

SHIRE OF BROOMEHILL-TAMBELLUP

Minutes of the Special Meeting of Council held in the Tambellup Council Chambers on
Wednesday 2nd July 2008 commencing at 4.00pm.

1. RECORD OF ATTENDANCE

<u>Present:</u>	Jan Grimoldby	Commissioner Elect
	Joanne Trezona	Chief Executive Officer
	Peter Bentley	Manager Administrative and Customer Services
	Vicki Webster	Executive Officer

Gallery	Trevor Prout JP, Barry Webster, Kim Crosby, David Savage, Ron Back
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As this was the inaugural meeting of the Shire of Broomehill-Tambellup, the Chief Executive Officer took the chair and declared the meeting open at 4.00pm.

2.1 SWEARING IN OF COMMISSIONER

Program:	Governance
Attachment:	Copy of Form 8 – Declaration by Commissioner
File Ref:	ADM0112
Author:	JM Trezona Chief Executive Officer
Date:	1st July 2008
Disclosure of Interest:	Nil

Summary: The Commissioner elect, Ms Jan Grimoldby must be sworn in prior to commencing the role of Commissioner for the Shire of Broomehill-Tambellup.

Background: Section 2.42 of the Local Government Act 1995 requires that a Commissioner makes a declaration stating that they will undertake the duties of Commissioner faithfully, honestly and with integrity before they can act in the Office.

Comment: A copy of the declaration is included. Mr Trevor Prout JP will swear the Commissioner in.

Consultation: Nil

Statutory

Environment: Local Government Act 1995 section 2.42.
A person who acts in the office of Commissioner without making a declaration commits an offence and is subject to a \$5,000 fine or one year imprisonment.

Policy Implications: Nil

Financial

Implications: This issue has no financial implications for Council

Strategic

Implications: Nil

Voting Requirements: Simple Majority

Ms Jan Grimoldby read the Declaration by Commissioner in front of Mr Trevor Prout, JP.

Reason For Change to Recommendation:

Trevor Prout, JP wished the Commissioner and the Shire of Broomehill-Tambellup success for the future and retired from the meeting at 4.02pm.

The Commissioner welcomed staff and visitors to the inaugural meeting and sought public comment and input on the various agenda items.

5.1 ORDINARY COUNCIL MEETING ARRANGEMENTS

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0112	
Author:	JM Trezona	Chief Executive Officer
Date:	1st July 2008	
Disclosure of Interest:	Nil	

Summary: The Local Government Act provides that a local government is to give local public notice of the date on which and the time and place at which Ordinary Council Meetings are to be held over the next twelve months.

Although the newly elected Council in October 2008 may change the meeting arrangements, the Commissioner determines the arrangements for the next twelve months in compliance with the legislation.

Background: The Local Government Act provides in section 5.4 that an ordinary or special meeting of the Council may be called by the President in a notice to the CEO setting out the date and purpose of the meeting or if so, as decided by the Council.

For the purpose of this section, the Commissioner is the President and in a meeting, is the Council.

For the first meeting of the new Shire of Broomehill-Tambellup the Commissioner would call the meeting by giving the CEO the relevant notice.

Advertising a Meeting

Local Government (Admin) Regulation 12 provides that –

(i) At least once each year a local government is to give local public notice of the date on which and the time and place at which Ordinary Council Meetings are to be held over the next twelve months. A similar provision applies to Council committees that are open to members of the public.

(ii) Any change to the date or time or place of the relevant meeting also requires local public notice.

(iii) If a Special meeting of the Council is to be open to members of the public that meeting also requires local public notice of the date, time, place and purpose of the meeting.

Section 1.7 of the Local Government Act states that where local public notice is required then the notice is to be published in a newspaper circulating generally throughout the district on at least one occasion and is to be placed on the public notice board of the Council office and library for at least seven days before the meeting. As a consequence the

date of the first ordinary meeting will need to reflect that timing.

Local Government (Admin) Regulation 12(4) provides however that in respect to a special meeting (open to the Public), if in the opinion of the CEO it is not possible to give local public notice, bearing in mind the seven days notice on the relevant notice boards, then the local government is to give notice of the date, time, place and purpose of the meeting in the manner and to the extent that in the CEO's opinion is practical. The CEO may, for example, meet this requirement by placing notices on the office and library notice boards a day or two, or even on the very day of the meeting.

