



Chief Executive Officer Attachments
Wednesday, 17 June 2015

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Suggested changes	Where changes have occurred
<p>Sub clauses of the local law reflect numbers followed by letters for subsequent clauses, i.e. Clause 2.1 can be amended to reflect the following:</p> <p>2.1 Licences and exemptions</p> <p>(1) No person shall erect</p> <p>(2) No licence shall be required for the following-</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(3) Every licence that is</p>	<p>Numbering has been updated to reflect comments.</p>
<p>Use of the word "Council" to be deleted and replaced with 'Local Government'.</p>	<p>Under clause 1.5 the following was added: "Local Government" means the Shire of Chittering" And "Council" was deleted.</p>
<p>Use of a colon or em-dash</p>	<p>Updated local law with use of an em-dash instead of a colon.</p>
<p>Clause 1.4 Purpose and Intent This clause has no legislative effect and can be removed</p>	<p>Clause 1.4 Purpose and Intent has been deleted.</p>
<p>Clause 1.6 Interpretation The definition for "Hoarding" refers to section 377 and 378 of the Act, which is in fact referencing the Local Government (Miscellaneous Provisions) Act 1960, which has been deleted.</p>	<p>Deleted reference to section 377 and 378.</p>
<p>Clause 2.1.2 Licences and Exemptions Clause 2.1.2(h) appears ambiguous. It is unclear if this clause is supposed to mean "within a building" or "part of a building". Suggested the Shire review this clause and consider redrafting if necessary.</p>	<p>Clause 2.1.2(h) [which is now clause 2.1(2)(h) has been reworded to:</p> <p>(h) a sign within a building, complex or facility that cannot be seen from outside the building, complex or facility;</p>
<p>Clause 2.1.5 Licences and Exemptions Suggested that this clause should be split into two separate clauses, since it contains multiple sentences. It is also suggested that the clause should elaborate on the following points:</p> <ul style="list-style-type: none"> • At what point is a licence considered revoked (i.e. is it the time when the decision is made to revoke it, the time when notice of the decision is issued, or is it a time specified in the notice itself?) • Is the notice of revocation mandatory or optional? 	<p>Clause 2.1.5 [which is now clause 2.1(5)] has been split into two separate clauses:</p> <p>(5) Notwithstanding that a sign or hoarding would not otherwise comply with the provisions of this local law the local government by licence under the hand of the Authorised Person may authorise the erection of a sign in a form approved by the local government.</p> <p>(6) Approval may be granted upon such terms and conditions and for such a period as the local government may in each case decide; provided that the local government may at any time revoke the licence issued in accordance with this local law and notice of such revocation may be given under the hand of the Authorised Person.</p>
<p>Clause 2.3.1 Application for Licence The form in Schedule 1 – Application for a Sign Licence does not appear to match all the information required in (a) of this clause. The Shire</p>	<p>Clause 2.3.1 [which is now clause 2.3(1)] now reflects the necessary information in Schedule 1 – Application for a Sign Licence.</p>

Suggested changes	Where changes have occurred
should amend the form to ensure that there are areas for this information to be entered.	
<p>Clause 2.3.3(b) Application for Licence This clause refers to written consent being needed from the person or body having control of the street. The local government has care and control of road reserves (i.e. streets) so it is uncertain to whom this clause is referring to. Suggested that clause should be clarified further.</p>	<p>Clause 2.3.3(b) [which is now clause 2.3(3)(b)] Clause 2.3(3)(b) has been amended to refer to the local government who has control of road reserves: (b) Illuminated signs shall be accompanied with written consent to the erection of the sign, signed by the local government who has control of the street in which the sign will be facing is erected;</p>
<p>Clause 2.5 Special Permits As Special Permits are mentioned in Part 2, suggested that the Part Title be amended to "Licences and Special Permits"</p>	<p>Clause 2.5 now reads "Licences and Special Permits"</p>
<p>Clause 2.5 Special Permits Clause does not provide any direction of the steps a person needs to take to obtain a special permit (i.e. through an application or written request to the local government). It is suggested a clause is inserted to address this, either specifically or by reference to clause 2.3</p>	<p>Clause 2.5(1) has been amended to read: (1) Notwithstanding anything contained in this local law the local government may by way of application for a licence referred to in clause 2.3 allow the display of advertisements at churches, schools, theatres and other places of public entertainment, election notices, or advertisements of meetings or other matters of public interest upon such terms for such period as the local government may in each case decide.</p>
<p>Clause 2.5 Special Permits Clause makes reference to "advertisements" and an "advertisement". It is suggested that this should be changed to "advertising object". However if the Shire intends to refer to something different to an "advertising object" the term "advertisement" should be defined separately.</p>	<p>Clause 1.5 Interpretation has now been amended to include definition for "advertisement". Clause 2.5 Licences and Special Permits Clause 2.5(1) has been amended to refer to "advertisement" and not "advertisements".</p>
<p>Clause 2.5 Special Permits Clause 2.5.2 gives Council power to revoke a permit without having mentioned providing notice. This could cause unfairness when enforcing the next clause 2.5.3, since the sign owner may not realise that the permit has been revoked. It is suggested the clause be redrafted to provide for the issuing of notice of revocation.</p>	<p>Clause 2.5.2 [which is now 2.5(2)] has been amended to read: (2) The local government may, without derogation of any penalty to which that person may be liable under this local law, by notice in writing to the license revoke a licence— (a) where anything purporting to be done pursuant to a licence issue under this local law is not done in conformity with the licence or the conditions of the licence; or (b) where the licensee commits an offence against this local law. Clause 2.5.3 [which is now 2.5(3)] has been amended to read: (3) The local government shall give written notice to the licensee upon revocation of a licence pursuant to subclause (2).</p>
<p>Clause 3.3.1(b) Removal of Existing Signs</p>	<p>Clause 3.3.1(b) {which is now 3.3(1)(b)} has been</p>

Suggested changes	Where changes have occurred
<p>There is no indication as to whether this clause is applicable to signs that are subject to special permits. If clause 3.3.1(b) is not intended to apply when an advertisement is subject to a special permit, the clause should mention this.</p> <p>The clause also mentions being able to appeal to Council but this is no reference in the local law to the appeals process. It is suggested that the following clause be inserted at the end of the local law:</p> <p>(2) Appeal of decisions When a local government makes a decision under this local law to—</p> <p>(a) grant or withdraw an authorisation; or (b) renew, vary or cancel a permit,</p> <p>the provisions of Division 1 of Part 9 of the Act and Regulation 33 of the <i>Local Government (Functions and General) Regulations 1996</i> will apply.</p>	<p>amended to include reference to special permits.</p> <p>A new clause 3.3(2) has been added for the appeals process.</p>
<p>Clause 4.2.2 Illuminated Signs The “State Energy Commission” needs to be replaced with an up to date reference, as this commission no longer exists.</p>	<p>Clause 4.2.2 [which is now clause 4.2(2)] now reads: (2) The electrical installation of an illuminated sign shall be constructed and maintained in accordance with the requirements of and to the satisfaction of the electricity supply authority and in accordance with AS/NZS 3000:2007.</p>
<p>Clause 4.5.2 Horizontal Sign Suggested that attention be given to this as it has the potential for people to exploit the increase in the height of a sign by adding capital letters or a motif.</p>	<p>Clause 4.5.2 [which is now clause 4.5(2)] has been amended by deleting the following: Provided that if any part of a sign includes a motif or capital letter the height of that part of the sign may be increased by 50per cent of the prescribed maximum height.</p>
<p>Clause 4.6.3 Vertical Sign Suggested that this clause be redrafted to provide more clarity. Clause can be redrafted as follows:</p>	<p>Clause 4.6.3 [which is now clause 4.6(3)] has been amended and now reads: (3) Where a vertical sign is—</p> <p>(a) fixed to the face of a building; (b) the building is set back behind the face of an adjoining building; and (c) the building is within 3m of the adjoining building;</p> <p>the sign may project from the face of the building an additional distance, being the distance that the adjoining building projects beyond the building or 600mm, whichever is lesser.</p>
<p>Clause 4.7.1 Semaphore Sign Suggested that clause (2) be broken up into two separate clauses, with one that deals with height and another that deals with width.</p>	<p>Clause 4.7.1(2) [which is now clause 4.7(1)] has had part of sub-clause (b) moved to created new sub-clause (c); which then has renumbered (c) to now be (d); therefore clause 4.7(1) now reads as: (1) A semaphore sign— (a) shall not be fixed at right angles to the</p>

Suggested changes	Where changes have occurred
	<p>wall to which it is attached;</p> <p>(b) shall not exceed 1,050mm in height at any point</p> <p>(c) shall not exceed 900mm in width at any point; and.</p> <p>(d) shall be fixed over or adjacent to the entrance to a building.</p>
<p>Clause 4.8.4 Roof Sign</p> <p>Suggested that this clause be redrafted to the following:</p> <p>A roof sign shall not be erected-</p> <p>(a) on any building where a horizontal sign which exceeds 1,200mm in height is attached to the uppermost storey or level of the building; or</p> <p>(b) if the issue of a licence for the erection of a horizontal sign on that storey or level has been approved under this local law.</p>	<p>Clause 4.8.4 [which is now clause 4.8(4)] has been updated and now reads:</p> <p>(4) A roof sign shall not be erected-</p> <p>(a) on any building where a horizontal sign which exceeds 1,200mm in height is attached to the uppermost storey or level of the building; or</p> <p>(b) if the issue of a licence for the erection of a horizontal sign on that storey or level has been approved under this local law.</p>
<p>Clause 4.14 Licences</p> <p>Suggested that this clause be incorporate under Part 2 Licences.</p>	
	<p>Under clause 1.5 Interpretation added the following new definitions:</p> <ul style="list-style-type: none"> • advertisement • business • cinema or theatre sign • construction site sign • display home sign • district • election sign • exempt sign • fascia • fascia sign • licensee • local government • photographic sign • planning approval • roster sign • temporary community service sign • verandah sign • vertical sign • way
	<p>Clause 2.4 Licences updated and now reads:</p> <p>2.4 Inspection of licences</p> <p>(1) A licensee shall, on demand by an authorised person of the local government, produce for inspection any licence issued for a sign or advertising device.</p> <p>(2) Every licensed sign or advertising device shall bear on its face (bottom left hand corner as viewed) in clearly legible figures, the number of the licence applicable to the sign or advertising device as provided by the local government.</p>

Suggested changes	Where changes have occurred
	<p>Created new PART 5 - MISCELLANEOUS</p> <p>Under PART 5 are the following new sub-clauses:</p> <p>5.1 Offences</p> <p>5.2 Notice of breach</p>
<p>Modified Penalties</p> <p>The proposed local law does not appear to provide for any modified penalties or prescribed offences. As a result the local law only provides a basic penalty of \$400 on conviction of an offence under clause 4.15.1. This will limit the options of the Shire in how to deal with offences, since any attempt to enforce the local law would require the Shire to take the offender to court and prosecute them.</p> <p>It is suggested that the Shire insert a clause providing for modified penalties and a schedule setting out the modified penalty that applies to these offences. This will provide the Shire with a cheaper and more convenient option when enforcing the local law for minor offences.</p> <p>If the Shire takes this option, it should keep in mind that modified penalties can only be 10% of the maximum modified penalty due to section 9.17 of the Act. As clause 4.15.1 current stands, the maximum modified penalty which can be imposed is \$40.</p>	<p>Clause 4.15.1 has been renumbered and is now clause 5.3 Penalties and has been amended to read:</p> <p>(1) <i>An offence against a clause specified in Schedule 3 of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.</i></p> <p>(2) <i>The amount appearing in the final column of Schedule 3 directly opposite an offence described in that Schedule is the modified penalty for that offence.</i></p> <p>(3) <i>Any person who commits an offence under this local law shall be liable upon conviction to a penalty not exceeding \$5,000 and if the offence is of a continuing nature to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.</i></p> <p>New Schedule 3 Modified Penalties has been added.</p>
<p>Clause 4.16 Unlawful signs</p> <p>The following issues were noted:</p> <ul style="list-style-type: none"> • Clause does not appear to give a chance for an offender to be provided with a notice of the local government's intention to remove the sign. It may be possible that a person who may have placed the sign may be happy to remove the sign rather than be subject to court imposed costs. • Clause does not seem to define what is "objectionable". Suggested that this term be clarified so that the public can clearly identify when their sign may become unlawful. It may be preferable to replace the term with "offensive" since this term is currently interpreted to mean "offensive to a reasonable person's sensitivities" 	<p>Clause 4.16 Unlawful Signs has been renumber to clause 5.4 Removal of signs and amended to read:</p> <p>(1) <i>The local government may remove and impound any sign placed or erected on any public place in contravention of the provisions of this local law.</i></p> <p>(2) <i>The impounding of any sign pursuant to sub-clause (1) shall be carried out in accordance with Part 3, Division 3, Subdivision 4 of the Act and Regulation 29 of the Local Government (Functions and General) Regulations 1996.</i></p> <p>(3) <i>The local government may make good any damage caused by the installation or removal of a sign contravening the provisions of this local law at the expense of the owner of the sign or person responsible for the placing or erecting of the sign and recover the expense of such removal and repair from the owner or person in a court of competent jurisdiction.</i></p>

Suggested changes	Where changes have occurred
Schedule 2 – Sign Licence This schedule can be deleted. Clause 4.14.2 (now clause	Schedule 2 deleted
	Inserted new clause 3.3 Existing Signs as there was no provision for existing signs.
	Inserted new clause 3.5 Fixing of Signs as there was no provision made.
	Inserted new clause 3.6 Glass in signs, which was previously listed as clause 3.1.3.
	Inserted new clause 3.7 Readily combustible material, which was previously listed as clause 3.1.4.
	Clause 14.3 Bill Posting has been moved under Part 3 and is now clause 3.9.
	<p>Under Part 4 the following new clauses have been inserted:</p> <ul style="list-style-type: none"> • 4.1 Construction site signs • 4.2 Development sign • 4.4 Display home sign • 4.5 Election sign • 4.6 Hoarding • 4.12 Rural Producer’s sign • 4.13 Sale sign • 4.16 Temporary community service signs • Cinema and theatre signs <p>Previously listed as clause 4.1 Direction Sign is now clause 4.3</p> <p>Previously listed as clause 4.2 Illuminated Sign is now clause 4.8 and has been amended.</p> <p>Previously listed as clause 4.5 Horizontal Sign is now clause 4.7</p> <p>Previously listed as clause 4.11 Photographic Signs is now clause 4.9</p> <p>Previously listed as clause 4.9 Pylon Sign is now clause 4.10</p> <p>Previously listed as clause 4.8 Roof Sign is now clause 4.11</p> <p>Previously listed as clause 4.4 Sign under Verandah is now clause 4.15</p> <p>Previously listed as 4.10 Tower Signs is now clause 4.17</p> <p>Previously listed 4.3 Verandah Sign is now clause 4.18 Veranda and fascia signs</p>

Suggested changes	Where changes have occurred
	Previously listed as 4.6 Vertical Sign is now clause 4.19 Previously listed as 4.7 Semaphore Sign is now clause 4.20
	Various formatting changes.

SHIRE OF CHITTERING

Signs, Hoardings and Bill Posting Local Law 2015

Local Government Act 1995

LOCAL GOVERNMENT ACT 1995**CONTENTS****Part 1 – Preliminary**

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Schedule 1 - Application for a Sign Licence

Schedule 2 – Sign Licence

LOCAL GOVERNMENT ACT 1995

**SHIRE OF CHITTERING
SIGNS, HOARDINGS AND BILL POSTING LOCAL LAW 2015**

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

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015*.

1.2 Repeal

The Shire of Chittering Local Law relating to Signs, Hoardings and Bill Posting Local Law published in the Government Gazette on 20 August 1993 and all subsequent amendments are now repealed.

1.23 Application

This local law shall apply throughout the district but does not apply to the erection or maintenance of signs, hoardings or bill posting on land which is—

(a) a thoroughfare; or

~~(a)~~ (b) local government property.

1.34 Commencement

This local law will come into operation on the fourteenth day after the day of its publication in the Government Gazette.

~~1.4 Purpose and Intent~~

~~(1) The purpose of this local law is to provide for the regulation, control and management of signs within the district in support of the Shire of Chittering Town Planning Scheme provisions.~~

~~(2) The effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district, must comply and the means of enforcing those requirements.~~

~~1.5 Repeal~~

~~The Shire of Chittering By-law Relating to Signs, Hoardings and Bill Posting published in the Government Gazette on 20 August 1993 is repealed.~~

1.56 Interpretation

In ~~these~~ By-local laws, unless the context otherwise requires—

Act means the *Local Government Act 1995*, ~~(as amended);~~

advertisement means any word, letter, number, symbol, figure, drawing, image, aural message or other representation whatsoever is written, placed, affixed, attached, painted, projected, electronically produced or otherwise displayed for the purpose of giving any message or direction or promoting or publicising any business, project, enterprise, development, undertaking, or any function or event, or any person, body or group, or any product or article, or other thing whatsoever and the term "advertising" has a corresponding meaning;

advertising device means any object on which words or numbers or advertising figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event, or undertaking or any product or thing whatsoever, and includes any vehicle or trailer or other similar stationary object placed or located so as to serve the purpose of advertising any business, function, event, product or undertaking;:-

AS 1742 means Australian Standard ~~1742 as set out in the Australian Standard Manual of Uniform Traffic Control Devices~~ published by Standards Australia as AS 1742 called Manual of uniform control traffic devices, as amended from time to time;:-

Authorised person Building Surveyor means a person authorised by the local government under section 9.10 of the Act, which includes ~~—t~~The Building Surveyor of the Shire of Chittering or the person acting for the time being in that capacity;:-

bill posting means the sticking or posting of any bill, or pasting, stencilling, placing, sticking, posting or affixing of any advertising device or advertisement on any building, structure, fence, wall, hoarding, signpost, pole, blind, or awning or on any tree, rock or other like place or thing so as to be visible to any person in a street, public place, reserve or other land, and "bill post" has a like meaning;

business includes the conduct of a profession, trade or occupation including a home occupation;

cinema or theatre sign means a sign as referred to in clause xxxxxx;

construction site sign means a sign erected at a building site in accordance with the provisions of the Builders' Registration Act 1939;:-

development sign is an advertising device and means a sign or signs erected on an area of land which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no building development has taken place at the time of approval of the sign(s);:-

direction sign means a sign erected in a street or public space to indicate the direction to another place but does not include any such sign erected or affixed by the ~~Council~~ local government or the Commissioner of Main Roads in accordance with AS 1742 for a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the Road Traffic Act 1974;

display home sign means a sign erected on a lot on which a house has been erected for the purpose of display and which notifies members of the public that the house is open for inspection;:-

district means the district of the local government;

election sign means a bill, poster, placard or advertisement erected, attached, pasted, painted, stencilled, on any hoarding, wall, building or structure whether erected upon private property or upon a public place notifying members of the public of a person's intention to stand as a candidate at an election for the Federal or Western Australian Parliament or the Council of the local government, but does not include a sign erected by the local government for the purpose of public information;

exempt sign is a sign specified as exempt pursuant to clause 2.1(2) of this local law;

existing sign means an advertising device, bill posting, fly posting or a sign of any description referred to in this local law that existed or was maintained on 7 August, 1992 being an advertising device, bill posting, fly posting or other sign referred to in this local laws, erected on or before 7 August, 1992;

fascia means the cladding or panel erected to enclose or finish the edge of the roof of a building and which may be incorporated as an architectural feature;

fascia sign means a sign erected or displayed on the fascia of a building;

fly posting without limiting the generality of the provisions in this local law relating to bill posting means advertising by means of more than one poster placed on fences, walls, trees, rocks and any like places, or things without authority, and "fly post" has a like meaning;

hoarding means a detached or detachable structure other than a pylon, that is erected for the sole purpose of displaying an advertising device, sign or signs including a poster panel, wall panel or an illuminated panel, ~~but does not include hoarding within the meaning of sections 377 and 378 of the Act;~~

horizontal sign is an advertising device and means a sign fixed parallel to the wall and/or roof of a building to which it is attached with its largest dimensions horizontal;

illuminated sign is an advertising device and means a sign that is so arranged as to be capable of being lighted either from within or without by artificial light provided or mainly provided for that purpose;

licensee means a holder of a licence issued by the local government pursuant to this local law;

~~**Council/Local Government** means the Council of the Municipality of the Shire of Chittering;~~

photographic sign means

planning approval means approval by the local government under a local planning scheme controlling land development and use within the district;

portable sign is an advertising device and means an unfixed sign:

- (a) located wholly within the boundaries of land owned or occupied by a person who erected or who has maintained the sign;
- (b) only advertising a product or service available within the boundaries of the land upon which the sign is located;
- (c) not exceeding a height of 1m measured above the level of the ground immediately below it;
- (d) not exceeding 0.6m² in area; and

- (e) placed so as not to cause interference or a hazard to vehicular traffic or cause interference or hazard to or impede pedestrians;:-

pylon sign is an ~~advertisement~~ advertising device and means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills may be added;:-

roof sign is an advertising device and means a sign erected on the roof of a building

roster sign means;:-

rural producer's sign is a sign erected on land lawfully used for rural purposes which advertises goods or products produced, grown or lawfully manufactured on the land within the boundaries of which the sign is located and which:

- (a) does not project more than 900mm over a street alignment as defined in the Act;
- (b) does not exceed 1m² in area; and
- (c) does not exceed 3m in height above the level of the ground immediately below it;:-

sale sign means a sign indicating that the premises whereon it is affixed are for sale, for ~~letter~~ or to be auctioned;:-

semaphore sign means a sign which indicates the location of the entrance to a place of business or building;:-

sign includes an advertising device, any signboard, a portable sign or a bunting sign, or a sign painted directly onto the fabric of a building or flags and bunting which carry no written message or motif;:-

street includes footway and roadway;:-

temporary community service sign means a sign relating to or giving directions to a charitable, cultural, educational, recreational, religious or other public or community function, exhibition, meeting, display, event or activity conducted by a community association or similar body and other than for commercial gain;

tower sign is an advertising device and means a sign affixed to or placed on a chimney stack or an open structural mast or tower;:-

Town Planning Scheme means a town planning scheme of the local government made under the Planning and Development Act 2005; or a Town Planning Scheme which was made under the Town Planning and Development Act 1928;

verandah means an overhead canopy projecting over a street and includes a balcony;:-

verandah sign includes a sign on, above or under a verandah;

vertical sign means a sign affixed or attached to the wall of a building or a structure, of which the vertical dimension of the sign exceeds the horizontal dimension of the sign exclusive of the back projection of the sign;

wall sign is an advertising device and means a sign painted on or directly affixed to the fabric of a wall; and

way meansa right of way, pedestrian access way or footway as included in the definition for street.

Where applicable any words and or expressions in this local law and not defined in this part has used have the same respective meaning as is given in the Act.

Part 2 – Licences and Exemptions

2.1 Requirement for Licences and Exemptions

2.1.1(1) Subject to clause 2.2—

- (a) No person shall erect, or maintain or display a sign or advertising device on or above any land or building; and
 (b) a sign or advertising device and the an owner or occupier of the premises shall not suffer or permit a sign or advertising device to be erected, maintained or displayed in, or above such premises;
~~remain on those premises so as to be visible from a street, reserve or other public place,~~
 except pursuant to a licence issued under this local law in the form set out in Schedule 3.

~~2.1.2~~ 2.2 Exemptions

(1) No licence shall be required for the following—:

- (a) a sign erected or maintained pursuant to any Act having operation within the State;
 (b) a sale sign not exceeding 1m² in area;
 (c) a plate not exceeding 2m² in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
 (d) a direction sign;
 (e) signs for use solely for the directly and/or control of people, animals and or vehicles or to indicate the name and/or street number of a premises, providing the area of any such sign does not exceed 0.2m²;
 (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
 (g) the name and occupation of any occupier of business premises painted on a window of those premises;
 (h) a signs within a building, complex or facility that cannot be seen from outside the building, complex or facility;
 (i) signs not larger than 0.7m x 0.9m on advertising pillars or panels approved by or with the consent of the ~~Council~~ local government for the purpose of displaying public notices for information;
 (j) building name signs on residential flats or home units where they are of a single line of letters not exceeding 600mm in height, fixed to the façade of the building;
 (k) newspaper posters;
 (l) roster signs providing such signs comply with AS 1742 and *Main Roads (Control of Advertisement) Regulations 1973*; ~~or~~

- (m) an existing signs;
- (n) a construction site sign;
- (o) an election signs;
- (p) a display home sign;
- (q) a rural producers sign;
- (r) a cinema or theatre sign;
- (s) a sign erected by the local government on land owned by or under the care, control and management of the local government; or
- (t) a sign in respect of which a planning approval has been issued under a local planning scheme.

provided that the exemption from the requirement for a licence does not exempt the sign from the application of clause ~~3.1.23.1(2)~~ or any other provision of this local law.

~~2.1.3~~(2) Every licence that is granted shall exist subject only to the provision of this local law.

~~2.1.4~~(3) Notwithstanding that a sign or hoarding would otherwise comply with the provisions of this local law the ~~Council~~ local government may refuse a licence if ~~—~~:

- (a) the sign or ~~b~~ hoarding would, in its opinion, increase the number or variety of signs so as to become too numerous or various to be acceptable to residents in the area or be injurious to the natural beauty or safety of the area; or
- (b) the sign or hoarding advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign or hoarding is erected.

~~2.1.5~~(4) Notwithstanding that a sign or hoarding would not otherwise comply with the provisions of this local law the ~~Council~~ local government by licence under the hand of the Authorised Person may authorise the erection of a sign in a form approved by ~~Council~~ the local government.

(5) Approval may be granted upon such terms and conditions and for such a period as ~~Council~~ the local government may in each case decide; provided that ~~Council~~ the local government may at any time revoke the licence issued in accordance with this local law and notice of such revocation may be given under the hand of the Authorised Person.

2.23 Revocation of Licences

The ~~Council~~ local government may, without derogation of any penalty to which that person may be liable, by notice in writing revoke the licence ~~—~~:

- (a) where anything purporting to be done pursuant to a licence issued under this local law is not done in conformity with the licence, or with this local law or is so altered that, in the opinion of the ~~Council~~ local government it is objectionable or contravenes clause ~~2.1.42.1(4)~~; or
- (b) where the sign or advertising device specified in a licence, other than a licence issued in accordance with clause ~~2.1.52.1(5)~~ contravenes or does not comply with any provision of this local law.

2.34 Application for Licence

~~2.3.1~~(1) An application for a licence under this local law shall ~~be~~:

- (a) Contain:
 - (i) name and address of owner;
 - (ii) name and address of occupier;
 - (iii) name and address of applicant or contractor; ~~and~~
- (b) Be accompanied by a site plan of the proposed sign indicating style, wording, colours and motifs to be used and all such plans shall be in duplicate.

~~2.3.2~~(2) An application for a licence under this local law shall be accompanied by a plan drawn to a scale of not less than 1:100 full size showing the position, design, method of construction and dimensions of the sign, fixing of the sign and other such information as ~~Council~~ the local government or the Authorised Person may require.

~~2.3.3~~(3) Application for a Licence in respect to ~~be~~:

- (a) Roof signs and pylon signs shall be accompanied by a certificate from an architect or structural engineer certifying that the building or structure upon which it is proposed to erect the sign is in all respects of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design;
- (b) Illuminated signs shall be accompanied with written consent to the erection of the sign, signed by ~~or on behalf of the person or body having~~ the local government who has control of the street in which the sign will be facing is erected;
- (c) A photographic sign shall ~~be~~:
 - (i) be accompanied by the written approval of the Commissioner of Main Roads to the projection of that photographic sign onto the building, screen or structure specified in the application; ~~and~~
 - (ii) give details of the building, screen or structure onto which the sign is to be projected; ~~and~~
- (d) An application for a licence for a sign to be fixed to the other fascia of a theatre or cinema verandah shall also be accompanied by the plans specifications and structural details of the verandah.

~~2.3.4~~(4) Application for a licence in respect of a sign or hoarding referred to in clause ~~2.1.52.1~~(5) shall be accompanied by such documents and other information as the ~~Council~~ local government considers appropriate having regard to the nature and form of the proposed sign or hoarding.

2.45 Inspection of Licences

~~2.4.1~~(1) A licensee shall, on demand by an authorised ~~officer~~ person of the ~~Council~~ local government, produce ~~his licence~~ for inspection any licence issued for a sign or advertising device.

~~2.4.2~~(2) Every licensed sign or ~~hoarding~~ advertising device shall bear on its face (bottom left hand corner as viewed) in clearly legible figures, the number of the licence ~~under which it is erected or displayed~~ applicable to the sign or advertising device as provided by the local government.

2.56 Licences and Special Permits

~~2.5-1~~(1) Notwithstanding anything contained in this local law the ~~Council~~local government may by ~~permit under the hand of the Authorised Person~~way of application for a licence referred to in clause 2.3 allow the display of advertisements at churches, schools, theatres and other places of public entertainment, election notices, or advertisements of meetings or other matters of public interest upon such terms for such period as the ~~Council~~local government may in each case decide.

~~2.5-2~~(2) ~~The Council may revoke any such permit at any time without assigning any reason for such an action.~~The local government may, without derogation of any penalty to which that person may be liable under this local law, by notice in writing to the licensee revoke a licence—
 (a) where anything purporting to be done pursuant to a licence issue under this local law is not done in conformity with the licence or the conditions of the licence; or
 (b) where the licensee commits an offence against this local law.

(3) The local government shall give written notice to the licensee upon revocation of a licence pursuant to subclause (2).

~~2.5-3~~(4) Upon the expiration or revocation of a permit issued under this local law, the person to whom it was issued shall ~~forthwith~~immediately remove the advertisement to which it relates and failure so to remove the advertisement is an offence.

2.7 Licence fees

(1) The fees payable for the issue of licences under this local law shall be determined by the local government from time to time in accordance with Section 6.16 of the Act.

~~(4)~~(2) The prescribed fee for a licence shall be paid to the local government before the issue of that licence.

2.8 Compliance with conditions of licence

(1) If at any time a sign for which a licence has been issued-
 (a) does not comply with a provision of this local law as applicable to that sign; or
 (b) is altered in its size, appearance, construction, location, fixing or in any other manner affected by this local law without the prior permission of the Authorised Person;
Then the licence therefore shall be invalid and of no effect.

3.1. Restrictions

~~3.1.1(1)~~ A person shall not erect or maintain a sign or advertising device and the owner and occupier of any premises shall not permit a sign to remain on those premises—:

- (a) unless a licence has been issued by the ~~Council~~ local government under this local law or the by-laws which were in operation prior to the coming into operation of this local law;
- (b) if that sign does not comply with any provision of this local law;
- (c) unless the sign or advertising device is exempted from the licensing requirements pursuant to section clause ~~2.1.2.1(2)~~ and is not otherwise in contravention to this local law.

~~3.1.2(2)~~ A sign or advertising device including an existing sign shall not be erected or maintained—:

- (a) in any position where it obstructs or obscures the view from a street or other public place of traffic in that or any other street or public place;
- (b) if the sign is likely to obscure or cause confusion with or about a traffic light or traffic sign or is the sign is likely to be mistaken for a traffic light or sign;
- (c) except with the specific approval of the ~~Council~~ local government, on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building or on the roof fabric of a building;
- (d) so as to obstruct to or from any door, fire escape or window (other than a window designed for the display of goods);
- (e) on any building of which the stability is in the opinion of the Authorised Person likely to be affected by the sign;
- (f) on any land that is zoned in a Town Planning Scheme as residential or used for residential purposes other than a site of lawful non-conforming use other than residential unless specifically permitted in this local law;
- (g) if in the opinion of ~~Council~~ the local government, the sign or advertising device causes or is likely to cause offence or is for reasons to be stated by ~~Council~~ the local government, unsuitable or otherwise undesirable;
- (h) in any position where, in the opinion of ~~Council~~ the local government, the advertisement will be out of harmony with the surroundings in the locality in which the advertisement is proposed to be exhibited or where ~~Council~~ the local government considers it will be undesirable for reasons to be stated by ~~Council~~ the local government; or
- (i) if it is displayed or exhibited on a vehicle left standing or parked on a road reserve primarily for the purpose of displaying or exhibiting such advertisements.

~~3.1.3 — No glass shall be used in any sign other than an illuminated sign.~~

~~3.1.4 — No paper, cardboard, cloth or other flammable materials shall be part of or be attached to any sign but this paragraph shall not apply to posters securely fixed to a sign board.~~

3.2 Inscription of Signs

~~3.2.1~~(1) Every sign shall—:

- (a) be securely fixed to the structure by which it is supported to the satisfaction of the Authorised Person;
- (b) be maintained by the licensee in a safe condition in good order, repair and free from dilapidation;
- (c) be kept clean and free from unsightly matter;
- (d) bear on its face, in figures legible from the nearest street, the number of the licence issued by the Council with respect to that sign; and
- (e) unless otherwise permitted by the Authorised Person or specified in this local law, be so fixed as to provide clear headway thereunder of not less than 2.75m.

3.3 Existing signs

- (1) Subject to the provisions of this clause, a sign which was erected and maintained lawfully under a previous local law of the local government shall remain lawful for a period of five years, notwithstanding the date of revocation of that local law.
- (2) Any lawfully erected sign shall within a period of five years from the date of gazettal of this local law be made to comply with the standards and requirements of this local law, whether or not it was the subject of a licence under a previous local law.
- (3) Any sign in respect of which a licence was issued under a previous local law of the local government for a limited period of time shall, upon the expiration of that period, be made to comply with the provisions of this local law.
- (4) If a licence or permit for a sign was issued under a previous local law of the local government without limitation as to time and the sign does not comply with the provisions of the local law, if any alteration is proposed to be made to the structure, area or message of the sign, then the alteration may only be undertaken upon a new licence for the sign as altered being issued by the local government under this local law.

~~3.3.4~~ Removal of Existing Signs

~~3.3.1~~(1) Where an existing sign—:

- (a) fails to conform with public safety standards as set out in clause ~~3.2.1~~3.2(1) of this local law, a person receiving a written direction from the ~~Council~~local government to remove the sign, shall remove it immediately upon receiving the direction;
- (b) not being a sign which fails to conform to public safety standards as set out in clause ~~3.2.1~~3.2(1) or a sign that has been granted a special permit of this local law, fails to

conform to the requirements of this local law, a person receiving a written direction from the ~~Council~~ local government shall within 14 days of receiving such directions:

- (i) remove the sign; or
- (ii) appeal to ~~Council~~ the local government.

(2) Appeal of decisions

When a local government makes a decision under this local law to—

- (a) grant or withdraw an authorisation; or
- (b) renew, vary or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and Regulation 33 of the *Local Government (Functions and General) Regulations 1996* will apply.

3.5 Fixing of Signs

A sign erected or displayed within the district shall—

- (a) be securely fixed to and not affect the stability of any structure by which it is supported to the satisfaction of the local government and shall be maintained in a safe condition;
- (b) be structurally adequate to resist any forces to which it would be reasonably subjected without collapsing, deforming or moving from the position in which it was erected or displayed; and
- ~~(c)~~ (c) not be erected or displayed so as to obstruct the free passage of vehicles or pedestrians.

3.6 Glass in signs

Glass shall not be used in any sign other than an illuminated sign.

3.7 Readily combustible material

Except in the case of posters securely affixed to a signboard or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to any sign.

3.8 Signs to be kept clean

Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order free of dilapidation.

3.9 Bill posting

- (1) Subject to clause 4.13(2), a person shall not post any bill or paint, stencil, paste, affix or attach any advertisement bill or placard on any street, hoarding, wall, building, fence or structure whether erected on private property or on a public place.

- (2) This clause shall not apply to—
- (a) any sign for which a current licence is in force as referred to in clause 3.1(1)(a);
 - (b) advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on in those premises;
 - (c) the name and occupation of any occupier of business premises painted on a window of such premises; and
 - (d) advertisements painted, stencilled, placed or affixed to any fence, if the advertisement indicates only the name or trading name of the occupier of the property upon which the fence is erected and if the letters on the advertisement do not exceed, where the fence is:
 - (i) not more than 15m from the nearest footpath, 600mm in height;
 - (ii) between 15m and 21m from the nearest footpath, 900mm in height;
 - (iii) between 22m and 30m from the nearest footpath, 1,200mm in height; or
 - (iv) more than 30m from the nearest footpath, 1,500mm in height.

3.10 Fly posting

A person shall not fly post at any place or location with the district.

Part 4 – Requirements for ~~Specific~~ Particular Signs

4.1 Construction site signs

- (1) A construction site sign shall—
- (a) be limited in its content to the details of the construction project and the contractors undertaking the construction work;
 - (b) comply with the requirements of the *Builder's Registration Act 1939*; and
 - (c) be displayed only during the course of construction at the subject site and removed upon completion of construction.
- (2) Only one construction site sign shall be permitted on the lot upon which construction works are being undertaken.

4.2 Development sign

A development sign shall—

- (a) only be erected where the area of residential land being subdivided exceeds five (5) hectares;

- (b) only be erected in the ratio of 1m² of area per hectare up to a maximum of 20m² with no individual sign exceeding the 10m²; and
- (c) be removed from the site within one year or when all of the lots in the subdivision have been sold, whichever is the sooner.

4.4.3 Direction Signs

~~4.1.1~~—A direction sign shall not exceed 150mm in depth and 750mm in length.

4.4 Display home sign

A display home sign shall—

- (a) be provided in a ratio not exceeding 2m² per home in a display centre with no individual sign exceeding 5m²;
- (b) not have an overall height of more than 5 metres;
- (c) not be illuminated after 9.00pm; and
- (d) be permitted while the display centre or home is being used for display purposes and shall be removed forthwith once the display function ceases operation.

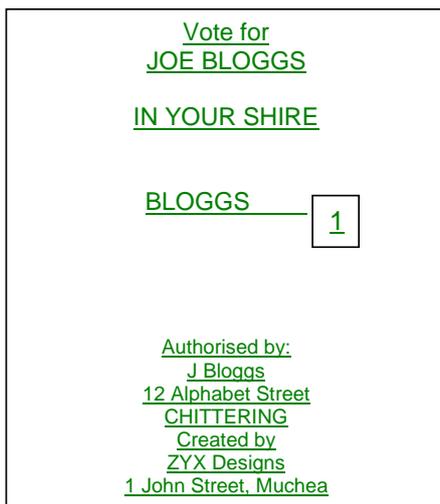
4.5 Election sign

- (1) An election sign shall comply with the requirements set out in this clause.
- (2) Each candidate in an election may display the following—
 - (a) Two (2) election signs that—
 - (i) Are each not more than 3.0m² in area; and
 - (ii) Are either free-standing, vehicle-mounted or fixed to private property; and
 - (b) Ten (10) smaller free-standing election signs that—
 - (i) Are not more than 1 metre in height;
 - (ii) Are not more than 1 metre in width; and
 - (iii) Have no more than 2 faces.
- (3) A sign described in sub-clause 2(a)(ii) must, if free-standing, be certified as being structurally adequate by a structural engineer and if located near a vehicle access way also be certified as being frangible (collapsible on impact).

(4) An election sign must not be illuminated, incorporate movement, or contain reflective or fluorescent materials in any part of its design or structure.

(5) An election sign must only display information in relation to how a candidate is requesting an elector to vote (refer to sample below).

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- (6) Subject to sub-clause (7), an election sign may be placed in, on or fixed to (as the case may be)—
- (a) a road reserve (i.e. a street verge or nature strip) provided that the sign is free-standing and not placed so as to cause a traffic hazard or on a median strip.
 - (b) a motor vehicle or trailer parked in or on a street or public place, provided that the sign or the motor vehicle or trailer to which it is affixed does not present a hazard or obstruction to motor traffic, cyclists or pedestrians;
 - (c) private property, only if the approval of the owner of the property is obtained prior to the erection of the election sign.
- (7) An election sign must not be placed in, on or affixed to (as the case may be)—
- (a) any street sign, street furniture, guide post, light or power pole, bus stop, bus shelter, or other such structure;
 - (b) trees on Crown land or local government property;
 - (c) any local government building;
 - (d) the media strip or verge of Great Northern Highway, unless approval has been granted by Main Roads WA;
 - (e) a vehicle or trailer parked in a location that may present a hazard or obstruction to motor traffic, cyclists or pedestrians;
 - (f) in any location so as to cause (in the opinion of the local government) a hazard or potential hard to traffic, pedestrians or cyclists.
- (8) The election sign must detail the name and street address of—
- (a) the person who authorised; and
 - (b) the person who created.

the election sign.

(9) An election sign—

- (a) may be removed by the local government from a public place if it does not comply with the requirements of this clause; and
- (b) must be removed within two (2) days of the close of polling.

4.6 Hoardings

- (1) A hoarding shall not exceed 8m² in area and 3 metres in height except with the approval of the local government.
- (2) Unless otherwise determined by the local government, the licence fee for a hoarding shall be payable annually so long as the hoarding is maintained pursuant to a licence issued under this local law.

4.7 Horizontal sign

(1) A horizontal sign—

- (a) shall be fixed parallel to the wall of the building to which it is attached;
- (b) shall not project more than 600mm from the wall to which it is attached; and
- (c) shall not be within 600mm of either end of the wall to which it is attached unless the end of the sign abuts against a brick, stone or cement corbel pier or plaster which is at least 225mm wide and which projects at least 25mm in front of and 75mm above and below the sign.

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(2) Where the distance between the bottom of a horizontal sign and the ground below that sign is that specified in the first column of the following table, subject to clause 4.7(4) and 4.7(5), the height of that sign shall not exceed that specified in the second column of that table.

<u>Distance of Sign Above Ground</u>	<u>Maximum Height of sign</u>
<u>less than 7.5m</u>	<u>600mm</u>
<u>7.5m to 9m</u>	<u>750mm</u>
<u>more than 9m</u>	<u>900mm</u>

- (3) Where more than one horizontal sign is fixed to the same storey or level of a building and those signs face the same street, the signs shall be fixed to that building in one line and shall be of uniform height.
- (4) Notwithstanding clause 4.7(2), if a horizontal sign on the facade of a building—
 (a) identifies the owner or an occupier of that building; and
 (b) is the only sign on that façade to do so; that sign may be constructed to a maximum height of 1,200mm.
- (5) Notwithstanding clause 4.7(2), where there is no roof sign on a building, a horizontal sign attached to the uppermost storey or level of a building may be constructed to a maximum height of 4,500mm if no part of the sign is less than 12m above the ground below the sign.

4.28 Illuminated Sign

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~~4.2.1(1) An illuminated sign shall—:~~

- (a) Be constructed of non-combustible material;
 (b) Have its electrical installation construction and maintained to the satisfaction of the electricity supply authority and in accordance with AS/NZS 3000:2007;
 (c) Be maintained to operate as an illuminated sign; and
 (d) Not have a light of such intensity as to cause annoyance to the public.

- ~~(a) any boxing or casing enclosing it shall be constructed entirely of non-flammable material with the exception of the insulation of electric wires; and~~
~~(b) shall be so protected that if any glass, other than the glass of fluorescent tubing, breaks none of the glass can fall on any street, way, footpath or other public place.~~

~~4.2.2 The electrical installation of an illuminated sign shall be constructed and maintained in accordance with the requirements of and to the satisfaction of the State Energy Commission.~~

~~4.2.3 The light from an illuminated sign shall not be so intense as to cause annoyance to the public.~~

4.9 Photographic Signs

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- (1) Where an application for a licence proposes to project photographic signs in a series, the local government may issue one licence in respect of all the signs in that series.
- (2) Where a licence for a photographic sign to be projected in a series has been issued, no sign other than those in respect of which the licence has been issued shall be projected.
- ~~(4)~~(3) Where a licence for a photographic sign or signs is issued the licence shall specify the building, screen or structure onto which such sign or signs may be projected.
- (4) The sign or signs shall not be projected onto any building, screen or structure not specified in the licence.
- (5) The owner and occupier of any building, screen or structure and the owner and occupier of any land on which a screen or structure is erected shall ensure that no photographic sign or signs is or are projected onto the building, screen or structure unless the licence has been issued with respect thereto and the provisions of this paragraph are complied with.

4.10 Pylon Sign

- (1) A pylon sign—
- (a) shall not have any part thereof less than 2.7m or more than 6m above the level of the ground immediately under the sign;
- (b) shall not exceed 2,550mm measured in any direction across the face of the sign or have a greater superficial area than 4m²;
- (c) shall not project more than 900mm over any street, way, footpath or other public place;
- (d) shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- (e) shall not be within 1,800mm of the side boundaries of the lot on which it is erected;
and
- (f) shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.

4.11 Roof Sign

- (1) A roof sign—
- (a) shall at no point be within 3,600mm of the ground; and
- (b) shall not exceed beyond the external walls of the building.
- (2) Where the height of a building above the ground at the point where a roof sign is proposed to be erected, is that specified in the first column of the following table the distance

between the top of the roof at the point and the top of the sign shall not exceed that specified in the second column of the table,

<u>Building Height</u>	<u>Maximum Height of sign above rooftop</u>
<u>3.6m to 4.5m</u>	<u>1200mm</u>
<u>4.6m to 6m</u>	<u>1800mm</u>
<u>6.1m to 12m</u>	<u>3800mm</u>
<u>12.1m to 18m</u>	<u>4500mm</u>
<u>More than 18m</u>	<u>600mm</u>

- (3) When ascertaining the height of a building above ground level for the purpose of this clause, any part of the roof, at the point where the measurement is being taken, which is provided solely for the purpose of architectural decoration shall be disregarded.
- (4) A roof sign shall not be erected
- (a) on any building where a horizontal sign which exceeds 1,200mm in height is attached to the uppermost storey or level of the building; or
 - (b) if the issue of a licence for the erection of such a sign on that storey or level has been approved under this local law.

4.12 Rural Producer's Sign

A rural producer's sign may be erected or displayed on land zoned rural, rural residential, or similar under a local planning scheme of the local government provided that—

- (a) the sign shall only advertise produce which has been grown and processed on the land on which the sign is erected;
- (b) the sign is removed when the produce is not available for sale;
- (c) if there are two more lots which abut each other and under one ownership there shall be no more than two such signs displayed at any one time in respect of all produce grown on all of those lots;
- (d) the sign shall not exceed 1m² in area or 3 metres in height.

4.13 Sale signs

Subject to this local law a person shall not erect or maintain a sale sign—

- (a) exceeding 2m² in area for sale signs applicable to single dwellings;
- (b) exceeding 5m² for sale signs applicable to multiple dwellings, shops, commercial or industrial properties;
- (c) exceeding 10m² for sale signs applicable to large shopping centres or rural properties larger than 5 hectares in their entirety;
- (d) in respect of an auction sale, for more than 28 days before the date of the auction or for more than 7 days after that date;

- (e) advertising that dwelling units in a building to be erected on the land on which the sign is situated are or will be available for letting or for purchase—
 - (i) before the date of issue of the building licence in respect of that building; or
 - (ii) after 3 months following the completion of the building.

4.14 Signs on fences

Signs on fences are not permitted within the district.

4.15 Sign Under Verandah

- (1) A sign fixed to the underside of a verandah—
 - (a) shall not exceed 2,400mm in length, 0.9m² in area and 600mm in height;
 - (b) shall not weigh more than 60kg; and
 - (c) shall be fixed at right angles to the wall of the building in front of which the sign is erected, provided that where such a sign is erected at a street intersection that sign may be placed at an angle to the wall so as to be visible from both streets.
- (2) If a sign fixed to the underside of a verandah exceeds 300mm in height that sign shall not—
 - (a) be located within 1350mm of the nearest side wall of the building; or
 - (b) be located within 2700mm of another sign fixed to the underside of the verandah.
- (3) If a sign fixed to the underside of a verandah does not exceed 300mm in height that sign shall not—
 - (a) be located within 900mm of the nearest side wall; or
 - (b) be located within 1,800mm of another sign fixed to the underside of the verandah.
- (4) For the purpose of clause 4.4(2) and 4.4(3), the distance of a sign from a side wall shall be measured along the front of the building from the edge of the sign closest to that side wall.

4.16 Temporary community service signs

- (1) A temporary community service sign may be erected on private land or, with the approval of the local government, on a public place subject to the following—
 - (a) no sign shall exceed 0.5m² in area;
 - (b) there shall be no more than 10 such signs relating to the same event or function displayed within the district;
 - (c) the sign or signs shall be removed within 7 days after the function has been held;
 - (d) no two temporary community service signs advertising the same event or activity shall be erected within 100 metres of each other; and
 - (e) no more than two temporary community service signs each advertising two different events or activities shall be erected or displayed closer together than 2 metres.

(2) A person who erects a temporary community service sign that does not comply with the provisions of this local law commits a breach of this local law and the local government may, subject to compliance with the impounding provisions contained in Part 3, Division 3, Subdivision 4 of the Act, in addition to instituting a prosecution for the breach, remove the temporary community service sign the subject of the contravention from any public place or thoroughfare.

4.17 Tower Sign

(1) A tower sign—

- (a) shall not, if illuminated, be a flashing sign; and
- (b) shall not exceed in height one sixth of the height of the mast, tower or chimney stack.

4.18 Verandah and fascia signs

~~4.3.1~~ (1) A sign above the outer fascia of a verandah shall be comprised only of free standing letters which are parallel to the nearest street kerb and each of which has a height of not more than 400mm. Each letter shall be mounted on a base of 75mm in height.

~~4.3.2~~ (2) Subject to section clause ~~4.13.14.13~~ (1), a sign fixed to the outer or return fascia of a verandah—

- (a) shall not exceed 600mm in height;
- (b) shall not project beyond the outer metal frame or other surround of the fascia;
- (c) in the case of an illuminated sign, shall not be a flashing sign. For the purpose of this paragraph an illuminated sign which only changes colour is not a flashing sign; and
- (d) ~~shall be so~~ must be constructed so that the bottom edge of the sign is not lower than the bottom edge of the fascia.

