



ATTACHMENTS

Ordinary Council Meeting – 23 June 2021

- 7.1(1) Minutes Ordinary Council Meeting 26 May 2021
- 7.2(1) Minutes Special Council Meeting 19 May 2021
- 7.3(1) Minutes Special Council Meeting 2 June 2021
- 7.4(1) Minutes Special Council Meeting 16 June 2021
- 9.2.1(1) Schedule of Accounts Paid
- 9.2.2(1) Monthly Financial Report – May 2021
- 9.2.3(1) Waste Management Revenue Scenario Modelling
- 9.3.1(1) Minutes Extract – 25 September 2019
- 9.3.1(2) Correspondence CHC 29 May 2019
- 9.3.1(3) CHC Letter of Commitment and Plans 15 May 2021
- 9.3.2(1) 2020-2021 Delegations Register
- 9.3.2(2) Delegations to be rescinded
- 9.3.2(3) 1.2.22 Defer, Grant Discounts, Waive or Write Off Debts
- 9.3.2(4) 1.2.31 Notices to Owners
- 9.3.2(5) Local Planning Scheme No. 7 – Development Applications
- 9.3.3(1) Regional Options Paper and Strategic Recommendations



**MINUTES OF ORDINARY COUNCIL MEETING
26 MAY 2021**

Held on

Wednesday 26 May 2021

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook

A handwritten signature in black ink, appearing to read 'Ben Rose'.

**Ben Rose
Chief Executive Officer**

28 May 2021

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF ORDINARY COUNCIL MEETING

Held at the Council Chambers
Wednesday 26 May 2021 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President acknowledged the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present and emerging.

The Shire President declared the meeting open at 5.00pm and welcomed the public gallery.

Shire President - Public Notification of Recording of Meetings

The Shire President advised that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further stated the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Steve Potter – Director Operations
Cr Shane Atherton	Paul Breman – Director Corporate and Community
Cr Anita Lindemann	Jaimee Earl – Minute Taker
Cr Anne Mitchell	
Cr Chaz Newman	
Cr Chris Smith	
Cr Leanne Wringe	

PUBLIC GALLERY

23 members of the public were in attendance.

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

The Shire President acknowledged the recent passing of former Councillor and active community member, Dr Chrissy Sharp and requested the Council and public gallery observe a few moments of silence in recognition of her contribution to the Shire, South West and Western Australia.

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Cr Mitchell declared an impartiality interest in item 8.1 Donnybrook Well Aged Units as her mother lives in one of the units. Cr Mitchell will remain in the Chamber for the duration of the discussion and vote on the matter.

Cr Smith declared a financial interest in item 8.1 – Donnybrook Well Aged Units, as he does work at the units. Cr Smith will leave the Chamber for the duration of the discussion and vote on the matter.

Cr Smith declared a financial interest in item 9.1.1 Petition – Request for the Sealing of Farley Road, Paynedale, as he works for many people on Farley Road. Cr Smith will leave the Chamber for the duration of the discussion and vote on the matter.

Cr Massey declared an impartiality interest in item 9.1.2 Balingup Townscape Committee – Proposed 2021/22 Projects as she is a member of the Balingup Progress Association. Cr Massey will remain in the Chamber for the duration of the discussion and vote on the matter.

Cr Smith declared a financial interest in item 12.1.2 – Confidential – RFT 02/2021 Management of Balingup Waste Transfer Station as he does work for the current contractor. Cr Smith will leave the Chamber for the duration of the discussion and vote on the matter.

Cr Wringe declared an impartiality interest in item 12.1.2 Confidential – RFT 02/2021 Management of Balingup Waste Transfer Station as she is the friend of one of the contract proprietors. Cr Wringe will remain in the Chamber for the duration of the discussion and vote on the matter.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

Public questions received prior to meeting:

Mr Shane Atherton

1. *Given the unsubstantiated community scuttlebutt relating to a claimed unauthorised transfer of reserves in the Shire's 2019-20 Annual Accounts, would the Chief Executive Officer or Executive Manager Corporate and Community as previously advised, re-assure the community that the 2019-20 Annual Accounts as audited by the Office of Auditor General (OAG) are factual, and correct?*

Paul Breman, Director Corporate and Community provided a powerpoint presentation explaining the reserve transfer in question. (See presentation attached at **Attachment 5.2(1)**).

2. *On the basis that the Shire's 2019-20 Annual Accounts are as audited and published (refer question 1), what legal case (action) could be taken against those individuals in the community who knowingly persist with an unsubstantiated proposition that the Shire has misrepresented the truth in terms of the handling of Reserves in 2019-20 Accounts?*

Chief Executive Officer Response

The Shire could seek advice through the WA Local Government Association regarding options available to it. It is not our intention or preference to seek to pursue legal action and spend ratepayers funds in doing so.

Public questions received at the meeting:

Keshena Nourish

I have been told that part of the money however transferred was raised by donations made to the Apple Fun Park? Is that the case?

Shire President Response

This transfer was advertised as required under the Local Government Act. Money that has been collected from the Apple Fun Park donations has been transferred to the Apple Fun Park reserve,

Tony Scaffidi

Given 90% of ratepayers are against the restaurant in the Goods Shed – why did Councillors agree to that when they represent the ratepayers?

Chief Executive Officer Response

Resourcing the Interpretive Centre component with Shire resources was estimated to cost \$140-150,000 per annum which equates to 3% in rates. The Executive and Council decided to advertise for expressions of interest for a food and beverage operator to manage the Interpretive Centre and enable the Shire to collect revenue from rent and offset the costs. This concept has been in the public domain for about two years.

Tony Scaffidi

I received a letter from the Shire's Environmental Officer on 12 May 2019 regarding management of rabbits in Irishtown with the Biosecurity Group. Nothing has been done – why has this not been rectified?

Shire President Response

Biosecurity groups are not part of Shire and our responsibilities differ – the Shire has no jurisdiction over them, they are governed by Department of Primary Industries and Regional Development. It is the Biosecurity group's responsibility to deal with land owners on such issues.

Chief Executive Officer Response

We are aware of the issue but I am unsure of the status of this particular instance. I will follow up on the arrangements made with the Environmental Officer at the time and will work with the Leschenault Biosecurity Group.

Kevin Johns

Regarding the funds transfer mentioned in the powerpoint presentation earlier – was there a requirement for it to be advertised?

Director Corporate and Community Response

No, I don't believe so.

Kevin Johns

When will plans for the Apple Fun Park be available to the general public?

Chief Executive Officer Response

Images are available on the Shire website. With the support of the Council, I can make more detailed plans (layout, elevations) available in the next week or two.

Lui Tuia

There was an advertisement in the West Australian and Preston Press – under the terms how much per annum will be going into the Tuia Lodge Lease and capital expenditure out of the \$7.6 million?

Chief Executive Officer Response

The lease agreement is confidential and we would be breaching confidentiality if we released that information.

Lui Tuia

Collie, Harvey and Wattle Hill all granted use and rent of their facilities to Southern Care. After a year it was handballed back. Have you considered an escape clause in the deal with Hall and Prior over the management of Tuia Lodge?

Shire President Response

These negotiations are confidential, however, the community can be assured that the Shire has engaged in appropriate commercial and legal advice.

Lui Tuia

Can you confirm the total amount in the Tuia Lodge RAD account?

Director Corporate and Community Response

There is about \$4.5 million – I will confirm the exact amount via email.

Shane Sercombe

Regarding the reserve transfer referred to in the presentation tonight, were they identified as invalid and unlike any other in local government?

Director Corporate and Community Response

I explained to Council at the mid year budget review that this transfer was unspecified and an unusual transaction as it had no specific purpose when put into the reserve. We were not required to advertise the change in purpose because no purpose was put in. The remainder of these funds were put towards the COVID Reserve. Neither the Office of Auditor General nor the Department of Local Government, Sport and Cultural Industries have raised this as a matter for discussion with the Shire.

Shane Sercombe

For clarity, can you confirm that you identified the transfer as invalid at the time?

Director Corporate and Community Response

I cannot recall any other words used other than how I am explaining it right now. I explained it fully to Council at the time – in April 2020.

Keshena Nourish

Would an auditor have been able to see if the Apple Fun Park Reserve funds were donated funds?

Shire President Response

This reserve transfer was advertised as per the Local Government Act. It was a basic advertisement advising of the existing and proposed purposes. The funds were used in project funding application for the Heritage Goods Shed Interpretive Centre and Station Square – as the Federal Government sees the Apple Fun Park and Town Centre Revitalisation Project as one project.

Director Corporate and Community Response

Auditors do not look at the source of the funds, just review the process for approving, budgeting and change of purpose.

Keshena Nourish

Did you receive my submission last Wednesday regarding the Goods Shed – when can I expect an answer?

Shire President

It's not far away.

John Wringe

Regarding Minninup Cottages and Langley Villas, in the event of the sale of these units – what would be done with the proceeds?

Chief Executive Officer Response

This relates to an item on tonight's agenda and as such the decision has not yet been made. The process with the Department of Communities is likely to take many months and the consideration of treatment for any surplus funds has not been entertained yet.

John Wringe

Are Councillors aware of the history of the beginnings of putting the units together? If not they should avail themselves.

Shire President Response

This discussion has not yet commenced – at this stage we have been asked to provide a response to the Department of Communities, as per our contractual obligations.

Shane Sercombe

Regarding the reserve transfers in 2019/20 identified during the mid year budget review, did the CEO ever answer a list of questions by Council?

Chief Executive Officer Response

During a period of a lot of questions, I do not recall which list of questions you're referring to specifically. I'd be happy to consider any questions you have.

Shane Sercombe

They were regarding reserve transfers?

Chief Executive Officer Response

Yes, I recall the correspondence now, and yes I responded in a variety of ways.

Kevin Johns

The Apple Fun Park comprehensive playground inspection report in 2019 reported 80% of equipment required basic maintenance. Why is the Shire only retaining 25%?

Chief Executive Officer Response

The Shire has secured \$1.5M in Federal funding via the Building Better Regions Fund, which will fund an entire refurbishment of the park. That funding can only be expended on the Fun Park, not other parks. Approximately 25% of equipment is being reused on-site. The remaining equipment will be stored off-site for a decision at a later time.

Kevin Johns

Was a cost analysis done on maintenance of the equipment?

Shire President Response

The Federal Government offered to regenerate the Apple Fun Park to stay at the top in terms of parks in the South West. The offer was not based on maintenance alone. We have the money to stay in front of surrounding Councils moving to copy the park and have the chance to reinvest into one of our iconic tourist attractions.

Kevin Johns

There is \$100,000 in the Apple Fun Park reserve – why was this not spent on maintenance and upkeep?

Chief Executive Officer Response

There was approximately \$99,000 in the Apple Fun Park reserve account. Maintenance and minor asset renewal for the Park was allocated from another account and costs on average \$100,000 per annum; about \$1.3M over the last 13 or so years. Community donations go into the reserve account. The first few years there was \$20-25,000 income from the donations, however now approximately \$3,000 per year. When the facility is renewed it is expected this will increase again for a period of time.

Shane Sercombe

The Shire received legal advice regarding defamation in November last year. Why was this legal advice withheld from Council for 10 weeks and not revealed until after the CEO contract renewal?

Shire President

This is an unsubstantiated claim. I did not withhold any information from Council – it was dealt with when it was received. It took some time to get the advice.

Director Corporate and Community Response

The CEO removed himself from this process and nominated me to undertake the process of seeking legal advice, which I did with the Shire President. I cannot recall the date the advice was received – while being extremely busy working on the Long Term Financial Plan which was the highest priority, finalising the audit and planning the annual elector's meeting, I had to write an item for Council to consider. Any delay, if there was such, was in relation to priorities and substantial workload. There was no circumstance of the CEO or Shire President raising timing of the report with me and I would not have been influenced by that in any case.

Shane Sercombe

Can you confirm that the Apple Fun Park coin spinner states that all funds are used to maintain and improve the Apple Fun Park?

Chief Executive Officer Response

Yes, I'm aware that the signage states this, or something very similar. The reserve has accumulated approximately \$99,000 over 13 years from donations. The Shire spends about \$100,000 a year on maintenance of the park. Whether the funds come from the reserve account or other accounts, the money has been spent on maintenance of the park.

Kevin Johns

Last week's Special Council Meeting discussed the proposed lease of the Goods Shed. What is the net amount of rent collected per annum?

Shire President Response

This is a confidential matter and we are not in a position to divulge information regarding the proposed contract with the prospective tenants. Remember we are saving money as the tenant will be looking after the Interpretive Centre component of the Goods Shed.

Chief Executive Officer Response

The lease includes a rent component and a separate vendor finance component to reimburse for the kitchen fit out – so there will be two separate sources of revenue.

Kevin Johns

Will the tenant be paying outgoings?

Chief Executive Officer Response

Again, this information is confidential, however, based on other commercial leases, it would be unusual if it did not include outgoings, including Shire rates.

Kevin Johns

On 9 April 2020 I sent an email to the Shire regarding incomplete footpaths, lack of signage and other issues along Collins Street. On 14 April 2020 I received a response advising Main Roads WA (MRWA) is responsible for this. Has the Shire done anything in the last 12 months?

Director Operations Response

With the revitalisation of the Goods Shed precinct, we can introduce measures to control speed and safe pedestrian crossings, particularly with the pump track also. Collins Street is a heavy haulage bypass road so this requires work with MRWA. Once the precinct is complete this will follow shortly thereafter.

Chief Executive Officer Response

As part of the Road Safety Commission 40 km/hr trial along South Western Highway, MRWA modelling regarding speeds along Collins Street was also looked at, however the Road Safety Commission and MRWA were not supportive of the trial along this street. The Shire expects to receive funding to resurface and re line-mark Collins Street in the next 6-18 months time and hopefully this can incorporate signage, parking etc.

Shane Sercombe

Can the Shire President confirm he did not receive legal advice until late January 2021 when the rest of Council received it?

Shire President Response

I cannot confirm. I was a party to the response. Mr Breman communicated with the lawyers and presented a paper to Council once he had undertaken the task.

Shane Sercombe

You felt legal advice was not relevant to the CEO contract that was due to be renewed?

Shire President Response

The advice did not incriminate the CEO and was not relevant to the contract renewal.

Shane Sercombe

Are you able to release the legal advice from confidential?

Chief Executive Officer Response

I will research whether that is possible and will need to make the decision wisely regarding potential implications.

Shane Sercombe

How many resolutions adopted over the last 12 months have not been released from confidential?

Chief Executive Officer Response

All of the Shire's Council Meeting Minutes are available via the Shire's website; you are welcome to review these for yourself to determine which have been kept as confidential.

Keshena Nourish

Is the \$1.5 million funding received for the Apple Fun Park the only money being spent on the project or is the Shire contributing additional funds?

Chief Executive Officer Response

The Federal grant is the only funding allocation to the project, the Shire is not contributing funding towards the refurbishment works.

6 PRESENTATIONS

Nil.

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

ADOPTION BY EXCEPTION

COUNCIL RESOLUTION 76/21

Moved Cr Lindemann

Seconded Cr Massey

That the following items be adopted 'en bloc':

- 7.1 Minutes Ordinary Meeting of Council – 28 April 2021
- 7.2 Minutes Aged Care Community Reference Group – 29 April 2021
- 7.3 Minutes Bush Fire Advisory Committee Meeting – 12 May 2021
- 9.1.3 Request to Close Hinde Street Road Reserve (Unconstructed), Yabberup
- 9.1.4 Request to Receive Spoil from Main Roads Project – Thompson's Hill
- 9.2.2 Monthly Financial Report – March 2021
- 9.2.3 Monthly Financial Report – April 2021
- 9.2.4 Establishment of New Reserve Accounts – Aged and Community Housing
- 12.1.1 Confidential – RFT 01/2021 – Road Sweeping and Pit Pipe Cleaning
- 12.1.3 Confidential – Donnybrook Transit Park

CARRIED 8/0

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 28 APRIL 2021

Minutes of the Ordinary Meeting of Council held 28 April 2021 are attached (*attachment 7.1(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 28 April 2021 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 77/21

Moved Cr Lindemann Seconded Cr Massey

That the Minutes from the Ordinary Meeting of Council held 28 April 2021 be confirmed as a true and accurate record.

CARRIED 8/0 by En Bloc Resolution

7.2 AGED CARE COMMUNITY REFERENCE GROUP – 29 APRIL 2021

Minutes of the Aged Care Community Reference Group Meeting held 29 April 2021 are attached (*attachment 7.2(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Aged Care Community Reference Group Meeting held 29 April 2021 be received.

COUNCIL RESOLUTION 78/21

Moved Cr Lindemann Seconded Cr Massey

That the Minutes from the Aged Care Community Reference Group Meeting held 29 April 2021 be received.

CARRIED 8/0 by En Bloc Resolution

7.3 BUSH FIRE ADVISORY COMMITTEE MEETING – 12 MAY 2021

Minutes of the Bush Fire Advisory Committee Meeting held 12 May 2021 are attached (*attachment 7.3(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Bush Fire Advisory Committee Meeting held 12 May 2021 be received.

COUNCIL RESOLUTION 79/21

Moved Cr Lindemann

Seconded Cr Massey

That the Minutes from the Bush Fire Advisory Committee Meeting held 12 May 2021 be received.

CARRIED 8/0 by En Bloc Resolution

8 REPORTS OF COMMITTEES

8.1 DONNYBROOK WELL AGED UNITS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CSV23
Author	Paul Breman, Director Corporate and Community
Responsible Manager	Paul Breman, Director Corporate and Community
Attachments	8.1(1) 7.0 JV Agreements
Voting Requirements	Simple Majority

Committee Recommendation
<p>That Council instruct the Chief Executive Officer to advise the Department of Communities that the Council seeks to enter negotiations with the Department of Communities to consider the future operation of all units at Minninup Cottages (122 South West Highway, Donnybrook) and all units at Langley Villas (142 South West Highway, Donnybrook) in accordance with the following clause:</p> <ol style="list-style-type: none"> 1. 7.1(e) of the Joint Venture agreements being that the Department of Communities purchase the Shire’s equitable interest in the Joint Venture properties, and in addition units 1-4 Minninup Cottages at the current market value and transfer proprietorship of the land to the Department of Communities; or. 2. 7.1(f) of the joint venture agreements being to sell the Joint Venture properties, and in addition, units 1-4 Minninup Cottages at their Current Market Value and divide the proceeds of the sale between the Parties based on each Party’s percentage of equitable Interest in the Joint Venture, providing 100% of the net proceeds from the sale of units 1-4 Minninup Cottages is returned to the Shire of Donnybrook Balingup.

STRATEGIC ALIGNMENT

The following outcome from the Corporate Business Plan relate to this proposal:

Outcome:	3.3	A safe and healthy community environment for all ages
Strategy:	3.3.1	Promote ‘ageing in place’
Action:	3.3.1.2	Review aged care services administered by the Shire

EXECUTIVE SUMMARY

The Aged Care Reference Group at its 29 April 2021 meeting considered a report relating to the future operations of the Shire managed Well Aged Units at Minninup Cottages and Langley Villas and recommended:

That Council instruct the Chief Executive Officer to advise the Department of Communities that the Council seeks to enter negotiations with the Department of Communities to consider the future operation of all units at Minninup Cottages (122 South West Highway, Donnybrook) and all units at Langley Villas (142 South West Highway, Donnybrook) in accordance with the following clause:

1. 7.1(e) of the Joint Venture agreements being that the Department of Communities purchase the Shire’s equitable interest in the Joint Venture properties, and in addition units 1-4 Minninup Cottages at the current market value and transfer proprietorship of the land to the Department of Communities; or.
2. 7.1(f) of the joint venture agreements being to sell the Joint Venture properties, and in addition, units 1-4 Minninup Cottages at their Current Market Value and divide the proceeds of the sale between the Parties based on each Party’s percentage of equitable Interest in the Joint Venture, providing 100% of the net proceeds from the sale of units 1-4 Minninup Cottages is returned to the Shire of Donnybrook Balingup.

BACKGROUND

The Shire operates the accommodation at Minninup Cottages (122 South West Hwy) and Langley Villas (142 South West Hwy) Donnybrook, collectively known as the Well-Aged/affordable accommodation Units.

The ownership and operating status of the accommodation units are set out below:

Name	Units	JV Ownership		JV Contract Term		
		Shire	State	Start	Term	Finish
Minninup	1,2,3 & 4	100%	0	N/A	N/A	N/A
Minninup	5,6,7 & 8	34.48%	65.52%	06/03/1997	25 Years	06/03/2022
Minninup	9 ,10,11 & 12	15.20%	84.80%	06/03/1997	25 Years	06/03/2022
Langley	1,2,3,4,5 & 6	23.42%	76.58%	05/01/2001	25 Years	05/01/2026
Langley	7,8 & 9	23.42%	76.58%	15/01/2001	25 Years	15/01/2026

The units were predominately constructed under five Joint Venture (JV) agreements with Homeswest (now the Department of Communities). Only units 1 to 4 Minninup Cottages are wholly owned by the Shire of Donnybrook Balingup.

The contract term of the JV agreements for units 5-8 and 9-12 Minninup Cottages terminate on 6 March 2022. The relevant JV agreements set out the following actions on expiry of the contract term as follows:

- 7.1 *At least six months before the expiration of the Term, but not earlier than 18 months before the expiration of the Term, the Parties shall agree to one of the following courses of action:*

- a) *To enter into a new joint venture agreement between the Parties on new terms and conditions with a view to continuing the Project;*
- b) *To extend the Term of the existing Agreement for a further period as agreed between the Parties;*
- c) *To assign or transfer the Organisation's Interest in the Joint Venture Property to another organisation or party which agrees to be bound by all the terms and conditions of this agreement for the new term or is willing to negotiate a new Joint Venture agreement with Homeswest;*
- d) *The Organisation to buy out Homeswest's equitable Interest in the Joint Venture at its Current Market Value;*
- e) *Homeswest to purchase the Organisation's equitable Interests in the Joint Venture Property at its Current Market Value, and thereby transfer proprietorship of the Land to Homeswest;*
- f) *To sell the Joint Venture Property at its Current Market Value and divide the proceeds of the sale between the Parties based on each Party's percentage equitable Interest in the Joint Venture as identified in Item 3 of the Schedule.*

The JV agreements for the two groups of units at Langley Villas also have similar expiry of term clauses to those contained in the Minninup JV agreements

Contact has been made with the relevant Officers at the Department of Communities and they have requested that the Council consider the termination clauses in the JV agreements and advise the Department its preferred action.

The Shire engaged Ansell Strategic to deliver a report (previously made available to the reference group) making recommendations on the future of Aged Care Services and accommodation in the District. The outcome of that review was a recommendation that the Shire should consider exiting from the delivery of aged care services. In relation to accommodation, the Ansell report (page 98) recommended the following:

'We also recommend that the Shire continues to own and manage the village in the first instance. The complexities associated with the Retirement Villages Act 1992 and joint venture arrangements with the State Government Housing Authority make transition of operations more challenging. The arrangements could be reviewed in time with the selected operator of Tuia Lodge. There are likely to be synergies between the retirement and aged care services that could be facilitated through the Reference Group (see below). In any event, this decision is likely to be less material on overall operations for the Shire.'

In relation to the operation of Tuia Lodge, the Aged Care Community Reference Group (ACCRG) recommended to the Council that Tuia Lodge be outsourced, and the Council resolved to undertake this process. At the time of making this recommendation to the Council, the ACCRG were aware the scope of the reference group was not concluded, and it remained to consider the future operation of Preston Retirement Village as well as Minninup Cottages and Langley Villas.

FINANCIAL IMPLICATIONS

As of 30th June 2020, the balance of the surplus funds relating to the Joint venture properties was as follows:

Property	Units	JV Ownership		Surplus Balance 30 June 2020
		Shire	State	
Minninup	1,2,3 & 4	100%	0	\$56,545
Minninup	5,6,7 & 8	34.48%	65.52%	\$150,785
Minninup	9 ,10,11 & 12	15.20%	84.80%	\$243,531
Langley	1,2,3,4,5 & 6	23.42%	76.58%	\$339,703
Langley	7,8 & 9	23.42%	76.58%	\$199,811
Total				\$990,375

Based on the ownership percentages relevant to the joint venture properties plus units 1-4 Minninup, the total amount of surplus balances as of 30th June 2020, to which the Shire is presently entitled was \$271,907

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

The work in negotiating an outcome that results in Tuia Lodge being operated by another licenced provider, with the Shire leasing the land and building to that provider, is still in progress. Work continues documenting the commercial terms negotiated to date and the preferred new operator is undertaking due diligence prior to any public announcement and publication of the details of the transaction.

During the negotiations with the preferred new operator (Hall and Prior), they were requested to consider involvement in the future operation of PRV and the Well-aged units as part of their overall strategy for Aged Care services in Donnybrook. Although the preferred operator has not categorically rejected the future of this proposal, it was obvious from the discussions that activities on the scale of PRV and the Well-Aged units are not part of the overall portfolio planning for Donnybrook. Based on discussions, it is suggested the Shire should consider the potential for alternative opportunities for the future of both the PRV and Well Aged units.

Please see the attached schedule with comments on the impact of each of the courses of action as set out under 7.0 of the JV agreements (attachment 8.1.1).

To deal with only the termination of the JV agreements in relation to Minninup Cottages without also considering the future of the adjacent Langley Villas, even though the Langley JV agreements still have some years to run, would be short sighted. If the Department of Communities was willing to consider a bundled approach to all the JV agreements, this would seem to be the best outcome.

The practical course of action available to the Shire to exit operation of the units and still maintain the service to the community would be to:

7.1(e) request the State to purchase the Shire's equitable interest in all the well-aged units including units 1 to 4 (wholly owned by the Shire) at agreed market value resulting in the Department of Communities operating all units at Minninup and Langley on the same basis as is undertaken by the Shire; or

7.1(f) Seek approval from the Department of Communities to jointly sell all JV units and add into the sale the units wholly owned by the Shire, to achieve the transfer to another entity whose objects and charter align with the ongoing delivery of affordable accommodation.

If the JV units were sold to the State, it would trigger clause 8.7 and 8.8 of the agreements in that:

8.7 Any surplus income accumulated by the Organisation (Shire) from the management and operation of the Units may be used, subject to the approval of Homeswest, as cash contributions towards further low-income rental housing projects, improvements or upgrades to existing Joint Venture Units or other purposes agreed in writing by Homeswest.

8.8 Where no agreed purpose can be found for the use of surplus income as referred to be Clause 8.7 or the Guidelines, then such surplus is to be divided proportionately between Homeswest and the Organisation (Shire) based on each Parties percentage equitable Interest in the Joint Venture as identified in Item 3 of the Schedule.

OUTCOME OF MEETING

Cr Mitchell declared an impartiality interest in the item and remained in the Chamber for the duration of the discussion and vote on the matter.

Cr Smith declared a financial interest in the item and left the Chamber at 6.18pm.

EXECUTIVE RECOMMENDATION

Moved Cr Lindemann

Seconded Cr Atherton

That Council instruct the Chief Executive Officer to advise the Department of Communities that the Council seeks to enter negotiations with the Department of Communities to consider the future operation of all units at Minnipup Cottages (122 South West Highway, Donnybrook) and all units at Langley Villas (142 South West Highway, Donnybrook) in accordance with the following clause:

1. 7.1(e) of the Joint Venture agreements being that the Department of Communities purchase the Shire's equitable interest in the Joint Venture properties, and in addition units 1-4 Minnipup Cottages at the current market value and transfer proprietorship of the land to the Department of Communities; or
2. 7.1(f) of the joint venture agreements being to sell the Joint Venture properties, and in addition, units 1-4 Minnipup Cottages at their Current Market Value and divide the proceeds of the sale between the Parties based on each Party's percentage of equitable Interest in the Joint Venture, providing 100% of the net proceeds from the sale of units 1-4 Minnipup Cottages is returned to the Shire of Donnybrook Balingup.

AMENDMENT

Moved Cr Massey

Seconded Cr Atherton

That Council instruct the Chief Executive Officer to advise the Department of Communities that the Council seeks to enter discussion with the Department of Communities to consider the future operation of all units at Minnipup Cottages (122 South West Highway, Donnybrook) and all units at Langley Villas (142 South West Highway, Donnybrook) in accordance with the following clause:

- ~~1. 7.1(e) of the Joint Venture agreements being that the Department of Communities purchase the Shire's equitable interest in the Joint Venture properties, and in addition units 1-4 Minnipup Cottages at the current market value and transfer proprietorship of the land to the Department of Communities; or.~~
- ~~2. 7.1(f) of the joint venture agreements being to sell the Joint Venture properties, and in addition, units 1-4 Minnipup Cottages at their Current Market Value and divide the proceeds of the sale between the Parties based on each Party's percentage of equitable Interest in the Joint Venture, providing 100% of the net proceeds from the sale of units 1-4 Minnipup Cottages is returned to the Shire of Donnybrook Balingup.~~

CARRIED 7/0

COUNCIL RESOLUTION 80/21

Moved Cr Lindemann

Seconded Cr Atherton

That Council instruct the Chief Executive Officer to advise the Department of Communities that the Council seeks to enter discussion with the Department of Communities to consider the future operation of all units at Minnipup Cottages (122 South West Highway, Donnybrook) and all units at Langley Villas (142 South West Highway, Donnybrook).

CARRIED 7/0

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

9.1.1 PETITION – REQUEST FOR THE SEALING OF FARLEY ROAD, PAYNE DALE

Location	Paynedale
Applicant	Petitioners
File Reference	CNL 16
Author	Damien Morgan, Manager Works and Services
Responsible Manager	Damien Morgan, Manager Works and Services
Attachments	9.1.1(1) Farley Road Petition 9.1.1(2) Unsealed Roads Upgrade Plan
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Formally acknowledges the petition presented to Council at the Ordinary Council Meeting in March 2021 requesting the sealing of the gravel section of Farley Road, Paynedale; 2. Advises the petitioners that a formal assessment of Farley Road has been undertaken by the Shire in accordance with the criteria contained in Council’s “Unsealed Roads Upgrade Plan”; 3. Advises the petitioners that the formal assessment has determined that the proposal does not achieve a ranking that would warrant the upgrading of the gravel section of Farley Road to a sealed standard; 4. Advises the petitioners that Farley Road will continue to be maintained by the Shire as a gravel road; 5. Instructs the Chief Executive Officer to install an appropriate advanced warning sign prior to the end of the existing seal on Farley Road outlining that “gravel road surface conditions change often”.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	4.1	A strategically focused, open and accountable local government.
Strategy	4.1.2	Continue to enhance communication and transparency
Action	4.1.2.1	Ongoing meaningful communication and engagement with residents, ratepayers and stakeholders.

EXECUTIVE SUMMARY

Council has received a petition requesting it to consider the early sealing of the remaining 3km gravel section of Farley Road, Paynedale.

The prioritisation for upgrading of gravel roads to a sealed standard in the Shire is based on the Shire of Donnybrook Balingup “*Unsealed Roads Upgrade Plan*” (URUP, Attachment 9.1.1(2)).

Assessment of Farley Road in accordance with the URUP, indicates that it does not meet the criteria to warrant inclusion within existing gravel road upgrading programs.

BACKGROUND

Presentation of Petition

Council at the March 2021 Ordinary Council Meeting received a petition (refer attachment 9.1.1(1)) presented by Mr Wayne Hammond containing the following wording:

To: The Shire President and Shire of Donnybrook Councillors assembled.

We the undersigned being the residents of Farley Road respectfully request the Donnybrook Balingup Shire Council to consider the early sealing of the remaining 3km of gravel and dirt road.

Based on information provided by the petitioners, the petition contains approximately 372 signatures. It is noted that a significant proportion of signatures are from individuals based outside of the Shire.

Council has previously been requested to consider requests to seal Farley Road on a number of occasions as follows:

- June 2016 meeting (petition containing 318 signatures);
- March 2011 meeting;
- March 2010 meeting;
- March 2008 meeting;
- April 2007 meeting.

Previously, the matter was referred for further consideration through the preparation of annual budgets.

FINANCIAL IMPLICATIONS

The upgrading of gravel roads to a sealed standard represents a significant cost for which the Shire has limited funds.

In order to deal with requests of this nature and establish an objective process for decision-making, Council developed the URUP in 2019 to enable the limited Shire funds to be directed to the highest priority projects based on established criteria.

POLICY COMPLIANCE

Shire of Donnybrook Balingup, Engineering Policy – 4.28 “*Request for Upgrades or Expansions of Council Assets*”, provides guidance on Council’s process in considering external requests for the construction of a new, or upgrade to an existing, infrastructure asset (including roads).

This Policy indicates that Council may consider a request for an upgrade for works not considered a priority, subject to an external contribution towards the cost.

Council will only consider these requests if the following criteria is met:

- Property owner/s are proposing to contribute at least 50% of the cost of the upgrades.
- The standard of the upgrade or expansion to the Shire’s satisfaction.
- Works are completed by the Shire or a contractor approved by the Shire.
- The property owner/s must agree to the above points in writing prior to the request being presented to Council for endorsement.
- Council endorsement will outline the programing and Council’s contribution to the works. Typically, the works will be programmed in the following financial year and Council’s contribution is typically limited to \$50,000.
- If the works are to be completed by the Shire, works will only commence once the Shire has received the full private contribution.

It is noted that there has not been any proposal of this type and therefore it is understood that the petitioners are requesting the Shire to fully fund any works.

STATUTORY COMPLIANCE

Dealing with a Petition

The provisions relevant to receiving and dealing with a petition are outlined under Clause 6.10 of the Shire of *Donnybrook Balingup Meeting Procedures Local Law 2017* (Local Law).

Section 1 of the clause outlines the form a petition should take with Sections 2 and 3 outlining how a petition should be dealt with as follows:

6.10 Petitions

- (1) A petition is to—
 - a) be addressed to the President;
 - b) be made by electors of the district;
 - c) state the request on each page of the petition;
 - d) contain the name, address and signature of each elector making the request, and the date each elector signed;

- e) contain a summary of the reasons for the request; and
 - f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
- a) the matter is the subject of a report included in the agenda; and
 - b) the Council has considered the issues raised in the petition.

As per the Local Law, petitioners are required to be electors of the district and date the petition when they sign. It is noted that a number of petitioners were not local residents, and a number did not include the date of signing as required, however this does not have a significant bearing on the recommendations of Staff.

CONSULTATION

Public consultation was undertaken in the development of the Shire's *Unsealed Roads Upgrade Plan* applicable to this petition request.

OFFICER COMMENT/CONCLUSION

The Works and Services section has developed the following documents in recent years due to regularly receiving request from the public for the upgrade or expansion of assets:

- Pathways and Trails Expansion Strategy 2018, and
- Unsealed Roads Upgrade Plan 2019

Expectations of the public regarding the level of service provided by the Shire's road and path networks are constantly increasing. Unsealed roads are often seen as being unacceptable, due to concerns such as dust nuisance, corrugations, loose material, environmental issues and safety.

The URUP was developed in response to a Council request to develop a suitable process for determination and validation of the highest priority unsealed roads for upgrading.

The total length of the Shire's road network is approximately 680km, with 290km of sealed roads and 390km of unsealed roads. The unsealed road network generally comprises of roads which provide a variety of functions and typically experience daily traffic volumes of between 10 and 150 vehicles per day.

The assessment and prioritisation process was developed taking into account a range of road characteristics and function criteria. Each road is assessed against these criteria and scored, a weighting applied to each score relevant to the road's importance, and the weighted scores added to provide an overall score for the road. The roads are then ranked in order of overall

scores. This process was refined through several iterations and trial assessments of selected roads of varying hierarchy.

Assessment of the Shire’s unsealed road network has been undertaken for approximately 65km of a total of 390km of unsealed roads, generally focusing on higher order roads considered likely to achieve a higher score. Assessment of the remainder of the unsealed roads is progressively being undertaken, as resources permit. In addition, assessments are undertaken on an ad-hoc basis in response to requests received, such as that the subject of this report.

Below is the current works program developed from this process.

Road Name	Start SLK	End SLK	Length (m)	Total Score	Recommendation for Funding	2020	2021	2022	2023	2024
Southampton Road	6510	7780	1270	53	Seek External Funding					
Southampton Road	8040	8620	580	49	Seek External Funding					
Southampton Road	8620	8960	340	49	Seek External Funding					
Newlands Road	400	2440	2040	48	Yes - Council Funding					
Ryalls Road	0	2460	2460	48	Yes - Council Funding					
Greenbushes Road	1620	2930	1310	46	Seek External Funding					
Newlands Road	2440	3140	700	45	Yes - Council Funding					
Ryalls Road	6750	10700	3950	45	No					
Southampton Road	9170	10240	1070	44	Seek External Funding					
Greenbushes Road	11000	12660	1660	43	No					
Ryalls Road	3970	6750	2780	43	No					
				18,160						

1. This is an indicative program only and is subject to change.
2. The first year of this indicative program will be submitted annually to Council for inclusion in the Works Program.
3. The top 10 ranked projects will be reviewed annually and, if required, modified to reflect any changes in the road network.

It is noted that the roads contained in the above table have numerous sections that will require further consideration for sealing beyond the existing program. By way of some examples Southampton Rd has six separate sections and Greenbushes Rd has eight separate sections. Depending on available funding some of these ‘sections’ may be staged over several years.

In response to the recent petition, Staff have undertaken a further review of Farley Road based on the URUP criteria. This review has identified that Farley Road is not a high priority gravel road for sealing and is unlikely to achieve a ranking above the already identified roads that form part of the existing program and/or those already identified for further consideration in future years beyond 2024 that achieve a higher score.

It is recommended that Farley Road continue to be maintained as a gravel road by the Shire, with the installation of warning signage like the below for drivers not familiar with gravel road surfaces.



Cr Smith declared an interest in the item and remained out of the Chamber following the previous item.

COUNCIL RESOLUTION 81/21

Moved Cr Wringe Seconded Cr Lindemann

That Council:

- 1. Formally acknowledges the petition presented to Council at the Ordinary Council Meeting in March 2021 requesting the sealing of the gravel section of Farley Road, Paynedale;**
- 2. Advises the petitioners that a formal assessment of Farley Road has been undertaken by the Shire in accordance with the criteria contained in Council’s *“Unsealed Roads Upgrade Plan”*;**
- 3. Advises the petitioners that the formal assessment has determined that the proposal does not achieve a ranking that would warrant the upgrading of the gravel section of Farley Road to a sealed standard;**
- 4. Advises the petitioners that Farley Road will continue to be maintained by the Shire as a gravel road;**
- 5. Instructs the Chief Executive Officer to install an appropriate advanced warning sign prior to the end of the existing seal on Farley Road outlining that “gravel road surface conditions change often”.**

CARRIED 7/0

Cr Smith returned to the Chamber at 6.41pm.

9.1.2 BALINGUP TOWNSCAPE COMMITTEE – PROPOSED 2021/22 PROJECTS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC08/6
Author	Steve Potter, Director Operations
Responsible Officer	Steve Potter, Director Operations
Attachments	Nil
Voting Requirements	Simple majority

Recommendation
<p>That, subject to Balingup Progress Association approval, Council:</p> <ol style="list-style-type: none"> 1. Provides preliminary support for the following proposed Balingup Townscape Committee projects; <ol style="list-style-type: none"> 1.1 Installation of five steel stencil cut-outs at the northern entry to the Balingup townsite representing five of the town icons (Small Farm Field Day, Telling Tales, Medieval Carnival, Art Affair and the Golden Valley Tree Park); 1.2 Replacing the banners on the existing poles at the northern entry to the Balingup townsite; 1.3 Installing solar lighting over the existing picnic table adjacent to the Balingup Brook; 1.4 Installing a canoe launch platform in the Balingup Brook; 1.5 Replacement seedlings for planter boxes / baskets. 2. Instructs the Chief Executive Officer to make provision for \$11,500 in the draft 2021/22 Annual Budget for Balingup Townscape Activities; 3. Advises the Balingup Townscape Committee that approved projects will be confirmed through the Annual Budget and further written advice will be provided in this regard.

STRATEGIC ALIGNMENT

The following outcomes from the Strategic Community Plan relate to this proposal:

Outcome:	3.2	Well supported community groups and facilities
Strategy:	3.2.2	Encourage and support volunteers and community organisations
Action:	3.2.2.2	Provide support for community organisations

EXECUTIVE SUMMARY

In accordance with Council's recently adopted Community Townscape Policy and associated Operational Procedure, the Balingup Townscape Committee has made an application for proposed projects for the 2021/22 financial year.

It is recommended that Council provides its preliminary support for the proposed projects, for inclusion and further consideration in the draft 2021/22 Annual Budget.

BACKGROUND

At the April Ordinary Council meeting, Council resolved to adopt a new Council Policy (Community Townscape Activities) to guide the allocation of Shire funds and provide appropriate oversight to community driven townscape projects.

The adopted Policy was accompanied by an Operational Procedure which outlined the process for making application for new projects, which requires that the relevant community group outline in an application their proposed works for the following financial year. Such proposals are to be presented to Council for consideration for inclusion in the draft Budget.

The Balingup Townscape Committee has submitted its proposals for the 2021/22 financial year which are summarised below:

Project 1: Northern Entry Statement (Steel Stencil Cutouts x 5)

Estimated Cost: \$3,505

Description:

Cut out stencils representing Small Farm Field Day, Golden Valley Tree Park, Telling Tales, Art Affair and Medieval Carnival. Standing in front of a Colorbond back drop approximately 2-3 metres back from the adjoining fence. Each one set at a diagonal spacing from each other 6-7 metres apart.

Project 2: Banner Project

Estimated Cost: \$4,000

Description:

Replace the six double sided steel banners on the existing banner poles. Each side will depict a community organisation in town: "This is Balingup."

Project 3: Solar Lighting

Estimated Cost: \$2,500

Description:

Installation of a pole containing a solar light next to the picnic table beside the Balingup Brook near the weir.

Project 4: Canoe Launch Platform

Estimated Cost: \$1,000

Description:

Erect a platform made of limestone blocks as a stable area to launch a canoe into the Balingup Brook downstream from the road bridge on Birdwood Avenue near the car park.

Project 5: Seedlings for Planter Boxes / Hanging Baskets

Estimated Cost: \$500

Description: To be used on various planter boxes and hanging baskets in the town.

It is noted that the BTS was requested to propose its projects in order of preference and therefore if Council is of the opinion that a reduced amount of funds should be allocated, it is recommended that the lower order projects be removed first. This does not include 'Project 5' (seedlings) which is considered by the BTC to be a necessity each year.

FINANCIAL IMPLICATIONS

Council will need to determine the extent it wishes to deliver townscape projects through its Annual Budget.

It is noted that the current Budget contains the following allocations for townscape activities:

- Kirup/Mullalyup Townscape Works (\$2,000)
- Donnybrook Townscape Works (\$5,000)
- Balingup Townscape Works (\$5,000)

The allocated amount was reduced in 2021/22 in response to a constrained Budget arising from the COVID situation, however, has been higher in previous years. By way of comparison, in 2018/19 the Balingup Townscape Committee was granted \$32,000 for townscape activities.

Cl. 5.1.4 of the Shire's new Policy (Community Townscape Activities), states:

“Council will endeavour to achieve a balanced approach to allocating funds between Balingup and Donnybrook, with Kirup to receive an amount equivalent to 50% of the amount allocated to the two larger towns, however all final allocations are at the absolute discretion of Council.”

Council will therefore need to consider the implications of approving \$11,500 of funding for the BTS as requested, as this would potentially mean that \$11,500 and \$5,750 would need to be allocated to the Donnybrook and Kirup townsites respectively in the 2021/22 Budget.

When compared to the current year's allocation, this collectively would represent an overall increase of \$16,750 to the current allocation if Cl. 5.1.4 were to be strictly adhered to.

POLICY COMPLIANCE

Council Policy – *Community Townscape Activities*

STATUTORY COMPLIANCE

Projects will need to obtain any relevant approvals, with further advice to be provided to the BTC once more detail is established.

CONSULTATION

Consultation has been undertaken with the BTC throughout the application process.

OFFICER COMMENT / CONCLUSION

Under the new Policy and Operational Procedures, townscape groups are required to submit applications in March of each year, with a report to be presented to the May OCM. However, as Council only adopted the Policy at the April Council meeting there has been limited time for the BTC to prepare its application to enable a report to be prepared to be presented at the May OCM.

The result of this is that there is possibly some room for improvement in terms of the detail contained in the application, particularly in terms of diagrams and/or plans demonstrating what is being proposed. Shire staff have found the BTC to be very cooperative as new processes have been developed recently and it is anticipated that with additional time and ongoing collaboration between the Shire and the BTC, that the standard of applications will improve in future years.

In light of the above, Staff are confident that the nature of the proposed projects is consistent with the intent of the new Policy and are suitable for delivery by the BTC. Once further details are known, there may be the need for additional approvals from agencies such as Main Roads WA, however Staff are confident that this can be worked through between the Shire and the BTC at the appropriate time.

In terms of the funds being requested by the BTC, Staff consider this to be reasonable based on previous allocations and the current financial climate and therefore recommends that Council provides its preliminary support.

Cr Massey declared an impartiality interest in the item and remained in the Chamber for the duration of the discussion and vote on the matter.

COUNCIL RESOLUTION 82/21

Moved Cr Atherton Seconded Cr Newman

That, subject to Balingup Progress Association approval, Council:

- 1. Provides preliminary support for the following proposed Balingup Townscape Committee projects;**
 - 1.1 Installation of five steel stencil cut-outs at the northern entry to the Balingup townsite representing five of the town icons (Small Farm Field Day, Telling Tales, Medieval Carnival, Art Affair and the Golden Valley Tree Park);**
 - 1.2 Replacing the banners on the existing poles at the northern entry to the Balingup townsite;**
 - 1.3 Installing solar lighting over the existing picnic table adjacent to the Balingup Brook;**
 - 1.4 Installing a canoe launch platform in the Balingup Brook;**
 - 1.5 Replacement seedlings for planter boxes / baskets.**
- 2. Instructs the Chief Executive Officer to make provision for \$11,500 in the draft 2021/22 Annual Budget for Balingup Townscape Activities;**
- 3. Advises the Balingup Townscape Committee that approved projects will be confirmed through the Annual Budget and further written advice will be provided in this regard.**

CARRIED 8/0

9.1.3 REQUEST TO CLOSE HINDE STREET ROAD RESERVE (UNCONSTRUCTED), YABBERUP

Location	Hinde Street, Yabberup
Applicant	Nick and Kylie Williams
File Reference	A5357
Author	Kira Strange, Principal Planner
Responsible Manager	Steve Potter, Director Operations
Attachments	Attachment 9.1.3(1) – Location Plan Attachment 9.1.3(2) – Formal Request to Close Road Attachment 9.1.3(3) – Preliminary Written Advice
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <p>1. Pursuant to Section 58 of the <i>Land Administration Act 1997</i> resolves to:</p> <p>1.1 Advertise the proposed closure of the unconstructed road reserve historically known as ‘Hinde Street’ in Yabberup, as depicted by Attachment 9.1.3(1);</p> <p>1.2 Authorise the Chief Executive Officer to request the Minister for Lands to close the road subject to:</p> <p>1.2.1 No objections being received by the general public, surrounding landowners and/or relevant external agencies as a result of advertising; and</p> <p>1.2.2 All associated costs with the request being borne by the relevant applicant/landowner.</p>

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

- Outcome 2.1. An attractive and maintained built environment
- Strategy 2.1.2. Provide effective and efficient regulatory services
- Action 2.1.2.2 Provide efficient and effective building services

EXECUTIVE SUMMARY

The Shire has received a request to close an unconstructed road reserve for the purposes of private acquisition by an adjoining landowner.

Road closure requests are administered by the Local Government in accordance with the *Land Administration Act 1997* (LAA) and *Land Administration Regulations 1998* (LAR) then forwarded to the Minister for Lands for approval.

The Shire has completed a preliminary review of the request where no significant issues were identified.

It is recommended that the request be administered in accordance with the LAA and LAR, including appropriate advertising, and forwarded to the Minister for Lands for approval subject to no further issues and/or objections being identified.

BACKGROUND

On 30 March 2021, the Shire received a preliminary request to close the portion of road historically known as Hinde Street, Yabberup. The road reserve, totaling 5,284m², is currently unconstructed and is not identified within the Shire's Works and Services program for future construction.

Following the preliminary investigation and provision of written feedback (Attachment 9.1.3 (3)), the Shire received a formal request to close the subject portion of road on 28 April 2021.

The request has been made by the adjacent landowner of Lot 40 (10) Jones Street, Yabberup, for the purposes of private acquisition and amalgamation with their property. A location plan of the subject road reserve parcel is illustrated in Attachment 9.1.3(1).

FINANCIAL IMPLICATIONS

There are no financial implications for Council. The applicant has paid the relevant fees including:

- Part 1: Written Planning Advice – Preliminary investigation and feedback (\$73.00)
- Part 2: Formal Request to Close Road (\$750.00 plus associated costs to be determined)

In addition, the applicant has provided written confirmation in accepting responsibility of all associated costs as required by the Local Government and/or the Department of Planning, Lands and Heritage (DPLH) such as advertising, surveying, plan/document preparation, etc. (see Attachment 9.1.3 (2))

POLICY COMPLIANCE

Local Planning Policy 9.9 Road Closure (LPP 9.9) outlines the following parameters relevant to a request of this nature:

1. *Council will not support the closure of any gazetted public road which has any possibility whatsoever of being utilised. There is a general presumption against the closing of roads.*
2. *Council will, however, consider the closure of a gazetted road where it will have no impact upon legal practical access to any property and will result primarily in the rationalisation of land and roads within the Shire.*

3. *In the event that Council supports the closure of a road the proponent will be liable for all costs involved with the road closure.*

A preliminary review of the proposal confirms that the request meets the requirements of LPP 9.9 and can be considered by Council.

STATUTORY COMPLIANCE

A request to the Minister for Lands to formally close a road is to be made in accordance with Section 58 of the *Land Administration Act 1997* including the requirement to advertise the closure for a period of no less than 35 days.

For the purposes of preparing a request under the LAA, the Local Government must also adhere to the requirements of Regulation 9 of the *Land Administration Regulations 1998*.

In summary, the request to the Minister must be accompanied by:

- A written, in-principle agreement from the landowner/applicant to purchase the land identified for closure;
- Plans of the location of the road and portion to be closed;
- A copy of the Council Resolution(s) to initiate and support the proposed closure;
- A copy of the public advertisement/notification (required for a period of no less than 35 days);
- Copies of any submission(s) received during the public/advertisement period;
- The local government's assessment of the comments received; and
- Any other relevant information.

CONSULTATION

In accordance with the LAA, the proposed road closure will be advertised to the general public in a newspaper circulating the district with comments invited for a period of no less than 35 days. In addition, letter notifications will be provided to surrounding landowners inviting direct comment on the proposed closure.

It is noted that if the landowner of Lot 61 expresses an interest in purchasing a portion of the adjacent road, this can be considered by the DPLH in conjunction with the current applicant. Ultimately however, this does not impact the administrative process of closing the road reserve as it only relates to the final tenure and boundary arrangement as determined at a later stage by the DPLH.

During the preliminary review of the request (Part 1), a Dial Before You Dig enquiry resulted in two agencies identifying assets within the location: Western Power and Telstra. In this regard, the proposed road closure will be referred to relevant external agencies including but not limited to:

- Western Power;
- Telstra;
- Water Corporation;
- Main Roads Western Australia;
- Western Australian Planning Commission;
- Department of Mines, Industry Regulation and Safety;
- Department of Biodiversity, Conservation and Attractions;

- Department of Water and Environmental Regulation; and
- Department of Fire and Emergency Services.

OFFICER COMMENT/CONCLUSION

Road reserves are allocated Crown Land and generally under the care and control of the local government (except for main roads under the care and control of Main Roads WA).

In order for landowners/applicants to purchase a portion of road (whether unconstructed or not) the actual road reserve parcel needs to be formally closed. In order to do this, the Local Government (at the request of the landowner/applicant) has to administer the request under the LAA and LAR and formally request the Minister for Lands to close the road.

A preliminary assessment of the proposed road closure indicates the following:

- The subject road reserve is unconstructed;
- The Shire's Works and Services team have advised that there are no current or future plans for the construction of a road within this road reserve;
- The road reserve adjoins the Donnybrook Boyup Brook Road which is a Main Roads WA controlled road;
- Lot 40 currently has legal access to their property by way of an easement over Lot 61 and 60 connecting to Jones Street; and
- Lot 61 has direct access to Donnybrook Boyup Brook Road.

A full copy of the preliminary assessment provided to the applicant is available in Attachment 9.1.3(3).

It is unlikely that this road reserve will be utilised, nor will it impact current legal access provisions to surrounding properties. In addition, the applicant has agreed to all associated costs with the request. In this regard, the proposed road closure complies with LPP 9.9 and can be supported by Council subject to no objections being received by external agencies and/or the general public.

It is therefore recommended that Council resolve in accordance with the Officer's recommendation.

COUNCIL RESOLUTION 83/21

Moved Cr Lindemann

Seconded Cr Massey

That Council:

1. Pursuant to Section 58 of the *Land Administration Act 1997* resolves to:

1.1 Advertise the proposed closure of the unconstructed road reserve historically known as 'Hinde Street' in Yabberup, as depicted by Attachment 9.1.3(1);

1.2 Authorise the Chief Executive Officer to request the Minister for Lands to close the road subject to:

- 1.2.1 No objections being received by the general public, surrounding landowners and/or relevant external agencies as a result of advertising; and**
- 1.2.2 All associated costs with the request being borne by the relevant applicant/landowner.**

CARRIED 8/0 by En Bloc Resolution

9.1.4 REQUEST TO RECEIVE SPOIL FROM MAIN ROADS PROJECT – THOMPSON’S HILL

Location	Donnybrook Waste Management Facility
Applicant	Main Roads WA
File Reference	HLT 09/2
Author	Steve Potter, Director Operations
Responsible Manager	Steve Potter, Director Operations
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Authorises the storage of soil material from the Main Roads WA Thompson’s Hill road construction project at the Donnybrook Waste Management Facility for future use in rehabilitation activities and the construction of hard stand areas for Shire use; 2. Authorises the storage of any additional soil material unable to be catered for at the Donnybrook Waste Management Facility at the Shire Depot (Reserve 19996) at the discretion of the Chief Executive Officer; 3. Authorises a one-off Shire contribution of \$50,000 from A/C 160140 (Infrastructure – Donnybrook Refuse Site) to be paid to Main Roads WA towards the cost of transporting the material from Thompson’s Hill to the Donnybrook Waste Management Facility; 4. Allocates \$100,000 in the 2021/22 draft Annual Budget for works associated with managing the soil material to be sourced from the Waste Management Reserve; 5. Instructs the Chief Executive Officer to undertake public notification of the increased heavy haulage activity, with specific regard to the landowners along the intended transport route.

STRATEGIC ALIGNMENT

The following outcomes from the Strategic Community Plan relate to this proposal:

Outcome	2	Respect for our heritage, natural and built environment
Strategy	2.4	Efficient and effective waste management
Action	2.4.1	Undertake efficient waste management services

EXECUTIVE SUMMARY

The Shire has been in discussions with Main Roads WA (MRWA) for an extended period with regard to a significant road project which is currently under construction on South Western Highway, Brookhampton (Thompson's Hill). The nature of the discussions have focused on the potential for MRWA to dispose of excess soil material resulting from the project on Shire land and the Donnybrook Waste Management Facility (DWMF) was identified as a possible site, due to the availability of land and the need for the Shire to cap and rehabilitate the landfill at some point in the future.

Whilst at times, it has been unclear as to whether the material would be forthcoming, the Shire has recently been advised that MRWA is in a position to commit the material, however, has requested that the Shire make a contribution towards the cost of carting it to the identified site.

It is recommended that Council authorises the storage of the soil material at the DWMF and approves a contribution of \$50,000 towards the cost of cartage.

BACKGROUND

Discussions between the Shire and MRWA have been ongoing since 2019, when the Thompson's Hill road project was still in the planning phase.

MRWA have recently re-engaged with the Shire on this matter and are keen to commence cartage in the near future (subject to Council approval). It is understood there is approximately 140,000m³ of material available, of which approximately 80,000m³ is estimated to be required for the future capping of the DWMF landfill.

Additional material (if available) will provide an opportunity to level off sloping ground on the adjacent land to the landfill, to provide a useable area for the Shire to store materials (pipes, gravel etc.) in the future and establish services such as green waste processing and recycling areas associated with the future use of the site as a transfer station.

It is noted that the Shire has currently engaged a consultant to revise the Landfill Closure Management Plan (LCMP) for the DWMF. The LCMP will detail the final landform for the landfill component and provide an indicative estimate of how many years the landfill may have until it reaches capacity. In addition, it will outline capping and other rehabilitation requirements, which will enable accurate estimates of the total amount of soil material required. This may result in an amended estimate to the amount required for the capping depending on the final footprint of the landfill area and therefore it has been suggested an amount of 91,000m³ should be delivered to the DWMF.

In terms of numbers, MRWA has advised that the following would likely apply to deliver 91,000m³ material to the DWMF.

- 5 road trains operating approximately 12 hours / day;
- 30m³ per load;
- Each road train completing 1.26 loads per hour;
- 48 minute travel turnaround;
- 1893m³ delivered per day;
- Estimated 48 days to deliver 91,000m³.

FINANCIAL IMPLICATIONS

As part of discussions MRWA have requested the Shire make a contribution towards the cartage costs of transporting the material to the DWMF. Whilst the request was originally for \$126,000 (representing 50% of the cartage costs), officers have advised MRWA that the recommendation to Council will be for a one-off lump sum contribution of \$50,000. As the Shire was aware that the soil material from MRWA may become available in this financial year, suitable provision was made in the 2020/21 Budget for costs associated with receiving the material and therefore this has been provided for. It is noted that if the Shire was to purchase 91,000m³ at market rates this would equate to \$1,183,000 (based on a rate of \$13/m³).

It is noted that whilst the availability of the soil represents a windfall to the Shire, it will require the allocation of additional funds to manage the material and the recommended contribution to MRWA takes this additional cost into account. The material will be 'paddock dumped' at the DWMF site and therefore the Shire will need to have its own machinery / contractors available at appropriate times to disperse, level and/or compact the material and it is recommended that adequate funds be made available in the draft 2021/22 Budget for this to continue into next financial year.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

The cartage of the material to the DWMF will utilise the use of heavy haulage semi-trailers, which will access through a portion of the Donnybrook townsite via Marmion Street and Emerald Street and will directly pass the front of approximately 30 residential properties. It is noted that this route is a designated heavy haulage route which is administered by MRWA and therefore the road is both designed and intended to be used for the proposed purpose. However, it is considered appropriate for the Shire to undertake notification by direct letter to residents, to ensure they are suitably informed of the anticipated temporary increase in heavy haulage vehicle traffic. In addition, other public notification to the wider community will occur via social media and the Preston Press.

OFFICER COMMENT/CONCLUSION

The opportunity to access the excess soil material from MRWA emanating from the Thompson's Hill road construction project is an important one for the Shire, given its future obligations to cap and rehabilitate the landfill facility. In addition, additional soil material at the site will enable currently sloping land to be levelled and therefore made useable for a variety of Shire and waste management purposes associated with the likely future use of the site as a transfer station.

Whilst the cartage of the material to site may have a short-term impact on a limited number of local residents, the long-term benefits and cost savings associated with the future rehabilitation

of the landfill, suggest that Council should support the proposal as outlined in the Officer recommendation.

COUNCIL RESOLUTION 84/21

Moved Cr Lindemann

Seconded Cr Massey

That Council:

- 1. Authorises the storage of soil material from the Main Roads WA Thompson’s Hill road construction project at the Donnybrook Waste Management Facility for future use in rehabilitation activities and the construction of hard stand areas for Shire use;**
- 2. Authorises the storage of any additional soil material unable to be catered for at the Donnybrook Waste Management Facility at the Shire Depot (Reserve 19996) at the discretion of the Chief Executive Officer;**
- 3. Authorises a one-off Shire contribution of \$50,000 from A/C 160140 (Infrastructure – Donnybrook Refuse Site) to be paid to Main Roads WA towards the cost of transporting the material from Thompson’s Hill to the Donnybrook Waste Management Facility;**
- 4. Allocates \$100,000 in the 2021/22 draft Annual Budget for works associated with managing the soil material to be sourced from the Waste Management Reserve;**
- 5. Instructs the Chief Executive Officer to undertake public notification of the increased heavy haulage activity, with specific regard to the landowners along the intended transport route.**

CARRIED 8/0 by En Bloc Resolution

9.2 DIRECTOR CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT

The Schedule of Accounts Paid (*attachment 9.2.1(1)*) under Delegation (No 3.1) is presented to Council for information.

9.2.2 MONTHLY FINANCIAL REPORT – MARCH 2021

The Monthly Financial Report for March 2021 is attached (*attachment 9.2.2(1)*).

At its meeting held 28 April 2021, Council resolved as follows:

COUNCIL RESOLUTION 46/21

That item 9.2.2 Monthly Financial Report – March 2021 be removed from en bloc and presented to the May 2021 Ordinary Council Meeting.

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ended March 2021 be received.

COUNCIL RESOLUTION 85/21

Moved Cr Lindemann Seconded Cr Massey

That the monthly financial report for the period ended March 2021 be received.

CARRIED 8/0 by En Bloc Resolution

9.2.3 MONTHLY FINANCIAL REPORT – APRIL 2021

The Monthly Financial Report for April 2021 is attached (*attachment 9.2.3(1)*).

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ended April 2021 be received.

COUNCIL RESOLUTION 86/21

Moved Cr Lindemann Seconded Cr Massey

That the monthly financial report for the period ended April 2021 be received.

CARRIED 8/0 by En Bloc Resolution

9.2.4 ESTABLISHMENT OF NEW RESERVE ACCOUNTS – AGED AND COMMUNITY HOUSING

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	NA
Author	Stuart Eaton - Finance Projects
Responsible Manager	Paul Breman – Executive Manager Corporate and Community Services
Attachments	Nil
Voting Requirements	Absolute Majority

Recommendation
<p>That Council</p> <p>a) Establishes the following Reserve Accounts in accordance with s6.11 of the Local Government Act 1995 from 1 July 2021:</p> <ol style="list-style-type: none"> 1. Preston Village Deferred Management Fee Reserve Purpose: Established to accumulate Preston Village Deferred Management Fees. 2. Preston Village Reserve Fund Contribution Reserve Purpose: To accumulate the Preston Village Reserve Contribution for purposes prescribed within the Residence Contracts 3. Minninup Cottages 1-4 Surplus Reserve Purpose: To accumulate surplus income of units 1-4 for the purposes of unit maintenance, renewal and upgrades 4. Minninup Cottages 5-8 Surplus Reserve Purpose: To accumulate surplus income of units 5-8 for purposes prescribed in the Joint Venture Agreement 5. Minninup Cottages 9-12 Surplus Reserve Purpose: To accumulate surplus income of units 9-12 for purposes prescribed in the Joint Venture Agreement 6. Langley Villas 1-6 Surplus Reserve Purpose: To accumulate surplus income of units 1-6 for purposes prescribed in the Joint Venture Agreement

7. Langley Villas 7-9 Surplus Reserve

Purpose: To accumulate surplus income of units 7-9 for purposes prescribed in the Joint Venture Agreement

8. Minninup Cottages 5-8 Long Term Maintenance Reserve

Purpose: To accumulate funds for units 5-8 prescribed under the Joint Venture Agreement for the purposes of property maintenance

9. Minninup Cottages 9-12 Long Term Maintenance Reserve

Purpose: To accumulate funds for units 9-12 prescribed under the Joint Venture Agreement for the purposes of property maintenance

10. Langley Villas 1-6 Long Term Maintenance Reserve

Purpose: To accumulate funds for units 1-6 prescribed under the Joint Venture Agreement for the purposes of property maintenance

11. Langley Villas 7-9 Long Term Maintenance Reserve

Purpose: To accumulate funds for units 7-9 prescribed under the Joint Venture Agreement for the purposes of property maintenance

- b) Authorises the transfer of the relevant balances as at 1st July 2021 relating to the obligations under the Joint Venture Agreements for Minninup Cottages and Langley Villas and the amounts relating to the operation of the Preston Retirement Village from the Aged Housing Reserve account the to the relevant new Reserve accounts (as above).**

STRATEGIC ALIGNMENT

Not Applicable

EXECUTIVE SUMMARY

Council has historically held reserve fund monies relating to aged and community housing in a single reserve account.

Reserve Name: Aged Housing Reserve.

Purpose: Established to manage funds from aged housing schemes for the upgrade of Council managed aged housing facilities

Within this single Aged Housing Reserve, it is identified there are twelve separate purposes for which monies are held.

It is recommended that in the interest of better transparency, control, and compliance relating to these separate monies, individual reserve accounts be established and separately maintained.

Management records have been historically maintained identifying separate grouping of these monies. Monies will be reallocated from the current Aged Housing Reserve into the new accounts.

BACKGROUND

Council currently manages four aged and community housing facilities.

1. Tuia Lodge
Operational management is intended to be transferred to a private aged care provider from 1 July 2021.
2. Preston Village
Operated by the Shire of Donnybrook Balingup under the Retirement Villages Act 1992.
3. Minninup Cottages
Part operated by the Shire of Donnybrook Balingup under Joint Venture Agreement with Department of Communities.
4. Langley Villas
Operated by the Shire of Donnybrook Balingup under Joint Venture Agreement with Department of Communities.

The operations of these facilities have necessitated the setting aside monies for use in future financial years. The purposes and obligations relating to setting aside these monies differ and fall into three categories.

- a) Discretionary
- b) Required under residence agreement.
- c) Required under legal agreement.

Reserve Name	Setting Aside Monies
1. Tuia Lodge	Discretionary
2. Preston Village Deferred Management Fee Reserve	Discretionary
3. Preston Village Reserve Fund Contribution Reserve	Required under residence agreement
4. Minninup Cottages 1-4 Surplus Reserve	Discretionary
5. Minninup Cottages 5-8 Surplus Reserve	Required under legal agreement
6. Minninup Cottages 9-12 Surplus Reserve	Required under legal agreement
7. Langley Villas 1-6 Surplus Reserve	Required under legal agreement
8. Langley Villas 7-9 Surplus Reserve	Required under legal agreement
9. Minninup Cottages 5-8 Long Term Maintenance Reserve	Required under legal agreement
10. Minninup Cottages 9-12 Long Term Maintenance Reserve	Required under legal agreement

11.	Langley Villas 1-6 Long Term Maintenance Reserve	Required under legal agreement
12.	Langley Villas 7-9 Long Term Maintenance Reserve	Required under legal agreement

FINANCIAL IMPLICATIONS

As at 31 March 2021 \$1,191,126.06 is set aside in the Aged Housing Reserve and disaggregated as follows.