Convening a Meeting

Section 5.5 of the Local Government Act requires the CEO to convene an ordinary meeting by giving the Commissioner (Council) at least seventy two hours notice of the date, time and place of the meeting and an agenda for the meeting.

Section 5.5 also requires the CEO to convene a special meeting by giving the Commissioner notice before the meeting of the date, time, place and purpose for the meeting (no special time limit).

Comment:

Whilst the Act requires the public notification of ordinary meeting dates for the next twelve months, it does not exclude the new Council resolving set ordinary meeting dates other than those recommended below after the October 2008 election. In addition, the time and venue is also at the discretion of the new Council.

Until the local government elections in October 2008, the Ordinary Meeting of the Shire of Broomehill-Tambellup will be at 4.00pm on the third Thursday of each month.

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

This issue has no financial implications for Council

Strategic Implications:

This issue is not dealt with in Plan

Voting Requirements:

Simple Majority

Officer / Council

Resolution: **SC080701**

***“The Commissioner resolved –
That the Shire of Broomehill-Tambellup Ordinary Council meetings be
as follows:***

<i>4.00pm</i>	<i>17 July 2008</i>	<i>Broomehill Chambers</i>
<i>4.00pm</i>	<i>21 August 2008</i>	<i>Tambellup Chambers</i>
<i>4.00pm</i>	<i>18 September 2008</i>	<i>Broomehill Chambers</i>
<i>4.00om</i>	<i>16 October 2008</i>	<i>Tambellup Chambers</i>
<i>4.00pm</i>	<i>20 November 2008</i>	<i>Broomehill Chambers</i>
<i>4.00pm</i>	<i>18 December 2008</i>	<i>Tambellup Chambers</i>
	<i>No meeting in January</i>	
<i>4.00pm</i>	<i>19 February 2009</i>	<i>Broomehill Chambers</i>
<i>4..00pm</i>	<i>19 March 2009</i>	<i>Tambellup Chambers</i>
<i>4.00pm</i>	<i>16 April 2009</i>	<i>Broomehill Chambers</i>
<i>4.00pm</i>	<i>21 May 2009</i>	<i>Tambellup Chambers</i>
<i>4.00pm</i>	<i>18 June 2009</i>	<i>Broomehill Chambers.”</i>

**Reason For Change to
Recommendation:**

5.2 ESTABLISHMENT OF AUDIT COMMITTEE

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0112	
Author:	JM Trezona	Chief Executive Officer
Date:	1st July 2008	
Disclosure of Interest:	Nil	

Summary: The Local Government Act 1995 7.1A requires a local government to establish an Audit Committee.

Background: The Local Government Act 1995 7.1A requires a local government to appoint an Audit Committee of three or more persons. It further provides that at least three and in any case the majority, are to be members of the Council.

Comment: With the appointment of a single Commissioner this requirement cannot be met. The matter has been discussed with the Department of Local Government and it is probably a matter that can be addressed in future mergers by including appropriate provision in the Governor's orders.

In the meantime all audit matters will be presented direct to Council.

It will be important that this requirement be addressed by the newly elected Council as soon as possible after the October election.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implication for Council.

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer/ Council Resolution: SC080702

“The Commissioner resolved:

- 1. To note the Officers recommendation;*
- 2. That the Chief Executive Officer advises the new Council of the requirement for the appointment of an Audit Committee as soon as possible after the October 2008 elections.”*

**Reason For Change to
Recommendation:**

5.3 REPRESENTATION ON ADVISORY AND OCCASSIONAL COMMITTEES

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0112	
Author:	JM Trezona	Chief Executive Officer
Date:	1st July 2008	
Disclosure of Interest:	Nil	

Summary: Council is requested to elect members to Advisory and Occasional Committees.

Background: There are a number of Advisory and Occasional Committees that Council provides delegates to:

- Great Southern Zone of WALGA – two delegates
- Great Southern Regional Road Groups- one delegate
- Great Southern Regional Recreation Advisory Committee – one delegate
- Local Emergency Management Committee – Chairman
- Senior Citizens Unit Management Committee - one delegate
- Fire Advisory Committee – one delegate.

Comment: Representatives need to be nominated for the positions until such time as the new Council is elected.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implication for Council.