~~4.4~~ Sign Under Verandah

~~4.4.1~~ A sign fixed to the underside of a verandah:

- ~~(a) shall not exceed 2,400mm in length, 0.9m² in area and 600mm in height;~~
- ~~(b) shall not weigh more than 60kg; and~~
- ~~(c) shall be fixed at right angles to the wall of the building in front of which the sign is erected provided that where such a sign is erected at a street intersection that sign may be placed at an angle to the wall so as to be visible from both streets.~~

~~4.4.2~~ If a sign fixed to the underside of a verandah exceeds 300mm in height that sign shall not:

- ~~(a) be located within 1350mm of the nearest side wall of the building; and~~
- ~~(b) be located within 2700mm of another sign fixed to the underside of the verandah.~~

~~4.4.3 If a sign fixed to the underside of a verandah does not exceed 300mm in height that sign shall not:~~

- ~~(a) be located within 900mm of the nearest side wall; and~~
- ~~(b) be located within 1,800mm of another sign fixed to the underside of the verandah.~~

~~4.4.4 For the purpose of clause 4.4.2 and 4.4.3, the distance of a sign from a side wall shall be measured along the front of the building from the edge of the sign closest to that side wall.~~

4.5 Horizontal Sign

~~4.5.1 A horizontal sign:~~

- ~~(a) shall be fixed parallel to the wall of the building to which it is attached;~~
- ~~(b) shall not project more than 600mm from the wall to which it is attached; and~~
- ~~(c) shall not be within 600mm of either end of the wall to which it is attached unless the end of the sign abuts against a brick, stone or cement corbel pier or plaster which is at least 225mm wide and which projects at least 25mm in front of and 75mm above and below the sign.~~

~~4.5.2 Where the distance between the bottom of a horizontal sign and the ground below that sign is that specified in the first column of the following table, subject to clause 4.5.4 and 4.5.5, the height of that sign shall not exceed that specified in the second column of that table.~~

Distance of Sign Above Ground	Maximum Height of sign
less than 7.5m	600mm
7.5m to 9m	750mm
more than 9m	900mm

~~Provided that if any part of a sign includes a motif or capital letter the height of that part of the sign may be increased by 50 per cent of the prescribed maximum height.~~

~~4.5.3 Where more than one horizontal sign is fixed to the same storey or level of a building and those signs face the same street the signs shall be fixed to that building in one line and shall be of uniform height.~~

~~4.5.4 Notwithstanding clause 4.5.2, if a horizontal sign on the facade of a building:~~

- ~~(a) identifies the owner OR an occupier of that building; and~~
- ~~(b) is the only sign on that façade to do so; that sign may be constructed to a maximum height of 1,200mm.~~

~~4.5.5 Notwithstanding clause 4.5.2, where there is no roof sign on a building, a horizontal sign attached to the uppermost storey or level of a building may be constructed to a maximum height of 4,500mm if no part of the sign is less than 12m above the ground below the sign.~~

4.619 Vertical Sign

4.6.1(1) A Vertical Sign—:

- (a) ~~shall be so~~ must be constructed so that, at no point, is the distance between the bottom of the sign and the ground below less than 3,000mm;
- (b) shall not project more than 2,400mm above the top of the wall to which it is attached at the point immediately adjacent to the sign and at no point shall the sign be extended more than 1,500mm back from the face of that wall;
- (c) shall not be located within 3,600mm of another vertical sign attached to the same building; and
- (d) shall not be located within 1,800mm of either end of the wall to which it is attached except where the end in question—:
 - (i) adjoins a street or right of way; or
 - (ii) is set back not less than 1800mm from the boundary of the land on which the building is erected.

4.6.2(2) Subject to clause ~~4.6.3~~ 4.19(3) of this clause, a vertical sign shall not project more than 900mm from the face of the building to which the sign is attached.

4.6.3(3) Where a vertical sign is fixed to the face of a building:

- ~~(a) that building is set back behind the face of a building which adjoins that building; and~~
- (a) that building is within 3m of that adjoining building, the sign may project from the face of the building an additional distance being the distance the adjoining building projects beyond the building or 600mm whichever is the lesser. Where a vertical sign is—
- (b) (a) fixed to the face of a building;
- (c) (b) the building is set back behind the face of an adjoining building; and
- (d) (c) the building is within 3m of the adjoining building;
- ~~(b)~~ (e) the sign may project from the face of the building an additional distance, being the distance that the adjoining building projects beyond the building or 600mm, whichever is lesser.

4.720 Semaphore Sign

4.7.1(1) A semaphore sign—:

- (a) shall not be fixed at right angles to the wall to which it is attached;
- (b) shall not exceed 1,050mm in height at any point
- ~~(b)~~ (c) ~~and~~ shall not exceed 900mm in width at any point; and.
- ~~(c)~~ (d) shall be fixed over or adjacent to the entrance to a building.

4.7.2(2) Not more than one semaphore sign shall be fixed over or adjacent to an entrance to a building.

4.7.3(3) Subject to clause ~~4.7.4~~ 4.7(4), a semaphore sign shall not project more than 900mm from the face of the building to which the edge is attached.

~~4.7.4(4)~~ Where a semaphore sign is fixed to the face of a building—:

- (a) that building is setback behind the face of a building which adjoins that building; and
 - (b) that building is within 3m of that adjoining building;
- a sign may project from the face of the building an additional distance being the distance the adjoining building projects beyond the building or 600mm whichever is the lesser.

4.21 Cinema and theatre signs

Each cinema or theatre (including a open air theatre or cinema) may display a maximum of 2 signs advertising the entertainment being presented from time to time at the venue upon which the signs are displayed, provided that each sign shall not exceed 5m² in area.

~~4.8 Roof Sign~~

~~4.8.1 A roof sign:~~

- ~~(a) shall at no point be within 3,600mm of the ground; and~~
- ~~(b) shall not exceed beyond the external walls of the building.~~

~~4.8.2 Where the height of a building above the ground at the point where a roof sign is proposed to be erected, is that specified in the first column of the following table the distance between the top of the roof at the point and the top of the sign shall not exceed that specified in the second column of the table.~~

Building Height	Maximum Height of sign above rooftop
3.6m to 4.5m	1200mm
4.6m to 6m	1800mm
6.1m to 12m	3800mm
12.1m to 18m	4500mm
More than 18m	600mm

~~4.8.3 When ascertaining the height of a building above ground level for the purpose of this clause, any part of the roof, at the point where the measurement is being taken, which is provided solely for the purpose of architectural decoration shall be disregarded.~~

~~4.8.4 A roof sign shall not be erected on any building where a horizontal sign which exceeds 1,200mm in height is attached to the uppermost storey or level of the building or if the issue of a licence for the erection of such a sign on that storey or level has been approved.~~

~~4.9 Pylon Sign~~

4.9.1 A pylon sign:

- (a) shall not have any part thereof less than 2.7m or more than 6m above the level of the ground immediately under the sign;
- (b) shall not exceed 2,550mm measured in any direction across the face of the sign or have a greater superficial area than 4m²;
- (c) shall not project more than 900mm over any street, way, footpath or other public place;
- (d) shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- (e) shall not be within 1,800mm of the side boundaries of the lot on which it is erected; and
- (f) shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.

4.10 Tower Sign**4.10.1** A tower sign:

- (a) shall not, if illuminated, be a flashing sign; and
- (b) shall not exceed in height one sixth of the height of the mast, tower or chimney stack.

4.11 Photographic Signs

4.11.1 Where an application for a licence proposes to project photographic signs in a series, the Council may issue one licence in respect of all the signs in that series.

4.11.2 Where a licence for a photographic sign to be projected in a series has been issued no sign other than those in respect of which the licence has been issued shall be projected.

4.11.3 Where a licence for a photographic sign or signs is issued the licence shall specify the building, screen or structure onto which such sign or signs may be projected. The sign or signs shall not be projected onto any building, screen or structure not specified in the licence.

4.11.4 The owner and occupier of any building, screen or structure and the owner and occupier of any land on which a screen or structure is erected shall ensure that no photographic sign or signs is or are projected onto the building, screen or structure unless the licence has been issued with respect thereto and the provisions of this paragraph are complied with.

4.12 Hoardings

~~4.12.1 No new hoarding shall hereafter be erected on private property except pursuant to a requirement of or a licence issued pursuant to the *Local Government Act 1995*.~~

~~4.12.2 A person shall not erect a hoarding contrary to this local law and the owner and occupier of any premises shall not permit a hoarding so erected to remain on those premises.~~

4.13 — Bill posting etc.

~~4.13.1 Subject to clause 4.13.2, a person shall not post any bill or paint, stencil, paste, affix or attach any advertisement bill or placard on any street, hoarding, wall, building, fence or structure whether erected on private property or on a public place.~~

~~4.13.2 This clause shall not apply to:~~

- ~~(a) any sign for which a current licence is in force as referred to in clause 3.1.1(a);~~
- ~~(b) advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on in those premises;~~
- ~~(c) the name and occupation of any occupier of business premises painted on a window of such premises; and~~
- ~~(d) advertisements painted, stencilled, placed or affixed to any fence, if the advertisement indicates only the name or trading name of the occupier of the property upon which the fence is erected and if the letters on the advertisement do not exceed, where the fence is:
 - ~~(i) not more than 15m from the nearest footpath, 600mm in height;~~
 - ~~(ii) between 15m and 21m from the nearest footpath, 900mm in height;~~
 - ~~(iii) between 22m and 30m from the nearest footpath, 1,200mm in height; or~~
 - ~~(iv) more than 30m from the nearest footpath, 1,500mm in height.~~~~

4.14 — Licences

~~4.14.1 An application for a licence under this local law shall be in the form of the First Schedule hereto.~~

~~4.14.2 A licence under this local law shall be in the form prescribed by the Council.~~

~~4.14.3 The fees payable for the issue of licences under this local law shall be determined by the Council from time to time in accordance with Section 6.16 of the Act.~~

~~4.14.4 The prescribed fee for a licence shall be paid to the Council before the issue of that licence.~~

~~4.14.5 If at any time a sign for which a licence has been issued:~~

- ~~(a) does not comply with a provision of this local law as applicable to that sign; or~~
- ~~(b) is altered in its size appearance, construction, location, fixing or in any other manner affected by this local law without the prior permission of the Authorised Person;~~

~~then the licence therefore shall be invalid and of no effect.~~

Part 5 - Miscellaneous

~~4.15~~5.1 Offences

- (1) ~~Any person who—~~
 (a) ~~erects, maintains or displays ; or~~
 (b) ~~suffers or permits to be erected, maintained or displayed,~~
 a sign that does not comply with the provisions of this local law commits an offence.
- (2) ~~Any person who does anything prohibited under this local law or fails to do anything required or directed to be done under this local law commits an offence.~~

5.2 Notice of breach

- (1) ~~Where a breach of any provision of this local law has occurred in relation to a sign, the local government may give a notice in writing (“notice of breach”) to—~~
 (a) ~~The owner of the land on which the sign is erected, maintained or displayed;~~
 (b) ~~The person responsible for erecting, maintaining or displaying the sign; or~~
~~(a)(c)~~ ~~The licensee of the sign.~~
- (2) ~~A notice of the breach shall—~~
 (a) ~~Specify the provision of this local law which has been breached;~~
 (b) ~~specify the particulars of the breach; and~~
~~(a)(c)~~ ~~state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within the time period stipulated in the notice which shall be not less than 14 days from the giving of the notice.~~
- ~~(2)(3)~~ ~~It is an offence to fail to comply with a notice of breach issued by the local government pursuant to sub-clause (1).~~

5.3 Penalties

- ~~4.15.1~~(1) ~~An offence against a clause specified in Schedule 2 of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.~~
- (2) ~~The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule is the modified penalty for that offence.~~

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

~~4.16~~5.4 Unlawful Signs

~~4.16.1(1) The Council or any person acting under the authority of the Council may remove any advertising device, hoarding or sign which is attached to or posted, painted or stencilled onto a hoarding and which in the opinion of Council is dangerous and objectionable.~~

~~4.16.2 Where the exercise of the power conferred under clause 4.16.1 the Council removes an advertising device, hoarding or sign it may recover from the owner of the property which the advertising device, hoarding or sign is removed, the costs of the removal from any court of competent jurisdiction.~~

~~4.16.3 The provisions of clauses 4.16.1 and 4.16.2 are in addition to and do not derogate the penalty provisions of clause 4.15.~~

(1) The local government may remove and impound any sign placed or erected on any public place in contravention of the provisions of this local law.

(2) The impounding of any sign pursuant to sub-clause (1) shall be carried out in accordance with Part 3, Division 3, Subdivision 4 of the Act and Regulation 29 of the *Local Government (Functions and General) Regulations 1996*.

(3) The local government may make good any damage caused by the installation or removal of a sign contravening the provisions of this local law at the expense of the owner of the sign or person responsible for the placing or erecting of the sign and recover the expense of such removal and repair from the owner or person in a court of competent jurisdiction.

Schedule 1 – Application for a Sign Licence

Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015

~~[(Clause 2.34)]~~

No: _____

Date: _____

I hereby apply for a licence for a sign to be erected on the premises known as:

~~Full name and address of applicant:~~

~~Name of the Owner/Occupier/Applicant/Contractor:~~

~~Address of the Owner/Occupier/Applicant/Contractor:~~

~~Exact position of sign:~~

~~Dimensions of sign:~~

~~Materials and construction of sign and supports:~~

~~Inscription or device on sign:~~

~~Attach site plan of the proposed sign (in duplicate) indicating style, wording, colours and motifs)~~

Signature of Owner/Occupier /-Applicant/Contractor: _____

~~Signature of Owner/Occupier: _____~~

~~(if different from Applicant)~~

Date: _____

Signs, Hoardings and Bill Posting Local Law 2015

Schedule 2 – Sign Licence

(Clause 2.4)

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Licence No: _____ Date: _____

This document is not a receipt nor is this licence valid until the amount paid is printed by Cash Register on the space opposite.

This licence is granted to

_____ of _____ in respect of a _____ sign on premises known as No _____

This licence is issued in accordance with Application No _____ and is subject to the *Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015.*

This licence is valid until any alteration is made to the sign and in that event the Licensee must apply for a new licence.

If the licence is issued in respect of hoarding, the licence expires on _____ dd / mm / yyyy

Signed by Executive Manager Development Services

|

Cr Robert Hawes
Shire President

Gary Tuffin
Chief Executive Officer

DRAFT

SHIRE OF CHITTERING

Signs, Hoardings and Bill Posting Local Law 2015

Local Government Act 1995

LOCAL GOVERNMENT ACT 1995

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Schedule 1 - Application for a Sign Licence

Schedule 2 – Sign Licence

LOCAL GOVERNMENT ACT 1995

SHIRE OF CHITTERING
SIGNS, HOARDINGS AND BILL POSTING LOCAL LAW 2015

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

Part 1 - Preliminary**1.1 Citation**

This local law may be cited as the *Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015*.

1.2 Repeal

The Shire of Chittering *Local Law relating to Signs, Hoardings and Bill Posting Local Law* published in the *Government Gazette* on 20 August 1993 and all subsequent amendments are now repealed.

1.3 Application

This local law shall apply throughout the district but does not apply to the erection or maintenance of signs, hoardings or bill posting on land which is—

- (a) a thoroughfare; or
- (b) local government property.

1.4 Commencement

This local law will come into operation on the fourteenth day after the day of its publication in the *Government Gazette*.

1.5 Interpretation

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995*, as amended;

advertisement means any word, letter, number, symbol, figure, drawing, image, aural message or other representation whatsoever is written, placed, affixed, attached, painted, projected, electronically produced or otherwise displayed for the purpose of giving any message or direction or promoting or publicising any business, project, enterprise, development, undertaking, or any function or event, or any person, body or group, or any product or article, or other thing whatsoever and the term “advertising” has a corresponding meaning:

advertising device means any object on which words or numbers or advertising figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event, or undertaking or any product or thing whatsoever, and includes any vehicle or trailer or other similar stationary object placed or located so as to serve the purpose of advertising any business, function, event, product or undertaking;

AS 1742 means Australian Standard published by Standards Australia as AS 1742 called *Manual of uniform control traffic devices*, as amended from time to time;

Authorised person Building Surveyor means a person authorised by the local government under section 9.10 of the Act, which includes the Building Surveyor of the Shire of Chittering or the person acting for the time being in that capacity;

bill posting means the sticking or posting of any bill, or pasting, stencilling, placing, sticking, posting or affixing of any advertising device or advertisement on any building, structure, fence, wall, hoarding, signpost, pole, blind, or awning or on any tree, rock or other like place or thing so as to be visible to any person in a street, public place, reserve or other land, and "bill post" has a like meaning;

business includes the conduct of a profession, trade or occupation including a home occupation;

cinema or theatre sign means a sign as referred to in clause xxxxxx;

construction site sign means a sign erected at a building site in accordance with the provisions of the Builders' Registration Act 1939;

development sign is an advertising device and means a sign or signs erected on an area of land which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no building development has taken place at the time of approval of the sign(s);

direction sign means a sign erected in a street or public space to indicate the direction to another place but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads in accordance with AS 1742 for a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the *Road Traffic Act 1974*;

display home sign means a sign erected on a lot on which a house has been erected for the purpose of display and which notifies members of the public that the house is open for inspection;

district means the district of the local government;

election sign means a bill, poster, placard or advertisement erected, attached, pasted, painted, stencilled, on any hoarding, wall, building or structure whether erected upon private property or upon a public place notifying members of the public of a person's intention to stand as a candidate at an election for the Federal or Western Australian Parliament or the Council of the local government, but does not include a sign erected by the local government for the purpose of public information;

exempt sign is a sign specified as exempt pursuant to clause 2.1(2) of this local law;

existing sign means an advertising device, bill posting, fly posting or a sign of any description referred to in this local law that existed or was maintained on 7 August, 1992 being an advertising device, bill posting, fly posting or other sign referred to in this local laws, erected on or before 7 August, 1992;

fascia means the cladding or panel erected to enclose or finish the edge of the roof of a building and which may be incorporated as an architectural feature;

fascia sign means a sign erected or displayed on the fascia of a building;

fly posting without limiting the generality of the provisions in this local law relating to bill posting means advertising by means of more than one poster placed on fences, walls, trees, rocks and any like places, or things without authority, and “fly post” has a like meaning;

hoarding means a detached or detachable structure other than a pylon, that is erected for the sole purpose of displaying an advertising device, sign or signs including a poster panel, wall panel or an illuminated panel;

horizontal sign is an advertising device and means a sign fixed parallel to the wall and/or roof of a building to which it is attached with its largest dimensions horizontal;

illuminated sign is an advertising device and means a sign that is so arranged as to be capable of being lighted either from within or without by artificial light provided or mainly provided for that purpose;

licensee means a holder of a licence issued by the local government pursuant to this local law;

Local Government means the Shire of Chittering;

photographic sign means

planning approval means approval by the local government under a local planning scheme controlling land development and use within the district;

portable sign is an advertising device and means an unfixed sign:

- (a) located wholly within the boundaries of land owned or occupied by a person who erected or who has maintained the sign;
- (b) only advertising a product or service available within the boundaries of the land upon which the sign is located;
- (c) not exceeding a height of 1m measured above the level of the ground immediately below it;
- (d) not exceeding 0.6m² in area; and
- (e) placed so as not to cause interference or a hazard to vehicular traffic or cause interference or hazard to or impede pedestrians;

pylon sign is an advertising device and means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills may be added;

roof sign is an advertising device and means a sign erected on the roof of a building

roster sign means

rural producer's sign is a sign erected on land lawfully used for rural purposes which advertises goods or products produced, grown or lawfully manufactured on the land within the boundaries of which the sign is located and which:

- (a) does not project more than 900mm over a street alignment as defined in the Act;
- (b) does not exceed 1m² in area; and
- (c) does not exceed 3m in height above the level of the ground immediately below it;

sale sign means a sign indicating that the premises whereon it is affixed are for sale, for let or to be auctioned;

semaphore sign means a sign which indicates the location of the entrance to a place of business or building;

sign includes an advertising device, any signboard, a portable sign or a bunting sign, or a sign painted directly onto the fabric of a building or flags and bunting which carry no written message or motif;

street includes footway and roadway;

temporary community service sign means a sign relating to or giving directions to a charitable, cultural, educational, recreational, religious or other public or community function, exhibition, meeting, display, event or activity conducted by a community association or similar body and other than for commercial gain;

tower sign is an advertising device and means a sign affixed to or placed on a chimney stack or an open structural mast or tower;

Town Planning Scheme means a town planning scheme of the local government made under the *Planning and Development Act 2005*; or a Town Planning Scheme which was made under the *Town Planning and Development Act 1928*;

verandah means an overhead canopy projecting over a street and includes a balcony;

verandah sign includes a sign on, above or under a verandah;

vertical sign means a sign affixed or attached to the wall of a building or a structure, of which the vertical dimension of the sign exceeds the horizontal dimension of the sign exclusive of the back projection of the sign;

wall sign is an advertising device and means a sign painted on or directly affixed to the fabric of a wall; and

way meansa right of way, pedestrian access way or footway as included in the definition for street.

Where applicable any words or expressions in this local law and not defined in this part has the same meaning as is given in the Act.

Part 2 – Licences and Exemptions

2.1 Requirement for Licences

- (1) Subject to clause 2.2—
- (a) No person shall erect, maintain or display a sign or advertising device on or above any land or building; and
 - (b) an owner or occupier of premises shall not suffer or permit a sign or advertising device to be erected, maintained or displayed in, or above such premises;

except pursuant to a licence issued under this local law in the form set out in **Schedule 3**.

2.2 Exemptions

- (1) No licence shall be required for the following—
- (a) a sign erected or maintained pursuant to any Act having operation within the State;
 - (b) a sale sign not exceeding 1m² in area;
 - (c) a plate not exceeding 2m² in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
 - (d) a direction sign;
 - (e) signs for use solely for the directly and/or control of people, animals and or vehicles or to indicate the name and/or street number of a premises, providing the area of any such sign does not exceed 0.2m²;
 - (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
 - (g) the name and occupation of any occupier of business premises painted on a window of those premises;
 - (h) a sign within a building, complex or facility that cannot be seen from outside the building, complex or facility;
 - (i) signs not larger than 0.7m x 0.9m on advertising pillars or panels approved by or with the consent of the local government for the purpose of displaying public notices for information;
 - (j) building name signs on residential flats or home units where they are of a single line of letters not exceeding 600mm in height, fixed to the façade of the building;
 - (k) newspaper posters;
 - (l) roster signs providing such signs comply with AS 1742 and *Main Roads (Control of Advertisement) Regulations 1973*; -
 - (m) an existing signs;
 - (n) a construction site sign;
 - (o) an election signs;
 - (p) a display home sign;
 - (q) a rural producers sign;
 - (r) a cinema or theatre sign;
 - (s) a sign erected by the local government on land owned by or under the care, control and management of the local government; or
 - (t) a sign in respect of which a planning approval has been issued under a local planning scheme.
- provided that the exemption from the requirement for a licence does not exempt the sign from the application of clause 3.1(2) or any other provision of this local law.
- (2) Every licence that is granted shall exist subject only to the provision of this local law.
- (3) Notwithstanding that a sign or hoarding would otherwise comply with the provisions of this local law the local government may refuse a licence if—

- (a) the sign or hoarding would, in its opinion, increase the number or variety of signs so as to become too numerous or various to be acceptable to residents in the area or be injurious to the natural beauty or safety of the area; or
 - (b) the sign or hoarding advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign or hoarding is erected.
- (4) Notwithstanding that a sign or hoarding would not otherwise comply with the provisions of this local law the local government by licence under the hand of the Authorised Person may authorise the erection of a sign in a form approved by the local government.
- (5) Approval may be granted upon such terms and conditions and for such a period as the local government may in each case decide; provided that the local government may at any time revoke the licence issued in accordance with this local law and notice of such revocation may be given under the hand of the Authorised Person.

2.3 Revocation of Licences

The local government may, without derogation of any penalty to which that person may be liable, by notice in writing revoke the licence—

- (a) where anything purporting to be done pursuant to a licence issued under this local law is not done in conformity with the licence, or with this local law or is so altered that, in the opinion of the local government it is objectionable or contravenes clause 2.1(4); or
- (b) where the sign or advertising device specified in a licence, other than a licence issued in accordance with clause 2.1(5) contravenes or does not comply with any provision of this local law.

2.4 Application for Licence

- (1) An application for a licence under this local law shall—
- (a) Contain:
 - (i) name and address of owner;
 - (ii) name and address of occupier;
 - (iii) name and address of applicant or contractor; and
 - (b) Be accompanied by a site plan of the proposed sign indicating style, wording, colours and motifs to be used and all such plans shall be in duplicate.
- (2) An application for a licence under this local law shall be accompanied by a plan drawn to a scale of not less than 1:100 full size showing the position, design, method of construction and dimensions of the sign, fixing of the sign and other such information as the local government or the Authorised Person may require.
- (3) Application for a Licence in respect to—
- (a) Roof signs and pylon signs shall be accompanied by a certificate from an architect or structural engineer certifying that the building or structure upon which it is proposed

- to erect the sign is in all respects of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design;
- (b) Illuminated signs shall be accompanied with written consent to the erection of the sign, signed by the local government who has control of the street in which the sign will be facing is erected;
 - (c) A photographic sign shall—
 - (i) be accompanied by the written approval of the Commissioner of Main Roads to the projection of that photographic sign onto the building, screen or structure specified in the application; and
 - (ii) give details of the building, screen or structure onto which the sign is to be projected; and
 - (d) An application for a licence for a sign to be fixed to the other fascia of a theatre or cinema verandah shall also be accompanied by the plans specifications and structural details of the verandah.
- (4) Application for a licence in respect of a sign or hoarding referred to in clause 2.1(5) shall be accompanied by such documents and other information as the local government considers appropriate having regard to the nature and form of the proposed sign or hoarding.

2.5 Inspection of Licences

- (1) A licensee shall, on demand by an authorised person of the local government, produce for inspection any licence issued for a sign or advertising device.
- (2) Every licensed sign or advertising device shall bear on its face (bottom left hand corner as viewed) in clearly legible figures, the number of the licence applicable to the sign or advertising device as provided by the local government.

2.6 Licences and Special Permits

- (1) Notwithstanding anything contained in this local law the local government may by way of application for a licence referred to in clause 2.3 allow the display of advertisement at churches, schools, theatres and other places of public entertainment, election notices, or advertisement of meetings or other matters of public interest upon such terms for such period as the local government may in each case decide.
- (2) The local government may, without derogation of any penalty to which that person may be liable under this local law, by notice in writing to the licensee revoke a licence—
 - (a) where anything purporting to be done pursuant to a licence issued under this local law is not done in conformity with the licence or the conditions of the licence; or
 - (b) where the licensee commits an offence against this local law.

- (3) The local government shall give written notice to the licensee upon revocation of a licence pursuant to subclause (2).
- (4) Upon the expiration or revocation of a permit issued under this local law, the person to whom it was issued shall immediately remove the advertisement to which it relates and failure so to remove the advertisement is an offence.

2.7 Licence fees

- (1) The fees payable for the issue of licences under this local law shall be determined by the local government from time to time in accordance with Section 6.16 of the Act.
- (2) The prescribed fee for a licence shall be paid to the local government before the issue of that licence.

2.8 Compliance with conditions of licence

- (1) If at any time a sign for which a licence has been issued—
 - (a) does not comply with a provision of this local law as applicable to that sign; or
 - (b) is altered in its size, appearance, construction, location, fixing or in any other manner affected by this local law without the prior permission of the Authorised Person;Then the licence therefore shall be invalid and of no effect.

Part 3 – Restrictions and General Requirements

3.1. Restrictions

- (1) A person shall not erect or maintain a sign or advertising device and the owner and occupier of any premises shall not permit a sign to remain on those premises—
 - (a) unless a licence has been issued by the local government under this local law or the by-laws which were in operation prior to the coming into operation of this local law;
 - (b) if that sign does not comply with any provision of this local law;
 - (c) unless the sign or advertising device is exempted from the licensing requirements pursuant to section clause 2.1(2) and is not otherwise in contravention to this local law.
- (2) A sign or advertising device including an existing sign shall not be erected or maintained—
 - (a) in any position where it obstructs or obscures the view from a street or other public place of traffic in that or any other street or public place;
 - (b) if the sign is likely to obscure or cause confusion with or about a traffic light or traffic sign or is the sign is likely to be mistaken for a traffic light or sign;

- (c) except with the specific approval of the local government, on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building or on the roof fabric of a building;
- (d) so as to obstruct to or from any door, fire escape or window (other than a window designed for the display of goods);
- (e) on any building of which the stability is in the opinion of the Authorised Person likely to be affected by the sign;
- (f) on any land that is zoned in a Town Planning Scheme as residential or used for residential purposes other than a site of lawful non-conforming use other than residential unless specifically permitted in this local law;
- (g) if in the opinion of the local government, the sign or advertising device causes or is likely to cause offence or is for reasons to be stated by the local government, unsuitable or otherwise undesirable;
- (h) in any position where, in the opinion of the local government, the advertisement will be out of harmony with the surroundings in the locality in which the advertisement is proposed to be exhibited or where the local government considers it will be undesirable for reasons to be stated by the local government; or
- (i) if it is displayed or exhibited on a vehicle left standing or parked on a road reserve primarily for the purpose of displaying or exhibiting such advertisements.

3.2 Inscription of Signs

- (1) Every sign shall—
 - (a) be securely fixed to the structure by which it is supported to the satisfaction of the Authorised Person;
 - (b) be maintained by the licensee in a safe condition in good order, repair and free from dilapidation;
 - (c) be kept clean and free from unsightly matter;
 - (d) bear on its face, in figures legible from the nearest street, the number of the licence issued by the Council with respect to that sign; and
 - (e) unless otherwise permitted by the Authorised Person or specified in this local law, be so fixed as to provide clear headway thereunder of not less than 2.75m.

3.3 Existing signs

- (1) Subject to the provisions of this clause, a sign which was erected and maintained lawfully under a previous local law of the local government shall remain lawful for a period of five years, notwithstanding the date of revocation of that local law.

- (2) Any lawfully erected sign shall within a period of five years from the date of gazettal of this local law be made to comply with the standards and requirements of this local law, whether or not it was the subject of a licence under a previous local law.
- (3) Any sign in respect of which a licence was issued under a previous local law of the local government for a limited period of time shall, upon the expiration of that period, be made to comply with the provisions of this local law.
- (4) If a licence or permit for a sign was issued under a previous local law of the local government without limitation as to time and the sign does not comply with the provisions of the local law, if any alteration is proposed to be made to the structure, area or message of the sign, then the alteration may only be undertaken upon a new licence for the sign as altered being issued by the local government under this local law.

3.4 Removal of Existing Signs

- (1) Where an existing sign—
 - (a) fails to conform with public safety standards as set out in clause 3.2(1) of this local law, a person receiving a written direction from the local government to remove the sign, shall remove it immediately upon receiving the direction;
 - (b) not being a sign which fails to conform to public safety standards as set out in clause 3.2(1) or a sign that has been granted a special permit of this local law, fails to conform to the requirements of this local law, a person receiving a written direction from the local government shall within 14 days of receiving such directions:
 - (i) remove the sign; or
 - (ii) appeal to the local government.
- (2) Appeal of decisions
When a local government makes a decision under this local law to—
 - (a) grant or withdraw an authorisation; or
 - (b) renew, vary or cancel a permit,
 the provisions of Division 1 of Part 9 of the Act and Regulation 33 of the *Local Government (Functions and General) Regulations 1996* will apply.

3.5 Fixing of Signs

A sign erected or displayed within the district shall—

- (a) be securely fixed to and not affect the stability of any structure by which it is supported to the satisfaction of the local government and shall be maintained in a safe condition;
- (b) be structurally adequate to resist any forces to which it would be reasonably subjected without collapsing, deforming or moving from the position in which it was erected or displayed; and
- (c) not be erected or displayed so as to obstruct the free passage of vehicles or pedestrians.

3.6 Glass in signs

Glass shall not be used in any sign other than an illuminated sign.

3.7 Readily combustible material

Except in the case of posters securely affixed to a signboard or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to any sign.

3.8 Signs to be kept clean

Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order free of dilapidation.

3.9 Bill posting

- (1) Subject to clause 4.13(2), a person shall not post any bill or paint, stencil, paste, affix or attach any advertisement bill or placard on any street, hoarding, wall, building, fence or structure whether erected on private property or on a public place.
- (2) This clause shall not apply to—
 - (a) any sign for which a current licence is in force as referred to in clause 3.1(1)(a);
 - (b) advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on in those premises;
 - (c) the name and occupation of any occupier of business premises painted on a window of such premises; and
 - (d) advertisements painted, stencilled, placed or affixed to any fence, if the advertisement indicates only the name or trading name of the occupier of the property upon which the fence is erected and if the letters on the advertisement do not exceed, where the fence is:
 - (i) not more than 15m from the nearest footpath, 600mm in height;
 - (ii) between 15m and 21m from the nearest footpath, 900mm in height;
 - (iii) between 22m and 30m from the nearest footpath, 1,200mm in height; or
 - (iv) more than 30m from the nearest footpath, 1,500mm in height.

3.10 Fly posting

A person shall not fly post at any place or location within the district.

4.1 Construction site signs

- (1) A construction site sign shall—
 - (a) be limited in its content to the details of the construction project and the contractors undertaking the construction work;
 - (b) comply with the requirements of the *Builder's Registration Act 1939*; and
 - (c) be displayed only during the course of construction at the subject site and removed upon completion of construction.
- (2) Only one construction site sign shall be permitted on the lot upon which construction works are being undertaken.

4.2 Development sign

A development sign shall—

- (a) only be erected where the area of residential land being subdivided exceeds five (5) hectares;
- (b) only be erected in the ratio of 1m² of area per hectare up to a maximum of 20m² with no individual sign exceeding the 10m²; and
- (c) be removed from the site within one year or when all of the lots in the subdivision have been sold, whichever is the sooner.

4.3 Direction Signs

A direction sign shall not exceed 150mm in depth and 750mm in length.

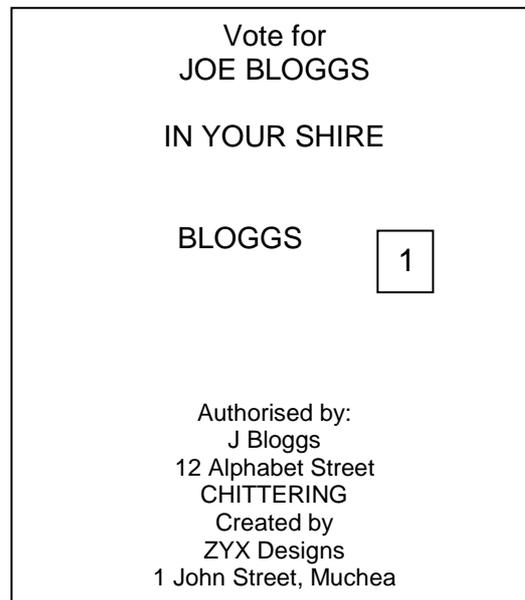
4.4 Display home sign

A display home sign shall—

- (a) be provided in a ratio not exceeding 2m² per home in a display centre with no individual sign exceeding 5m²;
- (b) not have an overall height of more than 5 metres;
- (c) not be illuminated after 9.00pm; and
- (d) be permitted while the display centre or home is being used for display purposes and shall be removed forthwith once the display function ceases operation.

4.5 Election sign

- (1) An election sign shall comply with the requirements set out in this clause.
- (2) Each candidate in an election may display the following—
 - (a) Two (2) election signs that—
 - (i) Are each not more than 3.0m² in area; and
 - (ii) Are either free-standing, vehicle-mounted or fixed to private property; and
 - (b) Ten (10) smaller free-standing election signs that—
 - (i) Are not more than 1 metre in height;
 - (ii) Are not more than 1 metre in width; and
 - (iii) Have no more than 2 faces.
- (3) A sign described in sub-clause 2(a)(ii) must, if free-standing, be certified as being structurally adequate by a structural engineer and if located near a vehicle access way also be certified as being frangible (collapsible on impact).
- (4) An election sign must not be illuminated, incorporate movement, or contain reflective or fluorescent materials in any part of its design or structure.
- (5) An election sign must only display information in relation to how a candidate is requesting an elector to vote (refer to sample below).



- (6) Subject to sub-clause (7), an election sign may be placed in, on or fixed to (as the case may be)—
- (a) a road reserve (i.e. a street verge or nature strip) provided that the sign is free-standing and not placed so as to cause a traffic hazard or on a median strip.
 - (b) a motor vehicle or trailer parked in or on a street or public place, provided that the sign or the motor vehicle or trailer to which it is affixed does not present a hazard or obstruction to motor traffic, cyclists or pedestrians;
 - (c) private property, only if the approval of the owner of the property is obtained prior to the erection of the election sign.
- (7) An election sign must not be placed in, on or affixed to (as the case may be)—
- (a) any street sign, street furniture, guide post, light or power pole, bus stop, bus shelter, or other such structure;
 - (b) trees on Crown land or local government property;
 - (c) any local government building;
 - (d) the media strip or verge of Great Northern Highway, unless approval has been granted by Main Roads WA;
 - (e) a vehicle or trailer parked in a location that may present a hazard or obstruction to motor traffic, cyclists or pedestrians;
 - (f) in any location so as to cause (in the opinion of the local government) a hazard or potential hard to traffic, pedestrians or cyclists.
- (8) The election sign must detail the name and street address of—
- (a) the person who authorised; and
 - (b) the person who created.

the election sign.

- (9) An election sign—
- (a) may be removed by the local government from a public place if it does not comply with the requirements of this clause; and
 - (b) must be removed within two (2) days of the close of polling.

4.6 Hoardings

- (1) A hoarding shall not exceed 8m² in area and 3 metres in height except with the approval of the local government.
- (2) Unless otherwise determined by the local government, the licence fee for a hoarding shall be payable annually so long as the hoarding is maintained pursuant to a licence issued under this local law.

4.7 Horizontal sign

- (1) A horizontal sign—
 - (a) shall be fixed parallel to the wall of the building to which it is attached;
 - (b) shall not project more than 600mm from the wall to which it is attached; and
 - (c) shall not be within 600mm of either end of the wall to which it is attached unless the end of the sign abuts against a brick, stone or cement corbel pier or plaster which is at least 225mm wide and which projects at least 25mm in front of and 75mm above and below the sign.
- (2) Where the distance between the bottom of a horizontal sign and the ground below that sign is that specified in the first column of the following table, subject to clause 4.7(4) and 4.7(5), the height of that sign shall not exceed that specified in the second column of that table.

Distance of Sign Above Ground	Maximum Height of sign
less than 7.5m	600mm
7.5m to 9m	750mm
more than 9m	900mm

- (3) Where more than one horizontal sign is fixed to the same storey or level of a building and those signs face the same street, the signs shall be fixed to that building in one line and shall be of uniform height.
- (4) Notwithstanding clause 4.7(2), if a horizontal sign on the facade of a building—
 - (a) identifies the owner or an occupier of that building; and
 - (b) is the only sign on that façade to do so; that sign may be constructed to a maximum height of 1,200mm.
- (5) Notwithstanding clause 4.7(2), where there is no roof sign on a building, a horizontal sign attached to the uppermost storey or level of a building may be constructed to a maximum height of 4,500mm if no part of the sign is less than 12m above the ground below the sign.

4.8 Illuminated Sign

- (1) An illuminated sign shall—
 - (a) Be constructed of non-combustible material;
 - (b) Have its electrical installation construction and maintained to the satisfaction of the electricity supply authority and in accordance with AS/NZS 3000:2007;
 - (c) Be maintained to operate as an illuminated sign; and
 - (d) Not have a light of such intensity as to cause annoyance to the public.

4.9 Photographic Signs

- (1) Where an application for a licence proposes to project photographic signs in a series, the local government may issue one licence in respect of all the signs in that series.
- (2) Where a licence for a photographic sign to be projected in a series has been issued, no sign other than those in respect of which the licence has been issued shall be projected.
- (3) Where a licence for a photographic sign or signs is issued the licence shall specify the building, screen or structure onto which such sign or signs may be projected.

- (4) The sign or signs shall not be projected onto any building, screen or structure not specified in the licence.
- (5) The owner and occupier of any building, screen or structure and the owner and occupier of any land on which a screen or structure is erected shall ensure that no photographic sign or signs is or are projected onto the building, screen or structure unless the licence has been issued with respect thereto and the provisions of this paragraph are complied with.

4.10 Pylon Sign

- (1) A pylon sign—
- shall not have any part thereof less than 2.7m or more than 6m above the level of the ground immediately under the sign;
 - shall not exceed 2,550mm measured in any direction across the face of the sign or have a greater superficial area than 4m²;
 - shall not project more than 900mm over any street, way, footpath or other public place;
 - shall be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
 - shall not be within 1,800mm of the side boundaries of the lot on which it is erected; and
 - shall have no part thereof less than 6m from any part of another sign erected on the same lot of land.

4.11 Roof Sign

- (1) A roof sign—
- shall at no point be within 3,600mm of the ground; and
 - shall not exceed beyond the external walls of the building.
- (2) Where the height of a building above the ground at the point where a roof sign is proposed to be erected, is that specified in the first column of the following table the distance between the top of the roof at the point and the top of the sign shall not exceed that specified in the second column of the table,

Building Height	Maximum Height of sign above rooftop
3.6m to 4.5m	1200mm
4.6m to 6m	1800mm
6.1m to 12m	3800mm
12.1m to 18m	4500mm
More than 18m	600mm

- (3) When ascertaining the height of a building above ground level for the purpose of this clause, any part of the roof, at the point where the measurement is being taken, which is provided solely for the purpose of architectural decoration shall be disregarded.
- (4) A roof sign shall not be erected
- (a) on any building where a horizontal sign which exceeds 1,200mm in height is attached to the uppermost storey or level of the building; or
 - (b) if the issue of a licence for the erection of such a sign on that storey or level has been approved under this local law.

4.12 Rural Producer's Sign

A rural producer's sign may be erected or displayed on land zoned rural, rural residential, _____ or similar under a local planning scheme of the local government provided that—

- (a) the sign shall only advertise produce which has been grown and processed on the land on which the sign is erected;
- (b) the sign is removed when the produce is not available for sale;
- (c) if there are two more lots which abut each other and under one ownership there shall be no more than two such signs displayed at any one time in respect of all produce grown on all of those lots;
- (d) the sign shall not exceed 1m² in area or 3 metres in height.

4.13 Sale signs

Subject to this local law a person shall not erect or maintain a sale sign—

- (a) exceeding 2m² in area for sale signs applicable to single dwellings;
- (b) exceeding 5m² for sale signs applicable to multiple dwellings, shops, commercial or industrial properties;
- (c) exceeding 10m² for sale signs applicable to large shopping centres or rural properties larger than 5 hectares in their entirety;
- (d) in respect of an auction sale, for more than 28 days before the date of the auction or for more than 7 days after that date;
- (e) advertising that dwelling units in a building to be erected on the land on which the sign is situated are or will be available for letting or for purchase—
 - (i) before the date of issue of the building licence in respect of that building; or
 - (ii) after 3 months following the completion of the building.

4.14 Signs on fences

Signs on fences are not permitted within the district.

4.15 Sign Under Verandah

- (1) A sign fixed to the underside of a verandah—
 - (a) shall not exceed 2,400mm in length, 0.9m² in area and 600mm in height;
 - (b) shall not weigh more than 60kg; and
 - (c) shall be fixed at right angles to the wall of the building in front of which the sign is erected, provided that where such a sign is erected at a street intersection that sign may be placed at an angle to the wall so as to be visible from both streets.
- (2) If a sign fixed to the underside of a verandah exceeds 300mm in height that sign shall not—
 - (a) be located within 1350mm of the nearest side wall of the building; or
 - (b) be located within 2700mm of another sign fixed to the underside of the verandah.
- (3) If a sign fixed to the underside of a verandah does not exceed 300mm in height that sign shall not—
 - (a) be located within 900mm of the nearest side wall; or
 - (b) be located within 1,800mm of another sign fixed to the underside of the verandah.
- (4) For the purpose of clause 4.4(2) and 4.4(3), the distance of a sign from a side wall shall be measured along the front of the building from the edge of the sign closest to that side wall.

4.16 Temporary community service signs

- (1) A temporary community service sign may be erected on private land or, with the approval of the local government, on a public place subject to the following—
 - (a) no sign shall exceed 0.5m² in area;
 - (b) there shall be no more than 10 such signs relating to the same event or function displayed within the district;
 - (c) the sign or signs shall be removed within 7 days after the function has been held;
 - (d) no two temporary community service signs advertising the same event or activity shall be erected within 100 metres of each other; and
 - (e) no more than two temporary community service signs each advertising two different events or activities shall be erected or displayed closer together than 2 metres.
- (2) A person who erects a temporary community service sign that does not comply with the provisions of this local law commits a breach of this local law and the local government may, subject to compliance with the impounding provisions contained in Part 3, Division 3, Subdivision 4 of the Act, in addition to instituting a prosecution for the breach, remove the temporary community service sign the subject of the contravention from any public place or thoroughfare.

4.17 Tower Sign

- (1) A tower sign—
 - (a) shall not, if illuminated, be a flashing sign; and

- (b) shall not exceed in height one sixth of the height of the mast, tower or chimney stack.

4.18 Verandah and fascia signs

- (1) A sign above the outer fascia of a verandah shall be comprised only of free standing letters which are parallel to the nearest street kerb and each of which has a height of not more than 400mm. Each letter shall be mounted on a base of 75mm in height.
- (2) Subject to section clause 4.13(1), a sign fixed to the outer or return fascia of a verandah—
- (a) shall not exceed 600mm in height;
 - (b) shall not project beyond the outer metal frame or other surround of the fascia;
 - (c) in the case of an illuminated sign, shall not be a flashing sign. For the purpose of this paragraph an illuminated sign which only changes colour is not a flashing sign; and
 - (d) must be constructed so that the bottom edge of the sign is not lower than the bottom edge of the fascia.

4.19 Vertical Sign

- (1) A Vertical Sign—
- (a) must be constructed so that, at no point, is the distance between the bottom of the sign and the ground below less than 3,000mm;
 - (b) shall not project more than 2,400mm above the top of the wall to which it is attached at the point immediately adjacent to the sign and at no point shall the sign be extended more than 1,500mm back from the face of that wall;
 - (c) shall not be located within 3,600mm of another vertical sign attached to the same building; and
 - (d) shall not be located within 1,800mm of either end of the wall to which it is attached except where the end in question—
 - (i) adjoins a street or right of way; or
 - (ii) is set back not less than 1800mm from the boundary of the land on which the building is erected.
- (2) Subject to clause 4.19(3), a vertical sign shall not project more than 900mm from the face of the building to which the sign is attached.
- (a) (3) Where a vertical sign is—
 - (b) (a) fixed to the face of a building;
 - (c) (b) the building is set back behind the face of an adjoining building; and
 - (d) (c) the building is within 3m of the adjoining building;

- (e) the sign may project from the face of the building an additional distance, being the distance that the adjoining building projects beyond the building or 600mm, whichever is lesser.

4.20 Semaphore Sign

- (1) A semaphore sign—
 - (a) shall not be fixed at right angles to the wall to which it is attached;
 - (b) shall not exceed 1,050mm in height at any point
 - (c) shall not exceed 900mm in width at any point; and
 - (d) shall be fixed over or adjacent to the entrance to a building.
- (2) Not more than one semaphore sign shall be fixed over or adjacent to an entrance to a building.
- (3) Subject to clause 4.7(4), a semaphore sign shall not project more than 900mm from the face of the building to which the edge is attached.
- (4) Where a semaphore sign is fixed to the face of a building—
 - (a) that building is setback behind the face of a building which adjoins that building; and
 - (b) that building is within 3m of that adjoining building;a sign may project from the face of the building an additional distance being the distance the adjoining building projects beyond the building or 600mm whichever is the lesser.

4.21 Cinema and theatre signs

Each cinema or theatre (including a open air theatre or cinema) may display a maximum of 2 signs advertising the entertainment being presented from time to time at the venue upon which the signs are displayed, provided that each sign shall not exceed 5m² in area.

Part 5 - Miscellaneous

5.1 Offences

- (1) Any person who—
 - (a) erects, maintains or displays ; or
 - (b) suffers or permits to be erected, maintained or displayed,a sign that does not comply with the provisions of this local law commits an offence.
- (2) Any person who does anything prohibited under this local law or fails to do anything required or directed to be done under this local law commits an offence.

5.2 Notice of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a sign, the local government may give a notice in writing (“notice of breach”) to—
 - (a) The owner of the land on which the sign is erected, maintained or displayed;
 - (b) The person responsible for erecting, maintaining or displaying the sign; or
 - (c) The licensee of the sign.
- (2) A notice of the breach shall—
 - (a) Specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within the time period stipulated in the notice which shall be not less than 14 days from the giving of the notice.
- (3) It is an offence to fail to comply with a notice of breach issued by the local government pursuant to sub-clause (1).

5.3 Penalties

- (1) An offence against a clause specified in Schedule 2 of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule is the modified penalty for that offence.
- (3) Any person who commits an offence under this local law shall be liable upon conviction to a penalty not exceeding \$5,000 and if the offence is of a continuing nature to an additional

penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

5.4 Unlawful Signs

- (1)
- (1) The local government may remove and impound any sign placed or erected on any public place in contravention of the provisions of this local law.
- (2) The impounding of any sign pursuant to sub-clause (1) shall be carried out in accordance with Part 3, Division 3, Subdivision 4 of the Act and Regulation 29 of the *Local Government (Functions and General) Regulations 1996*.
- (3) The local government may make good any damage caused by the installation or removal of a sign contravening the provisions of this local law at the expense of the owner of the sign or person responsible for the placing or erecting of the sign and recover the expense of such removal and repair from the owner or person in a court of competent jurisdiction.

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Schedule 1 – Application for a Sign Licence

Shire of Chittering Signs, Hoardings and Bill Posting Local Law 2015

[Clause 2.4]

No: _____

Date: _____

I hereby apply for a licence for a sign to be erected on the premises known as:

Name of the Owner/Occupier/Applicant/Contractor:
.....

Address of the Owner/Occupier/Applicant/Contractor:
.....

