammable matter;
 - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is

or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire, and the notice may require the owner or occupier to do so —

- (c) as a separate operation, or in co ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
 - (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices.
- (2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the Interpretation Act 1984.
- (3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.

Penalty: \$5,000.

- (4) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice —
- (a) the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and
 - (b) the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.
- (5) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) —
- (a) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be prima facie evidence of the amount; and
 - (b) may be recovered by the local government in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.
- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 —
- (a) requiring owners and occupiers of land in its district to clear fire breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire→ breaks clear of inflammable matter;
 - (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.
- (5b) Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply mutatis mutandis as if those requirements were the requisitions of a notice given under subsection (1).
- (5c) Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.
- (5d) Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.
- (6) A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.
- (7) Nothing in this section authorises a local government —
- (a) to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or

- (b) to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.
- (8) Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —
 - (a) a debt due from each subsequent owner in succession; and
 - (b) a charge against the land with the same consequences as if it were a charge under the Local Government Act 1995 for unpaid rates; and
 - (c) recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.
- (9) In this section —
owner or occupier of land includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.

Financial Implications – Nil

Infringement Notices with a penalty of \$250 were issued to 12 landowners. To date 2 of these infringements have been paid .A higher penalty would be achieved if any of the owners chose to take the matter to court.

Strategic Implications – Nil at this time

Policy Implications – Nil at this time

Economic Implications - Nil

Social Implications

That all the members of the communities of the Shire of Cuballing take practical steps to reduce the fire risk in our communities is very important to mitigate the bush fire risks.

Environmental Implications - Nil

Consultation

Council has extensively advertised the Firebreak Order 2014/15.This included information about the Firebreak requirements in the Rates Notice mail out and also in separate mail out to every local resident and ratepayer on 10th October 2014. In addition the Firebreak Order 2014/15 are unchanged from previous years.

Options

Council can resolve:

1. the Officer's Recommendation; or
2. to withdraw the Infringement Notice for \$250 to Ms LM Carroll for not complying with Council's Firebreak Order 2014/15 because Ms Carroll did complete some fuel reduction works and has now completed a compliant Fire Break.

Voting Requirement – Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Not withdraw the infringement notice for not complying with Council's Firebreak Order 2014/15 because at 1st November Ms Carroll had not complied;
2. Advise Ms Carroll that her subsequent installation of a fire break will significantly reduce the fire hazard on Lot 19 Campbell Street and this fire break will also assist in any fire suppression activities completed by local volunteer bush fire brigades in the event of a bush fire in the vicinity of the lot; and
3. Thank Ms Carroll for her compliance with Council's Firebreak Order 2014/15.

The Chief Executive Officer read to Council correspondence received after the preparation of Council's agenda from Mrs R Poschgai of Midland, who owns property in Cuballing Street, Cuballing. Mrs Poschgai has also received a bush fire infringement notice. The correspondence reads:

I received a bush fire Infringement Notice dated the 24.11.14.

I just came home from Europe and I honestly forgot to organise this Firebreak before I Left. My husband past away and it is not easy for me to come to terms and organise everything the way he did. But I am trying very hard.

I contacted Mr Alex Richardson to do my Firebreak from now on every year so this will never happen again.

I am very sorry that the Firebreak was not done on time.

Due to my circumstance I ask the Shire of Cuballing to please wave this Infringement.

COUNCIL DECISION:

That Council:

1. Not withdraw the infringement notice for not complying with Council's Firebreak Order 2014/15 because at 1st November Ms Carroll and Mrs Poschgai had not complied;
2. Advise Ms Carroll that her subsequent installation of a fire break will significantly reduce the fire hazard on Lot 19 Campbell Street and this fire break will also assist in any fire suppression activities completed by local volunteer bush fire brigades in the event of a bush fire in the vicinity of the lot;
3. Advise Mrs Poschgai that her subsequent installation of a firebreak will significantly reduce the fire hazard at 22 Corrie Street and this break will assist in any fire suppression activities completed by local volunteer bush fire brigades in the event of a bush fire in the vicinity of the lot; and
4. Thank Ms Carroll and Mrs Poschgai for their compliance with Council's Firebreak Order 2014/15.