1.	Tuia Lodge	2,047.45
2.	Preston Village Exit Deferred Management Fee Reserve	165,858.18
3.	Preston Village Reserve Fund Contribution Reserve	16,555.24
4.	Minninup Cottages 1-4 Surplus Reserve	56,737.57
5.	Minninup Cottages 5-8 Surplus Reserve	151,298.29
6.	Minninup Cottages 9-12 Surplus Reserve	244,360.07
7.	Langley Villas 1-6 Surplus Reserve	340,859.18
8.	Langley Villas 7-9 Surplus Reserve	200,490.86
9.	Minninup Cottages 5-8 Long Term Maintenance Reserve	3,668.71
10.	Minninup Cottages 9-12 Long Term Maintenance Reserve	2,627.83
11.	Langley Villas 1-6 Long Term Maintenance Reserve	6,622.68
12.	Langley Villas 7-9 Long Term Maintenance Reserve	0.00
		\$1,191,126.06

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Establishment of reserve accounts is in accordance with s6.11 of the Local Government Act 1995 (the Act).

Redistribution of funds from the current single “Aged Housing Reserve” into the new reserve accounts are deemed to trigger the change of purpose provisions under s6.11 of the act. The process for disclosing the change of purpose will be by way of disclosure in the 2021/22 Annual Budget per s6.11(3)(a) of the act.

Local Government Act 1995

6.11. Reserve accounts

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) *Subject to subsection (3), before a local government —*
 - (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose,*

it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*

- (3) *A local government is not required to give local public notice under subsection (2) —
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year;
or
 - (b) in such other circumstances as are prescribed.*
- (4) *A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*
- (5) *Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

CONSULTATION

Not Applicable.

OFFICER COMMENT/CONCLUSION

Disaggregation of the single Aged Housing Reserve that is currently in use, is recommended to improve transparency, internal controls and compliance relating to managing differing monetary obligations of Council's facilities.

The Shire historically transferred any operating surplus of Tuia Lodge into the "Aged Housing Reserve", this was used to offset any future operating deficits. As of drafting this report \$2,047 is held. Operational management of Tuia Lodge is currently being transferred to a third-party provider however there is likely to be a need to hold a sum in reserve pending any financial obligations relating to the transfer of operations. After the successful transfer of operations at Tuia Lodge this Reserve account may be discontinued subject to the future approval of the Council.

COUNCIL RESOLUTION 87/21

Moved Cr Lindemann

Seconded Cr Massey

That Council

a) Establishes the following Reserve Accounts in accordance with s6.11 of the Local Government Act 1995 from 1 July 2021:

1. Preston Village Deferred Management Fee Reserve

Purpose: Established to accumulate Preston Village Deferred Management Fees.

2. Preston Village Reserve Fund Contribution Reserve

Purpose: To accumulate the Preston Village Reserve Contribution for purposes prescribed within the Residence Contracts

3. Minninup Cottages 1-4 Surplus Reserve

Purpose: To accumulate surplus income of units 1-4 for the purposes of unit maintenance, renewal and upgrades

4. Minninup Cottages 5-8 Surplus Reserve

Purpose: To accumulate surplus income of units 5-8 for purposes prescribed in the Joint Venture Agreement

5. Minninup Cottages 9-12 Surplus Reserve

Purpose: To accumulate surplus income of units 9-12 for purposes prescribed in the Joint Venture Agreement

6. Langley Villas 1-6 Surplus Reserve

Purpose: To accumulate surplus income of units 1-6 for purposes prescribed in the Joint Venture Agreement

7. Langley Villas 7-9 Surplus Reserve

Purpose: To accumulate surplus income of units 7-9 for purposes prescribed in the Joint Venture Agreement

8. Minninup Cottages 5-8 Long Term Maintenance Reserve

Purpose: To accumulate funds for units 5-8 prescribed under the Joint Venture Agreement for the purposes of property maintenance

9. Minninup Cottages 9-12 Long Term Maintenance Reserve

Purpose: To accumulate funds for units 9-12 prescribed under the Joint Venture Agreement for the purposes of property maintenance

10. Langley Villas 1-6 Long Term Maintenance Reserve

Purpose: To accumulate funds for units 1-6 prescribed under the Joint Venture Agreement for the purposes of property maintenance

11. Langley Villas 7-9 Long Term Maintenance Reserve

Purpose: To accumulate funds for units 7-9 prescribed under the Joint Venture Agreement for the purposes of property maintenance

- b) Authorises the transfer of the relevant balances as at 1st July 2021 relating to the obligations under the Joint Venture Agreements for Minninup Cottages and Langley Villas and the amounts relating to the operation of the Preston Retirement Village from the Aged Housing Reserve account to the relevant new Reserve accounts (as above).**

CARRIED 8/0 by En Bloc Resolution

9.2.5 GLEN MERVYN DAM OPEN WATER SWIM EVENT

Location	Glen Mervyn Dam
Applicant	Swimming WA: Western Australian Swimming Association Inc
File Reference	NA
Author	James Jarvis, Manager Community Development
Responsible Manager	Paul Breman, Director Corporate and Community
Attachments	9.2.5(1) Proposal: Glen Mervyn Dam Open Water Swim
Voting Requirements	Simple Majority

Recommendation
<p>That Council instruct the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Include in the draft 2021/22 Budget an amount of \$10,000 as a contribution to the Glen Mervyn Dam Open Water Swim event to be delivered by Swimming WA during the 2021/22 financial year. 2. Write to Swimming WA and confirm the Shire of Donnybrook-Balingup will commit to partnering with Swimming WA over three years starting in November 2021 and concluding in November 2023. 3. In preparation of any funding agreements between the Shire and Swimming WA, the Chief Executive Officer is instructed to include minimum performance targets for Swimming WA in the delivery of the event/s.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	1	A strong, diverse and resilient economy
Strategy	1.3	An attractive visitor and tourist destination
Action	1.3.1	Actively promote the district as an attractive destination
Outcome	3	A healthy, safe and inclusive community
Strategy	3.1	An engaged and supportive community
Action	3.1.1	Facilitate, encourage and support a diverse range of festivals, community events, arts and cultural activities

EXECUTIVE SUMMARY

Swimming WA is the peak body for swimming in WA and they are seeking to expand their Open Water Series in the South West to Glen Mervyn Dam. Swimming WA are requesting the Shire of Donnybrook Balingup to provide a contribution of \$10,000 per annum for three years for an event to be delivered annually in November from 2021 to 2023.

BACKGROUND

Swimming WA approached the Shire seeking support to include an Open Water Swim event as part of the Shire's event calendar. This included an opportunity to activate the Glen Mervyn Dam as a tourism asset beyond the established camping facilities already available for visitors at the location.

In February 2020, Josh McCleery, Events Coordinator at Swimming WA, visited Glen Mervyn Dam with the Shire's Manager Community Development, prior to presenting to Council's February 2020 Concept Forum. Following the presentation, the Chief Executive Officer invited Swimming WA to provide a proposal prior to the March Ordinary Council Meeting (OCM).

The declaration of a State of Emergency by the Western Australian government due to the COVID-19 pandemic resulted in the paper being withdrawn from the March 2020 OCM agenda. The event was postponed.

With the relaxation of COVID-19 restrictions on the Western Australian community, the event proposal has been reviewed and presented again for consideration.

The proposal titled Open Water Swimming Event Proposal: Glen Mervyn Dam Open Water Swim (OWS) is attached (Attachment 9.2.5(1)).

Swimming WA (SWA) was founded in 1902 and is the peak body for swimming in Western Australia. SWA is a not-for-profit organisation representing 85 clubs and over 12,300 members in Western Australia with nearly 58% who are regional members.

The SWA proposal outlines the linkage with other OWS events in the South West and the direct link, through marketing and visibility, to increased visitors to the Shire.

SWA are proposing to run the Glen Mervyn Dam OWS in mid-November, or early December 2021 and are seeking the Shire's commitment for three years at \$10,000 per annum as a contribution to running the event. By the third event in 2023, SWA aims to attract 600 visitors to the Shire staying for two days and one night.

The Glen Mervyn Dam has been identified as an ideal location to run the event due to its natural viewing areas and water depth. The 2021 event is expected to commence at 8:00am and conclude with medal presentations and speeches by 10:00am.

Based on previous OWS events in similar locations, SWA assert their events' environmental impact are low, they manage all event logistics, and will seek support from the local community through volunteer and event participation.

The Shire of Donnybrook Balingup, together with the Shire of Collie and DBCA, are in discussions with the State in relation to funding of eco-tourism visitor facility upgrades at Glen Mervyn Dam. Recent correspondence from the Premier to the Chief Executive Officer and Shire President advises that funding for this initiative will be considered through the State Budget process this year.

FINANCIAL IMPLICATIONS

A comprehensive proposed budget has been submitted as part of the OWS proposal. SWA are proposing that the Shire sponsor the event with the following commitment:

Year	Amount
2021/22	\$10,000
2022/23	\$10,000
2023/24	\$10,000

The financial loss forecast by SWA in the first two years' is part of SWA's commitment to initiate and sustain the event. SWA will seek the Shire's support to identify other potential sponsors, including the Shire of Collie and local businesses.

POLICY COMPLIANCE

Shire of Donnybrook-Balingup Tourism Policy requires the involvement of the Visitor's Centre's in tourism development.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

In April 2021, The Manager Community Development re-contacted Josh McCleery, Events Coordinator at Swimming WA, to determine if there was still an interest to deliver an Open Swim Event at Glen Mervyn Dam. Positive confirmation was received and an updated proposal provided.

The Manager Community Development has assisted SWA's Event Coordinator to explore the event delivery logistics and connect with Council.

Yabberup Community Association's Promote Preston sub-committee have been informally briefed and have expressed interest in assisting with the event.

Discussions have commenced with Donnybrook Recreation Centre Manager to incorporate community visibility of the November 2021 event as part of the Centre's Swim Program.

An initial informal approach has occurred with the Shire of Collie's Event's Manager to determine if there was interest in partnering on event promotion and delivery. The initial approach was positively received.

OFFICER COMMENT / CONCLUSION

The Glen Mervyn Dam OWS proposal presents a good value, low risk tourism development opportunity that activates an attractive part of our Shire in partnership with community, business and tourism stakeholders. SWA have indicated that OWS events delivered in other South West locations have provided a good return on their investment. SWA have asserted that the inclusion of Glen Mervyn Dam to their events calendar is expected to generate similar returns around publicity, marketing and visitor numbers.

COUNCIL RESOLUTION 88/21

Moved Cr Lindemann

Seconded Cr Atherton

That Council instruct the Chief Executive Officer to:

- 1. Include in the draft 2021/22 Budget an amount of \$10,000 as a contribution to the Glen Mervyn Dam Open Water Swim event to be delivered by Swimming WA during the 2021/22 financial year.**
- 2. Subject to adoption in the 2021/22 Budget, the Chief Executive Officer write to Swimming WA and confirm the Shire of Donnybrook-Balingup will commit to partnering with Swimming WA over three years starting in November 2021 and concluding in November 2023.**
- 3. In preparation of any funding agreements between the Shire and Swimming WA, the Chief Executive Officer is instructed to include minimum performance targets for Swimming WA in the delivery of the event/s.**

CARRIED 7/1

9.3 CHIEF EXECUTIVE OFFICER

Nil.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 COUNCILLOR

Nil.

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 CONFIDENTIAL – RFT 01/2021 – ROAD SWEEPING AND PIT PIPE CLEANING

This report is confidential in accordance with Section 5.23(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

12.1.2 CONFIDENTIAL - RFT 02/2021 – MANAGEMENT OF BALINGUP WASTE TRANSFER STATION

This report is confidential in accordance with Section 5.23(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

12.1.3 CONFIDENTIAL - DONNYBROOK TRANSIT PARK

This report is confidential in accordance with Section 5.23(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

RECOMMENDATION

That the meeting be closed in accordance with section 5.23(2) of the Local Government Act 1995 to discuss the following confidential items:

- 12.1.1 **CONFIDENTIAL – RFT 01/2021 – ROAD SWEEPING AND PIT PIPE CLEANING**
- 12.1.2 **CONFIDENTIAL - RFT 02/2021 – MANAGEMENT OF BALINGUP WASTE TRANSFER STATION**
- 12.1.3 **CONFIDENTIAL - DONNYBROOK TRANSIT PARK**

COUNCIL RESOLUTION 89/21

Moved Cr Newman Seconded Cr Mitchell

That the meeting be closed in accordance with section 5.23(2) of the Local Government Act 1995 to discuss the following confidential items:

- 12.1.1 **CONFIDENTIAL – RFT 01/2021 – ROAD SWEEPING AND PIT PIPE CLEANING**
- 12.1.2 **CONFIDENTIAL - RFT 02/2021 – MANAGEMENT OF BALINGUP WASTE TRANSFER STATION**
- 12.1.3 **CONFIDENTIAL - DONNYBROOK TRANSIT PARK**

CARRIED 8/0

The meeting was closed to the public at 7.04pm.

Cr Massey, Cr Lindemann and the Chief Executive Officer left the Chamber at 7.04pm and returned at 7.07pm.

COUNCIL RESOLUTION 93/21

Moved Cr Lindemann Seconded Cr Mitchell

That the meeting be re-opened to the public.

CARRIED 8/0

The meeting was re-opened to the public at 7.50pm.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

RESOLUTION 90/21

That Council:

- 1. Awards the contract for RFT 01/2021 – Road Sweeping and Pipe/Pit Cleaning, to Veolia Environmental Services (Australia) Pty Ltd, for the price and rates offered, for a period of three (3) years in accordance with the tender documentation.*
- 2. Instructs the Chief Executive Officer to publish this Council decision in the minutes of the 26 May 2021 Ordinary Meeting of Council.*

RESOLUTION 91/21

That Council:

- 1. Awards the contract for RFT 02/2021 – Management of Balingup Waste Transfer Station, to Hastie Waste Pty Ltd, for the price offered, for a period of two (2) years (with a two year option at the discretion of the Shire of Donnybrook Balingup) in accordance with the tender documentation.*
- 2. Instructs the Chief Executive Officer to publish this Council decision in the minutes of the 26 May 2021 Ordinary Meeting of Council.*
- 3. Instructs the Chief Executive Officer to review Health Policy 6.6 (Balingup Waste Transfer Station) to clarify the intent of the facility and the types of waste that can be received, with a further report to be brought back to Council for consideration by August 2021.*
- 4. Instruct the Chief Executive Officer to bring a proposal by June 2022 to Council considering the future of the Shire’s waste management facilities.*

RESOLUTION 92/21

That Council endorses the recommendations outlined in the Confidential Report.

13 CLOSURE

The Shire President advised that the Ordinary Council Meeting will be held on 23 June 2021 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 7.53pm.



MINUTES OF SPECIAL MEETING OF COUNCIL

Purpose:

For Council to consider:

Tuia Lodge Lease Agreement

Donnybrook Goods Shed Lease Agreement

Held on

Wednesday 19 May 2021

Commencing at 5.00 pm

Shire of Donnybrook Balingup Council Chamber

A handwritten signature in black ink, appearing to read 'BGR' followed by a flourish.

**Benjamin (Ben) Rose
Chief Executive Officer**

21 May 2021

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SHIRE OF DONNYBROOK BALINGUP
SPECIAL COUNCIL MEETING MINUTES

Wednesday 19 May 2021 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President acknowledged the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present, and emerging.

The Shire Present declared the meeting open at 5:00pm and welcomed the public gallery.

Shire President - Public Notification of Recording of Meetings

The Shire President advised that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further stated the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

2 ATTENDANCE

COUNCILLORS	STAFF
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Paul Breman – Director Corporate and Community
Cr Shane Atherton	Steve Potter – Director Operations
Cr Anita Lindemann	Loren Clifford – Minute Taker
Cr Anne Mitchell	
Cr Chaz Newman	
Cr Chris Smith	
Cr Leanne Wringe	

PUBLIC GALLERY

19 members of the public

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Nil

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Cr Chris Smith declared a financial interest in relation to Item 7.1.2 due to a potential employment opportunity for a family member at the new facility. Cr Smith will leave the Chamber for the duration of the discussion and vote on the item.

5 PUBLIC QUESTION TIME

Question on notice – Chyree Bailey

Question

“Anita Lindeman, you like to type your opinion but you fail to type when asked questions ? No one is in disagreement with the goods shed being revitalised. It’s wonderful. My personal opinion is this, why if as you claim, it can not rely solely on volunteers and therefore needs someone to lease the premises so it can be open 7 days a week, why was this not thought of when initial planning for the space started years ago as you so kindly informed us of. Why was a \$240,000 kitchen an after thought and funds taken from allocated areas like \$100,000 from the park maintenance fund? That is what has infuriated community.”

Response

Shire President

“So it’s unusual for questions to be answered by councillors in these forums. So myself and the CEO and any of his staff will attempt to answer the question from Chyree Bailey.

It is Council policy that Councillors do not respond to social media comments. As I understand the comments made by Anita Lindemann as she sits here in the council today in terms of her

comments on social media as Anita Lindemann as a ratepayer of the Shire of Donnybrook Balingup and not as a councillor.

My response to the suggestion that the \$240,000 was a last-minute consideration is that when the whole concept has been known for some time that the Council was looking for a tenant to move into the interpretive centre, they advertised that position publicly.

There were no respondents or responses from locals and or anyone else in Western Australia in terms of people wishing to take up that that opportunity. The reason it was not in the original estimate was that it was always thought that someone would go in there and would be prepared to put up the all the nuts and bolts and what would be regarded as standard fittings for the type of facility. At that stage it was not determined that it would be someone that is offering food. But on the basis that it would be some business operation, which would be taken on board to offset part of the costs of running the interpretive centre, which at the end of the day we are bound to some terms of confidentiality in terms of the current agreement, which we are considering and that's what tonight is all about.

It was suggested by the financial people in the Shire and the CEO that it was probably going to cost this council around \$140,000 - \$150,000 a year to staff that facility as an interpretive centre or museum or whatever you want to call it. The reality of that is that that would equate to 3% of rates in the Shire of Donnybrook Balingup.

The proposition of having a tenant in that building was always on the basis of offsetting the costs of running this facility. At the end of the day, we didn't get any responses when we went to the market until after that event. The people that have come forward and put forward their proposition as part of that in line with a similar arrangement they have in the Shire of Manjimup put forward a proposition to this Council, which included what people have talked about. A \$250,000 kitchen upgrade that's not what it's all about part of that equipment will belong to the to the Shire but part of that amount is there's too and will be repatriated to the Council over time from the tenants whether they are there for 5 years 10 years or 25 years and so it is not it is not a gift.

If anyone else had put forward a proposition from this town or any other town and said, we want to the Shire to take this on the basis that we will be offsetting some of the costs as I've just mentioned to the Shire is of course, they would have put forward a proposition and the council would have no doubt looked at the proposition based on its merits.

The suggestion in the question to Councillor Lindeman, about the \$100,000. Yes, that's correct. It came out of a reserve called the Apple Fund Park Reserve and the decision council made on that as some of the people who are sitting in the audience now would know is that when we got the money from the federal government. It was based on being able to use the state money and that was provided for the interpretive centre as collateral for the \$1.5M, which was provided by the federal government. The federal government allowed us to combine the interpretive centre and the Apple Fund Park as being part of the revitalization concept.

Therefore, rather than asking us to put our hand in the pocket on some sort of funding arrangement, which is normally 1/3 by the council 2/3 by the government agency, whether it be Federal or State is the actual Federal Government allowed us to use that whole precinct from what we see today as the interpretive centre right through to the fund park as being one in terms of the funding proposition. We ended up with the \$1.5 million from the federal Government on the basis of being able to use the two million from the State Government and

so to use some money from the reserve of the Apple Fund park, given that that was really a part of the complex or the footprint, so to speak. That was what was signed off by council at the time.”

Cr Lindemann

“Mr. President I would like to just add. I concur with everything that you've said, but I would like to talk about the decline in volunteering if they think that we run a centre on volunteers 7 days a week. I have experience of 5 years running with volunteers and It's like herding cats, very difficult to find people to commit every week for a specific time regularly etc. It is a hard task because you are not paying them and you're accepting the skills that are available. Volunteers are essential. But the problem is the decline in volunteering during COVID-19 has been substantial. 65.9% of volunteers estimated to have stopped volunteering between February and April 2020.

The researchers estimate that this reduction in volunteering is equivalent to 12.2 million hours per week. Whilst COVID is still a global pandemic this will continue to affect volunteer numbers, the establishment of a tourist friendly precinct with the renewal of the Apple Fun Park and interpretive centre. It is not central to catering for locals alone, but to attract more tourists, to our town.

In creating this precinct, the flow on effect is an increase in local employment opportunities, reducing the loss of income dollars flowing to Bunbury and surrounding areas and increasing the sustainability and economic resilience of our Shire.

Ironically, when people need to work outside of the area with the inclusion of commuting hours. It leaves less time to volunteer in their very own communities.

If you are looking for any community volunteer work, I'll mention Balingup Townscape committee is currently looking for volunteers. Also, the Balingup Progress Association needs volunteers and the Donnybrook Tourist Information Centre is currently looking for volunteers. Thank you.”

Shire President

“Thank you Councillor Lindemann and I'd just like to add to that and say that everyone in this Chamber today understands the great contribution that volunteers have made in this municipality to Tuia Lodge and also the Fun Park and I've made it public in the last week in terms of what's this, the new stage of development in the Apple Fund park and never dismissed the enormous contribution made by volunteers to that establishment and Tuia Lodge.

The other matter that we are dealing with tonight, but it is a known fact that in recent times, as the community expects more from government and expect government to provide facilities for basically everything is the pool of volunteers is actually drying up, so that's the point that Councillor Lindemann just made.

Nothing should be read into both these projects that we're discussing here tonight is that the role of volunteers in the Shire of Donnybrook Balingup have been forgotten about and we put on record as I have done on the ABC this week what a great contribution that they've made.”

Question

Shane Sercombe

“Are you aware of the issue with Hall and Prior mentioned in the Aged Care Royal Commission report?”

Response

Paul Breman – Director Corporate and Community

“I’m aware of the content of that report. It has a section that relates to Hall and Prior it makes comments about the structure of Hall and Prior and about the degree that that structure and the complexity of that structure, but it doesn’t necessarily from my reading, which I’ve read today doesn’t necessarily make comment about the impact of that on their potential to provide aged care services at a quality level.”

Shire President

I’d just like to add, the lawyer from Jackson McDonald, who is advising the Council on this contract, who has done 25 different aged care contracts with providers similar to Hall and Prior. When asked what his opinion was of the quality of Hall and Prior as someone that this Shire should be dealing with, he said he has nothing but puts them in the Top Rank of the people operating in this space.”

Question

Shane Sercombe

“Will Council publicly address the public submissions received regarding the Goods Shed and Tuia Lodge?”

Response

Ben Rose – Chief Executive Officer

“The submissions lodged one of which was from yourself. Several of the submissions included an extensive list of questions which will be presented to the council for formal deliberation.

They’ve been provided to the council already as they’ve been coming through, I can tell you there is 5 of them in relation to the good shed item. I have received zero in relation to the Tuia Lodge matter so far, which is going through its second round of consultation.

At the moment those who have asked questions or posed questions in their submissions rather than proffering an opinion I’ll make sure that responses go back to everybody with responses to those questions to the individual. As an individual they can then publicise the responses.”

Question

Suzanne Hernan

“Will Tuia Lodge remain being called Tuia Lodge?”

Response

Ben Rose – Chief Executive Officer

“It was a non-negotiable for the Shire that the name Tuia Lodge remains, whether it’s called Tuia Lodge residential aged care facility or Tuia Lodge full stop. I’m not 100% sure on yet. The branding will stay in addition to that there’s some local benefactors who have donated money on their passing and the respect for those people and those donations is being carried through as well, and certain components of the expansion of that facility will include those local names as well, so the answer is yes.”

Question

Simon McGuinness

"If Southern Roasting build a bar in the Goods Shed, does the cost of that bar reduce the cost of their lease payments? Because it would be a capital contribution? The lease is for \$30,000 a year and the lease says lease fee and capital contribution, so if they add to the capital of the building does that come off of their lease?"

Response

Ben Rose – Chief Executive Officer

"There was a council resolution previously that the Shire would put in \$240,000 towards this facility, \$120,000 of that is to be recouped from the tenant. The \$120,000 principal as well as a Treasury bond rate interest rate as well, so principal plus interest. If you look at it as a vendor finance arrangement where the Shire is putting in \$120,000 but recoups that money plus interest. It's a vendor finance arrangement, which is a similar process, the shire did for the dental clinic several years ago, so the Shire is putting in \$120,000 worth of capital expenditure for fridges, Ovens that that sort of stuff that does not come off their lease, the tenant had got to pay the Shire back plus interest if the lease is approved by Council tonight."

Question

Simon McGuinness

Is there a liquor licence?

Response

Ben Rose – Chief Executive Officer

"There's not a liquor license presently, my understanding is that the tenants or the prospective tenants are interested to obtain a liquor license. If they, do it'll be the tenant applying and making application. It won't be the Shire."

Question

Shane Sercombe

"To clarify from a previous question, of the \$120,000 for the kitchen equipment that would be paid from the capital contribution will that become the property of the Lessee?"

Response

Shire President

"As you would expect if you went in there and you had a vendor finance on a capital loan which included a raft of bits of equipment. If you paid for it, you would expect to own it at the end. So, the answer is yes, they will own it, and if they pull the contract up for any reason, the, the residual of that loan is immediately payable to the to the Council. But it's the movable equipment, none of the fixtures are involved in it."

Question

Shane Sercombe

"On the public notice it said \$29,000 lease and capital contribution together so within the \$29,000 is it the understanding that that is paying off the kitchen as well? Or is that solely the lease amount?"

Response

Ben Rose – Chief Executive Officer

“Yes, that is the case that figure that was advertised includes the rental component and the capital component over a proposed length of lease. The Shire will recoup \$120,000, plus interest on the on its vendor finance arrangement.”

Question

Shane Sercombe

“So, if that lease is for 4 years, they have paid only capital contribution and essentially receive free rent for 3 years?”

Response

Ben Rose – Chief Executive Officer

“That might be correct if the if the lease was for 4 years. That's correct, but it's not for 4 years.”

Question

Peter McCabe

“What if this tenant doesn't last the lease?”

Response

Shire President

“The equipment is the \$120,000 that's part in the contract and if they pull out of the arrangement with the Shire of Donnybrook Balingup, they will have to make any residual payment of the residual back to the council. They can still take the equipment, which was subject to that loan, because as you would expect, they own it once they pay the Council for it. The fixed assets that are put in there on the basis that another tenant would probably need such things is, they remain the property of the Shire.”

Question

Simon McGuinness

“If the people that are taking over Tuia Lodge spend \$6M on a 30-bed dementia wing, does that come off their lease?”

Response

Ben Rose – Chief Executive Officer

“The Shire secured \$1.47M in funding that was a contribution towards Building 10 extra places or rooms, which were to be dementia specific care and then there was an additional room, which was a palliative care suite. So, the addition, though those 11 extra rooms. The Shire will recoup extra revenue from that, once they're completed. In addition to the 11 units that Hall and Prior are to build. No, the shire won't recoup any extra funding through rent revenue from Hall and Prior, but we will have that asset at the end of a 21-year lease.”

Question

Simon McGuinness

“What happened to the allocation for public art, there was an allocation?”

Response

Ben Rose – Chief Executive Officer

“You are correct that there was early on in the project an allocation towards public art. In consultation with the Department of Industries and Regional Development or the Southwest Development Commission there was approval to include provision of the public artwork being

the 5-tonne crane as well as some other elements through the landscaping and so it was the state government permitted the Shire to shift that money into other components of the project.”

6 REPORTS OF OFFICERS

Nil.

7 MEETING CLOSED TO THE PUBLIC

7.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The following confidential report and recommendation have been distributed separately and are not for circulation:

7.1.1 CONFIDENTIAL - TUIA LODGE LEASE AGREEMENT

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

- (a) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

7.1.2 CONFIDENTIAL – DONNYBROOK GOODS SHED LEASE AGREEMENT

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

- (a) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

EXECUTIVE RECOMMENDATION

That the meeting be closed in accordance with section 5.23(2)(a) of the Local Government Act 1995 to discuss items:

7.1.1 Confidential - Tuia Lodge Lease Agreement

7.1.2 Confidential - Donnybrook Goods Shed Lease Agreement

COUNCIL RESOLUTION 72/21

Moved Cr Mitchell Seconded Cr Smith

That the meeting be closed in accordance with section 5.23(2)(a) of the *Local Government Act 1995* to discuss item 7.1.1 ‘Confidential –Tuia Lodge Outsourcing Arrangement’.

CARRIED 8/0

The meeting was closed to the public at 5:36pm.

COUNCIL RESOLUTION 75/21

Moved Cr Wringe Seconded Cr Mitchell

That the meeting be re-opened to the public.

CARRIED 7/0

The meeting was re-opened to the public at 6:32pm.

7.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

RESOLUTION 73/21

That Council endorses the recommendations outlined in the Confidential Report.

RESOLUTION 74/21

That Council endorses the recommendations outlined in the Confidential Report.

6 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on Wednesday 26 May 2021 commencing at 5.00pm.

The Shire President closed the meeting at 6:33pm.



MINUTES OF SPECIAL MEETING OF COUNCIL

Purpose:

For Council to consider the Tuia Lodge Lease Agreement

Held on

Wednesday 2 June 2021

Commencing at 5.00 pm

Shire of Donnybrook Balingup Council Chamber

A handwritten signature in black ink, appearing to read "BGR" followed by a flourish.

Benjamin (Ben) Rose
Chief Executive Officer

3 June 2021

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**SHIRE OF DONNYBROOK BALINGUP
SPECIAL COUNCIL MEETING MINUTES**

Wednesday 2 June 2021 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President acknowledged the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present, and emerging.

The Shire Present declared the meeting open at 5:09pm and welcomed the public gallery.

Shire President - Public Notification of Recording of Meetings

The Shire President advised that the meeting would not be recorded due to technical issues.

2 ATTENDANCE

COUNCILLORS	STAFF
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Paul Breman – Executive Manager Corporate and Community
Cr Shane Atherton	Maureen Keegan – Minute Taker
Cr Anita Lindemann	
Cr Anne Mitchell – via phone from 5.11pm	
Cr Chaz Newman	
Cr Chris Smith	
Cr Leanne Wringe	

PUBLIC GALLERY

1 member of the public

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil

2.4 REQUEST BY CR MITCHELL TO PARTICIPATE BY PHONE

The Shire President requested Cr Anne Mitchell confirm her address and confirmed she is in a 'suitable place' in relation to the Local Government Regulations 14A.

COUNCIL RESOLUTION 94/21

Moved: Cr Massey Seconded: Cr Lindemann

That Council:

- 1. Approves 24 Trench Street, Wagin as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Mitchell at the Special Council Meeting held 2 June 2021 via telephone pursuant to Regulation 14A(1)(c).**

CARRIED 7/0

Cr Mitchell joined the meeting via phone at 5:11pm

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Nil

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Nil.

5 PUBLIC QUESTION TIME

Question

Mr Brad Fowler – 28 Thompson Street Donnybrook

Tuia Lodge was established in the 1980's by the Donnybrook community to allow the older generation live out their twilight years in their town. Shire residents have always had priority placement at Tuia Lodge, will this still be the case with the transfer of ownership?

Shire President

I will ask the CEO to respond to this question, however I believe the Aged Care Act does not allow for preferential treatment when it comes to placements.

Ben Rose Chief Executive Officer

It is my understanding that, under Federal legislation, preferential placements to an Aged Care Facility is not possible.

6 REPORTS OF OFFICERS

Nil.

7 MEETING CLOSED TO THE PUBLIC

7.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The following confidential report and recommendation has been distributed separately and is not for circulation:

7.1.1 CONFIDENTIAL - TUIA LODGE LEASE AGREEMENT

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

- (a) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

EXECUTIVE RECOMMENDATION

That the meeting be closed in accordance with section 5.23(2)(a) of the Local Government Act 1995 to discuss the following Confidential item:

7.1.1 Confidential - Tuia Lodge Lease Agreement

COUNCIL RESOLUTION 95/21

Moved: Cr Smith Seconded: Cr Massey

That the meeting be closed in accordance with section 5.23(2)(a) of the Local Government Act 1995 to discuss the following Confidential item:

7.1.1 Confidential - Tuia Lodge Lease Agreement

CARRIED 8/0

The meeting was closed to the public at 5:16pm.

COUNCIL RESOLUTION 97/21

Moved: Cr Massey Seconded: Cr Smith

That the meeting be re-opened to the public.

CARRIED 8/0

The meeting was re-opened to the public at 5:36pm

7.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

RESOLUTION 96/21

1. *That Council, subject to the Chief Executive Officer and Shire President both being satisfied that no adverse submissions to the section 3.58 Local Government Act statutory notice are received by the Shire by 16 June 2021:*
 - a. *Authorise the Chief Executive Officer and Shire President to execute the attached Lease and Business Sale Agreement contracts with Great Southern Care Pty Ltd (part of the Hall and Prior Health & Aged Care Group),*
 - i. *Subject to the Shire President and Chief Executive Officer being satisfied with any subsequent modifications to clause 11 (employees) of the Business Sale Agreement.*
 - ii. *Subject to the Shire President and Chief Executive Officer being satisfied that the Shire has no obligation to make the building comply with a 9C classification in the future.*
 - b. *Thank the Aged Care Community Reference Group for their advice and recommendations to the Council in relation to the outsourcing of Tuia Lodge.*
 - c. *Recognise and thank all staff at Tuia Lodge for their efforts in delivering a valued service to the community.*
 - d. *Request the Chief Executive Officer to prepare a media statement setting out the key elements (non-confidential) of the proposed partnership with Hall and Prior.*
 - e. *Instruct the Chief Executive Officer to publish this resolution in the meeting Minutes.*
2. *That, in accordance with section 6.11(2) of the Local Government Act 1995, Council:*
 - a. *Change the purpose of the funds held in the Employee Entitlements Reserve account from 'Established to provide for the payment of long service leave and grandfather gratuity scheme entitlements' to 'Established to provide for the payment of annual leave, long service leave, personal leave, and grandfather gratuity scheme entitlements'.*
 - b. *Instruct the Chief Executive Officer to provide public notification of the change of Reserve purpose in accordance with the provisions of the Local Government Act 1995.*

8 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on Wednesday 23 June 2021 commencing at 5.00pm.

The Shire President declared the meeting closed at 5:37 pm.



MINUTES OF SPECIAL MEETING OF COUNCIL

Purpose:

1. For Council to consider the Tuia Lodge Lease Agreement
 2. For Council to consider senior designated employee appointment (Director Corporate and Community)
-

Held on

Wednesday 16 June 2021

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber

A handwritten signature in black ink, appearing to read 'BGR' followed by a flourish.

Benjamin (Ben) Rose
Chief Executive Officer

17 June 2021

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**SHIRE OF DONNYBROOK BALINGUP
SPECIAL COUNCIL MEETING MINUTES**

Wednesday 16 June 2021 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President acknowledged the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present, and emerging.

The Shire Present declared the meeting open and welcomed the public gallery at 5.03pm.

Shire President - Public Notification of Recording of Meetings

The Shire President advises that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further states the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

2 ATTENDANCE

COUNCILLORS	STAFF
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Paul Breman – Executive Manager Corporate and Community
Cr Shane Atherton	Steve Potter – Executive Manager Operations
Cr Anita Lindemann	Jaimee Earl – Minute Taker
Cr Anne Mitchell (by telephone at 5.04pm)	
Cr Chaz Newman	
Cr Chris Smith	
Cr Leanne Wringe	

PUBLIC GALLERY

Nil.

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

2.4 REQUEST BY CR MITCHELL TO PARTICIPATE BY PHONE

The Shire President requested Cr Anne Mitchell confirm her address and confirmed she is in a 'suitable place' in relation to the Local Government Regulations 14A.

RECOMMENDATION

That Council:

- 1. Approves 24 Trench Street, Wagin as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Mitchell at the Special Council Meeting held 16 June 2021 via telephone pursuant to Regulation 14A(1)(c).**

COUNCIL RESOLUTION 98/21

Moved Cr Newman Seconded Cr Massey

That Council:

- 1. Approves 24 Trench Street, Wagin as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Mitchell at the Special Council Meeting held 16 June 2021 via telephone pursuant to Regulation 14A(1)(c).**

CARRIED 7/0

Cr Mitchell joined the meeting via phone at 5.04pm.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Nil.

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Cr Smith declared a financial interest in item 7.1.2 - Tuia Lodge Lease Agreement as he is a contractor to the Shire and Tuia Lodge. Cr Smith will leave the Chamber for the duration of the discussion and vote on the item.

5 PUBLIC QUESTION TIME

In accordance with the Clause 7(3) of the *Local Government (Administration) Regulations*, public questions must relate to the stated purpose/s of the Special Meeting of Council.

Nil.

6 REPORTS OF OFFICERS

Nil.

7 MEETING CLOSED TO THE PUBLIC

7.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The following confidential reports and recommendations have been distributed separately and are not for circulation:

7.1.1 CONFIDENTIAL – DESIGNATED SENIOR EMPLOYEE APPOINTMENT – DIRECTOR CORPORATE AND COMMUNITY

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

- (a) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

7.1.2 CONFIDENTIAL – TUIA LODGE LEASE AGREEMENT

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

- (a) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

EXECUTIVE RECOMMENDATION

That the meeting be closed in accordance with section 5.23(2)(a) of the *Local Government Act 1995* to discuss the following Confidential item:

7.1.1 CONFIDENTIAL – DESIGNATED SENIOR EMPLOYEE APPOINTMENT – DIRECTOR CORPORATE AND COMMUNITY

7.1.2 CONFIDENTIAL – TUIA LODGE LEASE AGREEMENT

COUNCIL RESOLUTION 99/21

Moved Cr Smith Seconded Cr Lindemann

That the meeting be closed in accordance with section 5.23(2)(a) of the Local Government Act 1995 to discuss the following Confidential item:

7.1.1 CONFIDENTIAL – DESIGNATED SENIOR EMPLOYEE APPOINTMENT – DIRECTOR CORPORATE AND COMMUNITY

7.1.2 CONFIDENTIAL – TUIA LODGE LEASE AGREEMENT

CARRIED 8/0

The meeting was closed to the public at 5.06pm.

COUNCIL RESOLUTION 102/21

Moved Cr Newman Seconded Cr Wringe

That the meeting be re-opened to the public.

CARRIED 7/0

The meeting was re-opened to the public at 6.09pm.

7.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

RESOLUTION 100/21

That Council endorses the recommendations outlined in the Confidential Report.

RESOLUTION 10121

- 1. That Council authorise the Chief Executive Officer and Shire President to execute the attached Lease and Business Sale Agreement contracts with Great Southern Care Pty Ltd (part of the Hall and Prior Health & Aged Care Group).*
- 2. That Council approve the payment of the net funds, as of 30 June 2021, resulting from the obligations under the Business Sale Agreement, including:
 - a) The completion employee entitlements value as of 30 June 2021, in accordance with clause 12.2**

- b) *The Resident's personal funds held as of 30 June 2021, in accordance with clause 12.3*
 - c) *The Residents' fees received in advance and relating to the period after 30 June 2021, in accordance with clause 12.4*
 - d) *The net adjustments to residential care subsidies and Covid-19 payments as they relate to events that occurred prior to 1 July 2021, in accordance with clause 12.5*
 - e) *For a period of 12 months after 1 July 2021, the net of deductions and refunds of the residential care subsidy made by the Commonwealth Department, as they relate to the period prior to 30 June 2021, in accordance with clause 12.6*
 - f) *The refundable accommodation deposit (RAD) value as of 30 June 2021, less \$187,229 in accordance with clause 12.7*
 - g) *The net adjustment to periodic outgoings in the form of prepayments and accruals in accordance with clause 12.8*
3. *Instruct the Chief Executive Officer to publish this resolution in the meeting Minutes.*

6 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on Wednesday 23 June 2021 commencing at 5.00pm.

The Shire President declared the meeting closed at 6.10pm.

SHIRE OF DONNYBROOK/BALINGUP
LOCAL GOVERNMENT ACT 1995
LIST OF ACCOUNTS AUTHORISED AND PAID BY THE CHIEF EXECUTIVE OFFICER IN ACCORDANCE WITH
DELEGATION NO. 3.2 AND PRESENTED TO COUNCIL ON 23 JUNE 2021
MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description	Municipal	Trust
CCP3592	BURST SMS	TUIA LODGE - BURST SMS MESSAGING TO STAFF & FAMILY	\$ 101.90	
CCP3593	BAGEL & BEANS	MEAL EXPENSES FOR ATTENDANCE AT MEETING IN PERTH	\$ 28.60	
CCP3594	CITY OF PERTH	PARKING EXPENSES FOR MEETING IN PERTH	\$ 14.13	
CCP3595	DONNYBROOK HOTEL	MEAL EXPENSES FOR WBAC MEETING 6 MARCH 2021	\$ 604.70	
CCP3596	DEPARTMENT OF MIRS	CERTIFIED COPY OF LESCHENAULT SPORTING ASSOC INC RULES	\$ 35.20	
CCP3597	LUCID SOFTWARE INC	INDIVIDUAL SOFTWARE SUBSCRIPTION 14/04/2021 - 14/05/2021	\$ 12.00	
CCP3598	SAMSUNG ELECTRONICS AUSTRALIA P/L	COORDINATOR TECHNICAL SERVICES REPLACEMENT PHONE	\$ 636.65	
EFT21537e	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR PERIOD ENDING 05/05/2021	\$ 137,927.46	
EFT21537f	SHIRE OF DONNYBROOK BALINGUP	TUIA LODGE - PAYROLL FOR PERIOD ENDING 05/05/2021	\$ 76,554.52	
EFT21538	ALLENS CIVIL & RURAL CONTRACTORS	VC MITCHELL PARK PRELIM WORKS - MACHINERY HIRE	\$ 2,260.50	
EFT21539	ANIMAL CARE EQUIPMENT & SERVICES	BIODEGRADABLE DOGGY DISPOSAL BAGS	\$ 598.50	
EFT21540	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	\$ 51.80	
EFT21541	WINC AUSTRALIA PTY LTD	EQUIPMENT FOR COVID LOCKDOWN BOXES	\$ 231.00	
EFT21542	ALLENS TRAFFIC MANAGEMENT	TRAFFIC MANAGEMENT EXPENSES AT VARIOUS PROJECTS	\$ 14,257.10	
EFT21543	AUST INST OF COMPANY DIRECTORS	COMPANY DIRECTORS COURSE UPDATE 21/6/2021	\$ 1,915.00	
EFT21544	STAFF REIMBURSEMENTS	TUIA LODGE - REIMBURSEMENT FOR FLU VACCINATION EXPENSES	\$ 20.00	
EFT21545	ACTIVTEC SOLUTIONS	TUIA LODGE - SHOWER TROLLEY LINER PLUS FREIGHT	\$ 1,677.50	
EFT21546	ADVANCE SPEECH PATHOLOGY	TUIA LODGE - SPEECH PATHOLOGIST - REVIEW ASSESSMENTS	\$ 500.00	
EFT21547	JOHN HOWARD AUSTIN	MITIGATION - LABOUR HIRE & MACHINE HIRE	\$ 4,482.50	
EFT21548	ACTIVE DISCOVERY	DESIGN & CONSTRUCTION OF APPLE FUN PARK - PROGRESS PAYMENT	\$ 319,000.00	
EFT21549	ALTUS GROUP CONSULTING PTY LTD	VC MITCHELL PARK - QUANTITY SURVEYING CONSULTANT SERVICES	\$ 1,760.00	
EFT21550	BUNBURY RETRAVISION	TUIA LODGE - SMART LED TV	\$ 922.80	
EFT21551	BDA TREE LOPPING	TREE PRUNING DONNYBROOK & BALINGUP TOWNSITES - MAR/APR 2021	\$ 20,097.00	
EFT21552	BUNBURY HOLDEN	DB112 P&G UTE - COOLANT	\$ 123.29	
EFT21553	BALINGUP LIQUOR & GENERAL STORE	BUSHFIRE MITIGATION & BRIGADES - FUEL EXPENSES	\$ 889.28	
EFT21554	BP SERVICE STATION	ADMIN & BUSHFIRE MITIGATION - FUEL EXPENSES	\$ 2,049.53	
EFT21555	BALINGUP CWA	WREATH FOR BALINGUP ANZAC DAY SERVICE	\$ 60.00	
EFT21556	BROOKS HIRE SERVICE PTY LTD	BRIDGE MITIGATION WORKS	\$ 9,821.24	
EFT21557	BLACKWOOD DAILY GRIND	MITIGATION WORKS - CATERING FOR VOLUNTEER FIREFIGHTERS	\$ 521.00	
EFT21558	BLACKBOX AUSTRALIA PTY LTD	RENTAL OF TIMELAPSE CAMERAS TO DTCRP - APRIL 2021	\$ 781.00	
EFT21559	COATES HIRE OPERATIONS PTY LTD	HIRE OF PORTABLE TOILETS DBK TOWNSITE & ROLLER HIRE	\$ 8,320.63	
EFT21560	CITY & REGIONAL FUELS	BULK FUEL EXPENSES - APRIL 2021	\$ 14,844.91	
EFT21561	CENTRAL REGIONAL TAFE	CERTIFICATE III IN LOCAL GOVERNMENT - TRAINEE COURSE FEES	\$ 682.50	
EFT21562	CAPE ABILITIES	TUIA LODGE - CONTINENCE AIDS	\$ 3,546.94	
EFT21563	CRS ELECTRICAL	DBK REC CTR - SPA BLOWER CABLING	\$ 117.84	
EFT21564	CROSS SECURITY SERVICES	LOWDEN BFB - SECURITY MONITORING EXPENSES 01/04 TO 30/06 2021	\$ 128.70	
EFT21565	DONNYBROOK MEDICAL SERVICES	P&G - PRE EMPLOYMENT MEDICAL	\$ 960.00	

SHIRE OF DONNYBROOK/BALINGUP
LOCAL GOVERNMENT ACT 1995

LIST OF ACCOUNTS AUTHORISED AND PAID BY THE CHIEF EXECUTIVE OFFICER IN ACCORDANCE WITH
DELEGATION NO. 3.2 AND PRESENTED TO COUNCIL ON 23 JUNE 2021
MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description	Municipal	Trust
EFT21566	DONNYBROOK PHARMACY	TUIA LODGE - PHARMACY ACCOUNT - APRIL 2021	\$ 211.07	
EFT21567	DONNYBROOK HARDWARE & GARDEN	MISC HARDWARE ITEMS - APRIL 2021	\$ 1,040.64	
EFT21568	DONNYBROOK FRUIT BARN	TUIA LODGE - FRUIT & VEG SUPPLIES, ADMIN CATERING - APRIL 2021	\$ 1,963.09	
EFT21569	SUPA IGA DONNYBROOK	TUIA LODGE - GROCERIES SUPPLIES - APRIL 2021	\$ 3,202.60	
EFT21570	DONNYBROOK FAMILY BAKERY	MITIGATION WORKS - MEALS FOR VOLUNTEER FIREFIGHTERS	\$ 215.00	
EFT21571	DONNYBROOK TYRE SERVICE	REPLACEMENT TRUCK & SMALL VEHICLE TYRES & REPAIRS	\$ 5,369.29	
EFT21572	GRUMPY GNOME GARDEN SUPPLIES	BALINGUP P&G - LANDSCAPING BLACK MULCH	\$ 875.00	
EFT21573	DONNYBROOK FARM SERVICE	STORMPRO PIPE, MISC HARDWARE, RETIC & POOL CHEMICALS - APR 21	\$ 11,856.50	
EFT21574	SUPA IGA DONNYBROOK	ADMIN - GROCERIES - APRIL 20201	\$ 520.04	
EFT21575	DONNYBROOK BUILDING COMPANY	DBK REC CTR - CALLOUT 25/04/21 FOR TEMP REPAIRS AFTER BREAK IN	\$ 1,188.00	
EFT21576	STATE LIBRARY OF WA	DBK & BLN LIBRARY - INTER LIBRARY LOANS FREIGHT RECOUP	\$ 1,594.30	
EFT21577	DELL AUSTRALIA PTY LTD	PC REPAIR FOR LIQUID INGRESS	\$ 449.49	
EFT21578	DARDANUP BUTCHERING COMPANY	TUIA LODGE - MEAT ORDERED FOR 21 & 28/04/2021	\$ 1,123.46	
EFT21579	DDL AUSTRALIA PTY LTD	SHAREPOINT ADMINISTRATOR TRAINING 17 - 19TH MAY 2021	\$ 2,475.00	
EFT21580	DBCEC (WA) PTY LTD	TRUCK & EXCAVATOR HIRE FOR DRAINAGE WORKS & GRAVEL CARTAGE	\$ 88,896.50	
EFT21581	EARTHMAC PTY LTD	TRAFFIC MANAGEMENT FOR UPPER CAPEL ROAD WORKS	\$ 7,488.14	
EFT21582	JENNY SMITH	3 X WREATHS FOR 2021 ANZAC DAY SERVICES	\$ 255.00	
EFT21583	FAIRTEL PTY LTD	DONNYBROOK SES - PHONE AND NBN SERVICE - APRIL 2021	\$ 154.00	
EFT21584	GJ FREIGHT	EXCAVATOR HIRE FOR FIRE MITIGATION WORKS	\$ 1,909.28	
EFT21585	CELLARBRATIONS DONNYBROOK	ADMIN - REFRESHMENTS	\$ 144.98	
EFT21586	GLOBAL SYNTHETICS PTY LTD	DBK STANDPIPE - COMBIGRID 40/40 Q1 ROLL	\$ 3,319.75	
EFT21587	GATEWAY SPORTS AND REHAB	TUIA LODGE - OPEN HIP PROTECTOR	\$ 188.90	
EFT21588	GENSET HIRE & SALES AUSTRALIA PTY LTD	DEPOT - BOWSER PUMP & FITTINGS	\$ 990.00	
EFT21589	HARVEY NORMAN BUNBURY	3 X A3 SIZE PHOTO PRINTS FOR SHIRE OFFICE FOYER	\$ 49.98	
EFT21590	ACUMENTIS	PREPARATION OF GOODS SHED LEASE	\$ 1,980.00	
EFT21591	ARJO AUSTRALIA PTY LTD	TUIA LODGE - 5x FOAM MATTRESSES	\$ 4,594.00	
EFT21592	WILLIAM HOGG	RATES REFUND	\$ 916.80	
EFT21593	SKIPPERS PLUMBING SERVICES	TUIA LODGE - REPAIRS TO HOT WATER IN ROOM 23	\$ 74.25	
EFT21594	BRONWYN ELIZABETH HODGSON	RATES REFUND	\$ 100.00	
EFT21595	HARDY SPICER	DB18069 TIPPER TRAILER - HYDRAULIC HOSE AND FITTINGS	\$ 212.30	
EFT21596	HAYS SPECIALIST RECRUITMENT	HR COORDINATOR CONTRACT	\$ 4,642.28	
EFT21597	JONNO'S HANDYMAN & CARPENTRY	TUIA LODGE & WELL AGED UNITS - GROUNDS MAINTENANCE	\$ 945.00	
EFT21598	FIRST CLASS TRAINING	EXCEL BASICS TRAINING	\$ 395.00	
EFT21599	JCOMM SW	TUIA LODGE - CONNECT ROOM 18 PHONE LINE	\$ 281.60	
EFT21600	WESFARMERS KLEENHEAT GAS P/L	DBK & BLN HALLS - GAS FACILITY FEE	\$ 62.70	
EFT21601	LD TOTAL	DTCRP - LANDSCAPE WORKS	\$ 16,340.50	
EFT21602	MARKETFORCE PRODUCTIONS	ADVERTISING EXPENSES - APRIL 2021	\$ 654.45	

SHIRE OF DONNYBROOK/BALINGUP
LOCAL GOVERNMENT ACT 1995
LIST OF ACCOUNTS AUTHORISED AND PAID BY THE CHIEF EXECUTIVE OFFICER IN ACCORDANCE WITH
DELEGATION NO. 3.2 AND PRESENTED TO COUNCIL ON 23 JUNE 2021
MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description	Municipal	Trust
EFT21603	MICROSOFT REGIONAL SALES	MICROSOFT EMAIL SERVICE 26/03/2021 - 25/04/2021	\$ 1,281.58	
EFT21604	MORE TELECOM	TUIA LODGE - MONTHLY TELEPHONE SERVICES	\$ 606.96	
EFT21605	NIGHTGUARD SECURITY SERVICES PTY LTD	DBK REC CTR - ATTEND AFTER HOURS SECURITY ALARM INCIDENTS	\$ 440.00	
EFT21606	OFFICEWORKS	MISC STATIONERY - APRIL 2021	\$ 746.45	
EFT21607	OFFICEWORKS - ACCOUNTS	TUIA LODGE STATIONERY ORDER - APRIL 2021	\$ 430.28	
EFT21608	PERKINS BUILDERS	DTCRP - CONSTRUCTION AWARD PROGRESS PAYMENT	\$ 527,299.72	
EFT21609	FULTON HOGAN INDUSTRIES PTY LTD	UPPER CAPEL RD - BITUMEN PRIMER SEAL	\$ 41,667.68	
EFT21610	PRESTIGE PRODUCTS	DBK REC CTR - CLEANING SUPPLIES	\$ 154.66	
EFT21611	PRESTON VALLEY MAINTENANCE	DBK TENNIS CLUB - REPLACE LASERLITE ROOF SHEETS TO PART PATIO	\$ 572.00	
EFT21612	PFD FOOD SERVICE PTY LTD	TUIA LODGE - GROCERIES	\$ 1,347.75	
EFT21613	PRESTON POWER EQUIPMENT	P&G - MULCHING BLADE FOR BRUSHCUTTER	\$ 75.00	
EFT21614	PEEL PODIATRY CLINIC	TUIA LODGE - PODIATRY SERVICES - APRIL 2021	\$ 1,360.00	
EFT21615	PRACTICAL PRODUCTS PTY LTD	GOODS SHED - KITCHEN EQUIPMENT & FITOUT	\$ 72,255.75	
EFT21616	QUALITY PRESS	DFES VEHICLE FAULT REPORT BOOKS	\$ 1,212.20	
EFT21617	REPCO - DONNYBROOK	MISC PARTS & ACCESSORIES - APRIL 2021	\$ 1,371.70	
EFT21618	STEWART & HEATON CLOTHING CO. P/L	VARIOUS BFB'S - PROTECTIVE CLOTHING	\$ 1,448.04	
EFT21619	SOUTHERN LOCK & SECURITY	DBK REC CTR - REPLACE KEYPAD AND SCREEN ON ALARM SYSTEM	\$ 578.39	
EFT21620	BUNBURY TRUCKS	DB2134 TRUCK - LEFT HAND GARNISH HEAD LIGHT	\$ 162.26	
EFT21621	STALEY FOOD & PACKAGING	TUIA LODGE - LAUNDRY. KITCHEN. CLEANING. PPE CONSUMABLES	\$ 2,307.65	
EFT21622	SOLAHART SOUTH WEST	PRESTON VILLAGE - UNIT 9 REMOVAL & DISPOSAL OF OLD SOLAHART	\$ 220.00	
EFT21623	SURGICAL HOUSE PTY LTD	TUIA LODGE - PHARMACEUTICAL SUPPLIES	\$ 2,061.40	
EFT21624	SIGMA CHEMICALS	DBK REC CTR - POOL TESTING STRIPS	\$ 489.50	
EFT21625	SOUTH WEST NUTRITION SERVICES	TUIA LODGE - DIETICIAN SERVICES	\$ 220.00	
EFT21626	SHAPE MANAGEMENT	VC MITCHELL PARK - PROJECT MANAGEMENT SERVICES	\$ 8,085.00	
EFT21627	STANTEC AUSTRALIA PTY LTD	VC MITCHELL HYDRAULIC SUB CONSULTANCY SERVICES	\$ 4,312.00	
EFT21628	DYLAN MARK SPICER	BOND REFUND	\$ 1,100.00	
EFT21629	SOUTH WEST BUSINESS ASSOC INC	REGISTRATION SOUTH WEST WATER BREAKFAST 12 MAY 2021	\$ 80.00	
EFT21630	TELSTRA	TELEPHONE & INTERNET EXPENSES	\$ 552.02	
EFT21631	TRUCKLINE	SPRING BRAKE CHAMBER & RATCHET T LOADBINDER DOG WITH HOOKS	\$ 695.93	
EFT21632	TOLL TRANSPORT PTY LTD	FREIGHT EXPENSES	\$ 2,272.78	
EFT21633	THE OLDE SHED CAFE	MEALS FOR VOLUNTEERS ATTENDING GLENARDEN FIRE	\$ 85.00	
EFT21634	TENDERLINK	WASTE MANAGEMENT TENDER PUBLISHING	\$ 336.60	
EFT21635	UPPER CAPEL BUSH FIRE BRIGADE	UPPER CAPEL BFB - REIMBURSE FOR OF DEEP CYCLE BATTERY SYSTEM	\$ 653.95	
EFT21636	UNICARE HEALTH	TUIA LODGE - 2 x MATTRESSES	\$ 5,310.00	
EFT21637	LANDGATE	VALUATION SERVICES & RURAL UV GENERAL REVALUATION 2020/21	\$ 21,092.54	
EFT21638	VETAG PTY LTD	GRAVEL SUPPLY FOR ROAD WORKS	\$ 11,918.74	
EFT21639	VEHICLES CLEANED BY JANINE	TUIA LODGE - DETAIL AND EXTERIOR TREATMENT - DB1145	\$ 100.00	

SHIRE OF DONNYBROOK/BALINGUP
LOCAL GOVERNMENT ACT 1995
LIST OF ACCOUNTS AUTHORISED AND PAID BY THE CHIEF EXECUTIVE OFFICER IN ACCORDANCE WITH
DELEGATION NO. 3.2 AND PRESENTED TO COUNCIL ON 23 JUNE 2021
MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description	Municipal	Trust
EFT21640	WATER CORPORATION	WATER & SEWERAGE EXPENSES	\$ 784.64	
EFT21641	SYNERGY	ELECTRICITY EXPENSES	\$ 22,997.02	
EFT21642	VEOLIA ENVIRONMENTAL SERVICES	ROAD SWEEPING SERVICES	\$ 419.65	
EFT21643	WESTRAC EQUIPMENT PTY LTD	ASSORTED VEHICLE FILTERS. SOS KIT. FUEL CAP FILTERS	\$ 913.61	
EFT21644	WORK CLOBBER	RANGER - UNIFORM & PROTECTIVE CLOTHING	\$ 544.00	
EFT21644a	SG FLEET AUSTRALIA PTY LIMITED	CESM VEHICLE LEASE EXPENSES - MAY 2021	\$ 1,561.90	
EFT21645	ALFS MACHINERY PTY LTD	MISC GOODS AND SERVICES FOR APRIL 2021	\$ 139.60	
EFT21646	AUSTRALIA POST	SHIRE POSTAGE - APRIL 2021	\$ 484.29	
EFT21647	WINC AUSTRALIA PTY LTD	STATIONERY EXPENSES	\$ 588.02	
EFT21648	ACCESS PROTOCOL	TUIA LODGE - NON-SLIP FLOOR MATS & DOUBLE ADAPTERS	\$ 1,258.95	
EFT21649	AUSRECORD PTY LTD	FREIGHT FOR RECORDS STATIONERY	\$ 33.00	
EFT21650	ABCO PRODUCTS PTY LTD	PUBLIC CONVENIENCES - TOILETRY SUPPLIES	\$ 5,453.57	
EFT21651	A & R MACHINERY	DB606 MOWER - ENGINE & TRANSMISSION FILTER	\$ 53.35	
EFT21652	ARCTIC AIR REFRIGERATION	PRESTON VILLAGE - AIR CONDITIONING UNIT SERVICE	\$ 140.00	
EFT21653	AFGRI EQUIPMENT AUSTRALIA PTY LTD	DB2462 GRADER - STRAP PN T387542 AND STEP PN T387303	\$ 221.35	
EFT21654	JOHN HOWARD AUSTIN	MITIGATION WORKS - LABOUR HIRE	\$ 6,490.00	
EFT21655	BENARA NURSERIES	ASSORTED LANDSCAPING PLANTS & FLOWERS & DELIVERY	\$ 2,340.44	
EFT21656	BOC LIMITED	TUIA LODGE - OXYGEN CONCENTRATOR HIRE - 29/03/2021 to 27/04/2021	\$ 266.72	
EFT21657	BCI TRAINING FUND	BCITF LEVY COLLECTIONS - APRIL 2021	\$ 1,769.20	
EFT21658	BDA TREE LOPPING	TREE PRUNING FOR THE MONTH OF APRIL 2021	\$ 15,444.00	
EFT21659	BANKS PEST AND WEED CONTROL	RAVENSCLIFFE RD - SPRAY BLACKBERRY ALONG VERGE	\$ 1,089.00	
EFT21660	BP SERVICE STATION	MANAGEMENT OF DBK TRANSIT PARK - MARCH 2021	\$ 3,190.00	
EFT21661	BLUE FORCE PTY LTD	PRESTON VILLAGE - EMERGENCY HELP MONITORING - APRIL 2021	\$ 172.37	
EFT21662	BUNBURY HARVEY REGIONAL COUNCIL	ORGANICS DISPOSAL - APRIL 2021	\$ 1,953.00	
EFT21663	STAFF REIMBURSEMENTS	REIMBURSE TELECOMMUNICATION PACKAGE	\$ 79.99	
EFT21664	BUNBURY GEOGRAPHE ECONOMIC	2020/21 BGEA MEMBERSHIP FOR MAY 2021	\$ 778.80	
EFT21665	COCA COLA AMATIL (AUST) P/L	DBK REC CTR - KIOSK DRINK PURCHASES	\$ 195.68	
EFT21666	CRENDON MACHINERY	HIRE OF SQUIRREL FOR WORKS	\$ 182.95	
EFT21667	COATES HIRE OPERATIONS PTY LTD	ONE MONTH HIRE OF PORTABLE TOILET FOR ROAD WORKS SITE	\$ 554.61	
EFT21668	DUG CROSS ELECTRICS	MISC ELECTRICAL WORKS AND REPAIRS	\$ 1,695.00	
EFT21669	CARPET COURT FLOORING CENTRES	TUIA LODGE - INSTALLATION OF CARPET IN OFFICES	\$ 4,640.00	
EFT21670	CRAVEN FOODS	DBK REC CTR - KIOSK CONFECTIONERY & SNACKS	\$ 95.95	
EFT21671	CLAW ENVIRONMENTAL PTY LTD	DWMF - DRUMMUSTER CONTAINER REMOVAL & PROCESSING EXPENSES	\$ 2,893.44	
EFT21672	STAF REIMBURSEMENTS	REIMBURSEMENT OF BFAC AGM CATERING EXPENSES	\$ 50.00	
EFT21673	CRS ELECTRICAL	VC MITCHELL OVAL - LIGHTING TOWER GLOBE REPLACEMENT	\$ 4,180.10	
EFT21674	CLEANAWAY	REFUSE COLLECTION - APRIL 2021	\$ 21,157.94	
EFT21675	CHUBB FIRE & SECURITY PTY LTD	TUIA LODGE - SERVICE TO FIRE EQUIPMENT	\$ 219.45	