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer / Council Resolution: SC080703

*“The Commissioner resolved:
That the following be delegates to the Advisory and Occasional Committees:
Great Southern Zone of WALGA*

- *Commissioner Jan Grimoldby and the CEO Joanne Trezona*

Great Southern Regional Road Group

- *Commissioner Jan Grimoldby*

Local Emergency Management Committee

- *Commissioner Jan Grimoldby*

Senior Citizens Unit Management Committee

➤ ***Commissioner Jan Grimoldby***

Fire Advisory Committee

➤ ***CEO Joanne Trezona.”***

**Reason For Change to
Recommendation:**

5.4 **STANDING ORDERS**

Program:	Governance
Attachment:	Copy of the Shire of Tambellup’s Local Law relating to Standing Orders
File Ref:	ADM0112
Author:	JM Trezona Chief Executive Officer
Date:	1st July 2008
Disclosure of Interest:	Nil

Summary: Both the former local governments of the Shire of Broomehill and the Shire of Tambellup had adopted Local Laws relating to Standing Orders. The local laws referred to govern the proceedings of all Council meetings, committee meetings and other meetings of the councils, except where the Local Government Act gives specific direction.

Background: It is not a requirement of the Local Government Act that a Local Law relating to Standing Orders is to be adopted. Council meetings may be managed by the Chair of the meeting according to common law and good practice. The rules set out in Standing Orders however do provide direction to everyone involved including the public.

The Local Government (Constitution) Regulations provide in Regulation 7 in respect to Local Laws that following the merger the Local Laws adopted by the former Shire’s will continue to operate for the original separate areas even though those areas are now combined into the new Local Government and the new Local Government may continue to enforce those Local Laws in their relevant districts.

There are however some differences between the former Shire’s local laws. These relate to the order of business (part 3), rising to speak and the number of days required for a notice of motion.

As part of the process of establishing the new Shire of Broomehill-Tambellup, MR John Gilfellon has been commissioned to review all local laws, policies and delegations with the view of providing a comprehensive set of documents for consideration of the Council. It is proposed that the draft Standing Orders Local Law will be available for consideration by the elected Council following the October 2008 elections.

Comment: Much of the procedural requirements in the Standing Orders Local Laws cannot be applied to a meeting with only one member (the Commissioner). However, for the purpose of uniformity it is recommended that the Shire of Tambellup’s Local Law on Standing Orders be applied as a guide for the Shire of Broomehill-Tambellup until a new set of Local Laws can be adopted and gazetted.

Consultation: Nil

Statutory

Environment: Nil

Policy Implications: Nil

Financial

Implications: This issue has no financial implications for Council

Strategic

Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer / Council

Resolution: *SC080704*

*“The Commissioner resolved:
That the former Shire of Tambellup Local Laws relating to Standing
Orders be used as a guide by the Shire of Broomehill-Tambellup
Council until a new set of Local Laws can be adopted and gazetted.”*

**Reason For Change to
Recommendation:**

5.5 ADOPTION OF THE CODE OF CONDUCT

Program:	Governance
Attachment:	Cod of Conduct for Elected Members and Staff
File Ref:	ADM0112
Author:	JM Trezona Chief Executive Officer
Date:	1st July 2008
Disclosure of Interest:	Nil

Summary: The Local Government Act provides that a local government is to adopt a Code of Conduct for Council members, committees members and employees.

Background: The Local Government Act, clause 5.103 requires a local government to adopt a Code of Conduct for Council members, committee members and employees.

Both the former Shire of Broomehill and the Shire of Tambellup had adopted in April 2008 similar codes of conduct. Those Codes of Conduct met the requirements of the Act and are in accordance with the Western Australian Local Government Association (WALGA) Model Code of Conduct that reflected the 2007 legislative changes.

As part of the process of establishing the new Shire of Broomehill-Tambellup, Mr John Gilfellon has been commissioned to review all local laws, policies and delegations with the view of providing a comprehensive set of documents for consideration of the Council. In addition a Department of Local Government working group is currently considering the model code of conduct with particular reference to the Rules of Conduct and the practical experiences of 2008.

Comment: It is proposed at this time to adopt the Code of Conduct adopted by the former Shire's as they are based on the Western Australian Local Government Association (WALGA) Model Code of Conduct of 2008.