Moved: Cr Ballantyne

Seconded: Cr Haslam

Carried 6/0

9.2.145 DELEGATION REGISTER REVIEW

Reporting Officer:	Gary Sherry – Chief Executive Officer
Interest	Nil
Date:	12 th November 2014
File Reference:	150888/TP7
Attachment	9.2.145ADraft 2015 Delegations Register

Summary

Council is to review and confirm Delegations to the Chief Executive Officer

Background

Section 5.46 of the Local Government Act 1995 requires that the Chief Executive Officer is to keep a register of the delegations made under the Act to the Chief Executive Officer and to employees and at least once every financial year.

Council last reviewed all Council's delegations on Thursday 19th June 2014.

Comment

A revised list of Council's delegations are included at Attachment 9.2.145A.

Council should note that under section 5.44 of the Local Government Act, the Chief Executive Officer is only able to delegate to Council employees. Therefore independent consultants or contractors are not able to receive delegated authority.

In a similar manner, Council can only delegate to the Chief Executive Officer, and some specialist delegations, particularly building and health matters, are automatically on delegated to the appropriate staff.

Statutory Environment

Local Government Act 1996

5.42. Delegation of some powers and duties to Chief Executive Officer

(1) A local government may delegate* to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

* 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.

5.43. Limits on delegations to Chief Executive Officer's

A local government cannot delegate to a Chief Executive Officer any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;

- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

5.44 Chief Executive Officer may delegate powers and duties to other employees

- (1) A Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the Chief Executive Officer under section 5.42, but in the case of such a power or duty —
 - (a) the Chief Executive Officer's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the Chief Executive Officer's delegate, are subject to any conditions imposed by the local government on its delegation to the Chief Executive Officer.
- (4) Subsection (3)(b) does not limit the Chief Executive Officer's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
 "conditions" includes qualifications, limitations or exceptions.

5.46. Register of, and records relevant to, delegations to Chief Executive Officer's and employees

- (1) The Chief Executive Officer is to keep a register of the delegations made under this Division to the Chief Executive Officer and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Building Act 2011

127 Delegation: special permit authorities and local governments

- (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.
- (2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority, or to an employee of one of the legal entities that comprise the special permit authority.
- (3) A delegation of a local government's powers or duties may be only to a local government employee.
- (4) The delegation must be in writing executed by or on behalf of the delegator.
- (5) Except as provided for in subsection (6A), a person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty —
 - (a) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.

- (6) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
 - (7) Nothing in this section limits the ability of the delegator to perform a function through an officer or agent.
 - (8) In subsections (3) and (6A) —
 CEO means chief executive officer;
 local government employee, in relation to a local government, means a person employed by the local government under the Local Government Act 1995 section 5.36.
- [Section 127 amended by No. 37 of 2012 s. 26.]

Bush Fires Act 1954

48 Delegation by Local Government

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to subdelegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

[Section 48 inserted by No. 38 of 2002 s. 35.]

Financial Implications – Nil

Strategic Implications – Nil at this time.

Policy Implications – Nil

On occasions Council Policy guides or controls the use of Council’s delegated authority.

Economic Implications – Nil

Social Implications – Nil

Environmental Implications – Nil

Consultation – Nil

Options

Council has the option of adding to, amending or deleting any of the delegations shown in the attached draft delegations register.

Voting Requirement – Simple Majority

COUNCIL DECISION:

That Council endorses the Shire of Cuballing Delegations Register 2015 included at Attachment 9.2.145A Draft 2015 Delegations Register as amended.

Moved: Cr Dowling

Seconded: Cr Ballantyne

Carried 6/0

SHIRE
OF



CUBALLING

DELEGATIONS
REGISTER

(Adopted)

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1. ADMINISTRATION

A1: Legal Advice

The Chief Executive Officer is delegated the authority to appoint legal counsel and obtain advice, assistance and opinions as the Chief Executive Officer deems necessary in the exercise of the management of the Shire of Cuballing with all legal advice received to be made available at the next Council meeting.