SHIRE OF DONNYBROOK/BALINGUP
LOCAL GOVERNMENT ACT 1995
LIST OF ACCOUNTS AUTHORISED AND PAID BY THE CHIEF EXECUTIVE OFFICER IN ACCORDANCE WITH
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MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description	Municipal	Trust
EFT21676	CORSIGN WA	W&S - ROAD SIGNAGE	\$ 625.90	
EFT21677	DONNYBROOK MEDICAL SERVICES	50% SHARE OF PROPERTY VALUATION	\$ 1,540.00	
EFT21678	DONNYBROOK NEWSAGENCY	TUIA LODGE - MONTHLY NEWSPAPER ACCOUNT - APRIL 2021	\$ 42.60	
EFT21679	DONNYBROOK FRUIT BARN	W&S VOUCHERS FOR TAKE 5 HEALTH & SAFETY INITIATIVE	\$ 20.00	
EFT21680	DONNYBROOK FAMILY BAKERY	TUIA LODGE - BAKERY ACCOUNT - FEBRUARY 2021	\$ 122.00	
EFT21681	DONNYBROOK TYRE SERVICE	VEHICLE TYRE REPLACEMENTS & REPAIRS	\$ 761.50	
EFT21682	DONNYBROOK DISTRICT HIGH SCHOOL	DBK LIBRARY - SHARED OPERATING EXPENSES	\$ 1,117.67	
EFT21683	SUPA IGA DONNYBROOK	DBK REC CTR - MISC GROCERIES	\$ 47.40	
EFT21684	DONNYBROOK GLASS	LANGLEY VILLAS - REPLACE BROKEN BATHROOM WINDOW	\$ 264.00	
EFT21685	DEPARTMENT OF MIRS	BSL LEVY COLLECTIONS - APRIL 2021	\$ 5,525.82	
EFT21686	DBK ACCIDENT REPAIR CENTRE	INSURANCE EXCESS ON VEHICLE CLAIM	\$ 500.00	
EFT21687	DELL FINANCIAL SERVICES PTY LTD	LEASE EXPENSES - 01/06/2021 - 30/06/2021	\$ 821.46	
EFT21688	DE LAGE LANDEN PTY LTD	LEASE EXPENSES - 22/04/2021 - 21/05/2021	\$ 670.12	
EFT21689	DARDANUP BUTCHERING COMPANY	TUIA LODGE - MEAT ORDER FOR DELIVERY 12/05/2021	\$ 969.89	
EFT21690	DBCEC (WA) PTY LTD	MELDENE PARK PATHWAY WORKS & KERBING AT PERSERVERANCE BLVD	\$ 37,618.35	
EFT21691	ELDERS SOUTHERN DISTRICTS ESTATE	WATER ENTITLEMENT 35.000KL - LICENSE TO TAKE WATER	\$ 42,000.00	
EFT21692	BUNBURY FREIGHT SERVICES	TUIA LODGE - FREIGHT FOR PHARMACEUTICAL SUPPLIES - APRIL 2021	\$ 87.84	
EFT21693	FLEXI STAFF PTY LTD	CASUAL CONTRACTOR TO ASSIST WITH PARKS & GARDENS	\$ 1,669.89	
EFT21694	FRONTLINE FIRE & RESCUE	BFB'S - 10M X 60MM COLLECTOR LENGTHS X 5	\$ 5,890.14	
EFT21695	FITRIC	DBK REC CTR - FITNESS INSTRUCTOR EXPENSES - OCT - FEB 2021	\$ 950.00	
EFT21696	SUEZ RECYCLING & RECOVERY (PERTH) PL	PROCESSING OF RECYCLABLES - APRIL 2021	\$ 2,717.42	
EFT21697	STAFF REIMBURSEMENTS	DBK REC CTR - REIMBURSEMENT FOR RLSSWA POOL LIFEGUARD REQUAL	\$ 159.00	
EFT21698	GARMIN	GARMEN MESSENGER & GPS DEVICE SUBSCRIPTION - MAY/JUNE 2021	\$ 60.00	
EFT21699	CATHERINE FRANCES GODDARD	DBK REC CTR - FITNESS INSTRUCTOR EXPENSES - MARCH 2021	\$ 385.00	
EFT21700	GFG CONSULTING	REVIEW OF WORKS & SERVICES SERVICE DELIVERY	\$ 5,195.52	
EFT21701	MOORE AUSTRALIA (WA) PTY LTD	2021 FINANCIAL REPORTING & MODEL STATEMENTS WORKSHOP	\$ 1,925.00	
EFT21702	HASTIE WASTE PTY LTD	MGMT DBK LANDFILL & BLN TRANSFER STN SITES - APRIL 2021	\$ 35,966.95	
EFT21703	COVERT SIGNS	MITIGATION TRAFFIC SIGNAGE	\$ 331.43	
EFT21704	SKIPPERS PLUMBING SERVICES	MISC PLUMBING WORKS, REPAIRS & MAINTENANCE	\$ 1,447.41	
EFT21705	HAYS SPECIALIST RECRUITMENT	CONTRACT PEOPLE & CULTURE COORDINATOR EXPENSES - W/E 09/05/21	\$ 4,250.47	
EFT21706	STAFF REIMBURSEMENTS	REIMBURSE PHONE ALLOWANCE	\$ 80.00	
EFT21707	JONNO'S HANDYMAN AND CARPENTRY	TUIA LODGE & WELL AGED UNITS - GARDENING CONTRACTOR	\$ 1,530.00	
EFT21708	JCW ELECTRICAL GROUP	BEELERUP BFB - OFF GRID POWER SUPPLY INSPECTION & FINDINGS	\$ 522.50	
EFT21709	STAFF REIMBURSEMENTS	TUIA LODGE - REIMBURSEMENT OF POLICE CLEARANCE EXPENSES	\$ 55.80	
EFT21710	LIVING SPRINGS	BOTTLED WATER - ADMIN OFFICE	\$ 44.00	
EFT21711	LICCIARDELLO NOMINEES PTY LTD	RATES REFUND	\$ 576.22	
EFT21712	LEISURE INST OF WA AQUATIC (IINC.)	DBK REC CTR - ANNUAL MEMBERSHIP SUBSCRIPTION	\$ 132.00	

SHIRE OF DONNYBROOK/BALINGUP

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MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description	Municipal	Trust
EFT21713	MALATESTA ROAD PAVING & HOTMIX	400LITRES OF EMULSION FOR ROAD MAINTENANCE	\$ 640.00	
EFT21714	METAL ARTWORK CREATIONS	STAFF NAME BADGES	\$ 36.30	
EFT21715	METRO COUNT	3 x VOLT WELDED BATTERIES FOR TRAFFIC COUNTERS	\$ 121.00	
EFT21716	MCLEODS BARRISTERS & SOLICITORS	LEASE EXTENSION LEGAL EXPENSES - 116A SOUTH WESTERN HIGHWAY	\$ 251.02	
EFT21717	MCDONALD FENCING	APPLE FUN PARK - SUPPLY & INSTALL CHAIN MESH FENCING & GATES	\$ 4,372.50	
EFT21718	MJB INDUSTRIES PTY LTD	KIRUP MILL PARK - 1200x1200 FLUSH GRATED COVER	\$ 843.15	
EFT21719	MARKETFORCE PRODUCTIONS	ADVERTISING EXPENSES - APRIL 2021	\$ 247.50	
EFT21720	MOA BENCHMARKING	TUIA LODGE - RESIDENTIAL MONTHLY FEES - MAY 2021	\$ 230.00	
EFT21721	STAFF REIMBURSEMENTS	TUIA LODGE - REIMBURSEMENT OF POLICE CLEARANCE EXPENSES	\$ 55.80	
EFT21722	NEVERFAIL SPRINGWATER LIMITED	DBK REC CTR - BOTTLED SPRING WATER	\$ 185.75	
EFT21723	NISBETS AUSTRALIA PTY LTD	TUIA LODGE - MISC SMALL KITCHEN EQUIPMENT	\$ 51.38	
EFT21724	OFFICEWORKS	ARGYLE BFB - MS OFFICE 365 FOR LAPTOP	\$ 292.95	
EFT21725	PRESTON PRESS	ADVERTISING EXPENSES - MAY 2021	\$ 530.00	
EFT21726	PRESTIGE PRODUCTS	DBK REC CTR - JANITORS CART	\$ 778.25	
EFT21727	PRESTON VALLEY MAINTENANCE	MISC SMALL BUILDING AND MAINTENANCE REPAIRS	\$ 2,799.50	
EFT21728	PFD FOOD SERVICE PTY LTD	TUIA LODGE - GROCERIES FOR 07/05/2021	\$ 1,255.20	
EFT21729	PRESTON POWER EQUIPMENT	MISC GOODS AND SERVICES FOR APRIL 2021	\$ 468.50	
EFT21730	PAYPAC PAYROLL SERVICES PTY LTD	TUIA LODGE - PAYROLL PROCESSING SERVICES - APRIL 2021	\$ 1,082.75	
EFT21731	HOLCIM (AUSTRALIA) PTY LTD	DBK STANDPIPE - 11T x 7MM MRD AGREGATE	\$ 634.27	
EFT21732	STAFF REIMBURSEMENTS	REIMBURSE INTERNET EXPENSES - MAY 2021	\$ 39.95	
EFT21733	RTR FITNESS	DBK REC CTR - FITNESS INSTRUCTOR EXPENSES - APRIL 2021	\$ 840.00	
EFT21734	REPCO - DONNYBROOK	MISC SMALL GOODS AND SERVICES FOR APRIL 2021	\$ 109.68	
EFT21735	SPRINT EXPRESS	FREIGHT EXPENSES - APRIL 2021	\$ 80.30	
EFT21736	ROSTER WITH ROSS PTY LTD	TUIA LODGE - ZUESS PAYROLL SERVICES 12/05/2021 - 11/07/2021	\$ 149.00	
EFT21737	SOUTHERN LOCK & SECURITY	GRAND MASTER KEYS FOR SHIRE PADLOCKS	\$ 49.50	
EFT21738	SOS OFFICE EQUIPMENT	PHOTOCOPIER EXPENSES - APRIL 2021	\$ 2,223.70	
EFT21739	BUNBURY TRUCKS	DB4170 TIP TRUCK - SERVICE KIT L010	\$ 379.68	
EFT21740	STALEY FOOD & PACKAGING	TUIA LODGE - CLEANING, KITCHEN, PPE, LAUNDRY CONSUMABLES	\$ 2,123.54	
EFT21741	SPORTSWORLD OF WA	DBK REC CTR - KIOSK GOGGLES	\$ 264.00	
EFT21742	SURGICAL HOUSE PTY LTD	TUIA LODGE - GASTROSTOMY TUBE	\$ 182.20	
EFT21743	SURVCON PTY LTD	DONNYBROOK STANDPIPE - SET OUT SERVICES	\$ 980.71	
EFT21744	ST JOHN AMBULANCE WESTERN	DBK REC CTR - FIRST AID KIT SERVICING AND REPLENISHMENT	\$ 208.73	
EFT21745	SARAH JEAN SMITH	DBK REC CTR - REFUND 1 MONTHS GYM MEMBERSHIP OCT/NOV 2020	\$ 50.00	
EFT21746	SW CONCRETE CUTTING & DRILLING	GOODS SHED - CUT HOLES IN FOUNDATIONS FOR SHADE STRUCTURES	\$ 1,518.00	
EFT21747	TELSTRA	TELEPHONE & INTERNAT EXPENSES	\$ 542.35	
EFT21748	WA TREASURY CORPORATION	LOAN 74 PRINCIPAL & INTEREST PAYMENT	\$ 7,680.59	
EFT21749	TOLL TRANSPORT PTY LTD	FREIGHT EXPENSES	\$ 118.92	

SHIRE OF DONNYBROOK/BALINGUP

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MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description	Municipal	Trust
EFT21750	TINT A CAR BUNBURY	DB2114 ROLLER - WINDOW TINT	\$ 300.00	
EFT21751	TARVIA	STATION SQUARE - DRESSED JARRAH SLATS FOR BENCH SEATING	\$ 4,246.00	
EFT21752	WATER CORPORATION	WATER & SEWERAGE EXPENSES	\$ 109.03	
EFT21753	SYNERGY	ELECTRICITY EXPENSES	\$ 2,237.27	
EFT21754	WORK CLOBBER	DBK REC CTR - STAFF UNIFORMS	\$ 367.40	
EFT21755	WEST COAST FIT	DBK REC CTR - FITNESS INSTRUCTOR EXPENSES - MARCH 2021	\$ 1,100.00	
EFT21756	LAURENCE JOHN WALSH	RATES REFUND	\$ 15.70	
EFT21756a	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR PERIOD ENDING 19/05/2021	\$ 144,158.53	
EFT21756b	SHIRE OF DONNYBROOK BALINGUP	TUIA LODGE - PAYROLL FOR PERIOD ENDING 19/05/2021	\$ 74,873.35	
EFT21756c	SHIRE OF DONNYBROOK BALINGUP	TUIA LODGE - SUPERANNUATION FOR MAY 2021	\$ 17,285.00	
EFT21756d	SHIRE OF DONNYBROOK BALINGUP	PAYROLL FOR PERIOD ENDING 02/06/2021	\$ 133,002.75	
EFT21756e	SHIRE OF DONNYBROOK BALINGUP	TUIA LODGE - PAYROLL FOR PERIOD ENDING 02/06/2021	\$ 75,528.71	
EFT21757	AUSTRALIA POST	SHIRE POSTAGE - MAY 2021	\$ 447.40	
EFT21758	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	\$ 51.80	
EFT21759	WINC AUSTRALIA PTY LTD	STATIONERY & PRINTER EXPENSES	\$ 2,187.44	
EFT21760	ALLENS TRAFFIC MANAGEMENT	JAYES RD - ROAD WORK TRAFFIC MANAGEMENT X 2 CONTROLLERS	\$ 9,371.45	
EFT21761	MAIA FINANCIAL	PAYOUT OF LEASE - PURCHASE OF ASSETS (SERVERS)	\$ 3,300.00	
EFT21762	A & R MACHINERY	DB898 MOWER - DECK MOWER BLADES	\$ 145.20	
EFT21763	ARCTIC AIR REFRIGERATION & ELECTRIC	PRESTON VILLAGE - REPLACE FAN MOTOR & CLEAN AND SANITISE COIL	\$ 455.50	
EFT21764	ADVANCE SPEECH PATHOLOGY	TUIA LODGE - SPEECH PATHOLOGIST REVIEW VISIT ON 18/05/2021	\$ 720.00	
EFT21765	AQUATIC SERVICES WA PTY LTD	DBK REC CTR - REPLACE AIR BLOWER IN POOL	\$ 8,375.40	
EFT21766	ARTISAN PAVING	PAVING REPAIRS FOR FOOTPATHS DBK CARPARKS AND RAIL LINE	\$ 2,970.00	
EFT21767	BALINGUP PROGRESS ASSOCIATION	20/21 GRANT FUNDING - BALINGUP SMALL FARM EXPERIENCE	\$ 3,000.00	
EFT21768	BP SERVICE STATION	ADMIN - FUEL EXPENSES	\$ 472.75	
EFT21769	BLACKWOOD DAILY GRIND	REFUND OVERPAYMENT OF FOOD SAFETY SERVICE INVOICE	\$ 2.00	
EFT21770	BUNBURY GEOGRAPHE ECONOMIC	2020/21 BGEA MEMBERSHIP FOR JUNE 20201	\$ 778.80	
EFT21771	CJD EQUIPMENT PTY LTD	DB754 LOADER - BALL JOINT ON STEERING	\$ 679.58	
EFT21772	CITY & REGIONAL FUELS	DIESEL EXPENSES - MAY 2021	\$ 14,911.93	
EFT21773	CAPEL CRANE HIRE	HIRE OF CRANE & DOGMAN TO REMOVE WEIR GATES AT PRESTON RIVER	\$ 2,260.50	
EFT21774	CAPE ABILITIES	TUIA LODGE - CONTINENCE PRODUCTS	\$ 3,834.76	
EFT21775	CRS ELECTRICAL	TUIA LODGE - SUPPLY AND INSTALL OYSTER LIGHT	\$ 167.64	
EFT21776	COWARA CONTRACTORS PTY LTD	PROGRESS PAYMENT FOR THE WIN. CRUSH AND STOCKPILE OF GRAVEL	\$ 46,200.00	
EFT21777	CORSIGN WA	W&S - HAZARD MARKER SIGNAGE	\$ 495.00	
EFT21778	DEPT OF WATER & ENVIRONMENT REG	ANNUAL LICENCE FEE FOR DBK WASTE MANAGEMENT FACILITY	\$ 6,496.00	
EFT21779	DONNYBROOK MEDICAL SERVICES	PRE EMPLOYMENT MEDICAL	\$ 165.00	
EFT21780	DONNYBROOK NEWSAGENCY	TUIA LODGE - MONTHLY NEWSPAPER ACCOUNT - MAY 2021	\$ 40.80	
EFT21781	DONNYBROOK FRUIT BARN	TUIA LODGE - FRUIT AND VEG ACCOUNT - MAY 2021	\$ 2,367.37	

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MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description	Municipal	Trust
EFT21782	DYMOCKS BUSSELTON	DBK LIBRARY- BOOK PURCHASES	\$ 311.37	
EFT21783	DONNYBROOK & DISTRICTS PLUMBING	PLUMBING REPAIRS AND REPLACEMENTS	\$ 1,641.00	
EFT21784	SUPA IGA DONNYBROOK	DBK REC CTR - MILK	\$ 17.25	
EFT21785	DBK DISTRICT HIGH SCHOOL P & C	20/21 GRANT FUNDING - JUNIOR CAMPUS STAGE	\$ 1,000.00	
EFT21786	DBK COMMUNITY RESOURCE CENTRE	ZOOM LICENCE FOR PERIOD 29/04/2021 - 28/04/2022	\$ 230.89	
EFT21787	DBK REGIONAL TOURISM ASSOCIATION	20/21 GRANT FUNDING - ARTBEAT PUBLIC ART TRAIL	\$ 2,000.00	
EFT21788	DE LAGE LANDEN PTY LTD	LEASE EXPENSES 22/05/2021 - 21/06/2021	\$ 670.12	
EFT21789	DARDANUP BUTCHERING COMPANY	TUIA LODGE - MEAT ORDER FOR 19/05/2021	\$ 914.55	
EFT21790	EARTHMAC PTY LTD	REPAIRS TO MAIN STREET PAVERS	\$ 10,822.90	
EFT21791	ENGIE MECHANICAL SERVICES (WA) P/L	SUPPLY & INSTALL AIRCON TO ADMIN MEETING ROOM	\$ 3,942.40	
EFT21792	DEPT OF FIRE & EMERGENCY SERVICES	2020/21 ESL 4TH QUARTER CONTRIBUTION	\$ 29,662.22	
EFT21793	FLEXI STAFF PTY LTD	CASUAL CONTRACTOR TO ASSIST WITH PARKS & GARDENS	\$ 3,339.78	
EFT21794	FITNESS SOLUTIONS WA	DBK REC CTR - SERVICE TO SPIN ROOM BIKES	\$ 142.50	
EFT21795	BARRY WILLIAM FAIRLEY	REFUND OVERPAYMENT OF RENT	\$ 140.76	
EFT21796	HARVEY NORMAN AV/IT SUPERSTORE	PROTECTIVE CASE FOR MOBILE PHONE	\$ 54.90	
EFT21797	COVERT SIGNS	REPLACEMENT STREET SIGN FOR 'MEAD STREET'	\$ 93.50	
EFT21798	SKIPPERS PLUMBING SERVICES	TUIA LODGE - UNBLOCK DRAIN TO MARRI WING	\$ 407.00	
EFT21799	HAYS SPECIALIST RECRUITMENT	CONTRACT PEOPLE & CULTURE COORDINATOR EXPENSES - W/E 16/05/21	\$ 4,704.18	
EFT21800	IT VISION	SYNERGYSOFT EMAIL AUTOMATION TOOLSET FOR PAYROLL	\$ 2,600.22	
EFT21801	INDIGENOUS PROFESSIONAL SERVICES	TUIA LODGE - ANNUAL WEBSITE HOSTING - 13.06.2021 TO 12.06.2022	\$ 462.00	
EFT21802	INDUSTRIAL AUTOMATION GROUP P/L	DONNYBROOK & BALINGUP STANDPIPE CONTROLLERS	\$ 19,861.60	
EFT21803	JONNO'S HANDYMAN & CARPENTRY	TUIA LODGE & WELL AGED UNITS - GARDENING CONTRACTOR	\$ 1,315.75	
EFT21804	LANDGATE	CERTIFICATE OF TITLES FOR LANGLEY VILLAS & MINNINUP COTTAGES	\$ 106.80	
EFT21805	LANDMARK ENGINEERING & DESIGN	REPLACEMENT TIMBER SEAT FOR DONNYBROOK AMPHITHEATRE	\$ 2,805.00	
EFT21806	LOCAL GOVERNMENT PROFESSIONALS	PROJECT MANAGEMENT WORKSHOP WEBINAR	\$ 350.00	
EFT21807	LGISWA	ACTUAL WAGES ADJUSTMENT FOR PERIOD 30/06/2017 TO 30/06/2018	\$ 19,793.71	
EFT21808	MCLEODS BARRISTERS & SOLICITORS	GOODS SHED - LEGAL SERVICES	\$ 2,999.13	
EFT21809	MCG ARCHITECTS PTY LTD	VC MITCHELL PARK - ARCHITECTURAL & SUB-CONSULTANCY SERVICES	\$ 15,372.50	
EFT21810	MJB INDUSTRIES PTY LTD	DBK STANDPIPE - CONCRETE PIPES & COMBINATION SIDE ENTRY	\$ 2,937.66	
EFT21811	MARKETFORCE PRODUCTIONS	ADVERTISING EXPENSES - MAY 2021	\$ 2,048.14	
EFT21812	MESSAGES ON HOLD AUSTRALIA PTY LTD	PHONE MESSAGE ANNOUNCER SERVICE 20/05/2021 - 19/08/2021	\$ 421.80	
EFT21813	MPM CONCRETING	DTCRP - SUPPLY & LAY LIMESTONE BLOCKS FOR LANDSCAPING	\$ 8,525.00	
EFT21814	MICROSOFT REGIONAL SALES	MICROSOFT EMAIL SERVICE 26/04/2021 - 25/05/2021	\$ 1,245.87	
EFT21815	MATERIALS HANDLING SOLUTIONS	TUIA LODGE - WET AND DRY SMALL LAUNDRY TROLLEY	\$ 2,195.60	
EFT21816	NEVERFAIL SPRINGWATER LIMITED	DBK REC CTR - BOTTLED SPRING WATER	\$ 185.75	
EFT21817	OFFICEWORKS	STATIONERY SUPPLIES	\$ 485.58	
EFT21818	JOANNE MARIE O'DEA	STATION SQUARE & GOOD SHED OPENING EVENT & FAMILY CONCERT	\$ 3,575.00	

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MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description	Municipal	Trust
EFT21819	OSBORNE MOTOR BODIES	INSTALLATION OF TOW HITCH WITH 50MM BALL AND ELECTRICS	\$ 1,485.00	
EFT21820	OFFICE OF THE AUDITOR GENERAL	ATTEST AUDIT FOR FINANCIAL YEAR ENDED 30 JUNE 2020	\$ 28,050.00	
EFT21821	PERKINS BUILDERS	DTCRP - CONSTRUCTION PROGRESS PAYMENT	\$ 381,967.90	
EFT21822	PROLINE KERBING	KERBING WORK AT DONNYBROOK COMMERCIAL STANDPIPE	\$ 3,388.00	
EFT21823	PRESTON VALLEY MAINTENANCE	BLN TOILET BLOCK - EARTHWORKS. RETAINING & ROOF WORKS	\$ 9,504.00	
EFT21824	PFD FOOD SERVICE PTY LTD	TUIA LODGE - GROCERIES	\$ 1,997.75	
EFT21825	PRACTICAL PRODUCTS PTY LTD	GOODS SHED - COMMISSIONING & CONNECTING KITCHEN APPLIANCES	\$ 2,607.00	
EFT21826	HOLCIM (AUSTRALIA) PTY LTD	UPPER CAPLE RD - SUPPLY OF RIP RAP AGGREGATE FOR DRAINAGE	\$ 1,010.81	
EFT21827	RUGRATS CARPET CLEANING SERVICE	MINNINUP COTTAGES - CARPET & TILE CLEANING	\$ 465.00	
EFT21828	KERRY LEE RUSSELL	PART REFUND OF 1 YEAR DOG REGISTRATION FEES - STERILISATION	\$ 30.00	
EFT21829	SOUTHERN LOCK & SECURITY	TUIA LODGE - NEW DOOR HANDLE	\$ 516.96	
EFT21830	SOS OFFICE EQUIPMENT	PHOTOCOPIER EXPENSES - MAY 2021	\$ 2,239.11	
EFT21831	STALEY FOOD & PACKAGING	TUIA LODGE - GROCERIES	\$ 680.66	
EFT21832	SURGICAL HOUSE PTY LTD	TUIA LODGE - PHARMACEUTICAL SUPPLIES	\$ 3,126.27	
EFT21833	SURVCON PTY LTD	FEATURE SURVEY HUNTER ST & STEERE ST. DONNYBROOK	\$ 1,740.75	
EFT21834	SUMMIT REALTY SOUTH WEST	SELLING FEE - PRESTON RETIREMENT VILLAGE	\$ 9,350.00	
EFT21835	SHAPE MANAGEMENT	PUMP TRACK - CONSULT FEE FOR TENDER DEVELOPMENT & REVIEW	\$ 2,194.50	
EFT21836	TELSTRA	TELEPHONE & INTERNET EXPENSES	\$ 3,435.97	
EFT21837	TOTALLY WORKWEAR	BUSHFIRE MITIGATION - CESM WORKBOOTS	\$ 88.00	
EFT21838	TOLL TRANSPORT PTY LTD	FREIGHT EXPENSES	\$ 344.97	
EFT21839	TENDERLINK	PUMP TRACK - SERVICE FEE FOR TENDER ADVERTISING	\$ 168.30	
EFT21840	LANDGATE	VALUATION SERVICES	\$ 305.10	
EFT21841	WATER CORPORATION	DONNYBROOK STANDPIPE - WATER SERVICE CHARGES	\$ 291.28	
EFT21842	SYNERGY	ELECTRICITY EXPENSES	\$ 17,570.08	
EFT21843	WA LOCAL GOVERNMENT ASSOCIATION	REGISTRATION FOR WALGA BREAKFAST WITH MINISTER FOR LG	\$ 110.00	
EFT21844	WESTRAC EQUIPMENT PTY LTD	DB1250 GRADER - COIL	\$ 469.62	
EFT21844a	WESTNET PTY LTD	INTERNET EXPENSES - JUNE 2021	\$ 533.87	
53661	DEPARTMENT OF TRANSPORT	CUSTOMER PURCHASE OF SHIRE LOGO NUMBER PLATE	\$ 200.00	
53662	DEPARTMENT OF MIRS	LODGEMENT OF SECURITY BOND	\$ 656.80	
53663	DEPARTMENT OF TRANSPORT	CUSTOMER PURCHASE OF SHIRE LOGO NUMBER PLATE	\$ 200.00	
53664	SHIRE OF DONNYBROOK BALINGUP	PETTY CASH RECOUP	\$ 112.40	
53665	CITY OF BUSSELTON	SW REG WASTE GROUP PROJECT OFFICER CONTRIBUTION TO JUNE 2021	\$ 1,868.90	
53666	SHIRE OF DONNYBROOK BALINGUP	TUIA LODGE - STAFF PAYROLL DEDUCTIONS FOR RATES - MAY 2021	\$ 200.00	
53667	DEPARTMENT OF TRANSPORT	CUSTOMER PURCHASE OF SHIRE LOGO NUMBER PLATE	\$ 200.00	
53668	SERVICES AUSTRALIA - CENTRELINK	RETURN OF PARENTAL LEAVE FUNDS	\$ 1,206.24	
53669	DEPARTMENT OF TRANSPORT	CUSTOMER PURCHASE OF SHIRE LOGO NUMBER PLATE	\$ 200.00	
DD25891.1	AWARE SUPER	PAYROLL DEDUCTIONS	\$ 18,336.35	

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MANUAL/AUTO CHEQUES

Chq/EFT	Name	Description		Municipal	Trust
DD25891.2	HOSTPLUS	PAYROLL DEDUCTIONS	\$	383.65	
DD25891.3	PRIME SUPER PTY LTD	PAYROLL DEDUCTIONS	\$	208.94	
DD25891.4	SUPERESTATE	PAYROLL DEDUCTIONS	\$	122.49	
DD25891.5	CHRISTIAN SUPER	PAYROLL DEDUCTIONS	\$	117.34	
DD25891.6	MLC PLUM SUPER	PAYROLL DEDUCTIONS	\$	93.17	
DD25891.7	BENDIGO SMARTSTART SUPER	PAYROLL DEDUCTIONS	\$	170.41	
DD25891.8	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	\$	1,216.37	
DD25891.9	BT SUPER FOR LIFE	PAYROLL DEDUCTIONS	\$	284.49	
DD25891.10	COMM BANK GROUP SUPER	PAYROLL DEDUCTIONS	\$	187.28	
DD25891.11	DILLON FAMILY SUPERFUND	PAYROLL DEDUCTIONS	\$	325.23	
DD25891.12	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	\$	290.35	
DD25891.13	ONEPATH MASTERFUND	PAYROLL DEDUCTIONS	\$	288.80	
DD25891.14	UNISUPER	PAYROLL DEDUCTIONS	\$	86.47	
DD25918.1	SPECTRUM SUPER	PAYROLL DEDUCTIONS	\$	43.38	
DD25918.2	ONEPATH MASTERFUND	PAYROLL DEDUCTIONS	\$	288.80	
DD25918.3	UNISUPER	PAYROLL DEDUCTIONS	\$	86.47	
DD25918.4	PRIME SUPER PTY LTD	PAYROLL DEDUCTIONS	\$	216.25	
DD25918.5	SUPERESTATE	PAYROLL DEDUCTIONS	\$	129.79	
DD25918.6	CHRISTIAN SUPER	PAYROLL DEDUCTIONS	\$	122.39	
DD25918.7	MLC PLUM SUPER	PAYROLL DEDUCTIONS	\$	310.58	
DD25918.8	AWARE SUPER	PAYROLL DEDUCTIONS	\$	19,768.13	
DD25918.9	AUSTRALIAN SUPER	PAYROLL DEDUCTIONS	\$	1,371.00	
DD25918.10	BT SUPER FOR LIFE	PAYROLL DEDUCTIONS	\$	331.79	
DD25918.11	REST SUPERANNUATION	PAYROLL DEDUCTIONS	\$	356.68	
DD25918.12	COMMBANK GROUP SUPER	PAYROLL DEDUCTIONS	\$	187.28	
DD25918.13	HOSTPLUS	PAYROLL DEDUCTIONS	\$	449.32	
DD25918.14	DILLON FAMILY SUPERFUND	PAYROLL DEDUCTIONS	\$	325.23	
DD25918.15	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	\$	142.79	
			\$	3,037,448.65	\$ -
					\$ 3,037,448.65

SHIRE OF DONNYBROOK/BALINGUP
LOCAL GOVERNMENT ACT 1995

**LIST OF ACCOUNTS AUTHORISED AND PAID BY THE
CHIEF EXECUTIVE OFFICER IN ACCORDANCE WITH
DELEGATION NO. 3.2 AND PRESENTED TO COUNCIL
ON 23 JUNE 2021.**

SUMMARY:

<i>Bank</i>	<i>Cheque Number</i>	<i>Amount</i>
Municipal	CCP3592-CCP3598, EFT21537e-EFT21844a, 53661 - 53669, DD25891.1- DD25891.14 and DD25918.1 - DD25918.15	\$3,037,448.65
Trust		
<i>Monthly Cheque Totals</i>		<u><u>\$3,037,448.65</u></u>

CERTIFICATION OF DIRECTOR CORPORATE & COMMUNITY

This schedule of accounts paid under delegated authority (No 3.1) covering cheques numbered from CCP3592-CCP3598, EFT21537e-EFT21844a, 53661 - 53669, DD25891.1-DD25891.14 and DD25918.1 - DD25918.15 totalling \$3,037,448.65 is herewith presented to Council. The payments have been checked and are fully supported by vouchers and invoices which have been duly certified as to the goods and the rendition of services, prices and computations and the amounts shown were due for payment.



DIRECTOR CORPORATE & COMMUNITY

9/6/21

DATE



Monthly Financial Reports

Management Statements

For the period ended
31st May 2021

Shire of Donnybrook-Balingup

Monthly Report to Council

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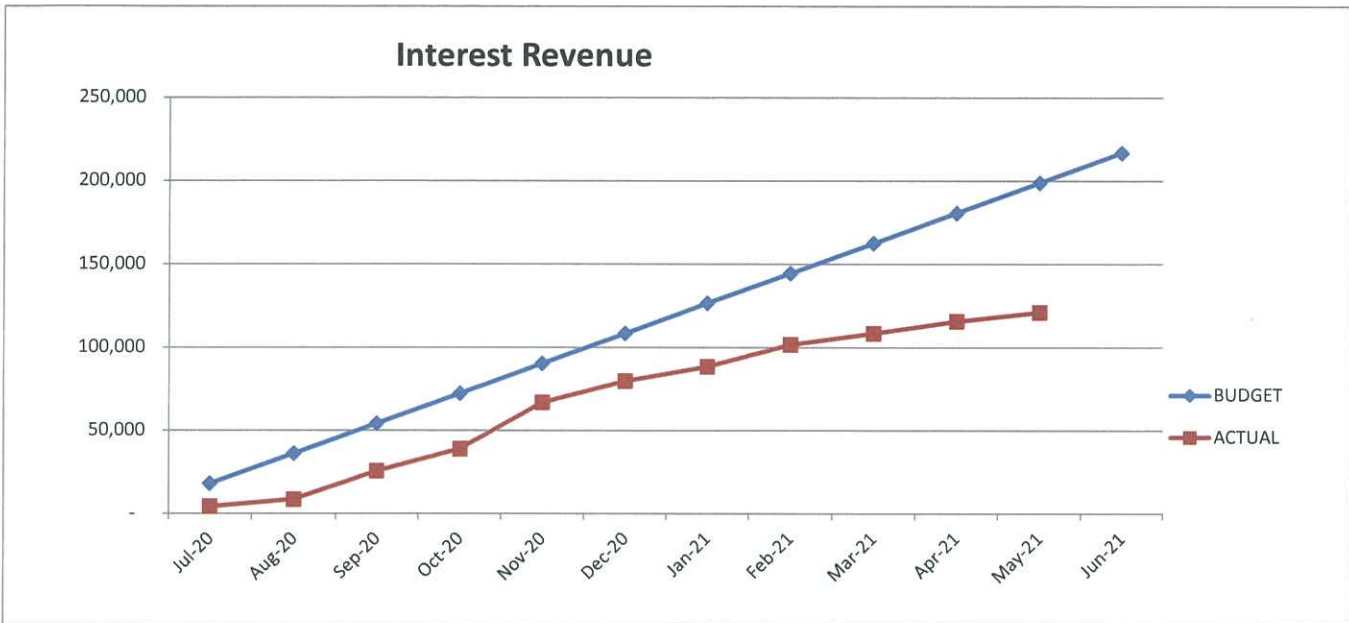
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Shire of Donnybrook / Balingup
Graphical Presentation of Key Financial Data
For Period ended 31st May 2021

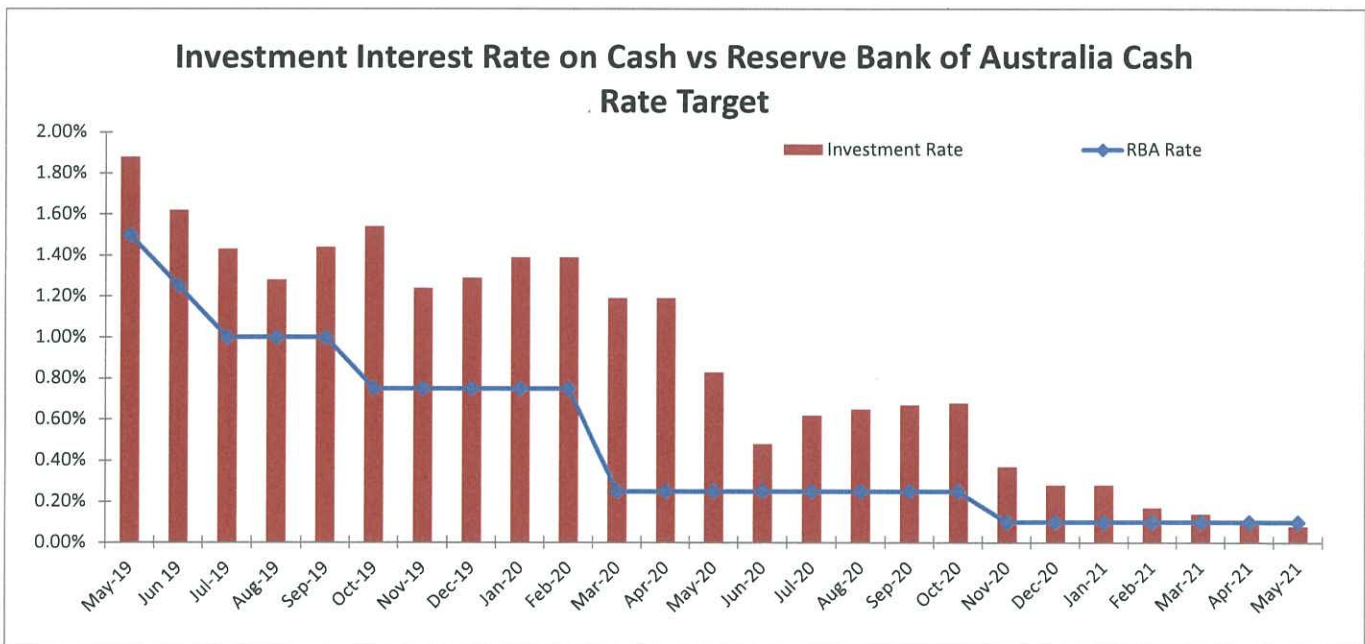
Cash & Investments

As at reporting date total interest revenue received on Rates, Shire Municipal and Reserve Funds are:

	YTD Actual	YTD Budget
Municipal Fund:	\$ 35,294	\$ 88,000
Reserve Fund:	\$ 27,161	\$ 58,047
Interest Revenue - Rates	\$ 58,557	\$ 52,701
	<u>\$ 121,012</u>	<u>\$ 198,748</u>



The following graph compares the Shire's interest rate on investments against the Reserve Bank's reference rate. Council has continued to maintain a return above the RBA cash target rate.

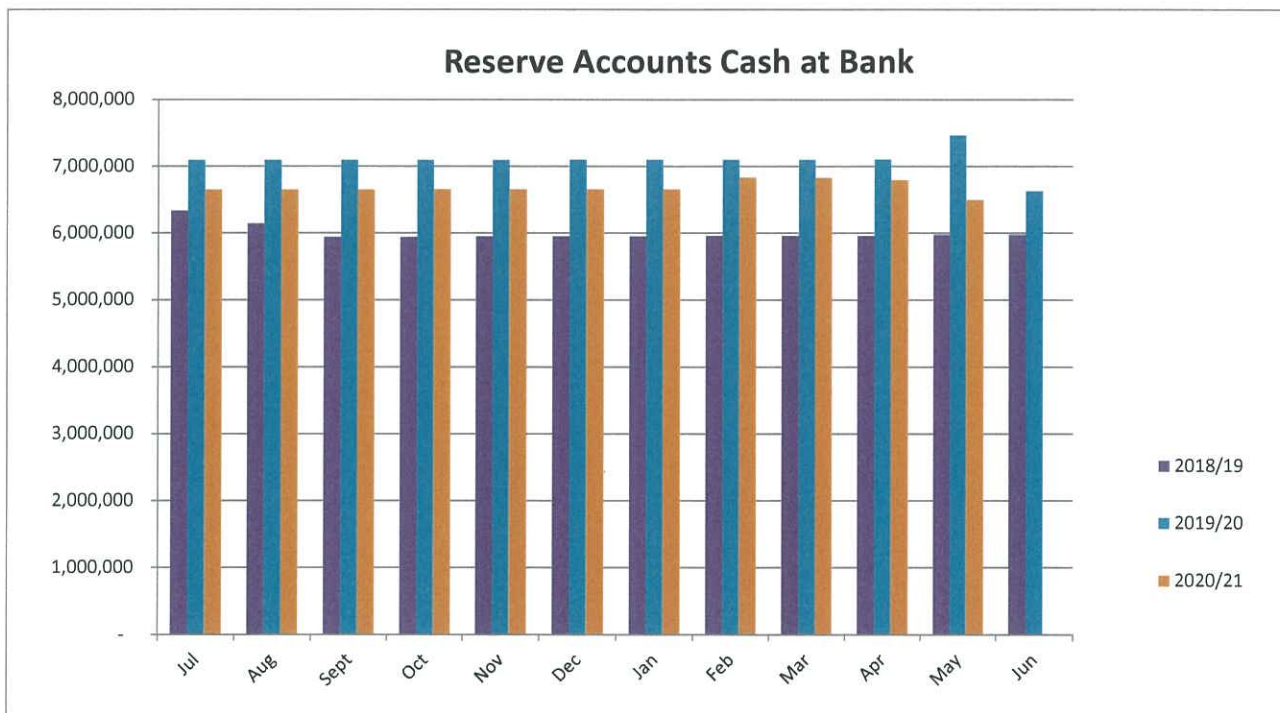
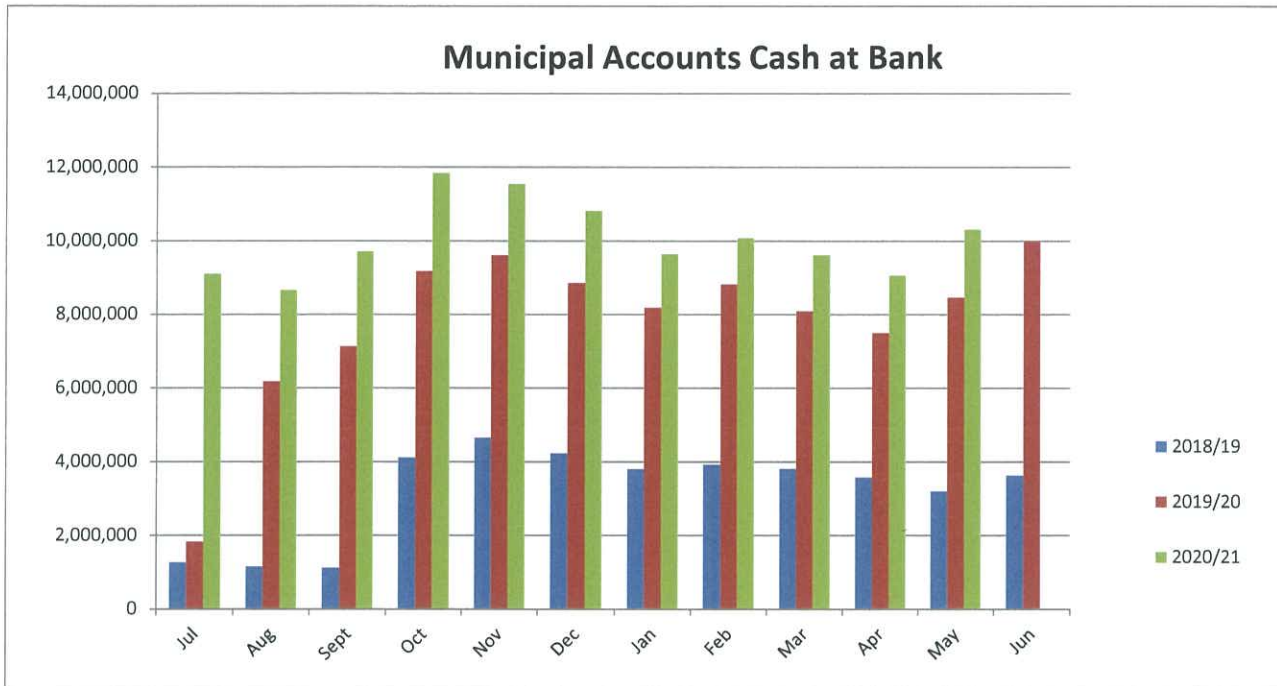


Shire of Donnybrook / Balingup
Graphical Presentation of Key Financial Data
For Period ended 31st May 2021

Cash & Investments

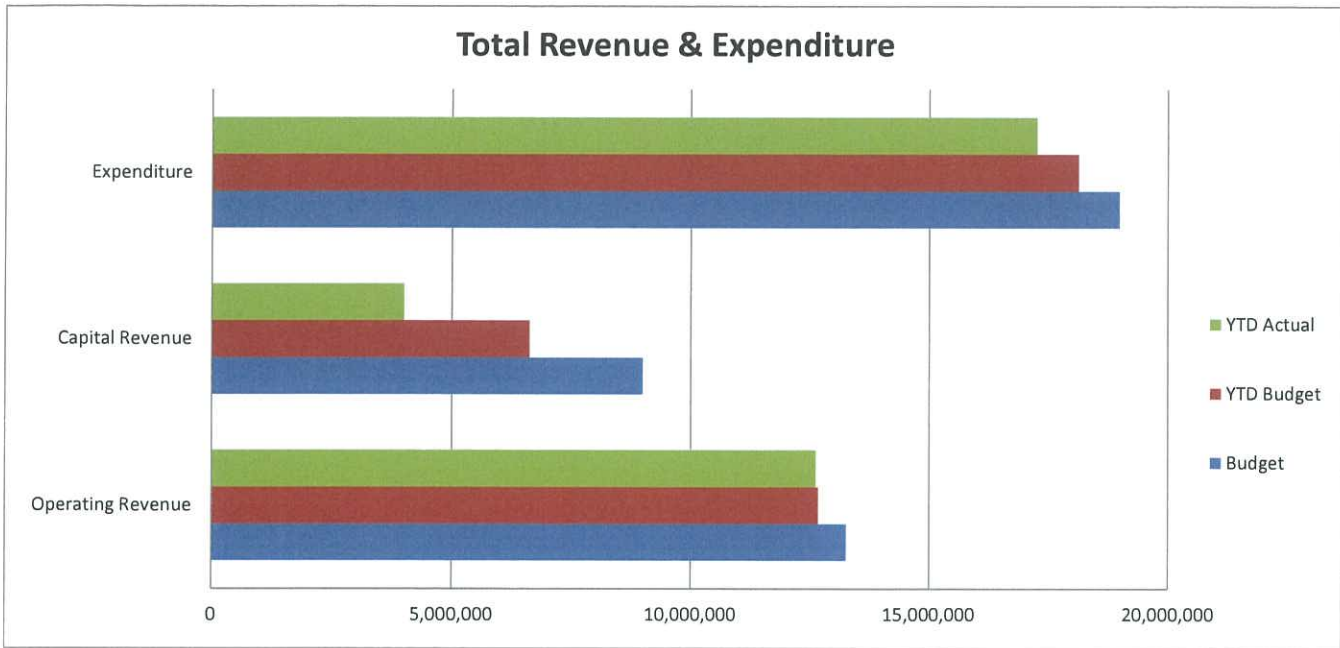
As at reporting date, the Shire's cash on hand as per the bank statements shows a reconciled balance of \$10,310,062.93. This includes investments held by the Shire of \$6,665,830.34.

Municipal Investment Account total	\$	3,014,510
Restricted Funds - Bond Deposits	\$	3,651,320
Municipal Account Cash at Bank total	\$	3,644,233
Reserve Account Cash at Bank total		0
Reserve Investment Accounts Cash at Bank	\$	6,495,771
	\$	16,805,833



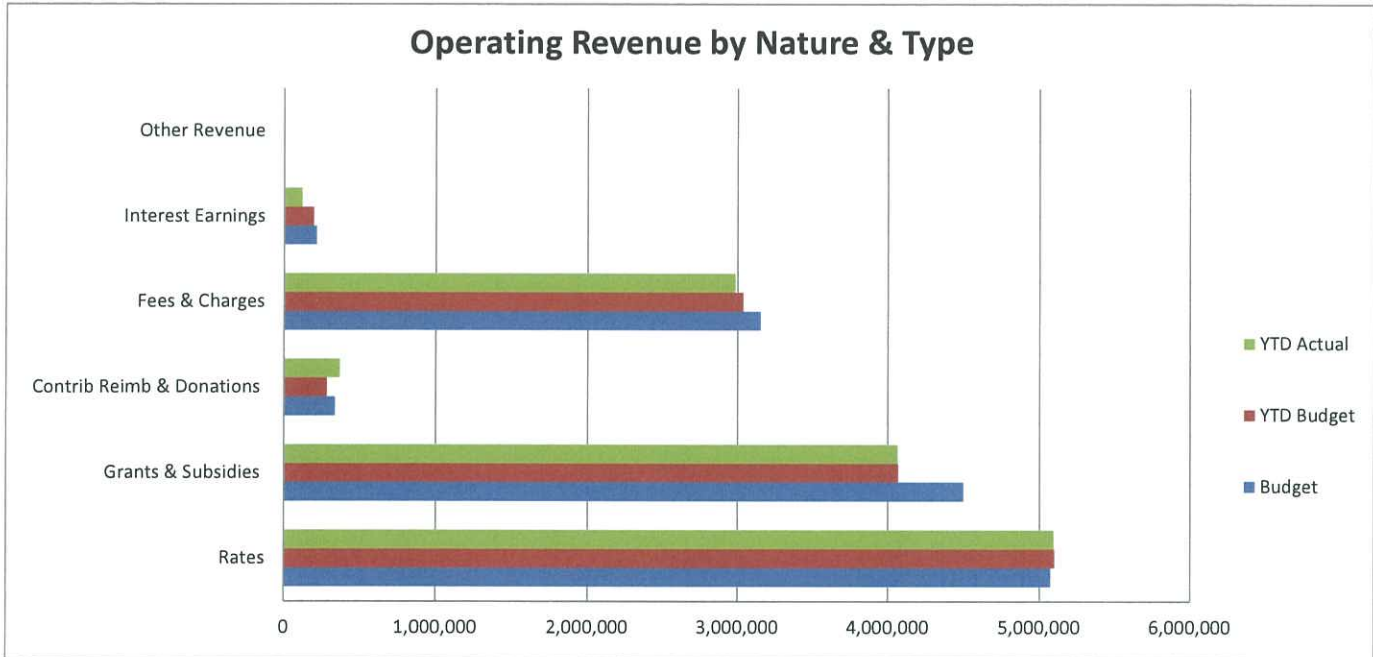
Shire of Donnybrook / Balingup
Graphical Presentation of Key Financial Data
For Period ended 31st May 2021

Nature & Type Reporting



Total Revenue & Expenditure	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	YTD Variance %
Operating Revenue	13,286,259	13,373,119	12,699,166	12,645,784	(0.42%)
Capital Revenue	8,994,403	9,512,581	6,624,697	4,012,498	(39.43%)
Expenditure	18,988,603	19,682,539	18,126,434	17,262,161	(4.77%)

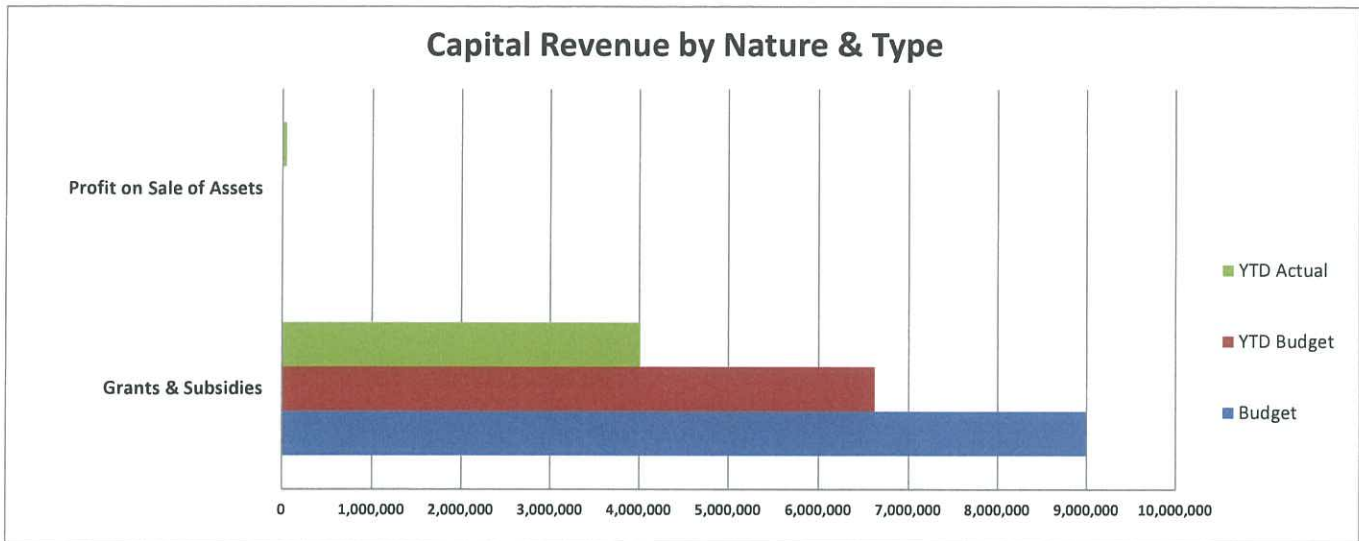
A further detailed analysis of total operating revenue, capital revenue and expenditures is provided via the various nature and type subsections listed below:



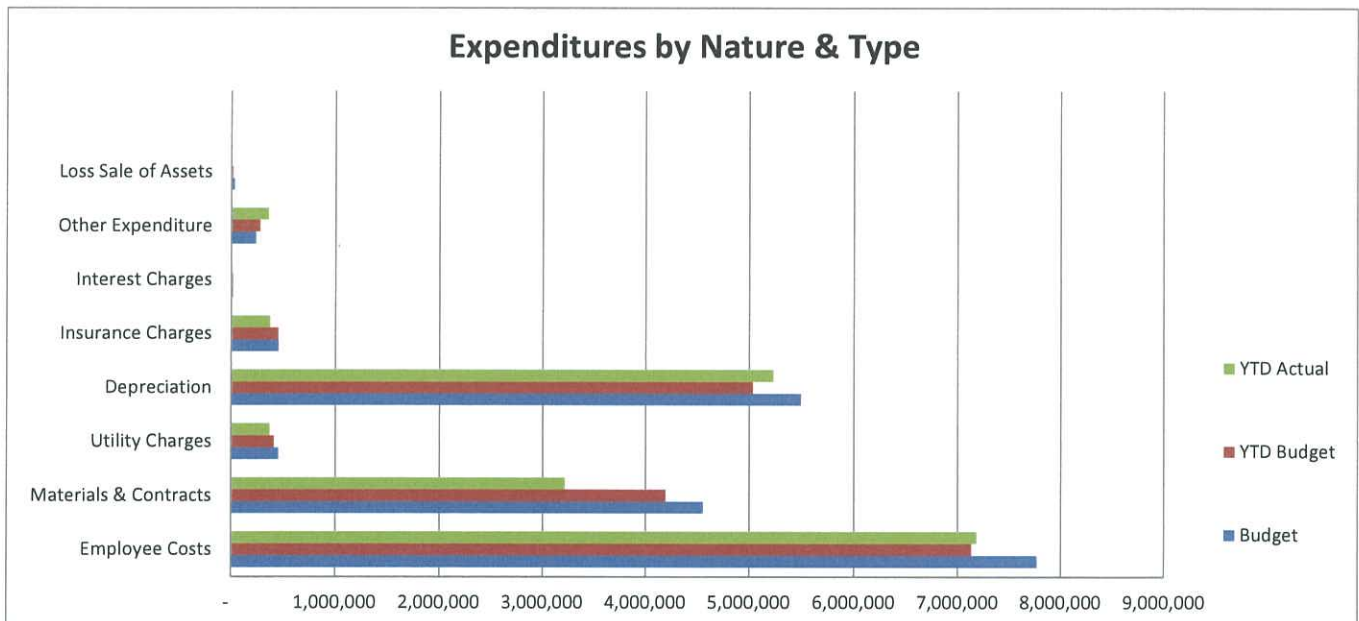
Operating Revenue by Nature & Type	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	YTD Variance %
Rates	5,074,942	5,101,442	5,101,292	5,097,958	(0.07%)
Grants & Subsidies	4,498,690	4,499,690	4,069,738	4,064,663	(0.12%)
Contrib Reimb & Donations	339,678	339,678	288,310	374,052	29.74%
Fees & Charges	3,154,474	3,213,834	3,039,571	2,985,166	(1.79%)
Interest Earnings	216,825	216,825	198,748	121,012	(39.11%)
Other Revenue	1,650	1,650	1,507	2,932	94.58%
Total	13,286,259	13,373,119	12,699,166	12,645,784	

Shire of Donnybrook / Balingup
Graphical Presentation of Key Financial Data
For Period ended 31st May 2021

Nature & Type Reporting (continued)



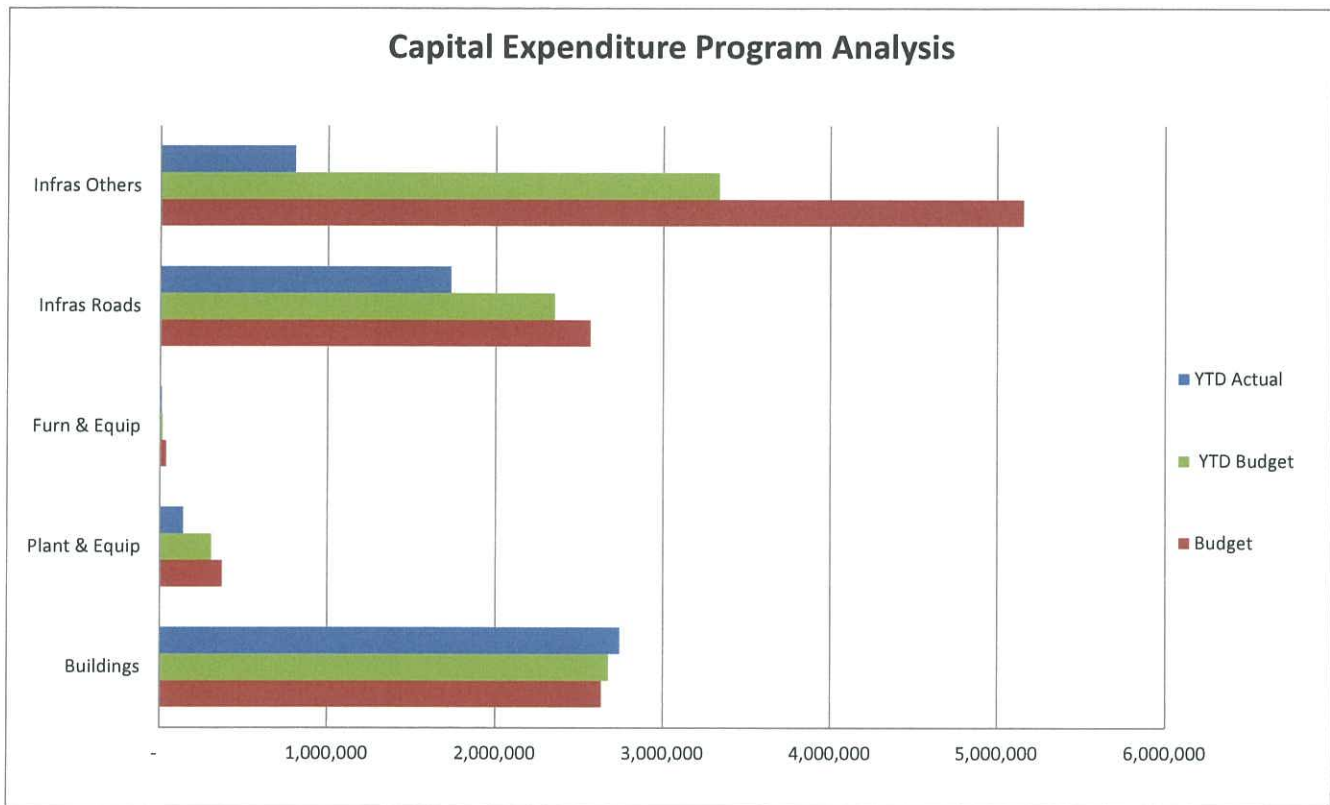
Capital Revenue by Nature and Type	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	YTD Variance %
Grants & Subsidies	8,994,403	9,512,581	6,624,697	4,012,498	(39.43%)
Profit on Sale of Assets	9,869	9,869	9,869	48,901	395.50%
Total	9,014,141	9,522,450	6,634,566	4,061,399	



Expenditures by Nature and Type	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	YTD Variance %
Employee costs	7,766,645	7,780,331	7,134,208	7,185,629	0.72%
Materials and contracts	4,559,200	5,165,972	4,200,721	3,220,358	(23.34%)
Utility charges	457,272	454,772	414,880	373,721	(9.92%)
Depreciation on Non Current Assets	5,494,234	5,494,234	5,036,251	5,232,094	3.89%
Insurance charges	456,518	456,581	455,755	377,019	(17.28%)
Interest charges	17,133	17,133	16,712	13,144	(21.35%)
Loss on sale of asset	32,470	32,470	18,450	9,262	0.00%
Other expenditure	237,601	313,516	278,472	360,585	29.49%
TOTAL	19,021,073	19,715,009	17,555,449	16,771,812	

Shire of Donnybrook / Balingup
Graphical Presentation of Key Financial Data
For Period ended 31st May 2021

Capital Acquisitions by Asset Class



Capital Acquisitions

	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	YTD Variance %
Buildings	2,635,764	2,943,494	2,678,562	2,742,412	2.38%
Plant & Equipment	371,556	371,556	309,850	143,368	(53.73%)
Furniture & Equipment	38,000	56,088	18,088	12,088	(33.17%)
Infrastructure Roads	2,567,418	2,547,418	2,353,230	1,734,422	(26.30%)
Infrastructure Others	5,160,088	5,554,488	3,335,526	807,265	(75.80%)
TOTAL	10,772,826	11,473,044	8,695,256	5,439,554	

**Shire of Donnybrook / Balingup
Operating Statement
For Period ended 31st May 2021**

		Adopted Budget 2020/21	Amended Budget 2020/21	Budget Year-to-date 2020/21	Actual Year-to-date 2020/21
Operating Revenues					
Rate Revenue	3	5,074,942	5,101,442	5,101,292	5,097,958
General Purpose Funding	3	1,163,234	1,163,234	1,146,155	1,124,869
Governance	4	64,084	63,462	63,286	52,332
Law, Order & Public Safety	5	577,580	577,580	451,983	506,623
Health	7	173,013	173,013	158,565	152,491
Education and Welfare	8	4,047,772	4,068,772	3,776,721	3,787,933
Community Amenities	10	1,134,936	1,169,296	1,163,634	1,205,606
Recreation & Culture	11	261,529	241,529	221,287	185,148
Transport	12	198,310	198,310	180,511	163,597
Economic Services	13	480,781	505,781	334,279	197,943
Other Property & Services	14	110,078	110,700	101,453	171,283
		13,286,259	13,373,119	12,699,166	12,645,784
Operating Expenses Excluding					
Borrowing Costs Expenses					
General Purpose Funding	3	(202,110)	(202,110)	(186,817)	(163,665)
Governance	4	(1,049,323)	(1,055,075)	(946,793)	(867,522)
Law, Order & Public Safety	5	(1,372,958)	(1,373,180)	(1,264,259)	(1,132,986)
Health	7	(260,039)	(267,375)	(238,835)	(217,222)
Education and Welfare	8	(5,020,297)	(5,029,720)	(4,654,560)	(4,639,593)
Community Amenities	10	(1,709,555)	(1,709,555)	(1,567,505)	(1,367,791)
Recreation & Culture	11	(3,576,815)	(3,542,394)	(3,247,086)	(3,214,510)
Transport	12	(4,818,754)	(4,818,754)	(4,423,509)	(4,382,335)
** Economic Services	13	(844,600)	(925,849)	(856,812)	(498,993)
Other Property & Services	14	(118,200)	(131,880)	(135,189)	(264,790)
		(18,972,651)	(19,055,893)	(17,521,365)	(16,749,406)
Borrowing Costs Expenses					
Governance	4	(2,876)	(2,876)	(2,629)	(2,746)
Law, Order & Public Safety	5	(111)	(111)	(99)	(189)
Health	7	(3,668)	(3,668)	(3,668)	(3,303)
Education and Welfare	8	(4,617)	(4,617)	(4,601)	(3,772)
Recreation and Culture	11	(2,012)	(2,012)	(1,970)	(1,735)
Transport	12	(0)	(0)	(0)	(0)
** Economic Services	13	(2,667)	(2,667)	(2,667)	(1,397)
		(15,951)	(15,951)	(15,634)	(13,144)
Contributions/Grants for the Development of Assets					
Law, Order & Public Safety	5	62,241	63,819	16,780	9,990
Education and Welfare	8	0	16,850	16,850	16,850
Community Amenities	10	170,000	190,000	135,000	81,221
Recreation & Culture	11	4,030,671	4,493,671	2,860,671	2,194,360
Transport	12	4,611,491	4,560,241	3,475,396	1,610,542
Economic Services	13	120,000	188,000	120,000	99,535
		8,994,403	9,512,581	6,624,697	4,012,498
GAIN OR (LOSS) ON THE DISPOSAL OF ASSETS					
Governance	4	622	622	622	0
Community Amenities	10	5,611	5,611	5,611	11,639
Transport	12	(21,321)	(21,321)	(7,300)	(8,350)
Economic Services	13	(7,514)	(7,514)	(7,514)	36,350
		(22,602)	(22,602)	(8,581)	39,639
Net Profit OR Loss / Result		3,269,458	3,823,157	1,778,284	(64,629)

** Note increased borrowing costs/decreased economic svcs operating expenditure for Collins Street Loan Interest **

Shire of Donnybrook / Balingup
Operating Statement (by Nature/Type)
For the Period ended 31st May 2021

	Adopted Budget 2020/21	Amended Budget 2020/21	Budget Year-to-date 2020/21	Actual Year-to-date 2020/21
OPERATING REVENUE AND EXPENDITURE				
(a) Summary by Nature and Type				
Revenue				
Rates	5,074,942	5,101,442	5,101,292	5,097,958
Grants and Subsidies (Operating)	4,498,690	4,499,690	4,069,738	4,064,663
Contributions Reimbursements and Donations (Operating)	339,678	339,678	288,310	374,052
Fees and Charges	3,154,474	3,213,834	3,039,571	2,985,166
Interest Earnings	216,825	216,825	198,748	121,012
Other Revenue	1,650	1,650	1,507	2,932
	<u>13,286,259</u>	<u>13,373,119</u>	<u>12,699,166</u>	<u>12,645,784</u>
Expenditure				
Employee Costs	(7,766,645)	(7,780,331)	(7,134,208)	(7,185,629)
Materials and Contracts	(5,201,797)	(5,165,972)	(4,790,156)	(3,719,969)
Utility Charges	(457,272)	(454,772)	(414,880)	(373,721)
Depreciation on Non Current Assets	(5,494,234)	(5,494,234)	(5,036,251)	(5,232,094)
Insurance Expenses	(456,518)	(456,581)	(455,755)	(377,019)
Interest Expenses	(17,133)	(17,133)	(16,712)	(13,144)
Other Expenses	(237,601)	(313,516)	(278,472)	(360,585)
	<u>(19,631,200)</u>	<u>(19,682,539)</u>	<u>(18,126,434)</u>	<u>(17,262,161)</u>
Less Applicable to Capital Works	(642,598)	(642,598)	(589,435)	(499,611)
	<u>(5,702,344)</u>	<u>(5,666,823)</u>	<u>(4,837,833)</u>	<u>(4,116,766)</u>
Non-operating grants, subsidies and contributions	8,994,403	9,512,581	6,624,697	4,012,498
Profit on asset disposals	9,869	9,869	9,869	48,901
Loss on asset disposals	(32,470)	(32,470)	(18,450)	(9,262)
Net result	<u>3,269,458</u>	<u>3,823,157</u>	<u>1,778,284</u>	<u>(64,629)</u>
Total Comprehensive Income	3,269,458	3,823,157	1,778,284	(64,629)

Shire of Donnybrook / Balingup
Operating Statement (by Nature/Type - detail)
For the Period ended 31st May 2021

OPERATING REVENUE AND EXPENDITURE (b) Classified According to Nature and Type:	2020/21			
	Adopted Budget	Amended Budget	YTD Budget	Actual
OPERATING REVENUE				
Rate Revenue				
Rates	5,074,942	5,101,442	5,101,292	5,097,958
Grants & Subsidies (Operating)				
Other Grants	4,498,690	4,499,690	4,069,738	4,064,663
Grants & Subsidies (Capital)				
** Other Grants	8,978,371	9,479,699	6,593,151	3,995,648
Reimbursements (Operating)				
** Reimbursements	334,838	334,838	283,910	341,033
Contributions & Donations (Operating)				
** Contributions, Reimbursements & Donations	4,840	4,840	4,400	33,019
Contributions & Donations (Cap)				
** Contributions, Reimbursements & Donations	16,032	32,882	31,546	16,850
Fees and Charges				
Waste Receptacle Fee	570,696	570,696	570,696	593,100
Waste Management Levy	498,070	497,000	497,000	501,322
Property Lease	426,507	427,577	391,853	346,643
Property Hire	58,106	58,106	53,240	64,120
Sale of Stock	8,000	8,000	7,326	4,868
Inspections	200	200	176	0
Other Charges	1,461,555	1,461,555	1,339,580	1,277,680
Fines and Penalties	5,100	5,100	4,653	11,820
Licenses, Approvals, Registrations	126,240	185,600	175,047	185,612
Interest Earnings				
Rates Penalty Interest Charge	37,500	37,500	34,375	39,998
Interest on Rates Instalments	16,500	16,500	15,125	17,225
Interest on Municipal Funds	159,325	159,325	146,047	62,455
Interest Other	3,500	3,500	3,201	1,335
Other Revenue				
Other Income	1,650	1,650	1,507	2,932
Profit on Sale of Non-Current Assets	9,869	9,869	9,869	48,901
Total Operating Revenue	22,290,531	22,895,569	19,333,732	16,707,183

Shire of Donnybrook / Balingup
Operating Statement (by Nature/Type - detail)
For the Period ended 31st May 2021

OPERATING REVENUE AND EXPENDITURE		2020/21			
(b) Classified According to Nature and Type:	Adopted Budget	Amended Budget	YTD Budget	Actual	
<u>OPERATING EXPENDITURE</u>					
Employee Costs					
Salaries and Wages (Operating only, excludes Capital)	6,550,811	6,644,497	6,093,836	6,003,660	
Superannuation	691,204	691,204	633,490	627,008	
Workers Compensation	290,890	210,890	190,772	284,108	
Clothing and Uniforms	39,733	39,733	36,399	62,063	
Training Expenses	104,599	104,599	95,821	34,178	
Fringe Benefits Tax	52,042	52,042	49,658	77,061	
** Employee Provisions	0	0	0	62,735	
Other Employee Costs	37,366	37,366	34,232	34,816	
Materials					
Materials	4,751,661	4,761,671	4,426,891	3,384,567	
Phone/Fax	51,401	49,901	45,569	58,498	
Fuels & Oils	175,000	175,000	160,402	80,880	
Contracts					
Contract Labour	81,335	37,000	26,790	98,867	
Professional Services & Consultants	142,400	142,400	130,504	97,158	
Utility Charges					
Sewerage	20,824	20,824	19,052	23,223	
Electricity / Gas	324,480	322,480	293,830	273,807	
Water	111,968	111,468	101,998	76,691	
Insurance Expenses					
Insurance	456,518	456,581	455,755	377,019	
Interest Expenses					
Interest on Leases	4,612	4,612	4,191	3,437	
Interest on Loans	12,521	12,521	12,521	9,707	

Shire of Donnybrook / Balingup
Operating Statement (by Nature/Type - detail)
For the Period ended 31st May 2021

4. OPERATING REVENUE AND EXPENDITURE	2020/21			
	Adopted Budget	Amended Budget	YTD Budget	Actual
(b) Classified According to Nature and Type:				
OPERATING EXPENDITURE (cont)				
Other Expenditure				
Postage	10,350	10,350	9,471	15,761
Other Expenditure	227,251	303,166	269,001	255,491
** style="padding-left: 20px;">Asset Write Off / Derecognition	0	0	0	89,332
Loss on Sale of Non-Current Assets	32,470	32,470	18,450	9,262
Depreciation				
Depreciation on Assets	5,494,234	5,494,234	5,036,251	5,232,094
Less: Applicable to Capital Works	(642,598)	(642,598)	(589,435)	(499,611)
Total Operating Expenditure	19,021,073	19,072,412	17,555,449	16,771,812
NET PROFIT OR LOSS / RESULT	3,269,458	3,823,157	1,778,284	(64,629)

** Grants & Subsidies (Capital) below YTD budget - variance relates to the timing of Roads to Recovery, Blackspot, Pathway Apple Funpark and Drought Community funding

** Reimbursements Operating income above YTD budget - includes additional insurance claims, workers comp reimb and paid parental leave

** Contributions & Donations (Operating) above YTD budget - includes additional income for Preston Village.

** Contributions & Donations (Capital) below YTD budget - variance relates to timing of contribution to assets for Infrastructure/Future works.