The model is prepared to assist Council and staff to meet their obligations, however members have the opportunity to enhance it to include additional information to incorporate guidelines for professional conduct, personal integrity, ethical behaviour, accountability and transparency.

Copies have been made available for public examination.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial

Implications: Funding provided from the grant for the merger of the two Shires.

Strategic

Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer / Council

Resolution: SC080705

“The Commissioner resolved:

- 1. That the Commissioner adopt the Code of Conduct included as an attachment for Council members, committee members and employees; and*
- 2. The Chief Executive Officer schedule the Code of Conduct for review by the elected Council immediately following the October 2008 elections.”*

Council Resolution:

**Reason For Change to
Recommendation:**

5.6 APPOINTMENT OF THE CHIEF EXECUTIVE OFFICER

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0112	
Author:	R Back	Consultant
Date:	1st July 2008	
Disclosure of Interest:	Nil	

Summary: The Local Government Act provides that a local government is to employ a person to be the Chief Executive Officer of the local government.

The Governor's order for the creation of the new Shire of Broomehill-Tambellup provides that appointments made before 1st July 2008 by the two former Shires of Broomehill and Tambellup will continue to operate for the new Shire of Broomehill-Tambellup.

At the time of the merger, both the Shire of Broomehill and the Shire of Tambellup had jointly entered into a contract of employment with Joanne Marie Trezona as the Chief Executive Officer for each Shire.

Background: The Local Government Act provides in Section 5.36(1) that a local government is to employ a person to be the Chief Executive Officer of the local government.

The Governor's order (Government Gazette, WA of 27th May 2008) under clause 12 provides:

“12. Statutory appointments continued

If immediately before 1st July 2008 a person holds an appointment made under a written law by the Shire of Broomehill or the Shire of Tambellup for the purpose of enforcing or administering that written law, then on 1st July 2008 the person is to be taken to have been appointed by the new shire under that law for those purposes.”

At the time of the merger (1st July 2008), both the Shire of Broomehill and the Shire of Tambellup had jointly entered into a contract of employment with Joanne Marie Trezona (20th April 2007) as the Chief Executive Officer for each Shire for a period of five years.

The contract contains an amalgamation clause; being:

“16. AMALGAMATION OF COUNCILS

This contract will remain in force in the event of an amalgamation of the local governments, with the exception of clause 15 which will have no force or effect from that date forward.”

Clause 15 relates to the costs and expenses of engaging a Chief Executive Officer and the proportioning of those expenses between the two Shires. It also included the logistic of serving notices and administrative matters pertaining to having two separate Shires.

In preparing for the voluntary merger of the two Shires the previous Councils have put in place processes that will ensure the smooth transition for the new Shire of Broomehill-Tambellup. This includes the appointment of a shared Chief Executive Officer. The appointment of Joanne Trezona to the position of Chief Executive Officer to the Shire of Broomehill-Tambellup is endorsed by the existing contract and the Governor's order.

Comment:

Consultation: The matter has been discussed with Joanne Trezona and she is in agreement with the arrangements.

Statutory Environment: Nil

Policy Implications: Statutory appointment

Financial Implications: Funding is included in budget.

Strategic Implications: Statutory appointment

Voting Requirements: Simple Majority

Officer / Council Resolution: SC080706

“The Commissioner resolved to:

- 1. Appoint Joanne Marie Trezona as the Chief Executive Officer of the Shire of Broomehill-Tambellup; and*
- 2. The existing contract of employment is to continue until such time as a review of her new position is undertaken and renegotiated to the satisfaction of both parties, or the current term of her existing contract expires.”*

Reason For Change to Recommendation:

5.7 DELEGATIONS

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0112	
Author:	JM Trezona	Chief Executive Officer
Date:	1st July 2008	
Disclosure of Interest:	Nil	

Summary: The Local Government Act provides that the Council may delegate some of its powers to the Chief Executive Officer. The delegations approved by the former Shires are currently being revised in association with policy and local laws. In the interim, there are some delegations that are considered appropriate to be approved to assist in the smooth operation of the organisation and maintain service levels to the community.