Guidelines

This delegation is subject to sufficient provision having been made in Council's budget for any expenses to be incurred.

Reference: Local Government Act 1995 section 5.42

A2: Purchase Orders

The Chief Executive Officer is delegated authority to issue Purchase Orders for goods or services on behalf of the Shire of Cuballing.

Guidelines

Issuing of a Council order is only permitted where sufficient funds have been allocated in Council's budget and the mode of purchase is in accordance with Council's Purchasing Policies.

Reference: Local Government Act 1995 section 5.42

On Delegation to the following officers in the following manner:

Deputy Chief Executive Officer	up to orders of \$10,000
Works Supervisor	up to orders of \$10,000
Administration Officer	up to orders of \$2,000

A3: Tender Invitation

The Chief Executive Officer is delegated the authority to call Tenders to supply goods and/or services for all budgeted items.

Objective: To expedite the purchase of goods and services.

Reference: Local Government Act 1995 sections 3.57 & 5.42.
Local Government (Functions and General) Regulations 11.

A4: Media

The Chief Executive Officer is delegated the authority for the publicity of Council activities through the media.

Reference: Local Government Act 1995 section 5.42
Shire of Cuballing Policy 1.6

A5: Common Seal

The Chief Executive Officer is delegated the authority to affix Common Seal (witnessed by President and CEO) to documents to be executed by the Shire of Cuballing where such documents are consistent and in accord with resolutions of Council, subject to Council being notified of executed documents in a timely manner.

Reference: Local Government Act 1995 sections 5.42, 9.49A(2) & 9.49A(4)

A8: Liquor Permits

The Chief Executive Officer is delegated the authority to determine applications for the consumption and sale of liquor on property under the care, control and management of the Shire of Cuballing.

Objective: To expedite the approvals process

Reference: Local Government Act 1995 section 5.42(1)
Liquor Control Act 1988 sections 59 & 119

A9: Impounding

The Chief Executive Officer is delegated the authority to exercise power in relation to the removal and impoundment of any goods which are involved in any contravention that can lead to impoundment, and to use reasonable force in the exercise of this power.

Objective: To expedite good governance.

Reference: Local Government Act 1995 section 3.39 and Part 3.

A10: Enter Land in Emergencies

The Chief Executive Officer is delegated the authority to:

1. sign and issue Notices of Entry;
2. in the event of an emergency enter land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency; and
3. exercise reasonable force to gain entry to land in the event of an emergency.

Reference: Local Government Act 1995 section 3.32 and 3.34

A11: Appointment of Authorised Persons – Enforcement and Legal Proceedings

The Chief Executive Officer is delegated the authority to appoint:

- persons pursuant to section 9.29 of the Local Government Act 1995, to represent the Shire of Cuballing generally in proceedings in the court of petty sessions and Local Court.
- under section 9.10 of the Local Government Act 1995 persons or classes of persons to be authorised for the purposes of performing particular functions.
- under section 3.24 of the Local Government Act 1995 any person to exercise the powers given to a Local Government under Subdivision 2 of Division 3 of Part 3 of the Act.

- under section 3.39 of the Local Government Act any person to exercise the powers given to a Local Government under subdivision 4 of Division 3 of Part 3 of the Act.
- persons or classes of persons in relation to enforcement and legal proceedings.

Reference: Local Government Act 1995 section 9.16
Dog Act
Bush Fires Act
Health Act
Local Laws

A12: Execution of Documents

The Chief Executive Officer is delegated the authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of the contract documents where:

- the Council has authorised entering into a formal contract, or
- a formal contract is authorised under a delegated authority from the Council, or
- a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council;

Reference: Local Government Act 1995 section 5.42

A13: Destruction of Records

The Chief Executive Officer is delegated the authority to destroy records in accordance with Council's Record Keeping Plan.