** Employee provisions - new practice implemented for 2020/21 financial year, adjustments to employee provision for Annual and LSL entitlements processed quarterly in the financial reports, previously done annually.

** Asset Write Off / Derecognition - variance relates to Bridge Street housing project - prior years Capital Expenditure treated as WIP Buildings project has now been handed to Alliance Housing during 2020/21 - no longer an asset.

**Shire of Donnybrook - Balingup
Statement of Financial Activity
For the Period ended 31st May 2021**

		2020/21 Adopted Budget \$	2020/21 Amended Budget \$	2020/21 YTD Budget \$	2020/21 YTD Actual \$	Variances Budget to Actual YTD %
REVENUES						
General Purpose Funding (Excl. Rates)	3	1,163,234	1,163,234	1,146,155	1,124,869	(1.86)
Governance	4	64,084	64,084	64,530	52,332	(18.90)
Law, Order, Public Safety	5	577,580	577,580	451,983	506,623	12.09
Health	7	173,013	173,013	158,565	152,491	(3.83)
Education and Welfare	8	4,047,772	4,068,772	3,776,721	3,787,933	0.30
Community Amenities	10	1,140,547	1,174,907	1,174,856	1,217,246	3.61
Recreation and Culture	11	261,529	241,529	221,287	185,148	(16.33)
Transport	12	201,946	201,946	187,783	164,509	(12.39)
Economic Services	13	480,781	505,781	334,279	234,293	(29.91)
Other Property and Services	14	110,702	110,700	101,453	171,283	68.83
		<u>8,221,188</u>	<u>8,281,546</u>	<u>7,617,612</u>	<u>7,596,727</u>	<u>(0.27)</u>
EXPENSES						
General Purpose Funding	3	(202,110)	(202,110)	(186,817)	(163,665)	(12.39)
Governance	4	(1,052,199)	(1,052,199)	(949,422)	(870,268)	(8.34)
Law, Order, Public Safety	5	(1,373,069)	(1,373,069)	(1,264,358)	(1,133,175)	(10.38)
Health	7	(263,707)	(263,707)	(242,503)	(220,526)	(9.06)
Education and Welfare	8	(5,024,914)	(5,025,103)	(4,659,161)	(4,643,365)	(0.34)
Community Amenities	10	(1,709,555)	(1,709,555)	(1,567,505)	(1,367,791)	(12.74)
Recreation & Culture	11	(3,578,827)	(3,540,382)	(3,249,056)	(3,216,246)	(1.01)
Transport	12	(4,843,710)	(4,843,710)	(4,445,381)	(4,391,597)	(1.21)
Economic Services	13	(854,781)	(854,781)	(874,507)	(424,476)	(51.46)
Other Property and Services	14	(118,200)	(131,880)	(135,189)	(264,790)	95.87
		<u>(19,021,072)</u>	<u>(18,996,497)</u>	<u>(17,573,899)</u>	<u>(16,695,897)</u>	<u>(5.00)</u>
Net Operating Result Excluding Rates:		<u>(10,799,884)</u>	<u>(10,714,951)</u>	<u>(9,956,287)</u>	<u>(9,099,170)</u>	<u>(8.61)</u>
Adjustments for Cash Budget Requirements:						
Non-Cash Expenditure and Income						
(Profit)/Loss on Asset Disposals		22,601	22,601	8,581	(39,639)	(561.94)
Asset Write Off / Derecognition		0	0	0	89,332	
Depreciation on Assets		5,494,234	5,494,234	5,036,251	5,232,094	3.89
Adjust Current Asset - Land Held for Resale		0	0	0	(45,468)	
Adjust Non Current Liabilities & Employee Prov.		0	0	0	(17,109)	
Adjust WIP Buildings		0	0	0	13,265	
Adjust Non Current Liabilities - POS Funds		0	265,738	0	265,738	
Capital Expenditure and Income						
Non Operating Grants, Subsidies & Contributions		8,994,403	9,512,581	6,624,697	4,012,498	(39.43)
** Purchase property, plant and equipment		(3,285,320)	(3,371,138)	(3,006,500)	(2,897,868)	(3.61)
Purchase and construction of infrastructure		(7,727,506)	(8,101,906)	(5,688,756)	(2,541,687)	(55.32)
Proceeds from disposal of assets		168,209	250,027	239,408	152,909	(36.13)
Proceeds from self supporting loan		9,143	9,144	8,382	9,144	9.09
Repayment of borrowings		(61,290)	(61,290)	(47,158)	(61,289)	29.97
Principal elements of finance lease payments		(53,871)	(53,871)	(62,727)	(53,253)	(15.10)
Proceeds from Lease		275,000	275,000	275,000	535,000	94.55
** Repayment of Life Lease		(308,000)	(308,000)	(308,000)	(583,000)	89.29
Transfer to Trust Fund		0	(75,915)	0	(75,915)	
Transfers to reserves (restricted assets)		(212,000)	(489,248)	(489,248)	(271,370)	(44.53)
Transfers from reserves (restricted assets)		1,372,213	1,242,099	726,263	426,863	(41.22)
ADD Estimated Surplus/(Deficit) July 1 B/Fwd		1,037,126	1,018,549	1,018,549	1,018,549 **	-
LESS Estimated Surplus/(Deficit) June 30 C/Fwd		0	15,096	(520,252)	1,167,584	(324.43)
Budgeted deficiency before general rates		<u>(5,074,942)</u>	<u>(5,101,442)</u>	<u>(5,101,292)</u>	<u>(5,097,958)</u>	<u>(0.07)</u>
Estimated amount to be raised from general rates		<u>5,074,942</u>	<u>5,101,442</u>	<u>5,101,292</u>	<u>5,097,958</u>	
		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	

** Note: Decrease in YTD actual estimated surplus/(deficit) July 1 B/Fwd figure of \$18,576.57 - the figure is made up of a variety of end of year transactions, a detailed listing has been reported on page 26.

** Note: Sale of U8 Preston Village reclassified from building capital expense to repayment of life lease**

Variance Reporting Threshold - \$10,000

Account No.	Account Description	Account Type	Year to Date Budget 31/05/2021	Actual to 31/05/2021	Variance Amount	Variance %	Permanent Variation	Comment
GENERAL PURPOSE FUNDING								
OPERATING INCOME								
0643	FEES & CHARGES	Inc	-18,326	-38,290	-19,964	108.94	x	Permanent variation - YTD Actual exceeds full year budget by approx \$18k - increased income from settlement agent account enquiries
4881	INTEREST - MUNICIPAL FUND	Inc	-27,500	-16,439	11,061	-40.22	x	Potential permanent variance - interest income is based on prevailing interest rates
4891	INTEREST - RESERVE FUND	Inc	-58,047	-27,161	30,886	-53.21	x	Potential permanent variance - interest income is based on prevailing interest rates
GOVERNANCE								
OPERATING EXPENDITURE								
0252	DONATIONS	Exp	28,171	17,715	-10,456	-37.11		Round 2 Grant allocations - expenditure under budget
6932	COUNCILLOR TRAINING	Exp	15,400	4,039	-11,361	-73.77		Councillor training - under budget by \$11k will be unspent by end of year
0262	ADMIN TRAINING CONFERENCE & COURSE FEES	Exp	45,001	17,412	-27,589	-61.31		Staff training - funds will be unspent by end of year
0292	EMPLOYEE INSURANCE - WORKERS COMPENSAT	Exp	32,582	54,531	21,949	67.37		Budget timing variation - invoice received earlier than budget estimate
0352	COMPUTER SOFTWARE COSTS	Exp	44,451	21,984	-22,467	-50.54		Software expenditure - will be underbudget by end of year
0362	OFFICE & SURROUNDS MTCE.	Exp	68,084	56,123	-11,961	-17.57		Admin office maintenance costs currently \$11k under budget
0372	OTH OFFICE EXPENSES (A003)	Exp	18,513	4,797	-13,716	-74.09	x	Potential permanent variation - No expenditure required for Revaluation of Assets due to change in regulations
0392	COMPUTER MTCE AGREEMENTS	Exp	97,904	61,211	-36,693	-37.48		Under budget - \$22k Data warehouse extraction system from IT Vision - project to be carried over to 21/22 budget
0582	CONTRACT STAFF WAGES	Exp	0	13,925	13,925		x	Permanent variation for contract Admin staff
OPERATING INCOME								
7863	INSURANCE REBATES	Inc	-61,812	-49,922	11,890	-19.24	x	Permanent variance - LGIS dividend payment
1045	TRANSFER FROM RESERVE	Inc	0	-16,400	-16,400			Budget timing variance - Reserve transfer for expenditure incurred Business Case Development
CAPITAL EXPENDITURE								
0554	PURCHASE PLANT VEHICLES	Exp	31,220	0	-31,220	-100.00		Budget timing variation - vehicle changeover to occur June 21
CAPITAL INCOME								
0595	SALE OF PLANT VEHICLE	Inc	-37,795	0	37,795	-100.00		Budget timing variation - vehicle changeover to occur June 21
LAW, ORDER & PUBLIC SAFETY								
OPERATING EXPENDITURE								
0632	FIRE CONTROL EXPENSES	Exp	40,766	17,133	-23,633	-57.97		Fire control expenses will be unspent by year end.
5142	ESL OPERATING EXPENSES SHIRE	Exp	171,534	154,691	-16,843	-9.82		ESL expenditure will be fully spent by 30th June.
6962	BUSH FIRE MITIGATION - SEMC	Exp	174,897	127,483	-47,414	-27.11	x	Majority of mitigation works now finalised due to weather constraints
8452	ADVERSE EVENTS PLAN	Exp	13,750	0	-13,750	-100.00	x	Potential permanent variance - event plan to be completed in house.
OPERATING INCOME								
5123	GRANTS - VFBF ESL OPERATING GRANT	Inc	-217,965	-251,608	-33,643	15.44	x	Grant over budget - additional supplementary funds received from 19/20
5983	REIMBURSEMENTS - DFES FOR CESM	Inc	-59,808	-73,354	-13,546	22.65		Budget timing variation - final recoup due 30 June
1163	GRANT - SES ESL OPERATING GRANT	Inc	-17,793	-28,072	-10,279	57.77		Grant over budget - additional supplementary funds received from 19/20
1303	GRANTS - PROGRAMS	Inc	-13,750	0	13,750	-100.00	x	Funding for Adverse Event plan to be reallocated to other Drought Community projects as per Budget Review
EDUCATION AND WELFARE								
OPERATING EXPENDITURE								
Preston Village								
8462	SELLING / LEASING COSTS - PRESTON VILLAGE	Exp	0	17,977	17,977		x	Additional expenditure incurred for Units 8 & 11 Preston Village
Tuia Lodge								
0983	TUIA LODGE STAFF TRAINING	Exp	16,500	6,110	-10,390	-62.97		Staff training budget will be under spent by end of year
1662	SALARIES (T/LODGE)	Exp	2,161,049	2,078,104	-82,945	-3.84		Tuia Salaries are currently \$82k under YTD budget
1672	SUPERANNUATION (T/LODGE)	Exp	193,402	207,848	14,446	7.47		Tuia Super is currently \$14.5k over YTD Budget
3672	EMPLOYEE ALLOWANCES - (TUIA)	Exp	40,000	60,288	20,288	50.72	x	Permanent variance - additional payments due to Covid Continuity of Workforce grant
3782	RESIDENT CATERING - (TUIA)	Exp	179,905	158,600	-21,305	-11.84		Tuia catering budget will be under spent by end of year
3832	MEDICAL SERVICES - (TUIA)	Exp	55,561	36,820	-18,741	-33.73		Medical services budget will be under spent by end of year
3882	CONSULTANCY SERVICES - (TUIA)	Exp	32,054	74,660	42,606	132.92	x	Permanent variance - consultancy will exceed budget by \$50k due to transfer costs
4272	ADVERTISING - (TUIA)	Exp	14,300	1,803	-12,497	-87.39		Advertising expenditure will be under spent by end of year
6062	FURN. & EQUIP. TUIA - NON CAPITAL	Exp	14,663	39,824	25,161	171.60	x	Permanent variance - equipment purchases exceed budget by approx. \$25k. Purchase of new mattresses to treat pressure wounds

Variance Reporting Threshold - \$10,000

Account No.	Account Description	Account Type	Year to Date Budget 31/05/2021	Actual to 31/05/2021	Variance Amount	Variance %	Permanent Variation	Comment
EDUCATION AND WELFARE								
Other Welfare								
0191	ASSET WRITE OFF / DERECOGNITION	Exp	0	89,332	89,332		x	Permanent variation - Asset write off/derecognition for Bridge St housing project
6812	BRIDGE ST PROJECT	Exp	504,469	518,001	13,532	2.68	x	Permanent variance - Final repayment of grant funding higher than budget estimate
OPERATING INCOME								
Preston Village								
1191	FEES & CHARGES - AMENITIES FEE - PRESTON VI	Inc	0	-63,659	-63,659		x	Permanent variation - Amenities Fees for Unit 11
1353	REIMBURSEMENTS - PRESTON VILLAGE	Inc	0	-14,224	-14,224		x	Permanent variation - reimbursement of refurbishment costs for Unit 11.
1523	FEES & CHARGES - LEASE PRESTON VILLAGE	Inc	-50,017	-36,863	13,154	-26.30	x	Permanent variation - reduction in income due to unit renovations
2523	FEES & CHARGES - RESERVE FUND FEE - PRESTI	Inc	0	-25,464	-25,464		x	Permanent variation - Reserve Fund Contribution for Unit 11
2573	TRANSFER FROM RESERVE	Inc	-31,939	0	31,939	-100.00		Budget variation - transfer dependant on expenditure.
Tuia Lodge								
1073	GRANTS (OPERATING)	Inc	-40,000	-60,320	-20,320	50.80	x	Permanent variation - additional grant funding received for Covid 19 continuity of workforce
1101	REIMBURSEMENTS	Inc	0	-21,411	-21,411		x	Permanent variation - reimbursement for staff parental leave
1693	CARE INCOME - ACFI SUBSIDIES	Inc	-1,869,076	-1,977,686	-108,610	5.81		Revenue sources vary across categories (to be considered as a whole)
1703	BASIC DAILY CARE FEE	Inc	-699,270	-552,070	147,200	-21.05		
1706	ACCOMMODATION FEE - DAILY ACCOMMODATION	Inc	-170,302	-199,183	-28,881	16.96		
1707	CARE INCOME - RESIDENT FEES - MEANS TESTE	Inc	-160,886	-80,030	80,856	-50.26		
			-2,899,534	-2,808,969	90,565	-3.12		
EDUCATION AND WELFARE								
Tuia Lodge								
1708	CARE INCOME - RESIDENT FEES - OTHER	Inc	-21,450	-49,978	-28,528	133.00	x	Permanent variation - Income for respite care has currently exceeded Full Year Budget by \$26.5k
2193	ACCOM. FEE - INTEREST ON RAD BONDS	Inc	-60,500	-18,855	41,645	-68.83	x	Permanent variation - income dependant on prevailing interest rates
Other Welfare								
1173	FEES & CHARGES - LEASE MININUP COTTAGES L	Inc	-31,350	-12,809	18,541	-59.14	x	Permanent variation - reduction in income due to unit renovations
CAPITAL EXPENDITURE								
Preston Village								
1174	PRESTON RETIREMENT VILLAGE - REPAY FIXED L	Exp	308,000	583,000	275,000	89.29	x	Permanent variation - Repayment of Units 8 and 11
Tuia Lodge								
7384	BUILDINGS - TUIA LODGE	Exp	70,604	32,302	-38,302	-54.25		Timing variation - minimal expenditure to date
Other Welfare								
8094	WELL AGED HOUSING - BUILDING ASSET RENEW	Exp	46,818	0	-46,818	-100.00		Budget timing variation - refurbishment of Units 6 & 7 has commenced
CAPITAL INCOME								
Preston Village								
0315	PROCEEDS FROM LEASED PROPERTY LOT 141 St	Inc	-275,000	-535,000	-260,000	94.55	x	Permanent variation - additional \$260k received for the sale of Unit 11
0955	TRANSFER FROM RESERVE	Inc	-33,000	0	33,000	-100.00		Reserve transfer for balance of funds from Preston Village Unit sales
Tuia Lodge								
0715	TRANSFER FROM BUILDINGS RESERVE	Inc	-38,542	-27,331	11,211	-29.09		Reserve transfer dependant on timing of capital expenditure
Other Welfare								
7315	TRANSFER FROM RESERVE	Inc	-50,000	0	50,000	-100.00		Reserve transfer for Asset Renewal works at Well Aged units
COMMUNITY AMENITIES								
OPERATING EXPENDITURE								
1762	DOMESTIC REFUSE COLLECT	Exp	128,843	117,823	-11,020	-8.55		Timing variation - May payment delayed due to computer issues from supplier
1772	RUBBISH SITES MTC	Exp	388,080	364,546	-23,534	-6.06		Timing variation - normal operational variance
1782	DOMESTIC RECYCLING PICKUP	Exp	133,782	83,783	-49,999	-37.37		Expenditure for domestic recycling will be unspent by year end
1802	ORGANIC REFUSE REMOVALS	Exp	114,598	85,279	-29,319	-25.58		Expenditure for organics refuse removals will be unspent by year end
2302	DBK CEMETERY MNTCE	Exp	58,630	27,986	-30,644	-52.27		Cemetery maintenance will be unspent by year end
2322	PUBLIC CONVENIENCES	Exp	180,484	164,024	-16,460	-9.12		Expenditure for public conveniences will be unspent by end of year
OPERATING INCOME								
1803	FEES & CHARGES - KERBSIDE BIN SERVICES	Inc	-570,696	-593,100	-22,404	3.93	x	Permanent variation - income higher than budget estimates
2383	FEES & CHARGES - CEMETERIES BALINGUP	Inc	-1,826	-13,825	-11,999	657.11	x	Permanent variation - additional \$11.9k received above full year budget
CAPITAL EXPENDITURE								
6014	DONNYBROOK LANDFILL SITE CAPITAL WORKS	Exp	22,900	12,883	-10,017	-43.74		Capital works for rehabilitation and capping of Donnybrook Landfill site
0965	PUBLIC TOILETS - ASSET MANAGEMENT PLAN	Exp	160,000	83,173	-76,827	-48.02		Expenditure dependant on timing of capital works

Variance Reporting Threshold - \$10,000

Account No.	Account Description	Account Type	Year to Date Budget 31/05/2021	Actual to 31/05/2021	Variance Amount	Variance %	Permanent Variation	Comment
CAPITAL INCOME								
1845	TRANSFER FROM RESERVE	Inc	-35,400	0	35,400	-100.00		Reserve transfer dependant on timing of capital expenditure for Donnybrook Refuse site
2405	GRANTS (CAPITAL) - ASSETS	Inc	-135,000	-81,221	53,779	-39.84		Grant income is dependant on the timing of the works for the upgrade of the public toilets
RECREATION AND CULTURE								
OPERATING EXPENDITURE								
Recreation Centre								
2837	WATER (POOL) - DBK REC CENTRE	Exp	13,750	2,888	-10,862	-79.00		Water expenditure for Pool will be unspent by year end
5037	DBK REC CENTRE - ASSET MTC / REFUB	Exp	18,541	4,462	-14,079	-75.93		Expenditure dependant on timing of works
Other Recreation & Sport								
2642	PARKS & RESERVES GENERAL	Exp	589,930	529,579	-60,351	-10.23		Expenditure for parks general will be unspent by year end
2662	EGAN PARK	Exp	77,547	51,147	-26,400	-34.04		Expenditure for egan park will be unspent by year end
RECREATION AND CULTURE								
Other Culture								
5272	PROMOTION OF COMMUNITY EVENTS	Exp	48,279	25,310	-22,969	-47.58		Funds will be fully spent by 30th June
OPERATING INCOME								
Recreation Centre								
1075	TRANSFER FROM RESERVE	Inc	-23,331	-9,281	14,050	-60.22		Reserve transfer dependant on timing of Asset Mtc projects
1201	FEES & CHARGES - GYMNASIUM / MEMBERSHIPS	Inc	-64,163	-47,470	16,693	-26.02	x	Potential permanent variation
CAPITAL EXPENDITURE								
0194	FUNPARK - REDEVELOPMENT COSTS	Exp	795,000	301,327	-493,673	-62.10		Unspent expenditure will be carried forward 21/22 Budget
0284	BALINGUP RECREATION CENTRE	Exp	43,000	3,000	-40,000	-93.02		Unspent expenditure will be carried forward 21/22 Budget
1184	OTHER INFRASTRUCTURE DONNYBROOK	Exp	155,588	80,233	-75,355	-48.43		Unspent expenditure will be carried forward 21/22 Budget (VC Michell park bore, pump track)
1214	OTHER INFRASTRUCTURE BALINGUP	Exp	36,000	21,822	-14,178	-39.38		Unspent expenditure will be carried forward 21/22 Budget (Balingup oval bore)
8924	INFRASTRUCTURE OTHER - KIRUP	Exp	25,000	11,446	-13,554	-54.21		Kirup drink fountain to be carried forward to 21/22
8944	INFRASTRUCTURE - VC MITCHELL PARK REDEVEI	Exp	180,000	90,520	-89,480	-49.71		Unspent expenditure will be carried forward 21/22 Budget
1094	DONNYBROOK HERITAGE PRECINCT	Exp	2,040,000	2,230,119	190,119	9.32	x	Expenditure is over YTD budget - includes approx \$177k funding received in 19/20
CAPITAL INCOME								
2865	TRANSFER FROM RESERVES	Inc	-105,662	-138,617	-32,955	31.19		Reserve transfers for Dbk Rec Centre Capital works dependant on completion of works
0675	TRANSFER FROM RESERVE	Inc	-15,000	0	15,000	-100.00		Budget timing variation - dependant on timing of works
7105	GRANTS (CAPITAL) - ASSETS	Inc	-945,000	-177,758	767,242	-81.19		Budget variation - Grant funding is dependant on timing of project milestones
3165	GRANTS (CAPITAL) - ASSETS	Inc	-1,915,671	-2,016,602	-100,931	5.27	x	Heritage Precinct grant funding - exceeds YTD budget inc. \$177k funding c/over from 19/20
TRANSPORT								
CAPITAL EXPENDITURE								
3200	BRIDGEWORKS - EXT. FUNDED	Exp	1,668,000	0	-1,668,000	-100.00		Payments due in June - \$60k will be held over for Bridge Mtc in 21/22
3210	ROADWORKS GENERAL	Exp	354,871	269,344	-85,527	-24.10		Victory Lane project to be carried over 21/22 budget
3260	REGIONAL ROAD GROUP	Exp	985,578	969,126	-16,452	-1.67		Collins St project to be carried over 21/22 budget
3300	ROADS TO RECOVERY FEDERAL FUNDING PROGI	Exp	389,477	285,395	-104,082	-26.72		Subject to weather - project will be fully expended by 30 June
3330	BLACKSPOT FUNDED ROAD WORKS	Exp	623,304	210,556	-412,748	-66.22		Balance of works to be carried over to 21/22 - approved by RRG
3554	PURCHASE PLANT & EQUIPMNT	Exp	208,097	106,000	-102,097	-49.06		Timing variation - awaiting delivery of Tip Truck and 2 x Works Utes
CAPITAL INCOME								
0325	GRANTS - BLACK SPOTS	Inc	-339,999	-249,155	90,844	-26.72		Remaining grant funding carried over to 21/22 budget
3191	CONTRIBUTION TO ASSETS (INFRASTRUCTURE/F	Inc	-14,696	0	14,696	-100.00		Contributions due in June
3251	GRANTS - LGGC SPECIAL PROJECTS (BRIDGES)	Inc	-1,668,000	0	1,668,000	-100.00		Due to be finalised in June
3291	GRANTS - REGIONAL ROAD GROUP	Inc	-616,667	-556,050	60,617	-9.83		Remaining grant funding carried over to 21/22 budget
3341	GRANTS - PATHWAYS PROGRAM	Inc	-93,951	-72,188	21,764	-23.16		Claim in progress, due in June - project will be under budget by approx. \$5k
3565	RESERVE FUND TRANSFER	Inc	-59,967	0	59,967	-100.00		Reserve transfer for plant replacement program - dependant on timing of vehicle purchases
3575	SALE OF PLANT & EQUIPMENT	Inc	-70,000	-28,364	41,636	-59.48		Timing variation - dependant on delivery of new vehicles
OPERATING EXPENDITURE								
3370	STREET TREES & PRUNING	Exp	58,278	27,770	-30,508	-52.35		Tree pruning subject to contractor availability
341M	GENERAL ROAD MAINTENANCE	Exp	913,374	894,871	-18,503	-2.03		General Road Mtc will be unspent by end of year
3550	ROAD ASSET MANAGEMENT	Exp	50,413	24,181	-26,232	-52.03		Review of service delivery model in progress
OPERATING INCOME								
3511	REIMBURSEMENTS	Inc	-17,750	0	17,750	-100.00		No income to date - Awaiting approval from WANDRA for storm damage claim
3651	FROM ROADWORKS RESERVE	Inc	-13,307	-23,500	-10,193	76.60		Funds for purchase of new trailer to be transferred in June 21

Variance Reporting Threshold - \$10,000

Account No.	Account Description	Account Type	Year to Date Budget 31/05/2021	Actual to 31/05/2021	Variance Amount	Variance %	Permanent Variation	Comment
ECONOMIC SERVICES								
OPERATING EXPENDITURE								
3842	NOXIOUS WEEDS/PEST PLANTS	Exp	318,318	14,232	-304,086	-95.53		Project is being administered by Shire of Collie - project due for completion in 21/22.
2192	DONNYBROOK TRANSIT PARK MAINTENANCE	Exp	49,725	36,991	-12,734	-25.61		Transit Maintenance - funds will be unspent by year end
4082	CONTRACT LABOUR & RELIEF	Exp	13,750	0	-13,750	-100.00		Funds will be unspent by year end
OPERATING INCOME								
3413	GRANTS - PROGRAMS	Inc	-157,633	0	157,633	-100.00		Income dependant on completion of works for weed program - project not due for completion until 21/22
3993	FEES & CHARGES - BALINGUP TRANSIT	Inc	-6,413	-19,464	-13,051	203.51	x	Permanent variation - income is \$13k above full year budget
CAPITAL EXPENDITURE								
8234	INFRASTRUCTURE OTHER	Exp	147,000	99,535	-47,465	-32.29		Drought community projects will be carried forward for completion in 21/22
4194	PLANT AND EQUIPMENT	Exp	34,000	0	-34,000	-100.00		Budget timing variation - vehicle due for delivery in June 21
CAPITAL INCOME								
0975	GRANTS (CAPITAL) - ASSETS	Inc	-120,000	-99,535	20,465	-17.05		Drought community projects will be carried forward for completion in 21/22
4215	TRNSFR FROM RESERVE	Inc	-22,000	0	22,000	-100.00		Transfer from Reserve to be processed in June
4225	SALE OF PLANT & EQUIPMENT	Inc	-12,000	0	12,000	-100.00		Vehicle due for trade in June
Fund Transfer								
4760	TO VEHICLE & PLANT RESERVE	Exp	212,000	0	-212,000	-100.00		Budget timing variation - dependant on completion of plant replacement program
4770	TO AGED CARE HOUSING RESERVE	Exp	10,510	0	-10,510	-100.00		Transfer to be processed in June
PUBLIC WORKS OVERHEADS								
Various A/cs	EXPENDITURE - PUBLIC WORKS OVERHEADS	Exp	1,391,493	1,339,838	-51,655	-3.71		
7422	LESS ALLOCATED TO W&S	Exp	-1,292,841	-1,147,119	145,722	-11.27		
Various A/cs	INCOME - PUBLIC WORKS OVERHEADS	Inc	-94,242	-143,627	-49,385	52.40		
	TOTAL PUBLIC WORKS OVERHEADS		4,410	49,091	44,681	1013.18		Public Works Overheads are currently \$49,091 under allocated.
PLANT OPERATION COSTS								
Various A/cs	EXPENDITURE - PLANT OPERATION COSTS	Exp	782,832	704,023	-78,809	-10.07		
4512	LESS POC ALLOCATED TO W&S	Exp	-747,010	-631,804	115,206	-15.42		
Various A/cs	INCOME - PLANT OPERATION COSTS	Inc	-27,676	-30,746	-3,070	11.09		
	TOTAL PLANT OPERATION COSTS		8,146	41,473	33,327	409.12		Plant Operation Costs are currently \$41,473 under allocated.
PROJECT OPERATION COSTS								
Various A/cs	EXPENDITURE - PROJECT OPERATION COSTS		272,063	305,032	32,969	12.12		
4197	LESS ALLOCATED TO PROJECTS	Exp	-271,337	-305,032	-33,695	12.42		
	TOTAL PROJECT OPERATION COSTS		726	0	-726	-100.00		Project Operation Costs are fully allocated across projects
TOTAL GROSS SALARY & WAGES								
4570	TOTAL SALARIES AND WAGES	Exp	6,237,794	6,350,634	112,839	1.81		Wages and Salaries approx \$112k over YTD Budget - Potential permanent variance (includes workers compensation payments of approx. \$112k and \$24k LSL due from Reserve)
Note 1	Budget and Actual Income shown as negative figures. Budget and Actual Expenditure shown as positive figures. Therefore a negative variance indicates either more income or less expenditure than budget YTD estimate (positive effect on budget) Therefore a positive variance indicates either less income or more expenditure than budget YTD estimate (negative effect on budget)							
Note 2	Salaries and Wages variances are shown in total only in Schedule 14 (Public Works Overheads) Variances relating to internal costings and allocations are not reported. Variances relating to amounts transferred to/from Reserve have not been reported.							

Shire of Donnybrook / Balingup
Summary of Financial Activity - Cash
For the Period ended
31st May 2021

	Sch No	2020/21 Amended Budget		2020/21 Actual	
		Income	Expenditure	Income	Expenditure
OPERATING SECTION					
General Purpose Funding	3	6,264,676	202,110	6,222,827	163,665
Governance	4	89,020	1,052,199	72,168	870,268
Law, Order & Public Safety	5	581,860	1,373,069	506,623	1,133,175
Health	7	173,013	263,707	152,491	220,526
Welfare Services	8	4,111,776	5,025,103	3,788,233	4,643,365
Community Amenities	10	1,174,907	1,709,555	1,217,246	1,367,791
Recreation & Culture	11	307,804	3,540,382	226,489	3,216,246
Transport	12	228,559	4,843,710	188,009	4,391,597
Economic Services	13	505,782	854,781	234,293	500,391
Other Property & Services	14	131,790	131,880	174,373	264,790
		13,569,187	18,996,495	12,782,752.13	16,771,812.28
CAPITAL SECTION					
Governance	4	193,635	209,847	106,945	125,677
Law, Order & Public Safety	5	67,819	85,488	13,990	86,929
Health	7	0	11,693	0	11,693
Welfare Services	8	521,152	545,993	579,182	656,771
Community Amenities	10	263,195	271,620	123,948	127,756
Recreation & Culture	11	4,923,477	4,992,460	2,404,024	2,996,560
Transport	12	4,829,557	5,543,734	1,638,906	2,018,805
Economic Services	13	303,818	311,285	181,353	112,905
Transfers To Reserves	15	0	489,248	0	271,370
		11,102,653	12,461,368	5,048,347.15	6,408,466.05
Total Income & Expenditure		24,671,840	31,457,863	17,831,099	23,180,278
Less Depreciation W/Back			(5,494,234)		(5,232,094)
Adjust Profit/Loss Adjustment		9,869	(32,470)		39,639
Adjust Asset Write Off / Derecognition					(89,332)
Net		24,661,971	25,931,159	17,831,099	17,898,490
Add Surplus July 1 B/Fwd		1,018,549		1,018,549	
Adjust WIP Buildings				13,265	
Adjust Current Asset Land Held for Resale					45,468
Adjust Employee Entitlements					13,956
Adjust to NCL (Leave Provisions)					3,153
Adjust NCL - POS Liability		265,738		265,738	
Rounding Adjustment			2		0
Surplus/Deficit C/Fwd			15,097		1,167,584
		25,946,258	25,946,258	19,128,652	19,128,652

** Decrease in 2020/21 actual opening surplus of \$18,576.57 - please see page 26 for detailed breakdown.

Shire of Donnybrook / Balingup
Summary of Financial Activity - Cash
For the Period ended
31st May 2021

Surplus/Deficit Summary C/Forward Represented by;

(A) Cash at Bank and on Hand	10,312,223	
Cash at Bank - Reserves	6,495,771	
Sundry Debtors Rates	441,510	
Receivables/Debtors	224,970	
Contract Assets	13,383	
GST Asset Clearing A/C	83,377	
ESL Asset Clearing A/C	322,670	
Stock on Hand	<u>123,098</u>	18,017,000
(B) Provision for LSL Current	(467,343)	
Provision for A/L Current	(550,537)	
Add Cash Back Reserve	192,881	
Contract Liability	(1,974,695)	
GST Liability Clearing A/C	(12,147)	
ESL Liability Clearing A/C	(297,740)	
PAYG Clearing A/C	(114,062)	
Prepaid Rates	(141,261)	
Reserve Funds	(6,495,771)	
Restricted Liability (Bonds)	(6,145,788)	
Sundry Creditors	<u>(842,954)</u>	(16,849,417)
Net Current Assets		<u>1,167,584</u>

Shire of Donnybrook - Balingup
Notes To And Forming Part of the Financial Statements
For the Period ended 31st May 2021

1. SIGNIFICANT ACCOUNTING POLICIES

The significant accounting policies which have been adopted in the preparation of this financial report are:

(a) Basis of Accounting

The financial report has been prepared in accordance with applicable Australian Accounting Standards, (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. The report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements.

(c) Rounding Off Figures

All figures shown in this report are rounded to the nearest dollar.

(f) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(g) Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST.

(h) Superannuation

The Shire of Donnybrook / Balingup contributes to a number of Superannuation Funds on behalf of employees. All funds to which the Shire contributes are defined contribution plans.

(i) Fixed Assets

Property, plant and equipment and infrastructure assets are brought to account at cost or fair value less, where applicable, any accumulated depreciation, amortisation or impairment losses.

Effective from 1 July 2012, the Local Government (Financial Management) Regulations were amended and the measurement of non-current assets at Fair Value became mandatory.

(j) Investments

All investments are valued at cost and interest on those investments is recognised when accrued.

(k) Impairment

In accordance with Australian Accounting Standards the Shire's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication that they may be impaired.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating units exceeds its recoverable amount. Impairment losses are recognised in the income statement.

Shire of Donnybrook - Balingup
Notes To And Forming Part of the Financial Statements
For the Period ended 31st May 2021

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(l) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets. Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the time the asset is completed and held ready for use.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are:

Asset Class	Useful Life
Buildings	20 to 100 years
Office Furniture and Equipment	5 to 15 years
Computer Equipment	4 to 15 years
Plant and Equipment	5 to 15 years
Infrastructure:	
Bridges	27 to 77 years
Road clearing and earthworks	not depreciated
Road Pavement	40 to 45 years
Road Seal	15 years
Carparks	40 years
Cycleways	40 years
Footpaths - Concrete	25 to 71 years
Footpaths - Slab	25 to 71 years
Storm Water Drainage	83 years
Other	4 to 80 years

(m) Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of property is recognised in the operating statement as at the time of signing a binding contract of sale.

(n) Employee Entitlements

The provisions for employee entitlements relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries and Annual Leave (Short-term benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the municipality has a present obligation to pay resulting from employees' services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates.

(ii) Annual Leave and Long Service Leave (Long-term benefits)

The provision for employees' benefits for annual leave and long service leave expected to be settled more than 12 months from the reporting date represents the present value for the estimated future cash outflows to be made by the employer resulting from the employees' service to balance date.

Shire of Donnybrook - Balingup
Notes To And Forming Part of the Financial Statements
For the Period ended 31st May 2021

2. COMPONENT FUNCTIONS/ACTIVITIES

The activities relating to the Local Government's components are as follows:

(b) Statement of Objective

In order to discharge its responsibilities to the community, the Shire has developed a set of operational and financial objectives. These objectives have been established both on an overall basis and for each of its broad activities/programs.

Council operations as disclosed in this budget encompass the following service orientated activities/programs:

- 03 GENERAL PURPOSE FUNDING**
Objective: To collect revenue to allow for the provision of services.
Activities: General rate revenue, general purpose grants and interest revenue.
- 04 GOVERNANCE**
Objective: To provide a decision making process for the efficient allocation of scarce resources.
Activities: Administration and operation of facilities and services to members of Council; Other costs that relate to the tasks of assisting elected members and ratepayers on matters which do not concern specific council services.
- 05 LAW, ORDER, PUBLIC SAFETY**
Objective: To provide services to help insure a safer community.
Activities: Supervision of various local laws, fire prevention, animal control and State Emergency Service.
- 07 HEALTH**
Objective: To provide an operational framework for good community health.
Activities: Health Inspection and administration, preventative services and medical centre buildings.
- 08 EDUCATION AND WELFARE**
Objective: To meet the needs of the community in these areas.
Activities: Operation of Frail Aged Hostel, Well Aged Housing, Community Development Child Care Centre & Youth Welfare
- 09 HOUSING**
Objective: To help ensure adequate housing.
Activities: Maintenance of rental housing facilities. Council does not currently provide services in this area.
- 10 COMMUNITY AMENITIES**
Objective: Provide services required by the community.
Activities: Refuse and recycling collection services, operation of refuse disposal sites, town planning & regional development, cemeteries, public conveniences and protection of the environment
- 11 RECREATION AND CULTURE**
Objective: To establish and manage efficiently infrastructure and resources which will help the social well being of the community.
Activities: Maintenance of public Halls, parks and reserves, sporting facilities, libraries and museum.

Shire of Donnybrook - Balingup
Notes To And Forming Part of the Financial Statements
For the Period ended 31st May 2021

2. COMPONENT FUNCTIONS/ACTIVITIES

12 TRANSPORT

Objective: To provide effective and efficient transport services to the community.
 Activities: Construction and maintenance of roads, drainage works, footpaths, parking facilities, traffic signs, street cleaning, street trees, private works and traffic management.

13 ECONOMIC SERVICES

Objective: To help promote the Shire and improve its economic well being.
 Activities: Promotion of Tourism, Maintenance of Caravan Park, building control, noxious weed control, receipt of royalties.

14 OTHER PROPERTY & SERVICES

Activities: Plant repairs, public works overheads and other operational costs.

3. CASH AND INVESTMENTS

Actual cash balances versus end-of-year projected results are detailed below:

	Budget 30/06/2021	B/Forward 01/07/2020	YTD Actual 31/05/2021
Restricted (See below)	5,704,551.00	6,624,763	6,495,771
Restrictive Liability (Bonds)	5,424,593.00	5,739,577	3,651,320
Restricted Funds - Trust Deposit	0.00	189,561	0
Unrestricted			
Municipal Fund	6,464,250.00	3,241,806	3,644,233
Municipal Investment Account	0.00	1,014,496	3,014,510
Petty Cash on Hand	2,160.00	2,160	2,160
Total Cash Balance	17,595,554.00	16,812,362	16,807,993

The following reserve funds have restrictions imposed by Council under Regulations or by external requirements:

Waste Management Reserve	1,410,974	1,535,974	1,535,974
Bushfire Control & Management Reserve	2,282	2,282	2,282
Aged Housing Reserve	1,144,953	1,187,133	1,191,873
Employee Entitlements Reserve	185,381	192,881	193,672
Arbuthnott Memorial Scholarship Reserve	3,285	3,585	3,285
Strategic Planning Studies Reserve	40,051	40,051	40,051
Land Development Reserve	450,271	450,271	350,271
Vehicle and Plant Reserve	376,690	402,000	402,100
Roadworks Reserve	435,434	435,434	435,434
Parks and Reserves Reserve	153,744	153,744	153,744
Revaluation Reserve	10,700	10,700	10,700
CBD Development Reserve	3,054	3,054	3,054
Buildings Reserve	247,216	758,523	705,272
Apple Funpark Reserve	99,521	99,521	0
Information Technology Reserve	99,523	107,523	107,523
Carried Forward Projects Reserve	938,940	1,139,556	995,356
Covid 19 Reserve	102,532	102,532	99,442
POS Reserve - Donnybrook			208,771
POS Reserve - Balingup	0	0	56,967
	5,704,551	6,624,763	6,495,771

Shire of Donnybrook - Balingup
Notes To And Forming Part of the Financial Statements
For the Period ended 31st May 2021

4. NET CURRENT ASSETS

Composition of Net Current Asset Position

CURRENT ASSETS

	Budget 30/06/2021 \$	B/Forward 01/07/2020 \$	YTD Actual 31/05/2021 \$
Cash at Bank and on Hand	761,859	4,258,461	4,166,435
Restricted Assets - Reserves	5,704,551	6,624,763	6,495,771
Restricted Assets - Bond Deposits	5,424,593	5,739,577	6,145,788
Restricted Assets - Trust Funds	0	189,561	0
Sundry Debtors Rates	508,475	404,548	441,510
Receivables/Debtors	115,938	86,923	224,970
Accrued Income	63,913	51,716	0
GST Asset Clearing A/C	85,772	69,403	83,377
ESL Asset Clearing A/C	28,927	23,407	322,670
Prepayments	35,000	17,028	0
Stock on Hand	10,284	10,284	123,098
Land Held for Resale	97,652	97,652	0
Contract Assets	115,000	413,642	13,383
Self Supporting Loan Debtors	0	0	0
	12,951,964	17,986,966	18,017,000

CURRENT LIABILITIES

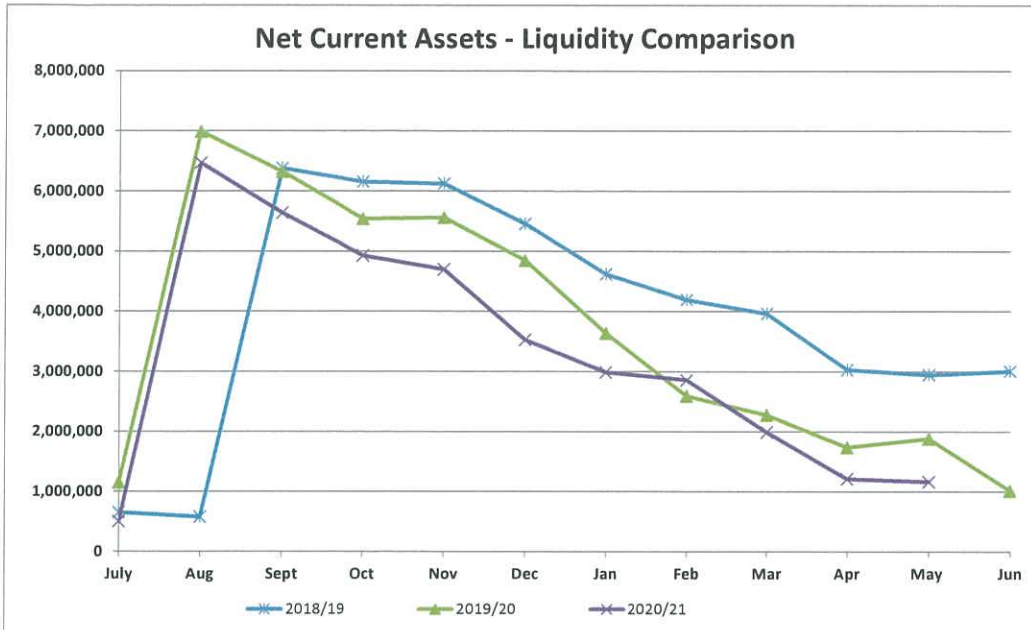
	Budget 30/06/2021 \$	B/Forward 01/07/2020 \$	YTD Actual 31/05/2021 \$
Provision for LSL Current	(438,098)	(438,098)	(467,343)
Provision for A/L Current	(699,275)	(513,894)	(550,537)
Add Cash Backed Reserve	185,381	192,881	192,881
Accrued Salaries/Wages	(149,827)	(220,176)	0
Accrued Expenses	(36,113)	(53,069)	0
Prepaid Rates	(95,288)	(140,029)	(141,261)
GST Liability Clearing A/C	(25,351)	(31,957)	(12,147)
ESL Liability Clearing A/C	0	0	(297,740)
PAYG Clearing A/C	(68,049)	(105,297)	(114,062)
Contract Liability	(189,095)	(2,724,717)	(1,974,695)
Sundry Creditors	(307,105)	(361,584)	(842,954)
Restricted Liability - Bonds	(5,424,593)	(5,739,577)	(6,145,788)
Less Restricted Assets - Trust Funds	0	(189,561)	0
Less Restricted Assets - Reserves	(5,704,551)	(6,624,763)	(6,495,771)
	(12,951,964)	(16,949,841)	(16,849,417)

NET CURRENT FUNDING POSITION 0 1,037,126 1,167,584

Net Current Assets - Liquidity Comparison			
Month	2018/19	2019/20	2020/21
July	655,255	1,152,916	506,431
August	577,376	6,991,493	6,469,551
September	6,377,761	6,323,548	5,634,551
October	6,155,719	5,540,643	4,931,119
November	6,125,435	5,559,973	4,699,741
December	5,457,420	4,844,897	3,527,899
January	4,619,542	3,636,167	2,991,314
February	4,195,258	2,596,196	2,857,417
March	3,962,956	2,279,317	1,992,826
April	3,032,763	1,740,914	1,213,495
May	2,948,242	1,885,171	1,167,583
June	3,007,579	1,018,548	

Shire of Donnybrook - Balingup
Notes To And Forming Part of the Financial Statements
For the Period ended 31st May 2021

4. NET CURRENT ASSETS



Current Ratio

This ratio is a modified commercial ratio designed to focus on the liquidity position of local government that has arisen from past year's transactions.

A ratio of less than 1:1 means that a local government does not have sufficient assets that can be quickly converted into cash to meet its immediate cash commitments. This may arise from a budget deficit from the past year, a Council decision to operate an overdraft or a decision to fund leave entitlements from next year's revenues.

Current Ratio =

$$\frac{\text{Current assets minus restricted current assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$$

	2018/19	2019/20	2020/21
July	1.37	1.75	1.12
August	1.33	6.15	2.24
September	5.44	5.90	2.10
October	4.64	5.40	1.95
November	5.82	5.02	1.89
December	4.79	4.83	1.65
January	3.84	3.61	1.65
February	3.32	2.21	1.59
March	3.73	2.56	1.39
April	2.65	2.26	1.24
May	3.03	1.53	1.28
June	2.79	1.23	

*** The decrease in the current ratio is due to changes in the Accounting Standards, Grant funding is now recognised in the Balance Sheet as a Contract Liability. As these funds are expended this will transfer from a Contract Liability to Revenue recognition and likely to improve the ratio.*

Shire of Donnybrook - Balingup
Notes To And Forming Part of the Financial Statements
For the Period ended 31st May 2021

5. VARIANCE ANALYSIS

The Local Government (Financial Management) Regulations 1996, require a variance analysis between budget year-to-date and actual results to be conducted monthly and reported to Council.

Council has determined that a materiality threshold of \$10,000 will apply for reporting purposes. That is all variances greater than \$10,000 will be reported to Council.

Any variance less than \$10,000 will not be reported to Council. The variance analysis applies to all income and expenditure items, except non-cash items such as depreciation.

A table showing material variances, as at 31st May 2021 has been prepared for Council information and has been included with this report. The comments provided are applicable as at reporting date.

General

The variance analysis shows a number of variances with the comment budget will be under spent by end of year.

General Purpose Funding

A potential permanent variance is identified for interest on Municipal & Reserve funds - investment income is based on prevailing interest rates.

Variance of approx \$18k relating to settlement agent account enquiries - increase due to development growth.

Governance

Several accounts have been identified as expenditure will be underspent by end of year. Some of the projects will be carried forward to the 2021/22 Budget.

A permanent variance has been identified for Revaluation of Assets, changes in regulations has resulted in expected revaluation of assets not proceeding.

Change over of vehicle for Project Officer to be completed in June.

Law, Order and Public Safety

Variances have been identified for ESL and fire control expenditure - these variances are expected to resolve as the financial year proceeds.

Majority of bushfire mitigation works have now been finalised for the year due to weather constraints.

Permanent variance for the Adverse Events Plan - will now be completed in house

Health

There are no variances reportable for the month.

Education and Welfare

Material variances reported within this program relate to the operation of Council's Frail Aged Lodge, Preston Village and Well Aged Units.

A permanent variance for care income - resident fees has been identified, income relates to respite care and YTD actual is approx \$26.5k above full year budget amount.

Additional grant funding of \$20k has been received for Covid 19 Continuity of Workforce at Tuia Lodge

A reduction in rental income for Preston Retirement Village and Units 5-8 Minninup Cottages has been identified reduction is due to unit vacancies and renovations.

Community Amenities

Increased income of approx \$22k has been identified for kerbside bin services, this is a permanent variance.

Increased income of approx \$12k has been identified for Balingup cemetery, this is a permanent variance.

Shire of Donnybrook - Balingup
Notes To And Forming Part of the Financial Statements
For the Period ended 31st May 2021

5. VARIANCE ANALYSIS

Recreation and Culture

Reduction in income for Dbk Rec Centre Fees & Charges - Gymnasium/memberships has been identified.
 Reduction in expenditure for water charges for the pool have been identified - funds will be unspent by year end.

Variations for grant funding and reserve fund transfers are dependant on the timing of projects.
 Any remaining unspent funding will be carried over to the 21/22 Budget.

Transport

Several accounts have been identified as expenditure will be underspent by end of year. Some of the projects will be carried forward to the 2021/22 Budget.

Reimbursements for storm damage claim - still awaiting for approval from WANDRA

Economic Services

Several accounts have been identified as expenditure will be underspent by end of year. Some of the projects will be carried forward to the 2021/22 Budget.

Variance for Noxious weeds/pest plants has been identified - Project is being administered by Shire of Collie the majority of the project is due for completion in 2021/22 Financial year

Income for the Balingup Transit park will exceed the full year budget by approx. \$13k.

Public Works Overheads

All variances reported within public works overheads which are expected to resolve as the year proceeds

Total public works overheads are currently \$49,091 under allocated.

Total plant operation costs are currently \$41,473 under allocated.

Total project operation costs have been fully allocated.

Total gross wages and salaries expenditure is approx. \$112k over the year to date budget.

Potential permanent variance (inc. workers comp payments of approx \$112k and \$24k LSL due from Reserve

6. Minor Debts Written Off Under Delegation

Minor debts written off under delegation by CEO for the month as at reporting date.

Rates	\$	78.10
Other	\$	436.50

Acquisition of assets are capitalised in accordance with Australian Accounting Standard 116

ASSETS ACQUIRED BY TYPE

	2020/21	
	Adopted Budget	Actual
	\$	\$
Land & Buildings	2,635,764	2,742,412
Plant & Equipment	371,556	143,368
Furniture & Equipment	38,000	12,088
Infrastructure Assets - Roads	2,567,418	1,734,422
Infrastructure Assets - Other	5,160,088	807,265
	10,772,826	5,439,554

ASSETS ACQUIRED BY PROGRAM

	2020/21	
	Adopted Budget	Actual
	\$	\$
Governance	163,720	106,599
Law, Order & Public Safety	71,241	71,499
Health	0	0
Education and Welfare	240,822	44,390
Community Amenities	341,220	127,756
Recreation & Culture	4,258,089	2,970,971
Transport	5,543,734	2,018,805
Economic Services	154,000	99,535
	10,772,826	5,439,554

Note: Full details of Assets acquired or constructed are shown in Appendix A of the report.

Shire of Donnybrook - Balingup
Notes To And Forming Part of the Financial Statements
For the Period ended 31st May 2021

7. DISPOSAL OF ASSETS

ASSETS DISPOSED BY TYPE

	2020/21	
	Adopted Budget \$	Actual \$
Proceeds of Sale of Assets		
Land	0	81,818
Plant & Equipment	190,810	71,091
	190,810	152,909
Less Written Down Value at Disposal	168,209	113,270
Profit/(Loss) on Disposal	22,601	39,639

ASSETS DISPOSED BY PROGRAM (Profit / Loss on Disposal)

	2020/21	
	Adopted Budget \$	Actual \$
Governance	(622)	0
Community Amenities	(5,611)	11,639
Transport	21,320	(8,350)
Economic Services	7,514	36,350
	22,601	39,639

Note: Full details of Assets sold/disposed are shown in Appendix B of the report.

8. LOAN REDEMPTION (Loan Principal Repayment)

The total loan principal outstanding as at 31st May 2021 is \$402,565.50.