Attach site plan of the proposed sign (in duplicate) indicating style, wording, colours and motifs)

Signature of Owner/Occupier/Applicant/Contractor: _____

Date: _____

DRAFT

Cr Robert Hawes
Shire President

Gary Tuffin
Chief Executive Officer

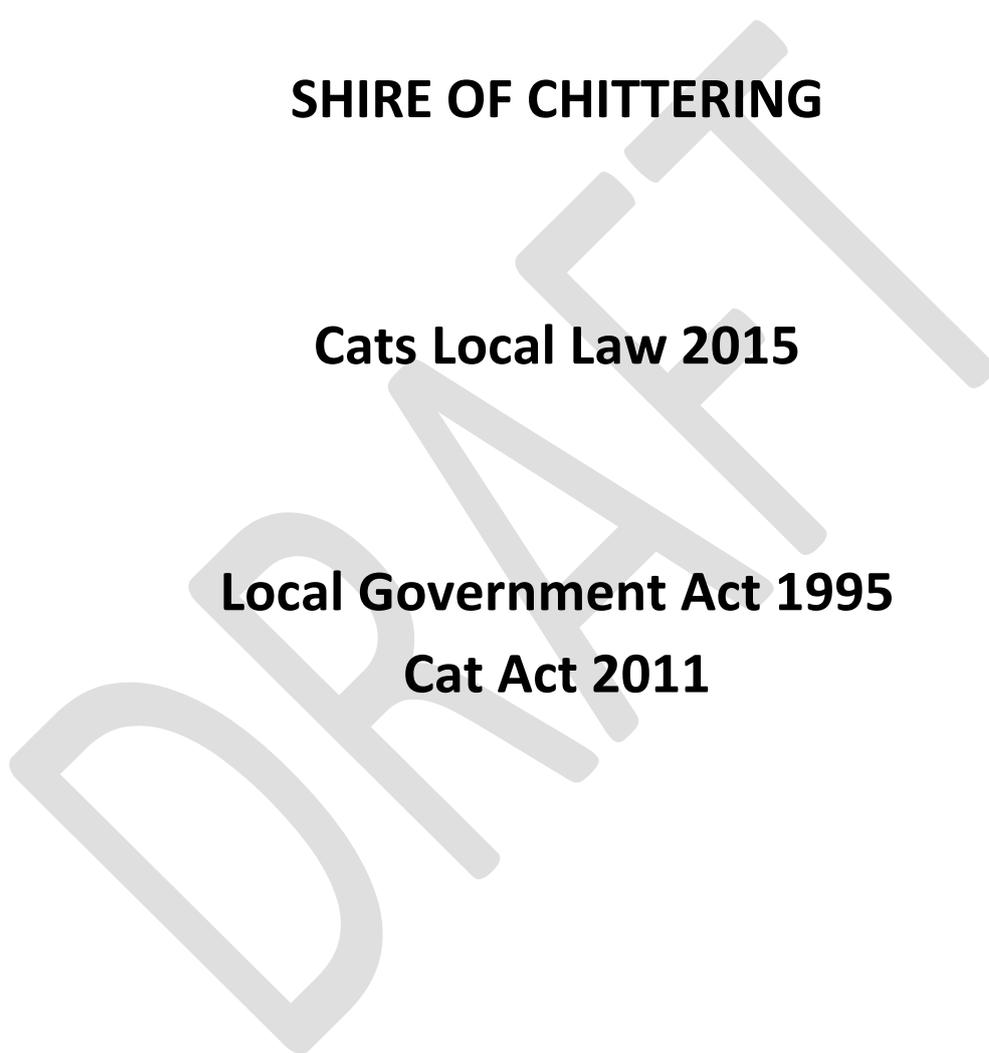
DRAFT

SHIRE OF CHITTERING

Cats Local Law 2015

Local Government Act 1995

Cat Act 2011



**LOCAL GOVERNMENT ACT 1995
CAT ACT 2011**

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Local Government Act 1995
Cat Act 2011

CATS LOCAL LAW 2015

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and by all other powers enabling it, the Council of the Shire of Chittering resolved on [INSERT DATE] to make the following Local Law.

Part 1—Preliminary

1.1 Citation

This local law may be cited as the *Shire of Chittering Cats Local Law 2015*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Objects

The objects of this local law are to —

- (a) Control the number of cats kept on premises;
- (b) Promote responsible cat ownership; and
- (c) Reduce the nuisance to the community and the environment caused by cats.

1.5 Definitions

In this local law unless the context otherwise requires—

Act means the *Cat Act 2011*;

applicant means the occupier of the premises who makes an application for a permit under this local law;

Authorised Person means a person authorised by the Local Government to perform all or any of the functions conferred on an authorised person under this local law;

cat means any member of species *Felis Catus* (domestic cat) or a hybrid of that species.

cat management facility has the meaning given to it in the Act;

cattery means any premises where more than 2 cats over the age of 6 months are kept, boarded, trained or bred temporarily, usually for profit and where the occupier of the premises is not the ordinary keeper of the cats;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

effective control in relation to a cat means any of the following methods —

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape;

keeper in relation to a cat means any of the following persons—

- (a) the owner of the cat as defined in the Act;
- (b) a person by whom the cat is ordinarily kept;
- (c) a person who has or appears to have immediate custody or control of the cat;
- (d) a person who keeps the cat, or has the cat in her or his possession for the time being;
- (e) a person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live;
- (f) a permit holder of a permit which relates to the cat;
- (g) the holder of an exemption issued in relation to the cat;

grouped dwelling (commonly referred to as a duplexes, villas or townhouses) means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

Local Biodiversity Strategy means the Shire of Chittering Local Biodiversity Strategy;

local government means the Shire of Chittering;

microchip has the meaning given to it in the Act;

multiple dwelling (often called flat, apartments or units) means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but —

- (a) does not include a grouped dwelling; and
- (b) includes any dwellings above the ground floor in a mixed use development.

nuisance means behaviour that includes where a cat—

- (a) excretes or urinates on premises being premises where the cat is not normally resident;
- (b) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (c) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;
- (d) interference which causes material damage to land or other property on the land affected by the interference; or
- (e) is, or is likely to be, injurious or dangerous to the health of any person or domestic or Australian indigenous animal;

permit means a permit issued by the local government under clause 2.6;

permit holder means a person who holds a valid permit under clause 2.6;

premises includes—

- (a) any land (whether or not vacant) and any improvements used for any purpose;
- (b) any part of any building in separate ownership or separate occupation, or any unit, flat, town house, duplex, apartment or group or multiple dwelling (whether permanent or temporary nature), industrial or business; and
- (c) a vehicle.

public place includes any place to which the public lawfully has access;

Regulations means the *Cat (Uniform Local Provisions) Regulations 2013*; and *Cat Regulations 2012*

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

Schedule means a schedule to this local law;

Town Planning Scheme means a Town Planning Scheme of the local government made under the *Planning and Development Act 2005*, or a Town Planning Scheme which was made under the *Town Planning and Development Act 1928*; and

single dwelling means a house that stands alone on its own parcel of land.

Part 2—Control of cats

2.1 Cats in public places

- (1) A cat shall not be in a public place unless the cat is, in the opinion of an authorised officer, under effective control;
- (2) If a cat is at any time in a public place in contravention of clause 2.1 (1)—
 - (a) the keeper of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.2 Cats in other places

- (1) A cat shall not be in any prohibited place as identified in schedule 1

Part 3—Permits for keeping cats

3.1 Interpretation

In this Part, and for the purposes of applying the definition of "cattery" in clause 2—
cat does not include a cat less than 6 months old.

3.2 Cats for which permit is required

- (1) Subject to subclause (2) a person is required to have a permit —
 - (a) to keep more than 2 cats on any premises in accordance with a valid permit; or
 - (b) to use any premises as a cattery.
 - (c) To keep 1 or more cats in a Fauna Protected Zone as per Schedule 2.

- (2) A permit is not required under subclause (1) if the premises concerned are—
 - (a) a refuge of the RSPCA or any other registered animal welfare organisation;
 - (b) a cat management facility which has been approved by the local government;
 - (c) a veterinary surgery; or

3.3 Application for permit

An application for a permit under clause 2.2 shall be—

- (a) be made in writing by an occupier of premises in relation to those premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
- (c) accompanied by a brief reason and justification for the request;
- (d) accompanied by the plans of the premises to which the application relates to the specification and satisfaction of the local government;
- (e) accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates; and
- (f) accompanied by the application fee for the permit determined by the local government from time to time.

3.4 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.3.

3.5 Factors relevant to determination of application

- (1) In determining an application for a permit the local government may have regard to—
 - (a) the reasons and justification provided for the request;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the suitability of the zoning of the premises under any Town Planning Scheme which applies to the premises for the proposed use;
 - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (e) the structural suitability of any enclosure in which any cat is to be kept;
 - (f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
 - (g) the likely effect on the amenity of the surrounding area of the proposed use;
 - (h) the likely effect on the local environment, including any pollution or other environment damage which may be caused by the use;
 - (i) any submissions received under subclause (2) within the time specified in subclause (2); and

- (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to—
 - (a) consult with adjoining landowners; and
 - (b) advise the adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.
- (3) The local government may specify the extent of the consultation with nearby residents as specified in clause 2.5(2)(a) and may specify which properties should be consulted.

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3.6 Decision on application

- (1) The local government may—
 - (a) approve an application for a permit in which case it shall approve it subject to the conditions in clause 2.7 and may approve it subject to any other conditions it considers fit;
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

3.7 Conditions

- (1) Every permit is issued subject to the following conditions—
 - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
 - (b) each cat shall be contained on the premises unless under the effective control of a person (keeper);
 - (c) the permit holder will provide adequate space for the exercise of the cats;
 - (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
 - (e) the permit holder shall not substitute or replace any cat once that cat is permanently removed from the premises as per those conditions contained in Schedule 2.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

3.8 Compliance with conditions of permit

A permit holder shall comply with each condition of a permit.

3.9 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until—

- (a) it is revoked; or
- (b) the permit holder ceases to reside at the premises to which the permit relates.

3.10 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

3.11 Permit not transferable

A permit is not transferable either in relation to the permit holder or the premises.

3.12 Permit to be kept at the premises and available for view

A permit issued by the local government shall be kept at the premises to which it applied and shall be provided to an authorised person on demand. In the case of a registered cattery, the permit shall be displayed in a prominent place within the premises.

Part 4—Restricted Areas - Fauna Protection Buffer Zones**4.1 Designation of fauna protection buffer zones**

- (1) The Local Government may designate land as a Fauna Protection Buffer Zone by stating a description of the land in Schedule 2.
- (2) In designating land for the purposes of section 4.1 the local government may have regard to the following matters in relation to the land –
 - (a) the proximity of the land to any other land that has been recognised by any authority as having Fauna of Local, Regional or State significance, or to which section 5 of the *Conservation and Land Management Act 1984*, applies;
 - (b) the nature of the fauna habitat on any nearby public place whether there are any artificial or natural barriers between the land and the land described in (a) and (b) above; and
 - (c) such other matters which the local government considers relevant.

Part 5 – Prohibited Areas**5.1 Designation of fauna protection buffer zones**

- (1) The Local Government may designate land as a Prohibited Area by stating a description of the land in Schedule 1.
- (2) In designating land for the purposes of section 5.1 the local government shall have regard to clause 2.2.

Part 6—Miscellaneous**6.1 Giving of a notice**

A notice given under this local law may be given to a person—

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

Part 7—Objections and appeals

7.1 Objection and appeal rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under *Division 1 of Part 9 of the Local Government Act 1995*.

Part 8—Offences, defence and penalties

8.1 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, on conviction to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

8.2 Prescribed offences

An offence against a clause specified in Schedule 4 is a prescribed offence for the purposes of 30 of the *Cat Regulations 2012*. The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

8.3 Forms

- (1) The issue of infringement notices, their withdrawal, objections, warrants and payment of modified penalties is dealt with under the *Cat Regulations 2012*.
- (2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

Schedule 1 – Prohibited Areas

Reserve Land

All Conservation and Parks and Recreation reserved land designated under the *Transfer of Land Act 1893* and *Shire of Chittering Town Planning Scheme No. 6*

Schedule 2 - Restricted Areas - Fauna Protection Buffer Zones

Shire of Chittering Cats Local Law 2015

[cl 3.1]

High Biodiversity Value Areas

All High Biodiversity Value Areas designated under the *Shire of Chittering Local Biodiversity Strategy*.

Conservation/Preservation Areas

All land identified for the purposes of conservation and preservation of vegetation as designated under the *Shire of Chittering Town Planning Scheme No 6*, *Shire of Chittering Local Planning Strategy* and any endorsed Structure Plan

Schedule 3

ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

A. Permit to keep 3 or more cats

Additional conditions

- (1) The written consent to the application for a permit of the adjoining multiple dwellings has been obtained;
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
 - (a) dies;
 - (b) is permanently removed from the premises.

B. Permit to use premises as a cattery

Additional conditions

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the local government.
 - (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
 - (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Wash basin with the minimum of cold water to be available.

(7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.

(8) An entry book is to be kept recording in respect of each cat the—

- (a) date of admission;
- (b) date of departure;
- (c) breed, age, colour and sex; and
- (d) the name and residential address of the keeper;

(9) The entry book is to be made available for inspection on the request of an authorised person.

(10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.

(11) No sick or ailing cat to be kept on the premises.

(12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

Schedule 4

Shire of Chittering

KEEPING AND CONTROL OF CATS LOCAL LAW 2014

MODIFIED PENALTIES

Item

Number

Clause

Number Nature Of Offence Modified

Penalty

1 2.1(1) Cat in public place \$200

2 2.2(1) Cat in any prohibited place \$200

3 3.2 (1) Keeping of 3 or more cats/cattery on premises without permit \$200

4 3.7(3) Failure to comply with a condition of a permit \$200



Register of Policies

DOCUMENT CONTROL

DOCUMENT DISTRIBUTION LIST			
Copy No	Distributed to	Position/Title	Date
1	All Staff and Councillors		May 2012
2	All Staff and Councillors		May 2013
3	All Staff and Councillors		June 2014

DOCUMENT CONTROL			
Version	Approved by		Date
	Name	Title/Resolution	
1	Ordinary Council	Register of Policies Review Council resolution 100512	16 May 2012
2	Ordinary Council	Register of Policies Review Council resolution 140513	15 May 2013
3	Ordinary Council	Register of Policies Review Council resolution 170614 (N141466)	25 June 2014

AMENDMENTS		
Document Version	Date of Amendment	Amendment details
1	15 August 2012	Financial Policy – <i>Requests for Assistance and/or Donations</i> updated as per Council resolution 200812 (Ref N121020)
1	15 August 2012	Financial Policy – <i>Investment of Funds</i> updated as per Council resolution 220812 (Ref N121022)
1	21 November 2012	Community Development Policy – <i>Use of Chittering Community Bus</i> updated as per Council resolution 081112 (Ref N121079)
1	21 November 2012	Environment and Health Policy – <i>Multiple Dog</i> updated as per Council resolution 131112 (Ref N121084)
1	19 December 2012	Staff Policy – <i>Social Media</i> inserted as per Council resolution 171212 (Ref N131106)
1	20 February 2013	<i>Multiple Dog Policy</i> – insert table as per Council Resolution 150213 (ref N131131)
2	19 June 2013	<i>Smoke-Free Outdoor Areas</i> inserted as per Council resolution 030613 (ref N131227)
2	18 September 2013	Elected Member Policy – <i>Elected Members' Fees, Allowances, Reimbursements and Benefits</i> as per Council resolution 130913 (ref N131297)
2	20 November 2013	Financial Policy - <i>Rating Policy relating to change in predominant use of rural land</i> as per Council resolution 071113 (N131321)
3	20 August 2014	Finance Policy – <i>Regional Price Preference Policy</i> as per Council resolution 090814 (ref N1452223)
3	15 October 2014	Financial Policy – <i>Improvements to Council Properties by External Groups</i> as per Council resolution 111014 (ref N141505)



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1. Administration Policy



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SHIRE OF CHITTERING Register of Policies

1.1 Policy Register

Policy Owner: Governance
Person Responsible: Executive Support Officer
Date of Approval: 15 April 2009
Amended:

Objective The purpose of policy documents is to enable the effective and efficient management of Council resources and to assist staff and Council achieve an equitable decision making process.

Written policies also enable the community to be aware of the reasoning behind administrative and Council decisions, and to be familiar with the philosophy behind individual decisions.

Policy The Chief Executive Officer shall maintain a register of all policy decisions of Council in a loose leaf binder which enables updating when amendments occur and copies of the register will be available for public inspection. Changes to Council Policy shall only occur through a notice of motion by an Elected Member or by a specific agenda item setting out details of the amendment.



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1.2 Use of Civic Centre - Council Chambers

Policy Owner: Governance
Person Responsible: Executive Support Officer
Date of Approval: 15 April 2009
Amended:

Objective To promote the Shire within the community by regulating the use of the Council Chambers to ensure that usage reflects the best interests of the Council and the community.

Policy The Council Chambers may be made available for public meetings subject to availability. Booking requests are to be made through the Executive Support Officer to ensure that the Council Chambers is available.

The Council Chambers cannot be used for:

- private functions
- political purposes
- electoral purposes.

Shire staff members that require the use of Council Chambers and/or the projector will send a request through to the Shire's Executive Support Officer.

Standard facilities include china cups, urn, tea, coffee, sugar and milk. Tea and coffee is on a self-serve basis.

The Chief Executive Officer has the right to refuse any booking. The decision of the Chief Executive Officer is final.

**SHIRE OF CHITTERING**
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1.3 Australian Citizenship ceremonies

Policy Owner: Governance
Person Responsible: Executive Support Officer
Date of Approval: 18 May 2011
Amended:

Objective On behalf of the Department of Immigration and Citizenship the Shire of Chittering undertakes Australian Citizenship ceremonies for local residents / ratepayers who have received their notification from the Department of Immigration and Citizenship.

Policy As part of the welcome package to new Australian Citizens within the Shire of Chittering the following is to be given as a gift:

- CWA Cookbook
- Native plant

The CWA Cookbook is obtained from the local CWA Bindoon; and the native plant is obtained from a local nursery supplier.

Where possible citizenship ceremonies may be coordinated with Australia Day (26 January) and Citizenship Day (17 September).



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1.4 Complaints Handling

Policy Owner: Corporate Services and Governance
Person Responsible: Manager Human Resources
Executive Manager Corporate Services
Date of Approval: 15 April 2009
Amended:

Objective To eliminate Council involvement in frivolous, vexatious or complaints with an ulterior motive.

Policy Council will only take action on complaints in regard to third parties in writing with the inclusion of the complainant's name and address. All action in relation to complaints shall be implemented in accordance with Freedom of Information and Privacy legislation.

All external complaints in relation to Council's operation are dealt with by the Manager Human Resources.

Any Public Interest Disclosures are dealt with by the Executive Manager Corporate Services.



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1.5 Execution of Documents

Policy Owner: Governance
Person Responsible: Executive Support Officer
Date of Approval: 15 April 2009
Amended:

Objective To provide guidelines and expediency for the use of the Shire Common Seal and attestation of legal documents.

Policy Following a specific Council decision, the Shire President and the Chief Executive Officer, or their deputies as prescribed in the **Local Government Act 1995**, shall sign all documentation of a legal or statutory nature with inclusion of the Common Seal.

The Executive Support Officer is to ensure that the "Common Seal Register" booklet is kept up-to-date and completed correctly for statutory compliance.



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1.6 Political Electioneering Posters

Policy Owner: Development Services
Person Responsible: Executive Manager Development Services
Date of Approval: 15 April 2009
Amended:

Objective To control political advertising within the Shire.

Policy The posting of political or electoral advertising in public places is prohibited within the Shire of Chittering unless a "Special Permit" is obtained from the Shire's Principal Building Surveyor.

A "Special Permit" in accordance with the Shire's *By-Laws relating to Signs, Hoardings and Bill Posting, Clause 2.5*:

2.5 Special Permits

2.5.1 Notwithstanding anything contained in these by-laws the Council may permit under the hand of the Building Surveyor allow the display of advertisements at churches, schools, theatres and other places of public entertainment, election notices, or advertisements of meetings or other matters of public interest upon such terms for such period as the Council may in each case decide.

2.5.2 The Council may revoke any such permit at any time without assigning any reason for such an action.

2.5.3 Upon the expiration or revocation of a permit issued under these by-laws, the person to whom it was issued shall forthwith remove the advertisement to which it relates and failure so to remove the advertisement is an offence.



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1.7 Travel and Accommodation

Policy Owner: Governance
Person Responsible: Executive Manager Corporate Services
Executive Support Officer
Date of Approval: 15 April 2009
Amended:

Objective To ensure that the most appropriate, cost effective and accountable travel and accommodation arrangements are initiated for Elected Members and staff attendance at functions, events and conferences.

Policy The Chief Executive Officer will undertake all arrangements for travel and accommodation options for Elected Members and staff using negotiation and corporate / government rates to secure the most cost effective rates available.

Air travel will be by economy class with concessional prices pursued in all instances.

The reimbursement of reasonable out of pocket expenses will be made to Elected Members and staff on official Council business as determined by the Chief Executive Officer.



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1.8 Communications

Policy Owner:	Corporate Services
Distribution:	All Directorates and Elected Members
Person Responsible:	Records Officer
Date of Approval:	18 May 2011
Amended:	

Objective To provide a high quality service to all stakeholders in the Shire of Chittering for all communications regarding Council business.

Policy The Shire of Chittering is committed to ensuring fairness and equity and that the community is kept informed on matters before Council, whilst providing a friendly, helpful and respectful and professional service. Effective communication is a key to ensuring that these principles of operation are met. All communication regarding Council business from a member of staff or an Elected Member shall be at all times courteous, clear and professional.

Correspondence will be managed within the protocol contained within Council's software for Records Management and will comply with the requirements of the *State Records Act 2000* and the *State Records Principles and Standards 2002*.

The Shire of Chittering will ensure at all times that the *Communication Plan 2012* and the *Community Engagement Plan 2012* are adhered to when communicating with Councillors and the general public.

Correspondence received

All external written correspondence will receive a written response within seven (7) working days of receipt, however an acknowledgement will be provided if, in the view of the appropriate Manager, a full and detailed reply is not possible within that time frame.

External correspondence that is received marked as a copy and addressed to a third party will not be acknowledged unless, in the opinion of the relevant Manager, a response is appropriate.

Facsimiles and electronic mail will be treated as written correspondence.



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Managers and the Chief Executive Officer shall determine which items of correspondence will be presented to Council, through the appropriate committee or directorate.

Presidential correspondence

Presidential correspondence will be issued on Shire of Chittering letterhead. A file copy of presidential correspondence shall be maintained in the appropriate file(s), together with originating correspondence. In instances where the President is providing technical information to correspondents, the appropriate officer will draft the correspondence or that section of correspondence.

Elected Member correspondence – incoming

- (1) All correspondence received by the Shire of Chittering is deemed as Shire of Chittering correspondence, unless:
 - a) it is addressed to an Elected Member's name; and
 - b) it is marked "Private and Confidential"; and
 - c) it has no reference to the Shire of Chittering as part of the address or addressee.
- (2) In all cases where correspondence is described in Item 1 complies with 1a, b or c, above, it will be left unopened in an Elected Member's correspondence box.
- (3) On all occasions where correspondence bearing an Elected Member's name is received and does not comply with Item 1a, b, c, it will be opened by administration.
- (4) The above items are conditional upon total compliance with all Telecommunications and Australian Postal Regulations and Laws.

In cases, when the contents make reference to matters that are deemed as requiring attention by administration, a reference note will be added to the correspondence by an appropriate administration officer, marked for the Elected Member's attention, and the note will detail the action to be taken by the appropriate department, with particular reference to Item 3 above only.

Stationery

The Shire's stationery and equipment, including letterhead and envelopes are not to be used for election purposes.

Communication between Elected Members and staff

In order to facilitate effective use of staff resources, all enquiries and requests from Elected Members shall be directed to the Chief Executive Officer or relevant Executive Manager. Where the request entails the use of Shire resources (human or physical) to an extent which an Executive Manager believes may impact on the effective management of the directorate, the request is to be



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referred to the Chief Executive Officer for determination. The Chief Executive Officer will discuss such requests with the originating Elected Member to determine the extent of information or action required.

The Chief Executive Officer may subsequently refer the matter to Council for determination should a resolution not be achieved.

Communication between Elected Members and staff will in general be governed by the 'Code of Conduct'.

Media contact

In accordance with the *Local Government Act 1995*, the spokesperson for the Council is the Shire President, and with the President's authorisation the Chief Executive Officer, either of whom may delegate authority to the appropriate Executive Manager to make a statement on behalf of the Shire.

Publications

Publications produced by the Shire will be available for residents and ratepayers in the Bindoon Library, the website and from the administration centre.

The following publications will be advertised in the *Northern Valley News* and *The Advocate* and will also be available, on request, in alternative formats:

- Annual report
- Annual financial statements
- Strategic plan
- Local laws

Advertising

All statutory advertisements requiring local public notice shall also be advertised in *The Advocate* and *Northern Valley News*, unless in the opinion of the Chief Executive Officer, this is not practicable for the purposes of meeting time frames and required deadlines.

Public notices will also be made available on the Shire's website.



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1.9 Prosecutions by Council against Offenders

Policy Owner: Governance
Person Responsible: Chief Executive Officer
Date of Approval: 20 May 2009
Amended:

Objective To provide guidelines on taking legal action.

Policy Any recommendations to Council, for prosecution of offenders, or action on prosecutions that Council has authorised to institute automatically, shall give due consideration to the following factors:

- Where proof will depend on any material, particularly upon the evidence of anyone other than an officer of the Shire, it has been ascertained that the person concerned is willing to give that evidence in court.
- Where the offence is a continuing one and the Shire will be satisfied if remedial work is carried out to end the offence, the substance of what is required has been communicated to, and ignored or rejected by, the defendant.
- Where there is any suggestion that the defendant may be a minor, that possibility has been investigated.
- Where proof in a prosecution will depend upon the evidence of a person other than an officer of the Shire, that person is advised prior to a recommendation for prosecution is being undertaken on the basis that evidence will be given in court by that person on the Shire's behalf.



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1.10 Recycled Purchasing

Policy Owner: Corporate Services
Person Responsible: All staff
Date of Approval: 20 May 2009
Amended:

Objective To demonstrate a commitment to the philosophy of recycling by supporting the purchase of recycled products and materials where practicable.

Policy Council encourages the purchase of recycled goods wherever possible, particularly in the use of paper products within the office environment. Preference will be given to the purchase of Australian made products which contain recycled material, to further promote the viability of recycling generally.



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1.11 Contribution to the cost of dividing fences

Policy Owner: Development Services
Person Responsible: Executive Manager Development Services
Date of Approval: 20 May 2009
Amended:

Objective To provide a basis for Council contribution towards the cost of dividing fences.

Policy Council will contribute 50% to the cost of a sufficient dividing fence where the fence adjoins land held in freehold title by the Council.

Council will not contribute where a fence adjoins Crown Land (exempt under *Dividing Fences Act 1961*).



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1.12 Security Cameras and CCTV

Policy Owner: Governance
Person Responsible: Executive Manager Technical Services
Date of Approval: 20 May 2009
Amended:

Objective To specify operating procedures and guidelines for the operation of security cameras and CCTV (Closed Circuit Television) within the Shire of Chittering.

Policy **Definitions**
"Authorised personnel" to view the security tapes are the Chief Executive Officer, all senior staff and the Shire Rangers.

Location of Cameras

Cameras are to be located randomly throughout the Shire of Chittering under the supervision and authority of "authorised personnel".

Recording Control

- a) The Chief Executive officer may authorise the copying of original recordings where an incident is the subject of legal proceedings.
- b) Copying of original recordings is to be made only by an officer authorised by the Chief Executive Officer for this purpose.
- c) Any copy is to be marked 'copy' and certified as such.
- d) Certified copies of recordings may only be released to the WA Police, lawyers acting on behalf of individuals engaged in legal proceedings related to a recorded incident, or individuals acting as their own legal counsel in relation to a recorded incident.
- e) Certified copies will only be released to the parties named above when permission has been received from the Chief Executive Officer and on the completion of the appropriate documentation.
- f) At no time shall the security camera be used to tape members of the public going about their lawful business.
- g) At no time shall the security camera be used to provide surveillance of individuals or groups engaging in rallies, protests or other political behaviour unless there is a well-founded belief that an offence against statute law is likely to or is taking place.
- h) Any incident recorded shall be noted in the daily log book including date, time and category of incident.



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- i) All recordings shall be kept in secured storage under the control of the Shire of Chittering.
- j) All original recordings shall be erased after three days after the date of the recording unless a request is made in writing for it to be held.
- k) All written requests for access to original recordings shall be addressed to the Chief Executive Officer.

Viewing of Recordings

Requests to view a recording shall be responded within one working day.

Release of original recordings or still photographs

- a) Original recordings and still photographs shall not be released to any person or organisation unless requested under the WA Criminal Code, by court summons or by other legal instrument.
- b) At no time shall original or copied recordings or still photographs be released to any media organisations, journalist or other individual or group without the written approval of the Chief Executive Officer of the Shire of Chittering.

Joint operations with WA Police

- a) Members of the WA Police may request the cooperation of the Shire of Chittering for the purpose of covert surveillance of WA Police operations.
- b) Such requests shall be made in writing by the WA Police officer responsible for coordinating the operation.
- c) The request shall detail the times and general purpose for which surveillance support is requested.
- d) The Shire of Chittering may decline to provide cooperation
- e) The Shire of Chittering authorised personnel may withdraw cooperation at any time during the operation if she/he believes that the surveillance is not operating within the procedures outlined in this document as approved and amended by the Shire of Chittering or she/he believes that other operational requirements have a higher priority.

Record Keeping

- a) The authorised personnel shall record all telephone calls, requests for police assistance and recording in the daily log book.
- b) The daily log book shall be kept in a secure location and shall not be altered or have pages removed at any time.



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1.13 Asset Management – Infrastructure Assets

Policy Owner:	Governance
Person Responsible:	Executive Manager Corporate Services
Date of Approval:	18 May 2011
Amended:	

Objective	The objective of this policy is to ensure that the Shire of Chittering has systems and processes in place to maximise its ability to continue to deliver services on a sustainable basis. Services delivered by the Shire depend on Infrastructure Assets provided to a level of service (LOS) determined by the Council that is affordable to the community and sustainable in the long term.
Policy	<p>The Shire of Chittering considers that management of its Infrastructure Assets is a major corporate function that requires an organisation wide approach. To achieve this, the Shire of Chittering will:</p> <ul style="list-style-type: none"> • Incorporate Asset Management into the Shire’s Corporate Plan, Strategic Plan and Annual Budget • Develop Asset Management plans for the following classes of Infrastructure Assets: <ul style="list-style-type: none"> ○ Roads ○ Drainage ○ Buildings ○ Parks and Reserves • Define and document (within Asset Management plans) the functional and operational levels of service for each infrastructure asset class, underpinned by a long-term (ten year) financial plan based upon Risk Management Principles • Involve and consult with the community and key stakeholders when determining levels of service for Infrastructure Assets • Develop an Asset Management Improvement Strategy that allocates resources to ensure sustainable continuous improvement in relation to Asset Management practices within the resource constraints of the organisation. • Prior to consideration of any major works/renewal or improvement to or creation of an asset, undertake a critical review of the need for the asset including capital, maintenance, operating, renewal , refurbishment, and upgrade costs based on the following key principles: <ul style="list-style-type: none"> ○ Consider the “whole of life” cost of the assets from the creation to divestment of the asset



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- Consider options to renew assets before creating new assets
- Ensure that the assets forms part of an overall financial strategy
- Consider the origin and sustainability of funding sources
- Continually seek opportunities for the multiple use of assets
- Ensure that the roles and responsibilities of all asset users and asset managers are well defined and understood
- Guide the development of Asset Management via an organisation wide, multi-discipline Asset Management Working Group that reports to the Executive Management Team
- This policy is to be reviewed annually by the Asset Management Working Group.

Definitions

“Asset”

Means a physical item that is owned or controlled by the Shire of Chittering, and provides or contributes to the provision of service to the community (in this context excluding financial, intellectual and non-tangible assets)

“Asset Management”

Means the processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal, to ensure that the assets meet Council’s priorities for service delivery.

“Asset Management Plan”

Means a plan developed for the management of infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset.

“Council”

Means the elected Council (comprising Councillors) of the Shire of Chittering.

“Infrastructure Assets”

Are fixed assets that support the delivery of services to the community. These include the broad assets of roads, drainage, buildings, parks and reserves.

“Level of Service”

Means the combination of function, design and presentation of an asset. The higher the Level of Service, the greater the cost. The aim of asset management is to match the asset and level of service to the community expectation, need and level of affordability.



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“Life Cycle”

Means the cycle of activities that an asset goes through while it retains an identity as a particular asset.

“Whole of the life cost(s)”

Means the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance and rehabilitation and disposal costs.

“Maintenance”

Means regular ongoing day-to-day work necessary to keep the asset operating and to achieve its optimum life expectancy.

“Operations”

Means the regular activities to provide public health, safety and amenities and to enable the assets to function, e.g. road sweeping, grass mowing, cleaning, street lighting and graffiti removal.

“New”

Means creation of a new asset to meet additional service level requirements.

“Resources”

Means the combination of plant, labour and materials, whether they be external (contractors/consultants) or internal (staff/day labour).

“Renewal”

Means the restoration, rehabilitation or replacement of an existing asset to its original capacity. This may include the fixture of new components necessary to meet new legislative requirements in order that the asset may achieve compliance and remain in use.

“Risk”

Means the probability and consequence of an event that could impact on the Council’s ability to meet its corporate objectives.

“Shire”

Means the collective Shire of Chittering organisation. The Chief Executive Officer of the Shire of Chittering is responsible for ensuring the Shire’s obligations and commitments are met.

“Stakeholders”

Are those people/sectors of the community that have an interest or reliance upon an asset and who may be affected by changes in the level of service of an asset.

“Upgrade”

Means the enhancement of an existing asset to provide a higher level of service.



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1.14 Smoking, Other Drugs and Alcohol

Policy Owner: Governance
Contact Person: Manager Human Resources
Date of Approval: 18 May 2011
Amended:

Objective The aim of this policy is to ensure a safe workplace free from the effects of smoke, drugs and alcohol. The policy is directed towards the welfare of the individual and the safety and health of other people and, although disciplinary action may be necessary, the focus is on preventative measures.

Policy The Shire of Chittering **Smoking, Other Drugs and Alcohol Policy** demonstrates a commitment on the part of the Shire to minimise, within its operating guidelines, alcohol and drug related harm to individuals and property.

The policy applies to staff, volunteers and visitors to the Shire as well as to activities conducted on and in Shire premises or on behalf of the Shire.

Employees are obliged to present themselves for work in a fit state so that in carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risks to safety and health.

All Shire of Chittering staff members and volunteers share the responsibility for protecting the work environment by exemplifying high standards of professional and personal conduct. This responsibility extends to adopting, supporting and enforcing the **Smoking, Other Drugs and Alcohol Policy** as appropriate to the role of the individual or the position.

Smoking

The Shire of Chittering has a duty to provide, as far as is reasonable, a safe and comfortable environment for employees, volunteers and visitors. The following policy and procedures aim to minimise the harmful effects of passive smoking and its related discomfort to others and ensure a safe and healthy working environment.



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Policy

- Smoking is prohibited in all Council owned/leased buildings.
- The Shire of Chittering upholds the right of an individual to work in a smoke-free environment.
- There is no provision for the designation of smoking-permitted rooms or areas in buildings controlled by the Shire of Chittering.
- Smoking is not permitted within five metres of entrances to buildings or ten metres from an air-conditioning unit.
- Smoking is banned in all Shire of Chittering vehicles.
- The Shire of Chittering smoking policy is recognised as an Occupational Health and Safety responsibility.
- All job applicants to the Shire of Chittering shall be informed of the policy in regard to smoking in the workplace. It is the responsibility of the department concerned to advise all potential employees and volunteers of the non-smoking policy.

Other drugs and alcohol

The purpose of this section of the policy is to provide a framework for Council, staff and volunteers to follow when dealing with issues relating to the consumption of alcohol and other drugs.

Both legal and illegal drugs can be broadly categorised as depressants, stimulants or hallucinogens. Most drugs, even in very low doses, can affect the capacity of an employee to carry out their duties safely.

Some medications that may be prescribed by a doctor or obtained over the counter may cause impairment. In the event that an employee or volunteer is on medication that may cause impairment, they should advise their supervisor.

Medication should be taken as per the directions on the label or as advised by the pharmacist or doctor.

Employees/volunteers should outline the duties of their role to their doctor and seek advice as to whether they will be impaired or affected by the medication they are taking.

The use of drugs and or alcohol in the workplace is forbidden. An employee being under the influence of alcohol, drugs or illegal substances in the workplace is not acceptable.

The Chief Executive Office may waive this requirement where circumstances warrant (for example, during a social event).



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Employees/volunteers are personally responsible for any civil or criminal penalty which results from being under the influence of drugs or alcohol in the workplace.

Objectives

This policy will:

- Reduce the effects on the workplace of the misuse/abuse of alcohol and other drugs (e.g. absenteeism, accidents and low productivity);
- Provide practical guidelines to managers for dealing with employees/volunteers whose work performance or conduct is affected by the misuse / abuse of alcohol and other drugs;
- Consult and reach agreement with employees/volunteers at all stages of the implementation of this policy and the development of practical guidelines.

Shire of Chittering employees/volunteers are encouraged to cooperatively develop, implement and monitor guidelines, consistent with Western Australian laws and Shire of Chittering policy, for alcohol and other drug use including:

- Minimising harm to individuals and property and the reputation of the Shire which may be caused by the use of alcohol and other drugs;
- Intoxication and irresponsible behaviour;
- Consequences for infringing drug and alcohol guidelines.

- 1 The terms of the **Liquor Control Act 1998** and **Liquor Licensing Act 1998** apply on Shire of Chittering sites as they do elsewhere. It is therefore illegal to sell liquor on Shire sites, either directly or indirectly.

Alcohol shall not be brought onto or consumed in the workplace without the permission of the Chief Executive Officer.

- 2 It is forbidden for employees / volunteers to consume alcohol during work hours without the permission of the Chief Executive Officer.

Coming to work under the influence of drugs or alcohol is strictly prohibited.

Some prescribed drugs may affect work performance and make it dangerous to drive or operate machinery. Employees/volunteers who have been prescribed drugs of this type must advise their supervisor before they commence work.



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- 3 Employees/volunteers who admit to having a drug or alcohol related problem are encouraged to speak to their supervisor or manager about arrangements which can be made for them to receive professional and confidential medical counseling.



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1.15 Honorary Freeman of the Shire of Chittering

Policy Owner:	Governance
Person Responsible:	Executive Support Officer
Date of Approval:	25 June 2014
Amended:	

Objective This policy guides the nomination, selection and awarding of the prestigious ceremonial title to a person designated as “Honorary Freeman of the Shire of Chittering”

Policy Council may, subject to eligibility and selection criteria of this policy being met by 75% special majority (6 out of 7 Councillors), decide to confer the title of “Honorary Freeman of the Shire of Chittering” on any person who has rendered exceptional service to the Shire of Chittering community. This prestigious honour will not be awarded regularly, but only on rare and exceptional occasions.

The award is in title only – no financial benefit is attached to the award. Recipients are however invited to significant events that are sponsored by the Shire of Chittering.

The process for nominating and selecting a person and awarding the title is as follows:

Eligibility

- (1) All members of the Shire of Chittering public including past elected members and staff can be nominated
- (2) A current elected member or employee cannot be nominated for the award
- (3) In recognition of the standing of this award a maximum of five living persons only may hold the title of “Honorary Freeman of the Shire of Chittering” at any one time
- (4) The honour shall not be awarded posthumously

Selection Criteria

Nominees will be judged on their record of service to the community on the basis of the following criteria:

- (a) Nominees must have lived in, worked or served the Shire of Chittering for a significant number of years (20 years or more);
- (b) Level of commitment to their field(s) of activity;
- (c) Outstanding personal leadership qualities and personal integrity;



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- (d) Benefits to the community of the Shire of Chittering, to the State of Western Australia or to the nation resulting from the nominee's work; and
- (e) Special achievements of the nominee.

Nomination Process

To preserve the integrity and importance of bestowing the honour of "Honorary Freeman of the Shire of Chittering" upon any individual, the following procedure shall be adopted:

- (1) Nomination for an "Honorary Freeman of the Shire" clearly outlining in chronological order the history of community service and achievements of the nominated person, must be made in writing to the Chief Executive Officer in the strictest confidence, without the nominee's knowledge.
- (2) On receipt of the nomination the Chief Executive Officer will circulate a copy of the nomination and any supporting information to all elected members for initial consideration.
- (3) Elected members shall have reasonable time, being no less than two weeks, to consider the proposal.
- (4) If an elected member expresses an objection to the nomination, they must give their reasons for the objection in writing to the Chief Executive Officer within the prescribed time frame.
- (5) A nomination must be supported in writing by at least one third of the elected members of Council.
- (6) Elected members who do not formally respond in writing will be presumed not to object to the proposal.
- (7) If the nomination is sufficiently supported, the Chief Executive Officer will subject a confidential report to Council.
- (8) The nominee's name and identifying information will be maintained as "confidential" in all meeting papers.
- (9) The recommendation to Council will include a clause requiring confidentiality of the report be maintained until the title is conferred upon the nominee at a formal Council function.
- (10) The decision of Council to adopt the Chief Executive Officer's recommendation requires a 75% special majority (6 out of 7 Councillors).

It is imperative that confidentiality is maintained throughout the nomination process. The standing of the Shire and the individual concerned should not be brought into disrepute or embarrassment in any way.

Awarding the title

Once Council has accepted the nomination, the nominee shall be contacted by the Chief Executive Officer on a confidential basis to determine whether the award will be accepted. Should a nominee decline to accept the award, all elected members will be informed and the matter will lapse.



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Conferral of the title shall be carried out at a formal Council function. The Chief Executive Officer, in consultation with the Shire President, will decide the occasion and format of the conferral ceremony. The Governor of Western Australia, the Premier and the Opposition Leader shall be included on the list of distinguished invited guests.

A certificate of "Honorary Freeman of the Shire of Chittering", signed under the Common Seal by the Shire President and Chief Executive Officer, will be presented to the recipient.

A suitable media statement shall be prepared for release on behalf of the Shire President.

A framed photograph of the "Honorary Freeman of the Shire" will be hung in the Shire's Administration Building. Upon the passing of a Freeman, this photograph will be removed and offered to the next of kin.

Entitlements

The Honorary Freeman and their partner shall be invited to all formal civic functions conducted by the Shire.

Personal Conduct

An "Honorary Freeman of the Shire of Chittering" shall display high standards of the personal conduct and behaviour at all times and shall not bring the Shire into disrepute.

Council reserves the right to cancel the honour in the event that the holder is convicted of a serious criminal offence or brings the Shire into disrepute. This decision shall be made by absolute majority.



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1.16 Risk Management Policy

Policy Owner:	Governance
Person Responsible:	Executive Manager Corporate Services
Date of Approval:	25 June 2014
Amended:	

Objective	<p>To document the commitment and objective regarding managing uncertainty that may impact the Shires strategies, goals or objectives.</p> <p>Optimise the achievement of our vision, mission, strategies, goals and objectives</p> <p>Provide transparent and formal oversight of the risk and control environment to enable effective decision making</p> <p>Enhance risk versus return within our risk appetite</p> <p>Embed appropriate and effective controls to mitigate risk</p> <p>Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations</p> <p>Enhance organisational resilience</p> <p>Identify and provide for the continuity of critical operations.</p>
Policy	<p>It is the Shires policy to achieve best practice (aligned with AS/NZS ISO 31000:2009 Risk Management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.</p> <p>Risk Management will form part of the Strategic, Operations, Project and Line Management responsibilities and where possible, be incorporated within the Shire Integrated Planning Framework.</p> <p>The Shires Management team will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as, direct and monitor implementation, practice and performance.</p> <p>Every employee within the Shire is recognised as having a role in risk management from the identification of risks to implementing risk treatments and shall be invited and encouraged to participate in the process.</p>



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Consultants may be retained at times to advise and assist in the risk management process, or management of specific risks or categories of risk.

Definitions

“Risk”

Effect of uncertainty on objective

Note 1: an effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation wide, project, product or process).

“Risk Management”

Coordinated activities to direct and control an organisation with regard to risk.

“Risk Management Process”

Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Risk Appetite

The Shire quantified its risk appetite through the development and endorsement of the Shires Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.

All organisational risks to be reported at a corporate level are the assessed according to the Shires Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisations appetite and are to be noted within the individual risk assessment

Roles, Responsibilities and Accountabilities

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operation Document)



SHIRE OF CHITTERING Register of Policies

1.17 Community Engagement Policy

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Policy Owner: Community Development
Person Responsible: Executive Manager Corporate Services
Date of Approval: _____
Amended: _____

Objective This policy applies to all Shire staff who deliver services, or undertake projects that impact on stakeholders. The policy provides a framework for how and when stakeholders need to be informed, consulted, involved or collaborated with about new or revised projects and/or services.

The Shire of Chittering (the Shire) is committed to fostering a culture of community engagement and participation in the decision-making process. The work the Shire does impacts the community (stakeholders) it serves; therefore it is essential that they participate. Engagement is more than just telling stakeholders what is being done; it is giving them the opportunity to make a contribution to the decision-making process. This gives the Shire the knowledge that as an organisation they are delivering the best possible outcomes for all concerned.

The purpose of this policy is to provide a framework for community engagement. The Shire has developed a Community Engagement Plan which lists the procedure. This is to ensure consistency across the organisation, and staff are to follow this when undertaking engagement projects.

Engagement encourages and supports stakeholder participation in local government decision-making. All community engagement is to be undertaken in accordance with the principles of this policy.

Policy Community engagement enables the Shire to inform, consult, involve or collaborate with stakeholders, in accordance with the methods outlined within the International Association for Public Participation (IAPS) spectrum.

Engagement provides Elected Members and Administration with the opportunity to:

- Listen to stakeholders;
- Consider a range of options and develop ideas together with the stakeholders; and
- Build a shared understanding on the approach taken on different projects and services.

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SHIRE OF CHITTERING Register of Policies

Engagement ensures that:

- Stakeholders are aware of, and/or participate at the appropriate level in, the development and review of policies, plans and services;
 - Stakeholder satisfaction with the Shire's policies, plans and services is acknowledged and considered, and feedback is provided on the results of their input; and
- Council is open and accountable in its decision making, resource management and expenditure.

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SHIRE OF CHITTERING
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1.18 Integrated Workforce Planning and Management Policy

Policy Owner: Manager Human Resources

Person Responsible: Manager Human Resources

Date of Approval:

Amended:

Objective

To demonstrate that the Shire is committed to ensuring that strategic, operational and legislative objectives are met by effective workforce planning and resourcing to demonstrate compliance with the Integrated Planning requirements of the Local Government Act 1995, Regulation S5.56(2).

Background

Planning and managing the workforce with the increasing focus by State and Federal Governments on strategic planning, resourcing, occupational safety and health and industrial relations has led to a formal review process in 2012 / 13. These have been triggered by the workforce planning component of the Integrated Planning and Reporting legislative requirements, an update to the Plan for the future requirements of the WA Local Government Act gazetted in 2011; A “plan for the future” - S5.56 (1) of the Local Government Act (1995). Regulations on how to achieve this made under S5.56(2): That local governments develop a Strategic Community Plan that links community aspirations with the Council’s long term strategy; and that the local government has a corporate business plan linking to long term financial planning that integrates asset management, workforce planning and specific council plans (Informing Strategies) with the strategic plan.

Definition of Workforce Planning

Workforce planning is a continuous process of shaping the workforce to ensure it is capable of delivering organisational objectives into the future. It provides the framework for assessing the demand and supply of the workforce and aims to have the right people in the right place at the right time to affect the delivery of organisational goals, resourced through effective long term financial and business plans.



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Principles – Framework - Process

The Shire considers workforce planning to be an essential management function in its operations. They recognise that the achievement of all goals and objectives are reliant on the appropriate capacity, skills, knowledge of the workforce.

Council is committed to resourcing workforce requirements through its integrated planning processes. Council also recognises that the responsibility for managing people lies with the person who has the executive responsibility for the objectives of the service/activity/ function of their division.

The Shire will ensure the Workforce Plan addresses current and future best practice human resource management practices that include:

- Effective and efficient recruitment and retention
- Role and responsibility definition and appropriate performance management.
- Support and encouragement for staff to perform
- Staff training and development;
- Legislative compliance;
- Staff health and wellbeing (OSH)
- Flexibility in employment and work practices to meet organisational and employee needs.

Responsibilities

Executive, managers and supervisors have the responsibility and accountability for ensuring that all staff are managed appropriately within their own work areas.

In each of these areas, current and future demand and supply should be assessed as part of the annual and strategic planning cycles.

All managers will ensure effective setting of KPIs and performance criteria for their staff that will meet relevant organisational objectives.

Staff appraisals will incorporate training and development plans to ensure the current and future skills and knowledge needs are met wherever practicable, with gaps and omissions reported to the CEO or other designated officer for inclusion in the Workforce Planning process.

The corporate services team will collect and monitor relevant workforce data and statistics through the Workforce Plan annual review process.



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The relevant organisational planning and performance monitoring personnel will research and relevant workforce data, demographics and trends as part of the integrated planning cycle.

All Elected Members and officers involved in organisational, operational or project planning will ensure that workforce implications are considered and included in all strategic or operational plans.

Monitor and Review

The Shire will implement a reporting and recording system that will be regularly monitored to ensure human resource supply and demand management is appropriately implemented and sustained across the organisation and there is ongoing identification of issues and trends.

Workforce planning key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored by the Shire's Executive and Council as appropriate and reported as required, being mindful of human resource management confidentiality requirements.



2. Fi n a n c e P ol ic ie s



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2.1 Budget Preparation

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services
Date of Approval:	19 August 2009
Amended:	25 June 2014

Objective To provide guidelines for the timely management of the budget adoption process.

Policy Public consultation and budget expenditure requests from Elected Members, community groups and individuals will commence in March/April each year, with a closing date for such requests being the end of May.

Council is to be presented with a draft budget before the end of June with an estimated surplus/deficit as at 30 June.

Council shall endeavour to adopt the annual budget in July each year.

Advertising

The Request for Inclusion in the Annual Budget will be advertised to coincide with the opening of each funding round and subsequent invitation for applicants.

Time frame

All applicants will be notified of the outcome of their application within one month of Council's decision regarding applications.



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2.2 Investment of Funds

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services
Date of Approval:	19 August 2009
Amended:	

Objective To invest the Shire of Chittering's surplus funds, with consideration of risk and the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met.

Policy

Legislative Requirements
All investments are to comply with the following:

- **Local Government Act 1995** – Section 6.14;
- The **Trustees Act 1962** – Part III Investments;
- **Local Government (Financial Management) Regulations 1996** – Regulation 19, Regulation 28 and Regulation 49
- Australian Accounting Standards

Delegation of Authority

Authority of the implementation of the Investment of Funds Policy is delegated by Council to the Chief Executive Officer in accordance with the **Local Government Act 1995**. The Chief Executive Officer may in turn delegate the day-to-day management of Council's Investments to the Executive Manager Corporate Services.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment of Funds Policy, and not for speculative purposes.

Approved Investments

Investments may only be made with authorised institutions.

Definition of an "authorised institution" is as follows:

An authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or

The Western Australian Treasury Corporation established by the **Western Australian Treasury Corporation Act 1986**.

Prohibited Investments

Investments which are not allowed are as follows:

- Deposits with an institution except an authorised institution;



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- Deposits for a fixed term of more than 12 months;
- Bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;
- Bonds with a term to maturity of more than 3 years;
- Foreign currency.

Risk Management Guidelines

Investments are restricted to bank investments only. The term of the investment will be based on forward cash flow requirements to ensure investment return on available surplus funds.