Reference: Shire of Cuballing Record Keeping Plan
State Records Act 2000
State Records Office's General Disposal Authority for Local Government Records

A18: Industrial Representation

The Chief Executive Officer is delegated the authority to sign an employer's warrant for representation on industrial awards and to appear on the Shire of Cuballing's behalf.

Reference: Local Government Act 1995 sections 5.42

A19: Bond Refunds

The Chief Executive Officer is delegated the authority to refund bond monies where all conditions of approval have been met, with the aggrieved applicant having a right of appeal to Council.

Objective: To expedite the approvals process

Reference: Local Government Act 1995 section 5.42(1)

2. Building:**B1: Building Permit**

The Chief Executive Officer is delegated authority to approve or refuse plans and specifications submitted under section 20 of the Building Act.

Reference: Building Act 2011 Sections 20, 22, 127

On Delegation: Building Surveyor

B2: Demolition Permit

The Chief Executive Officer is delegated authority to approve or refuse plans and specifications submitted under section 21 of the Building Act.

Reference: Building Act 2011 Sections 21, 22, 127

On Delegation: Building Surveyor

B3: Building Orders

The Chief Executive Officer is delegated authority to:

1. make building orders pursuant to section 110 of the Building Act 2011 in relation to: -
 - a. Building work;
 - b. Demolition work; or
 - c. An existing building or incidental structure; and
2. revoke building orders pursuant to section 117 of the Building Act 2011

Reference: Building Act 2011 Sections 110, 117, 127

On Delegation: Building Surveyor

B4: Extension of Period of Duration of Occupancy Permit or Building Approval Certificate

The Chief Executive Officer is delegated authority to approve or refuse to approve applications submitted under section 65 of the Building Act

Reference: Building Act 2011 Section 65, 127

On Delegation: Building Surveyor

B5: Grant of Occupancy Permit, Building Approval Certificate

The Chief Executive Officer is delegated authority to approve or refuse plans and specifications submitted under section 58 of the Building Act 2011.

Reference: Building Act 2011 Section 58, 127

On Delegation: Building Surveyor

3. HEALTH

H1 Offences

The Chief Executive Officer is delegated the authority to to issue notices, serve direction and take actions on behalf of Council which is authorised by the Health Act 1911 or its subordinate legislation, conditional upon such action being reported to Council at its next held full meeting. .

Reference: Health Act 1911
Shire of Cuballing Health Local Law 2007

On Delegation Environmental Health Officer

H2: Itinerant Food Vendors Licence

The Chief Executive Officer is delegated the authority to issue Itinerant Food Vendors Licence in accordance with the requirements of the Health Act and Shire of Cuballing Health Local Law.

Objective: To expedite the issue of planning approval.

Reference: Local Government Act 1995 section 5.42
Health Act 1911
Shire of Cuballing Health Local Law 2007

On Delegation Environmental Health Officer

H3: Septic Tank Installations

That the Chief Executive Officer is delegated authority to approve septic tanks and other apparatus for the treatment of sewage and disposal of effluent and liquid waste.

Reference: Health Act 1911 Section 107(2)(a)
On Delegation Environmental Health Officer

H4: Notices

The Chief Executive Officer is delegated the authority to issue notices to owners and occupiers of land requiring certain things to be done by the owner or occupier of that land.

Reference: Local Government Act 1995 section 3.25
Health Act Parts IV, V, VI, VII, VIIA, VIII, IX, XV

H5: Renewing Licences

The Chief Executive Officer is delegated the authority to renew all licences provided the circumstances of the original licence have not substantially altered.

Reference: Health Act 1911

H6: Administration of Health

The Chief Executive Officer is delegated the authority to exercise and discharge the powers and functions of the Shire of Cuballing under the Health Act 1911 relating to:

- forming of opinions and making of declarations;
- the granting and issue of licenses, permits, certificates and approval;
- the issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions;
- the ordering and authorisation of legal proceedings for breaches of the Health Act 1911, all regulations and local laws.