Loan redemption does not include borrowings from Tuia RAD Bonds & Preston Retirement Village liability

9. CHANGES TO NET SURPLUS/DEFICIT CALCULATION FROM BUDGET ADOPTION TO FINAL AUDITED FIGURE

Surplus July 1, Brought Forward as per 20/21 Budget (Estimate)	1,037,126
Additional Transfer to C/Forward Projects Reserve	
Unspent funds - Bridge Maintenance	(23,500)
Local Volunteers 19/20 ARC Initiative	(3,000)
Transfer to POS Trust - Mead Street land	(55,766)
Adjustment to Land Held for Resale - Sale of Mead Street land	(52,184)
Accrued Loan Interest	(2,815)
Accrued Income - Preston Village	4,165
Various minor adjustments	(114)
Stock on Hand - Gravel reduced expenditure	114,637
Surplus July 1, Brought Forward actual balance (Audited)	<u>1,018,549</u>
Difference (reduction in surplus)	(18,577)

SHIRE OF DONNYBROOK / BALINGUP
Notes to and forming part of the Financial Statements
For the Period ended 31st May 2021

APPENDIX A Details of Capital Works Program - 2020/21

Ledger Account	Proposed Works	2020/21 Amended Budget	Total Cost	Land	Buildings	Plant & Equipment	Furniture & Equipment	Infrastructure Roads	Infrastructure Other
GOVERNANCE									
Other Governance									
105640	Admin Centre - Refurbishment	111,840	106,599		106,599				
105540	Replace Vehicle - Projects Officer	31,220	0			0			
105840	Audio Visual System (meeting streaming)	14,000	0				0		
105840	Upgrade of Shire Office Telephone System	30,000	0		0		0		
		187,060	106,599	0	106,599	0	0	0	0
LAW, ORDER AND PUBLIC SAFETY									
Fire Control									
103540	Light Tanker - Lowden BFB	0	0			0			
103840	Beelerup Fire Station	12,117	12,990		12,990				
103840	Ferndale BFB	47,922	48,000		48,000				
103840	Kirup/Brazier BFB - Ablutions, Meeting Room & I	0	0		0				
Animal Control									
107940	Dog Pound Seal Flood	6,000	5,089		5,089				
Law, Order and Public Safety									
170040	SES Depot Donnybrook	6,780	5,420		5,420				0
		72,819	71,499	0	71,499	0	0	0	0
HEALTH									
Health Inspection and Administration									
114640	Purchase Furniture	0	0				0		
		0	0	0	0	0	0	0	0
EDUCATION AND WELFARE									
Tuia Lodge									
173840	Tuia Lodge - Install Gutter Guards to complex	15,606	0		0				
173840	Tuia Lodge - Fire Suppression System	0	7,847		7,847				
173840	Tuia Lodge - Marri Wing Refurbishment	6,000	4,482		4,482				
173840	Tuia Lodge - Nurses Station / Admin - Refurb Ca	19,380	4,218		4,218				
173840	Tuia Lodge - Classification Works	61,680	15,755		15,755				
116840	Tuia Lodge - Furniture & Equipment	12,088	12,088				12,088		
		114,754	44,390	0	32,302	0	12,088	0	0
Other Welfare									
180940	Minninup Cottages - Units 5 - Interior Refurbishn	46,818	0		0				
180940	Minninup Cottages - Units 8 - Interior Refurbishn	46,818	0		0				
		93,636	0	0	0	0	0	0	0

SHIRE OF DONNYBROOK / BALINGUP
Notes to and forming part of the Financial Statements
For the Period ended 31st May 2021

APPENDIX A Details of Capital Works Program - 2020/21

Ledger Account	Proposed Works	2020/21 Amended Budget	Total Cost	Land	Buildings	Plant & Equipment	Furniture & Equipment	Infrastructure Roads	Infrastructure Other
COMMUNITY AMENITIES									
Sanitation									
160140	Donnybrook Refuse Site - Closure Study	35,400	12,883						12,883
		<u>35,400</u>	<u>12,883</u>	0	0	0	0	0	<u>12,883</u>
Town Planning									
122740	Replace Vehicle - Town Planner	31,220	31,700			31,700			
		<u>31,220</u>	<u>31,700</u>	0	0	<u>31,700</u>	0	0	0
Other Community Amenities									
109650	Public Toilets - Main Street, Donnybrook	110,000	4,155		4,155				
109650	Public Toilets - Kirup	25,000	25,032		25,032				
109650	Public Toilets - Balingup	55,000	53,986		53,986				
109640	Donnybrook Cemetery Upgrades	15,000	0						0
		<u>205,000</u>	<u>83,173</u>	0	<u>83,173</u>	0	0	0	0
RECREATION AND CULTURE									
Other Recreation and Sport									
107140	Balingup - Install new Drinking Fountain	10,000	0						0
109840	Donnybrook - Install new Drinking Fountain	10,000	5,210						5,210
189340	Donnybrook Weir Upgrade	40,000	0						0
189240	Kirup Mill Park - Install new Drinking Fountain	10,000	0						0
189240	Kirup Mill Park - Upgrade	50,000	11,446						11,446
112140	Balingup Oval - New Bore	86,000	21,822						21,822
126820	Playground Equipment	15,000	5,905						5,905
106940	Apple Funpark - Renewal of Equipment	7,500	0						0
101940	Apple Funpark Project	1,505,000	301,327						301,327
111840	Dbk Arboretum - Safety Fencing and Furn	22,588	0						0
111840	Street Lighting - Replacement Energy Efficiency	8,000	5,200						5,200
111840	VC Mitchell Park - New Bore	150,000	41,750						41,750
111840	Ayers Garden - New Shade / Seating	15,000	19,273						19,273
111840	Ayers Garden - Upgrade Shade / Seating	10,000	10,000						10,000
111840	Pump Track	400,000	4,010						4,010
102840	Balingup Rec Centre	67,000	3,000		3,000				
189440	VC Mitchell Park - Redevelopment	250,000	90,520						90,520
		<u>2,656,088</u>	<u>519,464</u>	0	<u>3,000</u>	0	0	0	<u>516,464</u>

SHIRE OF DONNYBROOK / BALINGUP
Notes to and forming part of the Financial Statements
For the Period ended 31st May 2021

APPENDIX A Details of Capital Works Program - 2020/21

Ledger Account	Proposed Works	2020/21 Amended Budget	Total Cost	Land	Buildings	Plant & Equipment	Furniture & Equipment	Infrastructure Roads	Infrastructure Other
Donnybrook Recreation Centre									
189040	Equipment - Floor Scrubber	5,800	5,668			5,668			
172940	Refurbish Disabled Toilets	8,323	10,005		10,005				
172940	Pool Relined	81,600	73,835		73,835				
172940	Pool - New Nonslip Floor Product	15,606	15,606		15,606				
172940	Pool Plant - Renew Water Treatment Plant Conti	11,033	39,153		39,153				
172940	Pool Plant - Renew Sand Filter	33,300	0		0				
		155,662	144,267	0	138,599	5,668	0	0	0
Other Culture									
110940	Donnybrook Town Centre Revitalisation	2,155,671	2,307,240		2,307,240				
		2,155,671	2,307,240	0	2,307,240	0	0	0	0
TRANSPORT									
Construction, Streets, Roads Bridges, Depots									
132000	Bridgeworks (Special Grants)	2,502,000	0						0
132100	Roadworks Construction - General	387,230	269,344					269,344	
132600	Regional Road Group Projects	1,075,188	969,126					969,126	
133000	Roads to Recovery Program	425,000	285,395					285,395	
133300	Blackspot Projects	680,000	210,556					210,556	
132400	Footpath Construction Program	205,000	178,383						178,383
		5,274,418	1,912,805	0	0	0	0	1,734,422	178,383
Road Plant Purchases									
135540	Replace Tip Truck - DB4550	98,607	1,350			1,350			
135540	Replace Ute - DB112 (W&S)	41,519	0			0			
135540	Replace Ute - DB117 (P&G)	25,949	0			0			
135540	Replace Ride on Mower - DB606	50,625	46,717			46,717			
135540	Replace Ride on Mower - DB898	26,987	27,324			27,324			
135540	Replace Ute - DB102 - Balingup	25,629	30,609			30,609			
		269,316	106,000	0	0	106,000	0	0	0
ECONOMIC SERVICES									
Rural Services									
182340	Donnybrook Commercial Standpipe	117,000	57,530						57,530
182340	Balingup Commercial Standpipe	71,000	42,005						42,005
		188,000	99,535	0	0	0	0	0	99,535
Building Control									
141940	Replace Bldg Surveyor Ute - DB631	34,000	0			0			
		34,000	0	0	0	0	0	0	0
TOTAL CAPITAL EXPENDITURE		11,473,044	5,439,554	0	2,742,412	143,368	12,088	1,734,422	807,265

SHIRE OF DONNYBROOK / BALINGUP
Notes to and forming part of the Financial Statements
For the Period ended 31st May 2021

Appendix B Asset Disposal Schedule - 2020/21

Asset No.	Asset Details	Asset Classification	Budget Proceeds Sale of Asset	Budget Written Down Value	Budget Profit/Loss	Actual Proceeds Sale of Asset	Actual Written Down Value	Actual Profit / Loss
GOVERNANCE								
General Administration								
61301	Izuzu MUX - DB15	Plant & Equipment	37,173	37,795	(622)	0	0	0
			<u>37,173</u>	<u>37,795</u>	<u>(622)</u>	<u>0</u>	<u>0</u>	<u>0</u>
COMMUNITY AMENITIES								
Town Planning & Regional Development								
61298	Toyota Fortuner - DB463	Plant & Equipment	32,184	37,795	(5,611)	42,727	31,088	11,639
			<u>32,184</u>	<u>37,795</u>	<u>(5,611)</u>	<u>42,727</u>	<u>31,088</u>	<u>11,639</u>
TRANSPORT								
Road Plant Purchases								
61211	Tip Truck - DB4550	Plant and Equipment	33,741	19,721	14,020	0	0	0
61274	Mitsubishi Dual Cab Ute - DB112	Plant and Equipment	18,000	20,760	(2,760)	0	0	0
61263	Mitsubishi Triton Ute - DB117	Plant and Equipment	12,795	13,493	(698)	0	0	0
61292	Kubota Tractor Mower - DB606	Plant and Equipment	15,776	10,379	5,397	9,000	15,298	(6,298)
61270	Kubota Tractor Mower - DB898	Plant and Equipment	7,088	7,266	(178)	8,000	7,088	912
61236	Ford Ranger Ute - DB102	Plant and Equipment	14,539	9,000	5,539	11,364	14,328	(2,965)
			<u>101,939</u>	<u>80,619</u>	<u>21,320</u>	<u>28,364</u>	<u>36,714</u>	<u>(8,350)</u>
ECONOMIC SERVICES								
Building Control								
61252	Mitsubishi Triton Ute - DB631	Plant and Equipment	19,514	12,000	7,514	0	0	0
			<u>19,514</u>	<u>12,000</u>	<u>7,514</u>	<u>0</u>	<u>0</u>	<u>0</u>
Other Economic Services								
10140	Sale Lot 3 Mead Street	Land	0	0	0	81,818	45,468	36,350
			<u>0</u>	<u>0</u>	<u>0</u>	<u>81,818</u>	<u>45,468</u>	<u>36,350</u>
			<u>190,810</u>	<u>168,209</u>	<u>22,601</u>	<u>152,909</u>	<u>113,270</u>	<u>39,639</u>

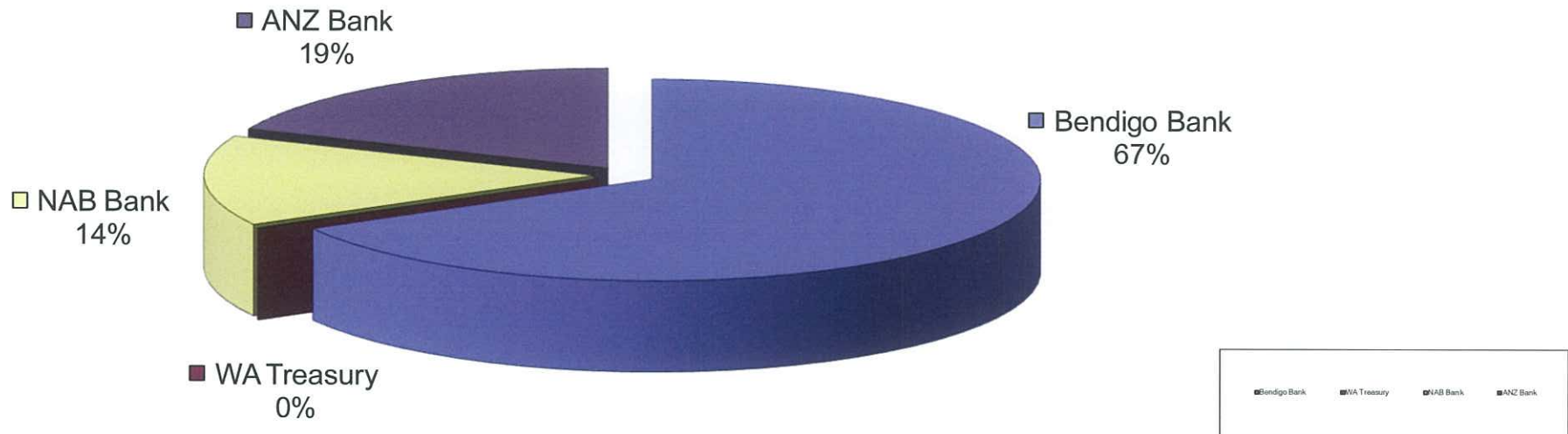
**Shire of Donnybrook-Balingup
Schedule of Investments Held
For the period ended 31st May2021**

FUND	WHERE HELD	% RATE	MATURITY	OPENING	DEPOSITS	WITHDRAWALS	CLOSING
MUNICIPAL FUND							
Municipal Fund	Bendigo - 120942362	Variable	At Call	\$1,389,143.32	\$4,354,655.97	-\$2,100,611.70	\$3,643,187.59
	Bendigo Bank - 3617205	0.15%	9-Jun-2021	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00
	Bendigo Bank - 3625131	0.15%	16-Jun-2021	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00
	Bendigo Bank - 3648505	0.10%	8-Jun-2021	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00
	NAB Bank 44-223-0954	0.25%	15-May-2021	\$1,000,000.00	\$609.59	-\$1,000,609.59	\$0.00
	WA Treasury - General	0.05%	At Call	\$14,510.20	\$0.62	\$0.00	\$14,510.82
				\$5,403,653.52	\$4,355,266.18	-\$3,101,221.29	\$6,657,698.41
TRUST FUND							
General Trust Fund	Bendigo - 120942578	Variable	At Call	\$0.00	\$0.00	\$0.00	\$0.00
Licensing Trust Fund	Bendigo - 120942446	Variable	At Call	\$0.00	\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00	\$0.00
Tuia Lodge Accommodation Bonds	Bendigo - 3634159	0.15%	25-Jun-2021	\$2,048,543.54	\$0.00	\$0.00	\$2,048,543.54
Tuia Lodge Accommodation Bonds	ANZ A/c: 9116-13289	0.10%	8-Jun-2021	\$1,602,776.60	\$0.00	\$0.00	\$1,602,776.60
				\$3,651,320.14	\$0.00	\$0.00	\$3,651,320.14
FUND	WHERE HELD	% RATE	MATURITY	OPENING	DEPOSITS	WITHDRAWALS	CLOSING
LONG TERM INVESTMENT							
Bendigo Bank Shares	Bendigo Bank	-	At Call	\$25,000.00	\$0.00	\$0.00	\$25,000.00
				\$25,000.00	\$0.00	\$0.00	\$25,000.00
INVESTMENT FUND							
Reserve Fund Investments	ANZ A/c: 9732-82198	0.10%	6-Jun-2021	\$1,535,973.75	\$0.00	\$0.00	\$1,535,973.75
	Bendigo A/c: 3648519	0.10%	8-Jun-2021	\$1,346,883.92	\$0.00	\$0.00	\$1,346,883.92
	Bendigo A/c: 3648508	0.10%	8-Jun-2021	\$1,178,953.36	\$0.00	\$0.00	\$1,178,953.36
	NAB A/c: 86-143-2438	0.10%	8-Jun-2021	\$732,688.50	\$0.00	\$0.00	\$732,688.50
	NAB A/c: 86-142-2539	0.10%	8-Jun-2021	\$402,099.99	\$0.00	\$0.00	\$402,099.99
	NAB A/c: 86-137-3001	0.10%	8-Jun-2021	\$1,299,170.99	\$0.00	\$0.00	\$1,299,170.99
				\$6,520,770.51	\$0.00	\$0.00	\$6,520,770.51
TOTAL CASH & INVESTMENTS				\$15,575,744.17	\$4,355,266.18	-\$3,101,221.29	\$16,829,789.06

Investments Balances

	Amount	% Exposure	Maximum Exposure Permitted	S&P Rating Short Term
Bendigo Bank	\$11,217,568.41	66.75%	75%	A -2
WA Treasury	\$14,510.82	0.09%	100%	AAA
NAB Bank	\$2,433,959.48	14.48%	100%	A -1+
ANZ Bank	\$3,138,750.35	18.68%	100%	A -1+
	<u>\$16,804,789.06</u>	<u>100.00%</u>		

**Shire of Donnybrook - Balingup
Investment Balances**



**Shire of Donnybrook-Balingup
Summary of Bank Reconciliation
For the period ended 31st May 2021**

MUNICIPAL FUND

Balance as per Bank Statements	3,643,188
Investments - Muni Funds	3,014,511
Investments - Restricted Bonds	3,651,320
Deposits not yet Credited	1,044
Less Outstanding Cheques	0
Outstanding Transfers from Reserve	0
Outstanding Transfers to Reserves	0
Credit Card Payments	0
Bank Adjustment	0
<i>Balance as per Cash At Bank Account</i>	<u>10,310,063</u>

PETTY CASH

Shire Petty Cash on Hand	300
Shire Till Float on Hand	300
Tuia Lodge Petty Cash on Hand	200
Tuia Lodge Resident Kitty Float	1,000
Rec Centre Till Float on Hand	200
Dbk Community Library	100
Balingup Library	60
<i>Balance as per Petty Cash Account</i>	<u>2,160</u>

RESERVE FUND

Balance as per Bank Statements	0
Investments	6,495,771
<i>Balance as per Cash At Bank Account</i>	<u>6,495,771</u>

LONG TERM INVESTMENT

Bendigo Shares	25,000
<i>Balance as per Cash At Bank Account</i>	<u>25,000</u>

TOTAL BALANCE CASH AT BANK	<u>16,832,993</u>
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SHIRE OF DONNYBROOK-BALINGUP

Rates Collection Statistics as at 31st May 2021

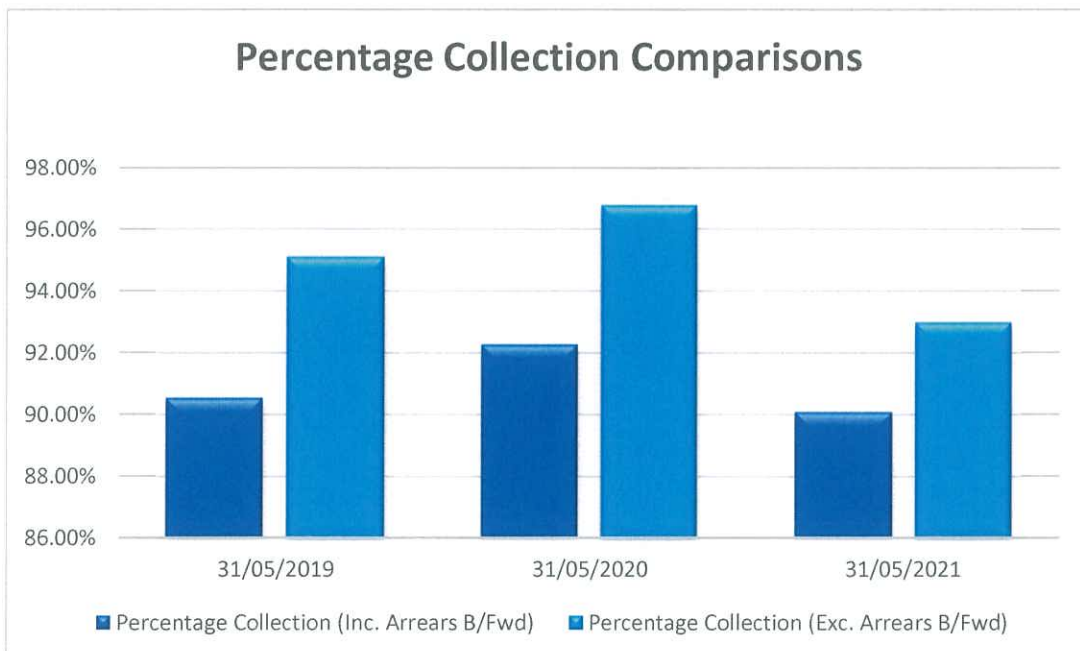
	Rates % Apr 21'	Movement in May '21	Rates % May '21
Arrears Brought Forward	329,193	(37,800)	291,392
Prepayment of Rates	(125,665)	(15,596)	(141,261)
Billing To Date	5,178,636	4,140	5,182,776
	5,382,164	(49,257)	5,332,907
Less Received To Date	641,975	4,176,548	4,818,524
Balance Owed	4,740,188	(4,225,805)	514,384
Percentage Collection (Including Arrears B/Fwd)	11.66%	78.70%	90.35%
Percentage Collection (On 20/21)	12.40%	80.58%	92.97%

Note: Rates equating to approx 2.5% are not immediately collectable, being validly deferred under the State Governments' Scheme for Pensioner Rates deferrment. ie only 97.5% is collectable.

*** Please note: figures reported are Rates collections only, excludes ESL and Waste Collection charges.*

SHIRE OF DONNYBROOK-BALINGUP
Rates Comparison Statistics as at 31st May 2021

	31/05/2019	31/05/2020	31/05/2021
Arrears Brought Forward	354,340	372,416	291,392
Prepayment of Rates	(102,319)	(120,723)	(125,665)
Billing To Date	5,006,697	5,182,634	5,182,776
Total Raised Inc. Arrears	5,258,718	5,434,327	5,348,503
Less Received To Date	4,760,883	5,014,365	4,818,524
Balance Owed	497,835	419,962	529,980
Percentage Collection (Inc. Arrears B/Fwd)	90.53%	92.27%	90.09%
Percentage Collection (Exc. Arrears B/Fwd)	95.09%	96.75%	92.97%



Waste Management Levy – 2021/22 Levying Scenarios

Background

The Waste Management Levy (WML) is raised under the provisions of the Waste Avoidance and Resource Recovery Act 2007. On 26 August 2020 Council resolved to raise the WML by applying a rate in dollar against property valuations. This was prelude to the proposal to integrate the amount raised by the WML into general rates from 2021/22.

The WML is not a prescribed charge under Rates and Charges (Rebates and Deferments) Act 1992, therefore eligible ratepayers have never been able to claim the concession that is ordinarily applied to rates levied under the Local Government Act 1995.

The Rates and Charges (Rebates and Deferments) Act 1992 sets out eligible persons for concessions of local government rates and other prescribed charges.

Eligible persons are those that hold;

- (i) a seniors' card; or
- (ii) a pensioner concession card; or
- (iii) a State concession card; or
- (iv) a Commonwealth seniors health card;

2020/21 financial year – Stage 1

1. WML was levied as a separate charge from general rates.
2. Phase in across 2 (two) financial years for properties with a calculated WML greater than \$250.
 - a. GRV assessments with calculated WML greater than \$250 = 92 properties.
 - b. UV assessments with calculated WML greater than \$250 = 150 properties.
3. 50% concession of the difference between the calculated WML and \$250.
4. Raised \$496,525

<i>GRV</i>	<i>\$0.010862</i>
<i>UV</i>	<i>\$0.000557</i>

Example A

2020/21 Initial Calculated WML = \$400
 2020/21 Concession = (\$400 minus \$250) = \$150
 = \$150 divided by 2 = \$75
 = Concession = \$75
 2020/21 WML Payable = \$325 (\$400 minus \$75)

Example B

2020/21 Initial Calculated WML = \$2,000

2020/21 Concession = (\$2,000 minus \$250) = \$1,750
= \$1,750 divided by 2 = \$875
= Concession = \$875
2020/21 WML Payable = \$1,125 (\$2,000 minus \$875)

2021/22 – Stage 2

Cease raising the WML and offset the amount raised from the WML with an equivalent increase in general rates.

2021/22

Base Comparatives

2021/22 scenarios detailed in this report are compared to actual WML raised in 2020/21 (refer to methodology detailed above).

2021/22 Variables that Distort Comparatives.

Modelling of 2021/22 scenarios utilise actual property valuations that will be used for 2021/22 rate raising. The Shire's property database is in perpetual change to reflect the status of properties. Therefore, comparatives to the previous year are distorted by ordinary operational changes that occur in the property database from one year to the next.

Examples of operational changes to the property data base that affects comparatives include.

a) Revaluation of Unimproved Valued (UV) Properties

UV properties are revalued annually. Valuation change on individual properties will result in variations to comparatives.

b) Interim Rating

Properties are subject to valuation changes throughout the year. Where interim valuations occur, pro rata WML is also charged. These properties are subject to full annualised application of the amended valuation in 2021/22. Examples of situations that cause interim valuations during the year.

- New land parcels created (subdivisions) and former 'parent' property being deleted.
- Building construction on Gross Rental Value (GRV) properties completed during the year.

2021/22 - Scenario 1

1. Implement Stage 2 of phasing the WML into general rates for 2020/21.
2. Cease raising the WML and offset the amount raised from the WML with an equivalent increase in rates.
3. Implemented by a uniform percentage increase in the Rate in \$ and Minimum Rate for Gross Rental Value (GRV) and Unimproved Value (UV).
4. 9.8% Rate in \$ and Minimum Rate increase

Additional Rates Raised	9.80%	\$499,565.26
Remove Waste Management Levy		(\$499,565.26)
Net Change in Revenue		\$0.00

5. Net change from 2020/21

GRV		
# Properties with Net Increase	20.4%	404
# Properties with Net Decrease	79.6%	1574
		1978

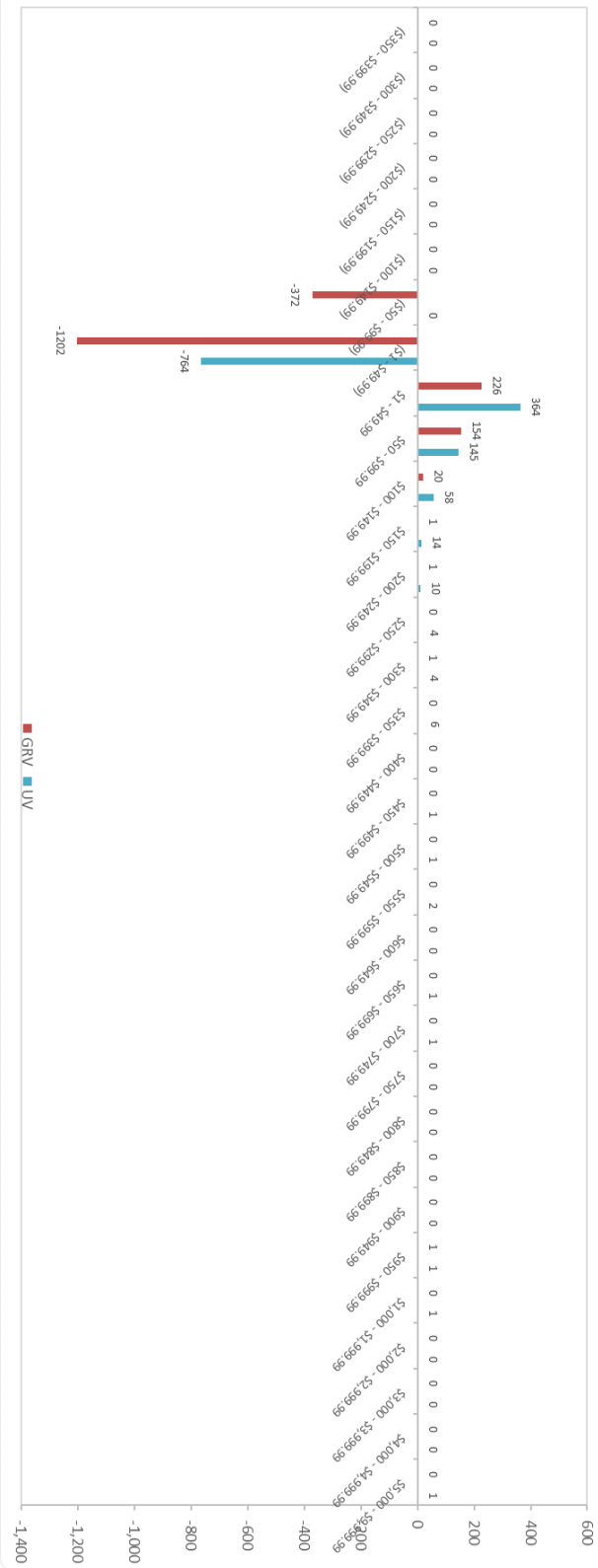
UV		
# Properties with Net Increase	44.6%	614
# Properties with Net Decrease	55.4%	764
		1378

6. 3,356 contributing properties. Average = \$148.86
7. Eligible persons that hold the following will become eligible to claim rebates under the Rates and Charges (Rebates and Deferments) Act 1992
 - a. (i) a seniors' card; or
 - b. (ii) a pensioner concession card; or
 - c. (iii) a State concession card; or
 - d. (iv) a Commonwealth seniors health card;

Net change from 2020/21 (# properties by \$ band)

GRV		UV	
Net Decrease Payable		Net Decrease Payable	
(\$350 - \$399.99)	0	(\$350 - \$399.99)	0
(\$300 - \$349.99)	0	(\$300 - \$349.99)	0
(\$250 - \$299.99)	0	(\$250 - \$299.99)	0
(\$200 - \$249.99)	0	(\$200 - \$249.99)	0
(\$150 - \$199.99)	0	(\$150 - \$199.99)	0
(\$100 - \$149.99)	0	(\$100 - \$149.99)	0
(\$50 - \$99.99)	372	(\$50 - \$99.99)	0
(\$1 - \$49.99)	1202	(\$1 - \$49.99)	764
Total Decrease	1574	Total Decrease	764
Net Increase Payable		Net Increase Payable	
\$1 - \$49.99	226	\$1 - \$49.99	364
\$50 - \$99.99	154	\$50 - \$99.99	145
\$100 - \$149.99	20	\$100 - \$149.99	58
\$150 - \$199.99	1	\$150 - \$199.99	14
\$200 - \$249.99	1	\$200 - \$249.99	10
\$250 - \$299.99	0	\$250 - \$299.99	4
\$300 - \$349.99	1	\$300 - \$349.99	4
\$350 - \$399.99	0	\$350 - \$399.99	6
\$400 - \$449.99	0	\$400 - \$449.99	0
\$450 - \$499.99	0	\$450 - \$499.99	1
\$500 - \$549.99	0	\$500 - \$549.99	1
\$550 - \$599.99	0	\$550 - \$599.99	2
\$600 - \$649.99	0	\$600 - \$649.99	0
\$650 - \$699.99	0	\$650 - \$699.99	1
\$700 - \$749.99	0	\$700 - \$749.99	1
\$750 - \$799.99	0	\$750 - \$799.99	0
\$800 - \$849.99	0	\$800 - \$849.99	0
\$850 - \$899.99	0	\$850 - \$899.99	0
\$900 - \$949.99	0	\$900 - \$949.99	0
\$950 - \$999.99	1	\$950 - \$999.99	1
\$1,000 - \$1,999.99	0	\$1,000 - \$1,999.99	1
\$2,000 - \$2,999.99	0	\$2,000 - \$2,999.99	0
\$3,000 - \$3,999.99	0	\$3,000 - \$3,999.99	0
\$4,000 - \$4,999.99	0	\$4,000 - \$4,999.99	0
\$5,000 - \$9,999.99	0	\$5,000 - \$9,999.99	1
Total Increase	404	Total Increase	614
Total GRV	1978	Total UV	1378

Scenario 1
 Net Change from Waste Management Levy Absorbed into Rates
 2021/22
 Number of Assessments (\$ Band Range)



2021/22 - Scenario 2

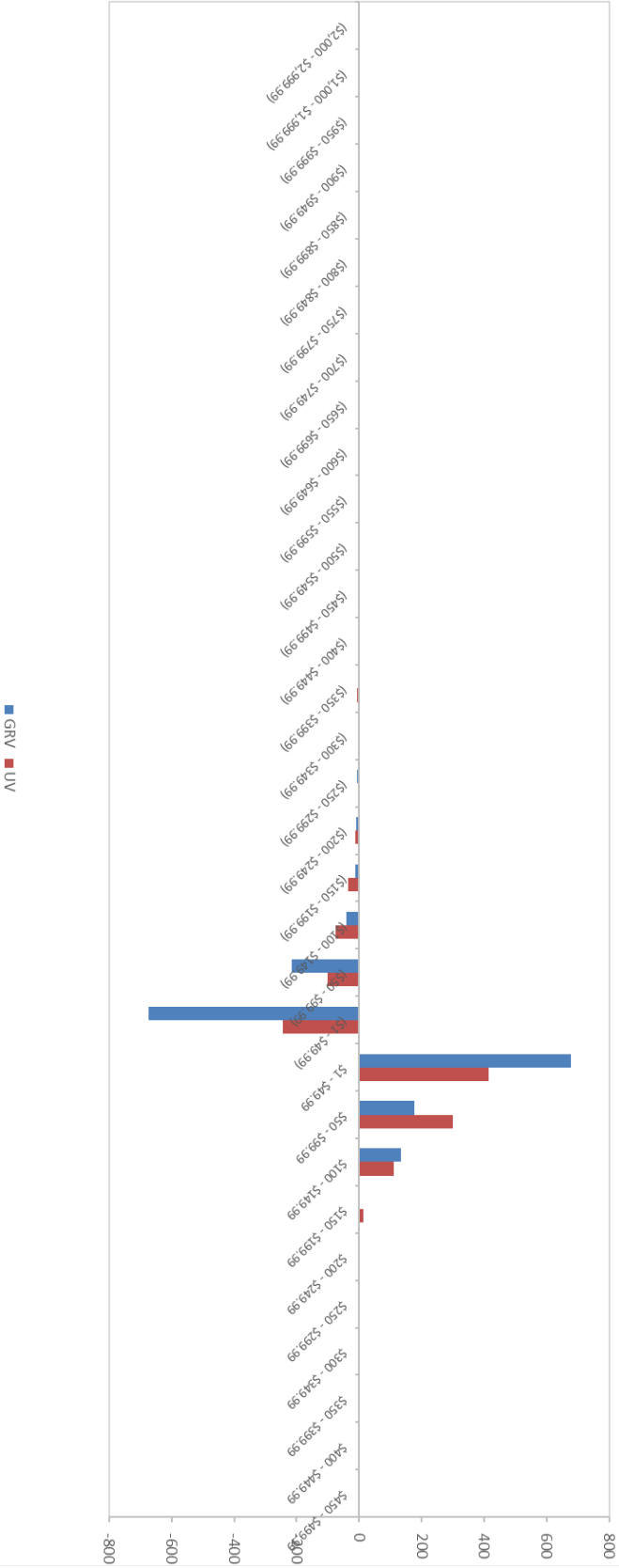
1. Revert Waste Management Levy from Rate in \$ methodology to a flat minimum rate.
2. Separate Waste Management Levy.
3. Not eligible for rebate under the Rates and Charges (Rebates and Deferments) Act 1992.
4. Raise \$500,688.
5. 3,294 contributing properties. Average = \$152.

Waste Management Levy Model							
GRV				UV			
	Minimum	Non Minimum	Total		Minimum	Non Minimum	Total
Rate in \$ - Current	\$152.00	\$0.000001		Rate in \$ - Current	\$152.00	\$0.000001	
Rate increase	0.00%	0.00%		Rate increase	0.00%	0.00%	
Rate in \$ - New	\$152.00	\$0.000001	N/A	Rate in \$ - New	\$152.00	\$0.000001	N/A
Properties #	1,964	0	1,964	Properties #	1,330	0	1,330
Properties %	100.00%	0.00%	100.00%	Properties %	100.00%	0.00%	100.00%
Rates Raised	\$298,528	\$0.00	\$298,528.00	Rates Raised	\$202,160.00	\$0.00	\$202,160.00
Valuations	\$29,333,248	\$0	\$29,333,248	Valuations	\$364,576,487	\$0	\$364,576,487
					Rates Levied	500,688.00	
GRV				UV			
# Properties with Net Increase		50.3%	988	# Properties with Net Increase		63.2%	841
# Properties with Net Decrease		49.7%	976	# Properties with Net Decrease		36.8%	489
			1,964				1,330

Net change from 2020/21 (# properties by \$ band)

GRV		UV	
Net Decrease Payable		Net Decrease Payable	
(\$2,000 - \$2,999.99)	1	(\$2,000 - \$2,999.99)	0
(\$1,000 - \$1,999.99)	0	(\$1,000 - \$1,999.99)	0
(\$950 - \$999.99)	0	(\$950 - \$999.99)	0
(\$900 - \$949.99)	1	(\$900 - \$949.99)	0
(\$850 - \$899.99)	0	(\$850 - \$899.99)	0
(\$800 - \$849.99)	0	(\$800 - \$849.99)	0
(\$750 - \$799.99)	0	(\$750 - \$799.99)	0
(\$700 - \$749.99)	1	(\$700 - \$749.99)	0
(\$650 - \$699.99)	0	(\$650 - \$699.99)	1
(\$600 - \$649.99)	0	(\$600 - \$649.99)	1
(\$550 - \$599.99)	0	(\$550 - \$599.99)	0
(\$500 - \$549.99)	2	(\$500 - \$549.99)	2
(\$450 - \$499.99)	3	(\$450 - \$499.99)	1
(\$400 - \$449.99)	2	(\$400 - \$449.99)	4
(\$350 - \$399.99)	4	(\$350 - \$399.99)	6
(\$300 - \$349.99)	5	(\$300 - \$349.99)	4
(\$250 - \$299.99)	8	(\$250 - \$299.99)	5
(\$200 - \$249.99)	9	(\$200 - \$249.99)	12
(\$150 - \$199.99)	11	(\$150 - \$199.99)	34
(\$100 - \$149.99)	41	(\$100 - \$149.99)	75
(\$50 - \$99.99)	215	(\$50 - \$99.99)	100
(\$1 - \$49.99)	673	(\$1 - \$49.99)	244
Total Decrease	976	Total Decrease	489
Net Increase Payable		Net Increase Payable	
\$1 - \$49.99	677	\$1 - \$49.99	415
\$50 - \$99.99	177	\$50 - \$99.99	300
\$100 - \$149.99	133	\$100 - \$149.99	112
\$150 - \$199.99	1	\$150 - \$199.99	14
\$200 - \$249.99	0	\$200 - \$249.99	0
\$250 - \$299.99	0	\$250 - \$299.99	0
\$300 - \$349.99	0	\$300 - \$349.99	0
\$350 - \$399.99	0	\$350 - \$399.99	0
\$400 - \$449.99	0	\$400 - \$449.99	0
\$450 - \$499.99	0	\$450 - \$499.99	0
Total Increase	988	Total Increase	841
Total GRV	1964	Total UV	1330

Waste Management Levy
2021/22
Change from Previous Year - Number of Properties by \$ Band Range



Scenario Comparative Summary

	Scenario 1	Scenario 2
Amount levied absorbed into rates	√	
Separate Charge (Waste Management Levy)		√
Properties paying more than 2020/21	1,018 (30.3%)	1,829 (55.5%)
Properties paying less than 2020/21	2,338 (69.7%)	1,465 (44.5%)
Eligible under Rates and Charges (Rebates and Deferments) Act 1992	√	x
- Number of properties eligible for additional rates rebates		0
- Value of additional rebates claimable		\$0
Number of properties levied	3,356	3,294
Amount to Raise	\$499,565	\$500,668
Average contribution per property	\$148.86	\$152.00
Maximum Increase from 2020/21 (Note 1)	\$9,035.41	\$152.00
Maximum Decrease from 2020/21 (Note 2)	\$65.33	\$2,288.78

Notes

1. Scenario 1 Maximum Increase = Department of Biodiversity, Conservation and Attractions (Commercial pine plantation)
2. Scenario 2 Maximum Decrease = Commercial retail premises

9.3 MANAGER DEVELOPMENT SERVICES

9.3.1 REQUEST TO SUPPORT COMMUNITY HOME CARE IN ESTABLISHING A COMMUNITY CARE FACILITY AT LOT 501 EGAN STREET, DONNYBROOK

Location	Lot 501 (Reserve 52021) Egan Street, Donnybrook
Applicant	Community Home Care (CHC)
File Reference	A5047
Author	Bob Wallin (Manager Development Services)
Attachments	9.3.1 (1) - Location Plan 9.3.1 (2) - Request Letter 9.3.1 (3) - Indicative site plan and design 9.3.1 (4) - Schedule of Submissions
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> • Recommend support for the Community Home Care (CHC) request to establish a 'community care facility' at Lot 501 Egan Street, Donnybrook. • The proposed use is consistent with the intent of the Public Purpose Reserve designation under Local Planning Scheme 7. • The land is owned by the Crown with a Management Order issued to the Shire of Donnybrook Balingup for the purpose of Medical Centre. • It will be necessary to seek support from the Minister for Lands to change the Management Order.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Actions
2.1 An attractive and maintained built environment	Maintain, renew and improve infrastructure within allocated resources	2.1.1.4 Maintain attractive town sites within resource capacity

BACKGROUND

Community Home Care (CHC) are seeking Council support to establish a purpose built community care facility on the southern portion of Lot 501 (Reserve 52021) Egan Street, Donnybrook (subject site)(Attachment 9.3.1(1) – location plan).

The request letter is shown in Attachment 9.3.1(2) and provides details on the benefits and need for the proposal. An indicative concept is shown in Attachment 9.3.1(3).

The subject land is reserved “Public Purpose HA” (Hospital and Allied Purposes) under Local Planning Scheme 7 (LPS7) and contains a medical centre on its northern portion, supported by two car parking areas with separate access to Egan and Bentley Streets. The proposed CHC building site is relatively flat and contains several stands of mature trees.

The subject site forms part of a wider ‘allied health precinct’ bound by Egan, Allnutt, Bentley and Yelverton Streets. This precinct includes Tuia Lodge (abutting the proposed site’s southern boundary), the Donnybrook Hospital (and ancillary buildings), St John’s Ambulance Sub Centre, the Shire’s medical centre (leased by Donnybrook Medical Services) and the Shire’s pathology suite (leased by Clinipath). Land on the western side of Egan Street consists of established single residential dwellings.

The subject site is owned by the State (Crown land) with the management body being the Shire of Donnybrook Balingup. The Management Order contains two conditions. These are:

- “(i) to be utilised for the designated purpose of “Medical Centre” only;*
- (ii) Power to lease (or sub-lease or licence) for the designated purpose is granted for the whole or any portion thereof for any term not exceeding twenty one (21) years from the date of the lease subject to the approval in writing of the Minister for Lands being first obtained to each and every lease or assignment of lease, pursuant also to the provisions of section 18 of the Land Administration Act 1997.”*

Further, the Shire is responsible for the care, control and management of the land. If the proposal is supported, it will be necessary to seek approval from the Minister for Lands to amend the Management Order to reflect the proposed additional use.

The intent of the proposal is to provide a community care facility to administer and provide community care services. Initial discussions indicate that the facility may include:

- Transport services;
- Day centre for ‘activity club’;
- Health programs;
- Social activities;
- Information days;
- Community group hire;
- Respite care;
- Carer unit accommodation; and
- Office, toilet, kitchen and circulation space.

DETAILS

In order for the proposal to be successful, there are several stages that will require addressing including:

- Item 1) Amending the existing Management Order to allow for an additional use of the site for “allied health”;
- Item 2) Establishing a lease between the Shire and the applicant, detailing lease timeframes, rates, responsibilities and terms and conditions; and
- Item 3) A planning application that addresses detailed design outcomes.

Amending the existing Management Order requires addressing first and is the general focus of this report with the other items being able to be addressed separately at future stages.

The proposal has potential to complement established health and aged care facilities in the immediate locality and the proposed land use is consistent with the intent of the reservation under LPS7.

The proposal will not constrain planned short term expansion for Tuia Lodge or any future long term expansion (see Attachment 9.3.1(1)).

The design provided (Attachment 9.3.1(3)) is indicative only, however, it provides a concept of a potential design outcome. There will be opportunity to assess and comment on the end design as part of a future planning application. This will enable consideration of building design, car parking layout, access points, landscaping treatments and relationships with existing development.

CONSULTATION

The proposal has been advertised to seek comment from local residents and service providers. Advertising has consisted of letter drops and a notice on the Shire's website. The Shire received three submissions (see Attachment 9.3.1 (4)) – Schedule of Submissions). In summary, the submissions are supportive, subject to refining future land use and building design outcomes.

Building and car parking design as well as detailed land use activity on the site can be addressed as part of a future development application which will be subject to a further separate public consultation process.

FINANCIAL IMPLICATIONS

Details regarding whole of life and asset renewal obligations will require addressing through a future lease arrangement. This matter has been raised with CHC and will require resolution to ensure that there is no ongoing burden to the Shire.

Any new lease will require approval by Council.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Section 18 of the *Land Administration Act 1997* details Crown land transactions that require Minister for Planning, Lands and Heritage approval and provides guidance on the process for leasing land. Section 41 relates to the Minister's powers to reserve land for one or more purposes.

A development approval is required for any future development of the site under Part 2 of Local Planning Scheme 7 (LPS7) which relates to development controls and assessment requirements for reserved land. The proposed use is generally consistent with the intent of the reservation under LPS7.

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* details matters to be considered by local governments.

Clause 136 of the *Planning and Development Act 2005* requires approval by the Western Australian Planning Commission for leases over 20 years in duration.

CONCLUSION

The proposed development represents potential for a logical inclusion to the existing health and allied services and facilities in the immediate locality and the proposed use satisfies the intent of public purpose HA reservation under LPS7. It will be necessary to amend the existing Management Order which currently limits the use of the land to “Medical Centre”.

The subject site is of sufficient size and configuration to address design issues raised during the advertising process. On this basis, it is reasonable to conclude that the future planning approval assessment process will adequately resolve issues raised.

In relation to the future lease arrangements, it is anticipated that these will be addressed through negotiation at a later stage, noting that a new lease will require approval by Council.

ALTERNATE MOTION

Moved: Cr Mitchell Seconded: King

Instruct the CEO to discuss alternative sites with CHC. With the view that existing facilities maybe better utilised.

Lost 1/8

COUNCIL DECISION 138/19 (Executive Recommendation)

Moved: Cr Atherton Seconded: Cr King

That Council:

- 1. Supports ‘in principle’ the proposed establishment of a purpose built community care facility on the southern portion of Reserve 52021 (Lot 501 Egan Street, Donnybrook);**
- 2. Requests the Minister for Planning, Lands and Heritage amend the Management Order for Reserve 52021 (Lot 501 Egan Street, Donnybrook) from “Medical Centre” to “Medical Centre and Allied Health”;**
- 3. Advises Community Home Care (CHC) that:**

3.1 CHC will be required to submit a development application for the proposed land use which will need to address design outcomes

including car parking arrangements, building design and landscaping that is sympathetic to the established streetscape character and minimise impacts on local amenity;

- 3.2 CHC will be required to negotiate a lease agreement with the Shire which, among other things, clearly articulates responsibilities associated with whole of life and asset renewal obligations to ensure there is not an unreasonable financial impost on the Shire in the short or long term.**
- 4. Authorises the Chief Executive Officer to undertake any actions required to facilitate implementation of items 1 to 3 above.**
- 5. The Council reserves the right to re-visit resolution 1 pending the outcome of the Shire’s current overarching review of its Aged Care and Aged Persons’ accommodation portfolio.**

Carried 9/0



Community Home Care
Bunbury, Busselton, Collie, Donnybrook & Bridgetown
3 Parade Rd, Bunbury WA 6230
PO Box 1776, Bunbury WA 6230
Phone: 08 97214988
Fax: 08 97214832
Email: info@communityhomecare.org.au

29 May 2019

Ben Rose
CEO
Donnybrook/Balingup Shire Council

Dear Ben

Firstly, I would like to thank you for assisting us to present to council our plan to build a purpose built Community Aged Care Hub in Donnybrook.

On behalf of the board of CHC I would like to formally approach Donnybrook/Balingup council to support our project.

We would like to officially request that the Donnybrook/Balingup council will allocate a parcel of land where we can build our new center, in the precinct formed by the Donnybrook Hospital, Donnybrook Medical Centre, and Tuia Aged Care Facility. We believe that the synergies and opportunities to work with the other service based organisations in the precinct will not only provide cohesive quality services for Donnybrook/Balingup residents but also provide in the region a high quality community aged care service within the local area which would consequently increase the capacity of the town to support further growth in local services and facilities.

The Centre would service the LGA of Donnybrook-Balingup with potential to support users from the surrounding areas including; Boyanup, Capel, Bridgetown, Wellington/Ferguson Valley, and others as required. Currently people from within this area are disadvantaged by the need to travel significant distances to access a range of community health and care services.

South West Active Ageing Research indicates population aging is one of the most significant challenges facing Western Australia and particular the South West Region. Today 16% of the population are seniors and this is set to rise to one in three by 2041. With aging come decline in health and the onset of chronic disease with an increase in demand for support services. With this in mind our centre will

- Allow for the exponential growth in client services to continue and meet the demand for services, for the target groups in the Donnybrook / Balingup shire and surrounds.
- Provide an appropriate and long-term base for CHC;

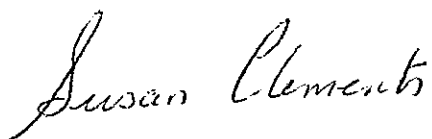
- Enable South West rural areas to access services, from services through the provision of outreach programs.
- Provide an opportunity for Home and Community Care Services and other service providers in the South West to be innovative and enabling in their delivery, providing greater efficiency whilst fostering a partnership approach;
- Provide a highly visible and easily accessible building in the South West region where older people and people with disabilities can go to for advice and information; and
- Provide volunteers with the opportunity to enhance their volunteering experience.

Donnybrook is the logical site for a centre such as this as it already services the many small and medium sized towns in the region for a range of daily needs including: shopping, banking, and some allied health services such as physiotherapy, dentistry, pathology etc. People in the region would be able to access a high quality community aged care service within the local area which would consequently increase the capacity of the town to support further growth in local services and facilities. Overtime, with the increase in the aged population, and concurrent need for more support services, Donnybrook will become a quality service provision centre for the whole of the lower south west.

We are excited by our project and the benefits it will bring to the Donnybrook/ Balingup community and working in partnership with the council, other providers and the community to bring our project to a successful conclusion.

Please do not hesitate to contact me if you have any questions or wish to discuss further.

Regards

A handwritten signature in cursive script that reads "Susan Clements".

Sue Clements

CEO

Community Home Care Incorporated.



Ben Rose
Chief Executive Officer
Donnybrook Balingup Shire Council
PO Box 94
Donnybrook WA 6239

13/05/2021

Dear Ben

Donnybrook land and proposed aged care facility

With regard to the proposed aged care facility in Donnybrook please see attached the most recent plans. These are essentially a second draft and considered preliminary, so open to suggested changes.

As this stage we have approached a number of potential funding sources from Lottery West through to private equity firms keen to invest in aged care infrastructure.

The benefit of this facility is significant. Not only will Community Home Care (CHC) have a purpose built facility for over 200 Donnybrook clients and staff, but we will be in a position to run a purpose driven day centre, deliver respite services for clients and their families, whilst growing our allied health care platform throughout the region.

As previously noted we will no doubt negotiate a lease agreement with the Shire ensuring whole of life asset renewal obligations are addressed and no unreasonable financial imposts on the Shire are felt.

With that said we remain committed to making the project a reality.

Kind regards

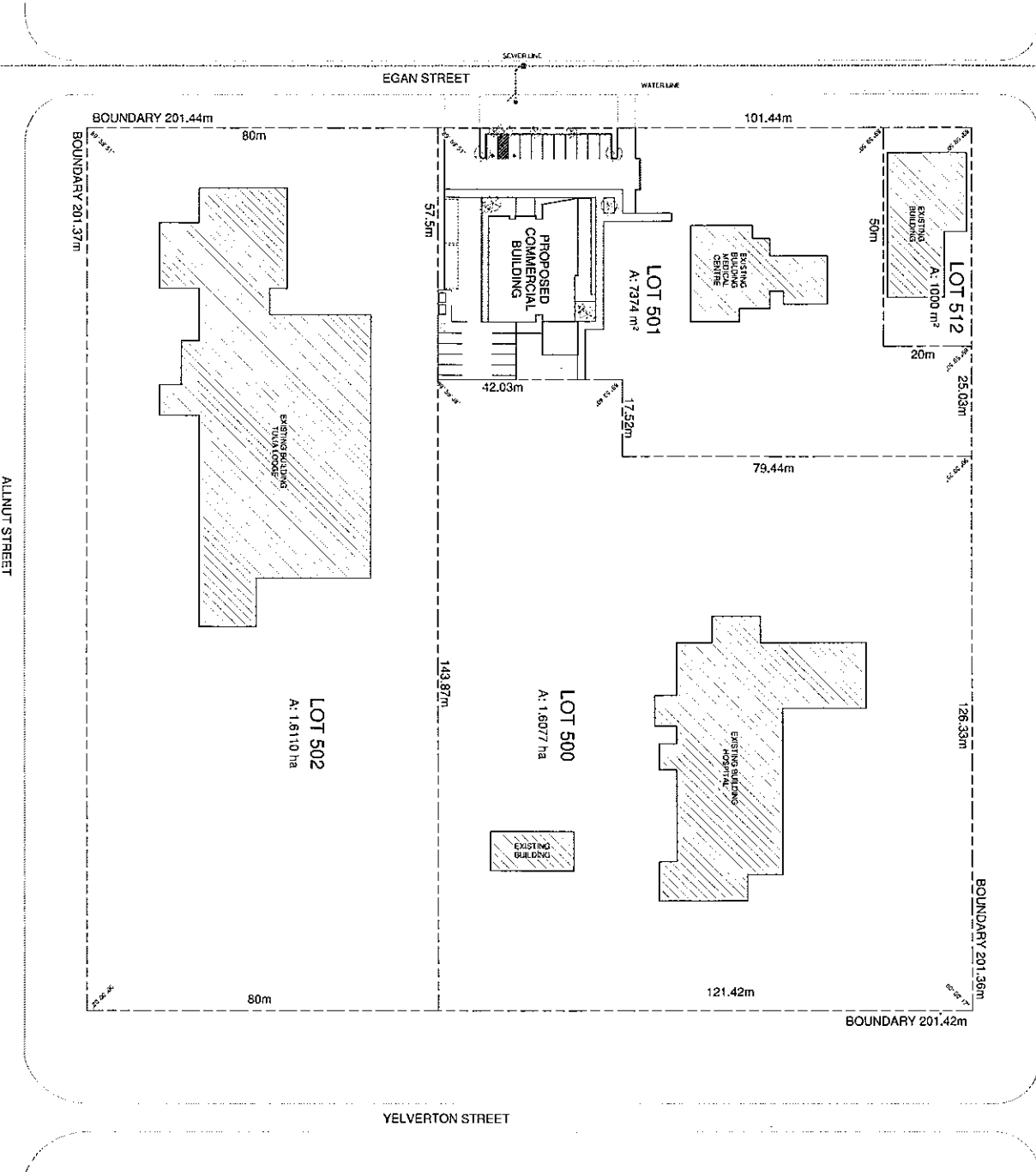
A handwritten signature in blue ink that reads 'Dean Logan'.

Dean Logan
Chief Executive Officer

Community Home Care Inc.

Bunbury, Busselton, Collie, Boyup Brook, Nannup, Augusta, Donnybrook & Bridgetown
3 parade Rd, Bunbury, WA 6230 | Ph. 08 9721 4988

SPECIAL NOTES:
 1. EXISTING UTILITIES SHOWN TO THE BEST OF OUR KNOWLEDGE AND BELIEF. THE ENGINEER HAS CONDUCTED VISUAL SURVEYS TO IDENTIFY UTILITIES SHOWN ON THE PLAN. THE ENGINEER HAS CONDUCTED VISUAL SURVEYS TO IDENTIFY UTILITIES SHOWN ON THE PLAN. THE ENGINEER HAS CONDUCTED VISUAL SURVEYS TO IDENTIFY UTILITIES SHOWN ON THE PLAN.



No.	Description	Date	Project Name
1	PROPOSED OVERALL SITE PLAN	20/11/18	PROPOSED CHIC FACILITY ON LOT 501, BENTLEY STREET, DONNYBROOK, WA 6239 FOR COMMUNITY HOME CARE
2	REVISION		
3	REVISION		
4	REVISION		
5	REVISION		

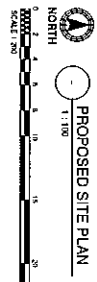
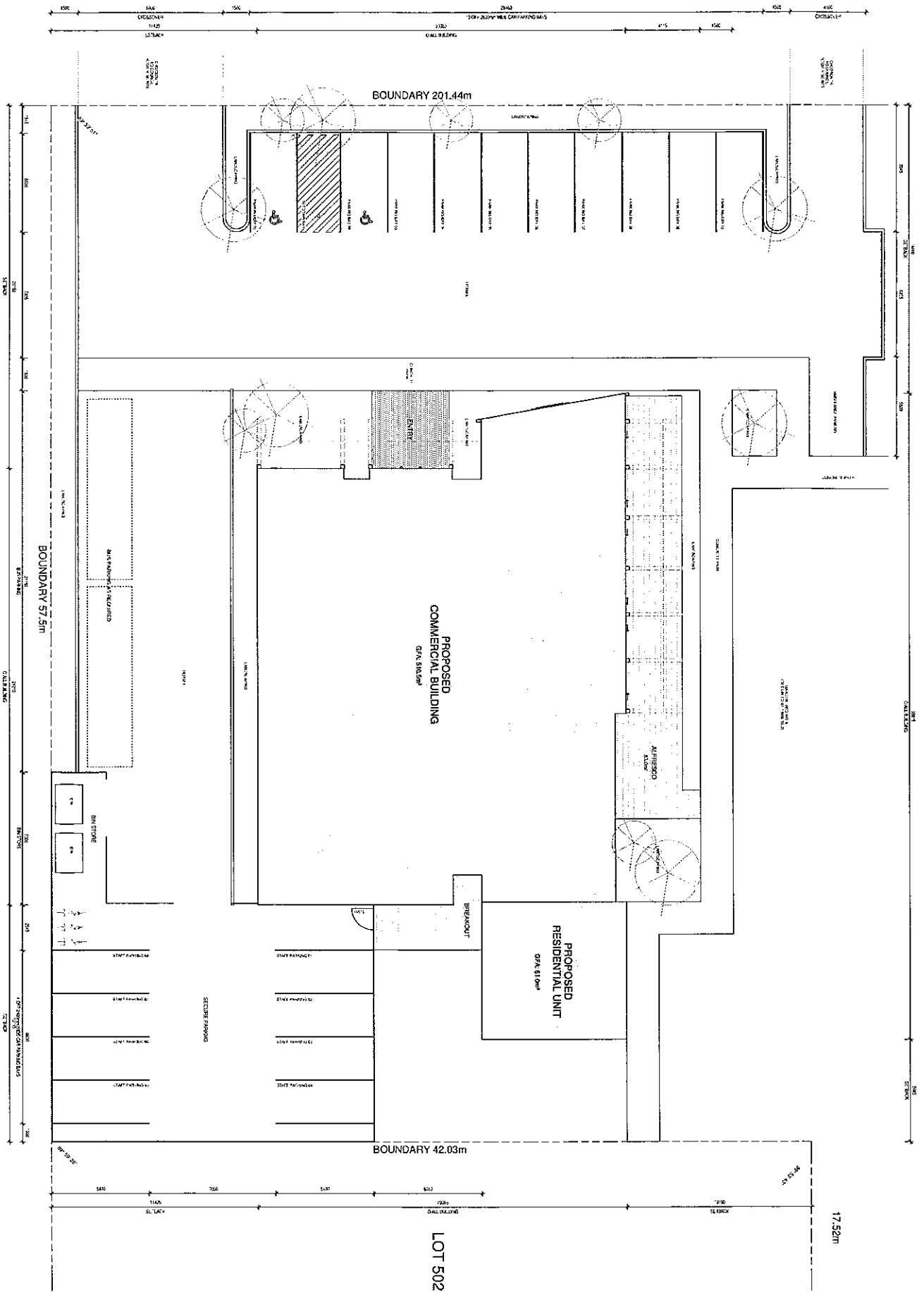
PROPOSED OVERALL SITE PLAN			
Drawn by	Checked by	Scale	Number of sheets
		1:500	3
Drawn by	Checked by	Scale	Number of sheets
		1:500	3

GENERAL NOTES

1. THE DESIGNER HAS CONDUCTED VISUAL AND ENVIRONMENTAL IMPACT ASSESSMENTS TO THE PROPOSED FACILITY AND HAS DETERMINED THAT THE PROPOSED FACILITY IS NOT ANTICIPATED TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
2. THE DESIGNER HAS CONDUCTED VISUAL AND ENVIRONMENTAL IMPACT ASSESSMENTS TO THE PROPOSED FACILITY AND HAS DETERMINED THAT THE PROPOSED FACILITY IS NOT ANTICIPATED TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
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4. THE DESIGNER HAS CONDUCTED VISUAL AND ENVIRONMENTAL IMPACT ASSESSMENTS TO THE PROPOSED FACILITY AND HAS DETERMINED THAT THE PROPOSED FACILITY IS NOT ANTICIPATED TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
5. THE DESIGNER HAS CONDUCTED VISUAL AND ENVIRONMENTAL IMPACT ASSESSMENTS TO THE PROPOSED FACILITY AND HAS DETERMINED THAT THE PROPOSED FACILITY IS NOT ANTICIPATED TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
6. THE DESIGNER HAS CONDUCTED VISUAL AND ENVIRONMENTAL IMPACT ASSESSMENTS TO THE PROPOSED FACILITY AND HAS DETERMINED THAT THE PROPOSED FACILITY IS NOT ANTICIPATED TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
7. THE DESIGNER HAS CONDUCTED VISUAL AND ENVIRONMENTAL IMPACT ASSESSMENTS TO THE PROPOSED FACILITY AND HAS DETERMINED THAT THE PROPOSED FACILITY IS NOT ANTICIPATED TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
8. THE DESIGNER HAS CONDUCTED VISUAL AND ENVIRONMENTAL IMPACT ASSESSMENTS TO THE PROPOSED FACILITY AND HAS DETERMINED THAT THE PROPOSED FACILITY IS NOT ANTICIPATED TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
9. THE DESIGNER HAS CONDUCTED VISUAL AND ENVIRONMENTAL IMPACT ASSESSMENTS TO THE PROPOSED FACILITY AND HAS DETERMINED THAT THE PROPOSED FACILITY IS NOT ANTICIPATED TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.
10. THE DESIGNER HAS CONDUCTED VISUAL AND ENVIRONMENTAL IMPACT ASSESSMENTS TO THE PROPOSED FACILITY AND HAS DETERMINED THAT THE PROPOSED FACILITY IS NOT ANTICIPATED TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT.

DO NOT SCALE DIMENSIONS

THE DESIGNER ACCEPTS NO LIABILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN OR FOR THE RESULTS OF ANY ACTION TAKEN IN RELIANCE THEREON. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED HEREIN.



No.	Description	Date
1	PROPOSED SITE PLAN	2023/08/18
2	SCHEMATIC DEVELOPMENT	2023/08/18
3	SCHEMATIC DEVELOPMENT	2023/08/18
4	SCHEMATIC DEVELOPMENT	2023/08/18

No.	Description	Date
1	PROPOSED SITE PLAN	2023/08/18
2	SCHEMATIC DEVELOPMENT	2023/08/18
3	SCHEMATIC DEVELOPMENT	2023/08/18
4	SCHEMATIC DEVELOPMENT	2023/08/18

Project Name
 PROPOSED CHC FACILITY
 ON LOT 501, BENTLEY STREET,
 DONNYBROOK, WA 6239
 FOR COMMUNITY HOME CARE

PROPOSED SITE PLAN	
Project Number	501 18 SHM10001
Date	23/08/2023
Scale	A002
Sheet No.	3
Scale	1:100 (PLAN SHEET)







2020/2021
DELEGATIONS REGISTER



1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 Audit and Risk Management Committee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Delegate:	Audit and Risk Management Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: <ol style="list-style-type: none"> i. examine the report of the Auditor and determine matters that require action to be taken by the Shire of Donnybrook Balingup; and ii. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the Shire of Donnybrook Balingup's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council. b. Council has discretion to determine any conditions/limitations applicable to the use of delegated powers or duties.
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.7.1B.

Compliance Links:	<ul style="list-style-type: none"> • Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees • Audit and Risk Management Committee Terms of Reference
Record Keeping:	Audit and Risk Management Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted Delegations Register OCM 27/05/2020 - 69/20 – SYNERGY# NREP5278
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1.2 Council to CEO

1.2.1 Performing Functions Outside the District

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met the matter must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

1.2.2 Compensation for Damage Incurred when Performing Executive Functions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Delegation is limited to settlements which do not exceed a material value of \$5,000.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.3 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	a. Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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1.2.4 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.5 Confiscated or Uncollected Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.6 Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.7 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)]
Express Power to Sub-Delegate:	<ul style="list-style-type: none"> • <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.8 Control Reserves and Certain Unvested Facilities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Donnybrook Balingup that the Shire of Donnybrook Balingup could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
Council Conditions on this Delegation:	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.9 Obstruction of Footpaths and Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily

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	<p>make good public assets damaged by the obstruction at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

1.2.10 Gates Across Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Each approval provided must be recorded in the Shire of Donnybrook Balingup's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.11 Public Thoroughfare – Dangerous Excavations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.12 Crossing – Construction, Repair and Removal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. To be assessed in accordance with policy 4.7 Construction of Crossovers
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.13 Private Works on, over or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.14 Tenders for Goods and Services – Call Tenders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where: <ul style="list-style-type: none"> • the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or • a current supply contract expiry is imminent; and • the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and • iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.15 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the \$200,000 detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the

	<p>scope of the original contract or increase the contract value to a maximum of \$10,000 whichever is the lesser value [F&G r.21A(a)].</p> <p>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> i. The total consideration under the resulting contract is \$200,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p>
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

1.2.16 Tenders for Goods and Services - Exempt Procurement

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government												
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO												
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited (<i>exemptions</i>)												
Delegate:	Chief Executive Officer												
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)]. 												
Council Conditions on this Delegation:	<p>a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum amounts specified for the following categories:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">Category</th> <th style="width: 30%;">Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td> <td style="text-align: center;">\$150,000</td> </tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]</td> <td style="text-align: center;">\$150,000</td> </tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]</td> <td style="text-align: center;">\$50,000 with CEO approval as per the Council Policy</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]</td> <td style="text-align: center;">\$200,000</td> </tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA</td> <td style="text-align: center;">\$150,000* <i>*as specified in F&G.r.11(2)(h)(ii)</i></td> </tr> </tbody> </table>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$150,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$150,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$50,000 with CEO approval as per the Council Policy	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$200,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA	\$150,000* <i>*as specified in F&G.r.11(2)(h)(ii)</i>
Category	Maximum Value for individual contracts												
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$150,000												
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$150,000												
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$50,000 with CEO approval as per the Council Policy												
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$200,000												
Goods or services supplied by a person registered on the Aboriginal Business Directory WA	\$150,000* <i>*as specified in F&G.r.11(2)(h)(ii)</i>												

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	<p>OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]</p>	
	<p>Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]</p>	<p>\$150,000</p>
<p>b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the amounts delegated above, the decision is to be referred to Council.</p>		
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>	

1.2.17 Expressions of Interest for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.18 Panels of Pre-Qualified Suppliers for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3.. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Council Conditions on this Delegation:	a. In accordance with policy panels of pre-qualified suppliers

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Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
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1.2.19 Application of Regional Price Preference Policy

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulations 1996</i> r.24G Adopted regional price preference policy, effect of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Council Conditions on this Delegation:	a. In accordance with the Council Policy - 2.48 Purchasing, Tendering and Buy Local Policy
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.20 Disposing of Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with Council policies b. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. c. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$3,500 (excluding GST) or less. d. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> i. Reserve price has been set by independent valuation. ii. Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ol style="list-style-type: none"> i. Negotiate the sale of the property up to a -10% variance on the valuation; and

	<ul style="list-style-type: none"> ii. Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. e. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal. f. The Chief Executive Officer is authorised to affect the renewal of leases and agreements, service level agreements or written arrangements in place between Council and third parties, where; <ul style="list-style-type: none"> • There is no significant change proposed to the terms and conditions of the lease/agreement; and • The lease/agreement must include provisions for further renewal within the document. g. Items with a value of \$1,000 (excluding GST) or less can be sold without calling for expressions of interest or advertising. h. Any disposals under this delegation are to be reported to Council quarterly.
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

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1.2.21 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. To take into consideration allocations in the budget. b. Annual Operational procedural reviews
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.22 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts s.6.12 (3) Granting a concession under subsection (1)(b)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(c)]
Council Conditions on this Delegation:	<p><i>This delegation is subject to section 6.12(2) if the Local Government Act 1995, which specifies that a local government cannot grant a waiver or concession for a rate or service charge.</i></p> <ol style="list-style-type: none"> a. This delegation is to be used in accordance with all Council policies. b. Write-off a rates or service charge debt up to \$1,000 in accordance with the Financial Hardship Policy [s.6.12(1)(c) & (2)]. e. Any waiver of a debt or granting of a concession shall only be up to \$1,000 and shall be considered solely on its merits [s.6.12(1)(b)]. f. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Donnybrook Balingup. <ol style="list-style-type: none"> i. Limited to individual debts valued below \$500 or cumulative debts of a debtor valued below \$1,000 Write off of debts greater than these values must be referred for Council decision. g. A list of all deferments, grant discounts, waivers or write-off of debts executed under this delegation will be presented to Council monthly.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.23 Power to Invest and Manage Investments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 3.4 Investment of Funds. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Management Committee not less than once in every three financial years. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.24 Rate Record Amendment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.25 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	a. Agreements must be in writing and must ensure clearing of the rates or service charge debt before the next annual rates or service charges are levied.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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1.2.26 Determine Due Date for Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Donnybrook Balingup [s.6.50].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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1.2.27 Recovery of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].
Council Conditions on this Delegation:	a. Comply with Council Policy 3.5 Rates Recovery Procedure
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.28 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Donnybrook Balingup [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Council Conditions on this Delegation:	a. Comply with Council Policy 3.5 Rates Recovery Procedure
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.29 Recovery of Rates Debts - Actions to Take Possession of the Land

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire of Donnybrook Balingup [s.6.71]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. 3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	a. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u> , within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.30 Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.31 Notices to Owners

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.25 <i>Notices requiring certain things to be done by owner or occupier of land</i> s 3.26 <i>Additional powers when notices given</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to issue a notice in writing requiring certain things to be done by owner or occupier of land in accordance with Schedule 3.1 and if the person fails, do anything it considers necessary to achieve the purpose for which the notice was given, including recovering any associated costs as a debt. [cl3.25] 2. Authority to take action to do anything that is considered necessary to achieve so far as is practicable the purpose for which a notice under s3.25 (1) is given. [cl 3.26]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.32 Renewal or Extension of Contracts during a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> • contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and • contracts formed through a public tender.
Council Conditions on this Delegation:	<p>a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies:</p> <ol style="list-style-type: none"> i. It is exercised at the sole discretion of the Local Government; ii. It is in the best interests of the Local Government; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. <p>b. This authority may only be exercised where the total consideration for the renewal or extension is \$100,000 or less.</p> <p>c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).</p> <p>d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.</p>

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	<p>e. This authority may only be exercised where the total consideration under the resulting contract is \$250,000 or less.</p> <p>f. The CEO cannot sub-delegate this authority.</p>
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1.2.33 Procurement of Goods or Services required to address a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(aa) Associated definition under subregulation 11(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> 1. Determine that particular goods or services with a purchasing value >\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority.