Reporting and Review

A report on the investments will be included on the monthly Bank Reconciliation presented to Council, detailing which institution the investment is lodged with, the interest rate and the date of maturity.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.



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2.3 Capitalisation

Policy Owner: Corporate Services
Person Responsible: Executive Manager Corporate Services
Date of Approval: 19 August 2009
Amended:

Objective To establish minimum threshold values for capitalisation.

Policy Property, plant and equipment will be capitalised when value exceeds the following scale:

Building	\$0
Land	\$0
Plant and Equipment	\$5,000
Furniture and Equipment	\$5,000
Tools	\$5,000

All items under \$5,000 will be recorded in a register separate to the asset register.

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2.4 Rating of Council Property

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services Rates Officer
Date of Approval:	19 August 2009
Amended:	

Objective To ensure leased facilities reflect community benefit and equitable return.

Policy Council will use its "standard" Shire of Chittering Lease Agreement as the basis for the lease of all Council property, and which will include a provision for the payment of rates.

At the time of approving and/or reviewing any lease, Council will give consideration as to the capacity of the lessee to pay rates or part of those rates, or waive the rates completely.



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2.5 Charitable Organisations

Policy Owner: Corporate Services
Person Responsible: Executive Manager Corporate Services
Date of Approval: 19 August 2009
Amended:

Objective To ensure that organisations claiming exemption from rates, particularly under the *Local Government Act 1995, Section 6.26(2)(g)* are eligible.

Policy Each claim for exemption under this section of the Act shall be accompanied by documentary evidence that the claimant is an approved charitable institution as defined by the Charitable Collections Advisory Committee.

Council will determine each case on merit through the monthly meeting process.



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2.6 Rating

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services Rates Officer
Date of Approval:	19 August 2009
Amended:	

Objective To provide guidelines for the collection of rates and to delegate authority to the Chief Executive Officer for approval to apply alternative instalment options, to appoint debt collection agencies and to comply with all other requirements of the **Local Government Act 1995**.

Policy **Rates Collection**
 A copy of the rate assessment marked "Final Notice" shall be issued forty-two days after issue of the original assessment, allowing fourteen days for payment of the account.

If payment is not received after this time, the debt will be forwarded to the debt collection agency and a letter advising of impending legal action for recovery of outstanding rates and service charges shall be issued sixty-three days after issue of the original assessment, allowing six days for payment.

Outstanding rate accounts for which satisfactory arrangements to pay have not been made within seventy days after issue of the original assessment, the debt collection agency appointed by the Chief Executive Officer will be advised to proceed with legal action.

In cases where the owner of a leased or rented property on which Municipal Rates are outstanding cannot be located or refuses to settle rates owed, notices may be served on the lessee or tenant under the provisions of Section 6.60 of the **Local Government Act 1995**, requiring the lessee or tenant to pay to the Council the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears had been paid.



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Exemption Policy

That the Chief Executive Officer be given delegated authority to grant rating exemptions that are clearly defined in accordance with Section 6.26 of the *Local Government Act 1995* and determined according to this Policy.

When the Chief Executive Officer has granted rating exemptions details on the Organisation, property and sub-Section of Section 6.26 are to be reported to Council on an information basis.

That an exemption be granted from 1 July of the financial year in which application is received or from the relevant date, e.g. settlement or lease where applicable; exemptions shall not be backdated into prior financial years.

That exemptions granted in accordance with Section 6.26 are to be reviewed every two years where practicable and the list be submitted to Council on an information basis.

Back Rating of Properties

That on provision of a valuation from the Valuer General's Office indicating that a previously incorrect valuation has been applied, (either under-valued or over-valued) the Chief Executive Officer shall forward a refund or adjusted assessment calculated to the date the valuation was effective, within the limitation of the *Local Government Act 1995*.

That where a property settlement has occurred, back rates raised shall only be backdated to the date of settlement, thus not affecting the previous owners.

That ratepayers subject to back rates be given the option to pay the same by alternative instalments over an extended period, other than the standard instalment option.

Instalment Options for Payment of Rates and Charges

Rate payers have the option of paying rates by four instalments or two instalments. The first instalment must be made by the due date on the original notice.

Failure to pay the rates in full or choose an instalment option by the due date will deem rates to be outstanding and if not paid in full will be subject to legal action.

After thirty-five days from the issue of the original rate notice, ratepayers may forfeit the right to undertake the instalment option provided.



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Alternative payment arrangements

Should a ratepayer be experiencing difficulty in paying their rates or find the instalment method not suitable, application can be made to Council in writing specifying clearly the amount that can be paid and any reasons that would assist their application. This matter will then be referred to the Chief Executive Officer for determination. Council's Rates Payment Arrangement Plan Fee is applicable on all alternative payment arrangements.

Where rates or service charges remain unpaid

Where rates remain unpaid for a period in excess of one year, then a caveat may be lodged to preclude dealings in respect of the land to protect Council's interests.

Where previous actions to collect outstanding rates and service charges have not been successful and the rates and/or service charges remain unpaid for at least three (3) years, Council in accordance with S6.64 of the **Local Government Act 1995** take possession of the land and hold the land as against a person having an estate or interest in the land and:

- a) from time to time lease the land; or
- b) sell the land; or
- c) cause the land to be transferred to the Crown; or
- d) cause the land to be transferred to the Shire of Chittering.

Early Payment

Should a ratepayer choose to undertake instalments and then clear their account within two weeks of the original due date, then the administration and interest costs will be reversed. Penalty interest will be applied to the payment made after the due date of the original rate notice. Should full payment be received after this date, no adjustment will be made to the costs.

Conditions of Rates Incentive Scheme

1. Payment in full to be made by mail or electronic format (date of receipt at the Council Office is the date of payment), or in person at the Shire Offices, 6177 Great Northern Highway, Bindoon.
2. Payment is to be receipted at Council office before 4.00pm, on the due date stated on the front of the original rate notice.
3. No responsibility will be accepted for late service of any rate notice.
4. Only one entry per rate notice.



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5. The winner will be determined by random selection and announced at the first ordinary meeting of Council after the due date.
6. The winner will be notified by post and published in ***The Advocate*** and the ***Northern Valleys News***.
7. Decision of the Council is final and no correspondence will be entered into.



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2.7 Significant Accounting Policies

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services
Date of Approval:	19 August 2009
Amended:	

Objective To establish financial management procedures which provide full compliance with all local government statutory requirements and accepted accounting principles.

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

(a) Basis of Preparation

The financial report is a general purpose financial report which has been prepared in accordance with **Australian Accounting Standards** (as they apply to local government 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 the selected non-current assets, financial assets and liabilities.

Critical Accounting Estimates

The preparation of a financial report in conformity with **Australian Accounting Standards** requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(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 financial report.



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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, but a separate statement of those monies appears in notes in the financial report.

(c) Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables in the statement of financial position are stated inclusive of applicable GST.

(d) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits held at call with banks, other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are shown as short-term borrowings in current liabilities on the statement of financial position.

(e) Trade and Other Receivables

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(f) Inventories

General

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

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, borrowing costs and holding costs until finance costs and holding charges incurred after development is completed are expensed.

Revenue arising from the sale of property is recognised in the statement of comprehensive income as at the time of signing an unconditional contract of sale.



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Land held for resale is classified as current except where it is held as non-current based on Council's intention to release for sale.

(g) Fixed Assets

Each class of fixed assets is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation or impairment losses.

Initial Recognition

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed includes the cost of all materials, direct labour and variable and fixed overheads.

Revaluation

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on a basis to reflect the already consumed or expired future economic benefits of the asset.

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases in the same asset are charged against fair value reserves directly in equity; all other decreases are charged to the statement of comprehensive income.

Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ significantly from that determined using fair value at balance date.

Land under Roads

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008.



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This accords with the treatment available in **Australian Accounting Standard AASB1051 - Land Under Roads** and the fact **Local Government (Financial Management) Regulation 16(a)(i)** prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, **Local Government (Financial Management) Regulation 16(a)(i)** prohibits local governments from recognising such land as an asset.

While such treatment is inconsistent with the requirements of **AASB 1051, Local Government (Financial Management) Regulation 4(2)** provides, in the event of such an inconsistency, the **Local Government (Financial Management) Regulations** prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

Depreciation of Non-Current Assets

All non-current assets having a limited useful life are separately and systemically 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:

Buildings	30 - 50 years
Furniture and Equipment	4 - 10 years
Plant and Equipment (Heavy)	5 - 15 years
Plant and Equipment (Light)	0 - 10 years
Computer Equipment and Software	3 years
Sealed Roads and Streets	
Clearing and Earthworks	Not depreciated
Construction (Road Base)	50 years
Original Surfacing and Major Re-surfacing	
Bituminous Seals	20 years
Asphalt Surfaces	25 years
Gravel Roads	
Clearing and Earthworks	Not depreciated



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Construction (Road Base)	50 years
Gravel Sheetting	12 years
Formed Roads (Unsealed)	
Clearing and Earthworks	Not depreciated
Construction (Road Base)	50 years
Footpaths (Slab)	40 years
Sewerage Piping	100 years
Recreational Reserves	
Water Supply Piping and Drainage Systems	75 years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income. When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained earnings.

Capitalisation Threshold

Expenditure on items of equipment under \$5,000 is not capitalised. Rather it is recorded on an asset inventory listing.

(h) Financial Instruments

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and Subsequent Measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or at cost.

Fair value represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing



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parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount
- (d) less any reduction for impairment

The effective interest rate method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

(i) Financial assets at fair value through profit and loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost. Loans and receivables are included in current assets, except for those which are not expected to mature within twelve (12) months after the end of the reporting period (classified as non-current assets).

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity. Held-to-maturity financial assets are included in non-current assets, except for those which are expected to mature within twelve (12) months after the end of the reporting period (classified as current assets).



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If the Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale.

(iv) Available-for-sale financial assets

Available-for-sale financial assets, are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable.

Available-for-sale financial assets are included in non-current assets, except for those which are expected to mature within twelve (12) months after the end of the reporting period (classified as current assets).

(v) Financial Liabilities

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost.

Impairment

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instruments, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the statement of comprehensive income.

(i) Estimation of Fair Value

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the reporting date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each reporting date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such



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as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

(j) Impairment

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

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with **AASB 136 'Impairment of Assets'** and appropriate adjustments made.

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

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

(k) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within thirty (30) days of recognition.

(l) Employee Benefits

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

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

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within twelve (12) months represents the amount the Council has a present obligation to pay resulting from employees services provided to reporting date. The provision has been calculated at nominal



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amounts based on remuneration rates the Council expects to pay and includes related on-costs.

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

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where Council does not have the unconditional right to defer settlement beyond twelve (12) months, the liability is recognised as a current liability.

(m) Borrowing Costs

Borrowing costs are recognised as expenses when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the costs of the particular asset.

(n) Provisions

Provisions are recognised when:

- The Council has a present legal or constructive obligation as a result of past events;
- For which it is probable that an outflow of economic benefits will result to settle the obligation; and
- That outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Provisions are not recognised for future operating losses.

(o) Leases

Leases of fixed assets, where substantially all the risks and benefits incidental to the ownership of the asset, but not legal ownership, are transferred to the Council, are classified as finance leases.

Finance leases are capitalised recording an asset and a liability at the lower amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values.

Leased assets are depreciated on a straight line basis over the shorter of their estimated useful lives or the lease term.



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Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

Lease incentives under operating leases are recognised as a liability and amortised on a straight line basis over the life of the lease term.

(p) Joint Venture

The Council's interest in a joint venture has been recognised in the financial statements by including its share of any assets, liabilities, revenues and expenses of the joint venture within the appropriate line items of the financial statement. Information about the joint venture is set out in the notes of the financial report.

(q) 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.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of and amounts pertaining to those undischarged conditions are disclosed in notes in the financial statements. That note also discloses the amount of contributions recognised as revenues in a previous reporting period which were obtained in respect of the local government's operation for the current reporting period.

(r) Superannuation

That Council contributes to a number of superannuation funds on behalf of its employees.

(s) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next twelve (12) months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond twelve (12) months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next twelve (12) months. Inventories held for trading are classified as current even if not expected to be realised in the next twelve (12) months except for land held for resale where it is held as non-current based on Council's intentions to release for sale.



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(t) Rounding Off Figures

All figures shown in the annual financial report, other than a rate in the dollar, are rounded to the nearest dollar.

(u) Comparative Figures

Where required, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

(v) Budget Comparative Figures

Unless otherwise stated, the budget comparative figures shown in the annual financial report relate to the original budget estimate for the relevant item of disclosure.



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2.8 Requests for Assistance and/or Donation

Policy Owner: Corporate Services
Person Responsible: Executive Manager Corporate Services
 Club/Community Development Officer
Date of Approval: 19 August 2009
Amended:

Objective To provide guidelines for assistance and/or donations to the community.

Policy The Chief Executive Officer will call for submissions from the community in March each year for funding under Council annual donations budget.

No verbal requests will be accepted.

Community Assistance Grants

The Community Funding Advisory Group will make recommendations and the Club/Community Development Officer will prepare the necessary report to Council for final decision.

General

Requests for donations five hundred dollars (\$500) and less may be authorised for payment by the Shire President.

Requests for donations over five hundred dollars (\$500) will be presented to Council in the form of a Council Agenda Report for determination.



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2.9 Funding Submissions

Policy Owner:	Governance
Person Responsible:	Chief Executive Officer Club/Community Development Officer
Date of Approval:	19 August 2009
Amended:	

Objective To maximise Council's acquisition of external funding opportunities as they arise.

Policy The Chief Executive Officer is authorised to submit funding applications for external grants on an ongoing basis, regardless of whether a specific budgetary allocation has been made.

Prior to formal acceptance of an unbudgeted project, which requires a Council contribution, the Chief Executive Officer is to report to Council for a resolution to vary the budget as a requirement of regulations.



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2.10 Cheque Signatory/EFT Requirements

Policy Owner: Corporate Services
Person Responsible: Executive Manager Corporate Services
Date of Approval: 19 August 2009
Amended:

Objective To provide guidelines for the signing of cheques and authorisation of Electronic Funds Transfer (EFT) payments.

Policy Any two of the following Officers may jointly sign cheques and authorise Electronic Funds Transfer (EFT) payments on behalf of Council:

- Chief Executive Officer
- Executive Manager Corporate Services
- Executive Manager Development Services
- Executive Manager Technical Services
- Manager Human Resources



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2.11 Credit Cards

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services
Date of Approval:	19 August 2009
Amended:	

Objective To provide guidelines for the use of the Shire of Chittering credit cards.

Policy The Shire has entered into an agreement with the Bendigo Bank for the supply of a Corporate Business Card which will operate on the Bendigo Bank Master Card.

The objectives for introducing the Corporate Card are:

- to allow the Shire's suppliers to receive speedier payments
- to reduce paperwork for both the Shire and its suppliers
- to reduce the number of enquiries concerning unpaid accounts
- to facilitate productivity gains to the various departments of Council
- to reduce requirements to obtain petty-cash and to reduce the possibility of cash theft
- to take advantage of discounts being offered for early payment
- to make use of internet based purchases

It is not intended that cards be used to bypass the current system of ordering goods and services by requisition through a purchase order.

Definitions

"Credit Card"

A plastic card having a unique identification for each card holder (including a magnetic stripe for storing certain information), who enables goods to be obtained on credit from merchants (i.e. businesses or traders) which accept the card.

"Corporate Business Account"

Each card is allocated an 'account' by the card company in which is recorded all transactions by the card holder. With the corporate/business card, each of these accounts is a subset of the Municipal Account.



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“Corporate Business Card”

A card on which liability for charges attached to the corporation for which the card holder works rather than to the individual card holder.

“Card Company (or card issuer)”

The company (in this case ‘Bendigo Bank’) issuing the Corporate Business Card which pays the merchant and provides credit on the transactions.

“Cardholder”

The person in the organisation to whom the Corporate Business Card is issued. The card is embossed with the person’s name and bears his/her signature.

“Merchant (or trader)”

Any person, business or organisation accepting the corporate card in payment for goods or services.

“Credit Limit”

The limit, determined by the Chief Executive Officer, on the total value of transactions (payments/purchases) on each Corporate Business Card in each billing period.

“Billing Period”

The cycle with the card company for payment of charges on all the department cards, the arrangement with Bendigo Bank provides for immediate settlement from the statement date.

“Authorised Officers”

Authorised Officers for the purpose of this policy shall be the Chief Executive Officer, Executive Manager Corporate Services, Executive Manager Development Services, Executive Manager Technical Services, Manager Human Resources and Community Emergency Services Manager.

Goods and Services for which the Credit Card can be used

The Corporate Business Card can be used to procure goods and services up to the value of financial limits (see below) approved by the Chief Executive Officer, and to which expenditure is authorised and provided for in the Council’s budget.

The following exception applies:

- The card **cannot be used** to draw cash



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Situations in which the Corporate Business Card may be used:

- *Chief Executive Officer*
 - (i) Payment to suppliers for goods or services to the local government that require speedy payment.
 - (ii) Payment for hospitality being for meals and beverages, accommodation, sundry expenses associated with Council business.
 - (iii) The Chief Executive Officer is to have regard to the **Local Government Act 1995** and Council's policies adopted from time to time.

- *Executive Manager Corporate Services*
 - (i) Payment to suppliers of goods or services to the local government that require speedy payment.
 - (ii) Payment for hospitality being for meals and beverages, accommodation, sundry expenses associated with Council business.
 - (iii) The Executive Manager Corporate Services is to have regard to the **Local Government Act 1995** and Council's policies adopted from time to time.

- *Executive Manager Development Services*
 - (i) Payment to suppliers of goods or services to the local government that require speedy payment.
 - (ii) Payment for hospitality being for meals and beverages, accommodation, sundry expenses associated with Council business.
 - (iii) The Executive Manager Development Services is to have regard to the **Local Government Act 1995** and Council's policies adopted from time to time.

- *Executive Manager Technical Services*
 - (i) Payment to suppliers of goods or services to the local government that require speedy payment.
 - (ii) Payment for hospitality being for meals and beverages, accommodation, sundry expenses associated with Council business.
 - (iii) The Executive Manager Technical Services is to have regard to the **Local Government Act 1995** and Council's policies adopted from time to time.



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- *Manager Human Resources*
 - (i) Payment to suppliers of goods or services to the local government that require speedy payment.
 - (ii) Payment for hospitality being for meals and beverages, accommodation, sundry expenses associated with Council business.
 - (iii) The Manager Human Resources is to have regard to the **Local Government Act 1995** and Council's policies adopted from time to time.

- *Community Emergency Services Manager*
 - (i) Payment to suppliers of goods or services to the local government that require speedy payment.
 - (ii) Payment for hospitality being for meals and beverages, accommodation, sundry expenses associated with Council business.
 - (iii) The Community Emergency Services Manager is to have regard to the **Local Government Act 1995** and Council's policies adopted from time to time.

Establishment Arrangements

Corporate Services will be responsible for arranging the issue of the Corporate Business Card on request of the Chief Executive Officer.

Responsibilities

- *Corporate Services*

The following will be the responsibility of Corporate Services:

 - (i) Arrange the issue of the Corporate Business Card.
 - (ii) Act as liaison point for the Bendigo Bank.
 - (iii) Arrange for each Corporate Business Card Cardholder to be advised of their responsibilities and that guidelines are issued before issue of the card.
 - (iv) Ensure the original Cardholder Agreement is retained in a secure place and that a copy is provided to the Cardholder.
 - (v) Provide written notice of any changes made to a Cardholder's billing limits and transaction limits. The original of the notice will be kept with the original Cardholder Agreement and copies provided to the Cardholder.
 - (vi) Arbitrate (if necessary) on any disputes occurring with the Bendigo Bank statement.
 - (vii) Reconcile the Cardholder's sale dockets against the billing statement.



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- *Responsibilities of Officers*
The following are the responsibilities of officers issued with Corporate Business Cards:
 - (i) Ensure invoices are processed as a matter of urgency and ensure payment of the relevant account by the due date by forwarding dockets, invoices to Corporate Services.
 - (ii) Monitor adherence to the policies and procedures in relation to the card and ensure financial limits are adhered to.
 - (iii) Officers issued with Corporate Business Cards must ensure that the tax invoice includes:
 - a) When using the Corporate Business Card the Cardholder must ensure that the merchant records a full and proper description of the goods purchased on the sales docket (i.e. description likes “goods” are not acceptable). Similarly, where purchases of goods are not made over the counter (e.g. by telephone) Cardholders need to record purchase details on a substitute docket.
 - b) Allocate job numbers and appropriate costing details, relative to the expenditure and sign accordingly and return to the Accounts Payable Clerk for processing of account.
 - (iv) Authorised Officers must return the Corporate Business Card to the Executive Manager Corporate Services immediately, if the officer:
 - a) resigns
 - b) is instructed to relinquish the card.

Whereas the Executive Manager Corporate Services, or in the case of that officer, the Chief Executive Officer will arrange for the destruction of the Corporate Business Card and closure of that account until a new person has been appointed.

- (i) If the Cardholder disagrees with any transaction on the billing statement the Cardholder must advise Corporate Services. The Executive Manager Corporate Services is to be informed on any disputes.
- (ii) Before the Cardholder receives the Corporate Business Card each is required to acknowledge in writing (Cardholder Agreement) that they will comply with the directions and usage of the Corporate Business Card.
- (iii) Cardholders will collect the Corporate Business Card from Accounting Services and will be required to sign when receiving the Corporate Business Card.



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If the Cardholder loses a sales docket a substitute sales docket should be completed with the notation that it is a duplicate and that the original was lost. Purchases without appropriate documentation will need to be fully explained by Officer by way of memo to the Executive Manager Corporate Services.

Before proceeding on any extended leave, Cardholders must ensure all sales dockets are forwarded to Accounting Services for processing.

The Corporate Business Card is issued to the authorised officer and **cannot** be used by another officer.

The Cardholder must **immediately** report loss or theft of the Corporate Business Card to the Bendigo Bank and the Executive Manager Corporate Services.

Purchasing of Goods in Person

The Cardholder is to present the Corporate Business Card at the time of purchase and ensure that the following information is placed on the tax invoice:

- a brief description of the goods, e.g. nails, PVC fittings, not **various or goods**.
- name of supplier/merchant is legibly quoted on the docket.
- the exact value of the transaction.
- date of purchase of goods and/or service.
- the Cardholder signs the docket at the time of purchase.

GST

The GST will be payable on all items purchased where applicable.

Authorised Users

The credit limit for the Bendigo Bank Corporate Credit Card account is \$25,000 and this comprises of Corporate Credit Cards for the following officers:

- Chief Executive Officer
- Executive Manager Corporate Services
- Executive Manager Development Services
- Executive Manager Technical Services
- Manager Human Resources
- Community Emergency Services Manager

A \$5,000 purchase limit per month applies to all credit card holders except the Chief Executive Officer.



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2.12 Purchasing

Policy Owner:	Corporate Services
Distribution:	All employees
Person Responsible:	Executive Manager Corporate Services
Date of Approval:	19 August 2009
Amended:	25 June 2014

Objective	<ul style="list-style-type: none"> To provide compliance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 as amended in March 2007. To deliver best practice approach and procedures to internal purchasing for the Shire of Chittering. To ensure consistency for all purchasing activities within the Shire of Chittering.
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Policy	<p><u>Why do we need a Purchasing Policy?</u></p> <p>The local government is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities.</p> <p>This policy:</p> <ul style="list-style-type: none"> Provides the local government with a more effective way of purchasing goods and services. Ensures that purchasing transactions are carried out in a fair and equitable manner. Strengthens integrity and confidence in the purchasing system. Ensures that the local government receives value for money in its purchasing. Ensures that the local government considers the environmental impact of the procurement process across the life cycle of goods and services. Ensures the local government is compliant with all regulatory obligations. Promotes effective governance and definition of roles and responsibilities. Uphold respect from the public and industry for the local government's purchasing practices that withstand probity.
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Ethics and Integrity

All officers and employees of the local government shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the local government.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money.
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the local government policies and Code of Conduct.
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently.
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements.
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.
- any information provided to the local government by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

Value for Money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the local government. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.



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- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Sustainable Procurement

“Sustainable Procurement” is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Chittering is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Chittering's sustainability objectives.

Practically, sustainable procurement means the Shire of Chittering shall endeavour at all times to identify and procure products and services that:

- have been determined as necessary.
- demonstrate environmental best practice in energy efficiency and/or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- demonstrate environmental best practice in water efficiency.
- are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage.
- where products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.



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- for motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range.
- for new buildings and refurbishments – where available use renewable energy and technologies.

Supporting local industry

The Shire of Chittering recognises that it has a role in the economic development of the local community and in assisting local industry in accessing opportunities to conduct business with the Shire.

In supporting or encouraging local industry, matters relating to:

- Value for money;
- Environmental performance;
- National Competition Policy; and
- Transparency of decision-making must be addressed.

In order to assist local industry to conduct business with the Shire, the following steps shall be undertaken:

- Procurement shall be undertaken in accordance with the Procurement Management Procedure and within the guidelines for “Purchasing Thresholds” of this policy.
- All tenders and requests for expressions of interest shall be advertised in the *Northern Valleys News* and/or *The Advocate* newspapers, placed on noticeboards in the Shire's libraries and administration centre.
- All tenders and requests for expressions of interest will be available to access and, where applicable, download through the Shire's website.
- A Request for Quotation process shall be investigated that will enable effective communication with the local business community of the Shire's upcoming requests for quotation.

The major considerations in accepting any tender or quotation for provision of goods or service shall be:

- Capacity to deliver the goods or services according to the Shire's specification and the contract conditions; and
- Value for money.

Any canvassing of the Shire's Elected Members or staff shall disqualify businesses seeking to do business with the Shire.



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Purchasing Thresholds

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

Amount of Purchase	Model Policy
Up to \$ 10,000	Direct purchase from suppliers.
\$10,001 - \$30,000	Obtain at least two verbal or written quotations.
\$30,001 - \$50,000	Obtain at least two written quotations.
\$50,001 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for contracts of less than \$100,000, a "Request for Tender" process that entails all the procedures for tendering outlined in this policy must be followed in full.

Purchasing value not greater than \$10,000

Where the value of procurement of goods or services does not exceed \$10,000, purchase is subject to budget allocation. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

Purchasing value between \$10,001 and \$30,000

This category is for the procurement of goods or services where the value of such procurement ranges between \$10,001 and \$30,000.

At least two verbal or written quotations are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.



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The general principles for obtaining verbal quotations are:

- Ensure that the requirement/specification is clearly understood by the local government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies.

Purchasing value between \$30,001 - \$50,000

For the procurement of goods or services where the value of such procurement ranges between \$30,001 and \$50,000, it is required to obtain at least two written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

Purchasing value between \$50,001 and \$99,999

For the procurement of goods or services where the value of such procurement ranges between \$50,001 and \$99,999 it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

For this procurement range, the selection should not be based on price alone, and consideration shall be given to qualitative factors such as quality, stock availability, environmental performance, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that



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entails all the procedures for tendering outlined in this policy must be followed in full.

The general principles for verbal and written quotations shall be followed as noted in this Policy.

General principles for obtaining verbal quotations

- Ensure that the requirement / specification is clearly understood by the Shire of Chittering employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- The responsible officer shall demonstrate due diligence when seeking quotes and shall comply with the Shire's record keeping policies and audit requirements.

All documents relating to the quotation process must be saved in the Shire's Electronic Management System (i.e. SYNERGY).

General principles relating to written quotations

- The request for written quotation should include as a minimum: An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
 - Written Specification
 - Selection Criteria to be applied
 - Price Schedule
 - Conditions of responding
 - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.



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- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

Ordering Thresholds

The following Officers are authorised to sign orders on behalf of Council within the limits stated provided such proposed purchases are contained within the Budget and are within the officer's area of activity:

Position	Amount
Chief Executive Officer	Unlimited
Executive Manager Development Services	\$50,000
Executive Manager Technical Services	\$50,000
Executive Manager Corporate Services	\$50,000
Manager Human Resources	\$10,000
Works Manager	\$ 5,000
Principal Building Surveyor	\$ 5,000
Principal Environmental Health Officer	\$ 5,000
Community Emergency Services Manager	\$ 5,000

Regulatory Compliance

- *Tender Exemption*
In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):
 - An emergency situation as defined by the **Local Government Act 1995**.
 - The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another local government.
 - The purchase is under auction which has been authorised by Council.
 - The contract is for petrol, oil, or other liquid or gas used for internal combustion engines.
 - Any of the other exclusions under Regulation 11 of the **Local Government (Functions and General) Regulations 1996** apply.

Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source



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of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note:

The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

Anti-Avoidance

The Shire of Chittering shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

Tender Criteria

The Shire of Chittering shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For requests with a total estimated (excluding GST) price of:

- Between \$40,000 and \$99,999, the panel must contain a minimum of two members.
- \$100,000 and above, the panel must contain a minimum of three members.

Advertising Tenders

Tenders are to be advertised in a state wide publication, e.g. *The West Australian* under the "Local Government Tenders" section, with preference on a Wednesday or Saturday.

The tender must remain open for at least fourteen (14) days after the date the tender is advertised. Care must be taken to ensure that fourteen (14) **full** days are provided as a minimum.

The notice must include:

- a brief description of the goods or services required
- information as to where and how tenders may be submitted
- the date and time after which tenders cannot be submitted
- particulars identifying a person from who more detailed information as to tendering may be obtained



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- detailed information shall include:
 - such information as the local government decides should be disclosed to those interested in submitting a tender
 - detailed specifications of the goods or services required
 - the criteria for deciding which tender should be accepted
 - whether or not the local government has decided to submit a tender
 - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.
- Canvassing of Elected Members and Shire officers will disqualify your tender

Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addenda or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Chittering not to compromise its Duty to be Fair.

Tender Deadline

A tender that is not received in full in the required format by the advertised tender deadline shall be rejected.

Opening of Tenders

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the tender deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's or one Executive Manager and preferably at least one other Council officer. The details of all tenders received and opened shall be recorded in the "Tenders Register".

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as "commercial-in-confidence" to the local government. Members of the public are entitled to be present.



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The tenderer's offer form, price schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two local government officer's present at the opening of tenders.

No Tenders Received

Where the Shire of Chittering has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained
- the process follows the guidelines for seeking quotations between \$40,000 and \$99,999 (listed above)
- the specification for goods and/or services remains unchanged
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Chittering by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

Tender Acceptance

That the Chief Executive Officer be authorised to accept tenders/purchases up to \$99,999.99; and that all tenders/purchases above \$100,000 are to be referred to Council (including all WALGA preferred suppliers).

Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Chittering may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Chittering and tenderer have entered into a contract, a minor variation may be made by the Shire.



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A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation
- Internal documentation
- Evaluation documentation
- Enquiry and response documentation
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation
- Internal documentation
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the *State Records Act 2000*, and the Shire of Chittering's internal records management policy.

Purchasing from WA Disability Enterprises

Pursuant to State Government policy, Local Governments are encouraged to consider the option of purchasing goods and services from registered WA Disability Enterprises. This is contingent on the provision of fair value and quality.

Local Governments are encouraged to invite relevant WA Disability Enterprises to respond to a Request for Quotation or Tender for goods or services. Determining the purchasing process to be followed is based on the actual or expected value of each purchase by the Local Government as outlined above in Section 5 (Purchasing Thresholds and Processes) of this Policy. There are seven (7) Disability Enterprises registered in Western Australia.



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A complete list of approved organisations is available from the following website: www.wade.org.au.



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2.13 Rating Policy relating to Change in Predominant Use of Rural Land

Policy Owner: Corporate Services
Person Responsible: Executive Manager Corporate Services
Date of Approval: 20 November 2013
Amended:

Objective To provide guidelines for the process to be followed where there is a change in the predominant use of rural land or a change in use resulting from the subdivision of rural land

Policy Where there is anecdotal evidence that there has been a change in the predominant use of land, the Council shall observe the following:

1. The Council shall ensure that any rural (UV) property is assessed to determine whether the use of the property is 'predominantly rural'.
2. Subject to (1) above, the Shire is to utilise the spot valuation method where there is a number of individual lots within a valuation area that are used for purposes that are not consistent with the predominant use of land within that valuation area.
3. Properties that are considered to be predominantly used for non-rural purposes be referred to the Minister for Local Government with sufficient information to allow a determination to be made on the method of valuation to be applied.
4. Where rural land is subdivided into small lifestyle lots, Council is to apply to the Minister for Local Government immediately upon receipt of the WAPC approved subdivision plan for the affected land, for a change in valuation methodology from UV to GRV.
5. Subject to Ministerial approval in (3) and (4) above, Council is to apply the GRV methodology to rural land used predominantly for non-rural purposes.
6. Each affected landowner shall be advised of their appeal rights.



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2.14 Regional Price Preference

Policy Owner: Governance
Person Responsible: Chief Executive Officer
Date of Approval: 20 August 2014
Amended:

Objective To maximise the use of competitive local business in the procurement of goods and services, supporting local business and industry and to encourage employment of local people thereby generating economic growth within the Shire.

Policy The *Local Government (Functions and General) Regulations 1996* provide opportunity for local government to establish Regional Price Preference.

Regional Preference can include any area, but must include the entire district of the local government and cannot include a part of the Metropolitan Area.

The region this policy relates to is the entire Shire of Chittering area.

The following levels of preference will be applied under this policy:

- a) 10% - where the contract is for goods or services, up to a maximum price reduction of \$50,000;
- b) 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000; or
- c) 10% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods and services for the first time, due to those goods or services having been, until then, undertaken by the local government.

The levels of preference outlined above will only apply to business that have been located in the Shire of Chittering for at least 6 months prior to the closing date of the tender.

Only those goods and services identified in the tender as being supplied locally will be included in the discounted calculation that forms a part of the assessments of a tender.



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A regional price preference applies whenever tenders are called unless the local government resolves otherwise in reference to a particular tender.

It should be noted that price is only one factor or criteria when considering tenders. Value for money principals will be used to achieve the best possible outcome for the tender.



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2.15 Improvements to Council Properties by External Groups

Policy Owner: Corporate Services
Person Responsible: Executive Manager Corporate Services
Date of Approval: 15 October 2014
Amended:

Objective To ensure that Council accounts for and is aware of all additions of or improvements to buildings on Council owned land.

This will ensure the cost of these improvements is accounted for correctly in Council's financial statements.

Policy All improvements to Council owned buildings with a value greater than \$5,000 are to be advised to Council in writing from the groups wishing to undertake such improvements. Copies of invoices for works carried out are to be supplied to Council on completion of the improvements.

All improvements to Council owned buildings with a value greater than \$5,000 and will attract external grant funding are to be managed by Council staff in accordance with the relevant Community Group(s).

Grant applications will be lodged in the name of the Shire of Chittering on behalf of the relevant Community Group(s). Input for the grant application will be sought from the Community Group(s).



3. Staff Policies



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3.1 Code of Conduct – Staff, Volunteers and Contractors

Policy Owner:	Governance
Distribution:	All Elected Members and Staff
Person Responsible:	All Executive Managers
Date of Approval:	16 December 2009
Amended:	25 June 2014

Objective

The code of conduct clarifies the standards of behaviour that are expected of all staff and volunteers in the Shire of Chittering in the performance of their duties. It gives guidance in areas where staff and volunteers need to make personal and ethical decisions and is to be used in conjunction with the Shire's other HR Policies and Procedures.

The Code of Conduct complements relevant policies and procedures and where practices are not clearly outlined, inferences can be made to enable most situations to be dealt with in the most appropriate way.

Breaching the Code of Conduct is a serious matter and may result in disciplinary action including termination of employment and/or restitution.

Specific procedures exist for the investigation of unfair treatment, harassment and discrimination and for raising safety issues. These should be used where applicable.

Managers must make fair, transparent and consistent decisions in relation to any suspected breach of the Code of Conduct. In determining the action to be taken, the nature and seriousness of the breach will be considered.

Scope and responsibilities

This policy applies to any person involved in the Shire of Chittering, including all employees, potential employees, volunteers, contractors and visitors. Each are responsible for ensuring that their behaviour reflects the standards of conduct in the code and builds on a positive workplace culture and must take responsibility for reporting improper conduct or misconduct which has been, or may be occurring in the workplace. They will report the details according to the guidelines and procedures set out in the Managing Issues and Grievances Policy.



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Managers have a special responsibility to support employees in achieving these goals by leading by example and assisting employees to understand the code and associated policies and procedures. This includes the following:

- Ensuring all staff have access to copies of the code of conduct and other relevant documents and policies;
- Ensuring volunteers and contractors have access to copies of the code of conduct and other relevant documents and policies;
- Ensure that the requirements of the Code of Conduct are reflected in the day-to-day management of employees and volunteers;
- Ensure staff and volunteers maintain high standards of conduct in the workplace;
- Support staff and volunteers who disclose information regarding maladministration or corrupt conduct;
- Take all necessary steps to resolve conflicts that arise in the workplace and ensure any conflict is avoided in the future;
- Appropriately record all reports of actual or potential conflict or breaches of the Code of Conduct.

Relevant procedures

Procedures

Workplace Behaviour
Managing Issues and Grievances

Policy

The Code of Conduct requires that during the course of employment all employees and volunteers will adhere to the following:

Conflict and Disclosure of Interest

- Where conflicts of interest do arise, ensure they are managed in the public interest (as per ***Local Government (Administration) Regulations 1996***):
 - a) If the employee who has an interest in any matter to be discussed at a council or committee meeting attended by the employee they must disclose the nature of the interest-In a written notice given to the CEO before the meeting; or
 - b) At the meeting immediately before the matter is discussed.
- If the employee has given, or will give, advice in the respect of any matter to be discussed at a council or committee meeting that the employee is not attending they must disclose the nature of any interest the person has in the matter:
 - a) In a written notice given to the CEO before the meeting; or



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b) At the time the advice is given.

- Staff will not engage in private work or for any person or body with an interest in a proposed or current contract of the Shire.
- Staff who exercise recruitment or other discretionary function will make disclosure before dealing with relative or close friends and will disqualify themselves from dealing with those persons.

Confidential Information

Staff and Volunteers will:

- Not disclose official information or documents acquired through their work, other than as required by law or where proper authorisation is given.
- Respect the confidentiality and privacy of all information as it pertains to individuals.

Improper or Undue Influence

Staff and Volunteers will not misuse official information for personal or commercial gain for self or another person.

Gifts and Bribery

Staff and Volunteers will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token or kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government or their performance of any duty or work which touches or concerns the Local Government.

If any token gift, reward or benefit is offered (token is defined as a value between \$50 to a maximum of \$300) disclosure **will** be made in a prompt and full manner and in writing in the Token Gifts Register, including the names of the persons who gave the token gift, the date of receipt and its estimated value. Gifts exceeding \$300 are not to be accepted, including any two gifts from the same person within six (6) months where the value exceeds \$300.

Conduct

Staff and Volunteers will:

- Behave with honesty, integrity and with a high level of professionalism at all times;
- Act with care and diligence in all aspects of their employment;



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- Act with integrity in the performance of official duties and are to be scrupulous in the use of official information, equipment and facilities;
- Exercise proper courtesy, consideration and sensitivity in their dealings with employees and members of the public and have proper regard for their interests, rights, safety and welfare;
- Adhere to legal requirements, policies and all other lawful directives regarding communication with Council, employees and volunteers, members of the media and members of the public generally;
- Respect the confidentiality and privacy of all information as it pertains to individuals;
- Give effect to and uphold the lawful policies and decisions of the Council, whether or not they agree with or approve of them;
- Treat members of the public and colleagues with respect, courtesy, honesty and fairness; have proper regard for their interests rights, safety and welfare; and make no allegations or statements which are improper or derogatory (unless true and in the public interest) which may cause any reasonable person unwarranted offence or embarrassment;
- Refrain from publically criticising Councillors and / or staff in a way that casts aspersions on their professional competence and credibility;
- Not harass, bully or discriminate against colleagues, members of the public and employees;
- Ensure personal or financial interests do not conflict with their ability to perform their official duties in an impartial manner;
- Act according to the legislative requirements, policies, procedures and guidelines applicable to the Shire;
- Make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures;
- Contribute to a harmonious, safe and productive work environment through their work habits, and professional workplace relationships;
- Serve the government of the day by fulfilling their Shire's purpose and statutory requirements;
- Be accountable for decisions made within the course of their duties;
- Not engage in fraud or corruption;
- Report any fraudulent or corrupt behaviour as it becomes known;
- Ensure that their work is carried out effectively, efficiently and economically and that their standard of work reflects favourably both on them and the local government;



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- Use publicly-funded resources diligently and efficiently. These include office facilities and equipment, vehicles, cab charge vouchers, corporate credit cards;
- Adhere to dress standards and uniform policies at all times. (Management reserves the right to raise the issue of dress standards with individual staff.);
- Not use office time or resources for party political work or for personal gain, financial or otherwise;
- Keep to policies and guidelines in the use of computing and communication facilities, and use these resources in a responsible and practical manner;
- Comply with the Shire's record keeping requirements;
- Where permissible share information to fulfil their role; and
- Contractors are required to adhere to and to ensure their employees adhere to the above requirements.



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3.2 Bereavement Recognition

Policy Owner:	Governance
Person Responsible:	Manager Human Resources Executive Support Officer
Date of Approval:	18 May 2011
Amended:	

Objective The purpose of this policy is to ensure proper and appropriate recognition of deceased persons closely associated with the Shire of Chittering and/or its history.

Policy The Shire of Chittering is proud of its history and by recognising individual deceased persons who have been closely associated with the Shire and/or its history, Council can acknowledge the contribution made to the district by those persons and their immediate families, as a mark of respect on behalf of its community.

This policy applies to all Shire of Chittering residents and ratepayers as well as Shire of Chittering staff.

The policy is to ensure persons who have been closely associated with the Shire and/or its history are acknowledged and recognised for their contribution to the district with a death notice in *The West Australian* newspaper and a bouquet of flowers for the deceased person's family (or a donation to a charity if requested by the family).

This bereavement policy will recognise (but is not limited to) the following groups of people:

- Freemen
- Early settlers, pioneers
- Politicians
- Elected Members (both past and present)
- Shire of Chittering staff (present)

Entitlement to recognition

Those to be recognised on their passing include but are not limited to:

- Current and former Elected Members of the Shire of Chittering
- Immediate family members of current Elected Members of the Shire of Chittering
- Former members of the Chittering Road Board and Shire of Chittering



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- Former Commissioners and Town Clerks of the Chittering Road Board and Shire of Chittering
- Freemen of the Shire of Chittering
- Immediate family members of Freemen of the Shire of Chittering
- Persons honoured as a Pioneer of the Chittering district
- Chief Executive Officers appointed by the Shire of Chittering since its establishment.
- Staff employed by the Shire of Chittering since its establishment and "in service" at the date of their passing
- Identities of the Shire of Chittering as agreed by the Shire President and Chief Executive Officer

Form of recognition

The Shire recognises the death of a person closely associated with the district by following established funeral etiquette, respecting the wishes of the immediate family (if known), and being sensitive to the deceased's cultural or religious beliefs (if known). Generally, this recognition will take the form of:

- (1) A public expression of sympathy on behalf of the district, by placing a notice in the Death Notices of The West Australian newspaper
- (2) Sending a sympathy (condolence) card or a personal note to the immediate family (if known) on behalf of Council and staff
- (3) A floral tribute where this form of sympathy is considered acceptable by the family
- (4) When considered appropriate by the Shire President and the Chief Executive Officer, inviting Elected Members or senior staff to represent the Shire at the funeral service, dependent upon the type of service being sought.

Note:

Where Elected Members or senior staff member has a personal connection to the deceased, it is the individual's prerogative to attend the funeral on their own behalf.

In recognising an immediate family member of a person closely associated with the Shire and its history will be:

- (1) A sympathy card or personal note of condolence on behalf of the district
- (2) Inviting an Elected Member or senior staff representative(s) to attend the funeral on behalf of the Shire, where the Shire President or Chief Executive Officer considers it appropriate.



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Timing of recognition

Funeral etiquette dictates that formal recognition occurs at the time of the death or at the funeral service.

The funeral service provides for the proper remembrance of the person who has died. Where Council is notified of a death after a funeral service has taken place, it is still appropriate to send a sympathy card or a personal note of condolence.



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3.3 Defence Forces Active Reservists

Policy Owner: Governance
Distribution: All employees
Person Responsible: All Executive Managers
Date of Approval: 18 November 2009
Amended:

Objective Recognition of the importance placed on reservist training by allowing staff to attend courses.

Policy Unpaid Leave (except as provided below) not exceeding two (2) weeks in any one year will be granted to employees who are members of the Defence Force Active Reserve for the purpose of undertaking training in camp or other continuous duty. This leave will be in addition to annual holiday leave.

If the pay received by the employee from the Defence Force is less than the employee would normally receive, then the Shire of Chittering will make up the balance.

Any time spent by an employee in Defence Force Reserve training will count towards the accrual of annual leave.



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3.4 Council Contribution to Staff Functions

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	18 November 2009
Amended:	25 June 2014

Objective To provide guidelines for Council contribution to staff functions.

Policy

Council's staff Christmas party

- Council will hold one annual Christmas function in recognition of the Christmas festive period involving Elected Members, staff, spouses and invited guests
- The function will be held in December prior to Christmas
- The function will consist of a meal, with refreshments to include beer, wine and soft drinks
- The function will not be combined with award presentations

Staff attaining ten years of service

- Presentation of a certificate
- Gift voucher or equivalent to the value of \$200

Staff attaining twenty years of service

- Council will acknowledge the contribution of employees who have completed twenty years of service with Council by presenting a suitably engraved plaque at a function to be held at the employee's workplace, and that recognition be made through the local media by inviting them to attend the function.
- Gift voucher or equivalent to a value to be determined by Council



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3.5 Staff uniforms

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	18 November 2009
Amended:	

Objective	To: <ul style="list-style-type: none"> • present a recognisable, tidy and professional image of staff to the community • ensure that staff are appropriately dressed for their duties • ensure that adequate protective clothing is provided to assist in maintaining the safety and health of employees and environmental conditions
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Policy	<p>The Shire shall adopt a corporate uniform for staff employed in the following areas:</p> <ul style="list-style-type: none"> • Customer service/front line staff • Outside workforce • Ranger Services Operational staff • Library staff • Any other groups of staff as the Chief Executive Officer may from time to time see fit.
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It shall be a job requirement that the staff involved in the designated areas wear the full uniform at all times during the performance of their duties unless a specific task necessitates otherwise.

Council shall supply employees with a uniform in accordance with guidelines set out below.

The Chief Executive Officer has been granted delegated authority to determine what is a suitable uniform, after consultation with staff, including colour and style of the uniform.

Part time or casual employees shall not be eligible for uniforms under this policy except upon review if working outdoors. The quantities of clothing issues may be adjusted accordingly.



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Conditions of Supply

That the initial uniform for new outside staff be:

- pair of boots
- long sleeve shirts x 3
- trousers/ jeans x 3
- jacket x 1
- pair of safety glasses x 2
- wide brim hat x 1
- 5L water cooler x 1

And must include the staff name and the Shire name.

Thereafter staff to be issued with items as and when required.

That administration staff be allocated an amount of \$400 per annum (pro rata).

High visibility clothing

Because of the requirement for Council workers to be easily seen by vehicle users, workers must wear high visibility clothing of some description while within the road reserve or near vehicle access ways.

While the use of an overlay garment in the form of a vest or singlet is preferred, red long sleeve shirts will be allowed and supplied. Should over garments (e.g. jumpers and parkers) be needed than the overlay garment must be worn over jumpers etc.

Since the above clothing policy has the implication of making workers less comfortable in hot conditions, the selection and use of high visibility overlay garments assumes greater importance.

For this reason, an open weave poncho or singlet style high visibility overlay is recommended to minimize heat insulation and maximize airflow around the wearer's body.



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3.6 Senior Employees

Policy Owner: Governance
Person Responsible: All Executive Managers
Date of Approval: 18 November 2009
Amended:

Objective The designation of senior employees in accordance with section 5.37 of the **Local Government Act 1995**.

Policy For the purposes of Section 5.37 of the **Local Government Act 1995**, the Council shall designate the following employees to be "senior employees":

- Executive Manager Development Services
- Executive Manager Technical Services
- Executive Manager Corporate Services



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3.7 Staff Housing

Policy Owner:	Governance
Person Responsible:	All Executive Managers Manager Human Resources
Date of Approval:	18 November 2009
Amended:	

Objective To provide clarity on the conditions for use of Council owned housing by Shire employees.

Policy **Permanent fixtures**
Permanent fixtures shall include the following:

- hot water system
- authorised air-conditioning units (i.e. authorised air-conditioning units are inbuilt ducted systems or wall mounted units installed and owned by Council)
- floor coverings
- window treatments
- light fittings (except globes)
- TV aerial
- stove
- internal heating appliances

Maintenance costs on permanent fixtures shall be the responsibility of Council.

Improvements to housing by tenants

Any improvements carried out to Council's accommodation shall only be permitted with prior approval of the Chief Executive Officer.

Tenancy Agreement

- i) That the Shire of Chittering enters into formal tenancy agreements with Council employees occupying Council owned residences for the period of their employment or a lesser period as determined by the Chief Executive Officer prior to occupancy.
- ii) The form of agreement being the standard agreement prepared by the Real Estate Institute of WA.
- iii) Under this agreement tenants will be required to pay a bond to the equivalent amount of four weeks rent.



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- iv) Pet Bond and Rent are set out in the Shire of Chittering's Fees and Charges Schedule
- v) The Chief Executive Officer may reduce the set rate during employment negotiations for employees requiring housing as part of the employee's employment package.
- vi) The Chief Executive Officer may approve the lease to persons other than employees. This lease to allow for 61 days' notice of termination of the lease. The bond requirements and rental charge will be as set out in ***Tenancy Agreement, Sections (ii), (iii), (iv) and (v).***
- vii) Houses will be inspected for maintenance needs once per year.
- viii) Provided tenants keep their lawns and gardens in good order, Council will be responsible for all water charges for the first 200KL of water per financial year.

Garden shed

Each house that Council manages shall have a garden shed not smaller than 4m x 3m provided for the tenants.