Reference: Health Act 1911

On Delegation Environmental Health Officer

4. PLANNING

P1: Home Occupations

The Chief Executive Officer is delegated authority to approve the issue of Home Occupation Licence subject to compliance with Shire of Cuballing Town Planning Scheme No 2.

Reference: Local Government Act 1995 section 5.42
Shire of Cuballing Town Planning Scheme No 2

P2: Planning

The Chief Executive Officer is delegated authority for:

1. Requirements for Public Notice
 - 1.1 Making a determination on the form or forms of public notice to be given of a proposed development, scheme amendment, road closure or other proposal where the Local Planning Scheme or other legislation requires that such public notice be given and give such notice.
 - 1.2 Making a determination to require that public notice of a development to be given in accordance with Local Planning Scheme where such notice is considered to be in the public interest.

2. Approval of Permitted "P" and Incidental Uses

Making a determination on all "P" and Incidental uses where a proposed development is generally in accordance with the Local Planning Scheme, Local Planning Strategy, Council policies and is consistent with guiding precedent approvals.

3. Residential Design Code Matters

Making a determination on any matter required to be determined under the Residential Design Codes including where an exercise of discretion is required, provided that appropriate notice of the proposed development is given to adjoining properties where it is required or is considered to have the potential to adversely affect the amenity of an adjoining property.

4. Minor Modification of Planning Determinations

Making modifications to planning approvals where:

- 4.1 the modification conforms to the relevant Local Planning Scheme objectives and policies;
- 4.2 the modification does not have a detrimental effect on the amenity of the locality; and
- 4.3 the extension to a development approval is to a maximum of 2 years.

NOTES:

- Where consent of abutting landowners was required for the original application, then the modification should also be referred to abutting landowners for comment where the modification requires a substantial variation from the original application.
- Where the original application was required to be the subject of public notice under the relevant Local Planning Scheme or the Residential Design Codes, then (if the modification is considered substantial) the modification will need a new public notice readvertised in accordance with the Local Planning Scheme or the Residential Design Codes.

5. Dealing with Subdivisions

Making recommendations to the Western Australian Planning Commission in respect of applications or other matters relating to Subdivision, Boundary Adjustment, Amalgamation and Strata Titling where such matters are in accordance with the Local Planning Scheme, Local Planning Strategy, Council Policies and established precedent, including minor variations to approved subdivisions and clearance of conditions provided appropriate consultation with other Council Officer's is carried out.

6. Dealing with Scheme Amendments

- 6.1 Requiring modifications to Local Planning Scheme Amendment documents to ensure that all documents are maintained at a consistent high quality and the information contained within the document addresses all issues considered relevant and will enable the public and referral agencies to fully understand the Amendment.
- 6.2 Accepting modifications to Local Planning Scheme Amendment documents required by the Western Australian Planning Commission or the Minister for Planning at any stage throughout the Scheme Amendment process.
- 6.3 Respond in writing to scheme amendment requests. Based on Council resolution, the CEO to set out that support for scheme amendment requests should cover multiple lots or a precinct compared to an individual lot, unless the site subject to the scheme amendment request is a considerable area or the applicant provides suitable justification for the proposal to the satisfaction of the Council.

7. Legal Proceedings

- 7.1 Taking all necessary action against owners or occupiers of properties to cease illegal uses, comply with the Local Planning Scheme and/or comply with conditions of Development Approval, including instituting prosecution proceedings under the Planning and Development Act, in the Court in its summary jurisdiction.
- 7.2 Represent Council, or appoint appropriate representatives, where necessary at prosecutions, appeals and enquiries pertaining to the enforcement of the provisions of the Planning and Development Act and the implementation of Council's Local Planning Scheme

8. Miscellaneous Matters

- 8.1 Electing to return or defer consideration of incomplete and unsatisfactory applications for planning consent.
- 8.2 Granting variations to relevant Planning Policies and provisions of the Residential Design Codes on Building Licence applications (where the application is exempt from the requirement to gain planning approval under the Residential Design Codes and/or the Local Planning Scheme).