1.4 Local Law Delegations to the CEO

1.4.1 Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO	
Express Power or Duty Delegated:	<i>Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law:</i> Part 2 Div.1 2.2 Activities allowed with a permit – general Part 3 Div.2 3.6 Notice to owner or occupier Part 4 Div.3 4.4 Conditions on portable sign Part 6 Sub-div.2 6.5 Relevant considerations in determining application for permit Part 6 Sub-div.2 6.6 Conditions of permit Part 6 Sub-div.2 6.7 Exemptions from requirement to pay fee or to obtain permit Part 6 Sub-div.2 6.18 Variation of permitted area and permitted time Part 6 Sub-div.2 6.20 Cancellation of permit Part 7 Div.1 7.1 Application for permit Part 7 Div.1 7.2 Decision on application for permit Part 7 Div.2 7.3 Conditions which may be imposed on a permit Part 7 Div.2 7.5 Compliance with and variation of conditions Part 7 Div.3 7.8 Transfer of permit Part 7 Div.3 7.9 Production of permit Part 9 9.1 Notice to redirect or repair sprinkler Part 9 9.2 Hazardous plants Part 9 9.3 Notice to repair damage to thoroughfare Part 9 9.4 Notice to remove thing unlawfully placed on thoroughfare Part 10 Div.1 10.2 Local government may undertake requirements of notice	
Delegate:	Chief Executive Officer	SUB DEL
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exempt: <ol style="list-style-type: none"> a. a person from compliance with sub-clause (1) on the application of that person. [cl 2.2(2)]; 2. Authority to give notice: <ol style="list-style-type: none"> a. in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division. [cl 3.6]; b. written notice of that refusal to the applicant. [cl 7.2(3)] c. to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment. [cl 9.1] d. to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard. [cl 9.2(1)] 	

	<p>e. to the person who caused the damage to order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government. [cl 9.3]</p> <p>f. in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing. [cl 9.4]</p> <p>g. in writing to a permit holder vary -</p> <ul style="list-style-type: none"> (i) the permitted area; (ii) the permitted time; or (iii) both the permitted area and the permitted time, shown on a permit. [cl 6.18(1)] <p>3. Authority to approve an application:</p> <ul style="list-style-type: none"> a. for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions –... [cl4.4] b. for a permit unconditionally or subject to any conditions [cl 7.2 (1)(a)] c. for a permit subject to conditions relating to - <ul style="list-style-type: none"> (i) the payment of a fee; (ii) the duration and commencement of the permit; (iii) the commencement of the permit being contingent on the happening of an event; (iv) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application; (v) the approval of another application for a permit which may be required by the local government under any written law; (vi) the area of the district to which the permit applies; (vii) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage; (viii) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and (ix) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder. [cl 7.3] 	
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	<p>d. for the transfer of a permit, refuse to approve it or approve it subject to any conditions. [cl7.8(2)]</p> <p>4. Authority to refuse:</p> <p>a. to approve an application for a permit under this division on any one or more of the following grounds –</p> <p>(i) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;</p> <p>(ii) that the applicant is not a desirable or suitable person to hold a permit;</p> <p>(iii) that –</p> <ul style="list-style-type: none"> • the applicant is an undischarged bankrupt or is in liquidation; • the applicant has entered into any composition or arrangement with creditors; or • a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or <p>(iv) such other grounds as the local government may consider to be relevant in the circumstances of the case. [cl 6.5(2)]</p> <p>b. to consider an application for a permit which is not in accordance with sub-clause (2). [cl 7.1(5)]</p> <p>c. to approve an application for a permit. [cl 7.2(1)(b)]</p> <p>5. Authority to request:</p> <p>a. a permit holder to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person. [cl 7.9]</p> <p>6. Authority to authorise:</p> <p>a. another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder. Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law. [cl 6.6(2)]</p> <p>7. Authority to:</p> <p>a. cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely</p>	
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	<p>affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorised person, the performance otherwise constitutes a nuisance. [cl 6.20] – SEE CONDITIONS BELOW</p> <p>b. waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on–</p> <ul style="list-style-type: none"> (i) on a portion of a public place adjoining the normal place of business of the applicant; or (ii) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation. [cl 6.7(2)] <p>c. exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division. [cl 6.7(3)]</p> <p>d. vary the conditions of a permit, and the permit holder shall comply with those conditions as varied. [cl 7.5 (2)]</p> <p>e. may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing. [cl 10.2]</p>
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Contentious issues to be referred to Council b. Part 6 Sub.div.2 6.20 - Cancellation of a permit cannot be delegated to any other officer
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

1.4.2 Animals, Environment and Nuisance Local Law 2017

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO	
Express Power or Duty Delegated:	<i>Animals, Environment and Nuisance Local Law 2017:</i> Part 2 Div.1 2.3 Disposal of Dead Animals Part 2 Div.2 2.5 Conditions for keeping of an animal Part 2 Div.3 2.7 Limitation on numbers of poultry and pigeons Part 2 Div.3 2.9 Roosters, geese, turkeys, peafowls, guinea fowls, emus and ostriches Part 2 Div.3 2.11 Restrictions on pigeons nesting or perching Part 3 Div.1 3.3 Unauthorised storage of materials Part 3 Div.2 3.4 Prohibited activities Part 3 Div.3 3.5 Burning of cleared vegetation prohibited Part 3 Div.3 3.6 Removal of refuse and disused materials Part 3 Div.3 3.7 Removal of unsightly overgrowth of vegetation Part 3 Div.3 3.9 Commercial wrecking of vehicles Part 4 Div.1 4.3 Notice may require specified action to prevent emission or reflection of light Part 4 Div.2 4.4 Burning rubbish, refuse or other material Part 4 Div.3 4.7 Truck noise from residential land Part 4 Div.6 4.13 Restrictions of keeping of bees in hives Part 5 Div.6 6.1 Notice of breach	
Delegate:	Chief Executive Officer	SUB DEL
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give written approval to: <ol style="list-style-type: none"> a. the operators of commercial poultry farms, licensed piggeries and similar intensive animal or bird farming to of dispose of any dead animals or birds on their premises. [cl2.3(1)] b. a person to keep or permit the keeping of bees anywhere within the district unless written approval to do so has been given by the Local government. [cl4.13(1)] c. a person on any land within a townsite, having an area of 2000 square metres or less, to set fire to rubbish, refuse or other materials who has— <ol style="list-style-type: none"> i. written approval has first been obtained from the local government; ii. the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low; iii. the material does not include any plastic, rubber, food scraps or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons; iv. a haze alert has not been issued by 	

	<p>the Bureau of Meteorology for the period during which burning is to take place; and</p> <ul style="list-style-type: none"> v. the burning complies with the Bush Fires Act 1954, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government. [cl4.4(1a)] <ul style="list-style-type: none"> d. store construction materials on a building site or development site. [cl3.3(1)] e. to store construction material on any thoroughfare verge. [cl3.3(2)] <p>2. Authority to give written notice:</p> <ul style="list-style-type: none"> a. to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time frame specified in the notice. [cl3.6(2)] b. to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice. [cl3.7(2)] c. to an owner or occupier of land in the district to undertake, permit or suffer the commercial wrecking of vehicles on that land. [cl3.9] d. direct to the owner or occupier to take such actions as necessary within the time specified in the notice where- <ul style="list-style-type: none"> i. floodlights or other exterior lights shine directly onto any other premises; ii. artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land that interferes unreasonably with normal daily activities; or iii. natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare [cl4.3(1)] e. the person alleged to be responsible for a breach of any provision of this local law. [cl6.1(1)] <p>3. Authority to provide approval to:</p> <ul style="list-style-type: none"> a. an owner or occupier of a premises within a townsite to keep a horse, cow or large animal on those premises. [cl2.5(1)] b. an owner or occupier of premises within a townsite to keep a combined total of more than 12 poultry and pigeons on any one lot of land. [cl2.7] 	
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	<p>4. Authority to serve a notice:</p> <p>a. serve on the owner and/or occupier of the land a notice requiring the owner and or occupier to do one or more of the following—</p> <ul style="list-style-type: none"> i. comply with subclause (1)(a) or (1)(b); ii. clean up and properly dispose of any released or escaped dust or liquid waste; iii. clean up and make good any damage resulting from the released or escaped dust or liquid waste; and iv. take reasonable steps to stop any further release or escape of dust or liquid waste. <p>b. requiring the person to remove bees or approved bee hives to be removed. [cl4.13(2)]</p> <p>5. Authority to give written permission to an owner or occupier of premises to keep or allow to be kept on that land a rooster; a goose or gander; a turkey; a peacock or peahen; a guinea fowl; an emu or an ostrich. [cl2.9(1)]</p> <p>6. Authority to grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified, upon written application. [cl2.9(2)]</p> <p>7. Authority to revoke an approval granted under this section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health. [cl2.9(4)]</p> <p>8. Authority to issue a notice to an owner or occupier of a house, in or on which pigeons are in the habit of nesting or perching, to take reasonable steps to prevent them from continuing to do so. [cl2.11(1)]</p> <p>9. Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice. [cl3.4(4)]</p> <p>10. Authority to give written authorisation to an owner or occupier of any building site or development site to burn vegetation or other material cleared from the site. [cl3.5]</p> <p>11. Authority to give written consent to a person to start or drive a truck on land or adjacent to land which is zoned, approved or used for residential purposes between the</p>	
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	hours of 10.30 pm and 6.30 am on the following day. [cl 4.7]	
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. An approval cannot be revoked by an officer who approved the original approval [cl2.9(4)] 2. Dual authorisation is required by the CESM & PEHO under cl3.5 	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees	

1.4.3 Bushfire Brigades Local Law (Consolidated 2017)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Bushfire Brigades Local Law (Consolidated 2017):</i> Part 2 Div.1 2.1 Establishment of a BUSH FIRE brigade Part 2 Div.1 2.2 Name and officers of BUSH FIRE brigade Part 2 Div.3 2.5 Variation of Rules Part 2 Div.5 2.7 Dissolution of BUSH FIRE brigade Part 6 6.4 Consideration in the local government budget
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to establish a bush fire brigade for the purpose of carrying out normal brigade activities. [cl1.2()] On establishing a bush fire brigade under clause 2.1(1) the local government is to – <ol style="list-style-type: none"> (a) give a name to the bush fire brigade; (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the “brigade area”); and (c) appoint – <ol style="list-style-type: none"> i. a Bush Fire Control Officer ii. a Captain; iii. a First Lieutenant; iv. a Second Lieutenant; v. additional Lieutenants if the local government considers it necessary; vi. an Equipment Officer; vii. a Secretary; and viii. a Treasurer; or ix. a Secretary/Treasurer combined [cl 2.2(1a-c)] 2. Authority to vary the Rules in their application to all bush fire brigades or in respect of a particular bush fire brigade. [cl 2.5(1)] 3. Authority to cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established. [cl 2.7] 4. Authority to approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question. [cl 6.4]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. the local government is to have regard to the qualifications and experience which may be required to fill each position.

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Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
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1.4.4 Cat Local Law (Consolidated to include 2017 amendment)

<p>Delegator: <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p>Express Power to Delegate: <i>Power that enables a delegation to be made</i></p>	<p><i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
<p>Express Power or Duty Delegated:</p>	<p><i>Cat Local Law (Consolidated to include 2017 amendment);</i> <i>Part 2 Sec 2.4 Decision on application</i> <i>Part 2 Sec 2.6 Conditions</i> <i>Part 2 Sec 2.8 Variation or cancellation of permit</i> <i>Part 3 Sec 3.1 Nuisances</i> <i>Part 4 Sec 4.1 Cat management facility</i> <i>Part 5 Sec 5.1 Destruction at request of owner</i> <i>Part 7 Sec 7.2 Objections and Appeals</i> <i>Part 7 Sec 7.3 General offence and penalty provisions</i> <i>Schedule 1 Sec A Permit to keep three or more cats</i> <i>Schedule 1 Sec B Permit to use premises as a cat management facility</i></p>
<p>Delegate:</p>	<p>Chief Executive Officer</p>
<p>Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>1. Authority to;</p> <ol style="list-style-type: none"> a. approve an application for a permit subject to conditions; [cl2.4(a)] b. refuse to approve an application for a permit. [cl2.4(b)] c. suspended or revoked a permit if there is a breach of any condition of that permit or if the permit holder is convicted of a breach of any provision of this local law; [cl2.6©] d. vary the conditions of a permit. [cl2.8(1)] e. vary or cancel a permit on the request of the permit holder. [cl2.8(2)] f. give written notice to the owner of the cat or any other person apparently in control of the cat, requiring that person to abate the nuisance. [cl3.1(2)] g. withdraw the notice given to abate the nuisance [cl3.1(3)] h. establish and maintain a cat management facility or facilities, and may approve a cat management facility maintained by any authorised person, for the impounding of cats under this local law. [cl4.1(1)] i. determine from time to time- <ul style="list-style-type: none"> • the times when a cat management facility will be open for the reception and release of cats; • times for the sale of cats from the facility; and • a scale of impounding fees to be paid on the release of impounded cats. [cl4.1(2)] j. destroy the cat under S.34(c) of the Act. [cl5.1(1)]

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	<ul style="list-style-type: none"> k. charge an owner a fee in respect of the destruction of a cat [cl5.1(3)] l. approve or refuse to approve an application for a permit under this local law; or [cl7.2(a)] m. renew, vary or cancel a permit under this local law, the provisions of Division 5 of Part 4 of the Act apply to that decision. [cl7.2(b)] n. recover a penalty for an offence against this local law when taking proceedings against the alleged offender [cl7.3(7)] o. give consent to the permit holder to replace a cat [Schedule 1A (3)] p. approve materials used in structures [Schedule 1B(3)]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

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1.4.5 Cemeteries Local Law 2008

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government	
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO	
Express Power or Duty Delegated:	<i>Cemeteries Local Law 2008:</i> <i>Part 2 Div.1 2.3 Plans and registers</i> <i>Part 2 Div.2 2.4 Issue grants</i> <i>Part 2 Div.2 2.5 Rights of holder</i> <i>Part 2 Div.2 2.6 Renewal of grant</i> <i>Part 2 Div.2 2.7 Replacement of grant</i> <i>Part 2 Div.2 2.8 Transfer of grant</i> <i>Part 2 Div.2 2.9 Exercising the right of holder</i> <i>Part 3 3.6 Receipt of application for funeral</i> <i>Part 3 3.7 Times for burials</i> <i>Part 4 4.2 Funeral directors licence</i> <i>Part 4 4.5 Cancellation of funeral director's licence</i> <i>Part 4 4.6 Single funeral permits</i> <i>Part 5 Div.1 5.6 Conduct of funeral by Council</i> <i>Part 5 Div.2 5.7 Disposal of ashes</i> <i>Part 6 6.2 Vault or mausoleum</i> <i>Part 6 6.5 Exhumation</i> <i>Part 6 6.6 Opening of a coffin</i> <i>Part 7 Div.1 7.1 Application for monumental work</i> <i>Part 7 Div.1 7.2 Placement of monumental work</i> <i>Part 7 Div.1 7.5 Removal of sand, soil or loam</i> <i>Part 7 Div.1 7.6 Hours of work</i> <i>Part 7 Div.1 7.8 Use of wood</i> <i>Part 7 Div.1 7.9 Plants and trees</i> <i>Part 7 Div.1 7.14 Monumental mason's licence</i> <i>Part 7 Div.3 7.16 Carrying out monumental works</i> <i>Part 7 Div.3 7.18 Cancellation of monumental mason's licence</i> <i>Part 7 Div.3 7.19 Application for single monumental work permit</i> <i>Part 8 8.1 Animals</i> <i>Part 8 8.3 Damaging and removing of objects</i> <i>Part 8 8.6 Advertising</i> <i>Part 8 8.8 Removal from cemetery</i>	
Delegate:	Chief Executive Officer	SUB DEL

<p>Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> 1. Authority to issue; <ol style="list-style-type: none"> a. that person with a grant of right of burial for a term of twenty-five (25) years. [cl2.4] b. a new grant to replace a grant which is lost or destroyed. [cl2.7(1)] c. to an applicant a funeral director's licence authorising a holder to direct funerals [cl4.2(1)] d. to an applicant a single funeral permit authorising a holder to direct a funeral [cl4.6(1)] e. to that person a permit to carry out monumental work on a grave specified in an application [cl7.1(1)] f. to an applicant a monumental mason's licence [cl7.14(1)] g. to an applicant a single monumental work permit authorising a holder to place a monument [cl7.19(1)] 2. Authority to determine; <ol style="list-style-type: none"> a. from time to time the number of dead bodies or ashes which may be placed in the grave. [cl 2.5(2)] b. determine the manner in which the funeral shall be conducted [cl5.6(c)] c. proper and substantial foundations for the placement for the of monuments [cl7.2] 3. Authority to request; <ol style="list-style-type: none"> a. the holder to produce the grant before the exercise of any of the rights [cl2.5(3)] b. the holder to deliver an existing grant to it prior to issuing a new grant. [cl2.5(3)] 4. Authority to give permission; <ol style="list-style-type: none"> a. in accordance with section 26 of the Act to a holder who desires to transfer a grant to another person [cl2.8(b)] b. to carry out a burial – <ol style="list-style-type: none"> i. on a gazetted public holiday in the State of Western Australia; or ii. at any other time, other than during the following days and hours – <ul style="list-style-type: none"> • Monday to Friday between 9.00 a.m. and 4.00 p.m. • Saturday between 9.00 a.m. and 12.00 p.m. [cl3.7] c. for the ashes to be disposed of by one of the following methods- <ol style="list-style-type: none"> i. Niche wall ii. Family grave iii. Bush memorial iv. Other memorials approved by the Council [cl5.7(1)]
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	<p>d. to carry out memorial or other work on graves within a cemetery other than during the hours of 8.00 a.m. and 6.00 p.m. on weekdays, and 8.00 a.m. and noon on Saturdays. [cl7.6]</p> <p>e. to a person to remove or pick any tree, plant, shrub or flower in a cemetery or any other object or thing on a grave or memorial or which is the property of the Council [cl8.3]</p> <p>5. Authority to approve;</p> <p>a. any other person the rights If evidence is produced in writing to the satisfaction of the Council that a holder is unavailable or not immediately ascertainable, or has died and has not specifically bequeathed a grant, then the rights conferred upon that holder may be exercised by a holder's personal representative or a person acting expressly on behalf of a personal representative. If those persons are unavailable or not immediately ascertainable. [cl2.9]</p> <p>b. the construction of a vault or mausoleum within a cemetery, which vault or mausoleum [cl6.2(2)]</p> <p>c. the materials used to seal a mausoleum [cl6.2(6)]</p> <p>d. the opening of that coffin [cl6.6(1)]</p> <p>e. the removal of sand, earth or other material for use in the erection of any memorial or work [cl7.5]</p> <p>f. the use of wood on or around a grave [cl7.8]</p> <p>g. the planting of trees or shrubs [cl7.9]</p> <p>h. a person to carry on or advertise any trade, business or profession within a cemetery [cl8.3]</p> <p>6. Authority to;</p> <p>a. establish and maintain –</p> <p>i. a plan of each cemetery showing the location and identifying number of every burial place or grave and the distribution of the land, compartments and sections;</p> <p>ii. a register containing the identification numbers of graves and the names and description of the persons buried;</p> <p>iii. a register of grants made with respect to each cemetery; and</p> <p>iv. a register of persons cremated whose ashes have been buried or disposed in each cemetery.</p> <p>b. renew the grant for a further term of twenty-five (25) years commencing on the expiry date of the grant [cl2.6]</p> <p>c. fix a time for a funeral; and [cl3.6(a)]</p> <p>d. prepare a grave that is required. [cl3.6(b)]</p> <p>e. Cancel a funeral directors licence by notice in writing to a holder of a funeral director's licence [cl4.5]</p>	
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	<ul style="list-style-type: none"> f. refuse an application for the single funeral permit if, in the opinion of the Council, either a coffin's specifications or the details of the vehicle transporting the dead body to the gravesite, are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds. [cl4.6(3)] g. specify an area in a cemetery where the dead body is to be buried or the ashes placed; [cl5.6(d)] h. conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law; [cl5.6(e)] i. do or require anything which it considers is necessary or convenient for the conduct of the funeral by it. [cl5.6(f)] j. place the ashes of the deceased person in the cemetery [cl5.7(3)] k. place the ashes of the deceased person within a grave [cl 5.7(4)] l. disinter a coffin in a cemetery for an exhumation of a dead body [cl6.5] m. set conditions on a monumental mason's licence [cl7.14(2)] n. authorise a person to carry out monumental work within a cemetery [cl7.16] o. terminate a licence of a monumental mason's licence [7.18(1)] p. permit the entry of an animal in a cemetery [cl8.1] q. order a person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Council, the CEO or an authorised officer is inappropriate in a cemetery may in addition to any penalty provided by this local law [cl8.8] 	
<p>Council Conditions on this Delegation:</p>	<p>Nil</p>	
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>	

1.4.6 Dogs Local Law (Consolidated 2017)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Dogs Local Law (Consolidated 2017): Part 4, 4.3 Notice of proposed use Part 4, 4.4 Exemption from notice requirements Part 4, 4.8 Conditions of approval Part 4, 4.11 Form of licence Part 4, 4.13 Variation or cancellation of licence Part 4, 4.14 Transfer Part 4, 4.15 Notification Part 4, 4.16 Inspection of kennel Part 7, 7.3 Issue of infringement notice Part 7, 7.5 Payment of modified penalty Part 7, 7.7 Service Schedule 2 Conditions of a licence for an approved kennel establishment
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve; <ol style="list-style-type: none"> a. an exemption for a licence of an approved kennel establishment [cl4.4] b. an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions [cl4.8(1)] c. materials for a kennel [schedule2(c)] d. approve other durable materials for the walls of a kennel [schedule2(k)] 2. Authority to vary; <ol style="list-style-type: none"> a. any of the conditions contained in Schedule 2. [cl4.8(2)] b. the conditions of a licence. [cl4.13(1)] 3. Authority to; <ol style="list-style-type: none"> a. refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions. [cl4.3(3)] b. determine the form for a licence and issue to the licensee [cl4.11] c. cancel a licence – <ol style="list-style-type: none"> i. on the request of the licensee; ii. following a breach of the Act, the Regulations or this local law; or iii. if the licensee is not a fit and proper person. [cl4.13(2)] d. approve or refuse to approve an application for the transfer of a valid licence. [cl4.14(3)] e. give 15 written notice to -

	<ul style="list-style-type: none"> i. an applicant for a licence of the local government's decision on her or his application; ii. a transferee of the local government's decision on her or his application for the transfer of a valid licence; iii. a licensee of any variation made under clause 4.13(1); iv. a licensee when her or his licence is due for renewal and the manner in which it may be renewed; v. a licensee when her or his licence is renewed; vi. a licensee of the cancellation of a licence under clause 4.13(2)(a); and vii. a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act. [cl4.15] <ul style="list-style-type: none"> f. inspect an approved kennel establishment at any time. [cl4.16] g. issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations. [cl7.3] h. withdraw an infringement notice [cl7.5] (please see conditions below [cl7.6(2)]) i. serve a notice on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government. [cl7.7] j. order that all kennels and yards and drinking vessels be maintained [schedule 2(n)]
<p>Council Conditions on this Delegation:</p>	<ul style="list-style-type: none"> a. A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

1.4.7 Extractive Industries Local Law (Consolidated 2016)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Extractive Industries Local Law (Consolidated 2016):</i> Part 2, 2.2 Applicant to advertise proposal Part 2, 2.3 Application for licence Part 3 3.1 Determination of application Part 4, 4.1 Transfer of licence Part 4, 4.2 Cancellation of licence Part 4, 4.3 Renewal of licence Part 5, 5.1 Security for restoration and reinstatement Part 5, 5.2 Use by the local government of secured sum Part 6, 6.1 Limits on excavation near boundary Part 6, 6.2 Prohibitions Part 6, 6.3 Blasting Part 6, 6.4 Obligations of the licensee Part 7, 7.4 Works to be carried out on cessation of operations Part 8, 8.1 Objections and Appeals
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to approve; <ol style="list-style-type: none"> a. a licence to excavate [cl2.2(1)] b. the content, size and construction of a notice used by an applicant to advertise the licence issued by the local government [cl2.2(2b)] c. the placement of the datum peg on the surface of a constructed public road or such other land in the vicinity [cl2.3(1d)] d. the application - <ol style="list-style-type: none"> i. over the whole or part of the land in respect of which the application is made; and ii. on such terms and conditions, if any, as it sees fit. [cl3.1(2b)] e. the issue of a licence in the form determined by the local government [cl3.1(3b)] f. the application to transfer a licence on such terms and conditions, if any, as it sees fit [cl4.1(2b)] g. excavation outside of the following limits; <ol style="list-style-type: none"> i. 20 metres of the boundary of any land on which the excavation site is located; ii. 20 metres of any land affected by a registered grant of easement; iii. 40 metres of any road; or iv. 40 metres of any watercourse. [cl6.1] h. to a licensee in writing to remove trees or shrubs and impose any conditions in accordance with cl3.1 [cl6.2(a)] i. blasting on a Saturday, Sunday or Public Holiday [cl6.3(2)]

	<p>j. proposals to restore and reinstate an excavated site [cl7.4(a)]</p> <p>2. Authority to determine;</p> <p>a. the form used by an applicant to advertise the licence issued [cl2.2(2a)]</p> <p>b. the form used to apply for a licence in respect to any land [cl2.3(1)]</p> <p>c. the licence period for a licence application the licence period for a licence application, not exceeding 21 years from the date of issue; and [cl3.1(3a)]</p> <p>d. the annual licence fee, or the relevant proportion of the annual licence fee to 31st December [cl3.1(4a)]</p> <p>e. the form used to transfer a licence [cl4.1(3)]</p> <p>f. a sum the licensee must give to the local government as a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government [cl5.1(1)]</p> <p>g. the hours that blasting takes place [cl6.3(1b)]</p> <p>h. the standard of fencing required to securely fence an excavation site [cl6.4(a)]</p> <p>3. Authority to refuse;</p> <p>a. to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained. [cl3.1(1)]</p> <p>b. the application, in respect of an application for a licence [cl3.1(2a)]</p> <p>c. the application to transfer a licence [cl4.1(2a)]</p> <p>d. the application for the renewal of a licence [cl4.3(4a)]</p> <p>4. Authority to request;</p> <p>a. request any information to transfer a licence application [cl4.1(1e)]</p> <p>b. request a licensee give a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government for security for restoration and reinstatement of an excavation site [cl5.1(1)]</p> <p>5. Authority to;</p> <p>a. cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices referred to in sub-clause (1) [cl2.2]</p> <p>b. may impose conditions in respect of the following matters -</p> <p>i. the orientation of the excavation to reduce visibility from other land;</p>
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	<ul style="list-style-type: none"> ii. the appropriate siting of access roads, buildings and plant; iii. the stockpiling of material; iv. the hours during which any excavation work may be carried out; v. the hours during which any processing plant associated with, or located on, the site may be operated; vi. requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government; vii. the depths below which a person must not excavate; viii. distances from adjoining land or roads within which a person must not excavate; ix. the safety of persons employed at or visiting the excavation site; x. the control of dust and wind-blown material; xi. the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation; xii. the prevention of the spread of dieback or other disease; xiii. the drainage of the excavation site and the disposal of water; xiv. the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation; xv. the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation; xvi. requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme; xvii. requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law;
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	<ul style="list-style-type: none"> xviii. any other matter for properly regulating the carrying on of an extractive industry; and xix. requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence. [cl3.1(5)] <p>c. cancel a licence where the licensee has -</p> <ul style="list-style-type: none"> i. been convicted of an offence against - ii. this local law; or iii. any other law relating to carrying on an extractive industry; or iv. transferred or assigned or attempted to transfer or assign the licence without the consent of the local government; v. permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law; vi. failed to pay the annual licence fee under clause 3.2; or vii. failed to have a current public liability insurance policy under clause 7.1(1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2). [cl4.2(1)] <p>d. advise the licensee in writing of the licence cancellation [cl4.2(2a)]</p> <p>e. waive any of the requirements specified in clause 4.3 (1) (d) or (e). [cl4.3(2)]</p> <p>f. carry out the required restoration and reinstatement work or so much of that work as remains undone; and [cl5.291c]</p> <p>g. demand all costs incurred by the local government or which the local government may be required to pay under this clause [cl5.2(1d)]</p> <p>h. apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause. [cl5.2(2)]</p> <p>i. vary a licence that a person has under this local law [cl8.1(b)]</p>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

1.4.8 Fencing Local Law (Consolidated 2016)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Fencing Local Law (Consolidated 2016):</i> Part 2, 4 Sufficient fences Part 3, 8 Fences across rights-of-way, public access ways or thoroughfares Part 8, 8 General Discretion of the Local Government Part 6, 11 Requirement for a Licence Part 6, 12 Transfer of a Licence Part 6, 13 Cancellation of a Licence Part 7, 14 Notices of Breach
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve; <ol style="list-style-type: none"> a. the erection of a dividing fence or a boundary fence that is not a sufficient fence [cl4(1)] b. the erection or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed. [cl8] c. a licence to have and use an electrified fence [cl11(4)(a)] d. subject to such conditions a licence to have and use an electrified fence [cl11(4)(b)] e. to transfer a licence to another occupier or owner of the lot f. approve the application for a transfer of the licence [cl12(3)(a)] g. the application for a transfer of the licence subject to such conditions as it thinks fit; [cl12(3)(b)] h. any other material in compliance with the Local Law to erect a timber fence [cl First Schedule 5(f)] 2. Authority to refuse; <ol style="list-style-type: none"> a. a licence to have and use an electrified fence [cl11(4)(c)] b. to approve the application for a transfer of the licence. [cl12 (3)(c)] 3. Authority to determine; <ol style="list-style-type: none"> a. the form used to transfer a licence [cl12(2)(b)] b. the fee to transfer a licence to another occupier or owner of the lot [cl12(2)(d)] 4. Authority to;

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	<ul style="list-style-type: none"> a. give consent to the erection or repair of a fence which does not comply with the requirements of these Local Laws. [cl8(1)] b. request information to determine an application to transfer a licence to another occupier or owner of the lot [cl12(2)(e)] c. cancel a licence issued under this Part, subject to Division 1 Part 9 of the Local Government Act 1995 if- <ul style="list-style-type: none"> i. the fence no longer satisfies the requirements specified in clause 14(2) or 14(3) as the case may be; or ii. the licence holder breaches any condition upon which the licence has been issued. [cl13] d. give a notice in writing to the owner of that lot ('notice of breach') where a breach of any provision of these Local Laws has occurred in relation to a fence on a lot [cl14(1)] e. may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach [cl14(3)] f. may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction. [cl14(3)]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

1.4.9 Health Local Laws 1999

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Health Local Laws 1999: <i>Part 3 Div1 3.1.2 Guttering and Downpipes</i> <i>Part 3 Div2 3.2.4 Ventilation</i> <i>Part 4 Div1 4.1.3 Disposal of Liquid Waste</i> <i>Part 4 Div1 4.1.4 Approval for Septic Tank Pumpouts and Removal of Liquid Waste</i> <i>Part 4 Div1 4.1.5 Application for Approval</i> <i>Part 4 Div1 4.1.6 Provision of Quarterly Reports</i> <i>Part 4 Div2 4.3.2 Restriction of Vehicles</i> <i>Part 4 Div2 4.3.3 Transport of Butchers' Waste</i> <i>Part 5 Div7 5.7.2 Ventilation</i> <i>Part 6 Div1 6.1.5 Council may Execute Work and Recover Costs</i> <i>Part 6 Div2 6.2.3 Council may Execute work and recover costs</i> <i>Part 6 Div6 6.8.1 prescribe any other "Arthropod vectors of disease"</i> <i>Part 7 Div1 7.1.1 Requirements for an owner or occupier to clean, disinfect and disinfect</i> <i>Part 7 Div1 7.1.2 Environmental Health Officer may disinfect or disinfect premises</i> <i>Part 7 Div1 7.1.6 Persons in contact with an infectious disease sufferer</i> <i>Part 7 Div1 7.1.7 Declaration of infected house or premises</i> <i>Part 7 Div1 7.1.10 Council may carry out work and recover costs</i> <i>Part 7 Div2 7.2.1 Disposal of used condoms</i> <i>Part 8 Div1 8.1.2 Lodging House Not to be Kept Unless Registered</i> <i>Part 8 Div1 8.1.4 Approval of Application</i> <i>Part 8 Div1 8.1.7 Revocation or Registration</i> <i>Part 8 Div2 8.2.7 Fire Prevention and Control</i> <i>Part 8 Div2 8.2.11 Sleeping Accommodation, Short Term Hostels and Recreational Campsites</i> <i>Part 8 Div3 8.3.3 Keeper Report</i> <i>Part 9 Div1 9.1.5 Certificate of Registration</i> <i>Part 9 Div1 9.1.7 Alterations to Premises</i> <i>Part 9 Div4 9.4.2 Receiving Depot</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to approve; <ol style="list-style-type: none"> a. the owner of a house to use or occupy, or permit to be used or occupied, a house without guttering and downpipes [cl3.1.2] b. the owner or occupier of premises to discharge liquid waste into an apparatus for the treatment of sewage and disposal [cl3.2.4(4)] c. give written approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage and other liquid wastes. [cl4.1.4(b)] d. a vehicle or container for transporting butchers' waste [cl4.3.2(a)] e. other impervious material to cover butchers' waste in transport [cl4.3.3(1aiv)]

	<p>f. a lodging house, with or without conditions, an application under Section 8.1.3 by issuing to the applicant a certificate [cl8.1.4]</p> <p>g. fire protection equipment fitted in a lodging house [cl8.2.7(2)]</p> <p>h. mechanical ventilation in lieu of fixed ventilation of a short term hostel or recreational campsite [cl8.2.11(5b)]</p> <p>2. Authority to give notice to;</p> <p>a. the owner of a house that is not properly ventilated, to;</p> <p style="padding-left: 40px;">i. provide a different, or additional method of ventilation; or</p> <p style="padding-left: 40px;">ii. cease using the house until it is properly ventilated. [3.2.4(4)]</p> <p>b. to the occupier of an incorrectly ventilated car park to –</p> <p style="padding-left: 40px;">i. provide a different or additional method of ventilation; and</p> <p style="padding-left: 40px;">ii. cease using the car park until it is properly ventilated. [5.7.2(2)]</p> <p>c. an owner or occupier in writing to clean, disinfect and disinfest –</p> <p style="padding-left: 40px;">i. the premises; or</p> <p style="padding-left: 40px;">ii. such things in or on the premises as are specified in the notice, or both, to the satisfaction of an Environmental Health Officer. [cl7.1.1(1)]</p> <p>d. the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked, before revoking the registration of a lodging house [8.1.7(3)]</p> <p>e. the keeper of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper when revokes the registration of a lodging house [8.1.7(4)]</p> <p>f. withdraw permission to an owner or occupier of premises to use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works [cl9.4.2]</p> <p>3. Authority to impose;</p> <p>a. terms and conditions on approvals for septic tank pump outs and removal of liquid waste [cl4.1.4(c)]</p> <p>b. conditions on an application for septic tank pump outs and removal of liquid waste [cl4.1.5(3)]</p> <p>4. Authority to request;</p> <p>a. quarterly reports from approved carriers to the Council containing accurate details of -</p>
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	<ul style="list-style-type: none"> <ul style="list-style-type: none"> i. the date of servicing the liquid waste system; ii. the address or location of the involved property; and iii. the type of system serviced. [cl4.1.6] b. a report to the Council in the form prescribed in Schedule (5), the name of each lodger who lodged in the lodging house during the preceding day or night. [cl8.3.3] <p>5. Authority to direct;</p> <ul style="list-style-type: none"> a. an officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises. [cl7.1.2(2)] b. the removal of a person mentioned in section 7.1.6 to isolation in an appropriate place to prevent or minimise the risk of the infection spreading [cl7.1.6(b)] c. an occupier of premises to dispose of used condoms [cl7.2.1(1)] <p>6. Authority to revoke;</p> <ul style="list-style-type: none"> a. the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation. [cl8.1.7(1)] b. a registration of a lodging house upon any one or more of the following grounds – <ul style="list-style-type: none"> i. that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition; ii. that the keeper has – iii. been convicted of an offence against these local laws in respect of the lodging house; iv. not complied with a requirement of this Part; or v. not complied with a condition of registration; <p>7. Authority to give written permission;</p> <ul style="list-style-type: none"> a. to make or permit any change or alteration whatever to the premise while it remains registered under this division. [cl9.1.7] b. to an owner or occupier of premises to use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works [cl9.4.2] <p>8. Authority to;</p> <ul style="list-style-type: none"> a. grant an application for septic tank pump outs and removal of liquid waste under this section subject to conditions [cl4.1.5(2)]
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	<ul style="list-style-type: none"> b. refuse an application for septic tank pump outs and removal of liquid waste under this section subject to conditions [cl4.1.5(2)] c. vary conditions on an application for septic tank pump outs and removal of liquid waste [4.1.5(4)] d. execute work and recover from that person the cost of executing the work where a person fails or neglects to comply with the requirements under section 6.1.4 [cl6.1.5(1)] e. recover in a court of competent jurisdiction the costs and expenses incurred by the Council to execute work in section 6.1.5 subsection (1) [cl6.1.5(2)] f. execute work and recover from that person the cost of executing the work where a person fails or neglects to comply with the requirements under section 6.2.2 [cl6.2.3(1)] g. recover in a court of competent jurisdiction the costs and expenses incurred by the Council to execute work in section 6.2.2 subsection (1) [cl6.2.3(2)] h. prescribe any other “Arthropod vectors of disease” [cl6.8.1] i. recover, in a court of competent jurisdiction, the cost of carrying out the work under this Section from the owner or occupier of the premises in or on which the work was carried out. [cl7.1.2(3)] j. issue instructions to a person if a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house. [cl7.1.6(a)] k. declare a house or premises to be infected [cl7.1.7(1)] l. Carry out work or arrange for the work to be carried out to dispose of a body of a person who has died of any infectious disease [cl7.1.10(1)] m. recover in a court of competent jurisdiction the costs and expenses incurred by the Council to execute work in section 7.1.10 subsection (1) {cl7.1.10(2)} n. register a lodging house under section 8.1.4 [cl8.1.2(b)] o. issue to the applicant a certificate of registration in the form prescribed in Schedule (11) to establish an offence trade [cl9.1.5]
<p>Council Conditions on this Delegation:</p>	<p>a. Sub-delegates must hold current qualifications to the satisfaction of the chief medical officer to perform any functions authorised above</p>
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

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1.4.10 Meeting Procedures Local Law 2017

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Meeting Procedures Local Law 2017:</i> <i>Part 6 6.10 Petitions</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to; a. submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3). [cl6.10(2)]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

1.4.11 Outdoor Eating Areas Local Law 2013

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Outdoor Eating Areas Local Law 2013:</i> Part 2 2.2 Exemptions Part 2 2.3 Application for a licence Part 2 2.5 Decision on application for licence Part 2 2.6 Conditions which may be imposed on a licence Part 2 2.8 Amendment of licence conditions Part 2 2.11 Transfer of licence Part 2 2.12 Cancellation or suspension of licence Part 2 2.13 Production of licence Part 4 4.2 Notice to repair damage to public place Part 4 4.3 Local Government may undertake requirements of notice Part 4 4.4 Removal and impounding of goods
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine; <ol style="list-style-type: none"> a. the form for a licence [cl2.3(2a)] b. the fee imposed for a licence [cl2.3(2d)] c. the form to transfer a licence [cl2.11(1)(a)] 2. Authority to request; <ol style="list-style-type: none"> a. an applicant to provide additional information reasonably related to an application before determining the application [cl2.3(3)] b. a licensee to produce his or her valid licence immediately [cl2.13] 3. Authority to refuse; <ol style="list-style-type: none"> a. to consider an application for a licence which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3). [cl2.3(5)] b. refuse to approve the application. [cl2.5(1b)] c. refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1). [cl2.11(2)] 4. Authority to give notice; <ol style="list-style-type: none"> a. In writing to refuse an application, and written reasons for, the refusal to the applicant [cl2.5(4a)] b. In writing to a licensee of, and written reasons for, its decision to amend; [cl2.8(5i)] c. In writing of, and reasons for, the decision to cancel or suspend a licence [cl2.12(3a)] d. to a licensee Where any portion of a public place has been damaged as a result of the use of that public place as an outdoor eating area [cl4.2] 5. Authority to inform;

	<ul style="list-style-type: none"> a. the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision. [cl2.5(4b)] b. the licensee of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision. [cl2.8(5ii)] c. the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision; [cl2.12(3b)] <p>6. Authority to approve;</p> <ul style="list-style-type: none"> a. the application unconditionally or subject to any conditions; [cl2.5(1a)] b. an application for a licence subject to conditions relating to- [cl2.6] c. approve an application for the transfer of a licence, refuse to approve it or approve it subject to such terms and conditions as it sees fit, and if it is approved, the proposed transferee shall become the licensee from the date of the approval. [cl2.11(3)] <p>7. Authority to amend;</p> <ul style="list-style-type: none"> a. the licence, either in accordance with the application or otherwise as it sees fit; [cl2.8(2i)] b. any of the terms and conditions of the licence. [cl2.8(3)] <p>8. Authority to cancel;</p> <ul style="list-style-type: none"> a. a licence on any one or more of the following grounds- [cl2.12(1)] b. or suspend a licence if the local government or a utility requires access to or near the place to which a licence applies, for the purposes of carrying out works in or near the vicinity of that place. [cl2.12(2)] <p>9. Authority to;</p> <ul style="list-style-type: none"> a. exempt a person or class of persons in writing from the requirement to have a licence. [cl2.2(1)] b. give an exemption in subclause (1) subject to any conditions the local government sees fit. [cl2.2(3)] c. give local public notice of the application for a licence. [cl2.3(4)] d. impose other conditions on the licence under subclause (1)(a). [cl2.5(5)] e. decline to amend a licence. [cl2.8(2ii)] f. notify the licensee in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the licence apply from the date of the notification. [cl2.8(4)]
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	<ul style="list-style-type: none"> g. refund to the licensee all or part of the licence fee in respect of what would otherwise have been the balance of the term of the licence. [cl2.12(5)] h. give lawful direction to a licensee [cl4.1(1)] i. undertake the works specified in the notice and recover from that licensee, as a debt, the costs incurred in so doing If a person fails to comply with a notice under clause 4.2 [cl4.3] j. remove and impound any furniture Where an outdoor eating area is conducted without a valid licence or in contravention of a condition of a licence [cl4.4]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

1.4.12 Parking and Parking Facilities Local Law 2017

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Parking and Parking Facilities Local Law 2017: Part 1 1.4 Application and pre-existing signs Part 2 2.3 Vehicles to be within parking stall in parking station Part 2 2.4 Parking prohibitions and restrictions Part 3 3.2 Restrictions on parking in particular areas Part 3 3.12 Authorised person may mark tyres Part 3 3.16 Parking on reserves Part 3 3.17 Suspension of parking limitations for urgent, essential or official duties Part 4 4.2 Unauthorised signs and defacing of signs Part 4 4.6 Vehicles not to obstruct a public place
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give permission; <ol style="list-style-type: none"> a. to a person to park a vehicle on any part of a parking station contrary to a sign referable to that part; [cl2.4 (1b)] b. to a person to park a vehicle in an area designated by a sign stating "Authorised Vehicles Only". [cl3.2(4)] c. to a person to leave a vehicle, or any part of a vehicle, in a public place where it obstructs the use of any part of that public place [cl4.6(1)] 2. Authority to permit; <ol style="list-style-type: none"> a. a vehicle to park on any part of a parking station [cl2.4 (1c)] b. a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties. [cl3.17(1)] 3. Authority to authorise a person; <ol style="list-style-type: none"> a. person to drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose [cl3.16] b. to mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law; [cl4.2(a)] c. to remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act [cl4.2(b)] d. to affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up

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	<p>or exhibited by the local government under this Local Law [cl4.2(c)]</p> <p>4. Authority to;</p> <ol style="list-style-type: none"> a. agree in writing with the owner or occupier of that facility or station that this Local Law will apply to that facility or station [cl1.4(2)] b. direct a person to park a vehicle in a parking station otherwise than wholly within a parking stall [cl2.3] c. mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers. [cl3.12(1)] d. prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission. [cl3.17(2)]
<p>Council Conditions on this Delegation:</p>	<p>Nil</p>
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

1.4.13 Local Government Property Local Law 2015

<p>Delegator: <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>	
<p>Express Power to Delegate: <i>Power that enables a delegation to be made</i></p>	<p><i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>	
<p>Express Power or Duty Delegated:</p>	<p><i>Local Government Property Local Law 2015:</i> Part 1 1.4 Application Part 2 Div1 2.2 Procedure for making a determination Part 2 Div1 2.3 Discretion to erect sign Part 2 Div1 2.5 Register of determinations Part 3 Div2 3.2 Application for permit Part 3 Div2 3.3 Decision on application for permit Part 3 Div2 3.4 Conditions which may be imposed on a permit Part 3 Div3 3.5 Imposing conditions under a policy Part 3 Div3 3.6 Compliance with and variation of condition Part 3 Div4 3.7 Agreement for building Part 3 Div4 3.10 Transfer of permit Part 3 Div4 3.11 Production of permit Part 3 Div4 3.12 Cancellation of permit Part 3 Div5 3.13 Activities needing a permit Part 4 Div2 4.6 Signs Part 5 Div1 5.1 When entry must be refused Part 5 Div2 5.2 No entry to fenced or closed local government property Part 6 6.1 No unauthorised entry to function Part 7 7.1 Application of Division 1, Part 9 of the Act Part 8 8.1 Authorised person to be obeyed Part 8 8.2 Persons may be directed to leave local government property Part 8 8.3 Disposal of lost property Part 8 8.4 Liability for damage to local government property Part 9 Div1 9.2 Local government may undertake requirements of notice</p>	
<p>Delegate:</p>	<p>Chief Executive Officer</p>	<p>SUB DEL</p>
<p>Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> 1. Authority to enter; <ol style="list-style-type: none"> a. into an agreement with any person regarding the use of any local government property. [cl1.4(2b)] b. into an agreement with the permit holder in respect of the ownership of the materials in the building [cl3.7] 2. Authority to erect a sign; <ol style="list-style-type: none"> a. on local government property to give notice of the effect of a determination which applies to that property [cl2.3] b. on local government property specifying any conditions of use which apply to that property [cl4.6(1)] 3. Authority to determine; <ol style="list-style-type: none"> a. the form for an application for a permit under this local law [cl3.2(2a)] 4. Authority to request; 	

	<ul style="list-style-type: none"> a. an applicant to provide additional information reasonably related to an application before determining an application for a permit. [cl3.2(3)] b. an applicant to give local public notice of the application for a permit [cl3.2(4)] c. an applicant to provide such information as require to enable the application to be determined [cl3.10(1c)] d. an applicant to provide such information as require to enable the application to be determined [cl3.10(1c)] e. a permit holder to produce to an authorized person her or his permit immediately [cl3.11] <p>5. Authority to refuse;</p> <ul style="list-style-type: none"> a. to consider an application for a permit which is not in accordance with sub clause (2). [cl3.2(5)] b. to approve an application for a permit. [cl3.3(1b)] c. to approve an application for the transfer of a permit [cl3.10(2)] d. admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who- [cl5.1] <p>6. Authority to approve;</p> <ul style="list-style-type: none"> a. an application for a permit unconditionally or subject to any conditions [cl3.3(1a)] b. an application subject to conditions by reference to a policy. [cl3.4(1)] c. an application subject to conditions by reference to a policy. [cl3.5(2)] d. an application for the transfer of a permit, or approve it subject to any conditions. [cl3.10(2)] <p>7. Authority to give written notice;</p> <ul style="list-style-type: none"> a. for the refusal to approve a permit to an applicant. [cl3.3(3)] b. to a person who unlawfully damages local government property to pay the costs of - [cl8.4(1)] <p>8. Authority to exempt;</p> <ul style="list-style-type: none"> a. a person from compliance with sub-clause (1) on the application of that person [cl3.13(2)] b. specified local government property or a class of local government property from the application of sub-clause (1)(a). [cl3.13(3)] c. a person from compliance with sub-clause (1)(b). [cl6.1(2)] <p>9. Authority to direct a person;</p> <ul style="list-style-type: none"> a. on local government property [cl8.1] b. to leave, or temporarily suspend a person from, local government property where she or he 	
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	<p>reasonably suspects that the person has contravened a provision of any written law. [cl8.2]</p> <p>10. Authority to cancel;</p> <ol style="list-style-type: none"> a. cancel a booking during the course of an annual or seasonal booking [cl3.4(2g)] b. cancel a permit [cl3.12(1)] <p>11. Authority to;</p> <ol style="list-style-type: none"> a. hire local government property to any person [cl1.4(2a)] b. give local public notice of its intention to make a determination [cl2.2(1)] c. keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6 [cl2.5] d. give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2). [cl3.5(3)] e. vary the conditions of a permit [cl3.6(2)] f. authorise a person to enter local government property which has been fenced off or closed to the public by a sign or otherwise [cl5.2] g. renew, vary, or cancel a permit or consent that a person has under this local law [cl7.1(b)] h. dispose of any article left on any local government property, and not claimed within a period of 3 months [cl8.3] i. recover the costs referred to in the notice as a debt due to failure to comply with a notice issued under sub-clause (1) [cl8.4(3)] j. do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing when a person fails to comply with a notice referred to in clause 9.1 [cl9.2] 	
<p>Council Conditions on this Delegation:</p>	<p>N/A</p>	
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>	

1.4.14 Waste Local Law 2017

<p>Delegator: <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p>Express Power to Delegate: <i>Power that enables a delegation to be made</i></p>	<p><i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
<p>Express Power or Duty Delegated:</p>	<p><i>Waste Local Law 2017:</i> Part 1, 1.6 Local public notice of determinations Part 1, 1.7 Rates, fees and charges Part 1, 1.8 Power to provide waste services Part 2, 2.3 General waste receptacles Part 2, 2.4 Recycling waste receptacles Part 2, 2.5 Organic waste receptacles Part 2, 2.6 Direction to place or remove a receptacle Part 2, 2.7 Duties of owner or occupier Part 2, 2.8 Exemption Part 2, 2.9 Damaging or removing receptacles Part 3, 3.1 Duties of an owner or occupier Part 3, 3.2 Removal of waste from premises Part 3, 3.3 Receptacles and containers for public use Part 4, 4.2 Hours of operation Part 4, 4.3 Signs and directions Part 4, 4.4 Fees and charges Part 4, 4.5 Depositing waste Part 4, 4.6 Prohibited activities</p>
<p>Delegate:</p>	<p>Chief Executive Officer</p>
<p>Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> 1. Authority to determine; <ol style="list-style-type: none"> a. a matter under this local law [c1.6] b. the weight for general waste receptacles [c2.3(1b)] c. the weight for recycling waste receptacles [c2.4(c)] d. the weight for organic waste receptacles [c2.5(c)] e. an area for placing a receptacle for collection [c2.7(b)] f. the hours of operation of a waste facility [c4.2] g. the classification of any waste that may be deposited at a waste facility [c4.5(2)] h. non-collectable waste [c1Schedule1(l)] 2. Authority to give written direction; <ol style="list-style-type: none"> a. to an owner or occupier of specified premises to place a receptacle in respect of those premises for collection [c2.6(1a)] b. to an owner or occupier of specified premises to remove a receptacle in respect of those premises after collection [c2.6(1b)] 3. Authority to approve; <ol style="list-style-type: none"> a. in writing a position for placing a receptacle for collection [c2.7(b)] b. a person to remove waste from a receptacle [c3.2(2a)]

	<ul style="list-style-type: none"> c. a person to deposit household, commercial or other waste from any premises on or into a receptacle provided for the use of the general public in a public place [cl3.3(a)] d. a person to remove any waste from a receptacle provided for the use of the general public in a public place [cl3.3(b)] <p>4. Authority to authorise;</p> <ul style="list-style-type: none"> a. a person to remove a receptacle from any premises to which it was delivered by the local government or its contractor [cl2.9(b)] b. a person in writing to remove waste from premises [cl3.2(1c)] c. a person to remove any waste or any other thing from a waste facility [cl4.6(1a)] d. a person to deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law [cl4.6(1b)] e. a person to light a fire in a waste facility [cl4.6(1c)] f. a person to remove, damage or otherwise interfere with any flora in a waste facility [cl4.6(1d)] g. a person to remove, injure or otherwise interfere with any fauna in a waste facility [cl4.6(1e)] h. a person to damage, deface or destroy any building, equipment, plant or property within a waste facility [cl4.6(1f)] <p>5. Authority to direct;</p> <ul style="list-style-type: none"> a. an owner or occupier of premises thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle [cl3.1(d)] b. a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately [cl4.3(3)] <p>6. Authority to;</p> <ul style="list-style-type: none"> a. give local public notice, under section 1.7 of the LG Act [cl1.6(a)] b. impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act [cl1.7] c. provide, or enter into a contract for the provision of, waste services as dealt with in section 50 of the WARR Act [cl1.8] d. grant, with or without conditions an application for exemption from compliance under this clause [cl2.8(2)] e. impose conditions on an exemption [cl2.8(3c)]
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	<ul style="list-style-type: none"> f. decide if an exemption ceases to apply on reasonable grounds, that there has been a failure to comply with a condition of the exemption [cl2.8(4a)] g. inform the owner or occupier of its decision under clause 2.8(4)(a) [cl2.8(4b)] h. regulate the use of a waste facility [cl4.3(1)] i. demand a person to pay the fee or charge as assessed on or before entering a waste facility [cl4.4(1)]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

2 Building Act 2011 Delegations

2.1 Council to CEO / Employees

2.1.1 Grant a Building Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.2 Demolition Permits

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.5 Building Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.6 Inspection and Copies of Building Records

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	a. Only Interested persons can inspect building records – an interested person means — <ul style="list-style-type: none"> (a) an owner of the building or incidental structure to which the building record relates; or (b) a person who has the written consent of an owner mentioned in paragraph (a) to inspect, or receive a copy of, a building record relating to the owner; or (c) a person, or a person belonging to a prescribed class of persons.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.7 Referrals and Issuing Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Donnybrook Balingup's District [s.145A(2)].
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.1.9 Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, President and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to request on behalf of the Shire of Donnybrook Balingup that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search FRC 09

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3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	President and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954 • Bush Fire Regulations 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search FRC 08

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3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of Donnybrook Balingup or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under s,17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and

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	must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954 • Bush Fire Regulations 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search FRC 08

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3.1.4 Restricted Burning Times – Vary and Control Activities

<p>Delegator: <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p>Express Power to Delegate: <i>Power that enables a delegation to be made</i></p>	<p><i>Bush Fires Act 1954:</i> s.48 Delegation by local government</p>
<p>Express Power or Duty Delegated:</p>	<p><i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
<p>Delegate:</p>	<p>Chief Executive Officer</p>
<p>Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].

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	<p>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B (3)].</p> <p>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>9. Authority to recover the cost of measures taken by the Shire of Donnybrook Balingup or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954 • Bush Fire Regulations 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search FRC 08

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3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA (5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C (3)]. c. a person using explosives [r.39D (2)]. d. a person using fireworks [r.39E (3)] 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954 • Bush Fire Regulations 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search FRC 02/8

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3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G (2)]. <ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]. b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Council Conditions on this Delegation:	Nil

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Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>
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Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954 • Bush Fire Regulations 1954 • Animals, Environment and Nuisance Local Law Sec 4.4
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search FRC 08

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3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Donnybrook Balingup: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search FRC 04/1

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3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Donnybrook Balingup [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search FRC 02/7 ADM11/1

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3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search FRC 08

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3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Donnybrook Balingup or those on behalf of the Shire of Donnybrook Balingup to do [s.58].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search ADM 05/15

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3.1.11 Prosecution of Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<ul style="list-style-type: none"> • Bush Fires Act 1954
Record Keeping:	<ul style="list-style-type: none"> • Synergy Search PSN 31

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4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Donnybrook Balingup's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Donnybrook Balingup's District [s.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

4.1.3 Approval to Breed Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. b. The officer that approved an application to breed cats cannot cancel the approval.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

4.1.4 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

4.1.5 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>. b. Decisions are to be made based on the advice received from the Senior Ranger, Ranger Advice c. Neighbour consultation must be undertaken
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

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4.1.6 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

5 Dog Act 1976 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Exemption for Exceeding Dog Number Limits

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.26(3) Limitation as to numbers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant an exemption for the limit on the keeping of dogs in any specified area above the local law limitations. [s.26(3)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Prior to granting an exemption the following must be undertaken: <ul style="list-style-type: none"> i. An application for exemptions must be made and paid for by applicant; ii. A Ranger must inspect the proposed property and be satisfied with the property being suitable for the management of the amount of proposed dogs; iii. Neighbour consultation must be undertaken, and any objections being received given due consideration; iv. The request not exceeding any of the maximum requirements outlined in the Act. v. Written advice from the Ranger received providing a recommendation and comment on any previous issues relating to the property or animals on the property.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.2 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of 50% [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.3 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Donnybrook Balingup's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.

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	b. Maximum discount given per annum is 50%
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.4 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

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5.1.5
5.1.5 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.6 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.7 Declare Dangerous Dog

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.8 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Delegation of the s.33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog. – See 5.1.4(2)
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Delegation of the s.33H(5) power to deal with an objection should not be delegated to the same person / position who is delegated / authorised to exercise s.33H(1) and (2).
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.10 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee occurs by Council resolution in accordance with s.6.16 of the Local Government Act 1995.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

6 Food Act 2008 Delegations

Note that any references to CEO in the Food Act 2008 mean the CEO of the Department of Health. Therefore, no powers or duties are assigned to the CEO of a Local Government within this Act.

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<ul style="list-style-type: none"> • Food Act 2008 • Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	<ul style="list-style-type: none"> • Assessment File

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6.1.2 Prohibition Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Chief Executive Officer Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<ul style="list-style-type: none"> • Food Act 2008 • Health Local Law • Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	<ul style="list-style-type: none"> • Folder location - Planning/Environment/Health/Food Act

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6.1.3 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Chief Executive Officer Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<ul style="list-style-type: none"> • Food Act 2008 • Health Local Law • Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Record Keeping:	<ul style="list-style-type: none"> • Folder location - Planning/Environment/Health/Food Act

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6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer Director Operations
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer b. The CEO is to keep a Register of Authorisations as per [s.1.22(3)] c. The CEO is to keep a copy of the certificate of authorisation [s.123] and ID card, produced by Governance for any persons being authorised under this delegation.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<ul style="list-style-type: none"> • Food Act 2008 • Health Local Law
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6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	Chief Executive Officer Director Operations Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<ul style="list-style-type: none"> • Food Act 2008 • Health Local Law
Record Keeping:	<ul style="list-style-type: none"> • Folder location - Planning/Environment/Health/Food Act

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6.1.6 Abattoir Inspections and Fees

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Regulations 2009:</i> r.43 Local government may require security r.45 Withdrawal of inspection services
Delegate:	Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> i. require a person to provide security, ii. determine the form that security is to be provided, and iii. discharge a security held by the Shire of Donnybrook Balingup [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<ul style="list-style-type: none"> • Food Act 2008 • Food Regulations 2009 • Health Local Law
Record Keeping:	<ul style="list-style-type: none"> • Folder location - Planning/Environment/Health/Food Act

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6.1.7 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
Delegate:	Chief Executive Officer Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<ul style="list-style-type: none"> • Food Act 2008 • Food Regulations 2009 • Health Local Law • FOI Access rights
Record Keeping:	<ul style="list-style-type: none"> • Health Directory – Food Act Folder

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7 Graffiti Vandalism Act 2016 Delegations

Note that any references to CEO in the Graffiti Vandalism Act 2016 mean the CEO of the Department of Corrective Services, Attorney General.

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

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7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

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7.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D (7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being issued with a certificate of authorisation, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

Compliance Links:	<ul style="list-style-type: none"> • Health (Asbestos) Regulations 1992 • Criminal Procedure Act 2004 – Part 2 • Health Local Laws (with parts repealed 2017)
Record Keeping:	<ul style="list-style-type: none"> • Folder location – Planning/Environmental/Health/Complaints

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8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer OR Designated Authorised Officer – Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Donnybrook Balingup [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<ul style="list-style-type: none"> • Public Health Act 2016 • s.20 Conditions on performance of functions by enforcement agencies. • Health Local Laws (with parts repealed 2017)
Record Keeping:	<ul style="list-style-type: none"> • Folder location – Planning/Environmental/Health/ Health and Public Health Act

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8.1.3 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer OR Designated Authorised Officer – Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ul style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. <p>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</p>
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<ul style="list-style-type: none"> • Public Health Act 2016 • s.20 Conditions on performance of functions by enforcement agencies. • s.25 Certain authorised officers required to have qualifications and experience. • s.26 Further provisions relating to designations • s.27 Lists of authorised officers to be maintained
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	<ul style="list-style-type: none"> • s.28 When designation as authorised officer ceases • s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers • s.30 Certificates of authority • s.31 Issuing and production of certificate of authority for purposes of other written laws • s.32 Certificate of authority to be returned. • s.136 Authorised officer to produce evidence of authority • Health Local Laws (with parts repealed 2017) • <i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i> • <i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i>
Record Keeping:	<ul style="list-style-type: none"> • Authorisations Register – Governance/Delegations & Authorisations ADM 11/1

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8.1.4 Determine Compensation for Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Delegate:	Chief Executive Officer OR Designated Authorised Officer – Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of \$500 with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<ul style="list-style-type: none"> • <i>Public Health Act 2016</i> <ul style="list-style-type: none"> ○ s.20 Conditions on performance of functions by enforcement agencies. • Health Local Laws (with parts repealed 2017) • Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	<ul style="list-style-type: none"> • Folder location – Planning/Environmental/Health/Compliance

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8.1.5 Commence Proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
Delegate:	Chief Executive Officer OR Designated Authorised Officer – Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<ul style="list-style-type: none"> • <i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. • Health Local Laws (with parts repealed 2017)
Record Keeping:	<ul style="list-style-type: none"> • Assessment File

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9 Planning and Development Act 2005 Delegations

9.1 Council to CEO/Employees

9.1.1 Illegal Development

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

9.2 Planning and Development (LPS) Regulations 2015 CEO to Employees

9.2.1 Entry and Inspection Powers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> s.79(1) Entry and inspection powers
Express Power or Duty Delegated:	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> s.79(2) Entry and inspection powers for the purpose of monitoring the local planning scheme
Delegate:	Director Operations Principal Planner Planning Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to enter any building or land in the Scheme area; and inspect the building or land and anything in or on the building or land, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required.
Council Conditions on this Delegation:	Nil

Compliance Links:	<ul style="list-style-type: none"> Planning and Development (Local Planning Schemes) Regulations 2015
Record Keeping:	<ul style="list-style-type: none"> Discharge of Delegations table & Assessment File

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9.3 Local Planning Scheme – Council to CEO

9.3.1 Local Planning Scheme No. 7- Development Applications

<p>Delegator: <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p>Express Power to Delegate: <i>Power that enables a delegation to be made</i></p>	<p><i>Planning & Development Act 2005</i> s.82(1) Delegation of some powers or duties to a committee or CEO s.83(1) Limitations on delegations to the CEO</p>
<p>Express Power or Duty Delegated:</p>	<p><i>Planning and Development (Local Planning Schemes) Regulation 2015:</i> <i>Schedule 2, Part 1 -11</i> <i>Part 5, Div 2 Process for complex amendments to local planning scheme</i> <i>Part 5, Div 3 Process for standard amendments to local planning scheme</i> <i>Part 5, Div 4 Process for basic amendments</i> <i>Part 5, Div 5 Giving Effect to decision on amendment to local planning scheme</i></p>
<p>Delegate:</p>	<p>Chief Executive Officer</p>
<p>Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> 1. Authority to exercise the powers or discharge the duties of the local government under the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Scheme No.7 including the authority to sub-delegate. 2. Authority to make recommendations to the Western Australian Planning Commission on subdivision applications, including the imposition of subdivision conditions or the clearance of subdivision conditions including the bonding of conditions [Part 10, Planning and Development Act 2005].
<p>Council Conditions on this Delegation:</p>	<p>Key Trigger for Council Consideration</p> <ol style="list-style-type: none"> a. This delegation must not be exercised by the delegated officer where it: <ol style="list-style-type: none"> i. Has got unresolved submissions/objections; ii. Is significance in size, scale and or value. Note: Mandatory DAPs when >\$10m and optional when > \$2m-\$10m; or <p>Development Applications</p> <ol style="list-style-type: none"> a. Exclusions to Delegated Authority - This power of delegation does not extend to approving applications for development approval in the following categories: <ol style="list-style-type: none"> i. Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval. ii. Development which, in the opinion of the delegated officer, is contentious and/or is the subject of significant community interest.

	<p>iii. The determination of an amendment to a previous development approval that was approved by resolution of Council (including an extension to the term of the development approval, except where the variation is of a minor nature, would not substantially change the approved development, and for which no objection has been received during the advertising period of the application (where applicable).</p> <p>Heritage</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to the following categories:</p> <ul style="list-style-type: none"> i. The granting of development approval for the demolition of a building listed on the Heritage List or within a Heritage Area. ii. The entering, removal or modification of a place on the Heritage List. iii. The designation, removal or modification of a Heritage Area. iv. The entering into a heritage agreement with an owner or occupier of land. v. The issuing revoking or varying of a heritage conservation notice. <p>Local Planning Policy</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to the following:</p> <ul style="list-style-type: none"> i. The adoption, revocation or amendment of a Local Planning Policy. <p>Subdivision and Amalgamation</p> <p>a. Conditions - All decisions made in accordance with this delegation are to be noted in the Quarterly Information Report.</p> <p>Minor modification to plans</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:</p> <ul style="list-style-type: none"> i. not minor; ii. of a contentious nature; iii. may attract community objection; or iv. may detrimentally impact on the Shire to maintain infrastructure, land, facilities or services. <p>Structure Plans</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to:</p> <ul style="list-style-type: none"> i. Recommendations to the WAPC on structure plans other than minor amendments which are not contentious.
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	<ul style="list-style-type: none"> ii. Minor amendments to a structure plan which, in the opinion of the delegated officer, are; <ul style="list-style-type: none"> i. of a contentious nature; ii. likely to attract a high level of community objection; or iii. may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services. <p>b. Conditions</p> <ul style="list-style-type: none"> i. Decisions to advertise structure plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing. ii. Decisions to advertise structure plans and amendments to structure plans in accordance with this delegation are to be noted in the Quarterly Information Report. <p>Activity Centre Plans</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to:</p> <ul style="list-style-type: none"> i. Recommendations to the WAPC on activity centre plans other than minor amendments which are not contentious. ii. Minor amendments to a activity centre plan which, in the opinion of the delegated officer, are; <ul style="list-style-type: none"> • of a contentious nature; • likely to attract a high level of community objection; or • may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services. <p>b. Conditions</p> <ul style="list-style-type: none"> i. Decisions to advertise activity centre plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing. ii. Decisions to advertise activity centre plans and amendments to activity centre plans in accordance with this delegation are to be noted in the Quarterly Information Report. <p>Local Development Plans</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:</p> <ul style="list-style-type: none"> i. of a contentious nature; ii. likely to attract a high level of community objection; or iii. may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services.
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	<p>b. Compliance with Local Planning Scheme provisions, Residential Design Codes and Local Planning Policies.</p> <p>Scheme Amendments</p> <p>a. Scheme amendments for minor or procedural matters or to remove anomalies actioned is to be reported to Council prior to the preparation of a submission to the Minister for the final approval.</p> <p>b. Effect modifications to Scheme Amendments by the Minister which do not change the general intent of an Amendment, in consultation with the Chief Executive Officer.</p>
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

**9.3.2 Planning and Development (Local Planning Schemes) Regulations 2015
- Strata Applications**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Planning and Development Act 2005</i> s.16 (3)(e) Delegation by Commission
Express Power or Duty Delegated:	<i>Strata Titles General Regulations 1996:</i> <i>Sec. 25(1),(3),(4) Period and documents prescribed (Act s.35(1)(h))</i> <i>Sec.27 Provision prescribed (Act s. 36B(1)(b))</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to assess strata applications, sign Form 24 and endorse Form 26 after the conditions preliminary strata plan approval have been fulfilled, as delegated by the Western Australian Planning Commission [cl25(1),(3),(4)]
Council Conditions on this Delegation:	<p>a. Review and respond to referrals for subdivision and strata applications from the Western Australian Planning Commission.</p> <p>b. Authorise clearance of strata and subdivision conditions, where the development has met the requirements of the Western Australian Planning Commission approval or represents only a minor departure thereof, this to include the acceptance of bonds or securities as performance guarantees against unfulfilled conditions.</p> <p>Note: “Determine” means “to approve, approve with conditions or refuse the application or referral.”</p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

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1.2 Council to CEO

1.2.1 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. [s.3.24 and s.9.10]. 2. Authority to appoint authorised person for the purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power [s.15 of the <i>Graffiti Vandalism Act 2016</i>].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

1.2.16 Tenders for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(2)(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$149,999.99 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]. 10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation detailed as a condition on this Delegation, and to then

	<p>negotiate minor variations with the successful tenderer <u>before</u> entering into a contract [F&G r.20(1) and (3)].</p> <p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].</p> <p>12. Authority to decline any tender [F&G r.18(5)].</p> <p>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]</p> <p>14. Authority to:</p> <ol style="list-style-type: none"> i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10% ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].</p>
<p>Council Conditions on this Delegation:</p>	<ol style="list-style-type: none"> a. Sole supplier arrangements may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sources through other suppliers; b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and • The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. c. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is

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	<p>\$200,000 or less and the expense is included in the adopted Annual Budget.</p> <p>d. In accordance with Council Policy - 2.48 Purchasing, Tendering and Buy Local Policy</p>
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

3.1.10 Apply for Declaration as an Approved Area

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.52(1) Approved area may be declared
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)] (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

4.1.4 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s. 48 Authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

5.1.2 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of 50% [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

5.1.5 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.11(1) Staff and Services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	2. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. <i>(For the purposes of this Act a local government may establish and maintain one or more dog management facilities and may appoint, under and subject to the provisions of the Local Government Act 1995, fit and proper persons to administer those facilities and otherwise to carry out the objects of this Act.)</i>
Council Conditions on this Delegation:	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

8.1.5 Commence Proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
Delegate:	Chief Executive Officer OR Designated Authorised Officer – Principal Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

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4.3.1831.2.22 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Local Government Act 1995: s.6.12 Power to defer, grant discounts, waive or write off debts s.6.12 (3) Granting a concession under subsection (1)(b)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. <u>Waive a debt which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(b)].</u> 2. <u>Grant a concession in relation to money which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(b)].</u> 3. <u>Write off an amount of money which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(c)].</u>Waive any amount of money or [s.6.12(1)(b)]. 2. Grant concessions in relation to any amount of money; or [s.6.12(1)(b)]. 3. Write off an amount of money s.6.12(1)(c)]
Council Conditions on this Delegation:	<p><u><i>This delegation is subject to section 6.12(2) if the Local Government Act 1995, which specifies that a local government cannot grant a waiver or concession for a rate or service charge.</i></u></p> <ol style="list-style-type: none"> a. This delegation is to be used in accordance with all Council policies. a. _____ b. <u>Write-off a rates or service charge debt up to \$1,000 in accordance with the Financial Hardship Policy [s.6.12(1)(c) & (2)].</u> e. <u>Any waiver of a debt or granting of a concession shall only be up to \$1,000 and shall be considered solely on its merits [s.6.12(1)(b)].</u> f. <u>A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Donnybrook Balingup.</u> <ol style="list-style-type: none"> i. <u>Limited to individual debts valued below \$500 or cumulative debts of a debtor valued below \$1,000</u> <u>Write off of debts greater than these values must be referred for Council decision.</u> <p>Waiving or granting concessions under this delegation do not apply to debts, which are taken to be a rate or service charge.</p> <p><u>A debt may only be waived or written off where:</u></p>

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	<p>All the necessary measures have been taken to locate/contact the debt and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Donnybrook Balingup; and</p> <p>f. The debt remains unpaid for a minimum period of 90 days after its due date for payment or the debt was raised in error; and</p> <p>A limit of \$1,000 with respect to individual debt or cumulative debts of a debtor valued below \$500. Write-off debts greater than these values must be referred for Council decision.</p> <p>g. A list of all deferments, grant discounts, waivers or write-off of debts executed under this delegation will be presented to Council monthly.</p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

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Sub-Delegate/s: <i>Appointed by CEO</i>	Director Operations Director Corporate and Community
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	1. Directors have authority where applicable to individual directorate only. An Executive may only waive fees and charges related to their operational responsibilities or where such waiver is to rectify a fee or charge that has been raised in error.