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3.8 Equal Employment Opportunity

Policy Owner: Governance
Person Responsible: All Executive Managers
Date of Approval: 18 November 2009
Amended:

Objective	To ensure that the Shire conducts the recruitment of staff in accordance with legislation, and in conjunction with sound management practices.
Policy	<ul style="list-style-type: none"> (a) The Shire will recognise its legal obligations under the <i>Equal Opportunities Act 1984</i> and shall actively promote Equal Employment Opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, age, marital status, pregnancy, race, disability, religious or political convictions. (b) All employment training with the Shire shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such training. (c) All promotional policies and opportunities with the Shire shall be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability meet the minimum requirements for such promotion. (d) All offers of employment within the Shire shall be directed towards providing equal opportunity to prospective employees provided their relevant experience, skills and ability meet the minimum requirements for engagement. (e) The Shire shall not tolerate harassment within its work place. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, age, political or religious convictions, gender, marital status or disability. (f) The equal employment opportunity goals of the Shire shall be designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability. (g) This policy applies to full time, part time, permanent, temporary and casual employees of the Shire of Chittering.



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Grievance

The Shire undertakes to treat any grievance under this policy fairly, quickly and in confidence. It will treat each case on its merits having regard to the relevant legislation and the Shire's Code of Conduct. Determinations in relation to any grievance will be the responsibility of the relevant Manager(s). Employees have the right to appeal any such determination to the Chief Executive Officer.

The above process is not intended to impede or prevent any action the employee may wish to take through an appropriate external tribunal.



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3.9 Occupational Safety and Health (OSH)

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	18 November 2009
Amended:	

Objective The Shire of Chittering Council and Executive Management is committed to achieving zero harm within the Shire's working environment to all persons employed or engaged by the Shire in any capacity.

Policy The Shire of Chittering is committed to providing a safe working environment for all employees and others affected by its activities.

The Shire of Chittering will endeavour to improve safety and health in the workplace with the philosophy that all injuries and accidents are preventable and that a safe and healthy working environment is conducive to job satisfaction.

Safety and Health Objectives

Commitment, co-operation and effective team work is fundamental to achieving the objectives.

The key safety and health objectives are:

- provide safe equipment, safe work practices and safe systems of work
- ensure that employees understand their responsibilities for safe working conditions and are provided with appropriate instruction, training, information and equipment
- involve employees in safety and health matters and consult with them in ways to reduce work place hazards and prevent injuries
- protect the public, the environment, equipment and materials from injury, accidental loss or damage
- conform with statutory requirements as a minimum standard
- take all practicable steps to occupationally rehabilitate employees after injury or illness in the workplace.



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Responsibilities

Safety and health is both an individual and a collective responsibility of all employees.

In particular:

- *Chief Executive Officer*
The Chief Executive Officer is the responsible officer for Occupational Safety and Health.
- *Senior managers and supervisors*
Senior managers and supervisors are responsible for implementing the Occupational Safety and Health Policy and also planning, developing, implementing and monitoring of Occupational Safety and Health Procedures.
- *Employees*
Employees are required to follow all safe working practices and use personal protective equipment as required. To ensure their own safety at work, safety of others and to report all accidents and hazardous situations that arises in the course of their work.

Occupational Safety and Health Working Group

The committee's responsibility is to facilitate consultation and co-operation between the employer and employee on safety in the workplace. The management's responsibility has duties in line with the group recommendations (refer to "Aims and Objectives of Committee").

As an integral part of its management philosophy, this policy commits the Shire of Chittering to an Occupational Safety and Health Programme for all its employees and others affected by its activities.

Hierarchy of responsibility

The occupational safety and health hierarchy of responsibility demonstrates the responsibilities of the different officers in relation to safety issues at the Council.



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Occupational Safety and Health Working Group – Constitution

- *Title of Committee*
The Committee will be known as the:
“Shire of Chittering Occupational Safety and Health Working Group”

- *Aims and Objectives of Working Group*
The aims and objectives of this working group are:
 - to facilitate consultation and co-operation between the management/employer and employees in initiating, developing and implementing measures designed to ensure the safety and health of employees at the workplace
 - to keep itself informed of standards relating to safety and health generally recommended to prevail in workplaces of a comparable nature and to review and make recommendations to the employer on rules and procedures at the workplaces relating to the safety and health of employees
 - to recommend to management and employees the development, maintenance and monitoring of programs, measures and procedures at the workplace relating to the safety and health of employees
 - to keep in a readily accessible place and format such information regarding hazards to persons that may arise at the workplace
 - to consider and make such recommendations to management, as the committee sees fit, in respect of any changes or intended changes to or at the workplace that may reasonably be expected to affect the safety or health of employees at the workplace
 - to consider such matters as are referred to the committee by safety and health representatives and employees
 - to perform such other functions as may be prescribed in the regulations or given to the committee, with its consent by the Council at the workplace.

- *Scope of Working Group*
 - Review of general measures taken to ensure safety and health of employees at the workplace, including work of other committees.
 - Investigations of unresolved matters brought to the Council’s attention which a committee member or employee considers to be unsafe, a risk to health or of other concern. If unable to resolve a matter, the committee will refer it to the Chief Executive Officer.
 - Assistance in developing a recording system for accidents and hazardous situations.



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- Assistance in formulation of the organisation's overall Occupational Safety and Health Policy and Procedures.
- Recommendations for the monitoring of measures taken to ensure proper use, maintenance and, if necessary, replacement of equipment designed to protect employees from hazardous situations.
- Recommendations to the Council regarding safety and health matters.

- *Matters outside of committee's scope*
The following issues do not fall within the scope of the committee's functions:
 - handling of industrial disputes
 - welfare issues not relating to safety or health
 - negotiations over money
 - employee grievances which do not affect safety and health.

- *Membership of working group*
The committee shall consist of:
 - Chief Executive Officer
 - one elected safety representative from each workplace area:
 - Depot
 - Internal Staff
 - safety co-ordinator
 - other persons appointed by the Council

- *Action Plan*
The Occupational Safety and Health Committee is to establish and maintain an action plan to keep track of safety issues that require completion and a time line for completion.



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3.10 Protection from the sun for Outdoor Work

Policy Owner: Governance
Person Responsible: All Executive Managers
Date of Approval: 18 November 2009
Amended:

Objective To provide guidelines for Shire staff to avoid harmful exposure to the elements.

Policy The minimum clothing requirements for outdoor employees shall be a long sleeve shirt and, long trousers. Unless for safety related reasons shirt sleeves may be rolled up (refer to Staff Uniform policy).

The basic dress code will apply all year round - exemptions may apply based upon written medical advice.

Council will supply hats, long sleeve shirts and trousers and sunscreen appropriate for the nature of work. Council will not provide shorts. Wherever practicable, the Ultra-violet Protection Factor (UPF) of clothing fabric will be 30+ or better.

An "outdoor employee" for the purpose of this document, is defined as a person whose regular daily duties require them to be in direct sunlight for more than one (1) hour per day on a cumulative basis.

The following outdoor employees because of the nature of their activities will be subject to their particular dress requirements as nominates.

Use of sunscreen cream

All outdoor workers will be supplied with sunscreen cream, which should be applied to their uncovered skin in accordance with the manufacturer directions. Information, instructions and supervision will be provided in the use of sunscreens (note Section 19(1)(b) of the **Occupational Safety & Health Act 1984**). In particular, this refers to their faces, ears, necks, backs of the hands, and legs if relevant. The cream provided will be registered under Australian Standards and be of the SPF 30+ broad spectrum type.

Exemptions may apply based on written medical advice.



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Other people who work outdoors

Those people who work in direct sunlight for more than thirty (30) minutes (but less than one (1) hour) per day on a daily basis are also required to wear a broad brimmed hat (or equivalent) and sunscreen, both of which Council will supply. Such workers may be environmental health and building officers.

Supply and use of sun glasses

All staff working outdoors shall, when practicable wear general purpose sun protection glasses, which comply with AS1337 (1992) and AS1067 (1990) as appropriate. These will be made available to relevant staff as part of the standard personnel protective equipment issue.

Administrative and other controls

While these policy guidelines are essentially about the type of garments worn, the implications to the wearer with respect to comfort and overheating problems are worthy of further mention.

The key factors which may promote bodily overheating problems are:

- (a) ambient and radiant temperature
- (b) extent of air movement (wind)
- (c) pace and physical demand of work
- (d) adequacy of water replacement required by sweating
- (e) humidity
- (f) person's clothing

Note:

Actual temperatures experienced by workers will differ considerably dependent on their workplace. Working in a well-treed park will be vastly different to working on an open bitumen road.

Thus some steps which should be taken include:

1. All relevant staff should have ample supplies of fresh cool water where main water is unavailable a 5 litre water bottle will be provided to each person.
2. Exploiting the use of natural shade.
3. The erection of temporary shade where practicable.
4. Rescheduling of particularly heavy work outdoors between the period 10:00am to 2:00pm where practicable.
5. Consideration of temporary cessation from physically demanding work for the time when severe heat related conditions are experienced.

It is readily apparent that heavy work in particular hot weather is not efficient work, without frequent stops, at least for drinks and possibly self-dousing with water.



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Staff should report immediately to their supervisor any significant symptoms of bodily overheating. Suitable education sessions should be conducted to ensure that staff members are aware of what these symptoms are and the effects of exposure to ultraviolet radiation.

Consultation

Council realises that the type of clothing worn in the field is of considerable importance to outdoor employees and hence people or their representatives will be consulted with respect to changes in style, type and fabric of clothing as issued in accordance with good management practices. (Note also, Section 35(1)(c) of the ***Occupational Safety & Health Act 1984***)

Wherever practicable, the Council, having adopted a clothing policy will ensure that the style and fabric of garments is acceptable and appropriate to the relevant workforce.



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3.11 Contractors

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	18 November 2009
Amended:	25 June 2014

Objective To ensure that Council employs suitably qualified and prepared contractors in conjunction with insurance and liability schemes through LGIS.

Policy **Introduction**
The implementation of the Contractor Guidelines is the result of a joint effort agreement between the Municipal Workcare Scheme, Municipal Liability Scheme, Municipal Insurance Broking Services and the advice of their solicitors. The aim of these guidelines is to eliminate, in one package, the risk of liability when Councils engage the services of contractors.

Advice on the relationship between Councils and contractors/sub-contractors

The relationship with a contractor may be close and similar to an employee/employer relationship. The need for control in managing the contract process and the manner in which the work is performed is necessary to avoid work practices, which are unsafe and/or contrary to Council policy, plans and procedures.

A Council should always consider the safety, environmental and occupational health standards of a contractor and determine whether these standards are in line with those that the Council observes. This will ensure that Council employees, as well as contractors, are provided with a safe workplace.

The Shire of Chittering believes that the consequence of introducing Contractor Guidelines will be efficient and safe work practices throughout all Council operations. Working through the following checklist and procedures will allow Council to have some knowledge of its obligations when engaging the services of contractors and the obligations that contractors have.



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Contractor procedures

- i) The tender or contractual documentation should contain appropriate indemnity insurance clauses. An example of appropriate wording is set out under the heading "Contractors Risk and Insurance". Prior to a contractor commencing any work for the Council, the Council should have a system for ensuring that all tender and/or contractual documentation is properly documented and signed by the contractor.
- ii) When tendering a specific job, sufficient information regarding Council safety policy and requirements, environmental considerations and relevant regulations should be given to the contractor to ensure and establish that there is a full understanding of Council requirements.
- iii) Council should review all contractors safety records and where applicable, environmental records. Attention should also be paid to:
 - quality and experience of contractors personnel
 - quality, condition and suitability of the contractors plant, equipment (including PPE) and tools
 - contractors safety and environmental record and performance on previous jobs
 - contractors knowledge of environmental matters, safe work practices and statutory requirements, including 'Certificates of Currency'
- iv) Contractors must provide Certificate of Currency for Public Liability, Professional Indemnity, Motor Vehicle and Workers Compensation and must ensure that subcontractors also supply Certificate of Currency as required and where applicable.
- v) Contractors shall observe and comply with all relevant legislation, including the **Workers Compensation and Rehabilitation Act 1981**, **Occupational Safety and Health Act 1984**, **Occupational Safety and Health Regulations** and the **Record Keeping Act**. Contractors must also comply with improvement and prohibition notices, Codes of Practice, Guidance Notices, Australian Standards and Council requirements and policy.
- vi) Council should develop a system whereby all long-term contractors are checked to ensure the required cover is renewed.



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Contractors risk and insurance

Tender and contractual documentation should contain the clauses that are set out below:

- i) The contractor shall be solely responsible for the services and shall bear the sole risk for any loss or damage whether to any person or property caused by or resulting from directly or indirectly, any act or omission of the contractors or any default or negligence by the contractor irrespective of any negligence, default or breach of statutory duty on the part of Council.
- ii) The contractor shall indemnify and keep indemnified the Council from and against any loss or damage and against all claims, demands proceedings, costs, charges, expenses whatsoever arising out of any act or omission of the contractor or any default by the contractor irrespective of any negligence, default or breach of statutory duty on the part of Council.
- iii) The contractor shall, at the contractors own expense, procure and maintain and shall ensure that all sub-contractors procure and maintain the following insurances, such insurance shall be specifically endorsed so that it is deemed primary to any insurance effected by or on behalf of the Council and shall contain a cross liability clause which shall treat each of the insured parties as if a separate policy had been issued to each of them:
 - public liability insurance for an amount of not less than \$10 million for one accident or occurrence in the name of the Council and the contractor
 - third party property damage insurance of not less than \$5 million in respect of any motor vehicle, plant or equipment used in the performance of the contracted services
 - if the contractor or any sub-contractor employs any person or persons to perform the services of any part thereof, documentation certifying current workers compensation insurance, public liability insurance and third party property damage insurance to the specifications and criteria required by the contractor must be provided to Council before commencement of services
 - if the contractor or any sub-contractor employs any person or persons to perform the services or any part thereof, awareness and compliance of Council occupational safety and health guidelines and policy must be provided and acknowledged
 - any other insurance, which is required by the laws of the Commonwealth of Australian and state of Western Australia and, as amended by these guidelines following its review.



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- iv) The implementation of maintaining of all insurances as required under these guidelines shall in no way limit the obligations or responsibilities of the contractor under these guidelines.
- v) The contractor shall provide Council, prior to commencement date, certificates of currency for all insurances that provide evidence of validity and currency of the insurance policies.
- vi) Contractors should supply evidence of any specialist qualification, permits or licenses required to undertake specialist tasks.
- vii) Contractor employees must report any accident, near miss or hazardous situation to the Shire supervisor assigned to the contract.
- viii) The contractor and its employees are to ensure that the work site is left free from hazards and presents no risk of injury to any person who comes into contact with the site. This includes making sure that all refuse and materials are removed from the site on completion of the work.

Termination

- i) Council may terminate its agreement with the contractor immediately upon written notice to the contractor if the contractor fails to work with due diligence or expedition or make default in the performance of or observance of any covenant, condition or stipulation contained in these guidelines and the agreement made with the contractor or refuses or neglects to carry out any instruction which the Council is empowered to give or make under these guidelines.
- ii) Council may terminate its agreement with the contractor immediately upon written notice to the contractor if the contractor enters bankruptcy or enters into liquidation, a deed of assignment, deed or arrangement or similar style proves with creditors or commences to carry on business under a receiver for the benefit of its creditors or any other party.

Occupational Safety and Health Policy

The Shire of Chittering is committed to providing and maintaining a safe working environment. The aim of this policy is to ensure the safety and welfare, so far, as is practicable, of employees and contractors whose services are engaged by the Shire of Chittering.



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The Chief Executive Officer is responsible for the management of occupational safety and health. The Shire of Chittering identifies the requirements and responsibilities under the ***Occupational Safety and Health Act 1984***, the ***Occupational Safety and Health Regulations 1996*** approved Codes of Practice, Guidance Notes and relevant Australian Standards.

To ensure that the Shire of Chittering is a safe place in which to work, the following areas of responsibility must be accepted:

- all staff, contractors and volunteer workers must take reasonable care to ensure their own safety and health at work and that of other persons in the workplace
- all staff, contractors and volunteer workers must observe safe work practices and use personal protective equipment. All staff and volunteer workers are to be provided with personal protective equipment as required. Contractors are to provide at their own expense, personal protective equipment that meets the conditions of the Shire of Chittering
- it is the duty of all staff, contractors and volunteer workers to report any incidents, accidents and hazardous situations arising or having been observed in the course of one's work
- it is the duty of all staff, contractors and volunteer workers to maintain a copy of the Occupational Safety and Health Policy and Safety Rules. Contractors must also maintain a copy of the Contractor Checklist and any Job Safety Analysis, Site Safety Analysis and Traffic Management Plan where necessary.

The Shire seeks the co-operation of all people associated with working for the Council in upholding a high standard of personal safety and accident prevention procedures.

This policy will be reviewed annually to ensure relevance, comprehensiveness and purpose.

Safety rules

The safety and health of all people working for the Shire of Chittering is of primary concern. The following rules are to be observed and complied with to reduce the risk of injury to any person:

- i) Safe working practices must be observed at all times. If there is any doubt, speak to your supervisor
- ii) Report any injury or incident immediately
- iii) Safe and appropriate clothing and personal protective equipment must be worn while performing work tasks



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- iv) Council vehicles, machinery, equipment and facilities are to be used only by authorised personnel
- v) Lift all objects safely and correctly. If in doubt, ask someone to assist you or ask your supervisor
- vi) In the event of fire or other emergency, follow the instructions of the Council emergency procedures
- vii) Alcohol and drugs, other than drugs prescribed by a medical practitioner, must not be consumed at any worksite or work location unless officially authorised by the Chief Executive Officer. Failure to observe this requirement may result in dismissal or suspension without pay.
- viii) Speed limits on public roads and at work locations must be observed at all times
- ix) Machinery, equipment, materials and tools must be secured whilst in transit
- x) Any unsafe working conditions must be reported to your supervisor
- xi) All roadworks must comply with the MRWA standards as found in the General Field Guide MRWA Traffic Management for Road Works
- xii) Greasing, refuelling or cleaning machinery, plant and equipment that is running is prohibited.



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3.12 Voluntary service

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Distribution:	All Staff
Date of Approval:	18 May 2011
Amended:	

Objective To ensure that the Shire's employees who are emergency service volunteers (St John Ambulance, fire brigade officer, State Emergency Service) whilst attending those emergencies.

Policy **Paid leave entitlements**
All staff who are bona fide members of volunteer emergency service groups, (i.e. fire brigade, State Emergency Service and St John Ambulance), who are required for emergency service by those groups during ordinary working hours shall be paid for time absent up to the total of ordinary working hours usually worked in that day or period during the emergency, but not including time in excess of ordinary working hours, weekends (unless part of their normal roster of working hours) or public holidays.

For the purposes of this policy, ordinary working hours shall be the time ordinarily worked.

Payments shall be made through normal pay channels following a claim by the employee involved and may be subject to authentication of claim by the officer controlling the relevant body or service.

Conditions of volunteering

1. Council employees either volunteering, or as members of volunteer organisations, are required to obtain permission from their Supervisor, or the Chief Executive Officer, to attend an emergency during normal working hours.
2. Any Shire employee attending an emergency before or after their normal working hours will be considered to be a volunteer. Shire employees will be paid only for their normal hours of duty.



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3. When a specific request has been made by the Chief Bush Fire Control Officer for Shire heavy equipment, the Shire employees operating this equipment will be paid the appropriate award rate for the length of time required. This arrangement is limited to ten (10) hours continuous time, after which time the operator should be relieved from duty. Should the operation continue, then she/he will be a volunteer.



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3.13 Gratuities and Redundancy Payments

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	18 November 2009
Amended:	

Objective This policy is designed to provide guidelines for gratuity payments to employees whose employment with the Shire of Chittering is finishing.

Policy **Gratuities**
A gratuity may be paid to an employee at the sole discretion of the Council upon the employee's retirement or the employees beneficiaries following the employee's death.

The gratuity may be paid in accordance with the following conditions:

- (a) Ten years to a maximum of fifteen years continuous service
 - An amount no greater than equivalent to 30% of the weekly salary per year of total continuous service.
- (b) Fifteen years to a maximum of twenty years continuous service
 - An amount no great than equivalent to 50% of the weekly salary per year of total continuous service.
- (c) Above twenty years service
 - An amount no greater than equivalent to 70% of the weekly salary per year of total continuous service, up to a maximum of \$5,000.

In making this payment, Council must ensure that this service is continuous but shall exclude breaks in service due to annual leave, sick leave, parental leave, long service leave, or any other break which in the opinion of Council ought not to affect any determination made in accordance with this policy.



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Redundancies

In respect to redundancies resulting from internal restructuring, external restructuring, e.g. amalgamations, boundary changes, etc.:

- a) Negotiations and payments shall be in accordance with the Redundancy Payments, Severance Payments, introduction of change or any other provisions of the relevant award or if **Schedule 2.1, Clause 11(4)** of the **Local Government Act 1995** applies in accordance with that Section.

In recognition of the provisions of the above schedule no payment or benefit made to an employee under any provision shall exceed the equivalent of two years' salary at the time of completion of negotiations.

General

No severance or redundancy payments shall be less than payments or benefits provided for in accordance with:

- a) Any Federal or State Award or industrial agreement application to the employee
- b) Any applicable provisions with the employee contract or employment
- c) Any applicable award or order made by a Federal or State industrial tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal
- d) Where the Council so agrees, any recommendation made by Federal or State Industrial Commissions arising from the circumstances of that employee being specifically brought before that Commission.

Nothing in this policy prevents Council from determining that in special circumstances officers or employees whose employment with the Shire of Chittering is finishing, may be paid additional monies or provided with additional benefits where justified. Details of such payment and benefits shall be published in accordance with the **Local Government Act Section 5.50(2)**.



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3.14 Appointment of an Acting Chief Executive Officer

Policy Owner: Governance
Person Responsible: All Executive Managers
Date of Approval: 18 November 2009
Amended:

Objective To provide guidelines for the appointment of an Acting Chief Executive Officer in the absence of the Chief Executive Officer due to annual, long service or extended sick leave.

Definitions

“annual leave”
means annual leave in excess of 5 working day;

“long service leave”
means long service leave in excess of 5 working days

“extended sick leave”
means sick leave in excess of 5 working days

“Council”
means the Shire of Chittering

“local government”
means the Shire of Chittering

“senior employee”
means an employee or a person belonging to a class of employee designated as a ‘senior employee’ by the local government within the terms of the *Local Government Act 1995 Section 5.37*.

Background Section 5.36 of the *Local Government Act 1995* (the Act) requires that a local government is to employ a person to be the Chief Executive Officer of the local government.

There are special constraints under s5.36(2) of the Act which apply to the employment of a person as Chief Executive Officer, and it is considered those provisions apply also to the appointment of a person as Acting Chief Executive Officer where the appointment is made directly by resolution of the Council, and where the person is not an existing employee of the local government who will perform the role of Acting Chief Executive Officer while employed under the employee’s existing Contract of Employment. This policy does not purport to deal with the employment of a person who is not an existing employee of the local government directly by resolution of the Council.



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The intent of this Policy is to deal with the appointment of an existing senior employee of the local government to perform the role of Acting Chief Executive Officer during the temporary absence of the existing Chief Executive Officer on extended sick leave, annual leave or long service leave.

If an existing employee of the local government is required to perform the role of Acting Chief Executive Officer that can be achieved by:

1. resolution of the Council on each occasion; or
2. the Chief Executive Officer under delegated authority from the Council; or
3. the Chief Executive Officer by virtue of his/her authority under s5.41 and s5.44 of the Act, but an employee exercising the authorities so delegated to him/her would not be able to exercise the Chief Executive Officer's power of delegation.

It is intended that this Policy will operate in the area covered by Point 2 above, where the council delegates authority to the Chief Executive Officer to appoint an existing senior employee as Acting Chief Executive Officer, in which case the senior employee so appointed as the Acting Chief Executive Office would be able to exercise the Chief Executive Officer's power of delegation.

Policy

1. It is intended that the Executive Managers of Development Services, Corporate Services and Technical Services will carry out the role of Acting Chief Executive Officer during period of absence of the Chief Executive Officer due to annual, long service or extended sick leave, and that they will do so on a rotational basis.
2. It is intended that a senior employee will only be appointed as Acting Chief Executive Officer under the terms of this Policy if:
 - i) the employee has performed the duties of his/her substantive position for a period of 12 months;
 - ii) in the opinion of the Chief Executive Officer the employee has satisfactorily performed his/her duties over the previous 12 months;
 - iii) in the opinion of the Chief Executive Officer and the employee, the employee has the capacity to perform the duties of Acting Chief Executive Officer along with his/her current duties satisfactorily; and
 - iv) this Policy does not apply to an employee who is temporarily acting in the role of an Executive Manager.
3. It is the intent of this Policy that the Council will resolve to delegate to the Chief Executive Officer the power to appoint senior employees as Acting Chief Executive Officer in the circumstances contemplated by this policy.



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4. The Chief Executive Officer is to ensure that future contracts for senior employees reflect the terms and the intentions of this Policy.



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3.15 Christmas / New Year Closure of Council Facilities

Policy Owner: Governance
Person Responsible: All Executive Managers
Date of Approval: 18 November 2009
Amended:

Objective This policy is for the authorisation for the Council facilities, i.e. administration, engineering, library and depot site, to close over the Christmas and New Year period.

Policy The Administration centre will be closed for business from 3.00pm on the last working day before Christmas and re-open on the first working day following New Year's Day.

Shire staff will take leave entitlements during this closure period for those days that are not designated public holidays.

The Bindoon and Muchea landfill sites close on Christmas Day only. All other normal operating times apply over the Christmas / New Year period.



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3.16 Retirement/Resignation of Employees – Council gift/functions

Policy Owner: Corporate Services
Person Responsible: All Executive Managers
Date of Approval: 18 November 2009
Amended: 25 June 2014

Objective This policy is to provide the necessary guidelines for gifts and/or function for the retirement or the resignation of a Shire employee.

Policy Upon resignation/retirement of an employee who has provided satisfactory service to Council for two (2) years or more, the Council authorises the Chief Executive Officer to acquire a suitable gift to be presented to that employee.

The value of the gift as a guide to be as follows:

Length of service	Value of gift
0 – 2 years	\$0
2 – 5 years	\$100
5 – 10 years	\$200
10 – 15 years	\$300
15 – 20 years	\$400

The objectives are:

- to show appreciation to employees who have made long term or otherwise contributions to Council and to promote good Council/staff relations
- to frame a standard procedure when dealing with staff who leave Council's employ and to comply with the **Local Government Act 1995**
- gifts will be given in accordance with the following guidelines:
 - at the discretion of Chief Executive Officer, a gift may be provided to employees leaving Council prior to two (2) years of service
- functions will be given in accordance with the following guidelines:
 - at the discretion of Chief Executive Officer, a function may be provided to employees leaving Council prior to two (2) years of service



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Presentation for senior employees leaving Council to be considered independently of this policy.

The retirement/resignation function will depend on the following length of service and consist of:

LENGTH OF SERVICE	VALUE	DETAILS OF FUNCTION
0 - 2yrs	Nil <u>Up to \$100</u>	At discretion of CEO
2 - 5yrs	\$150	Council sponsored sun downer (all staff and the departing officer's partner) with nibbles, beer, wine and soft drink.
5 - 20yrs	<ul style="list-style-type: none"> • 5-10yrs = \$200 • 10-15yrs = \$250 • 15-20yrs = \$300 	Council sponsored sun downer (Elected Members, staff and the departing officer's partner) with nibbles, beer, wine and soft drink.
20yrs plus	\$500	Council sponsored reception (Elected Members, staff and partners).

Note:

Catering for such functions may include finger foods and drinks (modest quantity of alcohol including mid or low strength beers is permitted).

Human Resources will notify the employee's service unit and Corporate Services of the employee's entitlement upon receipt of the employee's retirement/resignation notification.

The service unit will be responsible for arranging the function and gift in advance of the employee's final working day.



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3.17 Staff Disciplinary

Policy Owner:	Governance
Person Responsible:	All Executive Managers
Date of Approval:	18 May 2011
Amended:	

Objective	<p>The objective of a disciplinary policy is:</p> <ul style="list-style-type: none"> • To ensure that the processes and outcomes of disciplinary procedures are in accordance with the relevant State and Federal laws, the Local Government Industry Award 2010 and any enterprise agreements. • To provide an acceptable disciplinary process to the workforce and the Shire of Chittering. • To determine the issues expeditiously. • To allow an employee who is the subject of a disciplinary process the right to appropriate representation. • To ensure that the ultimate determination of a disciplinary matter is made, subject to any avenues to the courts or Industrial Tribunals, by the Chief Executive Officer. • To ensure that the necessity for having disciplinary processes or external claims to Courts or Industrial Tribunals is minimised. • To ensure the principles of natural justice apply to the process.
Policy	<p>The Shire of Chittering Senior Staff in consultation with the Chief Executive Officer may consider issues of staff misconduct and unacceptable performance levels that may require disciplinary action.</p> <p>Any disciplinary procedure shall be applied in a consistent, fair and objective manner. It is recommended that advice from Workplace Relations is sought before any action of a serious nature is taken.</p>



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3.18 Vehicle Use

Policy Owner: Governance
Person Responsible: All Executive Managers
Date of Approval: 27 June 2012
Amended:

Objective To supply employees with a means of transportation in order that they may provide effective and efficient services.

Policy Allocation of Shire vehicles is dependent on the requirements of the position.

This practice applies to all employees excluding the Chief Executive Officer.

No employee shall drive a Shire vehicle without a valid "C" class driver's licence. Upon request, employees will produce their current driver's licence for inspection by a delegated officer.

The employee shall be responsible for payment of fines incurred as a result of failing to observe the Road Traffic Code and/or any parking prohibitions.

All vehicles shall be appropriately housed and secured at the residence of the employee. It is the responsibility of the employee to maintain the vehicle in a clean and tidy state, and report immediately any damage or malfunction.

It is not the intention to restrict the use of Shire vehicles to those employees' allocated vehicles as determined by this policy. Vehicles are to be made available for Council business during working hours to those officers who are performing a Council function, responsibility or duty.

The Chief Executive Officer reserves the right to alter the terms/restrict or withdraw the use of a vehicle by an employee where it is determined that the officer has breached the terms and conditions of this policy; or as a result of poor performance, irresponsible use, or repeated breaches of the Road Traffic Code.

Any proposal to withdraw or restrict the use of a vehicle must take into account any conditions of a fixed term contract.



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All fuel costs will be met by Council, with the exception of periods of leave (annual, long service and sick), grouped days of rostered days off (RDO / time in lieu) subject to the terms of the individuals negotiated employment contract.

Private use of Shire vehicles will be restricted to a 300km radius of Bindoon, subject to the terms of the individual negotiated employment contract.

Vehicle odometer readings are to be submitted each month to the CSO Technical Services for processing.

At the conclusion of each month receipts for fuel purchased shall be presented to the CSO Finance and authorised for payment by the Executive Manager Corporate Services.

As per the **Smoking, Other Drugs and Alcohol** policy, smoking is banned in all Shire of Chittering vehicles.



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3.19 Social Media

Policy Owner: Corporate Services
Person Responsible: Executive Manager Corporate Services
 Economic Development Officer
Date of Approval: 19 December 2012
Amended:

Objective To give guidelines for engaging in online conversations as representatives of the Shire of Chittering.

Statement As a Local Government Agency the Shire of Chittering and its representatives must follow certain rules when participating in social media.

Scope These guidelines are intended for use by Councillors, staff members and other representatives of the Shire of Chittering to apply to any online medium where information may reflect back on the image of the Shire of Chittering. Therefore this Social Media Policy applies to all forms of social media including, but not limited to: blogs, Facebook, MySpace, Wikipedia or other wikis, Twitter and LinkedIn. These guidelines also apply to any comments representatives of the Shire of Chittering may leave on others' blogs or Facebook/MySpace pages, edits to wikis, responses to tweets, postings on message boards/forums and opinions on online polls.

Most conversations on social media platforms are held in an informal manner, so the normal professional writing style is not required for social media communications; however, professional discourse is expected.

All social media accounts, blogs and web pages carrying the Shire of Chittering brand identity are to be endorsed by the Shire of Chittering. If the Shire of Chittering is referenced in any media by its representatives these social media guidelines apply.

Reference should also be made to the Shire of Chittering's "Code of Conduct – Staff, Volunteers and Contractors".



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Guidelines

- 1. The Internet is not anonymous, nor does it forget**
Everything written on the Web can be traced back to its author one way or another and very easily.
- 2. There is no clear line between your work life and your personal life. Always be honest and respectful in both capacities**
With the ease of tracing authors back from their posts and the amount of information online, finding the actual identity of a poster from a few posts and a screen name is not impossible. This creates an avenue for outside parties to link your personal writings to the Shire of Chittering. Always write as if everyone knows you. Never write anything you wouldn't / couldn't say out loud to all parties involved.
- 3. Avoid hazardous materials**
Do not post or link to any materials that are defamatory, harassing or indecent.
- 4. Don't promote other brands with our brand**
Do not promote personal projects or endorse other brands, causes or opinions when posting on behalf of the Shire of Chittering. The endorsement of the Shire can be sought if required. If a personal opinion must be posted, clearly state that it does not represent the opinions of the Shire.
- 5. Maintain confidentiality**
Do not post any confidential information in regards to the Shire of Chittering including personal information of employees, Councillors and other individuals associated with the Shire of Chittering.
- 6. Always acknowledge**
When reposting / referencing a post or someone else's comments provide a link to the original item or acknowledge the author.
- 7. Identify yourself**
When relevant, identify your affiliation with the Shire of Chittering to add credibility to your profile and to increase the visibility of the Shire of Chittering.
- 8. Do not qualify your work**
Do not post statements regarding the quality or quantity of your work / load.



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9. Do not return fire

If a negative post or comment is found online about the Shire of Chittering or one of its representative, do not counter with another negative post. Publicly offer to remedy the situation through positive action.

10. Do not action requests made through social media

Actioning requests must be done only through our regular procedures to avoid conflicts and other ethical problems.

It should be noted that comments considered to be offensive or defamatory will be removed by the Administrator and repeat offenders will be blocked.



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3.20 Training and Development

Policy Owner:	Governance
Person Responsible:	All Executive Managers Manager Human Resources
Date of Approval:	20 March 2013
Amended:	

Objective To facilitate the training and development of employees within areas which are of mutual benefit for the Shire and its employees.

Policy The Shire will support employees to attend appropriate conferences, seminars and training programs relating to their individual function and responsibilities as detailed in position descriptions and their individual Training and Development Plan.

During the budget preparation process the Chief Executive Officer, in consultation with Executive Managers, shall propose for the consideration of Council an allocation of funds for staff attendance at Conferences and Seminars and for Staff Training for the ensuing financial year.

There will be no payment of training fees or time off to attend training unless prior approval for training has been authorised through the appropriate channels:

- Approval to attend is only to be granted if the relevant budget provides sufficient funds and the conference, seminar or training course has been identified in the employee's Training and Development Plan as being deemed to be of particular relevance to Council's operations and / or to the employee's professional development needs;
- Except for Senior Staff where attendance at conferences has been included in their contract, all conferences / seminars attended outside the State will require approval of the Chief Executive Officer;
- The following expenses incurred as a result of approved training will be met by Council and if paid by an employee can only be reimbursed with the production of a detailed receipt:
 - Registration fees;
 - Accommodation and reasonable meals costs;
 - Minor expenses, such as taxi, parking fees and telephone calls; and



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- Travelling expenses.

Alcohol, mini bars and in house movies will not be paid by Council.

- Air travel will be limited to economy class and will be organised by the Executive Support Officer;
- The Shire will endeavour to provide transport where training is to be held away from the Shire Office, however in the event that a personal vehicle is used, travel reimbursements may be claimed as per the *Local Government Industry Award 2010*; and
- A written report on the attendance at each conference / seminar / course shall be prepared and submitted to the appropriate Executive Manager or Chief Executive Officer if requested.



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3.21 Study Assistance

Policy Owner:	Governance
Person Responsible:	All Executive Managers Manager Human Resources
Date of Approval:	20 March 2013
Amended:	

Objective The Shire supports employees who endeavour to further their education (as it relates to their position), through the provision of a financial subsidy and time off for study.

Policy Study assistance relates to any qualification gained through University/TAFE/College which has a national recognisable attainment.

Permanent employees who have completed their probationary period may be eligible for study assistance subject to the conditions of this Policy.

Approval may be granted only where there is clear relevance between current or prospective duties and the studies to be undertaken.

The Chief Executive Officer is authorised to approve Study Assistance based on advice from the relevant Executive Manager.

Applications for study assistance must be made annually.

The Shire will allocate in the Annual Budget a sum to assist with the costs associated with employee study assistance.

Financial Assistance

The Shire will consider reimbursement to the maximum value of \$2,500 in any year for education through a recognised provider (i.e. University or TAFE):

- Authorisation prior to commencement of the program is required, in order that the contents of the program can be assessed to ascertain the relevance to current work duties and responsibilities.
- Employees must pay for the approved unit(s) up front and pass the unit(s), prior to any reimbursement claim being made.



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- In order to claim reimbursement, employees must complete the study assistance claim form, provide the receipt of payment and a transcript of results obtained.

Time off for Study

The Shire will consider up to five (5) hours per week, paid time off for employees who wish to gain higher education through a recognised provider (i.e. University or TAFE):

- For time off to study to be approved, employees must satisfy the Shire that all endeavours have been made to study outside working hours, e.g. evening classes, correspondence, etc, and that rostered days off are being utilised (this may include a change to the rostered day off in order to accommodate study hours).
- The five (5) hours per week shall include travel time to and from the place of study.
- Reasonable time for examinations will be considered.
- A study assistance application form must be completed and approved prior to time off for study being commenced.
- Time off is offered as an alternative to financial assistance and must be applied for on an annual basis.

Taxation Reference – Fringe Benefits Tax Guide

The Employee Study Assistance Policy allows for an opportunity for various self education expenses to be reimbursed. These expenses are an exempt benefit based on the “otherwise deductible rule” which, subject to conditions, allows for the reimbursement of various costs related to study or self education. These conditions include:

- 1.0 Can only relate to expenditure conducted by the employee on a study course attended by the employee.
- 2.0 The course undertaken must relate directly to the employment of the employee, and enhance opportunities for higher levels of pay or promotion or to maintain and improve the skill or knowledge of the employee to carry out the role that they are currently employed in.
- 3.0 Can not relate to Higher Education Contribution Payments (HECS), or payments made under the Post Graduate Education Loan Scheme (PELS).

The process currently in place for staff to apply for this benefit will ensure the above requirements are met and therefore will enable the benefit to be provided as an exempt fringe benefit.



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3.22 Staff Superannuation

Policy Owner:	Governance
Person Responsible:	Manager Human Resources
Date of Approval:	15 May 2013
Amended:	

Objective This policy sets out the criteria for the payment of additional superannuation to staff. It provides guidance for officers involved in the recruitment and retention of staff.

The Shire of Chittering is obliged to pay superannuation into a complying fund on behalf of all staff under the provisions of Federal legislation, and this component is known as Superannuation Guarantee Levy (SGL). The percentage payment may be adjusted by legislation from time to time.

The Shire of Chittering and its employees may also make additional voluntary contributions to a complying fund.

Policy **Superannuation Capping**
The Shire of Chittering's employer contribution to staff superannuation shall not exceed a maximum of 15% from 1 July 2013. This contribution is inclusive of the Superannuation Guarantee Levy and matching employee contributions.

Matching Council Contributions

The Shire of Chittering will match voluntary employee contributions \$ for \$ in accordance with *clause 1.1*, ie the Shire's total superannuation contribution per employee shall not exceed 15%.

Employment Contracts

From the date of this policy's formal adoption, all new Employment contracts and Offers of Employment shall not contain any provisions which exceed or contravene this policy.

Salary Sacrifice and Additional Contributions

All employees shall have the option to salary sacrifice a nominated percentage of their salary or make additional contributions to superannuation, but there is no obligation on the Shire of Chittering to match employee contributions other than in accordance with this policy.



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Variation to Policy

Council may vary this policy from time to time with respect to legislative changes and any other mitigating circumstances.

This policy does not apply to staff employed by Council prior to the date of its formal adoption.



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3.23 Attraction and Retention

Policy Owner:	Governance
Distribution:	All Staff
Person Responsible:	Manager Human Resources
Date of Approval:	25 June 2014
Amended:	

Objective To establish attraction and retention strategies to ensure the Shire is an 'Employer of Choice'.

Statement In order to remain competitive and retain staff the Shire has adopted an Attraction and Retention Policy which outlines the Shire's values, employment benefits, commitment to equal opportunities, training and development and health and well being of its employees.

Organisation Values All employees are expected to work within the Shire of Chittering values, Code of Conduct, policies and procedures and display the following behaviours:

Honesty and integrity: treat others with respect, fairness, consistency, courtesy and honesty.

Delivery of service: provide a high level of customer service. Strive to learn. Actively seek and evaluate new ways of doing things. Lead by example.

Teamwork and commitment: work as a team and assist each other for the betterment of the Shire, its residents and visitors.

Caring and empathy: be considerate of other and believe in their ability. Encourage and acknowledge effort and initiative.

Benefits: The Shire offers a wide range of benefits to its employees including:

- Training and Professional Development opportunities. Individual Training and Professional Development Plans established and reviewed annually.
- Study assistance.



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- Eighteen (18) weeks paid parental leave if the employee is the primary care giver (in accordance with the Federal Governments Parental Leave Pay)
- Flexible working hours / one RDO per fortnight or month.
- Additional two days leave per year (days in lieu for New Year and Easter).
- Generous superannuation scheme (Shire contributes up to 15%).
- Taking of annual leave in single day periods at a time or times agreed with supervisor/manager.
- Employee recognition award.
- Free Employee Assistance Program (free counselling whether it is work related or personal – available to immediate family members also).
- Smoke free workplace.
- Promotion of health and wellbeing including:
 - Free annual flu vaccinations
 - Skin screenings (undertaken approximately every two years).
- Uniform subsidy.
- Unlimited tea and coffee supplies.
- Free car parking.

Safe working environment

The Shire is committed to achieving best practice in occupational safety and health by building a safety culture dedicated to minimising risk and preventing injuries and ill health to employees, contractors and the general public by ensuring all can operate in a safe and healthy environment whilst at their workplace.

The Shire has adopted an Occupational Safety and Health policy and associated procedures and has established an Occupational Safety and Health Committee.



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Equal Opportunity

The Shire of Chittering is committed to a policy of equal employment opportunity, fair treatment and non-discrimination for all existing and future employees.

The Shire has adopted an Equal Opportunity Policy and there are Work Place Behaviour procedures in place to ensure:

- Our workplace is accountable and free from harassment.
- Our workplace is free from unlawful discrimination.
- Fair practice in the workplace.
- Management decisions are made without bias.
- Recognition of and respect for the social and cultural backgrounds of all staff, Members and customers.
- Improving productivity by ensuring:-
 - The best person is recruited and / or promoted
 - Skilled staff are retained
 - Training and development are linked to employee and the Shire's needs.
- Striving to ensure fair outcomes in areas of employment, including:
 - Recruitment
 - Training and development
 - Promotion and transfer
 - Supervision and management of employees
 - Access to information
 - Conditions of employment
 - Access to Employee Assistance Program.

Training and Professional Development

The Shire of Chittering recognises that continuing focus on the career development of its employees is a beneficial strategy in retaining staff and developing each employee's potential.

The Shire supports the development and use of structured career path plans and will provide all employees with the opportunity to participate in training and development programs at the Shire of Chittering's expense where training / development complements the Shire's goals and strategies and is consistent with the skills identified during the performance appraisal process.

Education, being general, tertiary and professional skills and qualifications is the responsibility of the individual employee, but the Shire has adopted a Study Policy that may support employees who endeavour to further their education (as it relates to their position), through the provision of a financial subsidy and time off for study.



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Study assistance relates to any qualification gained through University/TAFE/College which has a national recognisable attainment.



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3.24 Loss of Driver's Licence

Formatted: English (Australia)

Policy Owner:
Distribution: All Staff
Person Responsible: Manager Human Resources
Date of Approval:
Amended:

Objective To outline the possible outcomes if an employee loses their driver's licence or if their driver's licence was to lapse (or invalidated) and such licence is needed for them to satisfactorily perform their duties.

"Loss of licence' for the purpose of this policy shall include lapsed, cancelled, failure to renew, renewal not issued, suspension and cancellation.

Policy It is essential that employees maintain certain skills and qualifications in order to satisfactorily undertake their duties.

The need for a valid Driver's Licence is one such qualification that is needed in many positions.

Should an employee lose their driver's licence, this may negatively impact on their ability to perform their duties and will be dealt with in accordance with the Guidelines and Policy Procedure.

Guidelines and Procedure for loss of Drivers Licence

An employee is required to notify their supervisor/manager at the earliest opportunity when they lose their licence.

An employee who has lost their licence must not operate any Shire of Chittering vehicle. Any employee who does operate a vehicle whilst not in possession of a current driver's licence will face disciplinary action. Driving a Shire vehicle, whilst not possessing a current driver's licence, is violating the law and can potentially be invalidating the Shire's vehicle insurance policy.

Where an employee has lost their driver's licence and it is a requirement of the position that they hold a current C or HR Class licence, then the employee's immediate Supervisor and Manager, together with the Manager Human Resources and/or Chief Executive Officer shall formulate a strategy to deal with the situation based on the individual merits of the case.



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Factors that shall be taken into account shall include:

- the extent to which the employee is required to use the Shire's vehicles in performing the functions of their role;
- the reasons for loss of licence;
- whether alternative duties/suitable vacancies are available;
- the employee's length of service, work performance and behaviour record; and
- the length of time before the employee will gain an extraordinary licence/regain their driver's licence.

Depending on the merits of any particular case, the following strategies may be implemented:

- the employee may perform alternative duties which do not require a driver's licence within their current section/division if suitable;
- the employee shall be redeployed elsewhere within the Shire of supportable;
- the employee shall apply for and be granted annual leave, long service leave (if eligible) or leave without pay; and
- the employee's services shall be terminated.

The Chief Executive Officer shall have the final decision as to whether employment shall continue, however the affected employee shall be advised of their right to contest any such decision through the appropriate dispute resolution process.

Should an employee's services be terminated, that person may reapply for employment should a suitable vacancy be advertised once they have regained their licence.

An employee will receive the relevant rate of pay in accordance with the **Local Government Industry Award 2010** for the alternative position during this period.

Alcoholism

Attempts must be made to ascertain whether or not the employee has an underlying behavioural problem where an employee loses their licence due to a drink driving charge.

It is recognised that alcoholism is an illness which causes socio-economic problems for individuals and the community as a whole. People who suffer from alcoholism require treatment, support and counselling to overcome their addiction.

Employees who stipulate that they have a problem which resulted in them losing their licence may be assisted by the Shire. The level of support will be determined at the discretion of the Chief Executive Officer. If the employee is willing to undergo rehabilitation and counselling to assist with their addiction then



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the Shire will look more favourably upon supporting them through the transitional period of recovery.

Due to the employer's duty of care to the community, those people who have previously lost their licence due to a drink driving charge may be required, at the discretion of the Chief Executive Officer, to undergo a breath test before and after the use of a vehicle.

The decision to supply and fund counselling to the employee to assist with recovery during the employee's illness lies with the Chief Executive Officer's discretion. No employee will be forced to attend counselling, however, the Shire will look more favourably upon an employee who admits they have a problem and willing to seek treatment.

Supporting documents [Smoking, Alcohol and Other Drugs Policy](#)
[OSH Act, Policy and Procedures](#)
[Code of Conduct](#)
[Administrative Procedures](#)



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4.1 Code of Conduct - Elected Members

Policy Owner:	Governance
Distribution:	All Elected Members and Staff
Person Responsible:	All Executive Managers
Date of Approval:	16 December 2009
Amended:	

Objective

The Code of Conduct provides Elected Members of the Shire of Chittering with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issues of ethical responsibility and encourages greater transparency and accountability.

The Code is complimentary to the principles adopted in the *Local Government Act 1995* and *Local Government (Rules of Conduct) Regulations 2007* which incorporates four fundamental aims to result in:

- a) Better decision making
- b) Greater community participation in the decisions and affairs of the Council
- c) Greater accountability of the Council to its community
- d) More efficient and effective local government.

The Code provides a guide and a basis of expectations for Elected Members. It encourages commitment to ethical and professional behaviour and outlines principles in which individual and collective local government responsibilities may be based.

Policy

Statutory Environment

The Code of Conduct observes statutory requirements of the *Local Government Act 1995* (s5.103 – Codes of Conduct) and *Local Government (Rules of Conduct) Regulations 2007*.

Rules of conduct

Elected Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the *Local Government Act 1995* and *Local Government (Rules of Conduct) Regulations 2007*.



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Role of Elected Members

An Elected Member's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Shire of Chittering will be the focus of the Elected Member's public life.

An Elected Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, Elected Members' activities will focus on:

- Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- Achieving sound financial management and accountability in relation to the Council's finances;
- Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents concerns;
- Working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- Having an awareness of the statutory obligations imposed on Elected Members and on the Shire of Chittering.

Disclosure of Interest (affecting impartiality)

Conflict of Interest

Refer to **Local Government (Rules of Conduct) Regulations 2007**, Regulation 11 – Disclosure of Interests.

Disclosure of Interest

Refer to the **Local Government Act 1995**, section 5.60:

- 5.60A Financial Interest
- 5.60B Proximity Interest
- 5.61 Indirect Financial Interest
- 5.62 Closely associated persons

5.65 *Members' interests in matters to be discussed at meetings to be disclosed*

- (1) *A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest—*
- (a) in a written notice given to the CEO before the meeting; or*
 - (b) at the meeting immediately before the matter is discussed.*

Penalty: \$10 000 or imprisonment for 2 years.



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- (2) *It is a defence to a prosecution under this section if the member proves that he or she did not know —*
- (a) *that he or she had an interest in the matter; or*
 - (b) *that the matter in which he or she had an interest would be discussed at the meeting.*
- (3) *This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).*

Personal benefit

Use of confidential information

Elected Members will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

Improper or undue influence

Elected Members will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

Gifts and bribery

Refer to **Local Government (Rules of Conduct) Regulations 2007**, Regulation 12.

Conduct of Elected Members

Personal behaviour

- (a) Elected Members will:
- (i) **Act**, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code
 - (ii) **Perform** their duties impartially and in the best interests of the Shire of Chittering uninfluenced by fear or favour
 - (iii) Act in **good faith** (i.e. honestly, for the proper purpose and without exceeding their powers) in the interests of the Shire of Chittering and the community
 - (iv) Make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any conduct, in the performance of their official duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - (v) Always act in accordance with their obligation of fidelity to the Shire of Chittering.
- (b) Elected Members will represent and promote the interests of the Shire of Chittering, while recognising their special duty to their own constituents.



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Honesty and Integrity

Elected Members will:

- (a) Observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards
- (b) Bring to notice of the President any dishonesty or possible dishonesty on the part of any other member and, in the case of an employee, to the Chief Executive Officer
- (c) Be frank and honest in their official dealing with each other.