- 8.4 -Provision of written and verbal responses to planning appeals, mediated settlements resulting from appeals and Western Australian Planning Commission requests for reconsideration.
- 8.5 Prepare submissions and correspondence to government agencies and other organisations where consistent with the Local Planning Scheme, Local Planning Strategy, Council policies and guiding precedent approvals.
9. Right to have matter heard By Council

Where an applicant disputes or has issue with a planning determination made in accordance with this delegation, it will be a matter of right for the applicant to request that the matter be reconsidered by Council, provided the exercise of such right does limit any other right of appeal that exists in Law.

10. Matters that may be of significant financial interest to Council

Despite other indications in this delegation, it is required that any planning matter that may have significant impact on Council infrastructure is to be determined by the Council.

Reference: Local Government Act 1995 section 5.42

P3: Subdivision Clearance

The Chief Executive Officer is delegated the authority to endorse subdivision referral pro-formas and to certify the compliance with subdivision conditions when satisfied that suitable arrangements have been made.

Reference: Local Government Act 1995 section 5.42
Town Planning and Development Act 1928 part III Sections 20 and 24

P4: Second hand Fencing

The Chief Executive Officer is delegated the authority to approve the use of second-hand material for fencing.

Reference: Local Government Act 1995 section 5.42

5. WORKS

W1: Roadside Clearing

The Chief Executive Officer is delegated the authority to permit clearing of roadside vegetation

Guideline Any application must comply with legislation and Council Policy.

Reference: Local Government Act 1995 section 5.42
Environmental Protection (Clearing of Native Vegetation) Regulations 2004
Shire of Cuballing Policy 5.18

W2: Road Trains/Mass Permits

The Chief Executive Officer is delegated the authority to approve rigid and articulated vehicle movements, up to a maximum 27.5m, on low volume roads within the Shire of Cuballing.

Guideline An approval provided under this delegation must comply with Council Policy.

Reference: Local Government Act 1995 section 5.42

On Delegation Works Supervisor

W3: Seed Collection

The Chief Executive Officer is delegated the authority to permit wildflower picking and native seed collection on Shire of Cuballing property and reserves vested in or under the control of the Shire of Cuballing\.

Guidelines

Any permits will be subject to and in accordance with conditions set by the Department of Environment and Conservation.

Reference: Local Government Act 1995 section 5.42

On Delegation Works Supervisor

W4 Undertaking Private Works

The Chief Executive Officer is delegated the authority to accepting or rejecting private works.

Reference: Local Government Act 1995 section 5.42(1)

On Delegation Works Supervisor for Private Works that are up to one full day in length.

W5: Temporary Road Closure

The Chief Executive Officer is delegated the authority to temporarily close roads during adverse weather conditions.

Reference: Local Government Act 1995 section 3.50

On Delegation Works Supervisor

W6: Temporary Closure of Roads for Public Events

The Chief Executive Officer is delegated the authority to determine applications for the temporary closure of roads for public events.

Guidelines

The determination shall be in accordance with provisions of the Road Traffic (Events on Roads) Regulations 1991 and the Local Government Act 1995 and shall, when approved by the Chief Executive Officer, contain the following conditions:

- The closure is to be advertised in a local newspaper.
- Arrangements are to be made for appropriate signposting to effect the closure.
- The applicant is to take out a Public Risk Insurance policy which indemnifies Council against any damages claims and a copy of the Policy is to be provided to Council.
- The applicant is to notify the Police and Emergency Services and ensure that whilst the event is in progress, satisfactory arrangements are made to allow access to premises by Emergency Services.

The Chief Executive Officer may determine additional conditions to be imposed on any approvals issued.

Reference: Local Government Act 1995 section 3.50

W6: Tree Safety

The Chief Executive Officer is delegated the authority to issue an order to make a tree safe on private land and to enter that property to make a tree safe.

On Delegation Works Supervisor

Reference: Local Government Act 1995 section 5.42

W7: Sale of Surplus Equipment, Materials and Scrap

The Chief Executive Officer is delegated authority to sell by the holding of a surplus goods sale at Council's Depot or any other fair means, items of surplus equipment, materials, tools, etc which are no longer required, are outmoded, or are no longer serviceable.