Compliance Links:	<ul style="list-style-type: none"> • Council Policy – 3.5 Rates Recovery Procedure • Waste Management Levy Exemption Policy
Record Keeping:	<ul style="list-style-type: none"> • Discharge of Delegations Table

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~~4.2.30~~1.2.31 Notices to Owners

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.25 <i>Notices requiring certain things to be done by owner or occupier of land</i> s 3.26 <i>Additional powers when notices given</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to issue a notice in writing requiring certain things to be done by owner or occupier of land in accordance with Schedule 3.1 and if the person fails, do anything it considers necessary to achieve the purpose for which the notice was given, including recovering any associated costs as a debt. [cl3.25] 2. Authority to take action to do anything that is considered necessary to achieve so far as is practicable the purpose for which a notice under s3.25 (1) is given. [cl 3.26]
Council Conditions on this Delegation:	a. Nil The delegation may only be exercised where it is considered that immediate action is required and there is insufficient time due to risk of injury or damage for the matter to be considered by Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Director Operations Manager Works & Services Principal Building Surveyor Principal Environmental Health Officer Principal PlannerDirector Operations</p> <p>Manager Works & Services Principal Planner Principal Environmental Health Officer Principal Building Surveyor</p>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<ul style="list-style-type: none"> • Local Government Act 1995 • Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	<ul style="list-style-type: none"> • Assessment File

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9.29.3 Local Planning Scheme – Council to CEO

9.2.19.3.1 Local Planning Scheme No. 7- Development Applications

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Planning & Development Act 2005</i> s.82(1) Delegation of some powers or duties to a committee or CEO s.83(1) Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development (Local Planning Schemes) Regulation 2015:</i> <i>Schedule 2, Part 1 -11</i> <i>Part 5, Div 2 Process for complex amendments to local planning scheme</i> <i>Part 5, Div 3 Process for standard amendments to local planning scheme</i> <i>Part 5, Div 4 Process for basic amendments</i> <i>Part 5, Div 5 Giving Effect to decision on amendment to local planning scheme</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise the powers or discharge the duties of the local government under the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Scheme No.7 including the authority to sub-delegate. 2. Authority to make recommendations to the Western Australian Planning Commission on subdivision applications, including the imposition of subdivision conditions or the clearance of subdivision conditions including the bonding of conditions [Part 10, Planning and Development Act 2005].
Council Conditions on this Delegation:	<p>Key Trigger for Council Consideration</p> <ol style="list-style-type: none"> a. This delegation must not be exercised by the delegated officer where it: <ol style="list-style-type: none"> i. Has got unresolved submissions/objections; ii. Is significance in size, scale and or value. Note: Mandatory DAPs when >\$10m and optional when > \$2m-\$10m; or <p>Development Applications</p> <ol style="list-style-type: none"> a. Exclusions to Delegated Authority - This power of delegation does not extend to approving applications for development approval in the following categories: <ol style="list-style-type: none"> i. Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval. ii. Development which, in the opinion of the delegated officer, is contentious and/or is the subject of significant community interest.



	<p>iii. The determination of an amendment to a previous development approval that was approved by resolution of Council (including an extension to the term of the development approval, except where the variation is of a minor nature, would not substantially change the approved development, and for which no objection has been received during the advertising period of the application (where applicable).</p> <p>iv. Extractive Industry applications which are not contentious or received objections on valid planning grounds.</p> <p>Heritage</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to the following categories:</p> <ol style="list-style-type: none"> i. The granting of development approval for the demolition of a building listed on the Heritage List or within a Heritage Area. ii. The entering, removal or modification of a place on the Heritage List. iii. The designation, removal or modification of a Heritage Area. iv. The entering into a heritage agreement with an owner or occupier of land. v. The issuing revoking or varying of a heritage conservation notice. <p>Local Planning Policy</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to the following:</p> <ol style="list-style-type: none"> i. The adoption, revocation or amendment of a Local Planning Policy. <p>Subdivision and Amalgamation</p> <p>a. Conditions - All decisions made in accordance with this delegation are to be noted in the monthly Information Brochure.</p> <p>Minor modification to plans</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:</p> <ol style="list-style-type: none"> i. not minor; ii. of a contentious nature; iii. may attract community objection; or iv. may detrimentally impact on the Shire to maintain infrastructure, land, facilities or services. <p>Structure Plans</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to:</p>
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	<ul style="list-style-type: none"> i. Recommendations to the WAPC on structure plans other than minor amendments which are not contentious. ii. Minor amendments to a structure plan which, in the opinion of the delegated officer, are; <ul style="list-style-type: none"> i. of a contentious nature; ii. likely to attract a high level of community objection; or iii. may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services. <p>b. Conditions</p> <ul style="list-style-type: none"> i. Decisions to advertise structure plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing. ii. Decisions to advertise structure plans and amendments to structure plans in accordance with this delegation are to be noted in the monthly Information Brochure. <p>Activity Centre Plans</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to:</p> <ul style="list-style-type: none"> i. Recommendations to the WAPC on activity centre plans other than minor amendments which are not contentious. ii. Minor amendments to a activity centre plan which, in the opinion of the delegated officer, are; <ul style="list-style-type: none"> • of a contentious nature; • likely to attract a high level of community objection; or • may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services. <p>b. Conditions</p> <ul style="list-style-type: none"> i. Decisions to advertise activity centre plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing. ii. Decisions to advertise activity centre plans and amendments to activity centre plans in accordance with this delegation are to be noted in the monthly Information Brochure <p>Local Development Plans</p> <p>a. Exclusions to Delegated Authority - This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:</p> <ul style="list-style-type: none"> i. of a contentious nature; ii. likely to attract a high level of community objection; or
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	<p>iii. may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services.</p> <p>b. Compliance with Local Planning Scheme provisions, Residential Design Codes and Local Planning Policies.</p> <p>Scheme Amendments</p> <p>a. Scheme amendments for minor or procedural matters or to remove anomalies actioned is to be reported to Council prior to the preparation of a submission to the Minister for the final approval.</p> <p>b. Effect modifications to Scheme Amendments by the Minister which do not change the general intent of an Amendment, in consultation with the Chief Executive Officer.</p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Operations Principal Planner
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>a. The Principal Planner has the authority to approve planning application received for land owned or managed by the Shire of Donnybrook Balingup up to the value of \$20,000 and where such proposals are consistent with the established planning framework, which are to be noted in the monthly Information Brochure.</p>

Compliance Links:	<ul style="list-style-type: none"> • Planning and Development (Local Planning Schemes) Regulation 2015 • Local Planning Scheme No.7
Record Keeping:	<ul style="list-style-type: none"> • Discharge of Delegations table and Assessment File

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South West Regional Waste Group



REGIONAL OPTIONS PAPER AND STRATEGIC RECOMMENDATIONS

February 2021



ACKNOWLEDGEMENTS

Thanks to all Council staff and State Agency personnel who have contributed to this work. These include in no particular order but are not limited to:

- Kate Shaw and Tony Battersby from Bunbury-Harvey Regional Council for information relating to the Materials Recycling Tender recently concluded.
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- James Kain, Waste and Sustainability Officer, Shire of Capel
- Mark Wong, Manager Waste and Fleet Services, City of Busselton,
- Melanie Turnbull, Waste Services Project Officer, City of Bunbury
- Steve Potter, Executive Manager Operations, Shire of Donnybrook-Balingup

And to those who have prepared past reports for the South West Regional Waste Group that I was fortunate enough to read:

- IW Projects P/L
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- Talis Consultants

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RECOMMENDATIONS

1. That the Group prepares a comprehensive Integrated Waste Management Plan coordinating regional waste assets and operations as a single entity. This is to:
 - a. Identify locations for complex waste treatment facilities;
 - b. Draft community engagement strategies;
 - c. Define responsibilities between Councils including waste ownership boundaries;
 - d. Apportion risk according to the level of engagement.
2. Preparing a Business Plan for the representative entity that clearly defines long term visions, targets, development timelines and proposed expense and revenue projections.
3. Commence planning a regionally focussed 'Expressions of Interest' process focussing on regional Municipal Solid Waste treatment. The included specifications are to allow a variety of service providers to make submissions proposing technologies that may be proven internationally but yet to establish in Australia. Siting requirements and other supportive needs, for example, access to complementary assets/partners should be included.
4. Establish an Integrated Waste Management Working Group comprising senior technical and operational staff from within the members of the South West Regional Waste Group to formalise and review waste management initiatives for the Region.
5. The Group considers formalising a representative entity e.g. a Regional Subsidiary, to equitably represent members in pursuing the Recommendations in this Report.
6. That the Group Accepts the Recommendation in this Paper as presented.
7. Provide regional representation to support or conduct contract negotiations on behalf of, or in conjunction with multiple similarly sized Councils to attain sub-regional economies of scale.
8. Seek funding and institutional support from State and Federal agencies for implementing the Recommendations of this Report.
9. That a standardised data collection program commences across the region. The metrics for Local Government Areas to report against are to be consistent and relevant that informs strategic decision-making and allows reliable triple bottom line comparisons to be made. The data is to be relevant to assessing preferable waste operations between Councils. For example, contamination statistics, waste service costs, capital investments, tonnages, community consultation expenditure and bin audits among others.

EXECUTIVE SUMMARY

The changing nature of the National and State waste industries provides a unique development opportunity for the South West Region that streamlines operations and reduces costs for those Councils willing to collaborate on more complex treatments. The move from cheap landfilling to a more complex diversion system delivers greater cost savings and lower disposal volumes by leveraging market forces.

This Paper addresses themes recurrent in previous studies conducted by the South West Regional Waste Group - cooperation, market creation and maintaining a prudent investment program. New projects such as trialling regional procurement programs can build local markets by using waste products to create jobs and economic growth. The Recommendations proposed in this paper are forward-looking, intended to provide a pathway towards achieving:

- External management of waste operations, separating them from individual Councils;
- Maximising diversion from all landfills in the Region while minimising external impacts;
- Managing the impact of additional waste charges or levies;
- Providing options for waste management investment in the South West; and
- Providing cost neutrality or better when considering relevant waste treatment options.

Using cooperation and common purpose to leverage economies of scale, requires commitment from participating Councils. Formalising how members interact, either as partners or clients provides options to work together. A regionally representative group such as a Regional Subsidiary model or expanded Regional Council, means that common interests can be negotiated in the open market and be held accountable. Commitment can be financial or volume supply of waste. More participation will improve effectiveness in removing barriers preventing private industry from more active roles in diverting waste from landfill.

By framing South Western waste operations as a single entity, coordinating contracts, plant and filling regimes can be streamlined. Innovation can be simplified by choosing from a variety of facilities that are available for set purposes. Plant and operations can be developed on a scale larger than any one Council could provide and benefits shared equitably. Introducing adaptability to a regional waste management system targets multiple levels of the waste management hierarchy, prioritising reduce, reuse, recycling/compost and energy recovery from waste. This focuses strongly on waste prevention and landfill minimisation.

The ultimate goal for the regional entity should be to separate waste operations from SW Councils, equitably distributing cost savings and risk among members without creating unjustifiable cost increases. This long term goal will have local impacts in guiding investment, for example, local facilities can be acquired/designed assuming that at some future point they may be acquired by a larger organisation. In this context, regional initiatives also must respond to local issues and be easily monitored. These initiatives include:

- Evaluating complex waste treatment plants for the region, investigating external risks (buffer zones), harnessing economies of scale, population effects and other siting factors;
- Designing an optional Procurement Policy Trial for South West Councils to use their collective purchasing power in shaping private industry diversion solutions; and
- Coordinating a regional education and consultation strategy to deliver tangible outcomes for local Councils.

Of the options considered, thermal Waste-to-Energy was found to be magnitudes more expensive than smaller, targeted options but they higher diversion percentages of highly co-mingled, non-

organic waste. Cheaper initiatives such as education and promoting reuse, repair and recycling were more labour intensive but can achieve significant outcomes and have considerable community support. Blending these approaches can be a role for the regional body which can negotiate waste supply contracts and support multiple waste education officers.

Growing FOGO markets is critical for continued organic matter diversion success. Diversifying the risk by using more than one treatment technology, i.e. composting, can produce more products and reduce long term disposal costs for the region. For example, an anaerobic digestion unit produces energy and bio-fertiliser that can also support composting enterprises.

A combination of several treatments is proposed, coordinated by a central body and organised in a formal framework called an 'Integrated Waste Management Plan'. This Plan coordinates transport, research, business development and community education across Local Government Area boundaries. This approach allows for sub-regional agreements and negotiations between individual Councils to leverage local economies of scale.

TREATMENT OPTIONS SUMMARY

	Administrative		Operational						Procurement
Option	Regional Council Expansion	Regional Subsidiary	Landfill	WTE - Thermal	WTE - Gasification	WTE - Anaerobic Digestion	Composting	Materials Recovery Facility (MRF)	Cooperative Trial
Capital Cost Estimate (\$)	Under \$250,000	Under \$250,000	Approx. \$3M / Cell	N/A for SW	\$70 M	\$12-15 M	\$5.5M	\$14M Manual \$19M Semi-Auto \$24M+ Automated	Depends on extent of participation
Gate Fee* \$/tonne <small>*(does not include transport)</small>	N/A	N/A	86 (Regional avg) 40 aprox(Cleanaway)	150 - 190	160-200	50-80	42 (BHRC)	\$60-100	N/A
Waste Levy	N/A		156 (Regional avg) 107 (Cleanaway)	No change	No Change	No Change	No change	Less than landfill costs following sorting	N/A
Impact	<ul style="list-style-type: none"> Commences operations on research immediately Liability risk and revenue sharing needs to be defined Establish Agreement needs to be altered Elected Council guides operational decisions 	<ul style="list-style-type: none"> Externalises waste operations from Council Creates opportunities for sub-regional private/public partnerships Quarantines ratepayers from waste operation costs External experts can help guide business development 	<ul style="list-style-type: none"> No change to current practices Will be subject to a Waste Levy Land required for new to construct these facilities Licence requirements are technically demanding This option is losing community support This is at the bottom of waste hierarchy 	<ul style="list-style-type: none"> 95% diversion Large minimum waste volume required High transport costs Could backload facilities with ash for savings Discourages recycling May discourage innovation on other streams Low waste hierarchy option 	<ul style="list-style-type: none"> Lower transport fees (locate in SW) 90% diversion Modular High operational costs Expect community opposition Stifle innovation in other streams EPA and DWER approvals can be onerous No operational model in Australia 	<ul style="list-style-type: none"> Up to 55% diversion (removes organics) Produces fuel (natural gas) and fertiliser Carbon credits available Working examples in Jandakot and Yallingup Specialist knowledge required Needs low feedstock contamination 	<ul style="list-style-type: none"> Wholly owned government enterprise Experienced operators Value add operation Operationally intensive Modular Room to expand Market security Carbon sequestering – long term stability in process 	<ul style="list-style-type: none"> Large scale waste Diversion Strong negotiation position Partnership opportunities with private enterprise Long term economy support Needs sufficient markets to be profitable 	<ul style="list-style-type: none"> Proactive drive to build local industry Incremental Supporting private enterprise innovation Product needs to be acceptable Sourcing local waste maybe problematic Auditing the system may be problematic
Revenue	Gate Fee Share of R&D Findings Member Investment	Contract negotiation Savings Fee for Service Owners investments	Gate Fees, Ratepayers subsidised Reclaimed materials	None. Standard fee for service	Electricity Steam	Compressed Natural Gas (CNG) Digestate / Fertiliser	Fee for service Waste Supply Agreements	Recycled products; Gate fees Container deposit scheme.	None, for procurement action only
Time to Operation	6-12 Months	6-12 months	Currently operating	Commence 2022	Within 5 years from Contract Signing	Within 2 years from approvals	Before 2022	Within 2 years from approvals	Within 12 months
Estimated Payback time	N/A	N/A	Depends on loan conditions and Council reserves	N/A	TBD	TBD	TBD	TBD	N/A

Table 1: Comparison table of prices for alternative waste treatments. Information for composting and a proposed MRF has been supplied by Bunbury-Harvey Regional Council.

The growth in available waste technologies means costs change according to the operators' response to operational demands, environments and minimum waste volume thresholds. The waste levy is applied to waste received at landfill premises and is not applicable to diverted materials.

Integrating regional waste management diversifies investment risk, controls the speed of transition towards a circular economy and provides collaborative opportunities with private industry. Complementary waste treatments can provide a range of diversion methods at varying costs to individual Councils, usually at a reduced rate.

These options are underpinned by a comprehensive Regional Waste Education Program designed to coordinate regional waste operations with local community involvement. This can include supporting community liaison groups, influencing commercial practices through market intervention, employing regional waste officers (preferably from existing staff positions), establishing a uniform Reuse Shop model and potentially a 'Free-Trade Website'. These options are relatively low cost but can have significant impact in the contamination rates and cost-effectiveness of proposed treatment solutions.

FAQs

In the interests of clarity and brevity a summary of main report points are:

- **How should the Recommendations inform immediate progress?**
 - A. Should a formal cooperative model be supported, a low financial contribution is proposed to commence activities. Initially, a model needs to be selected and Business Plans prepared clearly stating each Council's responsibilities and risks.
 - B. An Expressions of Interest should be mapped out with draft Specifications to be circulated among Councils (or through the Technical Group) to capture Municipal Solid Waste treatment options suitable for the Region. Additional treatments such as the organic stream could also be included.
 - C. A voluntary Procurement Policy Trial should be designed that leverages the collective purchasing power of the Councils in growing the local waste diversion economy. This is intended to promote those reuse/recycling businesses that can grow diversion activities by demanding defined reuse/recycling content in Council purchases. For example, requiring all street furniture to comprise ten percent recycled material sourced from the South West. This has been successfully deployed in other States.
 - D. Sub-regional contracts should be negotiated to leverage economies of scale between multiple Councils. This will require significant cooperation between local staff and regional representatives.
 - E. Prepare a regionally Integrated Waste Management Plan that frames regional waste operations as one system, identifying local growth areas and operational coordination, for example, collection regimes, sorting facilities, potential Waste to Energy sites.

- **Are there timelines associated with moving forward?**

As an outline,

Within 5 Years:

- Regional representative entity is formed with clear member benefits and client relationships defined in the waste management industry.
 - A fully costed Business Case including liabilities and risk profiles is prepared.
 - Roles and risks are clarified.
 - Regional coordination plans are used to determine direction
- Regional Expressions of Interest process complete. Negotiations for a major waste diversion operation are at the least, to be underway, if not complete and outcomes enacted.
- Regional Integrated Waste Management Plan completed and consistent with long term goals.
- FOGO treatment expanded through supporting Bunbury Harvey Regional Council's operations.
- Materials Recovery Facility investigations complete.
- Waste-to-Energy investigations complete and potential contracts in place.

- Anaerobic Digestion feasibility complete and site identification studies accepted.

Within 10 years:

- Partnership opportunities supported by feasibility analysis be operative and external funding support agencies informed. Acquisition could commence.
- Be substantially on the way to achieving or exceeding State Waste Targets.
- Regional Entity is established and benefitting members and clients.

- **Can we continue our local agenda without compromising regional benefits?**

Having a long term goal such as externalising waste operations will help shape design and function of local facilities. The risk to regional outcomes is reduced if local facilities are designed to be potentially sold or re-vested within the next 20 years. For example, local processing assets could have the capacity to process volumes greater than the local Council produces using modular technology or flexible site layouts.

- **How much and how long will it cost to start a Regional body?**

Assistance will be required from WALGA to establish this entity. Following the Rivers Regional Subsidiary as an example, it would take approximately six months to prepare documentation and one year to advertise, amend and submit proposal to the Minister for Authorisation.

The early activities of any regional entity will be strategic with contract negotiation to try and prove its effectiveness. Overall investment is anticipated to be low. Legislation governing the behaviour of Regional Subsidiaries is anticipated to be amended by 2025 which will clarify risk, liability and other business parameters. Staff are proposed to be sourced from existing Council staff levels, potentially on a part time basis to avoid any new costs.

- **What other waste management costs can we anticipate?**

The introduction of a Waste Levy is anticipated but the timing and rate remain unknown. Whether \$70 per tonne as applied in Perth Metro or a reduced 'Regional rate' is unclear. Eastern States experience and WA State government discussion papers suggest that a split rate between City/Regional Centres is at least under consideration. This approach has resulted in greater cross-border shipping of waste to smaller towns that may not have the facilities to manage these larger volumes of waste.

Transiting from landfills to Transfer Station is estimated somewhere between \$300,000 - \$500,000 depending on operations, facilities, state of the site and other *in situ* considerations. Designs should be made with consideration to Regional expansion. Further design matters are contained within this Paper.

- **How can we get the best and most suitable treatment options for the SW region?**

Nationally, regions undergoing a similar exercise to the South West have conducted long Expression-of-Interest (EOI) processes to capture the best long term outcomes. The complexity of many of the technologies being considered require a 20 year plus investment horizon, which can justify the long investigation period. This allows for new entrants to the Australian markets and time to solicit submissions from overseas companies which may be appropriate in the SW context. Once complete, discussions with preferred candidates can inform a focussed Tender process which could be shortened by the EOI process.

- **How can we coordinate communication about local and regional waste development?**

To leverage advantages of local knowledge and larger scale investment continued discussions between local and regional staff are critical. Forming a technical group of committed operational staff with the specific purpose of assessing strategies, planning new investigations and identifying investment opportunities between Councils will improve regional coordination.

- **What are the baseline costs to know before looking at options?**

The range of regional gate fees are \$50 – \$150 /tonne, averaging at \$86/tonne. These costs are not just operational but may include contingencies, remediation, reserve contributions and may be offset using other revenue streams.

There is not a definitive method of setting gate fees which is standard across the region but are determined locally. Complexities in pricing an actual 'processing cost per tonne' include differing contract rates, transport, depreciation, staffing levels and facilities.

Annual waste charges for ratepayers are more complex again and reflect the local policy environment. Costs to ratepayers range across \$147 and \$498 (2020/21) per annum averaging at \$321 per annum.

INTRODUCTION

Since 2010 a regionally coordinated regional approach to waste management has been sought that leverages economies of scale. These efforts are repeatedly undermined by the continued low cost of landfilling. The social willingness of moving away from landfills has not been supported by the economic reality of managing these services. This means more complex facilities that can offer greater diversion, returns on investment and lower overall operation liabilities have not been worth the cost.

There is now a unique opportunity to commence building local, long-term diversion schemes with feasible returns on investment. Aging landfills, population growth and a transitional policy context have made cooperative waste management solutions worth pursuing. A coordinated waste approach across Local Government Area (LGA) boundaries can leverage economies of scale needed for significant waste diversion from landfill and ease the triple bottom line costs. Without a separate waste management entity these benefits are unlikely to be equitably distributed. The simplest means ensuring fairness is by creating an external entity such as a Regional Subsidiary that equitably manages waste on behalf of member Councils.

A central body can then take a strategic view of regional waste, matching local waste needs with regionally available facilities and services. Using Waste to Energy (WTE) facilities as they are established in East Rockingham or Kwinana is a good example of how we use our local solutions. This is an expensive option but highly effective and could form part of a regional solution. Gate fees can be high and when added to transport may exceed \$200 per tonne. This figure quadruples some local processing costs. However, for the highly co-mingled putrescible waste which is not worth recovering, it is a valid treatment solution, we just need to ascertain volumes.

Funding this model is not intended to raise existing costs substantially. Short term gains are proposed to come from negotiating multiple Council contracts. In the long term setting a clear regional goal will align local investment decisions. This goal is to satisfactorily externalise all waste operations for local Council members.

Commencing the formation of a Regional Subsidiary will focus waste efforts on outcomes and provide sufficient planning time to allow rapid expansion when proposed legislative amendments are made, anticipated to be before 2025. The issues faced by the Group when seriously considering any formation of a collaborative waste model include:

1. Reducing waste management costs for individual Councils throughout the South West;
2. Introducing operational efficiencies at individual locations;
3. Attaining more complex and higher diverting technologies in the region;
4. Creating employment opportunities;
5. Growing the local waste economy and remanufacturing sector;
6. Moving towards 'Zero Waste' outcomes throughout the South West Region;
7. Supporting or creating innovative opportunities to divert waste;
8. Collectively negotiating contracts with private enterprise;
9. Building collaboration between government and industry; and,
10. Pursuing beneficial partnership opportunities.

This report has a focus on Municipal Solid Waste (MSW) and organic waste, referred to as FOGO as these are the two main waste streams going into landfill and there is not yet substantial private investment to improve diversion.

CONTEXT

LITERATURE REVIEW

Since 2010, the Group has commissioned studies that identify opportunities to leverage regional economies of scale by centralising and simplifying waste management. Of these papers, five pivotal studies have been summarised in a Literature Review which is attached in Appendix 1. These are:

1. 'Feasibility Study for the Formation of a Regional Council for Waste' (2010)
– prepared for the City of Bunbury on behalf of the Wellington Group of Councils
2. 'Strategic Waste Management Plan'(2012)
– prepared for the Bunbury-Wellington Group of Councils
3. 'Organics Officer Project: Helping to reach a regional solution to a local problem' (2012)
– prepared as part of the Strategic Waste Initiative Scheme (SWIS)
4. 'Regional Waste Management Strategy' (2015)
– prepared by Talis Consultants
5. 'Integrated Regional Waste Management': Market Sounding Exercise (2020)
– prepared for and by the South West Regional Group

These works have informed significant progress in the South West, such as forming a Regional Council and commenced a composting enterprise. Other initiatives included exploring the potential for a Regional Landfill.

In addition to the operational outcomes, the Group's strategic direction has also adapted to changing conditions, policies and objectives. Throughout these changing contexts, recurrent themes appear suggest there are opportunities which remain unacted upon and the reasons to pursue these recommendations appear to have not fundamentally changed. These themes include;

- Formalising regional collaboration by forming an external entity (such as a Regional Subsidiary) to manage waste. This entity would externalise risk and given sufficient operational capacity would meet the evolving waste management complexity in the South West;
- Recognising the critical role of public involvement in waste management for source separation, program participation and lowering contamination rates to produce higher value waste streams;
- A measured approach to large capital investment early on which can also be high risk;
- Developing appropriate markets for waste derived materials which can service resource separation initiatives. Long term customers are critical to developing complex waste diversion facilities as it creates confidence for investors. Targeting infrastructure providers such as Councils (which can have dual supply/demand roles) can provide the most secure outcomes;
- Private enterprise can contribute essential technical knowledge, investment capacity and risk management in providing new waste diversion technologies to the region;
- Declining landfill availability is common throughout the SW, both in existing sites and finding alternate locations; and
- The need to meet Federal and State government waste targets as a means in providing consistency in approach.

FRAMEWORK AND PRINCIPLES

National

The National Waste Policy 2018

The National Waste Policy – Less Waste More Resources published by the Department of Sustainability, Environment, Water, Population and Communities in 2018 coordinates waste management across jurisdictions through championing a circular economy model.

The Policy provides necessary direction across statutory boundaries now since losing waste exportation as a key component of broad waste management practices. International agreements now impact local operations. This context requires a coordinated strategy across jurisdictions and the State and Federal government have supported imposing Circular Economic theories as a galvanising model. The State Policy approach champions five principles:

1. Avoiding waste
Prioritising waste avoidance, encourage efficient use, reuse and repair so waste is minimised. Materials are made to last and more easily recovered.
2. Improving resource recovery
Making systemic changes and promoting reuse and recycling processes to improve the quality of recycled material produced.
3. Building demand and markets for products that increase use or reuse of materials.
4. Better management of material flows to benefit human health, the environment and the economy.
5. Improving information to support innovation, guide investment and enable informed consumer decisions.

Supporting these principles are 14 strategies articulating the intent for waste to be diverted from landfills in line with waste hierarchy principles.

State

Waste Avoidance and Resource Recovery Act 2007 (WARR Act)

This sets out the management framework for LGAs to ensure operations are comparable across the State. Primary objectives are to contribute to sustainability, protect human health, the environment and move towards a waste free society. The WARR Act coordinates with the National Waste Policy by emphasising the:

- Efficient use of resources, including resource recovery and waste avoidance;
- Reducing environmental harm, including pollution through waste;
- A hierarchical approach to resource management options, specifically;
 - Avoid waste creation and resource consumption;
 - Resource recovery; and
 - Disposal.

This legislation requires Waste Plans from local governments that outline how waste services will implement Waste Strategy priorities in protecting human health and the environment. The WARR Act gives the CEO of the department powers to require a local government to submit a report on the implementation of its waste plan. Waste plans will inform and be informed by the strategic planning activities which local governments undertake under the Local Government Act 1995.

Waste Avoidance and Resource Recovery Levy Act 2007 (WARR Levy Act)

This legislation allows for the imposition of a levy per tonne of waste disposed to landfill. Although currently only applicable to waste received at metropolitan landfills or non-metropolitan landfills receiving metropolitan waste, this levy can be extended to the Peel and South West regions, which is being considered by the Government as mentioned by the Minister for Environment at the Municipal Waste Advisory Council Meeting in February 2019.

Western Australian Waste Strategy 2030 and Annual Action Plan

The Waste Strategy is the tool supporting the Waste Authority objective of transitioning to a “sustainable, low-waste circular economy in which human health and the environment are protected from the impacts of waste.” Two crucial components of the strategy are the waste hierarchy and circular economy.

The Waste Strategy 2030 asserts targets which depart from landfill diversion benchmarks and focus on three objectives – avoid, recover and protect. Underpinning these objectives is a 10 per cent reduction target in waste generation per capita by 2025 and 20 per cent reduction by 2030. The targets for recovering more value and resources from waste are to increase material recovery from the State rate of 57 per cent to 70 per cent by 2025 and 75 per cent by 2030.

Accompanying the Strategy is the Action Plan renewed annually, which clarifies specific actions, timelines, lead responsibilities and collaborations to achieve the stated objectives.

Better Bins Plus: Go FOGO

Announced in May 2020, this program provides financial support for local governments to shift to a three-bin kerbside collection systems with a separate food organics and garden organics (FOGO) service.

Although local governments are not mandatorily required to move to FOGO, there are considerable regulatory measures the State government is using which obliges local governments to adopt FOGO over time.

Case Study: The Move to FOGO in Mandurah

The City is a member of the Rivers Regional Subsidiary which had collectively negotiated waste contracts with Avertas Energy to process their waste long term in the waste-to-energy (WTE) facility under construction in Kwinana. These contracts allowed for the processing of all waste streams generated from the City, including organics.

In December 2020, the City was strongly obliged to adopt a FOGO component for the organic fraction despite potential cost increases for ratepayers if the service is introduced. Through preparation of the Waste Plans required by the Department of Water and Environmental Regulation, these wouldn't be approved without the introduction of FOGO being included within the Plan's five year timespan.

The Waste Strategy 2030 requires all councils in Perth and Peel to provide three bin kerbside collection by 2025. In providing the third bin, the City found it won't meet the minimum tonnage commitment under the Avertas Energy contract they had negotiated. Not meeting these commitments obliges a minimum tonnage payment stipulated within the contract, regardless whether it deliver the waste to the plant. If the significant financial penalties incurred under the

contract were enforced, they would be added to the additional costs of implementing FOGO which is estimated at \$80 extra per year to each eligible household.

The State Government reaffirmed their commitment to FOGO to reduce the amount of material sent to landfill and increasing recovery rates to more than 65 per cent. Recycling supports around three times more jobs compared to sending a similar amount of waste to landfill.

The Waste Authority is providing funding for the next five years to support transition to a 3 bin kerbside collection program that includes FOGO. The amount available in 2020/21 was 4.6 million distributed using the 'Better Bins Plus: Go FOGO' program, which is expected to continue at a similar funding level. This supports implementation of a key Waste Strategy initiative, delivering consistency through a three bin kerbside collection program including FOGO by all Perth and Peel local governments by 2025.

The City of Mandurah meets their obligations by incorporating FOGO investigation in their five year Waste Plan as mandated by the State Government.

Within the Group, the shires participating in Better Bins Plus: Go FOGO Program include Augusta-Margaret River, Collie and Dardanup.

Waste to Energy Position Paper 2020

This Position Statement states that the Waste Authority considers waste to energy to be an appropriate resource recovery option only for the management of residual waste. This means that it is appropriate when there are no technically, environmentally and economically practicable options higher up the waste hierarchy available and any recovered material has been used as a recognised input into another product or process.

Projects are to be generally accepted by the local community and community engagement is required throughout the process. Non-technical aspects such as design considerations and publicly available monitoring of emissions are also important.

Container Deposit Scheme

The container deposit scheme 'Containers for Change' commenced on 1 October 2020 and collects empty beverage containers. The scheme has several consequences including litter reduction, product stewardship and producing a low contaminant waste stream. There are opportunities to facilitate the recovery of some of the materials for public or private operators.

REGIONAL WASTE MANAGEMENT

The dominant waste treatment model in the South West is disposal to landfill. Although economic, this approach is being compromised by social policy, a rapidly changing resource recovery market and cost-effective large scale recycling technologies. Land is becoming scarcer for landfill expansion and the costs associated with either closure or expansion of these sites can be a major financial risk.

The Federal and State policy developments are changing the development pressures for landfills. Expansion is no longer a supported strategy, instead, more complex waste treatment solutions are being promoted resulting from greater stockpiling of waste materials, typically in landfills. The complexity of the waste industry demands significant capital investments over longer periods (20-25 years) so favourable cost to benefit ratios can be attained. Although the large capital outlays can increase waste diversion the length of investment is a risk based on the changing nature of the Australian waste industry. For example, diversion technology selected for the next 25 years may be superseded before the returns on investment are realised. Despite this pressure, there are no practical alternatives to maintaining the status quo given the growing costs and operational inadequacies of the current systems.

Introducing adaptability to regional waste management by encouraging greater private company participation targets multiple levels of the waste hierarchy and prioritises reduce, reuse, recycling/compost and energy recovery from waste. These are aimed squarely at waste prevention and landfill minimisation. This approach considers treatment options as part of an integrated system rather than as isolated features within a region. The 'Regional Waste Management Strategy 2015' (RWMS) grouped Waste Management actions for achieving higher diversion rates.

Avoid/Reduce/Reuse

- Waste avoidance is the most preferred but along with reduction are the most challenging aspects of waste management.
- Education plays a strong role in the 'avoid, reduce and reuse' messaging.
- Reuse/Repurpose Shops can capture material value before they move to lower levels

Recycle

- Manufacturing can benefit recycling initiatives and reduce demand for raw materials.
- Local governments can influence recycling through collection, sorting, material sales and education.

Recover and Treat

- Recovery processes waste to make products or energy but unlike recycling, the generated products may not be similar to the original waste materials e.g. compost from organic waste.

Dispose

- Least preferred methods include landfilling and incineration without energy or heat recovery.
- While inevitable that some waste will require disposal, it is a last resort.
- Landfilling inevitably results in a loss of materials/energy, greater contamination and pollution even in best practice landfills.



Integrating regional waste management diversifies investment risk, controls the speed of transition towards a circular economy and provides collaborative opportunities with private industry. Complementary waste treatments can provide a range of diversion methods at varying costs to individual Councils, often at a reduced rate.

The RWMS groups treatment options into 'Clusters' based on their downstream waste treatment options. By identifying the end of material life treatment options, the composition and quantity of material required for reuse can be determined, allowing additional complementary treatment options to be considered.

The Cluster approach simplifies consideration between low cost/high diversion and high-cost/high diversion options to maximise diversion and minimise future risk. For example, combining clean waste derived from source separated materials including organics with commercially viable treatment of remnant material treated between thermal WTE and gasification.

Low Cost/High Diversion Options

This approach concentrates on maximising materials separation at the source (households) to ensure downstream treatment is as efficient as possible. Households play a significant role in determining both the quality and quantity of contamination in the red, yellow and green bins. Lower contamination from the household makes downstream treatment more economic, lessens environmental impact and benefits from community involvement. Educational messaging emphasising the benefits of clean waste streams and cooperative participation is critical to generate high yields of clean materials. This is low cost as many of these systems either exist or can be easily adapted for new roles.

Recommended activities are:

1. Integrate a Regional Waste Education Program

A systematic education program is critical to the success of any waste management system. Directing information towards households and businesses will ensure wide scope.

2. Support Community Liaison Groups

Within the South West, there are sustainable living training groups (e.g. Living Smart) that frequently result in action groups being formed. These groups do not normally last for a variety of reasons but professional admin support is one factor that would assist their longevity to provide Councils a grass roots waste messenger. Waste management initiatives could be supported by providing information, running talks, workshops and community events. Additionally, this simplifies Community engagement to assist consultation regarding new waste initiatives.

3. Influencing Commercial Practices

Although not a central focus of this Paper, Commercial and Industrial waste is a large contributor to the waste fraction sent to landfill. Greater businesses contact can improve access to services and obtain support for larger waste management initiatives. There is significant potential to improve resource recovery within the C&I and C&D streams within the region.

The South West Group could also influence commercial practices through its procurement processes. Either through requirements for a Waste Management Plan, or requiring recycled products to advance recycling markets.

4. Regional Officer

A Regional Officer provides consistency across the South West when developing closer partnerships between regions, LGAs and communities. An important role is liaison, new waste management design and services for a reliable waste management strategy.

5. Reuse Shops

Many waste facilities have areas where small quantities of reusable materials are returned to the community for a fee. By treating these operations as a serious opportunity for diversion, their improvement could increase uptake. Creating a regional model for dedicated Reuse Shops with attractive and well organised shops is more likely to encourage use and improve the quality of the items received. The spaces should at least include a stock limits, storage shed, forecourt, consistent layout, signage and receptacles. This is a simple and low investment diversion opportunity that if done correctly with commercial motivation, could provide a good rate of return for the capital investment. Operating Reuse Shops may be undertaken wholly or in part by community groups and be run at least as cost-neutral, if not some profit.

6. Free Trade Website

Free Trade websites promote the reuse of household and commercial materials including those from a Reuse Shop. There are dedicated pages doing this currently such as Facebook and Gumtree but a dedicated approach to develop and promote a common approach for the SW waste to pool reusable items. This includes using existing platforms with a consistent profile across all LGAs in the region.

High Cost/High Diversion Options

These options are more facilities with complex technologies requiring greater investment and focussed on co-mingled MSW. These large capital items also involve a dedicated long term workforce. The options available in the South West are summarised as:

- Sub-regional waste transfer stations,
- WTE, thermal, gasification or biologic (anaerobic digestion),
- Licenced sub-regional landfill options with future expansion approved, which include Busselton, BHRC and Cleanaway (Banksia Road).

Separating the material from red bins requires the highest level of investment to extract the most value following best practice diversion operations. At present the high level of comingling means separating waste streams is inefficient and so it is disposed as an analogous stream to landfill. The red bin is both a costly source of materials if separated but expensive to dispose of as a waste stream.

New technologies are being introduced to Australia to address this stream of waste and many regions have adopted new processing technologies following extended EOI processes to engage with operators and technology suppliers. This process has yielded novel methods of processing MSW that move away from the traditional Council-owned landfill operation towards private/public partnerships that seek returns for all stakeholders.

REGIONAL COORDINATION

INTEGRATED WASTE MANAGEMENT SYSTEM (IWMS)

To commence the process of realising any economies of scale at a regional level, any proposed waste treatment at a local and sub-regional level should be considered as part of a larger system, either regional or beyond. Using a framework called 'Integrated Waste Management Systems' (IWMS), a network of Local, Sub-Regional and Regional infrastructure and services combine to form a coordinated waste management system that is efficient, cost effective and achieves environmental objectives¹. The more efficient examples using this approach considers how to reduce, reuse, recycle and manage waste to protect human health and the natural environment. There are formal processes to evaluate local conditions and needs before choosing, mixing and applying the most suitable solid waste management treatments. The Waste Hierarchy provides a framework within which regional options can be considered.

IWMS Framework

Every organisational level has a specific function when delivering waste management on a regional scale. Although the RWMS2015 advocated for the operations of local initiatives to be owned and operated by the local government, the appropriate strategy for the South West needs to recognise the long term goal of separating waste operations from local government.

Each alternative treatment solution will be addressed on a case-by-case basis to determine which body will be responsible for the facilitation, construction, operation and management of the IWMS. Once implemented, the treatment option will become part of the everyday operations of the LGA and will be utilised to directly engage with the community and waste service providers.

Local

Waste management infrastructure in the IWMS includes Reuse Shops, Recycling Stations and other community drop-off centres as appropriate. Facilities should be designed to assist in changing community behaviours regarding waste management facilities as well as stockpiling recoverable materials prior to processing such as greenwaste, scrap metal, mattresses and clean C&D waste. These types of facilities should be located close to population nodes across the South West Region.

To complement the infrastructure, local waste management services should manage collection or processing waste and/or recyclables. The following options are examples of locally managed initiatives:

- Greenwaste mulching;
- Supporting local waste groups to drive community action;
- Scrap metal recycling;
- Kerbside refuse and recycling;
- C&I waste collections;
- C&D waste processing; and
- FOGO/organics collection.

¹ An integrated approach was discussed in the *Regional Waste Management Strategy: South West Region*. By Talis Consultants, July 2015.

These services would be implemented by the LGA however, a regional contract for the procurement of the services should be considered by the South West Group to reduce costs.

Sub-Regional

Sub-regional opportunities include those between neighbouring Councils or addressing waste issues which share attributes among certain Councils. Examples include mattress recycling, composting and waste transfer stations. This organisational layer provides a layer of flexibility within the IWMS by diversifying waste processing operations across a wider geographic area and deliver services to more residents than would otherwise have access. In addition to sub-regional infrastructure, services such as haulage can also be considered at this level. Whether this is the purchase and operation of vehicles or negotiating haulage contracts.

Regional

Consolidating waste volumes improves the viability of specific projects and delivers greater economies of scale for recycling or providing processing services. Regionally, the waste management services provided by the South West Group are as important as the associated infrastructure. Messaging consistency is critical when implementing plans and addressing contamination and reclaiming waste. Regional service options include:

- Implementing an integrated waste education program;
- Supporting local waste groups;
- Influencing commercial practices; and,
- A free trade website.

An integrated waste education program would provide consistent waste messaging including the implementation of new initiatives throughout the Region.

The regional infrastructure options include MRFs, Waste-to-Energy facilities and logistical concerns. Developing large scale treatment facilities can divert significant waste volumes from landfill. Combustion, AD, gasification and pyrolysis technologies all exist and should be considered, there are a variety of practitioners which can meet regional demands. Residue from many treatment facilities will always require landfills but reducing that volume to a level that existing best practice sites can manage provides long term waste disposal security.

ADMINISTRATION

The components of a complex IWMS includes management structures that coordinate activities and remain accountable to Councils. Formal entities with clear boundaries include Regional Councils, Regional Subsidiaries and official agreements that allow LGAs to coordinate participation and enable stronger negotiating positions. A separate entity provides considerable advantage to the local waste sector against a manageable risk profile.

Business as Usual

Maintaining the status quo of Councils managing their own waste services more or less independently can persist, although will become less cost efficient and more risky over time. Once landfills reach their capacity, Councils can choose to convert their sites to transfer stations and manage disposal accordingly. Within the SW, there are two best practice landfills in Dardanup and Busselton with lined construction and BHRC in Wellesley is approved to construct lined cells. These three sites have the capacity to take all the waste generated in the South West but it will be a competitive process.

The cost of continuing business is expected to rise as policy (and potentially a Waste Levy) will work against this option and new landfill sites become harder and more expensive to develop. The expense of transitioning to transfer stations, increased transport costs and ongoing environmental monitoring/remediation costs associated with unlined cells will add further to the financial burden.

The established landfill model provides little opportunity to claim income beyond uncertain benefits of stockpiling waste for mining in the future. Council discretion in pricing their own waste systems will be reduced as the final disposal of waste products must be outsourced. Disposal costs will significantly impact operational costs and be passed on to ratepayers. This moves Councils from a pro-active 'price-maker' role to a passive 'price-taker' role, having to react to market charges which is an additional risk to pricing waste rates for the future.

The opportunity cost of maintaining the current practices is foregoing the improved use of 'waste' materials which can benefit Councils and customers of waste derived products. Capturing lost value in waste streams can be recovered by re-classifying waste as a 'resource'.

The policy and regulatory framework surrounding waste in Australia which has hindered resource recovery and waste management industry from reaching its potential is now changing. Building procurement policies and specifications into waste derived products can provide significant benefit for LGAs and offset transition costs.

Social views on waste are linked with good governance within the sector, perceived impacts, benefits and distributive fairness. These attitudes can be influenced on a national level but affect local opinion. The WA Auditor-General [1] found that stakeholders managing MSW have varying views and attitudes which have not aligned with the Waste Strategy and the State Government's preferred approaches to diverting MSW from landfill. Inconsistent waste management systems for MSW coupled with limited guidance from State Government hinder efforts to increase resource recovery and reduce waste to landfill.

The rising costs of waste management, changes in market innovation, loss of proactive pricing, inability to capture lost value from waste streams and changing social attitudes suggest that business as usual is not the most effective means to continue operating.

Regional Subsidiaries

A Regional Subsidiary is a statutory corporation that can separate risk and investment from Councils while delivering cross-boundary services. In 2016, the *Local Government Act 1995* (the Act) was amended so that two or more local governments could establish a Regional Subsidiary which is:

- managed by a board
- governed by a charter and
- a separate legal entity from the local governments who formed it.

Commencing the formation of a beneficial enterprise is the beginning of long term strategy externalising waste management assets and operations. The separation of these critical services is not advised to be fast but will be an ongoing process, consistent with Councils desire to adopt a cautious investment strategy. This has been a recurrent theme in many previous studies for the Group.

Achieving full separation will take a considerable time and externalising some localised activities may not be possible but it is an aspiration goal that can coordinate the development of waste management in the South West to attain economies of scale.

Attaining separation of waste management will involve a range of cost effective actions, one leading to another, that needs to prove its viability as it grows. Early tasks will be foundational and include:

- sub-regional contract negotiations seeking more localised savings;
- preparing a cohesive business plan that includes milestones, proposed growth timeframe and review timelines; and
- acting on ongoing regional initiatives as they arise. This may include designing and managing a formal Expressions of Interest (EOI) process seeking waste diversion technology and designing a Procurement Trial intended to help Councils shape their local economies.

It is proposed that a small number of staff are tasked with commencing this process and include a mix of technical skills, employed either part-time or full-time. This is not anticipated to be costly but a cost-neutral approach is to be adopted, where existing roles may contribute to the Regional Subsidiary as it develops. Immediate roles will be to:

- Negotiate MSW and recycling contracts on behalf of multiple members or clients,
- Design a regional Integrated Waste Management system with local assets designed to be relevant across LGS boundaries
- Detail a long term business growth plan setting out milestones in growing the beneficial enterprise,
- Encourage waste diverting industry to operate in the SW and
- Propose effective waste management initiatives for the region following Business Case submissions, including procurement and other policy initiatives.

By centralising regional initiatives, the waste assets and operations in the South West can be more effectively set apart when negotiating with external agencies or companies. Any proposed facilities can be presented to the Group and finding additional support will be a Subsidiary task. Other reasons supporting the formation of this entity include:

- (a) ability to employ professional directors and management with experience specific to the commercial objectives of the entity;
- (b) removing detailed investment decisions from day-to-day political processes while retaining political oversight of the overarching objectives and strategy;
- (c) the ability to take an overall view of commercial strategy and outcomes rather than having each individual transaction within a complex chain of inter-related decisions being subject to the individual notification and approval requirements of the Local Government Act;
- (d) the ability to quarantine ratepayers from legal liability and financial risk arising from commercial or investment activities;
- (e) the ability to set clear financial and non-financial performance objectives for the entity to achieve; and
- (f) providing greater flexibility to enter into joint ventures and partnering relationships with the private sector on conventional commercial terms.

This entity is designed to address market 'gaps' in delivering services which have clear economic, social and environmental benefits but are not necessarily profitable such as waste management. It formalises the lower cost outcomes as a driver for reform rather than making a profit, which is ineffective in a market failure scenario like waste processing. Although unable to profit from the 'beneficial enterprise', coordinating resources can build demand and supply for social good where margins are insufficient to support private investment.

Regional Subsidiaries legislation constrains the scope of permissible activities such as growing the capacity of local governments to act more commercially, develop alternative revenue streams or enter into commercial partnerships with the private sector. These restrictions limit the role these entities can play in the market place.

The structure of a Regional Subsidiary may provide services or undertake functions more efficiently and effectively than a single local government. Local governments can then focus on projects that directly benefit the region with important flow on effects for its local community without sacrificing local priorities.

Placing the commercial activities of local government at arms' length from political influence - under the control of independent Boards made up of expert directors and the regulatory provisions of normal company or trust law – results in more robust management than more politically influenced arrangements. In this case, experts in the industry can influence development and can support the effects of the election cycle in long term development.

The *Local Government (Regional Subsidiaries) Regulations 2017* (the Regs) determine how to form, operate and disband Regional Subsidiaries but is considered to constrain operations by:

- Prohibiting any land transaction or trading undertaking with a view to producing profit; and
- Prohibiting borrowing money other than from one of the participating local governments.

WALGA is advocating for a review of the legislation provisions which will alter how Regional Subsidiaries can behave. These changes include;

1. Reducing the overly prescriptive community consultation provisions. These are seen as unnecessary in the Regs as Local Governments will have consulted with communities on the proposal to form a subsidiary;
2. Enabling a subsidiary to borrow funds in its own right;
3. Simplifying the financial management provisions;
4. Clarifying permissible commercial activity which can be undertaken such as where limitations are to exist when contemplating major commercial enterprises.

The current regulations are overly prescriptive and do not follow the principle of the Charter being the primary governance tool. The Local Government Act Review Panel has concluded investigations and has recommended changes to the Regs to be addressed by WALGA;

- 1) Overly prescriptive community consultation requirement. Local Governments will have already consulted with their communities on the proposal to form a Subsidiary.
- 2) No power for a subsidiary to borrow in its own right
- 3) Financial Managements provisions are complicated and confusing. States some Act provisions to follow and some not.
- 4) Restrictions around commercial activity require clarification. The Subsidiary should be able to undertake commercial activity within the limits of competitive neutrality following a thorough risk assessment.

Over time, external commercial or corporate experience will be required to manage that risk while seeking commercial efficiency. Isolating assets within a corporate structure places legal accountability with the board of the entity and any financial risk associated with their use. Prudential controls by (for example) lending agencies act as a further constraint on reckless assumption of risk.

For these reasons, it is proposed that the Regional Subsidiary use the time prior to legislative change to establish a detailed Business Model and commence contract negotiations on behalf of or in

partnership with existing Councils. Should not all Councils wish to participate in this model, provision must be made that for a fee the Regional Subsidiary can act on their behalf as a local government representative, complete with the Region growth model informing local advice and decisions.

Cost estimate

Operations

Item	Title	Role (FTE)	Salary
	Program Director/Coordinating Role	1 FTE	110,000
	Contract negotiation	0.2 FTE	90,000
	Technical Specialist, recycled materials	0.2 FTE	90,000
	Salary Total	1.4 FTE	\$146,000
	Overheads estimated at 40%		58,400
	Events, consumables		5,000
	Assets/Operations		12,300
	Proposed final cost		\$219,400

Asset and Operation costs include:

- A vehicle; \$10,000 /year
- a computer, \$1,300 /year
- a phone \$1,000 /year

The Program Director would be responsible for:

- completing the Business Planning;
- establish new contracts;
- preparing the IWMS;
- negotiating with local councils on supportive information;
- establishing business systems;
- commencing community engagement;
- actively engaging with industry; and,
- engaging other roles as required.

Contract negotiations would include legal assistance, EOI and Tender preparation, site investigation, relationship building. This position can either be separate or contributed to 'in-kind' from participating local governments. Likewise legal counsel could be made available on an as-needs basis to limit costs further.

Technical assistance would include sourcing materials, investigating locations, seeking regional opportunities for land, conducting audits and general work as required. This will be a casual system hiring as needed or accessing skills in participating local governments on an 'in-kind' or seconded basis.

It would be advantageous to maintain consistency of personal in these positions to benefit from industry contacts and information sharing. As the program develops, the number of roles is expected to expand as operations become more complex.

Locations

It is not proposed to have a specific facility work but use Council property, which is the reason for the overhead factor. This location could be anywhere, depending on the proposal being undertaken

so staff can maintain proximity to the companies and their flexibility for onsite inspections and progress.

A regional approach adopting waste management innovation can assess the collective assets cooperatively to potentially accommodate private enterprises close to resource streams. Providing land and access to clean waste streams. It is hoped that a holistic program of regional waste management will result in diversion initiatives benefitting Councils.

Establishment tasks

The establish the Regional Subsidiary and commence operations, it is proposed to

1. Consult with WALGA regarding the formation of the Regional Subsidiary, steps taken by Rivers Regional Subsidiary and present a list of costs associated with its formation.
2. Prepare a comprehensive consultation strategy, addressing formation of the entity, potential benefits and seeking feedback in each Council area;
3. Legal costs in drafting and advising on the framework being proposed as well as gathering any concerns of locally elected members.

Expand the Regional Council

The Bunbury Harvey Regional Councils (BHRC) already exists and changing the 'establishment agreement' (EA) is a relatively straightforward action. This is an opportunity to serve the SW faster than establishing a Regional Subsidiary. Any proposed change to the EA must account for existing liabilities and investments and be able to isolate new members from existing operational obligations. Should there be an acceptable model for change, this is a relatively low cost, expedient solution to forming a regionally representative body to commence operations.

Regional Councils are body corporates, can open and operate bank accounts, can invest and borrow money and have the ability to make local laws. The governing body of a Regional Local Government consists of Elected Members from the member Local Governments but experts can provide advice as required under contract. There is no scope to appoint external expertise or independent directors to the governing body. The EA under which Regional Councils operate must be agreed to by the Regional Local Government participants and Minister for Local Government.

While a streamlined and effective management body, reporting requirements can be onerous, considering it is only one aspect of managed Council business. As Regional Councils operate under the same legislation as Local Councils most of the compliance and accountability requirements are the same, so efficiency gains must significantly outweigh the compliance obligation costs. These obligations are already established so this cost is minimal.

Although expanding the Regional Council would a practical way of formalising the economies of scale within regional waste operations, an amended EA must be able to protect the different investment profiles of each Council. This will need an in-depth analysis of the various assets and liabilities associated with joining the Regional Council.

A Charter for a Regional Subsidiary can be drafted that allows one-off investment opportunities on specific projects, which is more difficult in a Regional Council model. These are significant legal questions that will need to be determined prior to this option being adopted.

Regional Subsidiary vs the Regional Council

The amended 'establishment agreement' must include the purpose, membership and representation, means of determining financial contributions and procedures for winding up the Regional Local Government. A cost to join is likely to access established facilities fairly and share the profits and losses of the operation. This will require some negotiation and a clear understanding of the risks and opportunities involved. Asset sharing can form part of these negotiations. A name change is also possible, for example, the South Western Regional Council.

WALGA has suggested that the SW should wait until the recommended changes to the Regs are made but at the same time, significant regional investments are going to be required as landfills are approaching the end of their operational life. Delaying the formation of a regional body risks equitably funded regional solutions. By forming now with cost restrictions, the intervening years prior to legislative review can be used to ensure no time is lost once the financial boundaries are adjusted. Revising the legislation is estimated to be complete by 2025. WALGA is lobbying the Minister to reconsider provisions in the Regs to ease the Regional Subsidiary restrictions and make it a more appealing option.

Case Study - Rivers Regional Council Transition from Regional Council to Subsidiary

The Rivers Regional Council entered a contractual agreement in 2015 to supply the WtE facility in Kwinana. Participants then sought to reorganise to reduce the costs in coordinating the waste supply agreements for the next 20-30 years. The responsibilities are essentially administrative, so avoiding the considerable reporting obligations associated with a Regional Council was economically justified. Activities undertaken by the Regional Subsidiary include:

- Establishing governance, administration and accounting arrangements.
- Preparing the annual Waste Delivery Plan
- Calculating and recover waste charges
- Managing contract responsibilities and act as Principal.
- Co-ordinating the required waste recovery, reuse and disposal education programs
- Co-ordinating the energy supply arrangements.
- Advocating on behalf of member Councils.

A Regional Subsidiary model was established to administer the interests on behalf of the Councils as there were few assets to operate. The role became one of contract negotiation and operational obligations for participant councils. Although not yet approved by the Minister for Local Government, this is currently being assessed and support for forming the Rivers Regional Subsidiary is anticipated.

Sharing transfer station facilities is possible but subject to separate agreements between councils. The significant diversion rates offered by WTE (97.5%) contracts mean that the majority of operating landfills will close.

It is anticipated that up to \$200,000 (based on the 2018/19 Budget) could be saved by transitioning to the Regional Subsidiary and avoiding the reporting obligations required by the Regional Council. The Subsidiary's budget is approximately \$250,000 per annum although collection agreements are separated. The education component is anticipated to rise as it supports the WTE activities and associated supply agreements.

Other Options

Incorporated Associations

Local Governments have the ability, under the *Associations Incorporation Act 1987*, to form or take part in an incorporated association (IA). These are not permitted to deliver statutory services like regional road construction or waste management. The IA model is typically used for narrow purposes such as economic development and promotion in a broad sense.

This is not considered to be a practical option.

Collective Tenders

The ability to tender collectively for specific or general services is open for Councils. While these may be reasonable in specific cases, Councils should be of similar size to coordinate services, share liability and risk, address different activities and manage transport costs. These variables make this model unwieldy due to the unevenly distributed risk and financial burden.

These agreements work when there are specific outcomes with standardised conditions, otherwise they become too complex to manage and negotiate. Variations to any contract may be costly and time consuming, resulting from the cumulative involvement of multiple signatories. These variations are likely to result in scope creep, potentially affecting the ability to execute the original work.

Considering many of these issues can be managed separately through formation of a Regional Subsidiary, collective tenders are not a preferable option for the Group but have some potential for sub-regional agreements.

Partnering

To make partnerships work enhanced communication is critical to improve the performance and quality of output of any joint project. Without enhanced communication partnering often tries to impose a culture of 'win-win' over the top of a commercial and contractual framework which results in an inherently "win-lose" scenario. Verbal commitments during the partnering process even if genuine at the time, are not enough to withstand the stress imposed by misalignment of commercial interests.

This framework is not considered sufficiently reliable for a joint delivery of waste capital or operations.

FLEET OPERATIONS

The number of Councils participating in cooperative model determines cost savings and investment. Contract values vary and transport can be a blend of Council owned operations and contractor vehicles. Examples elsewhere from Australia may be used as a guide only.

Aggregating waste and recyclables provides an attractive option for the market to bid for, hence the considerable potential savings that could be generated from a joint procurement of this size. Additionally, considering the Cities of Bunbury and Busselton run their own fleet, additional side-loaders are required to service more Councils.

Although weight dependent, side-loading vehicles collect approximately 800-1000 bins per day. Prudent fleet management also requires a reserve truck as to address breakdowns, servicing regimes

and other non-core obligations. Side-loaders cost approximately \$450,000 each and cost approximately \$350,000 to operate. Approximate costs of running a waste fleet with 6 side-loaders, a semi-trailer and other supportive light fleet costs approximately \$850,000. Without in depth analysis, expanding the waste fleet to those Councils which partook in the regional survey would require an estimated 10 trucks to service MSW in:

- Augusta-Margaret River
- Capel
- Dardanup and
- Donnybrook

Using these calculations, expanding the fleet by 10 sideloading trucks would cost approximately \$4.5M in trucks and another \$3.5M per year to operate. These costs do not include finding a depot, servicing requirements and staff to do so, accounting costs nor savings in efficiency, economies of scale or auditing existing fleets to find opportunities to build on existing operations. Further analysis is needed of weights, route planning and collection regimes, which would also likely reduce this figure. This analysis and organisation would form part of the Integrated Waste Management System and would be a key role of a Regional entity.

Further Consideration:

- a) Commence formalising a Regionally cooperative model to determine a level of commitment that allows greater investment in diversion technologies. This requires a detailed Business Plan with detailed cost analysis into an entity which would have capacity to act as an agent as required for non-member Councils. Clarify the roles, responsibilities and boundaries of an independent entity dedicated to managing regional waste operations on behalf of SW Councils.
- b) Investigate the creation of a sub-agreement allowing Regional Council to share in the investment of new facilities without accruing the risk of previous operations. This must include a proportional investigation into the shared environmental risk going forward and any associated ancillary costs or risks.
- c) Until costs and liabilities of joining the existing Regional Council are clarified, the informal operation of the SWRWG is to continue until such time as the provisions of the *Local Government (Regional Subsidiaries) Regulations 2017* are reviewed and considered beneficial to regional waste management operations. Cooperative alliances and Collective Tenders should be reviewed as tools in delivering location-specific infrastructure as required with a long-term view that these assets could be 'shared' at a later stage.

WASTE MANAGEMENT OPTION ANALYSIS

A whole of system approach on a Regional level coordinates investment decisions and clarifies the potential costs and revenues. Prior to establishing formal administrative frameworks, investment by local councils should acknowledge the extent of the investment and at which point waste streams enter and leave their influence. Reliable and repeatable assessment framework will make these estimates more useful. Determining what and where waste management costs originate requires;

1. Ascertaining the 'whole of life' costs for each stream of waste, identifying the roles of the Group, LGAs and subsequent responsibilities to the products,
2. Prepare an Integrated Waste Management System approach to regional disposal options. This would be helped by forming a central body to collect and analyse this data to find economies of scale.

WHOLE OF LIFE FACTORS

Comparing the values within Council-managed waste streams helps determine risk, investment priorities and assess alternate treatment options but what do these costs include? Should they include long term environmental cost? Costs of imposing social policy? Opportunity Cost? If the region seeks revenue to offset management costs resulting from a particular resource stream, identifying sources of expenditure and revenue can moderate adverse impacts on ratepayers. Transitioning towards a circular economy model requires clear understanding when a 'waste' cost can be offset by redefining a piece of waste as a 'resource'.

Environmental costs can be determined using a holistic approach when considering resources and impacts of waste management. By identifying the parameters of a service: e.g. management of waste from city from "kerbside-to-grave", identifying where costs start and finish are made easier. This has implications on landfill remediation and monitoring costs when they are closed and capped.

Almost all recycling in Australia is subsidised by someone, only metals (steel and aluminium) have sufficient economic value to outweigh the costs of collecting and reprocessing it. Prior to 'China Sword', fibre (paper and cardboard) also had sufficient value and now, some plastics are exhibiting positive value movement (as long as contamination is low). Higher recycling rates cost money for services, collection and sorting - the Group needs to determine who should pay and how much?

The nature of waste as something discarded or unwanted means treatment costs trend towards the cheapest point of disposal. If the recycling option costs a dollar more than the cost of landfill then the waste will go to landfill [2]. Clearly delineating what the cost of landfill becomes fundamentally critical in determining investment into alternative treatments.

Life Cycle Assessment

The Regional body should investigate each step of the waste process and clarify where cost obligations cease and revenue potential can begin. This investigation should be done in partnership with the Waste Authority as each step of disposal needs to be financially audited, which applies to other jurisdictions. For example, management of MSW covers:

- i) generation;
- ii) collection;
- iii) transfer;
- iv) sorting;
- v) treatment;

- vi) recovery; and
- vii) disposal.

Council's obligations within a regional setting typically include:

STEP	ACTION	END OF OBLIGATION (and to what)
Generation	<ul style="list-style-type: none"> • Community Education to minimise waste generation/contamination • Bin Tagging • Community Reduce/Reuse Initiatives, e.g. Garage Sale Trails, home composting • FOGO Bin collection • Reusable Programs, e.g. nappies • 'Waste Sorted' initiatives 	<ul style="list-style-type: none"> • Kerbside collection (to households) • Transfer Station/Landfill drop off (to households) • Delivery to processors (to collectors and downstream processors)
Collection and Transfer	<ul style="list-style-type: none"> • Collect kerbside bins • Deliver bins to the next stage in treatment • Transport infrastructure and working fleet 	<ul style="list-style-type: none"> • When bin is empty (households) • When material is delivered (to processors)
Processing, Treatment and/or Recovery	<ul style="list-style-type: none"> • Pre-determined condition of deliverables, including contamination rates • Pre-determined volumes 	<ul style="list-style-type: none"> • Delivery (to processors)
Disposal	<ul style="list-style-type: none"> • Landfill Management 	<ul style="list-style-type: none"> • Post-closure monitoring (50 years)

Table 2: Typical set of obligations that local Councils have within a regional waste management system.