Performance of Duties

Elected Members will, at all times, exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Elected Members will be as informed as possible about functions of the Council, and treat all members of the community honestly and fairly.

Compliance with Lawful Orders

- (a) Elected Members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- (b) Elected Members will give effect to the lawful policies of the Shire of Chittering, whether or not they agree with or approve of them.

Administrative and Management Practices

Elected Members will ensure compliance with proper and reasonable administrative practices and conduct and professional and responsible management practices.

Corporate Obligations

- (a) Communication and public relations as a representative of the community. Elected Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Elected Members should acknowledge that:
 - As a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council
 - Information of a confidential nature ought not be communicated until it is no longer treated as confidential



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- Information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council
- Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

Relationships between Elected Members and Staff

An effective Elected Member will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Elected Members and staff have a mutual respect and cooperate with each other to achieve the Council's corporate goals and implement the Council's strategies.

To achieve that position Elected Members need to:

- Accept that their role is a leadership, not a management or administrative one
- Acknowledge that they have no capacity to individually direct members of staff to carry out particular functions
- Refrain from publicly criticising staff in any way that casts aspersions on their professional competence and credibility.

Note: Refer to Regulations 9 and 10 of the Local Government (Rules of Conduct) Regulations 2007

Appointments to Committees

As part of their representative role Elected Members are often asked to represent the Council on external organisations. It is important that Elected Members:

- Clearly understand the basis of their appointment
- Provide regular reports on the activities of the organisation.

Dealing with Council property

Use of local government resources

Elected Members will:

- Be scrupulously honest in their use of the Shire of Chittering's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body
- Use the Shire of Chittering resources entrusted to them effectively and economically in the course of their duties
- Not use the Shire of Chittering's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).



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Travelling and sustenance expenses

Elected Members will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Shire of Chittering in accordance with Shire of Chittering policy and the provisions of the *Local Government Act 1995*.

Access to information

- (i) Staff will ensure that Elected Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members
- (ii) Elected Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.



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4.2 Petitions to Council

Policy Owner:	Chief Executive Officer
Distributed to:	All Elected Members
Person Responsible:	All Executive Managers
Date of Approval:	17 February 2010
Amended:	25 June 2014

Objectives Petitions are one of the traditional processes by which an individual can directly place issues before Council.

Policy Formal petitions must:

- be addressed to the Presiding Member
- be made by electors of the district
- state the request on each page of the petition
- contain the names, addresses and signature of the elector(s) making the request, and the date each elector signed
- contain a summary of the reasons for the request
- state the name of the person upon whom, and an address which notice to the petitioners can be given.

A formal petition must be in the form prescribed by the **Local Government Act 1995** and **Local Government (Constitution) Regulations 1996** if it is—

- a proposal to change the method of filling the office of Presiding Member
- a proposal to create a new district or the boundaries of the local government
- a request for a poll on a recommended amalgamation
- a submission about changes to wards, the name of a district or ward, or the number of Elected Members for a district or ward.

Where a petition does not relate to or conform to the above it may be treated as an "informal" petition, and the Chief Executive Officer may at his/her discretion forward the petition to a committee or to Council accompanied by an officer report.



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4.3 Elected Members' Fees, Allowances, Reimbursements and Benefits

Policy Owner:	Governance
Distributed to:	All Elected Members
Person Responsible:	All Executive Managers
Date of Approval:	17 February 2010
Amended:	18 September 2013

Objectives To clearly outline the support and allowances available to the Shire's Elected Members within the provisions of the **Local Government Act 1995** (the "Act") to cover any "out of pocket" expenses that are incurred in carrying out their function as an Elected Member. It also establishes guidelines in respect to Elected Members' participation in conferences and training.

Policy In addition to those allowances and reimbursements available to Elected Members under the Act, and Regulations made under the Act, this policy will outline "approved expenses" the Shire will reimburse Elected Members if incurred in their capacity as an Elected Member.

The Council also recognises that Elected Members have a responsibility to undertake development opportunities necessary to enable them to fulfil their duties of public office.

Background The **Local Government Act 1995**, Section 5.98, 5.98 (A), 5.99 and 5.99(A) provides for fees and allowances as determined by the Salaries and Allowances Tribunal (SAT) from time to time. The current policy provides for clear definitions on reimbursements that members are entitled to and conferences and training opportunities available to members.

Scope **Allowances**
Elected Member meeting attendance fees and the Shire president's local government allowance are to be paid on a quarterly basis in arrears.

- 1) *Shire President allowance*
The annual local government allowance for the Shire President is set by Council in accordance with the appropriate SAT bands (table 7) for 'Annual allowance for Mayor or President of a Local Government'.



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- 2) *Deputy Shire President allowance*
The annual local government allowance for the Deputy Shire President is set in accordance with section 5.98(A) of the **Local Government Act 1995**, which is 25% of the Presidents Allowance.
- 3) *Elected Member attendance fee*
The annual local government attendance fee for Elected Members is set by Council in accordance with the appropriate SAT bands (table 5) for 'Annual Attendance fees in lieu of Council meeting and Committee meeting attendance fees – Local Government'.
- 4) *Shire President attendance fee*
The annual local government attendance fee for the Shire President is set by Council in accordance with the appropriate SAT bands (table 5) for 'Annual Attendance fees in lieu of Council meeting and Committee meeting attendance fees – Local Government'.
- 5) *Annual allowance in lieu of reimbursement of expenses*
All Council members are to be paid an annual allowance set by Council in accordance with the appropriate SAT range for 'Annual allowances determined instead of reimbursement for particular types of expenses'.

Reimbursement of travelling expenses for attending ordinary or special meetings of Council (or any meeting as capacity as a member of that committee)

It is noted that under section 5.98(2)(a) and Regulations 31(1)(b), an Elected Member who incurs travel expenses because of the member's attendance at a Council meeting or meeting of a committee of which he or she is a member, is entitled to be reimbursed:

- (a) if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- (b) if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back -
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in sub-paragraph (i) is more than 100km for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to the boundary.



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The expenses shall be paid only on receipt of a formal claim and shall be calculated on the number of kilometres between the President/Elected Member's principal place of residence or work within the Shire to the meeting venue and back. The rate per kilometre shall reflect actual cost and will be as specified in the **Public Service Award 1992** issued by the Western Australian Industrial Relations Commission.

Information or advice is available from the Chief Executive Officer or the Executive Manager Corporate Services at any time. Elected Members shall endeavour, where practical, to make arrangements to utilise a Council vehicle to attend appropriate meetings.

Dates of payments for reimbursement are:

- 1) 30 September
- 2) 31 December
- 3) 31 March
- 4) 30 June

All claims for the current financial year must be processed and paid before year end 30 June.

All claims are to be entered onto the Shire's spreadsheet (appendix 1) and emailed to the Chief Executive Officer at the end of each quarter (as listed above).

Expenses approved for reimbursement

For the purpose of Regulation 32(1)(a):

- 1) the express authority of the Council is given to Council members to perform the following functions:
 - a) attendance by an Elected Member at any working group meeting, ordinary or special briefing session and Council forum, notice of which has been given by the Chief Executive Officer;
 - b) attendance by an Elected Member at any meeting of anybody to which the Elected Member has been appointed by the Council or to a secondary body as approved by the Chief Executive Officer;
 - c) attendance by an Elected Member at any annual or special electors' meeting;
 - d) attendance by an Elected Member at a Shire of Chittering civic function to which all Council members are invited;
 - e) attendance by an Elected Member at a citizenship ceremony conduct by the Shire;
 - f) attendance by an Elected Member at any ceremony for the presentation by the Shire of awards to school students by any member responsible for presentation of the awards;



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- g) attendance by an Elected Member at any meeting of a ratepayer/residents association dealing with the interests of an area represented by that Elected Member;
 - h) attendance by an Elected Member at any site where:
 - i) the site is the subject of an item of business on an agenda for a Council briefing session or a Council meeting; and
 - ii) the attendance occurs between the issue of the agenda and the Council briefing session or the Council meeting.
 - i) attendance by an Elected Member at a meeting with the Chief Executive Officer or a Manager of the Shire at the request of the Chief Executive Officer or a Manager;
 - j) attendance by an Elected Member at a meeting with a ratepayer/resident or a local body or group to discuss any local government matter; and
 - k) attendance by an Elected Member at a funeral for those deceased persons recognised under the Shire of Chittering's Bereavement Recognition Policy.
 - l) attendance by the Shire President at a meeting or function of anybody including any State Government body, in his or her capacity as the Shire President, including attendance by the Deputy Shire President or an Elected Member in place of the Shire President;
 - m) any other function, meeting or event in their role as an Elected Member that is supported by a written invitation.
- 2) The following expenses incurred by an Elected Member in performing a function to which express authority is given under this resolution, are approved for reimbursement:
- a) child care costs, to be reimbursed as per the SAT determination section 4.2 (2) 'Extent of expenses to be reimbursed';
**child care costs will not be paid for where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.*
 - b) travel costs;
 - c) parking.



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Professional conferences

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the Shire, the Chief Executive Officer is authorised to arrange, at the Shire's cost, and at the request of an Elected Member:

- a) registration at professional conferences which are:
 - i) considered by the Chief Executive Officer to be directly relevant to the Shire's affairs;
 - ii) convened by the Western Australian Local Government Association (WALGA).
- b) *accommodation for an Elected Member in a standard room at a reasonably priced hotel near the conference venue for the duration of the conference;
- c) registration for the conference dinner for the Elected Member; and
- d) one return economy airfare to the conference if the venue is interstate.

****If accommodation is not at the venue of the event or activity then taxis should generally be used for transport. Where necessary a hire car can be organised for the conduct of Council business at the discretion of the Chief Executive Officer. Where an Elected Member elects to travel interstate by private motor vehicle they will be reimbursed for actual accommodation costs and vehicle costs in accordance with the Local Government travel allowance up to an equivalent amount that would have been expended had the travel occurred by air. Receipts must be provided for all expenses in order to be reimbursed.***

Subject to the above, a maximum amount (per Elected Member) is set annually for attendance at conferences in accordance with the Shire of Chittering Annual Budget.

For the purpose of Regulation 32(1)(a), the express authority by resolution of the Council is given to Elected Members to perform the following function – the attendance by an Elected Member at a professional conference, the registration for which is arranged by the Chief Executive Officer.

The following expenses incurred by an Elected Member in performing a function referred to in paragraph (a) are approved for reimbursement:

- i) *food and beverages consumed by the Elected Member during the conference.
- ii) taxi fares incurred by the Elected Member during the conference.
- iii) costs associated with the attendance of the Elected Member at any meetings or forums with other government bodies or associations, at the discretion of the Chief Executive Officer.



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The extent to which the costs referred to above is to be reimbursed at the actual cost.

Actual amounts and actual costs are to be verified by sufficient information under Regulation 31.

**Meal and beverage claims will be accepted where it is reasonable for the Elected Member to have incurred the expense. Meal claims will not be accepted where meals are provided at the event or activity or where the expense is incurred outside of reasonable travelling times for example more than a day in advance of or after the end of the event or activity.*

Training and Education

The following training course is identified as relating to Elected Members of the Shire:

- WALGA Elected Member Development Program

Priority will be given to the attendance of any new Elected Member at any induction or training course that is specifically organised for the benefit of the new Elected Member.

An Elected Member is not entitled to any subsidy where a course of study is subsidised through other means.

Booking arrangements

All booking arrangements of airline travel for representatives of the Shire of Chittering are to be coordinated through the Chief Executive Officer's office.

Airline travel for Elected Members is to be booked at economy level and booking arrangements are to be reviewed upon any improved discount offer being identified.

Other than to amend departure times, tickets provided to representatives of the Shire are not to be exchanged, downgraded or rebated for any reason. Tickets or bookings may not be altered to include personal travel that is not part of the scheduled conference itinerary.

The proposed duration of the conference attendance together with travel time and planned supplementary pre or post conference activities relevant to the Shire of Chittering, will be notified to Council or the Chief Executive Officer for confirmation and/or amendment prior to the delegate's departure for the conference.



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Where Council is represented by a person requiring assistance for the reason of disability, the accompanying person shall be given the same privileges as the representative regarding the travel, accommodation and reasonable expenses incurred.

Reports of conference attendance are to be provided in writing to the next ordinary Council meeting briefing session.

The type of conference that Elected Members attend will be related to a particular function or activity in which Council is involved rather than individual or personal development type conference/seminars.

In recognising the contribution of elected members to the community and period of time spent away from an elected member's principal residence, for elected member development Council authorises payment of associated expenses of Elected Members' spouses to attend one conference annually in Australia.

If a partner or spouse wishes to attend a second or other conference (including conference dinner) all costs will be at their own expense.



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4.4 Certificate of Recognition

Policy Owner:	Governance
Distributed to:	All Elected Members
Person Responsible:	All Executive Managers
Date of Approval:	17 February 2010
Amended:	25 June 2014

Objectives To formally recognise the contribution made by recently retiring Elected Members

Policy There is relatively little recognition and support for people who are prepared to be members of Council and, as a result, make a significant contribution to their communities.

The Department of Local Government has therefore reduced the qualifying period for the receipt of a Certificate of Recognition to eight (8) years.

In order to enable the Shire to appropriately recognise Elected Members, the following is presented:

- A certificate of recognition will be awarded to a current or former Elected Member, on request to the Department of Local Government, after eight or more years of service and which has been confirmed by the local government;
- The service need not be continuous and may be with one or more local governments;
- If an Elected Member, having been issued with a Certificate, has further service that qualifies, i.e. a further eight years or more, an additional Certificate will be issued; and
- Details on a Certificate will include the period served by the Elected Member as mayor/president, deputy mayor/president or Councillor.

Requests for certificates will be made to the Department by the Shire on behalf of the Elected Member. Certificates issued to current Elected Members who have served for more than eight years will recognise all their years of service however, once a Certificate has been issued, another will not be provided for any period less than a further eight years.

It is therefore suggested that an Elected Member who has qualified, having been on Council for eight years, but who intends to continue for another term, defer their application for a certificate until such time as their term is completed or they retire



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from Council. This will allow the service details to be on one certificate.

The Department of Local Government will recognise the number of years served by issuing certificates that are colour coded, i.e.

- White: 8 to 16 years of service
- Silver: 17 to 24 years of service
- Gold: 25 years or more.

In addition to the Certificate by the Department of Local Government, the Elected Member will be presented, on retirement:

- With a plaque of the Council crest and an engraved plate identifying the name of the Elected Member and the years of service to Council;
- A gift to the value of \$80 per year for Councillors and \$100 per year for Shire Presidents for each year of service capped at a maximum of \$1,000.

Presentations will occur at either of the following Council functions:

- Prior to a normal, scheduled Council meeting; or
- By the Shire President or his nominee; or
- As approved by the Shire President and Chief Executive Officer.

The retiree is to have the option of choice.

For the position of Shire President, in addition to the Department of Local Government Certificate of Recognition, a suitable gift and reception will be arranged by the Chief Executive Officer in conjunction with the Deputy Shire President.



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4.5 Legal representation and Costs Indemnification

Policy Owner:	Governance
Distributed to:	All Elected Members
Person Responsible:	All Executive Managers
Date of Approval:	17 February 2010
Amended:	

Objectives The policy aims to protect the interests of individual Elected Members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the Shire may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the Shire of Chittering. This policy applies in that respect.

Policy

- a) The Shire may provide financial assistance to members and employees in connection with the performance of their duties provided that the Elected Member or employee has acted reasonably and has not acted dishonestly, against the interest of the Shire or otherwise in bad faith.
- b) The Shire may provide such assistance in the following types of legal proceedings:
 - i) proceedings brought by Elected Members and employees to enable them to carry out their local government functions (e.g. where an Elected Member or employee seeks a restraining order against a person using threatening behaviour)
 - ii) proceedings brought against Elected Members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (e.g. refusing a development application) or where the conduct of an Elected Member or employee in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions)]
 - iii) statutory or other inquiries where representation of an Elected Members or employees is justified.



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- c) The Shire will not support any defamation actions seeking the payment of damages for individual Elected Members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Elected Members or employees are not precluded, however, from taking their own private action. Further, the Shire, through the Chief Executive Officer, may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
 - d) The legal services the subject of assistance under this policy will usually be provided by the Shire's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors at the Chief Executive Officer's discretion.

Applications for financial assistance

- a) Subject to item e) below, decisions as to financial assistance under this policy are to be made by the Council.
- b) An Elected Member or employee requesting personal financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Chief Executive Officer, providing full details of the circumstances of the matter and the legal services required. [See (f) below].
- c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer.
- d) An Elected Member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the **Local Government Act 1995**.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of \$5,000.
- f) Where it is the Chief Executive Officer who is seeking urgent financial support for legal services the Council shall deal with the application.
- g) The Elected Member or employee shall sign an agreement between him or her and the Shire agreeing that the financial assistance shall be provided on the terms and conditions of this policy.



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Repayment of assistance

- a) Any amount recovered by an Elected Member of employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the Shire.
- b) Assistance will be withdrawn where the Council determines, upon legal advice that a person has acted dishonestly.
- c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The Shire may take action to recover any such monies in a court of competent jurisdiction.



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5.1 Advertising on public open space

Policy Owner:	Development Services
Person Responsible:	Executive Manager Development Services
Date of Approval:	November 2005
Amended:	25 June 2014

Objective To give guidelines for advertising on Public Open Space (Passive and Active Reserves)

Policy

- To give guidelines for advertising on Public Open Space (Passive and Active Reserves)
- To limit the advertising on public open space to the promotion of sport and recreation groups, community based organisations and events and their sponsors.
- To prohibit the promotion of alcohol and tobacco products, companies, wholesalers and retailers (where alcohol and/or tobacco are the major product).

Scope The policy applies to all groups and individuals wishing to advertise on public open space.

Background The Shire of Chittering has a significant amount of public open space, which is utilised by the community. As a result, it is necessary to ensure that all advertising being placed on this space is appropriate to all user groups, and supports the promotion of the Shire's sporting and recreational groups.

Implementation Only signage promoting sport and recreation groups, community based organisations and events and their sponsors will be permitted under this policy.

Guidelines for temporary signs

- Stakes or poles used to secure the signs can only be set into the ground at a maximum depth of 300mm.
- Signs are to be made of a lightweight, non-rigid material, such as cloth, canvas or similar fabric.
- As a guide, signs should not exceed dimensions of 1.0m and 3.0m. and should not be placed in such a manner that



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obstructs pedestrian walkways, presents a hazard to motorists or pedestrians or obstructs car parking bays.

- The wording of the signs should not include any offensive language.
- The signage may not advertise alcohol and tobacco products, companies, wholesalers and retailers (where alcohol and/or tobacco are the major product)
- No bond for the erection of a temporary sign on a reserve will be charged. However should the erection of the sign cause damage to the reserve, the reserve hirer will be invoiced the cost of repairing damage caused.
- Temporary signs must be removed at the end of the activity or each day if the event occurs over multiple days. Failure to remove the sign will result the sign being removed by the Shire of Chittering at the cost of the owner of the sign.
- No approval is required from the Shire of Chittering for the erection of temporary signs. Should it come to the attention that a temporary sign erected or an event or activity contravenes the guidelines as outlined above, the owner of the sign will be required to ensure that the relevant guidelines are adhered to. Ongoing instances of non-compliance to the guidelines of this policy will result in permission being withdrawn from the individual or group to erect temporary signage.
- Recreation areas that are not used by sporting clubs may have temporary signage advertising community events.

Guidelines for permanent signs

- Permanent signs on Shire of Chittering buildings, regardless of if they are located on a Shire of Chittering Reserve or not, will not be supported on the basis of the impact this type of signage has on the visual amenity. Signage on leased buildings will only be considered via written application to the Executive Manager Development Services.
- The only signs permitted to be fixed to perimeter fencing on Shire of Chittering Reserves, are those that promote the home team(s) and the next game to be played by the home team at the venue.
- Permanent signage fixed to internal barrier fences (ie fencing around match pitches) will be considered subject to the following conditions:
 - a) That the signs face onto the match pitch only.
 - b) That a maximum of six signs can be displayed by any one group at any one time.
 - c) That the signs do not extend beyond the length or height of the fence.



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- d) The signs are maintained at no cost to the Shire of Chittering.
 - e) The wording of signs should not include any offensive language.
 - f) The signage may not advertise alcohol and tobacco products, companies, wholesalers and retailers (where alcohol and/or tobacco are the major product)
- Written application to the Executive Manager Development Services is required for the erection of permanent signage as outlined within the above conditions



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5.2 Concerts, Events and Organised Gatherings

Policy Owner: Development Services
Person Responsible: Principal Environmental Health Officer
Date of Approval: 16 May 2012
Amended:

Objective To enable the effective and efficient management of concerts, events and organised gatherings being held within the Shire of Chittering, to ensure that they are conducted in a safe manner and in compliance with all statutory requirements and associated guidelines.

Policy All concerts, events and organised gatherings that are held in the Shire of Chittering **must be approved** by the Shire's Chief Executive Officer.

Applications for approval must be sent to the Shire by the event organiser within twenty-five (25) working days of the date of the event; along with full supporting documentation and relevant fees as advised by the Shire's assessment officers.

Shire officers will assess each application to determine relevant compliance with the "Guidelines for Concerts, Events and Organised Gatherings" published and updated from time to time by the Western Australian Department of Health.

Council may waive fees where fund-raising is for charitable purposes.



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6.1 ~~Citizen of the Year~~ Australia Day Awards

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Policy Owner: Governance
Person Responsible: Executive Support Officer
Date of Approval: November 2005
Amended:

Objective The purpose of this policy is to provide for the recognition of individuals and organisations who have made significant contributions to the Shire of Chittering's (Shire) community, through annual awards presented near Australia Day.

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Policy Each Year two local citizens and one local community group or organisation in the Chittering Shire will be eligible for the Premier's Australia Day Active Citizenship Awards in the following three categories:

- Premier's Australia Day Active Citizenship Award for a person of 25 years or older
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award/or a community group/ or event

The recipients will be selected from people and groups who have made a noteworthy contribution since the closure of the previous nomination period, or given outstanding service to the local community over a number of years through active involvement.

The Australia Day Council of WA (ADCWA) provides three awards each year for presentation in the Shire of Chittering on Australia Day.

Nominations are open throughout the year. Anyone in the community can submit a nomination and these are made in writing using the official nomination form. Nomination forms can be obtained from the Shire's website (www.chittering.wa.gov.au) and Facebook, Shire administration and Bindoon Library, and by contacting the Executive Support Officer at the Shire.

In additional students of schools within the Shire who are awarded the School Citizenship Award in the 12months preceding the Australia Day Awards, will be automatically considered for the Premier's Australia Day Active Citizenship Award for a person under 25yrs.



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Nominations will be advertised from 1 July each calendar year in Chatter, eChatter, Shire of Chittering website and Facebook, with nominations closing end of November.

Advertising from 1 July each year will allow integration into existing promotional activities targeted at people/groups active within the community.

These prestigious awards are only available to one recipient in each category in each year.

The Shire of Chittering will hold the award ceremony on a week night prior to 26 January in Bindoon. Details of the event will be published in the Northern Valleys News and The Advocate.

Nominees will receive a certificate of recognition with the winners receiving a certificate and a glass award.

Scope

The winners will have been judged to have shown active citizenship and:

- ~~Significant~~ A positive contribution to the Chittering Community
- Demonstrated leadership on a community issue resulting in the enhancement of community life
- A significant initiative which has brought about positive change and added value to community life
- Inspiring qualities as a role model for the community
- An active member of the community.

Nominees should reside principally within the Chittering Shire.

Awards will not be granted posthumously.

Groups of People or couples will not normally be eligible except when meeting the criteria/ or a community group.

A person cannot receive the same award twice, but can be considered for another award. Unsuccessful nominees may be nominated in future year.

~~Sitting members of State, Federal and~~ Local Government Councillors and Federal politicians are not eligible to receive an award.

Shire staff acting in their role or performing duties required by their employment with the Shire, are not eligible to receive an Award.



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All category winners of the Premier's Australia Day Active Citizenship Awards will be selected from nominations received from the community with a Confidential report being prepared for Council consideration in December every year.

Nominations open during the month of October with the deadline being the last Friday in November.

Community Service Awards

The Shire's Community Service Awards are determined by Council and are awarded in the following two categories:

1. Individual/Couple
2. Group (club/organisation/business)

The winners will receive a certificate and a glass award.

School Citizenship Awards

The Shire's School Citizenship Awards are determined by the three local schools, with nomination forms sent to the school principal seeking nomination details.

The winners receive a certificate and a glass award.

Award Ceremony

Details of the Australia Day Award and Community Service Award recipients are published in the first available edition of "Chatter" following the Award ceremony.

An invitation to attend the next Australia Day Award ceremony is extended to the following:

- The recipient (and partner) of the Premier's Australia Day Active Citizenship Award
- The recipient (and guardian or partner) of the Premier's Australia Day Active Citizenship Award for a person under 25yrs
- The recipient (President/Chairperson and partner) of the Premier's Australia Day Active Citizenship Award for a Community Group/Event

An invitation is also sent to the Freeman of the Shire.

The winners will receive a framed certificate and a glass award and are requested to participate in post-event publicity and promotion. Copies of photographs taken as a result of publicity are provided to Award recipients



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6.2 Education Scholarship Award

Policy Owner: Corporate Services
Person Responsible: Club/Community Development Officer
Date of Approval: 18 May 2011
Amended:

Objective To provide financial assistance to local residential students in the upcoming financial year.

Policy The Shire of Chittering offers two scholarships for local students: one graduating from Year 7 (or year 6 if attending a private high school); and one graduating from Year 10.

Eligible criteria

To be eligible students must be residents of the Shire of Chittering and be continuing with their schooling during the next calendar year.

Selection is based on academic achievement and the contribution that the student has made to their school and the local community.

About the scholarship

The scholarship can assist the student with school fees, uniform(s), books and other extracurricular activities that may otherwise be missed out on (i.e. school trips / camps).

The money is forwarded to the school the winning student will be attending, where it is held in trust until requested.

Winning the scholarship not only provides an important financial benefit to the student but it also says a lot about the winner.

Advertising

~~The Financial Assistance Grant Scheme will be advertised to coincide with the opening of each funding round and subsequent invitation for applicants. Applications open in September with the deadline being the second Friday in October. The Scholarship Awards are advertised in the Northern Valley News and Bullsbrook/Gingin Advocate in September. Application forms are also forwarded to the relevant high schools.~~



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~~Details of the award are directed to the Principals at the Shire's schools, i.e. Catholic Agricultural College, Bindoon Primary and Immaculate Heart College.~~

Time frame

All applicants will be notified of the outcome of their application within one month of Council's decision regarding applications.

Presentation of awards

The winners will be presented with their award at the Citizen of the Year Award ceremony, which is held in January (prior to Australia Day). The winners receive a certificate and a glass award.



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6.3 Use of Chittering Community Bus

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services
Date of Approval:	20 May 2009
Amended:	

Objective To provide guidelines defining the eligibility and criteria for the use of the Shire of Chittering community bus.

Policy The community bus is a 21 seat Toyota Coaster bus provided as a service to not for profit community groups based in the Shire of Chittering only.

For individuals and organisations in the Shire of Chittering other than community groups, use of the bus will require specific approval of the Chief Executive Officer. Examples of organisations that may be eligible to use the bus are:

- Schools, where it can be demonstrated that it is not practical to hire a commercially available bus, use a bus of their own or where it is a one off emergency situation;
- Professional Associations, Chamber of Commerce, Tourism Organisations, where it can be demonstrated that the use of the bus will benefit the wider community, or attending an event that promotes sports in Chittering approved by the Chief Executive Officer;
- Church groups, where the benefits from the use of the bus will benefit the broader community.

No group will be eligible to use the bus in a capacity to make a profit from providing travel to paying customers, or to provide a charter service to another group.

The proposed driver of the bus must have a current motor vehicle licence (manual), LR Class, F endorsed.

All users of the bus will be required to pay the hire fee (as per the current Fees and Charges Schedule) to the Shire of Chittering and adhere to the Conditions of Use document.

Community groups that wish to be exempt from the fees and charges are to apply to Council for a grant through the Community Financial Assistance Grant process each year. Any community group in receipt of a community grant will not be required to pay the bond for the hire of the bus.



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Note: The Community Bus is restricted to Shire of Chittering community groups and community members only (except state public service providers at the discretion of the CEO)



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6.4 Financial Assistance Grant Scheme

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services Club/Community Development Officer
Date of Approval:	20 May 2009
Amended:	25 June 2014

Objective To provide financial assistance to community based clubs and organisations.

Policy In recognition of the pivotal role that community groups and organisations play in developing vibrant and diverse communities, Council is committed to the provision of support and assistance through the Shire of Chittering Financial Assistance Grant Scheme.

Guidelines

1. Consideration will be given to priority areas, not limited to, emergency services, education, youth, sports, recreation, heritage and culture within the Shire of Chittering.
2. Only **one** application for assistance towards **one** project will be assessed for the provision of minor sporting, recreation, cultural or other project.
3. The applicant organisation must operate from the Shire of Chittering and beneficiaries must be residents of the Shire of Chittering. If managed by an outside group, demonstrated evidence that a high percentage of members/users reside in the Shire of Chittering must be included in the application.
4. Only groups who can demonstrate that they are a not-for-profit community organisation will be considered eligible for funding.
5. A tax invoice, with proof of purchase, may be required before payment of the grant can be made by the Shire of Chittering.



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Funding amounts

1. Grants of up to \$5,000 will be considered.
2. For funding requests over \$500, a copy of your group's current financial statement **must** be attached.
3. Council contributions will generally be limited to one third of the total project cost and not fund more than 50% of the total project cost.
4. The value of in kind work undertaken by volunteers may not exceed one third of the completed value of the project. The voluntary work should be described and valued at a rate of no more than \$20 per hour. (Generally \$15 per hour for unskilled works and \$20 an hour for skilled labour).

Retrospective funding

1. No application for retrospective funds will be considered as a part of this grant scheme.
2. Projects may not materially commence before the announcement of successful applicants.

Funding agreement

If your organisation is successful in gaining grant assistance it will be expected to enter into a funding agreement. This will require the organisation to:

1. Adhere to the project budget as stated in the application. Significant variations need to be reported to the Manager Human Resources/Community Development as soon as they are known to the organisation. Failure to do so may result in the voiding of the funding agreement and the cancellation or reduction of the grant funds.
2. Expend the funds made available only on the agreed project, event or activity.
3. Provide to the Shire a statement of expenditure certified by the organisation's treasurer and president, and copies of relevant invoices on completion of the project, activity or event so that approved funding may be reimbursed to your organisation, if the group are registered for GST a tax invoice will be required.
4. Acknowledge the funding provided by the Shire.
5. Indemnify the Shire insofar as any activities relevant to the funding are concerned.



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Ineligible projects

Some projects or events (or parts of) will be considered ineligible for funding through this scheme. These include:

1. Any project which is deemed by the selection panel to be of direct benefit of a business, person or any other profit making venture, or any government department or agency (school P&C groups are excepted).
3. Projects that have already commenced.
4. Projects that cannot demonstrate a contribution by the group, organisation or community which will benefit from the granting of funds for the project.
5. Salaries or recurrent operational costs. (These will be removed from the budget before consideration).
6. Any project submitted from a religious group, for a religious purpose or for the provision or improvement of religious infrastructure (i.e. church buildings or grounds).

Eligible projects

Projects will be considered eligible if they can demonstrate that:

1. All other potential funding sources have been sort, and/or;
2. They are able to demonstrate benefit to the wider community, and/or;
3. Provide benefit to Shire residents through recreational, social or cultural means.

Other conditions

1. Council reserves the right to consider and allocate funds without the right of appeal.
2. Council reserves the right to request further information.
3. All applicants will be advised, in writing, of the success or otherwise of their application.

Advertising

The Financial Assistance Grant Scheme will be advertised to coincide with the opening of each funding round and subsequent invitation for applicants. The scheme opens in February with the deadline being the last Friday in March.

Time frame

All applicants will be notified of the outcome of their application within one month of Council's decision regarding applications.



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Community event sponsorship

The Community Event Sponsorship area within the Annual Budget has been developed to assist community organisations in the development and operation of a range of events across the Shire.

The operation of this funding strand recognises the size of the Shire and the need for community events to be staged at various locations and venues throughout the area in order to maximise access opportunities for residents.

Australia Day event sponsorship

The Australia Day event sponsorship area within the Annual Budget has been developed to assist the four major localities (i.e. Bindoon, Wannamal, Muchea, Lower Chittering and Upper Chittering) within the Shire of Chittering in conducting their communities Australia Day event. If any locality does not conduct an event their allocation is spread evenly with the other localities.

Funding availability

Funding will generally be available for most aspects of event organisation and conduct including:

- Fees and costs associated with entertainment and other activities,

The Shire is responsible for advertising the events in the ***Northern Valleys News*** and ***The Advocate***.



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6.5 Financial assistance for residents involved in state/national sporting events

Policy Owner:	Corporate Services
Person Responsible:	Executive Manager Corporate Services Club/Community Development Officer
Date of Approval:	20 May 2009
Amended:	25 June 2014

Objective To provide financial assistance to Shire of Chittering residents participating in a state/national sporting event.

Policy The Shire of Chittering offers funding to persons who represent the State or Nation in their chosen sport.

The applicant must be participating as an athlete in a National Sporting competition endorsed by the relevant State Association or Governing Body. The athlete must be a resident of the Shire of Chittering and have been selected through a validated process.

This funding does not apply to development or training squads or invitational events, nor for local or regional competitions.

Individuals may apply at any time and can request up to a maximum of \$200. Unless the individual is selected to represent Australia in an international event, they then may apply for up to \$400.

Funding is limited to once per individual per annum.

An allocation is to be made each year in the annual budget.

Elected Members will be informed of those Shire of Chittering residents who receive financial assistance through the monthly information bulletin.

Requests for assistance five hundred dollars (\$500) and less may be authorised for payment by the Shire President.



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7. E n gi n e er in g, C o n st



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7.1 Nature Strip Treatments – Protective Devices

Policy Owner: Chief Executive Officer
Person Responsible: Executive Manager Technical Services
 Works Manager
 Technical Officer Engineering
Date of Approval: November 2005
Amended:

Objective The objective of this policy is to Guide Council and Administration appropriate installation of bollards and/or barriers.

To establish policy guidelines to enable property owners to protect landscaping, water reticulation systems and to discourage parking on the nature strip (formerly known as the verge).

Policy Property owners may make written application to the Shire's Executive Manager Technical Services for the installation of semi mountable or mountable kerbing within the nature strip to protect landscaping, water reticulation systems and to discourage parking on the nature strip.

Bollards

The installation of bollards or any other form of obstruction on the nature strip is not approved. Any installation of bollards should be restricted to the property boundary. The Shire will also consider installation of trees at the property boundary on a case-by-case basis.

Semi-mountable Kerbing

Where damage to the nature strip adjacent to a *residential, commercial or industrial* property is occurring semi mountable or barrier kerbing may be installed at the full cost of the property owner. However, any action agreed to is subject to a site investigation being undertaken by Shire Administration personnel to determine the cause for vehicular over-runs, and if appropriate, the cost of agreed kerbing installation. Implementation of the approved works will be undertaken by the Shire on receipt of written agreement from the property owner to proceed with the work at the quoted cost. The Shire will continue to provide information on suitable water sensitive landscaping and planting options for residents as required.



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Provision for bollards or barriers to protect pedestrians from vehicles and bicycle traffic shall be included in all footpath construction programs.



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7.2 Crossovers Subsidy

Policy Owner:	Chief Executive Officer
Person Responsible:	Executive Manager Technical Services Works Manager Technical Officer Engineering
Date of Approval:	November 2005
Amended:	

Objectives	The purpose of this policy is to provide a subsidy towards the construction of a vehicle crossover to a private property.
Statement	To clarify the Shire's requirements for the construction of a vehicle crossing to a private property in order to receive a subsidy from the Shire.
Scope	The policy applies to all property owners.
Background	<p>Under the Local Government Act 1995 regulation 15 Contribution to cost of crossing-Schedule 9.1 cl 7(4),</p> <p>(1) <i>Where-</i></p> <p>(a) <i>a local government-</i></p> <p>(i) <i>under regulation 12 constructs or approves the construction of; or</i></p> <p>(ii) <i>under regulation 13(1) requires the construction of, a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land;</i></p> <p>(b) <i>the crossing is the first crossing in respect of the land; and</i></p> <p>(c) <i>the crossing is a standard crossing or is of a type that is superior to a standard crossing,</i></p> <p><i>the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.</i></p> <p>(2) <i>In subregulation (1) -</i></p> <p><i>“first crossing” in respect of land, means the first crossing to the land or a private thoroughfare serving the land constructed under regulation 12 or section 358 2 of the Local Government Act 1960 as in force at any time before 1 July 1996;</i></p> <p><i>“standard crossing” means, subject to any local law as to what is or is not a standard crossing, a crossing of a kind that the local government, by resolution, decides is a standard crossing.</i></p>



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Crossover Subsidy

- 1) All crossovers shall be constructed and approved by the Executive Manager Technical Services. The Owner/agent shall arrange for construction.
- 2) The crossover shall be paved utilising sprayed bitumen, bituminous concrete, in-situ concrete, paving bricks or blocks.
- 3) The Shire will contribute 50% towards the cost of only one standard residential crossover, subject to the crossover being deemed to conform to the Shire specifications.
- 4) The subsidy shall apply to industrial, commercial and grouped dwellings as well as single residential. In the case of strata titles, a subsidy shall apply to each crossover up to the number of dwellings.
- 5) Crossovers, eligible for subsidy, may be claimed for at the subsidy rate that applies in the financial year construction is completed. Crossovers in excess of six months old shall have a reduced subsidy based on straight line depreciation, for age and type, as per the following: (Crossovers in excess of their life shall not be eligible).

Crossover Type	Maximum Life of Crossover
Gravel	10 years
2 Coat Seal	10 years
Asphalt	15 years
Brick/Block	20 years
Concrete	25 years

- 6) Reconstruction of one crossover to a property shall attract a second subsidy where that crossover has exceeded its expected life (taken as 20 years) as determined by the Shire's Executive Manager Technical Services.
- 7) The reference a "standard crossover" shall mean a sealed or paved construction to a size conforming to the Shire's Executive Manager Technical Services area standard widths, referred to in specifications.
- 8) Where Council undertakes road works affecting existing crossovers Council will bear the cost of replacement.



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Crossover Maintenance

The crossover is that section of driveway that extends from the road kerb or edge of road seal to the front or side property boundary line, across the verge. The property owner is responsible for the cost of construction and all future maintenance and repairs to the crossover, including any damage resulting from the roots of street trees and water run off from private property.

The Shire will not undertake any maintenance or repairs to the crossover or accept any liability as a result of poorly constructed or maintained crossovers.

Existing Vehicle Crossover

The Shire will not provide any subsidy to replace or repair any existing crossover. It is the property's owners' responsibility to ensure the crossover complies with the Shire's minimum requirements. Crossover repairs must be undertaken if it is considered unsafe.

Administration

To apply for a subsidy, the applicant must complete the **Application for Subsidy or Construction of a Crossing**. On receipt of the application the Technical Services Department may investigate and provide a quotation (if requested) to the owner/builder.

If the Shire's subsidy is to be claimed, then on receipt of the Application the crossing will be inspected. A subsidy will be processed on completion of the construction of the crossover and once an inspection has been carried out by an officer from the Technical Services Department, to ensure that the crossover conforms to the Shire of Chittering crossover specifications.

Note: This process will normally take a maximum of four working weeks

Bonds

- i) Bonds for the construction or reconstruction of crossovers shall be required to be paid at time of issue of the building licence. The amount of the bond will be set by the Shire's Executive Manager Technical Services
- ii) Crossover construction or reconstruction shall be required as a condition of subdivision, development and/or as a condition of issue of building licence where it is deemed by the Shire's Executive Manager Technical Services that the construction is necessary.



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- iii) Construction/reconstruction of a crossover as a condition of the building licence shall not be required if the value of the licence is less than \$5,000 or the building work involve only minor works (e.g., pergola, shed, pool, patio, toilet) but shall apply to all building licences for structures accessible to vehicles.
- iv) Council may construct the crossover in concrete if not constructed by the owner/agent within 6 months of practical completion or occupation of the building, where payment of a crossover bond has been made.

Building Licence

The Building Licence is for building construction inside the property boundary and does not include approval for the construction of the crossover. Hence, a separate application is required for the construction of a crossover within the road verge, which is vested with the Shire of Chittering.

The position, width, and construction of the crossover shall be in accordance with this crossover specification.

Protection of Existing Services, Street Trees and the Public

- 1) Existing services within the vicinity of the proposed crossover shall be protected at all times. The owner or authorised representative may be contacted to provide advice in relation to the protection of services;
- 2) Where damage is caused to the Shire's infrastructure (i.e. kerb, pathway, road etc) as a result of the construction of the crossover, the infrastructure shall be repaired to the satisfaction of the Executive Manager Technical Services;
- 3) Conflicting public utility services shall be adjusted or relocated at the applicant's expense, subject to formal approval of the relevant authority;
- 4) The Shire's existing drainage structures (i.e. pits drains or culverts) that conflict with the location of the proposed crossover are to be adjusted by the Shire's Technical Services Department and all costs associated with this work shall be borne by the Applicant;
- 5) The removal, adjustment, or reinstatement of reticulation is the responsibility of the Applicant;
- 6) Street trees shall not be removed without the prior approval of the Shire's Executive Manager Technical Services. Crossovers shall be located a minimum of 2 metres from a tree and removal will only be undertaken where it can be demonstrated that this is the only option available. All costs associated with the removal of the street tree shall be borne by the Applicant;



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- 7) The Applicant shall be responsible for the protection of the public at all times. Signage, lighting, barricades, and/or any other protection measure deemed necessary shall be provided by the applicant to ensure that the public are protected during the execution of the works;
- 8) Safe access for pedestrians on the verge shall be maintained at all times. The Shire will not permit pedestrians being forced to walk on the road pavement unless appropriate measures are put in place for the protection of pedestrians; and
- 9) Vehicle crossings abutting major roads shall be subject to the approval of MRWA in conjunction with the Shire of Chittering.

Definitions

“Applicant”

means the person who makes application to the Shire to construct a crossover

“Shire”

means the Shire of Chittering

“Contractor”

means the person or company who will be responsible for construction of the crossover

“Crossing”

has the same meaning as Crossover

“Crossover”

means that section of the “drive in” to a property that replaces the verge and footpath or will ultimately form part of the future footpath

“Footpath”

means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists

“Local Government”

means the local government of the Shire of Chittering

“Local Government Act”

means the Western Australian *Local Government Act 1995*

“Subsidy”

means the contribution that the Shire is prepared to make towards the cost of an approved crossover as set by Council each year in the fees and charges



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“Superintendent”

means the Executive Manager Technical Services or his/her nominated representative

“Verge”

means that portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property boundary but does not include a footpath.

References

Shire of Chittering Specification for Vehicular Crossing



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7.3 Naming of Council Facilities

Policy Owner:	Chief Executive Officer
Person Responsible:	Executive Manager Technical Services Engineer Technical Officer
Date of Approval:	November 2005
Amended:	

Objectives	<p>This policy:</p> <ul style="list-style-type: none"> is intended to provide guidelines for the provision of Community Facility Name Signs in accordance with AS1742.5 - 1997, within the municipality; and outlines the process for considering a name change of Council property.
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Scope	<p>This policy outlines the philosophy and process for the naming of:</p> <ul style="list-style-type: none"> Towns, localities, streets and parks; New Council buildings, gardens, memorials and other infrastructure or Council-owned amenities; and The re-naming of existing Council buildings, gardens and other infrastructure or Council owned properties.
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Statement	<p>Council recognises that the names of buildings, gardens, parks and reserves owned by the Shire can have significant influence on the future development and sense of community within an area. With this in mind, it has determined that the naming of facilities, buildings and amenities under the control of the Shire will be undertaken in a planned and coordinated way which respects and acknowledges the area's history, heritage and environment.</p>
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Naming of Towns, Localities, Streets and Parks – General

The Chief Executive Officer shall arrange for the naming of streets and reserves, and the allocation of house numbers.

Council will follow the principles and guidelines for the general naming of streets, parks, roads, towns localities, as determined by the Geographic Names Committee of Western Australia, and set out by Landgate.

While in general, Parks and Reserves shall be named after an adjacent boundary road, and buildings and facilities shall be named after the locality in which they reside or after an adjacent road,



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where possible, to facilitate ease of identification, alternatives may be developed using the following principles.

Principles of Naming Facilities

When proposing names for facilities developed and owned by the Shire, the following will be taken into consideration:

- The locality within which the development is situated
- Any historical events associated with or near the site
- Indigenous and cultural heritage relevant to the site
- Community or corporate sponsorship
- Marketing opportunities
- Pioneering families (family names only) associated with the immediate area (5-10 kilometres radius)
- Social or calendar events
- Significant individuals who have contributed substantially to the community.

Procedures for Naming New Facilities

The naming of new facilities will be undertaken in a timely and coordinated fashion.

Due process will be given to the consideration of any proposed name for any new facility.

Where a new facility is being developed/constructed, Elected Members and the community may suggest, in writing, names for the facility and the reasons for the suggestion. Where it is proposed to name the facility after a person who is no longer living and who made a significant contribution to the community, it is a requirement that background information on that person be provided as part of the written material.

In the event that a name or names are suggested other than a name relating to the locality or prime function of the facility, using the criteria listed above, the Chief Executive officer will prepare a confidential report on the proposed names. Elected Members will be invited to select their preferred option through a ballot system based on 'first-past-the-post'. If an absolute majority preference is not achieved through this process, the secret ballot will be recast, based on the two (2) most popular choices.



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Proposals to Rename Existing Council Facilities

Criteria for renaming an existing facility

The Shire recognises that from time to time it may be appropriate to rename a Shire owned facility.

When considering options for re-naming Shire facilities, in addition to the criteria listed in Section 2 (above), the following will also be considered:

- The historical reasons for the original name;
- The public profile/familiarity of the facility's original name;
- The costs associated with changing the facility's name; and
- The relevance to the facility's main user group of the proposed new name.

Proposing the Renaming of a Facility

Any resident or elector of the Shire may propose the renaming of a Council facility, but a proposal by an elector must be supported in writing by an Elected Member. Nominations must be made in writing to the Chief Executive Officer.

On receipt of a nomination the Chief Executive Officer will cause a report to be prepared based on the naming criteria identified in this policy. The report shall be circulated to all Elected Members for confidential, informal discussion. If an Elected Member expresses an objection to the nomination that Elected Member must give reasons for the objection. If no Elected Member objects to the report's recommendation, it shall be assumed that all agree to the proposal. An objection received will not necessarily invalidate the nomination subject to agreement by the majority of Council.

Recognition of Community Members

In instances where the renaming proposal relates to recognising a member of the community who, in their lifetime, demonstrated outstanding contributions to the Shire, the following criteria will be required to be met:

- Persons nominated should have made substantial contribution directly to the Shire of Chittering, largely in a voluntary capacity;
- The nominee must have given extensive and distinguished service to the community that goes beyond the particular Local Government Authority concerned (eg. service to other organisations, voluntary and community groups, school P&C etc.) in a largely voluntary capacity;
- The service should be easily recognisable as having a direct benefit to the Shire and have produced substantial long term improvement for the Shire.



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- Nominees should have lived within the Shire of Chittering for a significant number of years (significant would usually mean at least 20 years) and had a long and close association and identification with the Shire.

The person making a nomination to re-name a facility after an individual will provide sufficiently detailed background information to enable the Chief Executive Officer to prepare a report on the proposal which considers the criteria listed in this policy.

Being a former Councillor or former Member of Parliament is not sufficient grounds on which to nominate an individual. (In the event that the nominee is still living, the nomination must be made in the strictest confidence without the nominee's knowledge). Death or former ownership of the land on which the facility is developed is not normally acceptable as criteria for nomination.

Process on Receipt of a Nomination

On receipt of a proposal to rename an existing facility, the Chief Executive Officer will cause a report to be prepared and circulated on a confidential basis to Elected Members for consideration. On the written advice of at least five Elected Members the report and recommendation shall be put to Council for consideration.

Current facilities that should not be renamed

The following facilities that have the following should not be renamed:

- have a name that reflects a specific historical event within the Shire of Chittering;
- have a name that has specific relevance to indigenous peoples of Australia; or
- are already named after a person.

Registration of the Building's New Name

Although the names of Council buildings do not have to be registered with Landgate, in order that the new name will be registered on maps etc. where appropriate, Landgate shall be advised of the change.

Renaming of Council Streets

This is generally not supported as it impacts directly on residents. Renaming of streets may be considered where a realignment or similar substantial change occurs. Under these circumstances the renaming will follow the principles and guidelines for the general naming of streets, parks, roads, towns or localities, as determined by the Geographic Names Committee of Western Australian and set out by Landgate and is delegated to the Chief Executive Officer.



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Definition	In accordance with AS1742.5 - 1997 , the purpose of Naming of Council Facilities is to advise road users of the direction to facilities, generally of a non-commercial nature. Details of typical facilities are provided in the standard, which is available for viewing at Executive Manager Technical Services.
Shape, Size, Colour	Blue with white lettering, rectangular fingerboards, in accordance with AS1742.5 - 1997 .
Location, Mounting	In accordance with AS1742.5 - 1997 and Council Street Sign Layout guidelines.
Cost of Installation	All costs are to be borne by the applicant.
Approval	<p>Upon receipt of a request in writing for a Naming of Council Facilities, the request will be assessed against the criteria of this policy and actioned accordingly.</p> <p>Existing signs not conforming to this policy shall be removed from road reserves six (6) months from the date of confirmation.</p>



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7.4 Road Reserves

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
 Works Manager
Date of Approval: November 2005
Amended:

Objective The purpose of this policy is to determine applications and apply conditions on road reserves within the Shire of Chittering.

Statement Council authorises the Executive Manager Technical Services to determine applications and apply conditions to policy under the following heading:

Road Side Burning

Upon request of preventative roadside (road reserve/verge) burning by an adjoining land holder, the area will be inspected by the Shire's Works Manager and the Chief Bush Fire Control Officer to decide if it is necessary. If burning is required, the Department of Environment shall be informed and its decision will be mandatory in these events.

Council is committed, where possible, to preserving natural vegetation on road reserves and the proper management of specified weeds.

Council will rely on the provisions of the **Local Government Act 1995**, the Land Act, Policies of the Commissioner for Land and Soil Conservation and the Act for Waterways.



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7.5 Road Maintenance

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
 Works Manager
Date of Approval: November 2005
Amended:

Objective The purpose of this policy is to:

- maintain school bus routes to a safe standard.
- ensure that all roads are maintained.
- ensure proper drainage of road assets.