Background: The Local Government Act provides in Section 5.42 for the delegation of some powers and duties to the CEO. A local government may delegate (by absolute majority) to the CEO the exercise of any of its powers or the discharge of any of its duties under the Local Government Act other than the following –

- (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;
- (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.

(5.43. Limits on delegations to CEO's)

A delegation under section 5.42 is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Both the former Shire of Broomehill and the Shire of Tambellup have a number of delegations to the CEO for various operational and decision purposes.

As part of the process of establishing the new Shire of Broomehill-Tambellup Mr John Gilfellon has been commissioned to review all local laws, policies and delegations with the view of providing a comprehensive set of documents for consideration of the Council.

There are some delegations that are considered necessary to be adopted immediately to ensure the smooth operation of the Shire and provide appropriate services to the community. These are in the area of finance, bush fire control, and building services.

It is proposed that these delegations, previously adopted by the former Shires, be adopted immediately and be re-submitted following the review by Mr John Gilfellon.

Finance

The Local Government (Financial Management) Regulations 1996 provides that -

“12. Payments from municipal fund or trust fund

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
(b) otherwise, if the payment is authorised in advance by a resolution of the council.

(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council. “

Local Government (Financial Management) Regulations 1996

The Shire’s previous delegation was cover under LG 015 “Creditors, Payment of” and LG 031 “Payments on Electronic Banking – Salaries and Wages, Councillors Fees and Reimbursements.”

It is proposed to continue the existing arrangements for cheque and Electronic Fund Transfer (EFT) with the additional facility to make supplier payments via EFT facilities.

The authorised officers for the signing of cheques or approval of EFTs would be the Chief Executive Officer (or Acting Chief Executive Officer) and one other authorised officer. Those positions are the Manager of Administration and Customer Services, the Finance Officer and/or Executive Officer. The officer responsible for the preparation of the accounts will not have the authority to sign disbursement documents.

Conditions on the authorisation are as follows -

- Council cheques are to be signed by the Chief Executive Officer (or Acting Chief Executive Officer) and counter-signed by one other authorised officer,
- An EFT payment relating to payroll be authorised by at least two authorised officers,

That EFT payments other than payroll, be authorised by two officers as authorised to sign Council cheques.

Bush fire control**Bush Fire Act 1954 section 33**

Existing delegation - LG 038

Pursuant to the provisions of Section 33 of the Bush Fires Act 1954, the Chief Executive Officer is delegated authority to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on the land.

The delegation for the Chief Executive Officer to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on land shall be limited to approval periods of twelve (12) months only except where natural obstructions are the reason for landholders being granted an exemption to comply with the Firebreak Notice and in such circumstances it will not be necessary to obtain an annual exemption for as long as the natural obstruction remains as it was at the time of granting of the exemption.

Bush Fire Act 1954 section 18(5)

Existing delegation - LG 040

That pursuant to Section 18(5) of the Bush Fires Act 1954 the Chief Executive Officer be delegated the authority to amend the Restricted Burning and Prohibited Burning periods subject to this delegation only being used at the request of the Chief Bush Fire Control Officer.

Bush Fire Act 1954 section 59(3)

Existing delegation - LG 068

The Chief Executive Officer is delegated general authority to consider allegations of offences alleged to have been committed against the Bush Fires Act within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences. This delegation extends to the issue of infringement notices in accordance with the provisions of Section 59A of the Act.

Bush Fires Act 1954 (Sections 13[4] & 48)

Existing delegation - LG 071

That pursuant to the Bush Fires Act 1954 section 40 the Chief Executive Officer is delegated authority to request FESA to take control of a bushfire burning in the district in accordance with section 13.4 of the Bush Fires Act 1954.

Town Planning Scheme & Local Laws

Existing delegation - LG 061 "Signs and Hoardings"

The Chief Executive Officer is delegated authority to approve the erection and where appropriate, the licensing of signs and hoardings that comply with the Town Planning Scheme and the Local Laws of the Council and where an application does not comply with the Scheme or the Local Laws of the Council, the application is to be refused.

Building Services**Local Government Act (Miscellaneous Provisions) 1960***Existing delegation - LG 060 Building Licenses*

That pursuant to Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, the Principal Building Surveyor is delegated authority to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:

all Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and

all Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters.

the Principal Building Surveyor shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.