Bin Assessment

Commencing the treatment process from a regional standpoint begins with kerbside collection or drop off of the three main waste streams separated into the three bins colours, red, yellow and green.

Red Bin

This bin contains the most comingled materials and the largest uncertainty in the benefits of harvesting its contents. Currently the content of these bins are sent straight to landfill as separation is both costly and complex. The highest level of investment is required to achieve suitable diversion volumes and processing opportunities as it is the main source of material entering the landfills. Unless widespread source separation is adopted then this stream will skip several tiers of the Waste Hierarchy to energy recovery or direct to landfill, both options undesirable in a circular economy model. The bulk of this waste stream entering landfills comes from residential kerbside collection or dropped off by residents.



Figure 1: Waste separation solutions don't need to be onerous. Neat solutions exist for household adaptation.

Further Consideration:

- Audit the volumes of MSW (red bin) delivered to South West disposal sites.
- Conduct random regional bin audits to determine a potential recovery value of the materials.
- Focus education programs on improving source separation to lower recycle of organic matter levels in order to stabilise the MSW contents as much as practical.

Yellow

Most recycled materials by volume are taken to Picton (Cleanaway) for preliminary sorting before being transported to Perth for more in depth sorting. The transport costs added to the operational expenditure costs suggests there may be a cheaper option available part owned by Councils.

The small number of sorting facilities puts the South West at risk for recycling. Investing in a Materials Recovery Facility (MRF) would strengthen our collective waste management position, potentially gaining from an emerging recycled product market. A MRF can produce a cleaner line of higher value resources to supply supportive enterprises in the South West, benefitting the region. Building availability of higher quality recyclable resources is critical in achieving greater diversion from landfill, using the market as part of an integrated waste program.

Since the changes in the international markets and the inability of local manufacturing to meet the volumes created by loss of the export market, there is uncertainty of how and where our recyclables will be processed in the future. Additional weaknesses such as few service providers and distance to travel means that internalising MRFs can serve negotiations for specific product lines in the South West and open up partnership opportunities.

There are economies of scale and market creation potential analysis that needs to be undertaken prior to investment. This will also identify opportunities of working with established service providers in a way that benefits the Group by becoming part of the supply chain recovering materials for remanufacture.

For large scale producers it is cheaper to buy virgin plastics than to clean and process recycled product. Policy and price directions have defined the role of private operators in waste but with the 'stick' of change in exportation opportunities and 'carrot' of economic and policy incentives, it is becoming possible to see growth of a remanufacturing sector.

Local governments controlling the separation, packaging and disposal recyclable materials offers some opportunity to recapture value invested in earlier stages of the waste cycle, specifically the costs of collection and transport.

Local governments in the South West can influence larger recycling operations to a point. While there are benefits from using the private industry to process certain wastes, taking more control of recycling closer can limit the impact of externally controlled waste policies such as price rise and disposal method due to market conditions outside regional control. Taking direct ownership of the waste fraction can ease the development of a locally focussed waste economy through new business deals or progressive partnerships with operators. This delivers greater autonomy in risk management and broader capacity to adapt to market forces.

A significant risk in this approach is that larger operators can undercut the processing costs which compromises the ability for the region to function more holistically. There are aspects of a circular waste model that may not suit private operators, such as reducing waste generation. Establishing supply commitments reduces this risk either as financial, waste volumes or other support. There are also partnership opportunities with research institutions that are available to local governments which may not yet be profitable. The partnerships could reduce local government costs and as they are normally not yet be profitable, they would be more attractive to a local government cost reduction approach.

The long term strategy is to grow the local recycling market driven by government projects to a point where co-investment with private industry becomes economically and environmentally viable. There may be opportunities at that point to capture other streams such as Construction and Demolition (C&D) waste and process this material to reduce other Council costs for instance, in infrastructure construction, e.g. roads.

Green

Processing green waste and FOGO bin contents locally is occurring but ancillary costs such as transport, decontamination, capital as well as the opportunity cost of alternative technologies means that for some Councils composting or shifting to FOGO is impractical. Social pressure is significant though and often Councils will shoulder the cost burden to provide the service.

The composting operation at BHRC is expected to expand in 2021 and with it, further opportunity for complementary operations, for example, decontaminating the waste stream. Using the service is strongly recommended as this is a government controlled commercial operation but with rising levels of organic matter forecast in the South West, the potential for carbon sequestration offered by organics processing and the increasing pressures of transport, high diversion, more complex, complementary solutions should be investigated.

Within an integrated waste system forecasting rising levels of waste organic matter, it is likely that one operation in Bunbury will be insufficient to service the SW Region. A pre-feasibility study of an Anaerobic Digestion (AD) unit located in Busselton suggests an alternative. More information on this option is discussed later in the 'Regional Options' section of this Report.

Further analysis into the viability of extending the composting capacity throughout the region is required. Coordinating efforts and establishing complementary activities may continue to provide cost effective processing. Potential locations of organic processing facilities include Busselton/Margaret River, Collie and Bridgetown-Greenbushes, formed with the intent of reducing FOGO transport costs. The analysis is to address:

- a) Potential local demand for product (through infrastructure providers),
- b) Reducing ancillary costs using established plant and knowledge such as decontamination education messaging, transport, infrastructure and expertise,
- c) Working with State educational programs to support regionally low contamination of input,
- d) Seeking partnership opportunities with local private providers where practical.

Applying experience gained from existing operations and leveraging a separated stream of organic matter, local economies and jobs can be supported to a point where the product has a value above the processing costs.

Transporting each bin

Within the Group, only the Cities of Bunbury and Busselton manage their own fleet. Transport costs can be a significant factor when processing waste and a collective fleet may be a solution in waste disposal costs. It is proposed moving towards a separate regional entity requires a full cost analysis of running an independent fleet. This would require auditing:

- Other organic waste bins to be collected, e.g. public bins.
- Collection regimes including route analysis for each Council that helps determine fleet demands; and
- Light fleet demands, what vehicles are needed for local operation of services/waste staff demands.

Further Consideration:

- Determine potential fleet costs and seek savings, for example what trucks would we need for a regional collection service and can route planning reduce the number?
- Can we effectively audit waste handling consigned to contractors? Where does it all go?
- Will these destinations impact Council operations? For example, reducing contamination in collected construction and demolition waste.
- At what point does the ownership of waste transfer between Councils, contractors and Customers of waste derived materials?
- Define the 'whole of life costs' for waste?
- What is the carbon footprint? This should include 'waste miles' recovering carbon credits and potential carbon sinks.

The costs of landfill

Landfill costs vary depending on the size of the landfill, type of waste taken and management measures in place. A list of costs, depending on the complexity of the operation, may include:

- Land purchase;

- Approvals process(es);
- Capital cost of equipment and buildings;
- Lining landfill to prevent leaching;
- On-site gas recovery and flaring;
- Preventing waste from being blown into adjoining properties;
- Operational costs including labour, fuel and materials;
- Capping landfills and landscaping; and
- Rehabilitation and aftercare.

The SW Regional Strategic Plan in 2015 estimated the cost for a LGA to develop a best practice landfill catering for 15,000 tonnes per annum at approximately \$150/tonne of waste, considering both capital and operational costs. The estimate for an operating regional landfill co-owned by multiple councils was estimated at \$28/tonne. The significant price difference came from the associated economies of scale produced when the capital and operational costs are split amongst the LGAs. In particular, the savings achieved via the split of the operational costs are far greater than the capital costs across the life of the landfill.

Regional Gate fees in 2020/21 range from \$50 to \$150/tonne. The variability of these costs reflect policy and operational approaches in each Council and are not a simple result of local operational costs. Gate fees include operation costs, overheads, plant and equipment, labour, depreciation of capital and other fixed assets and profit. There is also often a policy component, especially for the preparation of reserves for activities related to landfill management such as post-closure measures.

To offset long term costs the gate fee should include 30-50 year post closure management, long term monitoring and reporting and replacement of the landfill asset itself². Many Councils do not include these costs and price gate fees too low to cover the true costs of operation. This pricing strategy reflects the social value and public health concerns of these facilities, where illegal dumping and other costly landfill avoiding techniques used by the public are an immediate risk.

In addition, the average waste costs charged to ratepayers average \$320. The composition of these fees can be detailed and determining what these costs cover and the effects for individual Councils is therefore difficult to accurately predict.

LGA	Waste charges \$/year	Bin Types	Gate Fee \$/T
Augusta - Margaret River	498	R/Y/G	150
Boyup Brook	347	R/Y	107
Bridgetown - Greenbushes	147	R/Y	81
Bunbury	327	R/Y/G	61
BHRC	-	-	73
Busselton	300	R/Y	67
Capel	254	R/Y/G	113
Collie	320	R/Y/G	50
Dardanup	226	R/Y	67
Donnybrook - Balingup	404	R/Y/G	73
Harvey	308	R/Y/G	61
Nannup	400	R/Y	123

² <https://mraconsulting.com.au/what-is-air-worth-appropriately-pricing-landfills/>

Average	\$320		\$86
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Table 3: Shows the publicly available charges across the region for waste disposal. Determining what constitutes these charges alters between Councils depending on local policy and operational environments.

- Collection costs for kerbside waste within the region are consistent among the responding Councils. Competing collection proposals need to address these costs to be competitive;
 - MSW : \$1.20 – \$1.40 per bin
 - CoRecyc : \$1.20 – \$1.40 per bin
 - FOGO : \$1.20 – \$1.80 per bin

 - Hard waste collection rate ranges between \$60 - \$85 /T.

Post closure management can be very expensive. Costs from \$1-20 million in post closure rehabilitation have been seen. The cost varies with the type of landfill, its location, size and surrounding environment. Additionally, the EPA requires monitoring of the closed landfill for up to 50 years prior to relinquishment of the landfill licence, with costs ranging between \$10-\$200,000 per year.

The cost of airspace in landfills is not often included when pricing new lands or quarries. That is fine if future users get the same benefits i.e. inheriting free voids. But as opportunities shrink and landfills become harder to find or replacement costs rise, future users are at a significant cost disadvantage. Estimates for airspace can range from \$16 - \$50 per tonne depending on the landfill characteristics.

Many Councils intend to borrow to fund the next landfill and therefore don't need to provide for asset replacement from current users. Future users will then pay off new landfills via the debt service costs built into the gate fee. But what about current users of the current landfill? Few existing, council owned, landfills are debt funded.

Esperance Council in WA has recently introduced a one-off \$6 million ratepayer fee because it under-priced its landfill gate fee over the operating life. This means general ratepayers have ended up subsidising all landfill users.

Many Councils introduce special rates to meet unfunded landfill liabilities. But ratepayers are not necessarily the same group as landfill users. On average 50-60% of all landfill waste is non-domestic (commercial and construction) waste but the majority of ratepayers are households. So it is not fair for households to subsidise both big commercial generators like clubs and pubs, retailers and building companies, as well as all past users. Elected representatives understandably want to keep landfill gate fees low for their ratepayers. The questions should be "What is the real cost of this service and who is going to pay for it – ratepayers or landfill users?" They are most often not the same or have very different waste generation profiles. Once the landfill has been filled, there is no chance to go back and recover the losses.

Artificially cheap landfill undermines all other recycling and resource recovery opportunities. Low recycling rates means fewer jobs are being created in this sector. As recycling materials creates more jobs than landfilling and the roles are countercyclical to mining booms and busts. Higher landfill prices create the headroom for recyclers to operate competitively. Recycling is probably the fastest growing manufacturing sector in Australia due to rising environmental controls on landfills and the introduction of landfill pricing signals.

TREATMENT OPTIONS



Figure 2: Holistic waste management seeks to minimise landfill management costs. Externalising these costs separates risk and allows growth using private enterprise knowledge and experience.

WASTE TO ENERGY

Thermal

The investment required in establishing a small scale thermal WTE system in the SW is so high compared to the potential benefits that it would not be economic to build. However, the high diversion rates and ability to process heavily co-mingled waste streams suggest this should be considered within an integrated waste management framework. Support structures in establishing a local thermal WTE facility are lacking within the South West Region including viable waste quantities, low landfilling costs, suitable energy clients and an adequate grid connection.

The thermal facilities being constructed in Kwinana and East Rockingham can reduce waste volumes by up to 90% and result in residues such as ash need to be landfilled typically in a Class III facility. Other uses for these resulting waste materials is being researched.

An interview conducted with New Energy Corporation (NEC) in August 2019 on behalf of the Group identified that the costs associated with this type of technology changed significantly. These variations were not just because of the technology and required scale but also the infrastructure costs associated with becoming an energy generator. Charges such as network augmentation for grid connection could result in extremely high costs. Appropriate zoning, buffers, obtaining necessary permits and grid connectivity are also decisive factors in WTE viability. NEC advised that establishing a plant purely for energy production was a very expensive way to generate power but

using the steam may be more feasible. NEC submitted to the market sounding exercise in 2019-20 for gasification (addressed below).

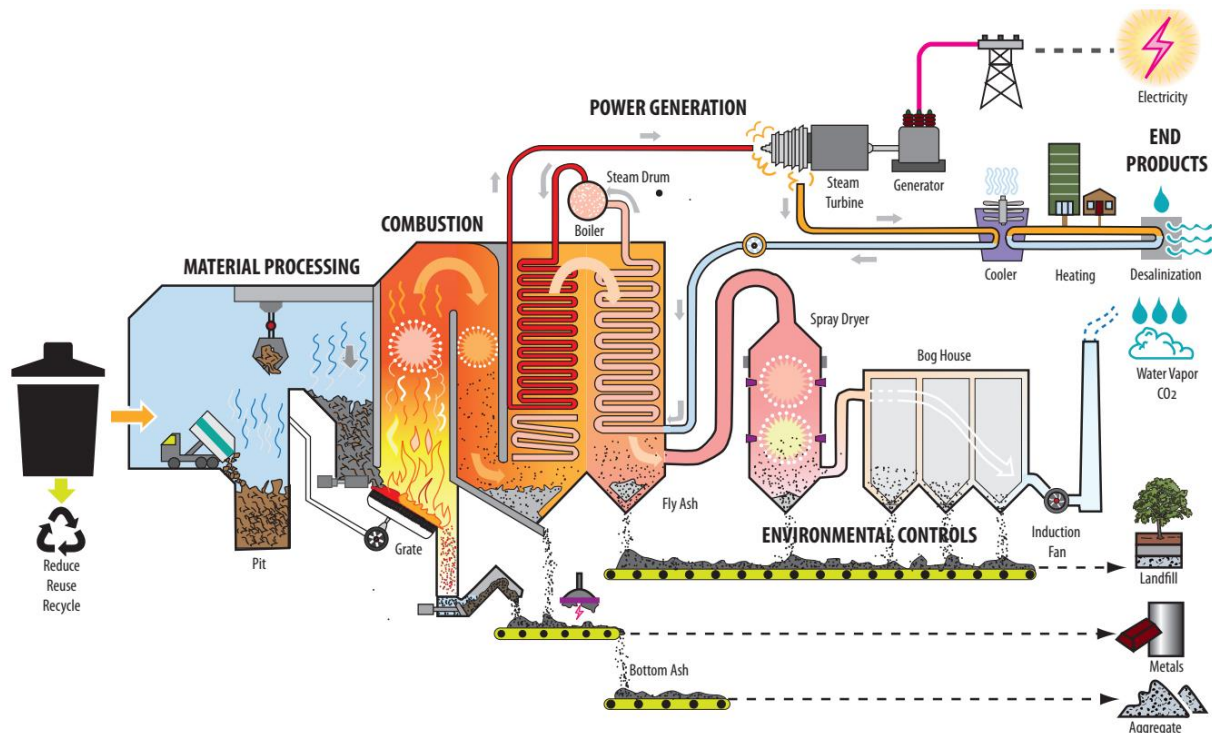


Figure 3: Rendition of a Waste-to-Energy Combustion Plant (National Energy Education Development Program, 2017)

Combustion systems are normally classified by the nature of the combustion chamber; moving grate, fixed grate, rotary-kiln and fluidized bed. The Western Australian facilities are both moving grate systems which are widely used internationally because of the ease of operation, level of technological understanding, high plant availability, comparatively low personnel requirements and relative ease of training new personnel.

As the combustion is less controlled than gasification, the flue gas cleaning systems are more complicated and expensive. Consequently combustion facilities are only economical at scales greater than 250,000 tonnes per annum. The East Rockingham WTE facility being constructed by NEC will be able to process up to 330,000 tonnes of residual waste per annum, generate 28.9 MW of power, around 70,000 tpa of bottom ash (BA) and 12,000 tonnes per annum of flue gas treatment residuals. The plant estimates a 96 per cent diversion from landfill.

A life cycle cost (LCC) analysis includes investment and operational costs. Investment costs typically include:

- Equipment investment costs, including incinerators, fans, flue gas purification systems, waste heat boilers, incinerator supporting facilities and accessories, steam turbine units, generator units, electrical systems, water treatment system and thermal control systems.
- Civil engineering costs and
- Land costs.
- The landfill leachate treatment system can also be divided into building construction costs and machinery and equipment costs.

Economic Analysis is given to the;

- Economic life of the plant Typically 20 years

- Operating hours per year Approx. 8000 (allowing one month cumulative downtime)
- Ash treatment Variable (\$/tonne)
- Heating network & support cost Variable (\$/kWh)
- Flue gas treatment Variable (\$/tonne)
- Waste pre-treatment Variable (\$/tonne)
- Electricity cost Variable (\$/kWh)
- Gate fees Estimated 140-160 (\$/tonne)

Operating Costs of waste incineration power generation projects are similar to those of conventional power plants and include primarily;

- Labour costs, power costs, costs of chemicals, disposal of waste water, exhaust gas, waste residue, maintenance costs, production safety expenditures, depreciation (straight line), taxes, surcharges, management costs and financial costs.

Should the region consider sending materials to the facilities the following parameters are likely:

- Any waste supply agreement will be long term e.g. 20 years. At this stage, spot prices or short term contracts are not being considered as the volumes and running costs are not yet finalised. Should a contract be signed, this will tie up materials for the long term.
- Savings could be made backfilling waste materials from the processing site and environmental contingency funds if historic landfills are mined. Although these are likely to be small.
- The NEC East Rockingham facility is projected to commence operations in 2023 or before. SUEZ will be the operating agencies in the plant using a fee for service model based on waste supply contracts. Estimated gate fees for the SW region as a single client are approximately \$140-160/tonne prior to transport costs.
- The plant has an estimated 100, 000 tonnes per annum capacity and it is likelt that the final design will allow the NEC facility to receive larger vehicles than the Kwinana facility.
- In Kwinana, Avertas Energy Pty Ltd is attempting to gain 200,000-300,000 tonnes per annum of MSW and up to 100,000 tonnes per annum of C&I waste. Phoenix is seeking contracts with LGAs for the supply of municipal solid waste to the facility on a fee for service contract basis. The Rivers Regional Council is one these clients.

Using these facilities as a Region would:

- Divert up to 96% waste by volume from landfill to extend the operational life of existing landfills;
- Meeting the waste diversion targets adopted by the Waste Authority;
- Reducing the environmental impacts of landfilling;
- Increasing the amount of resources recovered from waste;
- Generating renewable energy;
- Cost four times more than current disposal costs on average; and,
- Require transport to be organised between transfer stations or Councils coordinated to be as cost effective as possible.

Thermal WTE Summary	
<i>Market Sounding:</i>	
Cost Estimate	N/A
Gate Fee	Estimated between \$140-160 per tonne (before transport)
Capacity	Up to 120,000 tonnes
Operational	Kwinana plant is scheduled to commence operations in 2022

	East Rockingham to commence in 2023
Location requirements	Proximity to high energy users / Grid connection
<i>Strategic Plan</i>	
Australian examples	None operational. Two large scale sites in East Rockingham and Kwinana as scheduled to be operational before 2023.
<i>SWOT</i>	
Strengths	<ul style="list-style-type: none"> • Estimated 90% diversion of waste (by volume) from landfill. • Treat significant portion of the waste stream. • Electricity generation
Weaknesses	<ul style="list-style-type: none"> • Large minimum throughput requirement. • High capital and operational cost. • Diversion of material from recycling. • Long term contracts lock in waste management behaviours, i.e. lack of diverse disposal options
Opportunities	<ul style="list-style-type: none"> • Production of renewable energy. • Funding from external sources. • Communicating emission controls and pollution policy
Threats	<ul style="list-style-type: none"> • Planning and environmental approvals. • Community concerns that include: <ul style="list-style-type: none"> ○ Discourages recycling ○ Creates harmful pollutants (dioxins, furans, heavy metals, etc)³ ○ Source of toxic ash ○ Promotes generating rubbish – conflicting with State and National Policy
<i>Recommendation</i>	
<p>i. That a specific feasibility assessment is made into the full costs including:</p> <ol style="list-style-type: none"> a. This option’s role in an Integrated Waste Management System, i.e. reducing tonnages (e.g. 25,000tpa) to meet diversion targets and maintain waste management diversity; b. costs/benefit of mining capped landfills; c. transport regimes and additional assets as required; d. Delivery parameters and supporting equipment. <p>ii. Review potential stockpiling centres and waste ownership boundaries.</p>	

Gasification / Pyrolysis

These technologies convert carbon based materials into ‘syngas’ - gases comprising carbon monoxide, carbon dioxide and hydrogen in low and oxygen free environments. The gas is mainly comprised of hydrogen which powers the plant or is recovered as a fuel. Gasification has been widely used for generating electricity commercially around the world for more than 50 years in the refining, coal, fertiliser and chemical industries.

³ <https://ensia.com/features/burning-trash-waste-to-energy-renewable-pollution-environmental-justice/>



Figure 4: Municipal gasification process (from Demoral, Gunay and Malayao. 2018, 'Energy Use in Municipal Services')

Renergi P/L, New Energy Corporation (NEC) and Recovered Energy Australia (REA) made submissions to the Market Sounding Exercise (2019-20). NEC proposed that any facility would need to agree on the following parameters and assumptions before progressing:

- Site identification supported by the Group;
- Technology – it varies and a specific treatment would need to be agreed;
- Estimated total project cost is \$70M;
- Annual throughput – up to 60,000tpa MSW and C&I residuals;
- Gate fee range from \$160/t to \$200/t depending on power off-take agreement (steam/electricity);
- Project operations – 5 years from signed contract.

Although gasification is a suitable WTE technology for the South West, there are challenges - costs, tonnages, markets and community acceptance among others. A Federal investigation into innovative waste management in January 2020 attracted community opposition that was coordinated, and informed about the technology. Their core concerns can be expected from most communities regarding any local proposal of this technology, summarised as:

- Too expensive as the energy produced is a minor fraction of society's energy needs;
- Relying too heavily on waste production, incentivising greater waste production to meet economies of scale. This greater release of carbon emissions conflicts with national emissions targets;
- Labelling the technology as 'resource recovery' as only the calorific value of the products are reclaimed, once burnt the resources are out of the economic loop;
- Requiring long-term municipal supply contracts which would undermine innovation and investment in more effective waste treatments; and,
- Depending on a regulatory environment which is likely to be ineffective in protecting communities from unforeseen negative externalities.

A gasification project similar to that proposed in the SW was planned for Port Hedland by NEC obtained approvals from the Environmental Protection Authority and the Minister for the Environment but never progressed to construction. The proposal was for a modular (scalable) WTE (gasification) facility with process capacity of 70,000 to 130,000 tonnes per annum (tpa) of mixed

waste, generating up to 15 MW of power. The incoming waste stream was a mix of MSW, C&I and C&D wastes separated in a sorting facility to remove recyclable materials such as concrete, bricks and metals prior to treatment. Following renegotiations based on changing volumes and energy demands any construction has been postponed indefinitely as the return on investment was insufficient to continue. The supply costs and penalties were an unacceptable risk for ratepayers to use the plant.

Gasification Summary	
<i>Market Sounding:</i>	
Cost Estimate	\$70M
Gate Fee	Estimated between \$160-200 per tonne depending on power off-take agreement (steam/electricity)
Capacity	Up to 60,000tpa MSW and C&I residuals
Operational	Within 5 years from signed contract
Location requirements	Proximity to high energy users / Grid connection
<i>Strategic Plan</i>	
	There are limited commercial applications of gasification for municipal solid waste: Entech technology used by New Energy and Energos technology used in Norway. Both of these oxidise syngas to produce steam, rather than capture the gas and use it for other purposes
Australian examples	Funded to undergo a trial in Collie by Renergi Pty/Ltd out of Curtin University. Trials commencing in 2021. No commercially operational examples using MSW as feedstock in Australia.
<i>SWOT</i>	
Strengths	<ul style="list-style-type: none"> • Up to 90% diversion of waste from landfill. • Modular due to simplified quality systems.
Weaknesses	<ul style="list-style-type: none"> • High capital and operational cost. • Diversion of material from recycling. • No operational model in Australia suggests higher risk.
Opportunities	<ul style="list-style-type: none"> • Production of renewable energy. • Funding from external sources
Threats	<ul style="list-style-type: none"> • Community opposition. • Planning and environmental approvals. • Community concerns. • Stifles further innovation investment. • Sourcing sufficiently qualified staff in a highly technical process.
<i>Recommendation</i>	
i.	Prepare EOI specs that allow gasification suppliers to make submissions that address identified weaknesses in the technology.
ii.	A full cost comparison scenario is required investigating what the potential long term environmental risk and contingency funds may add up to as this technology may treat old and capped landfills.

Anaerobic Digestion (AD)

An AD facility accepts organic matter high in nitrogen and produces large quantities of biogas (methane and carbon dioxide) used to generate power and heat or refined to produce Compressed Natural Gas (CNG). The process also produces a solid by-product called 'digestate' which is a pasteurised semi-solid used as a fertiliser or can be composted. Both AD and composting can work

collaboratively to create a 'bio-fertiliser' and generate both jobs and revenues. Further synergies include back-loading trucks delivering nitrogenous materials to the AD facility with digestate for nearby composting enterprises. These systems can also complement waste water treatment facilities and may qualify for carbon credits as awarded by the Clean Energy Regulator.

Potential suppliers of this technology have stated their contract preference was a 'Build-Own-Operate' model for a 25 year investment horizon. Gate fees are negotiable to be competitive and the region has an opportunity to negotiate as the technology is establishing and there are several new and growing providers in the market. The technology is underpinned by a focussed educational program designed to engage residents in helping reduce contamination levels fed through the system.

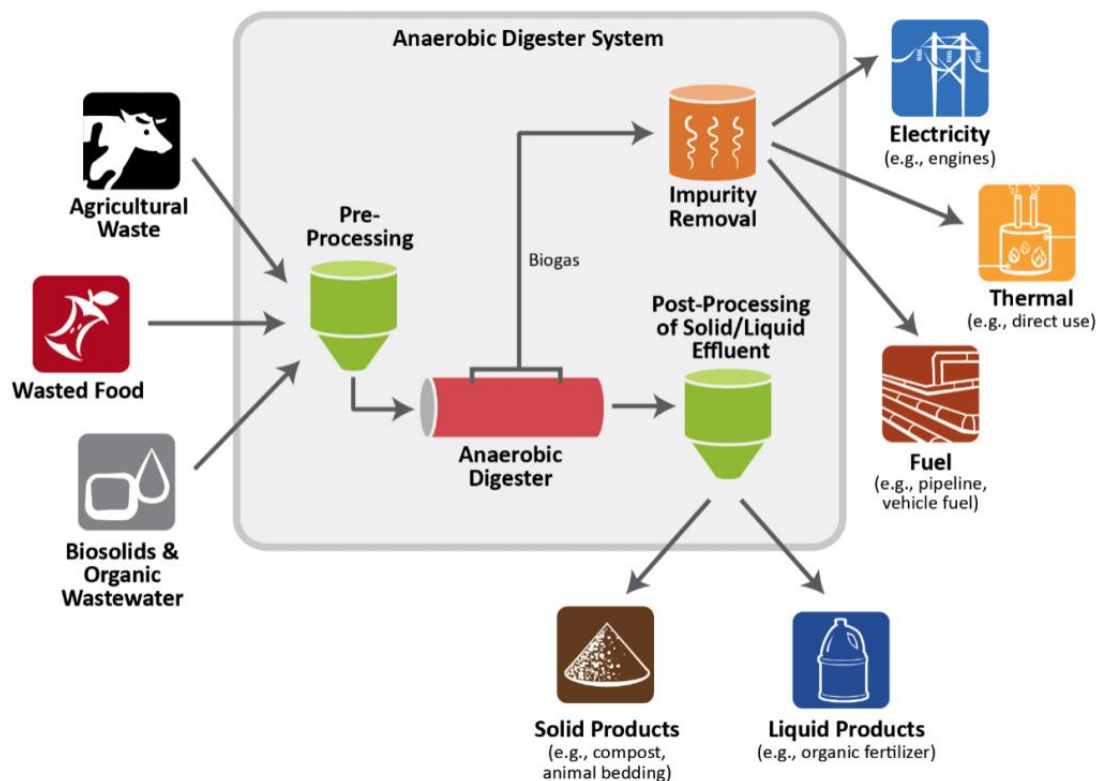


Figure 5: Anaerobic Digester System © Copyright Tennessee Department of Environment & Conservation

AD can produce renewable energy as opposed to aerobic systems such as composting which requires energy input to stabilise. The products generated by AD can offset the investment and be used as resources for further manufacturing for example, composting digestate can create an organic fertilising product and CNG can be refined to produce hydrogen.

The advantages of AD include:

- Producing more energy than required resulting in a constant supply of renewable energy;
- Sanitising the feedstock/ waste (pasteurisation);
- Reducing odour below unprocessed waste odour levels. 'Aromatic' materials are processed in a negative pressure environment which traps noxious fumes;
- Lower sludge mass generation when used as a primary water treatment method compared to an aerobic system applied to the same contaminant concentration and flow; and,
- The effect of the fertiliser is longer lasting than for untreated organic waste.

To balance these out, disadvantages include;

- Requires a commercial scale level of investment, including in sorting and a clean feedstock;
- Inefficient operation can cause an odour nuisance;
- Cannot convert as much carbon in the biomass to biogas as gasification;
- It takes longer to start the process due to the slow growth rate of the methane-producing organisms compared to aerobic systems;
- In some applications has higher buffer chemical dosing requirements for pH control to keep the pH for AD within the range of 6.5–8;
- Digestate must be transported safely and ensure there is sufficient processing capacity for the generated volumes;
- Manufacturers operation specs must be strictly adhered to, requiring
- Without significant political leadership, AD will likely meet significant community resistance. A full communication data package including emissions, location, benefits and assurances is required prior to opening the public debate. This topic should be addressed in stages, allowing the community to consider the option before addressing community concerns.

Case Study: Jandakot Bioenergy Plant – RichGro

Richgro is a garden products company supplying compost and fertilisers across Australia and are licenced to receive organic waste streams from Councils. Following an extensive selection process they selected Australian company Biogas Renewables Pty Ltd to undertake the design, installation and commissioning of an AD plant for their Jandakot processing facility. The selection process commenced in 2011 and the plant was commissioned in 2015. This is the first plant of its kind in Australia.

Project Breakdown:

- | | | |
|-----------------------------------------|------------------------------------------------------------------------------|--------------------------------|
| • Total Capital Spend | | \$8 Million |
| | <i>Contributing grants from WA State Government,</i> | <i>(\$ 0.5 M⁴)</i> |
| | <i>Federal Clean Technology Investment Program</i> | <i>(\$ 1.6 M),</i> |
| | <i>Clean Energy Finance Corporation (CEFC)</i> | <i>(\$ 2.2 M⁵).</i> |
| • Capacity | | 35,000-50,000 tpa |
| • Energy Production | 2 MWe electricity total (1.7 MWe to the grid) | |
| • Heat production | | 2.2MWth |
| • Products | 100m ³ of liquid bio-fertiliser at 6% dry solids | |
| | <i>Can be configured for power, heat, steam generation or a mix of these</i> | |
| • DWER Approval of Site Applications | | 6 months |
| • Grid Connection through Western Power | | 2 years |
| • Return on Investment | Sub 4 year payback on capital (before grants) | |

Critical decision elements:

- Processed large quantities of green waste from council collections
- Electricity costs from the energy retailer of \$600,000+ / annum
- Enabled higher revenue waste streams to be taken from contaminated organic waste
- Produced a bio-fertiliser that blends with existing products
- Closes a production loop with potential to utilise heat and CO₂ produced on site

⁴ [Waste to clean energy in a Southern Hemisphere first - Richgro](#)

⁵ [Richgro Bioenergy Plant, Jandakot, Western Australia - Waste Management Review](#)

Biogas P/L provides the following process example:

50,000 tonnes per annum of food waste at 150m³/tonne of biogas has the capacity to produce a mix of:

1. Biogas to power a 600KW genset (120 residences at 5KW per year) 24/7 (as well as 660KW of thermal output) to power a large commercial site, plus
2. 324m³/hour of Natural Gas (CH₄) for compression to CNG which could displace the equivalent of \$3M/year in diesel if used in static engines or a transport fleet.

Following initial pre-feasibility report conducted by Biogas P/L, the financial key points for constructing a plant in the South West are:

Detail	Value
CAPEX	-\$ 9,425,328
OPEX (per annum)	-\$ 775,000
Electricity Revenue BTM (per annum)	\$ 1,206,373
Gate Fee Revenue (per annum)	\$ 814,949
LGC Revenue (Year 1)	\$ 314,430
Heat Revenue (per annum)	\$ -
Estimated Project IRR (Pre-Tax) (20 yrs)	% 11.19
Estimated Project IRR (Post-Tax) (20 yrs)	% 10.18

Table 4: Figures from a 2019 pre-feasibility study conducted by Biogas P/L

Locations

It is recommended that any facility of this type is built in partnership with a suitable services provider, for example a Waste Water Treatment Plant (WWTP). Using the current parameters we have, the most viable site found within the SW at this stage both logistically and commercially would be in direct proximity to the Busselton Waste Water Treatment Plant, which is within a Waste Treatment Buffer Zone. Assuming agreements can be set in place, the location offers significant partnership potential as the WWTP can use a high amount of electricity and potentially use the digestate correctly and responsibly. This represents a potential solution for the southern LGAs in the region by reducing transport costs for organics and introducing a revenue making operation.

Summary	
<i>Market Sounding:</i>	
Cost Estimate	\$12-15M
Gate Fee	\$50-75 per tonne (estimate)
Capacity	30,000-50,000 tonnes of organic material per year
Operational	Projected within 2 years dependent on Approvals
Location requirements	Close to WWTP and users for steam/electricity
<i>Strategic Plan</i>	
Australian examples	Jandakot, Richgro facility operational for 5 years
<i>SWOT</i>	
Strengths	<ul style="list-style-type: none"> • Diversion of material from landfill to meet State and local targets. • Potential to generate electricity.

	<ul style="list-style-type: none"> • Opportunity to value-add • Potentially cheaper FOGO solution for the smaller, southern LGAs • Job creation is 10 construction jobs and 4-5 full time equivalents for operation.
Weaknesses	<ul style="list-style-type: none"> • Cost and resources. • Environmental controls required. • Sensitivity of the biological process • Contamination of feedstock • Clean and safe transport of digestate
Opportunities	<ul style="list-style-type: none"> • Joint ownership and investment models • Engagement with local landscaping or agricultural businesses. • Partnership opportunities such as WWTP • Plant could be a source of multiple value adding products, eg. Compost, hydrogen, power charging electric vehicles • Community engagement and education • Government funding as alternative waste treatment
Threats	<ul style="list-style-type: none"> • Long term market security for products. • Variability in feedstock contamination, e.g. persistent herbicides
<i>Recommendation</i>	
<ol style="list-style-type: none"> i. Commence Feasibility Studies into this facility ii. Commence site investigation studies into other suitable locations. 	

COMPOSTING

Turning FOGO into a marketable compost product keeps the feedstock out of landfills (reducing greenhouse gases) and boosts soil health and productivity. This activity is by and large uneconomic for single Councils and retailers and establishment requires financial support of collection, capital (construction) and operation.

The existing facility at BHRC processes material from approximately 43,500 households in the City of Bunbury and the Shires of Collie, Capel, Donnybrook-Balingup, Augusta-Margaret River and Harvey. The expansion underway at the BHRC facility is to increase processing capacity to 76,000 households, potentially servicing the City of Busselton, the Shire of Harvey and other local governments in the South West and Peel regions. Demand for FOGO processing capacity is high, with interest already expressed from local governments in the metropolitan region. BHRC remain confident that the supply of FOGO material will reach the 35,000tpa capacity of the facility before 2023.

The increased FOGO processing capacity will help expand the three-bin systems at an additional 32,500 households regionally. This will result in approximately 845,000 additional bin lifts per annum or 33% more collection activity for councils that have a two-bin system.

Assuming one collection vehicle is capable of providing approximately 200,000 bin lifts per annum, it is predicted that an additional 4 to 5 collection vehicles will be required to meet the increased collection demand. Based on a value of \$450,000 for a new side loading collection truck, it is estimated that fleet investment alone will be approximately \$2.250M. Capital investment in collection vehicles will be indirect and dependent on the collection models (internal or contracted services) used by individual councils.

Councils that implement a FOGO bin will also need to source additional bins and red lids for existing refuse bins, this is anticipated to cost in the range of \$65 to \$75 per household (\$2,112,500 - \$2,437,500).

Assuming no changes to contract pricing, it is expected that implementation of a three bin system will result in bin collection costs increasing by approximately 33% for local government areas that already have a two-bin system (assuming FOGO bin collected weekly, yellow top bin and red bin on alternating fortnights).

Assuming a single bin lift costs in the range \$1.30 to \$1.70 it is estimated that provision of a two-bin waste collection service to 32,500 households costs between \$3,295,500 and \$4,309,500.

Introduction of a FOGO bin is anticipated to increase this operational expenditure to between \$4,394,000 and \$5,746,000.

Depending on the how the systems are implemented in each local government area, it is also likely that additional operational expenditure will be associated with the provision of waste education initiatives and source separation materials (compostable bags etc.). Assuming \$10 per annum per household is budgeted for waste education and source separation initiatives, it is estimated that this will increase operational expenditure by approximately \$325,000 per annum.

Compared to landfill disposal it is anticipated that every tonne of FOGO waste composted will result in a \$26 to \$30 saving. The additional 15,000tpa of processing capacity is therefore anticipated to save local governments \$345,000 to \$450,000 per annum in landfill disposal costs. Introduction of a landfill levy to the southwest region is expected to occur within a five-year timeframe which could result in landfill costs increasing by \$70 per tonne. This would increase savings to local governments with FOGO systems.

Based on an annual throughput of 35,000tpa it is forecast that the following outputs will be produced (tonnes) at the BHRC:

Product	Volume (tonnes)
Compost	20,262
Mulch	2,594
Rehabilitation material	1,621
Contamination (landfilled)	1,200
Contamination (recycled)	300
Total	25,977

Table 5: Breakdown of organic outputs from BHRC composting operation

Establishing the composting facility is forecast at \$5.5M of capital investment. The compost and mulch products produced at the upgraded facility will meet the AS4454 specifications and organic certification.

It is anticipated that the initial bulk of future demand will come from the Bunbury Outer Ring Road (BORR) project through 2022 and 2023. The BHRC will continue to market its recycled organic products to the local agricultural, horticultural and landscape sectors to ensure product demand post BORR. Procurement policies from the surrounding Councils should acknowledge this source of material and specifications will need to be established to ensure Councils of the quality standards.

It is anticipated that recycled organics produced will have a market value between \$500,000 and \$845,000 per annum based on a throughput of 35,000tpa.

Summary	
<i>Market Sounding:</i>	
Cost Estimate	\$5.5M
Gate Fee	\$42/tonne
Capacity	35,000 tpa
Operational	Prior to 2022
Location requirements	Located within the Stanley Road Waste Facility
<i>Strategic Plan</i>	
Australian examples	Currently operating at Banksia Road
<i>SWOT (Forced Aeration System)</i>	
Strengths	<ul style="list-style-type: none"> • Diversion of material from landfill. • Greater control of composting process. • Quicker turnaround time for composting activity. • Relatively low capital cost and infrastructure requirements. • Smaller footprint requirements than windrow aeration. • Reduced greenhouse gas emissions compared to landfill.
Weaknesses	<ul style="list-style-type: none"> • Staff training requirements. • Capital and operational costs commitments. • Potential odour issues. • Spatial requirements.
Opportunities	<ul style="list-style-type: none"> • Engagement with local landscaping or agricultural businesses • Revenue generation.
Threats	<ul style="list-style-type: none"> • Security in markets for products. • Environmental approvals.
<i>Recommendation</i>	
<ol style="list-style-type: none"> To continue supporting the rise and adoption of composting as a viable organic treatment Seek to refine the end product to increase value Investigate centrally coordinating a network of composting activities throughout the region that support related waste treatments. 	

PROCUREMENT

Transitioning to a circular economy is unlikely if market forces are relied upon to drive the change. While landfill remains the cheapest disposal method, processing used materials into a productive resource will be more expensive than using virgin materials or landfills. The market will not transition to a circular economy in this model. Governments and Councils have the most to gain from changing this model because of the benefits associated with landfill diversion. Market intervention appears to be the most effective means to change to an economic model that provides greater value in waste resources, creates jobs, is more diverse and reduces impact on the environment [2].

The direct impact on councils' waste costs resulting from the changing waste operations landscape (and the viability of kerbside recycling in general) are not well understood. The South Australian Local Government Association (SALGA) estimates that the subsequent rise in recyclables processing costs are estimated around \$15 million more in waste costs due to changes in the global market.

The only way to manage cost increases from recycling services and impacts from any proposed waste levy is to develop local markets for recyclable materials so these materials become a valuable commodity. Impacts from Covid-19 including closing facilities, waived rents for commercial tenants, more residents seeking to invoke hardship provisions and increased demands on resources only highlight the need to control the cost of the facilities and services as low as possible.

Accelerating the transition towards a circular model will deliver return on investments sooner. For the SW Group, transition needs to be facilitated through growth incentives driving the local economy. Investment businesses consulting with WALGA have identified areas that could assist us locally, specifically:

- Levelling the playing field through better financing conditions and access to markets – this may mean establishing local businesses close to resource materials and clean stream of waste to compete with access to virgin materials
- Value-chain collaboration: different organisations in the value chain need to collaborate to optimise the circular solution, as resources and materials remain in a constant loop. This value chain collaborations needs to be enabled and rewarded.
- Long term value creation: there should be actions to incorporate and reward product longevity in business models
- Market Participation and end-users play a crucial role in the value chain to make products circular. Typically this is the part in the value chain where products turn into waste. There is a need to ensure better participation of consumers and end-users to change this behaviours
- Integration of the public good: The cost of negative externalities and the benefits of positive externalities need to be considered in order to allow circular companies to compete more fairly. On average companies that price externalities contribute more to public goals and/or reduce societal costs
- Financial knowledge build up: financiers who often struggle to quantify linear risks and fail to reward circular businesses need to know more about circular models. It is important that financiers and investors understand the differences in order to be able to correctly value the business model and its longer term economic potential.
- First movers action: market demand pull is part of the success of new business models. This demand pull works as a magnet for new entrants and/or current businesses to change their operational and commercial model.

Relying on price alone to drive the transition towards greater uptake of recycled materials is unlikely to succeed. This is due to a number of factors including the unequal comparisons of virgin materials against recycling resources by using price alone. Recycling materials should also factor in the costs of keeping the materials out of landfills.

In a transitioning market local government purchasing policy can reshape the market and align new market conditions for businesses to refine and develop. A 'good procurement system' meets two conditions [3]:

- i. A central 'decision centre' setting non-contradictory objectives, periodically assessing whether the system works coherently; and
- ii. Establishing a set of processes that maximize the chance of reaching the system's objectives while minimising the use of resources.

By targeting particular outcomes, local government can create complimentary policies to ensure sustainable development of the circular economy. This is currently underway in South Australia

using a SALGA initiative, the 'Buying it Back LGA Circular Procurement Pilot Project'. The project is intended to grow the value of recycled materials, build viability of the recycling system and reduce councils' waste management costs.

CASE STUDY SALGA's 'Buying it Back LGA Circular Procurement Pilot Project'

At the 2018 SALGA Annual General Meeting the City of Prospect put forward a motion requires the LGA to investigate how the local government sector can leverage its procurement capacity of products/goods made partially or wholly from recycled materials, in efforts to develop onshore end markets for waste derived materials.

A pilot procurement project was initiated in which nine councils volunteered to participate. A Grant was secured to progress the project resulting in a Memorandum of Understanding (MoU) between the councils and the LGA requiring councils to:

1. Prioritise the purchase of recycled-content products and materials through the procurement process;
2. Track the recycled-content purchased by weight; and
3. Publicly report on the tonnes of recycled-content products and materials they have purchased under the MoU.

Additionally, most councils adopted a procurement target for plastic materials, seeking to incrementally buy back up to 10% of the amount of recyclable plastics collected in their council area and increase this to 50%.

Outcome

Councils purchased of recycled content across the target product areas including:

- Stationery and office paper;
- Fixtures (street furniture, fencing, fitness equipment, garden boxes etc.);
- Compost; and
- Road construction materials.

After 6 months of data capture the councils purchased plastic materials equivalent to 36% of the amount of the target.

The reported data was analysed to develop recommendations when rolling out circular procurement to the local government sector as a whole. The resulting recommendations were:

1. Acknowledge that action by councils is imperative for addressing the current challenges in waste and recycling (as detailed in the National Waste Policy Action Plan and including the implications of the impending COAG waste export ban);

This is the biggest barrier to councils buying recycled materials as the connection between councils' role in collecting waste (and paying for this service) and their ability to influence the market by creating demand for end-use recycled products is not directly related.

2. Commit to "buying recycled" as a high priority and as a necessary method of mitigating councils' rising waste management costs;

This talks to the nuance within the circular economy model which goes beyond recycling – it is about maintaining the economic value from production investment for as long as possible.

3. Amend existing Procurement Policies to
 - a. Temporarily (e.g. 5 years) prioritise recycled-content through procurement;
 - b. Mandate recycled-content in design/planning (including current contracts);

- c. Specifically consider “opportunity cost” associated with any purchase (i.e. When asking “which is best value for money?”, also ask “what will this mean for the materials involved past their intended use”);
- d. Track the purchase of recycled-content by weight and report this publicly.

Amendments should reconcile this priority with other priorities such as “buying local”

This addresses market failure and growth of new supply sources with a monitoring component

- 4. An administrative approach outside of the policy is to be considered. For example, buy stationery items with recycled-content;

This is a transitional option for councils cautious about amending their existing Procurement Policy.

- 5. Share knowledge and experience to explore and/or support development of a certification scheme for recycled-content products and materials.

Certification schemes are a cheap but effective means to build value down the supply chain and lend local government or State government integrity to the process.

- 6. Endorse the LGA writing to the Commissioner for Highways to request work be undertaken with peak bodies or Austroads to develop specifications allowing for recycled-content in roads (in particular, recyclable materials including plastic and glass fines).

The Group continues to work with Main Roads WA (MRWA) to incorporate this in their plans although the materials are subject to considerable rigour. MRWA, the Australian Road Research Board (ARRB) and Western Australian Road Research Innovation Program (WARRIP) are looking at a number of recyclable materials that could have a future role in road construction. The ‘Roads to Reuse’ program has developed specifications for recycled road base and recycled drainage rock and is funding construction and demolition recyclers to ensure they meet the specifications. MRWA are committed to use more than 25,000 tonnes of recycled construction and demolition waste as road base.

The products regularly purchased by local governments include:

- Office stationary/paper;
- Fixtures (e.g. street furniture, drinking fountains, bollards, fencing, decking, garden edging, planter boxes, fitness equipment, wheel stops, speed humps, bins, pipes, signage);
- Construction materials (recycled-content includes recycled asphalt, glass fines, plastic, rubber, toner); and
- Compost.

The estimated magnitude of potential financial benefits is sufficient to justify a similar investigation into a comprehensive regional procurement strategy. This approach would also give manufacturers confidence to invest in the region to build on these recovery initiatives.

For tendered local government projects, a LGA could require contractors to:

- Prepare Waste Management Plans (WMP) for proposals seeking planning approval,
- Stipulate that the WMP maximises diversion of materials from landfill,
- Require the use of recycled products, locally produced if necessary,

This approach can be particularly relevant to construction projects, which could be leveraged to grow local recycling markets. These WMPs should help maximise the diversion of materials from landfill and ensure appropriate management systems are in place for all waste arising.

Influencing Commercial Practices SWOT

Internal		External	
Strengths	Weaknesses	Opportunities	Threats
<ul style="list-style-type: none"> • Involvement with local businesses. • Opportunity to promote initiatives preferred in the Waste Management Hierarchy. • Targets a significant proportion of the waste stream. 	<ul style="list-style-type: none"> • Cost and resources. • Getting buy in from the industry sectors. 	<ul style="list-style-type: none"> • Influencing consumer behaviour. • Increased availability of recycled materials. • Potential for new business in the South West Region. 	<ul style="list-style-type: none"> • Impacts on charity organisations and small businesses currently involved in resource recovery.

Further Considerations

- Research a Regional Procurement Strategy which fits LGA policy priorities and cost constraints. Input should be sought from Council representatives, SWDC, WALGA, DWER and other relevant parties.
- Develop sector-wide strategies focussed on greatest cost/benefit, especially in areas with a significant ‘infrastructure gap’ and limited financial capacity to close that gap.
- Deliver strategies that effectively aggregate demand and reduce costs as well as enhancing local and regional local economic development.
- Extend procurement collaboration into cross boundary sharing, service provision, assets and other infrastructure created for the benefits of communities.

LOGISTICS AND TRANSPORT

Regional Economic Indicators

Within the SW, 12 different waste management operations exist involving various contractors, disposal methods and acceptable waste types. To simplify this situation and externalise waste operations from local government operations will require considerable preparation, economic analysis and support from State agencies. The issues surrounding landfill conversion as the region moves towards a more holistic waste management system include:

- Transition costs converting landfills to Transfer Stations,
- Estimated ongoing Transfer Stations operational costs,
- Ownership of waste and partition of responsibilities,

- Collection Costs for kerbside waste and fleet ownership/operation. The recent survey conducted through the region suggested costs should be competitive to target the following lift rates;
 - MSW : \$1.20 – \$1.40 per bin
 - CoRecyc : \$1.20 – \$1.40 per bin
 - FOGO : \$1.20 – \$1.80 per bin
 - Hard waste collection rate between \$60 - \$85 /T.
- Gate fees of alternate disposal services; for example the WTE gate fee from Avertas Energy for processing waste at Kwinana was \$115/T in 2015. More recently estimates of either plant come in at approximately \$150-160/tonne.
- Design to serve economies of scale at a regional level.

Transfer Station Design

The local need for the transition to Transfer Stations reflect the nationwide trend in solid waste disposal towards the construction of large, centralised facilities rather than maintaining small, rural, and often unsupervised landfill sites. The rising cost and risk management pressures in maintaining small landfills are becoming unacceptable for the Councils responsible. Fewer but larger engineered landfills have increased environmental controls and opportunities for improved resource recovery, which aligns with state and national waste management and environmental legislation. Servicing these landfills with material require a coordinated network of Transfer Stations which will have to be developed across the South West within the next ten years.

The design of the Transfer Stations should help streamline future regional logistics pressure to effectively process and sort local waste streams. Facilities are to be located on land already owned by Council to prevent further land acquisition, reduce planning timelines and other negotiations. Consideration should be given to broader resource recovery networks, regional strategies, transport economics/logistics and potential for regional co-operation.

The operational areas of the proposed facilities should be sized depending on the:

- Volumes of waste type to be transferred;
- Rates of waste transport to and from the site;
- Functions to be carried out on site (for example whether they are solely for waste transfer, will they hold Councils service vehicles, what recyclables can be stockpiled such as green waste or concrete for crushing);
- Size and type of potential vehicles that may accessing the site, for example B-doubles for bulk transport; and
- Types of customers the facility is intending to serve.

Accommodating future expansion is required when considering the preferred land area. Sufficient space can increase operating efficiency over time and avoid expense relocation costs. Other considerations include space for resource recovery activities, community education facilities operational processing such as mulching/composting, metal recycling, reuse centres and community education centres can also be located at the site.

- MRF/Sorting Facility
- Partnerships/Alliances
- Innovation Hubs
- Market Development & Potential market opportunities

Logistics

Coordinating regional waste operations to capitalise on our economies of scale requires siting facilities that do not impose a disproportionate burden upon lower income or smaller communities. Negative impact facilities in smaller communities, labour demands that cannot be filled locally or creating various environmental and health issues need consideration. A central body to manage the various aspects not least location, is critical to obtaining cost-effective results.

Previous site investigations for the Group have focussed on putting dedicated facilities e.g. a Regional Landfill, in places acceptable to the majority of LGAs in the SW resulting from the Site Selection Study completed by Talis consultants in 2015. This was not found to be viable. The nature of the SW Region limits the effectiveness of centralised processing facilities over a certain volume and the RWMS2015 recommended developing a network of Local, Sub-Regional and Regional infrastructure and services to form an IWMS.

As the industry is now moving towards specialisation in resource recovery, the benefits of operating centralised locations need to be balanced against local opportunities to value add to waste streams. For example, multiple sorting centres would be too costly, so centralising the capital investments and targeting high value materials in sub-regional centres is necessary to recover economic volumes from large waste streams. Over time, LGA specialisation may be an option but this will be influenced by the development pattern of the resource recovery operations.

The ongoing development of the waste-to-reuse industry needs to ensure that Waste Derived Materials (WDM) are regulated to ensure safety of use and minimise risk to the growing business. Examples of commonly used WDM include:

Waste	Use
Food organics and garden organics	Energy production and Composting
Construction and demolition waste	Road base and drainage rock
Fly ash or bottom ash from waste to energy or electricity production	Engineering materials
Treated acid sulfate soils	Fill
Biosolids from wastewater treatment	Soil amendment
Red sand and alkaloam	Soil amendments
Gypsum and other calcium sulfate minerals produced from manufacturing	Soil amendments
Mixed gypsum, iron and manganese oxides from the refining of titanium ores	Soil amendments
Alumino silicate from lithium production	Concrete and cement products
Reclaimed asphalt from public roads	Road base and construction products
Used tyres and conveyor belts	Crumbed rubber modified bitumen (CRMB) used for road sealant spray applications
Recycled/reprocessed granular plastic	Polymer modified bitumen (PMB)
Treated wastewater	Irrigation

Table 6: Examples of materials that could be considered for general WDM determinations

Taking advantage of these opportunities requires specialities throughout the Region. To balance these, a summary of the sub-regional strengths can then identify potential industries:

SW Sub-Regions

LGAs

- Bunbury-Geographe Bunbury, Harvey, Collie, Dardanup, Capel
- Capes Augusta-Margaret River and Busselton
- Southern Forests Boyup Brook, Donnybrook-Balingup, Bridgetown-Greenbushes, Manjimup and Nannup.

Identifying the major economic drivers of each region will then identify the local opportunities for waste recovery and processing:

Bunbury Geographe region	Southern Forests region	Capes region
Mining	Agriculture	Tourism
Infrastructure projects	Timber	Viticulture
Manufacturing	Tourism	Agriculture
Agriculture	Viticulture	Creative industries
Commercial & professional services	Professional services	Professional services

LGA	Industries	Popln*
City of Busselton	Tourism, Viticulture, Dairying, Market Gardening, Manufacturing, Creative Industries	38,926
City of Bunbury	Business, Retail, Entertainment, Health, Arts, Government sector, Heavy and light industry, Tertiary Education, Tourism, Mining, Port Trade	31,776
Shire of Harvey	Dairying, Beef Cattle, Horticulture, Mining, Citrus Fruits, Vineyards, Abattoir, Silicon Smelter, Pigment Plant, Dairy and Fruit Processing Plants, Light Engineering	27,798
Shire of Capel	Mineral Sands Mining, Basalt, Dairying, Vineyards, Fruit, Dairy Products, Timber, Arts and Crafts	18,022
Shire of Augusta-Margaret River	Dairying, Beef, Sheep, Deer, Fishing, Timber, Market Gardens, Viticulture, Tourism, Timber Crafts and Furniture Making, Arts and Cottage Industries	15,700
Shire of Dardanup	Beef cattle, Dairying, Poultry, Sheep, Brickworks, Timber Processing, Viticulture and Wineries, Tourism, Stockfeed, Mineral Sands Mining. Light Industry	14,368
Shire of Manjimup	Tourism, Timber, Wood chips, Horticulture, Beef Cattle, Fruit and Vegetables, Dairying, Sheep, Wineries and Viticulture, Marron and Aquaculture, Truffles	9,159
Shire of Collie	Power Generation, Alumina Refinery, Open Cut Coal mining, Timber, Farming, Tourism, Aquaculture, Viticulture	8,754
Shire of Donnybrook-Balingup	Sandstone Quarry, Fruit Orchards, Vegetables, Sheep, Viticulture, Tourism, Dairying, Beef Cattle	6,062
Shire of Bridgetown-Greenbushes	Mining, Timber, Farming, Horticulture, Marron, Viticulture, Crafts & Cottage Industries	4,722
Shire of Boyup Brook	Vineyards, Timber Plantations, Sheep, Cattle, Pigs, Grain Harvesting, Olives, Cottage Industries	1,756

Shire of Nannup	Timber, Dairying, Beef Cattle, Horticulture, Tourism, Arts and Crafts, Floriculture, Fishing, Furniture Making, Aquaculture, Viticulture	1,363
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Table 7: Figures arranged in order of population data as listed from Australian Bureau of Statistics, March 2018

Waste Products Opportunities

- **Bunbury-Geographe waste opportunities:**
 - Waste Water,
 - Tailings,
 - Logistics centre,
 - Mine Operations Waste,
 - Construction & Demolition,
 - Road Construction,
 - Organics processing,
 - Glass,
 - Rubber & Tyres
- **Southern Forests region waste opportunities:**
 - Organics Processing,
 - Water processing,
 - BioMass
- **Capes region Waste Opportunities:**
 - Glass,
 - Liquid waste,
 - Organics processing,
 - Rubber,
 - Cottage Industry recycling programs.

Suitable Waste Streams or Facilities for Processing by LGA

LGA	Potential waste processing facilities	Complementary Assets
City of Busselton:	Bio-digester (WTE), Rubber shredding Liquid waste MRF	Lined landfill Land at Transfer Station Proximity to power users Council owned side-loader fleet Mineral sand mining Organic waste sources
City of Bunbury & Shire of Harvey BHRC	Composting Rubber shredding R&D MRF Textiles	Operating landfill licenced for lined cells Central location Access to Mining operations Access to Port Kemerton Industrial Park.
Shire of Capel	Transfer Station, Timber/high cellulose stockpiling	Mineral sand mining Centralised location
Shire of Augusta- Margaret River	Composting, Biomass, Large scale reuse/repair facilities Textiles	Engaged community Organic matter from agriculture (viticulture), forestry, restaurants.

Shire of Dardanup	Transfer Station	Close to BHRC Softwood milling
Shire of Manjimup	Biomass	Access to forests for wood waste
Shire of Collie	R&D Pyrolysis Gasification Metal recycling Glass manufacturing Liquid Waste Textiles	Access to power grid Land at landfill Mining operations Power generation industries Provides region's water from forested catchments.
Shire of Donnybrook-Balingup	Biomass, Transfer Station	Organic matter from agriculture and forestry Sandstone extraction
Shire of Bridgetown-Greenbushes	Transfer Station	Organic matter from agriculture and forestry
Shire of Boyup Brook	Biomass	Access to forests for wood waste Organic matter from agriculture
Shire of Nannup	Transfer Station	Organic matter from agriculture and forestry

Table 8: Identifies the most suitable waste facilities for further investigation according to the sub-regional strengths. Transfer stations are critical for waste supply volumes and are suited to high producers close to processing facilities. MRFs have been identified in high volume waste processing facilities (>15,000 tonnes/year).

WASTE LEVY IMPACTS

Although not formally announced, the Minister for Environment, Stephen Dawson MLC stated at a meeting of the Municipal Waste Advisory Council (MWAC) in February 2019 that the levy is likely extend to the Peel and South West. Further messaging has reinforced this objective and although not a guarantee, addressing the impacts is critical to understanding the economic pressures that may impact regional waste solutions.

The Department of Water and Environmental Regulation (DWER) stated objectives of the waste levy are summarised as influencing waste management practices, especially reducing waste to landfill by:

- generating less waste;
- recovering more value and resources from waste; and,
- protecting the environment by managing waste responsibly.

The waste levy is currently set at \$70 tonne and applies to materials received at landfill premises. There are few exemptions which include hazardous materials, waste need or generated for a function (e.g. cover) or resulting from non-human processes, e.g. waste washed up on shore by the sea. For practical purposes, it can be assumed that the MSW accepted by SW landfills will incur the levy. The rise in disposal cost per tonne makes alternate uses of waste more economically justifiable.

The State has signalled that should the Perth and Peel Levy area be expanded then compliance costs particularly in smaller areas where alternatives are more costly, is likely to be modest. Should the levy be applied to discourage metropolitan waste from being disposed in the SW, then it may be applied at a rate equal or slightly less than the metropolitan charge (\$70/tonne). Regardless of the final charge, raising the cost of disposal will make alternative waste treatment more financially viable. A waste levy does not directly impact ratepayers but impacts the cost of landfill operations for LGAs. This incentivises source separation improvement and avoiding disposal.

Experiences from elsewhere in the country have shown:

- The waste levy has helped develop alternate waste management projects but the landfills remain central in waste operations. The investment from the levy is insufficient to adequately deal with the total volumes of overall waste management needs, despite generating significant amounts of money for State governments.
- The waste levy unduly burdens certain councils. Large contributions from certain Councils to State programs mean that levy funds are applied to regions which are not subject to the levy.
- There is a risk that should the government choose a different levy rate in regional areas as has been done in other States, urban Councils such as the Cities of Bunbury and Busselton will be subject to a higher levy rate than smaller regional Councils despite being further away from Perth and Peel. This incentivises waste operators to take greater volumes to smaller regional councils, resulting in shorter operational lifetimes due to increased volumes being received.
- Already the return of funds generated from the waste levy to alternative treatment solutions is considered by many to be too low when considering the amounts of MSW still being deposited in landfills. The levy is included in the state's consolidated revenue and a proportion is assured through various recycling programs. Insufficient investment of the levy undermines long term solutions and competition within the sector

At a recent Parliamentary enquiry, national tyre recycling company, Tyrecycle stated that waste levies incentivise waste collectors in finding economic methods to dispose of material. By way of example, Tyrecycle showed that the profit-driven nature of the waste management sector means waste collectors will look for the cheapest point of disposal. Manipulating the disposal price to be higher than the cost of recycling makes recycling more attractive. In NSW where landfill costs can exceed \$250/tonne, landfilling tyres becomes uneconomic. In contrast, tyres in Queensland, the Northern Territory and Tasmania are sent mainly to landfill. The costs associated with tyre disposal are generally lower than those associated with recycling.

- Since the Levy rates in Western Australia were substantially increased in 2011, there has been a significant diversion from landfill for C&D waste and C&I waste. Inert material diverted from landfill has resulted in reducing overall levy payments for inert material however it is unclear where this material has gone.
- Low landfill prices are also a financial barrier to recycling, investing in resource recovery and implementing waste reduction.
- Resource recovery operations employ more people and require greater investment in infrastructure per tonne of material compared to landfills. An example of this was provided by Enviroinex, which highlighted that in Victoria (with a levy) four tonnes of waste black poly pipe would cost \$600 dollars to dispose of at a landfill site, but in Tasmania (with a very low levy), disposal would only cost \$40. The conclusion was that landfill levies should be priced to encourage businesses to send their waste to recyclers and not to landfill.

Should levies not be appropriately priced and managed, unusual and unintended outcomes have been seen such as:

- the unnecessary transport of waste between jurisdictions to avoid levy costs;
- an uncertain regulatory environment undermining investment in recycling infrastructure;
- high administrative costs, particularly in the application of complex schemes;
- potential for fraud created by mislabelled waste.
- levies can encourage stockpiling and illegal dumping.

CONCLUSIONS

The Group recognises that continued individual waste management reduces negotiating power for sub-regional contracts and increases costs. Coordinating operational assets using a separate entity, for example a Regional Subsidiary, is likely to achieve greater diversion and more effective education programs at an overall lower cost.

Although the Regional Subsidiary legislation is not ideal for operating and acquiring large waste assets or operations, clarifying the goals, risks and investment levels for SW Councils seeking to externalise all waste operations sets the long term vision to be ready when the legislation is amended. IF the changes do not proceed, there will remain a solid foundation for regional cooperation and investment strategies. Given the trend of waste management growth in Western Australia over the previous 15 years, strategic partnerships with private industry and growing the local economy will spread risk and reduce overall costs for Councils in the Region.

Councils participating in a cooperative model of investment will likely result in services being provided that are beyond the scope of an individual Council. More complex treatment processes underpinned by a comprehensive community engagement strategy and coordinated procurement policy can further reduce waste volumes through building a regional waste economy.

- Forming a Regional Subsidiary to equitably manage larger and more complex waste treatment systems is critical to achieve regional aspirations. Clear outcomes and business phases need to be approved prior to commencement;
- All proposed treatments and growth needs to be underpinned by strong, consistent community messaging that plays a significant role in managing contamination and participation; and,
- Councils need to use their purchasing power to promote the growth of the local reuse and recycling industries.

Although not as simple as a single disposal process, a comprehensive waste management plan takes a strategic view of the combined operations, providing greater flexibility and diversity in waste management. The loss of the international waste export market and the increase in recycling investment are significant drivers that have not been seen before in the Western Australian waste processing industry. With the existing State and Federal support for waste processing growth, this is the time to build the local economy. Identifying long term clients like Councils and State organisations provides a reliable market for waste derived goods as long as clear specifications determine quality.

As the industry undergoes growth and change, an Expressions of Interest process focussing on processing municipal solid waste is proven approach that will open the region to a wide pool of service providers. Crafted skilfully, the specifications can capture economic long term solutions that in some areas have developed local economies focussed on reusing materials previously considered worthless.

APPENDICES

1. Literature Review