Statement **Special attention is to be given to the maintenance of school bus routes**

That school bus routes be graded (where necessary) before the commencement of the school year, i.e. January - February.

School bus routes receive priority at the commencement of the winter maintenance grading season.

Schools are asked to provide up to date bus routes in November each year.

Schools are requested to submit copies of their five year surveys to justify upgrading roads when new bus routes are proposed and structural changes are required. Those being Bindoon, Bullsbrook, Catholic Agricultural College and Gingin.

Road Maintenance

That all roads in the Shire be graded as and when required.



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7.6 Heavy Vehicle Access

Policy Owner:	Technical Services
Person Responsible:	Executive Manager Technical Services Works Manager
Date of Approval:	November 2005
Amended:	25 June 2014

Objective To provide safe access to all roads within the Shire of Chittering.

Statement **Heavy vehicle configurations allowed and not requiring a permit**
Any Heavy Vehicle Configuration and load, that is 19.5m long or less in length (or maximum 12.5m from rigid vehicle), less than 2.5m in width, less than 4.3m in height and has a GCM less than 42.5 tonnes is allowed on all Council roads at any time without a permit.

Heavy vehicle configurations allowed with a permit
Any Heavy Vehicle Configuration and load, that is greater than 19.5m in length, greater than 2.5m in width, greater than 4.6 m in height and has a GCM greater than 42.5 tonnes, **up to and including configurations with five (5) axle groups only**, is allowed on all RAV approved Council roads, with a permit only.

These are shown as all configurations of Class 2 vehicles up to and including Category 6, and all configurations of Class 3 vehicles up to and including Category 5, in Tables 1 and 2 attached.

Council will approve the use of these configurations of heavy vehicles, on any RAV approved road within the Shire of Chittering, subject to a permit being issued and the conditions below being satisfied:

- a) Maximum Speed 90kph or as sign posted and gazette.
- b) Temporary approval for twelve (12) months. All permits expire 30 September each year.
- c) All use of Shire of Chittering roads as approved subject to weather conditions (operators to contact Shire prior to travel to ascertain local road/weather conditions).
- d) 24hour access to all roads seven (7) days a week in non built up areas.
- e) 7am to 5pm hour access to all roads Monday to Friday excluding Public Holidays in built up areas only.
- f) Two Way Radios (Channel 40) are to be used when operating within School Bus areas.



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Heavy vehicle configurations not allowed whatsoever

Council will not allow the following configurations of heavy vehicles on any road within the Shire of Chittering, at any time:

- i) All Class 2 vehicles, from Category 7 to Category 10 and all Class 3 vehicles from Category 6 to 10 (any configuration with six (6) or more axle groups - Note: These combinations are shown in Table 1 and 2 attached)



VEHICLE CATEGORIES - CLASS 2



(RAW) - CLASS 2 VEHICLE CATEGORIES Version: March 2008

CLASS	EXAMPLES OF VEHICLE DESCRIPTION AND CONFIGURATION	AXLE SPACING TABLE	LENGTH (m)	MASS (kg)	HEIGHT (m)	STEER AXLE GROUP	HAUL GROUPS	NETWORK #
2		(A)	<20	30	3.275	OTHER	1	1
		(B)	<18	42.5	4.631	SINGLE	3	
		(C)	<20	42.5	4.631	SINGLE	3	
2		(A)	<27.5	55.5	4.631	OTHER	4	2
		(B)	<27.5	47.540	4.631	OTHER	4	
		(C)	<25.0	47.5	4.631	OTHER	4	
		(D)	<25.0	42.5	4.631	OTHER	3	
3		(A)	<27.5	54	4.631	OTHER	5	3
4		(A)	<18, <27.5	57.5	4.631	OTHER	5	4
5		(A)	>27.5, <36.5	54	4.631	OTHER	6	5
		(B)	>27.5, <36.5	54 + 10	4.631	OTHER	6	
		(C)	>27.5, <36.5	47.5 + 10	4.631	OTHER	6	
		(D)	>27.5, <36.5	54	4.631	OTHER	5	
6		(A)	>27.5, <36.5	57.5	4.631	OTHER	6	6
		(B)	>27.5, <36.5	57.5	4.631	OTHER	5	
		(C)	>27.5, <36.5	57.5 + 10	4.631	OTHER	6	
7		(A)	>27.5, <36.5	107.5	4.631	TWIN	6	7
		(B)	>27.5, <36.5	107.5	4.631	OTHER	6	
		(C)	>27.5, <36.5	107.5	4.631	OTHER	6	
8		(A)	>27.5, <36.5	100.5	4.631	OTHER	6	8
		(B)	>27.5, <36.5	107.5	4.631	OTHER	6	
9		(A)	>36.5, <55.5	100.5	4.631	OTHER	7	9
10		(A)	>36.5, <55.5	127.5	4.631	OTHER	7	10
		(B)	>36.5, <55.5	127.5	4.631	OTHER	3	
		(C)	>36.5, <55.5	147.5	4.631	OTHER	6	
		(D)	>36.5, <55.5	147.5	4.631	OTHER	9	
		(E)	>36.5, <55.5	87.5 + 4	4.631	OTHER	6	

NOTES:
 1. Operators using a Class 2 Category of Restricted Access Vehicle (RAW) outlined in this document must operate that class of RAW in accordance with the general OPERATING CONDITIONS and only on the network specified.
 2. These diagrams are a visual indication of the vehicle only.
 3. Operators must refer to the general OPERATING CONDITIONS for the full vehicle description.
 4. The height of the vehicle can exceed 4.3m but MUST NOT exceed 4.8m where a:
 (i) ball to safety livestock or; (ii) carrying a crane to carry livestock or; (iii) carrying vehicles on more than one axle.
 5. Maximum height of Pig Trailer Only.
 6. Network maps are available in CD format from Heavy Vehicle Operations. Network maps can also be viewed and downloaded via the Portal.
 7. Category 1 Restricted Access Vehicles above 6.3m in height may ONLY operate on Network 2 roads.
 www.wa.gov.au/heavy-vehicles
 Tel: (08) 93110450 Fax: (08) 93118455





SHIRE OF CHITTERING
Register of Policies

VEHICLE CATEGORIES - CLASS 3

(RAV) - CLASS 3 VEHICLE CATEGORIES Version: March 2008

CLASS	EXAMPLES OF VEHICLE DESCRIPTION AND CONFIGURATION				AXLE SPACING TABLE	LENGTH (M)	MASS (T)	HEIGHT (M)	SPEED (KM/H)	AXLE GROUPS	AXLE GROUPS	NETWORK
3	<p>Category 1: (A) One motor, one trailer; (B) Two motor, one trailer; (C) Two motor, two trailer.</p>	(A)	(B)	(C)	(A)	<10	>40.5, <47.5	3.0(3)	THRU	3	1*	
		(B)	(C)	(D)	(B)	<10	45.5	3.0(4), 3.0(5)	EITHER	4		
		(D)	(E)	(F)	(D)	<10	50.5	3.0(5)	EITHER	4		
2	<p>Category 2: (A) One motor, one trailer; (B) Two motor, one trailer; (C) Two motor, two trailer; (D) Two motor, two trailer.</p>	(A)	(B)	(C)	(D)	(A)	<20	42.5	3.4	EITHER	2	2
		(B)	(C)	(D)	(B)	<20	44.5	3.0(4)	EITHER	2		
		(C)	(D)	(E)	(C)	<25	67.5	3.0(5)	EITHER	4		
		(E)	(F)	(G)	(E)	>25, <27.5	67.5	3.0(4)	EITHER	4		
3	<p>Category 3: (A) One motor, one trailer, one trailer, one trailer.</p>	(A)			(A)	<27.5	44	3.0(4)	EITHER	3	3	
4											4	
5	<p>Category 5: (A) One motor, one trailer, one trailer, one trailer; (B) One motor, one trailer, one trailer, one trailer.</p>	(A)	(B)		(A)	>27.5, <30.5	44	3.0(4)	EITHER	5	5	
		(B)			(B)	>27.5, <30.5	44-4	3.0(4)	EITHER	4		
6											6	
7											7	
8											8	
9	<p>Category 9: (A) One motor, one trailer, one trailer, one trailer, one trailer.</p>	(A)			(A)	>30.5, <33.5	40.5	3.0(5)	EITHER	7	9	
10	<p>Category 10: (A) One motor, one trailer, one trailer, one trailer, one trailer.</p>	(A)			(A)	>35.5, <38.5	41-4	3.0(5)	EITHER	8	10	

KEY: (A) = Minimum axle spacing, (B) = Optional axle, (C) = plus tare weight of travel unit.

- NOTES:
- Operators using a Class & Category of Restricted Access Vehicle (RAV) outlined in this document must comply with the class of RAV in accordance with the permit OPERATING CONDITIONS and only on the network specified.
 - These diagrams are a visual indication of the vehicle only.
 - Operators must refer to the permit OPERATING CONDITIONS for the full vehicle description.
 - The height of the vehicle can exceed 4.3 m but MUST NOT exceed 4.6 m when it is:
 - (i) built to carry livestock or; (ii) carrying a load to carry livestock or; (iii) carrying vehicles on more than one deck.

- Maximum height of Pig Trailer Deck
 - Network maps are available in CD format from Heavy Vehicle Operations. Network can also be viewed and downloaded via the internet.
 - Category 1 Restricted Access Vehicles above 4.3m in height may ONLY operate on Network 2 roads.
- www.ravsroads.wa.gov.au/heavy-vehicles

Road Network Services
Heavy Vehicle Operations
2 Adams Drive
WELSHPOOL, W.A., 6106
Tel: (08) 93118450 Fax: (08) 93118455





SHIRE OF CHITTERING
Register of Policies

7.7 Road Formation Widths / Clearing Widths – for new construction works

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
 Engineer Works Supervisor
Date of Approval: May 2011
Amended:

Objective To ensure that all newly constructed sections of roads are formed to the maximum formation and clearing widths as designated in Table 1.0 below.

This will guide staff as to standards for new road formations and to give a uniform policy on road works.

Statement

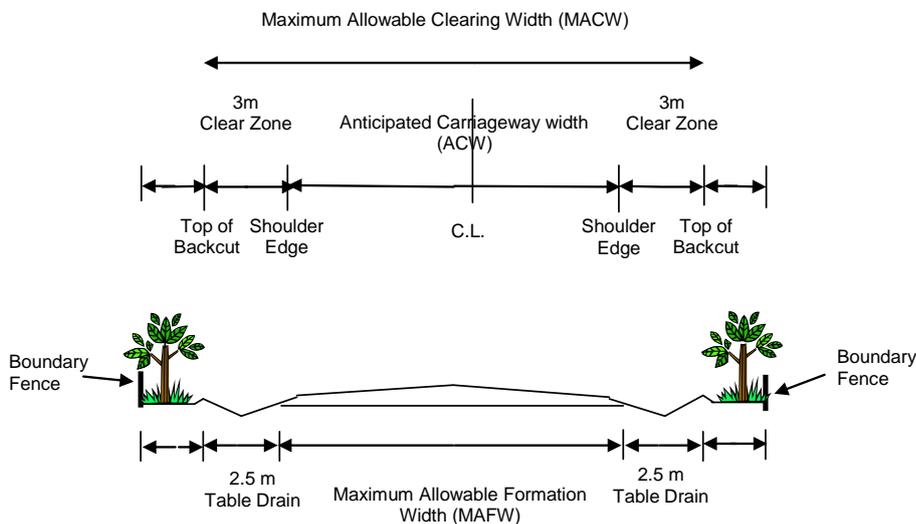


Table 1.0 shows the maximum road formation and clearing widths for new work, on the three classes of roads within the Shire (refer to Table 2.0, in relation to the classification of each road within the Shire.)



SHIRE OF CHITTERING Register of Policies

Table 1.0 – Maximum road formation and clearing widths for new work

Road Type	Maximum Allowable Formation Width (MAFW) m	Anticipated Carriageway Width (ACW) m	Maximum Allowable Clearing Width (MACW) m
Regional Distributor	11	10	16
Local Distributor	10	9	15
Access Road	9	8	14

Note:

The Carriageway width is typically 1m less than the formation width, for the flat terrain areas that are predominant in the Shire. Where new sections of roads are to be constructed with excessive cuts or fills, then this rule will not apply.

Table 2.0 over shows the New Functional Road Hierarchy as of 2011.



SHIRE OF CHITTERING
Register of Policies

road	name	silkend	built up area	financial accountability	funding weight	functional class	hierarchy
0001	MOOLABEENE ROAD	6.73	Non Built Up	Local Government	Local Distributor	Urban District Connector	District Distributor
0002	CHITTERING RD	26.72	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0003	DEWARS POOL-BINDOON RD	9.40	Non Built Up	Local Government	Local Distributor	Urban District Connector	District Distributor
0004	MUCHEA EAST RD	8.69	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0005	TEATREE NORTH RD	7.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0006	BLUE PLAINS RD	7.13	Non Built Up	Local Government	Residential	Rural Local	Access Road
0007	CHITTERING VALLEY RD	8.78	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0008	HAY FLAT RD	13.08	Non Built Up	Local Government	Residential	Rural Local	Access Road
0009	WELLS GLOVER RD	10.51	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0010	JULIMAR RD	5.39	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0011	FLAT ROCKS RD	7.44	Non Built Up	Local Government	Residential	Rural Local	Access Road
0012	NORTH RD	11.31	Non Built Up	Local Government	Residential	Rural Local	Access Road
0013	CRESTHILL RD	7.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0014	TEATREE RD	8.02	Non Built Up	Local Government	Residential	Rural Local	Access Road
0015	PERRY RD	6.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0016	GRAY RD	6.90	Non Built Up	Local Government	Residential	Rural Local	Access Road
0017	STEPHENS RD	5.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0018	TOY RD	1.40	Non Built Up	Local Government	Residential	Rural Local	Access Road
0019	KAY RD	2.11	Non Built Up	Local Government	Residential	Rural Local	Access Road
0020	SETTLEMENT RD	1.19	Non Built Up	Local Government	Residential	Rural Local	Access Road
0021	DENSLEY RD	1.70	Non Built Up	Local Government	Residential	Rural Local	Access Road
0023	MARTIN ROAD	0.55	Non Built Up	Local Government	Residential	Rural Local	Access Road
0024	DAVIS RD	3.36	Non Built Up	Local Government	Residential	Rural Local	Access Road
0025	FEWSTER ST	1.34	Non Built Up	Local Government	Residential	Rural Local	Access Road
0026	SANDOW RD	0.80	Non Built Up	Local Government	Residential	Rural Local	Access Road
0027	MORLEY RD	4.35	Non Built Up	Local Government	Residential	Rural Local	Access Road
0028	POLINELLI RD	2.76	Non Built Up	Local Government	Residential	Rural Local	Access Road
0029	HARRIS RD	1.93	Non Built Up	Local Government	Residential	Rural Local	Access Road
0030	WANDENA RD	8.69	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0031	GULLIENTE RD	1.03	Non Built Up	Local Government	Residential	Rural Local	Access Road
0032	ARCHIBALD ST	2.05	Built/Non Built	Local Government	Residential	Rural Local/Urban Local	Access Road
0033	BYRNE RD	1.73	Non Built Up	Local Government	Residential	Rural Local	Access Road



SHIRE OF CHITTERING
Register of Policies

road	name	skend	built up area	financial accountability	funding weight	functional class	hierarchy
0034	NOLAN RD	1.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0035	TIMARU RD	4.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0036	MUCHEA SOUTH RD	5.29	Non Built Up	Local Government	Local Distributor	Urban District Connector	Access Road
0037	MCGLEW RD	3.02	Non Built Up	Local Government	Residential	Rural Local	Access Road
0038	RESERVE ROAD	8.14	Non Built Up	Local Government	Residential	Rural Local	Access Road
0039	OLD GINGIN RD	2.95	Non Built Up	Local Government	Residential	Rural Local	Access Road
0040	MOSS RD	0.37	Non Built Up	Local Government	Residential	Rural Local	Access Road
0041	DEWAR RD	0.61	Non Built Up	Local Government	Residential	Rural Local	Access Road
0042	BARN RD	6.54	Non Built Up	Local Government	Residential	Rural Local	Access Road
0043	OWEN RD	3.75	Non Built Up	Local Government	Residential	Rural Local	Access Road
0044	ASHMAN RD	2.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0045	CULLALLA ROAD	0.18	Non Built Up	Local Government	Residential	Rural Local	Access Road
0046	BINGHAM ROAD	0.75	Non Built Up	Local Government	Residential	Rural Local	Access Road
0047	GALLEHAWK RD	2.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0048	HEAD RD	2.37	Non Built Up	Local Government	Residential	Rural Local	Access Road
0049	WEST POINT RD	7.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0050	WALDECK WEST RD	2.18	Non Built Up	Local Government	Residential	Rural Local	Access Road
0051	SPILLMAN RD	5.15	Non Built Up	Local Government	Residential	Rural Local	Access Road
0052	MADDERN RD	8.92	Non Built Up	Local Government	Residential	Rural Local	Access Road
0053	LEWIS RD	0.98	Non Built Up	Local Government	Residential	Rural Local	Access Road
0054	COOK RD	5.07	Non Built Up	Local Government	Residential	Rural Local	Access Road
0055	SPICE RD	1.56	Non Built Up	Local Government	Residential	Rural Local	Access Road
0056	BLIZZARD RD	0.35	Non Built Up	Local Government	Residential	Rural Local	Access Road
0057	GREEN STREET	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0058	WALDECK EAST RD	3.03	Non Built Up	Local Government	Residential	Rural Local	Access Road
0060	CARL ST	2.08	Built/Non Built	Local Government	Residential	Rural Local/Urban Local	Access Road
0063	STEER ST	0.52	Non Built Up	Local Government	Residential	Rural Local	Access Road
0064	DEAR ST	0.25	Non Built Up	Local Government	Residential	Rural Local	Access Road
0065	ARBUCKLE ST	0.64	Non Built Up	Local Government	Residential	Rural Local	Access Road
0066	MCKENZIE ST	0.49	Non Built Up	Local Government	Residential	Rural Local	Access Road
0068	KINKELLA ST	0.85	Non Built Up	Local Government	Residential	Rural Local	Access Road
0069	KANGAROO GULLY RD	1.94	Non Built Up	Local Government	Residential	Rural Local	Access Road



SHIRE OF CHITTERING
Register of Policies

road	name	slkend	built up area	financial accountability	funding weight	functional class	hierarchy
0070	HUMPHREYS ST	1.69	Non Built Up	Local Government	Residential	Rural Local	Access Road
0071	DAVERN ST	1.69	Non Built Up	Local Government	Residential	Rural Local	Access Road
0072	HORTON ST	0.74	Non Built Up	Local Government	Residential	Rural Local	Access Road
0073	PHILMORE ST	2.10	Built/Non Built	Local Government	Residential	Rural Local/Urban Local	Access Road
0074	CHITTERING ST	1.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0075	IOPPOLO RD	6.02	Non Built Up	Local Government	Residential	Rural Local	Access Road
0076	KEATING RD	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0077	HIDAWAY DRIVE	1.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0078	HART DR	5.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0081	MINGHA RD	0.26	Non Built Up	Local Government	Residential	Rural Local	Access Road
0082	BONZA PL	0.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0083	EGRET PL	0.61	Non Built Up	Local Government	Residential	Rural Local	Access Road
0084	GODWIT GL	0.18	Non Built Up	Local Government	Residential	Rural Local	Access Road
0085	WARBLER CT	0.44	Non Built Up	Local Government	Residential	Rural Local	Access Road
0086	BITTERN PL	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0087	HERON HL	0.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0088	SPOONBILL CL	0.52	Non Built Up	Local Government	Residential	Rural Local	Access Road
0089	TEAL PL	0.18	Non Built Up	Local Government	Residential	Rural Local	Access Road
0090	PELIGAN RI	0.50	Non Built Up	Local Government	Residential	Rural Local	Access Road
0091	PIONEER DR	1.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0092	PARKSIDE GDNS	0.31	Non Built Up	Local Government	Residential	Rural Local	Access Road
0093	ORCHARD RD	0.59	Non Built Up	Local Government	Residential	Rural Local	Access Road
0094	WOODLAND LANE	0.35	Non Built Up	Local Government	Residential	Rural Local	Access Road
0095	SANDPIPER MEWS	0.41	Non Built Up	Local Government	Residential	Rural Local	Access Road
0096	KINGFISHER CT	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0097	WHISTLER CLOSE	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0098	RIDGETOP RAMBLE	2.98	Non Built Up	Local Government	Residential	Rural Local	Access Road
0099	HIGHVIEW RISE	0.12	Non Built Up	Local Government	Residential	Rural Local	Access Road
0100	ROBIN CLOSE	0.43	Non Built Up	Local Government	Residential	Rural Local	Access Road
0101	EVERGREEN RISE	0.38	Non Built Up	Local Government	Residential	Rural Local	Access Road
0102	RANGEVIEW	0.28	Non Built Up	Local Government	Residential	Rural Local	Access Road
0103	FOREST HILLS PDE	4.57	Non Built Up	Local Government	Residential	Rural Local	Access Road



SHIRE OF CHITTERING
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road	name	skend	built up area	financial accountability	funding weight	functional class	hierarchy
0104	CLUNE RD	0.69	Non Built Up	Local Government	Residential	Rural Local	Access Road
0105	PAYNE ST	2.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0106	DONALDSON RD	0.88	Non Built Up	Local Government	Residential	Rural Local	Access Road
0107	PETERS ROAD	0.85	Non Built Up	Local Government	Residential	Rural Local	Access Road
0108	GINGILLING ROAD	4.37	Non Built Up	Local Government	Residential	Rural Local	Access Road
0109	BRENNAN RD	2.57	Non Built Up	Local Government	Residential	Rural Local	Access Road
0110	MARTIN ROAD	0.36	Non Built Up	Local Government	Residential	Rural Local	Access Road
0111	CHINKABEE RD	0.25	Built/Non Built	Local Government	Residential	Rural Local/Urban Local	Access Road
0112	LAKESIDE GROVE	0.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0113	BRIAR LANE	0.41	Non Built Up	Local Government	Residential	Rural Local	Access Road
0114	BOTTLEBRUSH PLACE	0.32	Non Built Up	Local Government	Residential	Rural Local	Access Road
0115	BRIDGES ROAD	0.51	Non Built Up	Local Government	Residential	Rural Local	Access Road
0116	VILLAGE ROAD	0.82	Non Built Up	Local Government	Residential	Rural Local	Access Road
0117	BORE ROAD	1.12	Non Built Up	Local Government	Residential	Rural Local	Access Road
0118	PIT ROAD	0.31	Non Built Up	Local Government	Residential	Rural Local	Access Road
0120	FAULL ST	0.65	Non Built Up	Local Government	Residential	Rural Local	Access Road
0121	POPPLE PLACE	0.19	Non Built Up	Local Government	Residential	Rural Local	Access Road
0122	EDWARDS PLACE	0.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0123	SETTLEMENT SOUTH ROAD	0.45	Non Built Up	Local Government	Residential	Rural Local	Access Road
0125	COBBLE ROAD	0.73	Non Built Up	Local Government	Residential	Rural Local	Access Road
0126	SHORT ROAD	0.13	Non Built Up	Local Government	Residential	Rural Local	Access Road
0127	PINES ROAD	3.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0128	CRAY ROAD	0.66	Non Built Up	Local Government	Residential	Rural Local	Access Road
0130	RECHICHI ROAD	0.09	Non Built Up	Local Government	Residential	Rural Local	Access Road
0132	SNAKE SPRING ROAD	0.88	Non Built Up	Local Government	Residential	Rural Local	Access Road
0133	ENERGY PLACE	0.97	Non Built Up	Local Government	Residential	Rural Local	Access Road
0135	KELLY STREET	0.25	Non Built Up	Local Government	Residential	Rural Local	Access Road
0139	WANNAMAL WEST ROAD	0.03	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0141	BINDA PLACE	0.26	Built Up	Local Government	Residential	Rural Local	Access Road
0142	VALLEY VIEW DRIVE	1.44	Non Built Up	Local Government	Residential	Rural Local	Access Road
0143	LOUDEN ROAD	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0144	CASUARINA CLOSE	0.10	Non Built Up	Local Government	Residential	Rural Local	Access Road



SHIRE OF CHITTERING
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road	name	silkerd	built up area	financial accountability	funding weight	functional class	hierarchy
0145	HEREFORD WAY	0.95	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0146	MURRAY GREY CIRCLE	3.64	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0147	DEVON WAY	2.03	Non Built Up	Local Government	Residential	Rural Local	Access Road
0148	RED POLL COURT	0.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0149	ANGUS WAY	0.50	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0150	SANTA GERTRUDIS DRIVE	4.38	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0151	WELBURN ROAD	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0152	PATTENS DR	1.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0153	POWDERBARK DRIVE	3.43	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0154	SOLLYA RETREAT	0.47	Non Built Up	Local Government	Residential	Rural Local	Access Road
0155	CALADENIA CL	0.90	Non Built Up	Local Government	Residential	Rural Local	Access Road
0156	HAKA PASS	0.34	Non Built Up	Local Government	Residential	Rural Local	Access Road
0157	ATKINSON ROAD	0.33	Non Built Up	Local Government	Residential	Rural Local	Access Road
0158	DORSET ROAD	0.47	Non Built Up	Local Government	Residential	Rural Local	Access Road
0159	EDMONDS PLACE	0.16	Non Built Up	Local Government	Residential	Rural Local	Access Road
0160	HALLEEN ROAD	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0162	LIMOUSIN WAY	1.72	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0163	BRAHMAN DALE	0.26	Non Built Up	Local Government	Residential	Rural Local	Access Road
0164	CHAROLAIS TRAIL	0.97	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0165	CHIANINA PLACE	0.38	Non Built Up	Local Government	Residential	Rural Local	Access Road
0166	PORTER STREET	0.36	Non Built Up	Local Government	Residential	Rural Local	Access Road
0167	ELLEN STREET	0.84	Non Built Up	Local Government	Residential	Rural Local	Access Road
0168	SMITH STREET	0.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0169	IBIS WAY	0.05	Non Built Up	Local Government	Residential	Rural Local	Access Road
0170	NEEDCOONGA PLACE	0.28	Non Built Up	Local Government	Residential	Rural Local	Access Road
0172	WELLS STREET	0.50	Non Built Up	Local Government	Residential	Rural Local	Access Road
0173	CHARDONNAY DRIVE	1.63	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0174	VERDELHO PLACE	0.28	Non Built Up	Local Government	Residential	Rural Local	Access Road
0175	GALLOWAY RISE	0.63	Non Built Up	Local Government	Residential	Rural Local	Access Road
0176	SIMMENTAL GROVE	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0177	JACARANDA CLOSE	0.32	Non Built Up	Local Government	Residential	Rural Local	Access Road
0178	LESCHENAUTIA DRIVE	2.18	Non Built Up	Local Government	Residential	Rural Local	Local Distributor



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road	name	sklend	built up area	financial accountability	funding weight	functional class	hierarchy
0179	PATERSONIA ROAD	2.17	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0180	AYRSHIRE LOOP	3.34	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0181	TOODAY GLEN	1.30	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0182	MOON RISE	0.09	Non Built Up	Local Government	Residential	Rural Local	Access Road
0183	YOZZI ROAD	1.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0184	WOOTRA ROAD	0.15	Non Built Up	Local Government	Residential	Rural Local	Access Road
0186	BLUE GUM WAY	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0187	SALMON GUM CRESCENT	0.85	Non Built Up	Local Government	Residential	Rural Local	Access Road
0188	GHOST GUM RIDGE	2.00	Non Built Up	Local Government	Residential	Rural Local	Access Road
0189	BAGLEY STREET	0.10	Non Built Up	Local Government	Residential	Rural Local	Access Road
0190	MOORE STREET	0.01	Non Built Up	Local Government	Residential	Rural Local	Access Road
0191	FERN GLADE	0.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0192	ROCKY CREEK RISE	0.30	Non Built Up	Local Government	Residential	Rural Local	Access Road
0193	MAINE-ANJOU DRIVE	3.55	Non Built Up	Local Government	Residential	Rural Local	Local Distributor
0194	SHORTHORN PASS	0.42	Non Built Up	Local Government	Residential	Rural Local	Access Road
0195	HOLSTEIN LOOP	2.75	Non Built Up	Local Government	Residential	Rural Local	Access Road
0196	ROMANY CLOSE	0.36	Non Built Up	Local Government	Residential	Rural Local	Access Road
0197	SUSSEX BEND	1.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0198	TEXON RIDGE	0.90	Non Built Up	Local Government	Residential	Rural Local	Access Road
0199	JENJODA ROAD	0.01	Non Built Up	Local Government	Residential	Rural Local	Access Road
0200	SUGAR GUM DR	1.21	Non Built Up	Local Government	Residential	Rural Local	Access Road
0202	CHARBRAY ROAD	0.90	Non Built Up	Local Government	Residential	Rural Local	Access Road
0203	FISHER ROAD	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0204	LEARNERS WAY	0.17	Non Built Up	Local Government	Residential	Rural Local	Access Road
0205	YALYAL ROAD	2.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0206	GUERNSEY RISE	0.51	Non Built Up	Local Government	Residential	Rural Local	Access Road
0207	DEXTER CHASE	1.70	Non Built Up	Local Government	Residential	Rural Local	Access Road
0208	SHETLAND CLOSE	0.22	Non Built Up	Local Government	Residential	Rural Local	Access Road
0209	SANDALFORD DRIVE	1.35	Non Built Up	Local Government	Residential	Rural Local	Access Road
0210	BRINDLE CLOSE	0.21	Non Built Up	Local Government	Residential	Rural Local	Access Road
0211	BUCKTHORN DRIVE	0.92	Non Built Up	Local Government	Residential	Rural Local	Access Road
0212	HONEYPOT ROAD	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road



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road	name	skend	built up area	financial accountability	funding weight	functional class	hierarchy
0213	TASSEL COURT	0.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0214	BLUE SQUILL DRIVE	1.24	Non Built Up	Local Government	Residential	Rural Local	Access Road
0215	PIPE LILY WAY	0.58	Non Built Up	Local Government	Residential	Rural Local	Access Road
0216	PAPERBARK WAY	0.30	Non Built Up	Local Government	Residential	Rural Local	Access Road
0217	WANDOO DRIVE	0.39	Non Built Up	Local Government	Residential	Rural Local	Access Road
0218	MARRI STREET	0.19	Non Built Up	Local Government	Residential	Rural Local	Access Road
0219	HONEY CLOSE	0.09	Non Built Up	Local Government	Residential	Rural Local	Access Road
0220	MYRTLE WAY	0.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0221	COCKATOO DRIVE	1.47	Non Built Up	Local Government	Residential	Rural Local	Access Road
0222	QUAIL PLACE	0.21	Non Built Up	Local Government	Residential	Rural Local	Access Road
0223	CORRELLA ROAD	0.07	Non Built Up	Local Government	Residential	Rural Local	Access Road
0224	FRASER CLOSE	0.42	Non Built Up	Local Government	Residential	Rural Local	Access Road
0225	HASLAM STREET	0.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0226	VAN OORAN STREET	0.27	Non Built Up	Local Government	Residential	Rural Local	Access Road
0227	KENDALL STREET	0.29	Non Built Up	Local Government	Residential	Rural Local	Access Road
0228	HOUSDEN CLOSE	0.23	Non Built Up	Local Government	Residential	Rural Local	Access Road
0229	WESTERIA WAY	2.86	Non Built Up	Local Government	Residential	Rural Local	Access Road
0230	SWALLOW LANE	0.42	Non Built Up	Local Government	Residential	Rural Local	Access Road
0231	LORIKET COURT	0.47	Non Built Up	Local Government	Residential	Rural Local	Access Road
0232	TURTLE DOVE DRIVE	1.44	Non Built Up	Local Government	Residential	Rural Local	Access Road
0233	ROSELLA WAY	0.76	Non Built Up	Local Government	Residential	Rural Local	Access Road
0234	THORNBILL PLACE	0.33	Non Built Up	Local Government	Residential	Rural Local	Access Road
0235	BRONZEWING COURT	0.03	Non Built Up	Local Government	Residential	Rural Local	Access Road
0236	CORELLA CLOSE	0.31	Non Built Up	Local Government	Residential	Rural Local	Access Road
0237	ROSEWOOD DRIVE	1.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0238	ENDEAVOUR STREET	1.43	Non Built Up	Local Government	Residential	Rural Local	Access Road
0239	MALBEC DRIVE	0.27	Non Built Up	Local Government	Residential	Rural Local	Access Road
0240	DAMPIERA DRIVE	0.29	Non Built Up	Local Government	Residential	Rural Local	Access Road
0241	BOTTLEBRUSH SPUR	0.05	Non Built Up	Local Government	Residential	Rural Local	Access Road
0242	CAMMERAY CLOSE	0.60	Non Built Up	Local Government	Residential	Rural Local	Access Road
0243	CITRON WAY	1.46	Non Built Up	Local Government	Residential	Rural Local	Access Road
0244	WINDEMERE WAY	0.92	Non Built Up	Local Government	Residential	Rural Local	Access Road



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8.1 Landscaping Policy for Industrial and Commercial Areas

Policy Owner:	Technical Services
Person Responsible:	Executive Manager Technical Services
Date of Approval:	November 2005
Amended:	

Objective	<p>The objective of this policy is to:</p> <ul style="list-style-type: none"> • Guide Council and Administration in prioritising public open space and distributor roads for appropriate landscaping development, utilising an endorsed criteria for assessment. • Guide applicants on matters Council and Administration will take into consideration when evaluating development applications and detailed engineering and landscape designs.
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Statement	<p>The Shire recognises its responsibility to work towards and advocate an economically, socially and environmentally sustainable community. In considering Capital and Operational Budget allocations, Administration will endeavour to:</p> <ul style="list-style-type: none"> • evaluate sites for best practice landscape asset management • minimise the Shire's exposure to risk and capital and recurrent cost liabilities • apply a consistent approach to landscape treatments within the Shire of Chittering.
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Council wishes to promote the establishment of landscaping for the benefit of those who reside, work and visit the Shire of Chittering.

The intent of the policy is to:

- i) Provide a means of reducing the impact of the built form in developed areas, through the moderating influence of trees, shrubs and other vegetation.
- ii) Improve the quality of life in the Shire of Chittering by beautifying the built environment and moderating the harsh climatic conditions.
- iii) Encourage a landscaping form which is economical in its water and maintenance requirements.
- iv) Provide a means of permitting relative freedom of design of the individual components of any built-up area, while also ensuring that the important 'sense of place' is maintained through the unifying character of landscaping.
- v) Provide a means of minimising soil erosion.
- vi) Provide a guide detailing the minimal requirements of a satisfactory landscaping plan for submission purposes.



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Policy	<p>This policy is for the provision of landscaping in Industrial and Commercial areas. Subject to Council approval the provisions contained may be varied should the result achieved by the variation meet the intent of this policy.</p> <p>Each application for a Building Licence in industrial and commercial zones shall include a landscape plan which conforms to the Shire of Chittering Landscaping Policy for Industrial and Commercial areas.</p> <p>The approved landscaping plan to be implemented and maintained at all times to the satisfaction of the Chief Executive Officer.</p> <p>A unit numbering plan shall be prepared and implemented to the satisfaction of the Chief Executive Officer.</p> <p>A three (3) metre wide permanent and reticulated landscaping strip being provided along the front boundary of the property to the satisfaction of the Chief Executive Officer.</p> <p>A landscaping plan to be prepared and landscaping established for the development to the satisfaction of the Chief Executive Officer.</p> <p>Landscaping as shown on the approved plans to be established to the satisfaction of the Chief Executive Officer.</p>
Recommended Plant Types	<p>For reasons of soils and climatic compatibility, hardy plants suited to the region are essential. A range of species may be included in the landscaped area, these may be species recommended by Chittering Landcare .</p> <p>It should be noted, species may be varied subject to approval and reference should be made to the Works Manager to ascertain suitability of alternative species.</p>
Preparation of Shrubbery Areas	<p>Due to the harsh climatic conditions that prevail within the municipality and the predominance of potential weeds, preparatory treatment of planting beds is essential.</p>
Reticulation	<p>All landscaping shall be reticulated. The reticulation considered satisfactory by Council for shrubbery planting's is the typical polythene trickle or drip irrigation. The reticulation should be connected to a timing mechanism via an approved backflow device to ensure continued maintenance of the landscaping and checked for satisfactory operation on a weekly basis.</p>



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Where practical, landscaping should utilise the principles of landscape design as outlined in the publication "**Water Conservation Through Good Design**" produced by the Western Australian Water Resources Council. Where irrigation is to be installed in areas surrounded by pavement, an adequately sized conduit must be provided during construction.

Maintenance

Conscientious maintenance of all landscaped areas for a period of no less than twelve (12) months after establishment is required during this critical growth period. Where maintenance is not carried out as required, Council may determine that the standard is inferior which may prejudice an application for free-hold title or final approval for completion of development requirements.

Unattractive Buildings

Where, in the opinion of Council, little consideration has been given to aesthetic qualities of a building or other structure, landscaping may be required in order to moderate the impact of that building.

Existing Trees

Where significant trees and shrubs are already in existence on the lot, these may only be removed with the approval of Council where extenuating circumstances apply.

Power Lines and Services

Overhead power lines and underground services shall be considered in the provision of landscaping to ensure no hazardous or potentially damaging situation is created.

Car Parking Areas

Landscaping of car parks shall take into account all necessary pedestrian vehicular sight lines. Planting shall maintain all necessary sight line truncations.

All car parking areas shall be planted to be screened externally, and planted internally to break up large expanses of bitumen paving. As a guide external landscape strips shall be a minimum of 1.5 metres wide. Internally an equivalent of 1 in every 10 bays shall be landscaped.



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Location of Landscaping

Generally all landscaping shall be located within property boundaries. Landscaping shall screen and complement development proposed. Landscaping proposals shall be assessed against the provisions of this policy and the degree to which the proposal meets the intent of the policy.

The Landscape Plan shall include:

Basic Data

- Street Names
- North Point
- Scale
- Date prepared
- Contact name and phone number
- Property boundaries and outline of adjacent buildings

Development Details

- Building layout including doors and windows
- Building elevations
- Car park layout

Landscaping Details

- Details of areas to be planted
- Names and location of plants to be planted (Scientific and Common Name)
- Location of onsite services, e.g. overhead power lines, sewers, drains and underground power
- Details of reticulation design and maintenance for 6 - 12 months following planting
- Details of stormwater and sub-soil drainage where required
- Mulching/gravel provision and other weed control measures to be implemented

Standard Planning Conditions for Landscaping

- L1 All land indicated as landscaped area on the approved plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. All landscaped areas are to be maintained in good condition thereafter.
- L2 Landscape plans, showing size, species, location of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.
- L3 The (insert) being screened from view from the surrounding lots and adjacent road by the use of suitable trees and shrubs.



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- L4 New landscaping to be maintained in a healthy condition and to be planted within sixty (60) calendar days of the structural completion of the (insert development). Should such vegetation die, it is to be replaced with similarly sized vegetation within thirty (30) calendar days.



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8.2 Road Verge Development Criteria

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
Date of Approval: November 2005
Amended:

Objective	The objective of this policy is to guide Council and administration on the appropriate landscaping development on road verges.
Statement	<ul style="list-style-type: none"> i) Council shall encourage and support the development of road verges in urban areas, either maintained grass style or dry garden style or a mixture of both. ii) The preferred style shall be the Native Garden option with irrigation and up to two trees/20m of frontage. Any irrigation system shall be installed and operated to avoid nuisance to the public. All pipes shall be installed at a minimum depth of 400mm and approved pop-up type sprinkler equipment is preferred. iii) The trees shall not be planted on the 3.5m offset so as to avoid electrical power lines and all other services. No trees shall be planted within 12m of street corners or within 2.5m of crossovers. Tree planting on road verges shall not take place without prior consultation with Executive Manager Technical Services. iv) Subject to keeping the verge clear for the first 1.5m width from kerb of seal a dry garden style of small vegetation, shrubs and ground covers may be established, however, no large rocks or non frangible items shall be placed on the road reserve. Weed control using plastic sheeting with aggregate, mulch, metal dust overlay is acceptable. v) No assistance shall be given by Council for development, ongoing operation or maintenance costs.



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8.3 Street Tree Removal

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
Date of Approval: November 2005
Amended:

Objective To guide Council and Administration on appropriate removal of street trees within the Shire of Chittering.

Statement Individual trees within Council reserves or grounds which are diseased, hazardous or roots of which are causing pavement damage shall be removed on approval of the Executive Manager Technical Services in consultation with the Chief Executive Officer.



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8.4 Establishment and Maintenance of Playground Equipment

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
Date of Approval: November 2005
Amended:

Objective To guide Council and Administration on appropriate establishment and maintenance of playground equipment within the Shire of Chittering.

Statement All playground equipment purchased by Council, donated or supplied on a joint venture basis and constructed on Council owned or controlled land shall be according to the ***Australian Standards Association (1924, Part 1 1981) Playground Equipment for Parks, Schools and Domestic Use (ASA 2155 – 1982 and 2555 – 1982)***.

The Building Coordinator shall order the removal of any items of equipment that, in his opinion, is not conforming and dangerous and shall have the authority to remove any item of play equipment and have it placed in the Council's depot if the order for its removal is disregarded.

This will ensure that playground equipment is maintained to the highest possible standard.



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9.1 Subdivision and Rezoning Applications - Catchment Management Plans – REVOKED (25 June 2014)



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9.2 Battleaxe Access

Policy Owner:	Development Services
Person Responsible:	Executive Manager Development Services
Date of Approval:	November 2005
Amended:	25 June 2014

Objective	This policy is to provide guidelines for battleaxe accessways <u>outside the townsite areas</u> .
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Policy	The Shire of Chittering is not in favour of battleaxe access in any subdivision, particularly in "Rural Residential" and "Townsite" areas.
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If battleaxe access is required for a subdivision there shall be a maximum length and a minimum width of 10 metres to facilitate the construction of trafficable surfaces and associated drainage and the developer shall be required to construct crossovers to each battleaxe access prior to the clearance of conditions.

Road construction shall be of a minimum thickness of 150mm if gravel or additional sufficient thickness to allow adequate swale drainage.



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9.3 Rural Numbering

Policy Owner: Development Services
Person Responsible: Executive Manager Development Services
 Executive Manager Technical Services
Date of Approval: November 2005
Amended:

Objective This policy is to ensure that all properties are allocated with rural numbering.

Policy Where new lots are created by a subdivision the developer is required to install rural numbering in accordance with Council's standard or pay Council the sum as prescribed by Council in its annual budget (refer to Schedule of Fees & Charges) for Council to purchase and install such signage to each lot and;

Where Council approves a building permit for a new dwelling where that dwelling has an access from a public road which does not currently have a rural number, the landowner is required to purchase and erect a rural number in accordance with Council's standard.



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9.4 Valuation of Land

Policy Owner:	Development Services
Person Responsible:	Executive Manager Development Services Executive Manager Corporate Services
Date of Approval:	November 2005
Amended:	

Objective	The objective of this policy is to ensure that land valuation for the purpose of public open space shall be through the Valuer Generals Office, so as to avoid any disagreement.
Statement	Requirements of the <i>Local Government Act 1995, Planning and Development Act 2005</i> and subsidiary legislation require Council to carry out valuations of land for specific purposes. Council appoints the Valuer General as the official valuer for Public Open Space valuations.



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9.5 Road Names

Policy Owner:	Technical Services
Person Responsible:	Executive Manager Technical Services
Date of Approval:	November 2005
Amended:	

Objective To provide easy identification of Shire roads.

Policy Except as provided below, a road name shall not be proposed for a new or existing road if that road name is currently in use within the Shire. This includes the use of:

- i) like-sounding names. e.g. names with the addition/deletion of "s"; or
- ii) same name with a different suffix, e.g. road as opposed to street.
- iii) where a road is closed or access denied as it crosses a main thoroughfare, one (1) portion of the road shall be renamed.

Roads shall be named or renamed (as the case may be):

- so as to avoid repetition as outlined above specifically within suburbs; and
- from the approval reserved list of names for roads.

Road names are to be sourced from:

- persons, entities, places or events of historical or heritage significance and directly related to the Chittering area and its neighbourhood;
- common or Aboriginal names of flora and fauna species indigenous to the Chittering area;
- Chittering locality or geographic feature names in common, historical or Aboriginal usage; and
- persons having a distinguished record of achievement within the Shire's history.

A brief explanation of the relationship and significance of the name shall accompany all nominations for road names to the Shire.

Acceptance of nominated names for incorporation into reserve road names list and for applying to particular thoroughfares will be put before Council for approval.



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Support to name or rename roads in established areas can be obtained by:

- advertising the proposal in the local paper, inviting comments; and
- advising residents in the area of the proposed name in writing and inviting comments.

Once a name has formally been assigned to the road and adopted by the Geographic Names Committee, all relevant Government bodies, servicing authorities and Australia Post shall be notified of the final action taken and the commencement date.



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9.6 Public Guidance Signage in Road Reserves

Policy Owner:	Development Services
Person Responsible:	Executive Manager Technical Services
Date of Approval:	18 May 2011
Amended:	

Objective To provide public guidance signage to assist the public in locating community and commercial services and facilities within the Shire of Chittering (the “Shire”) and to ensure that advertising signs are consistent with and appropriate to their location and function.

To also ensure the prevention of visual pollution of advertising signs and avoid dangerous placements to both pedestrians and vehicular traffic.

Policy Approval to place a public guidance sign within the road reserve requires a written application advising preferred wording with supporting street plan identifying signage location(s).

Public guidance that requires the Shire’s approval prior to installation includes:

- Direction Signs (Urban and Rural areas)
- Tourist Signs
- Temporary Community Advertising Signs
- Service Club Signs
- Land Estate Development Signs
- Industrial Estate Signs

General requirements for public guidance signage

The following general requirements apply for all public guidance signage located in the road reserve application unless otherwise advised:

- 1) *The Shire will undertake routine general maintenance associated with approved permanent signage located within the road reserve but accepts no responsibility for damage and/or public liability claim arising as a result of vandalism, accident or wear and tear. Where signs are deemed by the Shire to require more than routine general maintenance, then they will be removed and returned to the Applicant where known. If unknown, then these signs will be impounded at the Shire’s Bindoon Landfill Site.*



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- 2) *The Shire will not undertake routine general maintenance associated with approved temporary signage located within the road reserve and accepts no responsibility for damage and/or public liability claim arising as result of vandalism, accident or wear and tear. Where signs are deemed by the Shire to be causing a nuisance or are considered to be a safety hazard then they will be removed and returned to the applicant where known. If unknown, then these signs will be impounded at the Shire's Bindoon Landfill Site.*
- 3) *The Shire's Works Supervisor is empowered to collect an impounding fee on a per sign basis or call on the bond for the return of the signs collected by personnel, or appointed contractor(s), unless approved otherwise. Any signs held at the Bindoon Landfill Site for longer than a thirty day period from the time it was collected will be disposed of.*
- 4) *Public guidance signage to be located along Great Northern Highway and Brand Highway requires Main Roads WA (MRWA) approval. Applications will be assessed by the Shire in the first instance and if approved they will be forwarded to MRWA for consideration. MRWA's decision is final.*

Specific requirements for Public Guidance signage

Specific requirements for the various public guidance signage options follows:

1) Direction Signs (urban areas)

Subject to approval by the Shire's Administration, Direction Signs in the urban area will be provided in accordance with the following criteria:

- a) Public guidance to the location of facilities (generally a non-commercial nature) such as:
 - Town Halls, Municipal Offices, Civic Centres, Depots and Libraries
 - Rubbish Disposal and Recycling Sites
 - Churches and religious institutions
 - Sporting, recreational grounds and facilities
 - Tertiary education facilities
 - Non-profit organisations
 - Cultural Institutions/sites
 - Police Stations
 - Post Offices
 - Railway Stations and Coach Houses
 - Shopping centres
 - Medical Centres, Veterinary Clinics and Dentists

Commercial services and facilities, however a sign will not be approved for an establishment that forms part of a larger complex, i.e. fingerboard sign will not be approved for a delicatessen within a shopping centre.



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- b) Wording is to be “generic” in nature and is to avoid direct advertising of business names with the wording standardised, e.g. Shopping Centre, Medical Centre, Child Care Centre, etc.
- c) Where commercial business is involved, evidence of planning approval in relation to the business activity being undertaken is to be provided in support of an application.
- d) Direction Signs reflecting a home business are not permitted within a residential area (to ensure a high level of amenity).
- e) Up to two Direction Signs may be erected on a single pole identifying a street name. In this respect the signs will be manufactured to the standard length so that in the long term it is possible to convert from the single pole to a stack situation.
- f) Up to five Direction Signs may be located at any one location by utilising a two pole sign stack, the street name shall be located above the other signs and there shall be a clearance of at least 150mm between the bottom of the street name plate sign and the top of any other sign.

Due to the limit of five Direction Signs per intersection, commercial business will have to be considered in order of priority in providing aid or comfort over and above other commercial enterprises, e.g. Medical centres, Dental surgeries, Veterinary clinics and Pharmacies.

- g) Direction Sign wording will be white lettering on blue background. Generally signs placed on arterial roads shall have a 200mm deep finger plate placed at a minimum distance of 100m prior to the junction and local roads with a 150mm deep finger plates to be placed at the junction.
- h) Direction Signs are to be positioned on the intersection at the entrance to the side road down which the signed premises are located.
- i) Direction Signs on arterial roads shall be limited to one signed route from any arterial road in either direction with such signing restricted to a maximum of two arterial roads.



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- j) No Direction Signs are to be erected adjacent to the community and commercial service and/or facility.

Approved Direction Signs in urban areas are supplied and installed by the Shire at the applicant's cost.

2) Directional Signs (rural areas)

Subject to approval by the Shire's Administration, Direction Signs in the rural area will be provided in accordance with the requirements outlined for Direction Signs (urban areas) above, with arterial roads considered the most important collector roads servicing the rural area.

Approval will be granted for Direction Signs indicating rural produce where the applicant holds a current stall-holder's licence.

Approved Direction Signs in rural areas are supplied and installed by the Shire at the applicant's costs.

3) Tourist Signs

Approval to place Tourist signage within the road reserve will need to comply with the Western Australian Tourist Commission "Essential Criteria" in the first instance. Upon receipt of an application in compliance with the WA Tourism Commissions criteria and supported by the Shire's endorsement the application is then forwarded to Main Roads WA for their consideration/approval. If approved the cost of the signage is to be borne by the applicant and installation undertaken by Main Roads WA.