Guidelines

This delegation applies only to items with a sale value less than \$2,000.

Reference: Local Government Act 1995 section 5.42

6. FIRE CONTROL

BF1: Roadside Burning

The Chief Executive Officer is delegated the authority to approve applications for the burning of road verges

Guideline

Any approval will be conditional of being in accordance with Council Policy.

Reference: Local Government Act 1995 section 5.42
Shire of Cuballing Policy 6.4

BF2: Use of Shire Vehicles during Fire

The Chief Executive Officer is delegated the authority for the use of Council plant and equipment in the event of a fire.

Reference: Local Government Act 1995 section 5.42

On Delegation Works Supervisor

BF3: Extension/Reduction Restricted/Prohibited Burning Periods

The Chief Executive Officer is delegated the authority to suspend, amend or vary Prohibited and Restricted burning times.

Guideline

The Chief Executive Officer will exercise this delegation in consultation with the Chief Bush Fire Control Officer.

Reference: Local Government Act 1995 section 5.42
Bush Fire Act 1954 sections 17(7)(a), 17(8), 17(10) & 18(5)(a)
Bush Fire Regulations 1954 regulation 15C

BF4: Control of Fires

The Chief Executive Officer is delegated the authority, where Council's volunteer bush fire brigades believe they cannot effectively or safely manage a bush fire incident, to transfer control of that incident to the Department of Fire and Emergency Services (DFES).

Guidelines

The Shire will support FESA's management of any incident with:

- At least one and preferably more senior shire bushfire control officers will be a member of the Incident Management Team to provide local knowledge and facilitate effective liaison with local firefighting resources.
- Shire bush firefighting resources, including appliances and volunteers, remain at the incident and assist in suppression activities as determined by the Incident Controller.

Reference: Bush Fires Act 1954 section 13(4)

BF5: Harvest Bans

The CEO is delegated the authority to impose harvest and vehicle movement bans.

Guideline

The Chief Executive Officer will exercise this delegation in consultation with the Chief Bush Fire Control Officer.

Reference: Local Government Act 1995 section 5.42
Bush Fire Regulations 1954 regulations 38A, 38C, 39A & 39B

BF6: Fire Breaks

The Chief Executive Officer is delegated the authority, in liaison with the Chief Bush Fire Control Officer, to resolve fire hazard problems, including where considered necessary, to forward letters demanding the construction of fire breaks and where not complied with, the issuing of contracts for the construction of the break at the land owner's expense.

Reference: Local Government Act 1995 section 5.42
Bush Fires Act 1954 sections 33 & 48

BF6: Infringements

The Chief Executive Officer is delegated the authority to issue infringement notices.

Guideline

The Chief Executive Officer will exercise this delegation in consultation with the Chief Bush Fire Control Officer.

Reference: Local Government Act 1995 section 9.16
Bush Fires Act 1954

7. FINANCE

F1: Outstanding Debtors

The Chief Executive Officer is delegated the authority to write off uncollectable or economically uncollectable debts, excluding rates and service charges, up to \$50.

Reference: Local Government Act 1995 sections 5.42 & 6.12(c)

F2: Investment of Funds

The Chief Executive Officer is delegated the authority to invest surplus funds, Trust funds, Loan funds and Reserve funds after ensuring that sufficient working capital is to be retained, in accordance with Council Policy.

Guideline

The Chief Executive Officer will exercise this delegation in consultation with the Deputy Chief Executive Officer.

Reference: Local Government Act 1995 section 5.42, 6.14
Local Government (Financial Management) Regulations regulation 19
Shire of Cuballing Policy 2.8

F3: Payment of Accounts

The Chief Executive Officer is delegated authority to make payments from all Council bank accounts.

Guidelines

Each payment is to be authorised by two members of staff including:

1. one of the Chief Executive Officer or Deputy Chief Executive Officer; and
2. one of either the Chief Executive Officer or Deputy Chief Executive Officer Administration Officer, Rates Officer or Works Supervisor.

Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing -

1. The payee's name;
2. The amount of the payment;
3. The date of the payment; and
4. Sufficient information to identify the transaction.

Reference: Local Government Act 1995 section 5.42
Local Government (Financial Management) Regulations 1996 regulation 12

F4: Electronic Funds Transfer (EFT)

Delegated the authority to EFT between bank accounts and to pay creditor accounts EFT to a limit of \$500,000.

Reference: Local Government Act 1995 s 5.42
Local Government (Financial Management) Regulations regulation 11

F5: Credit Card / Fuel Card

The Chief Executive Officer is delegated to use the Shire of Cuballing's Credit Card and Fuel Card within the constraints of the Budget and Council Policy.

Reference: Local Government Act 1995 section 5.42
Local Government (Financial Management) Regulations 11(1)(a)

F6: Cost Recovery

The Chief Executive Officer is delegated to instigate proceedings to recover costs in Court.

Reference: Local Government Act 1995 section 5.42

F7: Assistance to Community Organisations and Events

The Chief Executive Officer is delegated to determine the level of in-kind assistance provided to community organisations and events.

Guidelines

This assistance may include the use of Shire plant and machinery or the use of employees.

Reference: Local Government Act 1995 section 5.42

F8: Rates

The Chief Executive Officer is delegated the performance of the following functions of the Council.

1. Compile the necessary rate records as specified in Sections 6.39(1) and 6.39(2) of the Local Government Act 1995 and reassess rates payable in accordance with Section 6.40
2. The service of Notice of Valuation and rates referred to in Section 6.41 of the LGA 1996.
3. Determine the date that a rate or service charge becomes due and payable in accordance with Section 6.50 of the Local Government Act 1995.
4. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book 6.76(4) of the LGA 1996.

5. The recovery of rates and service charges pursuant to the provisions of Sections 6.54 to 6.62 of the Local Government Act 1995.
6. Entering into a written agreement in accordance with 6.49 of the LGA 1996 for the payment of rates and service charges.
7. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled in accordance with 6.64(3) of the LGA 1996.
8. Allow or disallow in accordance with Section 6.76(5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6).
9. Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to a Land Valuation Tribunal (Section 6.79).

Reference: Local Government Act 1995 section 5.42

F9: Insurance – Public Liability Claims

The Chief Executive Officer is delegated authority to consider claims against Council for property damage that does not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.

Guidelines

In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of a release form.

Reference: Local Government Act 1995 section 5.42

8. STAFF

S1: Conferences, Seminars and Training Courses

The Chief Executive Officer is delegated authority to approve the attendance by council staff at conferences, seminars and training courses where attendance will enhance the professional development of the officer, provide benefits to Council and is relevant to the duties and responsibilities of the officer.

Guidelines

This delegation is subject to sufficient provision having been made in Council's budget for any expenses to be incurred.

On Delegation

Works Supervisor, Deputy CEO for conferences, seminars and training courses that are to be attended by staff under their responsibility that does not require Council incurring accommodation expenses.

S2: Appointment of Staff

The appointment and termination of staff can only be confirmed by:

<u>Position</u>	<u>Office</u>
Chief Executive Officer	Council
Deputy Chief Executive Officer	Chief Executive Officer on recommendation to Council
Works Supervisor	Chief Executive Officer on recommendation to Council
Building Surveyor	Chief Executive Officer
Environmental Health Officer	Chief Executive Officer
Administration Staff	Chief Executive Officer
Works Staff	Chief Executive Officer

Guidelines

All appointments and terminations will be advised to Council at the first opportunity.

9.3 REPORTS - WORKS

Nil

9.4 REPORTS - HEALTH AND BUILDING

Nil

10. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. OTHER URGENT BUSINESS

Nil

13. NEXT MEETING

Thursday 19th February 2014 at 3.00pm at the Shire of Cuballing Council Chambers.

13. CLOSURE OF MEETING

There being no further business, Shire President, Cr Conley, closed the meeting at 4.22pm.