Furthermore, the issuing of a building licence under Section 374(1) of the Local Government (Miscellaneous Provisions) Act 1960 may be subject to such conditions as the Principal Building Surveyor considers necessary.

All licences issued under this delegated authority shall, in addition to any conditions imposed by the Principal Building Surveyor, contain and be subject to the following conditions:

1. The building licence is valid for a maximum period of twenty-four (24) months.

Local Government Act (Miscellaneous Provisions) 1960*Existing delegation - LG059 Building – Extension of Time to Complete*

That in accordance with Section 374(1a) of the Local Government (Miscellaneous Provisions) Act 1960 Council's Principal Building Surveyor is delegated authority to approve of an extension of time where it was not possible to complete the building within the period specified in the building licence, subject to the payment of an additional building licence fee calculated in the following manner:

The fee payable is to be in proportion to the extent of the building to be completed. For example:

If 25% of the building is completed then 75% of the fee is charged

If 50% of the building is completed then 50% of the fee is charged

If 75% of the building is completed then 25% of the fee is charged.

Local Government Act (Miscellaneous Provisions) 1960*Existing delegation - LG 063 - Buildings - Dangerous Buildings*

The Chief Executive Officer is delegated the authority to carry out the following functions as provided in Section 403 of the Local Government (Miscellaneous Provisions) Act 1960:

- Issue a certificate which states that the subject building is in a dangerous state.
- Shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.
- Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.

Local Government Act (Miscellaneous Provisions) 1960*Existing delegation - LG 058 Demolition Licenses*

The Chief Executive Officer is delegated authority to approve the issue of a demolition licence (Section 374A) to take down a building or a part of a building and such licence may be subject to such conditions as the Chief Executive Officer considers necessary for the safe and proper execution of the work

Local Government Act (Miscellaneous Provisions) 1960*Existing delegation - LG 062 “Works - Unlawful”*

The Chief Executive Officer is delegated authority to issue stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.

The Chief Executive Officer is delegated authority to withdraw stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.

Comment:**Consultation:** Nil**Statutory Environment:** Nil**Policy Implications:** Nil**Financial Implications:** This issue has no financial implications for Council**Strategic Implications:** This issue is not dealt with in the Plan

Voting Requirements: Absolute Majority

Officer / Council

Resolution: SC080708

“The Commissioner resolved:

- 1. That Council delegates its authority and power under Local Government (Financial Management) Regulation 12 to the Chief Executive Officer, to make payment by cheque or Electronic Fund Transfer (EFT) from the Trust and Municipal Funds.*

Subject to the following Conditions:

- Council cheques are to be signed by the Chief Executive Officer (or Acting Chief Executive Officer) and counter-signed by one other authorised officer,*
- An EFT payment relating to payroll be authorised by at least two authorised officers,*
- That EFT payments other than payroll, be authorised by two officers as authorised to sign Council cheques.*

Bush Fires Act 1954

- 2. Pursuant to the provisions of Section 33 of the Bush Fires Act 1954, the Chief Executive Officer is the delegated authority to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on the land.*

Subject to the following conditions:

The delegation shall be limited to approval periods of twelve (12) months only except where natural obstructions are the reason for landholders being granted an exemption to comply with the Firebreak Notice and in such circumstances it will not be necessary to obtain an annual exemption for as long as the natural obstruction remains as it was at the time of granting of the exemption.

- 3. That pursuant to Section 18(5) of the Bush Fires Act 1954 the Chief Executive Officer is delegated the authority to amend the restricted burning and prohibited burning periods.*

Subject to the following conditions:

This delegation only being used following a request of the Chief Bush Fire Control Officer.

- 4. The Chief Executive Officer is delegated general authority to consider allegations of offences alleged to have been committed against the Bush Fires Act within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences. This delegation extends to the issue of infringement notices in accordance with*

the provisions of the Section 59A of the Act.

5. *That pursuant to the Bush Fires Act 1954 section 40 the Chief Executive Officer is delegated authority to request FESA to take control of a bushfire burning in the district in accordance with section 13.4 of the Bush Fires Act 1954.*

Town Planning Scheme & Local Laws

6. *The Chief Executive Officer is delegated authority to approve the erection and where appropriate, the licensing of signs and hoardings that comply with the Town Planning Scheme and the Local Laws of the Council.*

Subject to the following conditions:

Where an application does not comply with the Scheme or the Local Laws of the Council, the application is to be refused.

Local Government Act (Miscellaneous Provisions) 1960

7. *That pursuant to Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, the Principal Building Surveyor is delegated authority to approve or refuse to approve plans and specifications where a plan and specification so submitted conforms to:*

- *all Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and*
- *all Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters.*

Subject to the following conditions:

- *The building licence is valid for a maximum period of twenty-four (24) months.*

Local Government Act (Miscellaneous Provisions) 1960

8. *That in accordance with Section 374(1a) of the Local Government (Miscellaneous Provisions) Act 1960 Council's Principal Building Surveyor is delegated authority to approve of an extension of time where it was not possible to complete the building within the period specified in the building licence.*

Subject to the following conditions:

The payment of an additional building licence fee calculated in the following manner:

The fee payable is to be in proportion to the extent of the building to be completed. For example:

- *If 25% of the building is completed then 75% of the fee is charged*
- *If 50% of the building is completed then 50% of the fee is charged*
- *If 75% of the building is completed then 25% of the fee is charged.*

Local Government Act (Miscellaneous Provisions) 1960

9. The Chief Executive Officer is delegated the authority to carry out the following functions as provided in Section 403 of the Local Government (Miscellaneous Provisions) Act 1960:

- **Issue a certificate which states that the subject building is in a dangerous state.**
- **Shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.**
- **Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.**

Local Government Act (Miscellaneous Provisions) 1960

10. The Chief Executive Officer is delegated authority to approve the issue of a demolition licence (Section 374A) to take down a building or a part of a building and such licence may be subject to such conditions as the Chief Executive Officer considers necessary for the safe and proper execution of the work

Local Government Act (Miscellaneous Provisions) 1960

11. The Chief Executive Officer is delegated authority to issue stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.

The Chief Executive Officer is delegated authority to withdraw stop work notices pursuant to Section 401A of the Local Government Act (Miscellaneous Provisions) 1960 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.

The Commissioner resolves to –

That a report by prepared on all delegations, including the above, for consideration of the Council following the 2008 elections.”

By Absolute Majority

Reason For Change to Recommendation:

5.8 SHIRE OF BROOMEHILL-TAMBELLUP ELECTIONS – OCTOBER 2008

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0112	
Author:	JM Trezona	Chief Executive Officer
Date:	2nd July 2008	
Disclosure of Interest:	Nil	

Summary: Council to determine how the Council elections will be conducted on 18th October 2008.

Background: With respect to the Council elections in October 2008, section 4.20(1) of the Local Government Act provides that the Chief Executive Officer is to be the Returning Officer for each Council election (if held in house). Section 4.20(2) further provides that a local government having first obtained the written approval of the Chief Executive Officer and the written approval of the Electoral Commissioner may appoint a person other than the Chief Executive Officer to be the Returning Officer. Section 4.20(4) provides that a local government may, having first obtained the written approval of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the election. The Electoral Commissioner will then appoint a Returning Officer.

The Electoral Commissioner cannot be made after the 80th Day before the election. The 80th day will be 29th July 2008.

Comment: The first election of the new Shire of Broomehill-Tambellup is very significant. Appointing the Electoral Commissioner to conduct the first election removes any perceived bias that may exist if the staff were to conduct the election. The electoral commission are also well placed to deal with the complexities of counting the vote using the proportional preferential system.

Conducting the poll as a postal vote will also provide an opportunity for an increase in voter turnout.

Consultation: Nil

Statutory Environment: Local Government Act 1995 section 4.20.

Policy Implications: Nil

Financial Implications: Staff have obtained a quote of \$10,500 from the Electoral Commission to conduct a postal election.

Strategic Implications: This issue is not dealt with in the Shire of Tambellup Strategic Plan

Voting Requirements: Simple Majority

Officer / Council

Resolution: SC080709

“The Commissioner resolved:

- *That Council writes to the Electoral Commissioner seeking their approval to conduct the local government elections on October 2008; and*
- *That the preferred method of conducting the election to be held on 18th October 2008 be as a postal election.”*

Reason For Change to Recommendation:

6. CLOSURE

There being no further business, the Commissioner Jan Grimoldby thanked staff and visitors for their attendance and declared the meeting closed at 4.13pm.