4) Temporary Community Advertising Signs

Subject to approval by the Shire's Administration, a maximum of ten Temporary Community Advertising Signs per application of up to 0.5m² in area per sign will be permitted for non-profit organisations only for up to a maximum period of six weeks. A bond (refundable if conditions of approval are met) is payable prior to confirmation of approval to cover the cost of removal of the sign(s) by the Shire where necessary.

Following receipt of the Shire's formal approval the applicant is responsible for the supply, installation, maintenance and subsequent removal of the Temporary Community Advertising Sign(s).



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5) Service Club Signs

Subject to approval by the Shire's Administration, Service Club Signs are allowed to be erected in the road reserve adjacent to the facility where the Club meets. A plan depicting the size and style of the sign inclusive of foundation details needs to be provided in support of the application requirements.

The Shire's approval will require the Club to arrange for supply and delivery of the sign to the Shire's Administration Centre and on receipt the Shire will undertake installation at the Club's cost.

6) Land Estate Development Signs

Land Estate Developers are entitled to two Land Estate Development Signs per estate indicating the marketed name of the land release. Generally signs placed on arterial roads shall have 200mm deep finger plates placed at a minimum distance of 100m prior to the junction and local roads with 150mm deep finger plates to be placed at the junction. Sign colours will consist of a blue background with yellow lettering and be placed on poles identifying a street name or stacks as outlined for Direction Signs (Urban Areas) above.

The signs will be removed by the Shire on receipt of advice from the applicant that land sales have been completed or after two years following initial installation, whichever occurs first.

Approved Land Estate Development Signs are supplied and installed by the Shire at the applicant's cost.

7) Industrial Estate Signs

Areas zoned as an Industrial Estate are signed as a general area (e.g. Wangara Estate, Flynn Drive Industrial Area, etc) with no further signing permitted. Signage is to conform to the requirements outlined for Direction Signs (Urban Areas) above.

Approved Industrial Estate Signs are supplied and installed by Shire at no charge to the business enterprises within the Industrial Estate benefiting from that sign.

All signage for new business enterprises within an Industrial Estate is controlled through the development approval process and the Shire's **By-laws relating to Signs, Hoardings and Bill Posting 1993**.



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Subject to approval by the Shire's Administration, a temporary sign for a new tenant in a multi-unit premises within an Industrial Estate of up to 0.5m² in area may be located in the road reserve adjacent to their premises for up to a maximum of three months. A bond is payable prior to confirmation of approval to cover the cost of removal of the sign where necessary. Following receipt of the Shire's formal approval the applicant is responsible for the supply, installation, maintenance and removal of the approved temporary sign.



10. ENVIRONMENT AND HEALTH POLI



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10.1 Environment - Council Recognition

Policy Owner:	Development Services
Person Responsible:	Executive Manager Development Services Principal Environmental Health Officer
Date of Approval:	November 2005
Amended:	

Objective	The objective of this policy is to ensure that all work undertaken within the Shire of Chittering takes into consideration the environmental implications.
Statement	<p>The term 'environment' means living things, their physical, biological and social surroundings, and interaction between all of these.</p> <p>The good management of the environment is a primary task of the Council and should be considered in all of its decisions.</p> <p>The Council decisions affecting the environment shall be based on the development of sound policies developed through consultation with the community.</p> <p>A co-ordinated approach to all environmental matters is required. Activities of the Council should be co-ordinated with each other as well as with those of outside bodies wherever necessary to ensure that maximum benefit is obtained.</p> <p>The Council shall initiate measures to identify environmental issues important to the residents of the Shire and shall take action as necessary to address those issues.</p> <p>The Council shall inform the public of issues concerning the environment through press releases, and other methods as appropriate.</p>



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10.2 Bush Fire Control

Policy Owner:	Development Services
Person Responsible:	Chief Bush Fire Control Officer Community Emergency Services Manager Ranger
Date of Approval:	November 2005
Amended:	

Objective	<ul style="list-style-type: none"> • To minimise the risk of out of control fires • To minimise damage from fires • To control burning within the Shire • To ensure fire fighters receive adequate training • To carry out the Shire's statutory obligations under the <i>Bush Fires Act 1954</i>
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Policy	<p>The Council of the Shire of Chittering is to establish and maintain a Bush Fire Organisation in accordance with the <i>Bush Fires Act 1954</i> to provide adequate fire protection to those areas of the local government within the bush fire district and to carry out an ongoing program of hazard reduction having due regard at all times for the preservation of the natural environment.</p>
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Bush Fire Advisory Committee

The Council is to establish a Bush Fire Advisory Committee. The objectives of the Committee are to:

- make recommendation and advise Council on all matters relating to the ***Bush Fire Act 1954*** Section 67 (1);
- liaise with other emergency organisations and relevant bodies with regard to Fire and Emergency Management within the Shire of Chittering.

The Committee will advise the local government on matters relating to:

- preventing, controlling and extinguishing of bush fires
- the planning of the layout of firebreaks in the district
- prosecutions for breaches of the ***Bush Fire act 1954***
- the formation of bush fire brigades and the grouping thereof under group brigade officers
- the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities.
- any other matter relating to bush fire control whether of the same kind, or a different kind from, those specified.



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Restricted and Prohibited Burning Periods

Restricted period - permit required	1 April – 31 May and 19 October – 30 November each year
Prohibited Period	1 December – 31 March each year
Permitted period	1 June – 18 October each year

Harvesting, Movement of Machinery and Burning

The Shire of Chittering **will not permit** harvesting operations including stubble processing:

- when DFES has declared a “Total Fire Ban” period,
- when the Shire has declared a Harvest and Vehicle Movement Ban including any hot works activities, or
- on Christmas Day, Boxing Day and New Year’s Day.

The Shire of Chittering **will permit** harvesting operations including stubble processing during the Restricted and Prohibited period (including on Sundays and public holidays) on the following conditions:

- The Local Fire Control Officer is notified.
- That a fully operational fire-fighting unit (inclusive of associated pump, hose system and a minimum of ~~four-hundred-(400)~~six hunder (600) litres of water is present at all times.
- Two (2) able-bodied adult people are to be present during the harvesting operations; only one of whom may be harvesting.



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10.3 Nuclear Waste

Policy Owner: Development Services
Person Responsible: Executive Manager Development Services
Principal Environmental Health Officer
Date of Approval: November 2005
Amended:

Objective The objective of this policy is to provide the views of the Council on nuclear waste.

Statement Council recognises it is subject to various Commonwealth and State Legislation in relation to the transportation and storage of Nuclear Waste Material in the district.

Council's Policy position in relation to the above mentioned is that it does not support the transport of nuclear waste or the construction of facilities within the district for the processing or storage of nuclear waste.



SHIRE OF CHITTERING
Register of Policies

10.4 Clearing of Land

Policy Owner:	Development Services
Person Responsible:	Executive Manager Development Services Senior Planner
Date of Approval:	November 2005
Amended:	

Objective This policy is to provide guidelines in dealing with land clearing.

Statement Any application for clearing of land within the district shall be forwarded to Department of Environment Regulation (DER) and Department of Agriculture and Food WA (DAFWA) for a departmental response.

Council does not support any unauthorised clearing of land within the Chittering District. Any unauthorised clearing reported to Council is to be reported to the appropriate authorities.



SHIRE OF CHITTERING Register of Policies

10.5 Deep Drainage

Policy Owner: Technical Services
Person Responsible: Executive Manager Technical Services
Date of Approval: November 2005
Amended:

Objective To:

- guide Council in relation to applications for deep drainage that directly affects Council controlled lands and infrastructure (i.e. Council roads, reserves and town-sites).
- allow input to drainage proposals that affect Council infrastructure and private land and inform the community about proposals.

Statement **Drainage in Agricultural Areas affecting Council controlled lands and infra-structure**

The Shire of Chittering recognises best practice closed deep drainage as a valid option for salinity control – “Closed deep drainage means levied deep drainage that excludes surface water from entering the drain”.

This policy is designed to guide Council in relation to applications for deep drainage that directly affects Council controlled lands and infrastructure (ie Council roads, reserves and town-sites).

This policy is designed to allow input to drainage proposals that affect Council infrastructure and private land and inform the community about proposals.

Prior to commencement of drainage works within the Shire of Chittering a landholder or authorised agent must submit a Notice of Intent to Drain to the Department of Agriculture pursuant to ***Soil and Land Conservation Regulations 1992***.

As a condition of approval by the Shire of Chittering a public notice will be advertised by the Shire of Chittering, at the proponents cost, within the local newspapers and a state-wide newspaper. Advising submissions will be received for up to a period of fourteen (14) days after advertisement.

A state-wide notice will mean - advertised within a newspaper circulating within the State.



SHIRE OF CHITTERING Register of Policies

The form of the public notice will advise on which locations drainage works will be undertaken, that drainage works are to be constructed within the Shire of Chittering and advise what roads are to be affected and seek landholders submissions to disposal point of water.

At Council's discretion the landowner may be required to submit a certified report carried out by an appropriately qualified Environmental Consultant identifying what impacts the drainage proposal will have on the environment within the catchment. Catchment being all that area in which surface water would/may affect the proposal from commencement point to terminal point.

Guideline:

Any deep drainage system that proposes a development in excess of thirty (30) kilometres in length, the Council may require the above mentioned certified report.

Any proposal to carry waters through Council infrastructure must include the preparedness of the proponent, at the proponents cost, to indemnify the Council of any liability incurred from any action of law resulting from the development.

The developer shall enter into an agreement with the Shire of Chittering that future maintenance costs of the drainage conveyance shall be at the developer's cost and recorded as an absolute caveat on the affected land. Such remedial works shall be carried out within 14 days of advice from the Shire of Chittering.

At Council's discretion, proposals to conduct water through Council infrastructure must be accompanied by a engineering certified design, taking into account the impact on Council's land and/or infrastructure of extra-ordinary events that may cause damage to the integrity of the drainage conveyance.

All construction and remedial costs, including traffic management, of the drainage conveyance structure, shall be at the developers/landowners cost.

Guideline:

Traffic management means in accordance with the relevant Australian Standards for Traffic Management.

Unless otherwise approved by Council, all drains and associated embankments must not encroach onto Council managed land.

Landholders must provide a copy of the letter of no objection provided by the Department of Agriculture to Council, prior to the contractor commencing works.



SHIRE OF CHITTERING
Register of Policies

10.6 Reserve Usage – REVOKED (25 June 2014)



SHIRE OF CHITTERING Register of Policies

10.7 Multiple Dog

Policy Owner:	Executive Manager Development Services
Person Responsible:	Ranger
Date of Approval:	21 November 2012
Amended:	20 February 2013

Objective To provide a consistent approach for the assessment on the number of dogs above the prescribed approval on properties within the Shire of Chittering.

Statement The Multiple Dog Policy ensures alignment with the Shire of Chittering *Dog Local Law 2011*, section 3.2(2) which allows for:

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, small rural holding, rural retreat or rural residential; or
- (b) 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite, small rural holding, rural retreat or rural residential.

Residents wishing to register additional dogs are to submit to the Shire of Chittering an "Application for Exemptions on Limitations of Number of Dogs" form, and enclose the additional dog application fee (which is non-refundable) and is prescribed in the Shire of Chittering's Fees and Charges.

Procedures In determining the application the following procedures will need to be undertaken by the Ranger Services:

- 1) All adjoining and adjacent landowners are to be notified in writing for the opportunity to make comment to support or object to the application within a period of twenty-one (21) days from the date of the letter.
- 2) The Council ranger to attend the property and undertake a complete dog welfare assessment, a fencing assessment and a report prepared by the investigating officer of his findings.
- 3) The Council ranger to contact and interview any landowners who have made comments to ascertain their objection is justified and of a reasonable nature.
- 4) Upon closure of the twenty-one (21) days period for part (1), and completion of part (2) and (3), Council will be advised of the application including all submissions for its determination.



SHIRE OF CHITTERING Register of Policies

The Chief Executive Officer has delegated authority on additional dog applications; however if an application has significant issues with neighbouring properties a report will be prepared for Council's decision.

All applications for additional dogs will be responded to in accordance with the *Communications Policy*.

Guidelines

Shire of Chittering Dog Local Law 2011, clause 3.2(2)

Dog Act 1976, section 26(3)

Local Government Act 1995, sections 5.18, 5.42 and 5.46(1)

Zoning	Max Number of Dogs
Townsite	3
Rural Residential / Rural Retreat / Rural Conservation / Small Rural Holding	4
Agricultural Resource	As per the <i>Dog Act 1976</i>



SHIRE OF CHITTERING Register of Policies

10.8 Smoke-Free Outdoor Areas

Policy Owner: Executive Manager Development Services
Person Responsible: Principal Environmental Health Officer
Date of Approval: 19 June 2013
Amended:

- Objective** The objectives of the Shire of Chittering in banning smoking in various Council areas not covered by legislation are to:
- Improve the health of community members;
 - Improve public amenity and maintenance of Council property;
 - Raise community awareness of issues associated with smoking;
 - Provide community leadership in taking measures to protect the health and social wellbeing of the community;
 - Minimise cigarette butt pollution on Council owned properties.
- Policy**
1. Smoking is banned within the following outdoor public areas:
 - (a) On all playing fields and sporting grounds including peripheral seating and standing observation areas;
 - (b) Within five (5) metres of entrances/exits to buildings including covered areas of those buildings such as verandas and patios;
 - (c) Within ten (10) metres of air conditioning units;
 - (d) Within Council carparks;
 - (e) In all Council parks and reserves;
 Unless in designated outdoor smoking areas.
 2. In leased premises the location of designated outdoor smoking areas must be agreed between the Council (owner) and the lessee of the premises.
 3. Designated outdoor smoking areas are to be appropriately signed with "SMOKING AREA" signs and include sufficient cigarette butt disposal bins.
 4. Outdoor areas where the public tend to congregate are to be signed with "NO SMOKING AREA" signs.
 5. The Council is responsible for the provision of signs for smoking and non-smoking areas and cigarette butt disposal bins.
 6. It will be the responsibility of the lessee for emptying and cleaning of cigarette butt disposal bins within the leased area.
 7. It will be the Council's responsibility for emptying and cleaning of cigarette butt disposal bins within Council managed land.
 8. The Council will not be responsible for monitoring or enforcement action related to non-compliance with this policy.

(DRAFT)
Corporate Business Plan
2015 - 2019



6177 Great Northern Highway (PO Box 70)
BINDOON WA 6502
Telephone: 08 9576 4600
Facsimile: 08 9576 1250
Email: chatter@chittering.wa.gov.au
Website: www.chittering.wa.gov.au

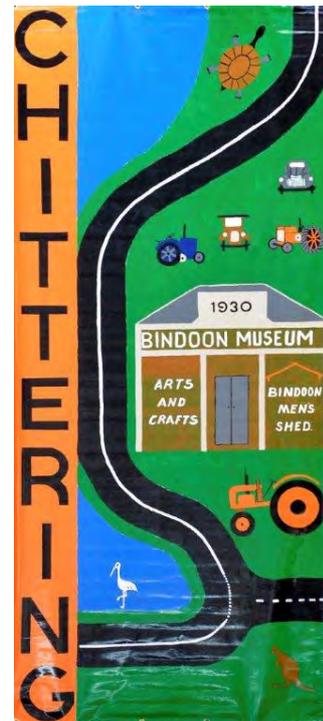
Approved by Council: 26 June 2013
Review Date: 16 June 2015

**Corporate Business Plan
2015 - 2019**

This Corporate Business Plan is Council's principal statement that identifies our shorter term priorities by providing a linkage and mechanism to 'activate' the Shire's Strategic Community Plan.

The intent of the plan is to integrate community aspirations into local government operations and service delivery. In doing so, Council has set realisable priorities and focus areas, given its capacity to resource and deliver.

Section 5.56 of the Local Government Act states that a local government is to plan for the future of the district.



(Shire of Chittering - 2014 banner)

The Local Government (Administration) Regulations 1996 states

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*

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President's message



It gives me great pleasure to present to the community the Shire of Chittering's revised Corporate Business Plan.

The Shire of Chittering Corporate Business Plan 2015 - 2019 is but one component of a complex network of plans that outlines the shire's "Plans for the Future". The plan not only identifies our immediate and longer term operational needs, and services provided, but also provides information on the major projects identified by the community.

Over the last twelve months many of the shorter term projects previously mentioned in the last plan have now either been completed or are close to completion, including the construction of a new Multi-purpose Health Centre, the redesign of Binda Place Shopping district (Streetscape Enhancement) and the Subdivision of Lot 62 Great Northern Hwy, for the development of the Independent Living Units.

The Corporate Business Plan has been developed around the following key areas identified in the Strategic Community Plan (SCP);

- Social – Building a sense of community
- Natural Environment – Preserving and enhancing our natural environment
- Built Environment – Infrastructure for future lifestyle choices
- Access – Local transport and access solutions
- Economic - Prosperity for the future
- Governance – Strong leadership

Due to Council's current resources and financial capacity it has not been possible to deliver on all key areas of the Strategic Community Plan in the first four years, and a summary of actions to be taken and allocations made against the key priorities can be found on pages 16 to 21.

Council would like to congratulate the staff on their efforts and are confident that the Shire of Chittering Corporate Business Plan 2015 - 2019 will meet the current and future needs of our community overtime.

Cr Robert Hawes
Shire President

Chief Executive Officer's message



This Corporate Business Plan represents the activation of the Shire of Chittering's Strategic Community Plan, and outlines what Council will do over the next four (4) years towards achieving the community aspirations, given Council's size and resources.

In developing this plan an assessment of external factors such as population demographics, social inclusion, environment, economy, technology, political and customer needs were reviewed to identify trends, impacts and opportunities to ensure Council is best prepared to deliver on realisable projects and programs given our internal capabilities and external influences.

The Corporate Business Plan is the culmination of a series of operations planning that was undertaken to develop Council's Long Term Financial Plan (10 Year), which incorporates financial projections based upon inputs by and summaries of:

- Asset Management Plan
- Workforce Plan
- Major project plans
- Subsidiary or specific issue strategies
- Other documents.

The Corporate Business Plan will assist Council to maintain the delivery of local government services, projects and other strategies that will meet community priorities in response to changing environments.

Each year we will review and update our Corporate Business Plan to set and prioritise our short term goals (4 years) to suit the current operating environment.

Gary Tuffin
Chief Executive Officer



Strategic Community Plan



Workforce Plan &
Long Term Financial Plan



Corporate Plan



Asset Management Plan



Introduction

The Shire covers an area of 1,220km², primarily non-urban with its boundary only 56km from Perth CBD. There are three townships, namely Bindoon, Muchea, and Wannamal, with two localities, being Upper and Lower Chittering. Its administrative centre is based in Bindoon.

The Shire abounds in natural beauty, scenic attractions and a rural lifestyle within close proximity of the metropolitan area.

These attractions have resulted in the Shire becoming one of the fastest developing rural local authorities in Western Australia.

The local economy is based on broad-acre farming, orchards, small rural and offers many semi-rural lifestyle residential properties. There is limited industry, being Extractive Industry operations (gravel, clay & sand), the State Livestock yards (WAMIA), Mineral sands processing (Tronox) and other small businesses.



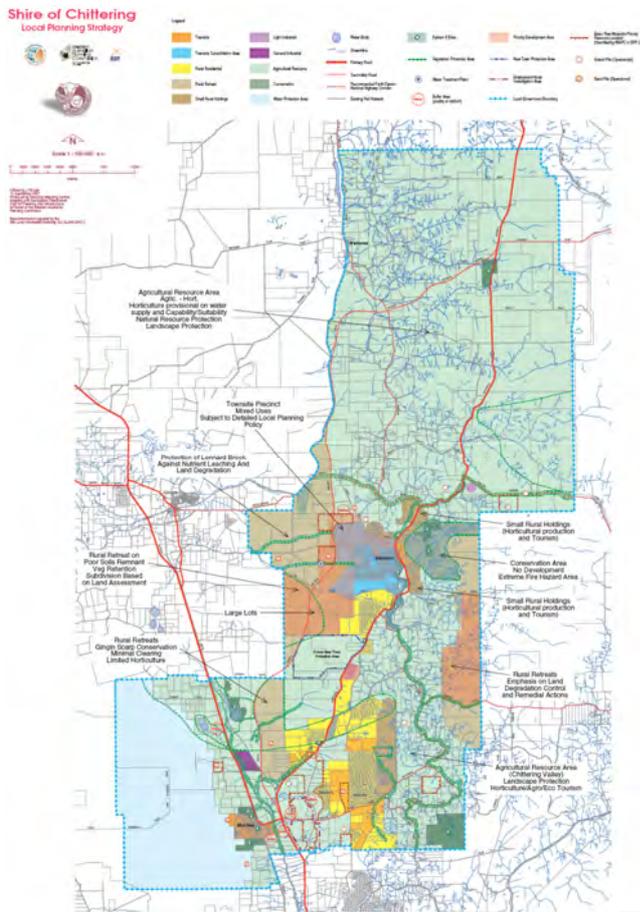
General Information

Statistics

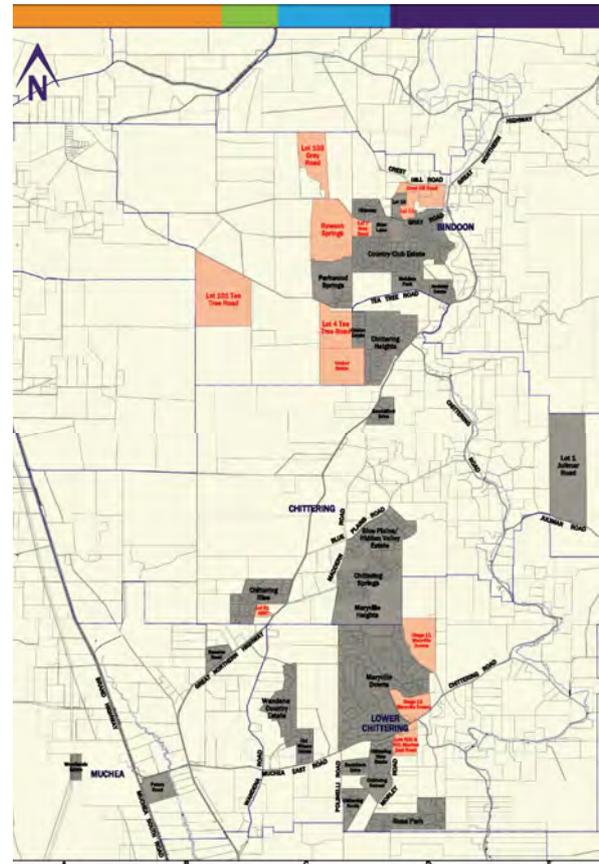
Distance from Perth CBD (km)	56 (to southern border)
Area (sqkm):	1,220
Length of Sealed Roads (km):	230
Length of Unsealed Roads (km):	174
Population:	4,996 (ABS approx. - Dec 2013)
Number of Electors:	3,133 (approx.)
Number of Employees (FTE):	45



Shire boundary



Main residential development areas



The challenge for the Shire is the rapidity of population growth and changing demographics, creating increased service demands, whilst sustaining and preserving our rural and natural lifestyle choices.

It has been recognised that the local communities require local services, whilst needing larger centres for recreation, shopping and increasing service delivery options. Council will build local town centres, but will further explore and advocate for a larger Shire ‘Centre’ with government and the community.

Our economy

The future economic growth and development will be a key driver and underpin the Shire’s capability to deliver services to meet community expectations. Limited broadband, local businesses, retail and industry will not sustain future populations. Our key challenge is lack of infrastructure to support growth.

There is currently a couple of major proposed development areas that will drive the Shire’s economic development. The first being the State Government’s Muchea Employment Node (MEN), which is located at the intersection of the Brand Hwy and Great Northern Hwy. The structure plan area comprises of 1,113 hectares and is a strategic area set-aside for uses such as transport, livestock, fabrication, warehousing and wholesaling and general commercial use. Currently, the shire has very limited industrial land supply.



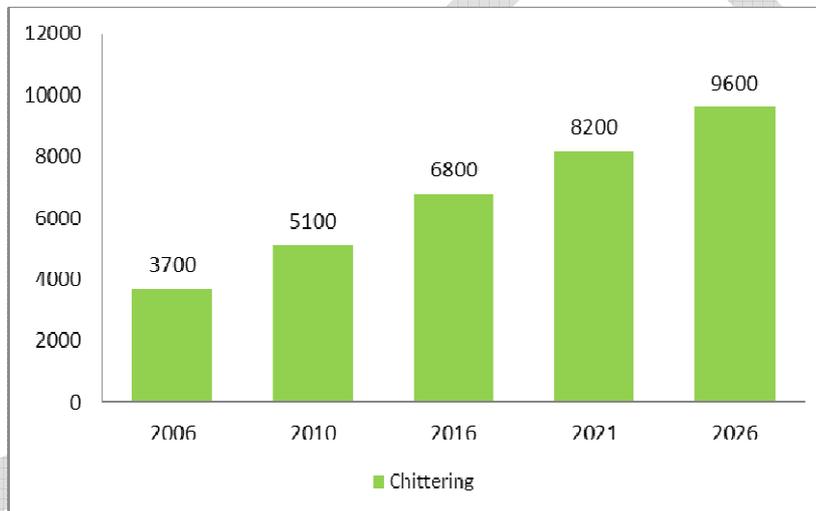


The MEN and immediate surrounding areas development potential has been boosted by the proposed construction of the “Northlink” project. The “Northlink” project which is a \$845 million dollar highway extension from Tonkin/Reid Hwy to Muchea (37kms), which aims to improve freight efficiency. Construction is due to commence early 2016 and be completed in 2019.

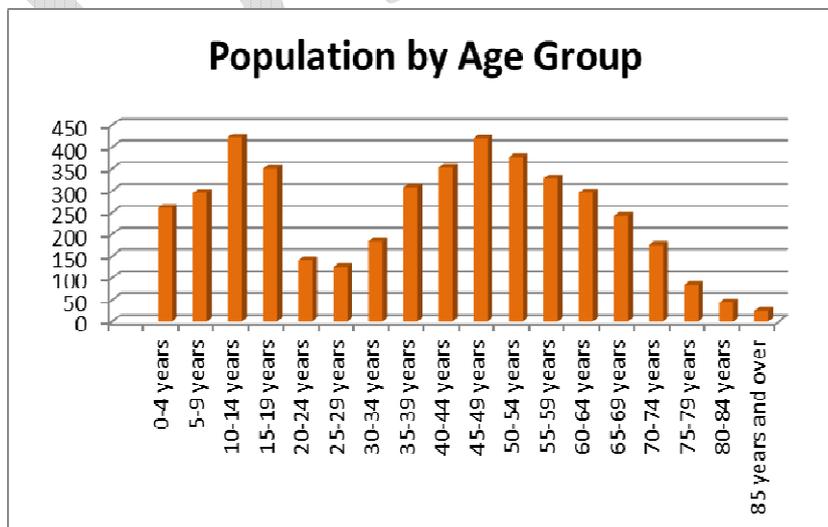
The second (longer term) being the proposed “Chittering New Town” urban development. The New Town will allow the Shire to provide housing choice to the future workforce in the nearby Muchea Employment Node and cater for spillover growth from Perth. The “New Town” has the potential to provide around 16,000 lots accommodating over 41,000 residents when fully developed without losing its rural ambience.

Forecast population

- Our population is changing and is predicted to double by 2026 (These forecasts exclude the influences of Muchea Employment Node and Chittering New Town).



- The 2011 Australian Bureau of Statistics Census data indicates the current median age for Chittering is 41 years of age.



Our Vision

“A SUSTAINABLE FUTURE”

The Shire of Chittering will provide significant and thriving local areas to live and work.

Our Values

Excellence

To develop a culture of achieving high quality outputs and service delivery;

Customer Focus

To cater for the needs of our customers, and to achieve positive outcomes;

Integrity

To operate and behave with honesty, respect, and in a transparent manner;

Respect

To recognise and acknowledge individuals, their opinions, and their contributions;

Consistency

To uphold consistency in dealings with all persons and organisations;

Valuing our Staff

Committed to having an enthusiastic, dedicated workforce, with appropriate skills to carry out tasks and to provide services to our community;

Communication

To plainly and clearly exchange information, in a timely manner. To have open and effective communication, and to attempt to adopt a non-adversarial approach to dispute resolutions;

Continuous Improvement

To continue to pursue innovation, assess and adjust where necessary; work arrangements, work practices; and to stay abreast of change.

Our Legacy

In 2030, the Shire will have:

- Protected our local biodiversity and heritage, ensuring the local communities and visitors enjoy the clean rural nature of the lakes and bush land;
- Created lifestyle choices through the provision of recreation, local service provision and local shopping and leisure;
- Built local community hubs and activity centres to meet and recreate, which are community focused and inclusive; and
- Created a prosperous and thriving economy to ensure local needs are met and our local communities thrive.

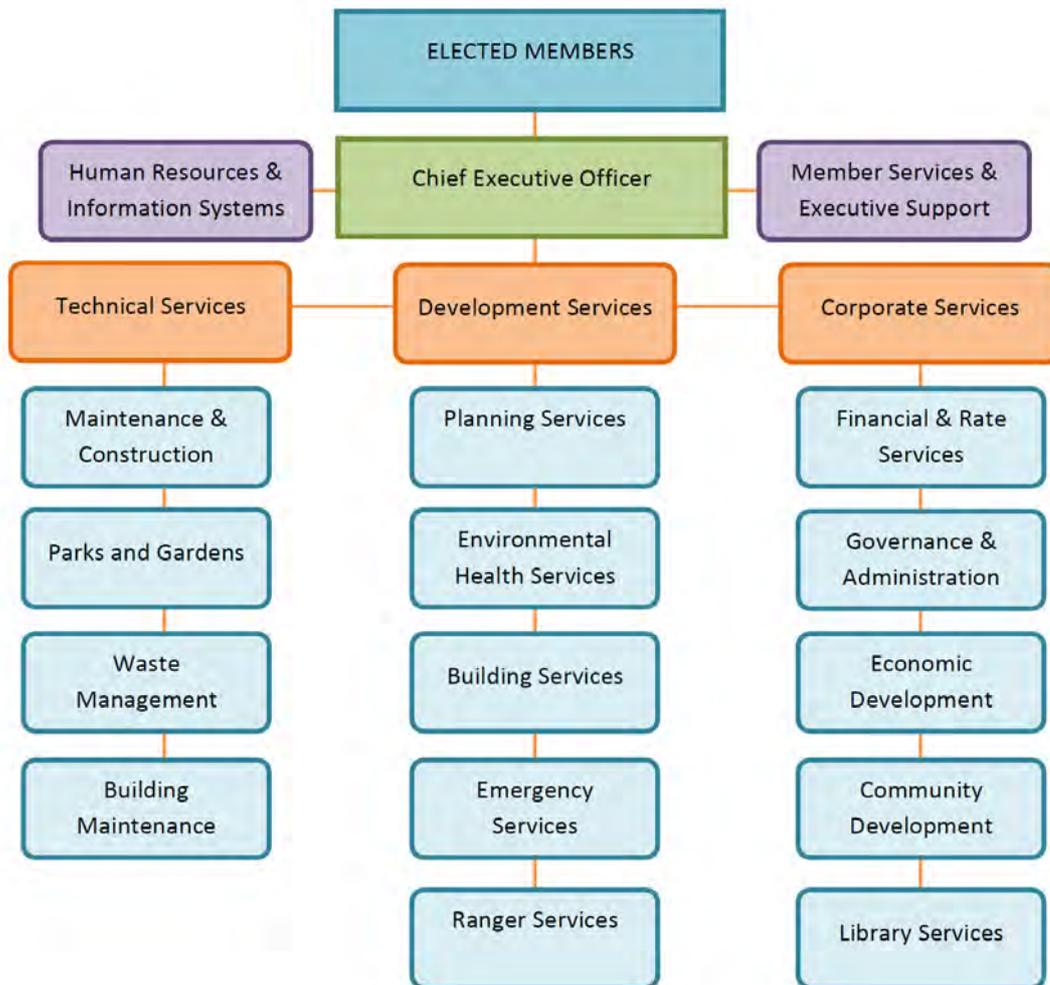
This will support local access, infrastructure and opportunities for local employment, whilst creating a Shire ‘centre’ with housing and service choices.



Shire Administration Centre



Organisation Structure & Roles



President

The Local Government Act provides;

2.8. Role of mayor or president

- (1) *The mayor or president —*
- (a) *presides at meetings in accordance with this Act;*
 - (b) *provides leadership and guidance to the community in the district;*
 - (c) *carries out civic and ceremonial duties on behalf of the local government;*
 - (d) *speaks on behalf of the local government;*
 - (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
 - (f) *liaises with the CEO on the local government's affairs and the performance of its functions.*

Councillors

The Local Government Act provides;

2.10. Role of councillors

A councillor —

- (a) *represents the interests of electors, ratepayers and residents of the district;*
- (b) *provides leadership and guidance to the community in the district;*
- (c) *facilitates communication between the community and the council;*
- (d) *participates in the local government's decision-making processes at council and committee meetings; and*
- (e) *performs such other functions as are given to a councillor by this Act or any other written law.*

Chief Executive Officer

The Local Government Act provides;

5.41. Functions of CEO

The CEO's functions are to —

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) *ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) *cause council decisions to be implemented;*
- (d) *manage the day to day operations of the local government;*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) *speak on behalf of the local government if the mayor or president agrees;*

Executive Team & Staff

The role of the executive group is to provide leadership and strategic management for the day-to-day operations of council in an effective and efficient manner.

Elected Members

Cr Robert Hawes (President)
 Cr Michelle Rossouw (Deputy President)
 Cr Don Gibson
 Cr Barni Norton
 Cr Doreen Mackie
 Cr Alex Douglas
 Cr Sandra Clarke



(Cr A Douglas, Cr S Clarke, Cr D Mackie, Cr D Gibson, Cr B Norton
 Cr M Rossouw, Cr R Hawes, & G Tuffin)

Office of the Chief Executive Officer (Gary Tuffin)

- Organisation Leadership & Development
- Governance & Compliance
- Strategic Planning
- Inter Government Relations
- Councillor/Staff Relations
- Property Management
- Regional relations (AROC)

Corporate & Community Services (Jean Sutherland)

- Administration
- Financial & Rate Services
- Insurances
- Records Management
- Library Services
- Economic & Community Development
- Public Interest Disclosure
- Tendering compliance

Technical Services (Jim Garrett)

- Asset Management
- Road construction & Maintenance
- Parks & Gardens
- Building Maintenance
- Cemetery Maintenance
- Landfill/Waste Management
- Fleet Management

Planning & Development Services (Bronwyn Southee)

- Planning & Development
- Environmental Health & Building
- Ranger Services
- Cleaning Services
- Emergency Management Services



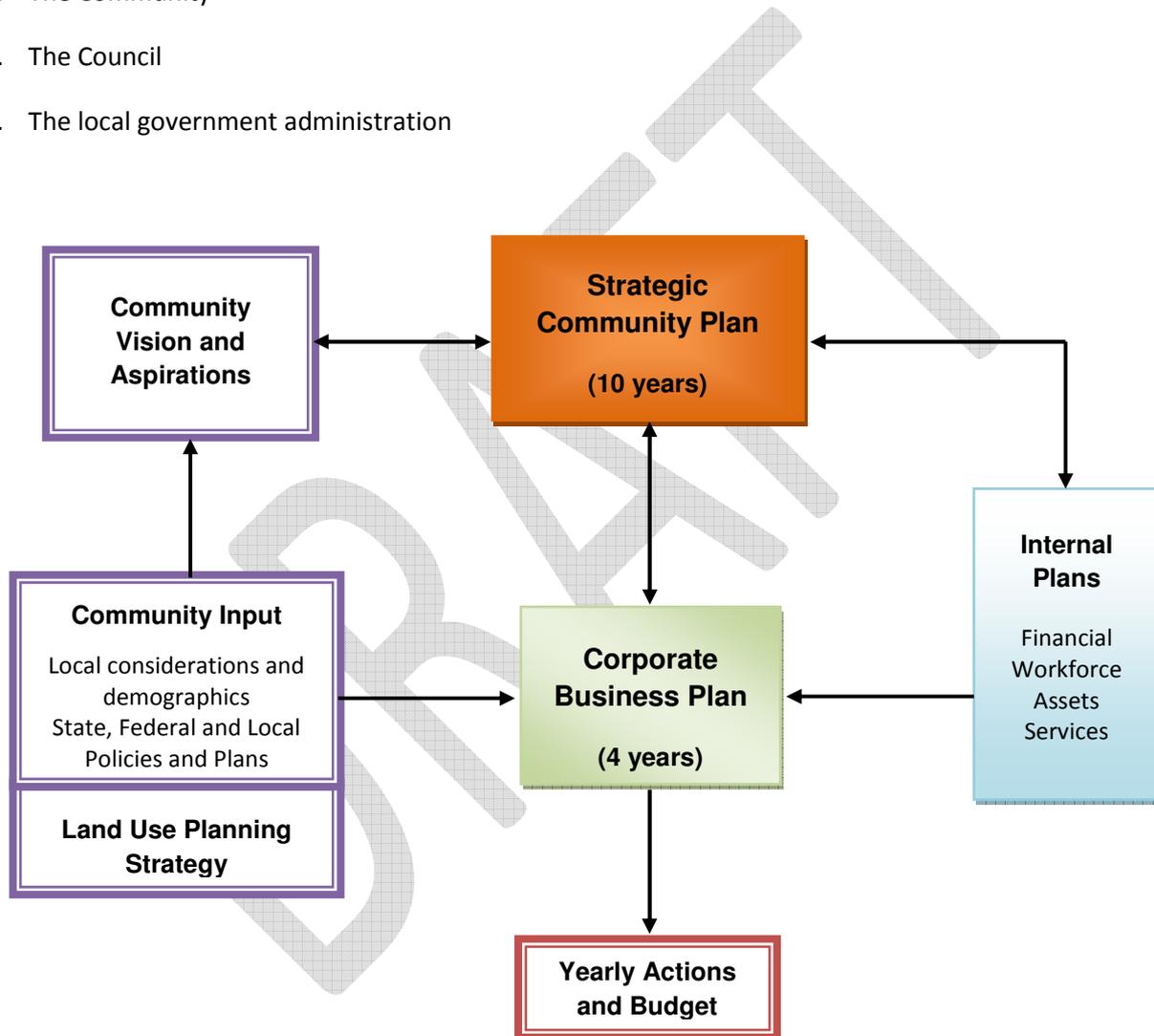
Integrated Planning Framework

All Local Governments are currently required to produce a “Plan for the Future” under section 5.56(1) of the *Local Government Act 1995*.

The *Integrated Planning and Reporting Framework* is a framework for establishing community priorities and linking this information into different parts of the local government functions.

There were three major parties to the development of this integrated strategic plan.

1. The Community
2. The Council
3. The local government administration



The Local Government (Administration) Regulations provide a local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.



Strategic Community Plan

Plan development

In February 2012, Helen Hardcastle from Learning Horizons was commissioned to develop the Shire's *Strategic Community Plan* (SCP).

Our community had the opportunity to be involved through survey and written feedback and two facilitated workshops. One hundred and seventy five (175) community members took the opportunity, providing extensive feedback via the survey. The two workshops, one in Muchea on (3 April 2012) and the other in Bindoon on (11 April 2012) were planned and designed to ensure diversity of representation and enabling active involvement. Community members were encouraged to develop a long term vision and explore ways of achieving their vision in consideration of the research based on local demographics, challenges, State and Federal Policy and Plans.

This engagement process identified the six key aspirations of our community:

Social

Our communities have a common allegiance to building and strengthening an integrated and united community.

Chittering will be recognised for its diversity and as a healthy, unified and safe place to live. We will retain our current rural flavour while building and increasing the services provided to meet the needs of a rapidly growing community.

DRAFT



Social Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Key Priorities	Linkage	2015/16 \$ allocated	2016/17 \$ allocated	2017/18 \$ allocated	2018/19 \$ allocated	
Access to local services	Improve services to community	Enhance emergency services	CESM Business Plan	236,000	243,080	250,372	257,884	
		Educate Fire protection	CESM Business Plan	11,200	11,536	11,882	12,239	
		Support ageing population via development of an Ageing Population Strategy	Ageing Population Strategy	To be prepared in 2015/16	Subject to the priorities identified in the Ageing Population Strategy future provisions will be made.			
		Encourage agency provision of services	Ageing Population Strategy	To be prepared in 2015/16	Subject to the priorities identified in the Ageing Population Strategy future provisions will be made			
	Advocate for local health and youth services	Construct a Multi-purpose Health Centre	Business Plan	60,895	55,384	Constructed		
		Develop a Health Services Plan	Health Services Plan	To be prepared in 2015/16	Subject to the priorities identified in the Health Services Plan future provisions will be made			
		Develop a Youth Services Plan	Youth Services Plan	Draft Plan prepared in 2014/15	Subject to the priorities identified in the Youth Services Plan future provisions will be made			
Strengthened social connections	Facilitate and nurture community interaction	Support volunteers		4,000	4,120	4,244	4,371	
		Develop a Community Development Plan		Completed	Subject to the priorities identified in the Community Development Plan future provisions will be made			
		Create & support festivals Encourage new markets		44,148	45,472	46,837	48,242	
Active communities	Support local community groups	Develop Sports & Recreation Plan Plan has been endorsed by Council. (Budget figures have been allocated against proposed projects within the plan).	SOC Sport & Recreation Plan 2013-2023	440,000	408,000	525,000	159,000	
		Employ a Club & Community Development Officer (overheads included)	Workforce Plan	71,324	73,464	75,668	77,938	
	Develop recreational areas for future generations	Explore options to build a multi-purpose recreational centre (s)	SOC Long Term Financial Plan	60,000	Subject to the findings of the Community Infrastructure Plan future provisions will be made.			

Natural Environment

Our communities have shared a commitment to our natural environment and resources, ensuring future generations enjoy the natural beauty of our biodiversity.

Chittering is a great place to live and visit, where community and visitors enjoy the natural beauty of our lakes, wetlands and nature reserves.

Natural Environment Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Key Priorities	Linkage	2015/16 \$ allocated	2016/17 \$ allocated	2017/18 \$ allocated	2018/19 \$ allocated
Protected environment	<i>Implementation of the Shire of Chittering Local Biodiversity Strategy:</i>	Implement Local Biodiversity Strategy Lakes & Wetlands Nature reserves	SOC Local Bio-diversity Strategy TPS#6 LPS	5,429	5,657	5,827	6,002
	<i>Promote our local environment with places to visit</i>	Provide community access – trails, lakes, wetlands & wildflowers	SOC Trails Master Plan	33,000	19,314	23,439	31,314
Sustainable resources	<i>Advocate and protect appropriate future resource requirements</i>	Explore alternative energy sources Explore potential water re-use (Grey water & Storm water) (15/16) - Solar energy Admin Building)	Feasibility Study	47,000 (Solar panels – Admin Office)	0	0	0
	<i>Reduce waste through recycling and re-use</i>	Strengthen recycling – waste (educate)	SOC Waste Management Strategy	237,000	244,110	251,433	258,976
Environmental leadership	<i>Promote and support sustainable lifestyle choices</i>	Encourage sustainable housing designs Encourage better Fire Protection practices Encourage more rain water harvesting Encourage the use of solar energy	SOC Towards Carbon Neutral	0	0	0	0
				0	0	0	0
				0	0	0	0
				0	0	0	0

Built Environment

Our communities have expressed a desire to have a sustainable built environment that continues to meet its needs and reflects our lifestyles and values.

Built Environment Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Key Priorities	Linkage	2015/16 \$ allocated	2016/17 \$ allocated	2017/18 \$ allocated	2018/19 \$ allocated
Local and central activity areas supporting community needs	<i>Create options to enhance growth, redevelopment, activity and the individuality of the local areas</i>	Build and create local hubs – by local needs Undertake feasibility study for in-fill sewer (Bindoon) – study completed June 2013.	Community Infrastructure Plan TPS#6 LPS	The Water Corporation (2015) has allocated \$4.8 million (2015/16) for the construction of a sewer system for the Bindoon Townsite			
	<i>Provide a regional and central area providing recreation, employment, housing and service choices</i>	Continue to develop Bindoon as the Regional Centre Redevelopment of Binda Place as an attractive, inviting and functional main street environment	Local Planning Policy # 1	460,054 <i>(Binda Place redevelopment)</i>	0	0	0
Sustainable assets	<i>Maintain and manage assets and infrastructure to meet future needs</i>	Develop Asset Management Plans Maintain Community Buildings - develop 10 yr building maintenance plan (AMP) Develop 10 yr Road maintenance Plan (AMP) Develop 10 yr Public Open Spaces maintenance plans (AMP) Bridges maintenance plan	SOC Asset Management Plan (AMP) SOC Long Term Financial Plan	Completed 645,418 2,229,300 625,122 0	Completed 722,231 2,296,179 643,876 300,000	Completed 781,209 2,365,064 663,192 150,000	Completed 860,231 2,436,016 683,088 550,000
Housing choice	<i>Plan for the provision of residential growth and changing needs</i>	Focus on land use planning providing: Diverse housing Age Farm/rural Retail Employment (industrial node, retail, local business)	Lot 62 Development Plan	Subdivision of Lot 62 substantially completed Development of Retirees WA, Independent Living Units to commence construction 2015/16			

Access

Our communities identified the need for sustainable transport and access options available, making it easy to access services and facilities both within and outside the shire.

Access Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Key Priorities	Linkage	2015/16 \$ allocated	2016/17 \$ allocated	2017/18 \$ allocated	2018/19 \$ allocated
Access to local and central services	Facilitate sustainable transport solutions	Continue to lobby for public transport		Forms part of Council's fixed operating costs – staff time (no external resources required)			
Safe access	Facilitate improved road safety	Continue to lobby for Heavy Haulage Route around Bindoon (By-pass) Continue to ensure appropriate road designs More Police presence	SOC Subdivision Guidelines	Forms part of Council's fixed operating costs – staff time (no external resources required)			
	Enable inclusive access	Continue with the development of footpaths and cycleways Plan(s) Provide appropriate Aged and wheelchair access	SOC Disability Access & Inclusion Plan	146,000	Subject to funding	Subject to funding	Subject to funding

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Corporate Business Plan

Economic

That Chittering develops as a local government that promotes and fosters current and new economic development.

Continue to brand Chittering as a day / weekend tourist destination.

Economic Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Key Priorities	Linkage	2015/16 \$ allocated	2016/17 \$ allocated	2017/18 \$ allocated	2018/19 \$ allocated
Economic growth	<i>Facilitate environmentally sound industrial and commercial growth</i>	Undertake necessary Scheme Amendment to allow Muchea Employment Node - appropriate Industrial Land uses to our Strategy	Town Planning Scheme #6 Muchea Employment Node Structure Plan	<i>First Scheme Amendment completed during 2015 for 148 ha site – stage 1</i>			
	<i>Seek investment for local business growth</i>	Promote Chittering as a sound place to invest Economic Development Develop a Local Economic Development Strategy	SOC Workforce Plan SOC Economic Development Strategy	0 161,296 <i>Completed</i>	0 166,135 <i>Completed</i>	0 171,119 <i>Completed</i>	0 176,252 <i>Completed</i>
	<i>Create (facilitate) waste management centre, with a focus on sustainable waste management</i>	Look to create commercial aspect to landfill operation (Strategic review to be undertaken during 2013/14)	SOC Waste Management Plan	0	0	0	0
	<i>Facilitate local service growth</i>	Plan and promote Local hubs – retail, home businesses Explore options for Light Industry area	TPS#6 SOC Local Planning Strategy	<i>Pre-feasibility Study undertaken by Landcorp during 2014/15 for the development of Light Industrial/Residential lots – Crest Hill Road</i>			
Support local businesses	<i>Advocate for improved broadband access</i> <i>Promote local businesses</i>	Lobby Federal Government Facilitate promotional opportunities	Wheatbelt Digital Action Plan SOC Economic Development Strategy	<i>Forms part of Council's fixed operating costs – staff time (no external resources required)</i>			
Chittering: a place to visit	<i>Promote and improve Chittering's profile as a tourism destination</i>	Facilitate Local stalls and produce. Provide Education – sustainability, environment focus Promote the Visitor Centre	SOC Economic Development Strategy	111,973	115,332	118,792	122,356



Governance

Our Council will continue to take a forward thinking and unified approach that is guided by strong and transparent leadership actively engaging with the community.

Governance Outcomes from the *Strategic Community Plan* considered during the workforce planning process are:

Outcome	Strategies	Key Priorities	Linkage	2015/16 \$ allocated	2016/17 \$ allocated	2017/18 \$ allocated	2018/19 \$ allocated
Good governance	<i>Continue to provide transparent leadership</i>	Develop a Community Engagement Plan (Completed and endorsed by Council 21st November 2012)	SOC Community Engagement Plan	<i>Completed</i>	<i>Completed</i>	<i>Completed</i>	<i>Completed</i>
		Develop a Communication Strategy Annual policy review (Completed and endorsed by Council 19 th December 2012)	SOC Communication Strategy	<i>Completed</i>	<i>Completed</i>	<i>Completed</i>	<i>Completed</i>
Stakeholder engagement	<i>Continue to build the Shire's capacity through stakeholder partnerships and advocacy</i>	Lobby/advocate with relevant bodies Seek grant funding	SOC Communication Strategy SOC Community Engagement Plan	<i>No financial costs identified for this activity, other than staff time to prepare applications</i>			
Sustainable organisation	<i>Maintain an efficient and capable organisation</i>	Develop Financial, Asset, Workforce and IT Plans Service Plans Develop "Staff Attraction & Retention Strategy" Invest in training & development for Councillors & Staff	SOC Long Term Financial Plan SOC Asset Management Plan SOC Workforce Plan SOC Staff Attraction & Retention Strategy	<i>Refer to individual Plans for detailed financial information</i>			

Note:

The above tables identify the various projects, programs, funds allocated and the intended financial years they will be undertaken. However, as Council is not capable of funding all projects in its own right some rely on external funding (grants). In the event the external funding required to undertake the projects is not received in the identified year the project will be deferred until such time as the necessary funding is obtained.

Financing - Long Term Financial Plans (LTFP)

What is a Long Term Financial Plan?

Long term financial planning is a 10-year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. The Shire has prepared a 15 years LTFP.

It indicates a local government's long term financial sustainability and allows early identification of financial issues and their longer term impacts.

Long term financial plan ratios

	Dept of Local Government recommended Target Range				10 year Average	2015-16	2016-17	2017-18	2018-19
LIQUIDITY RATIOS									
Current Ratio	>	1.00			0.50	0.48	0.48	0.48	0.48
OPERATING RATIOS									
Operating Surplus Ratio	>	0.00%	Between	15.00%	3.04%	(5.80%)	(5.75%)	(5.56%)	(5.31%)
Own Source Revenue Coverage Ratio	>	50.00%	Between	75.00%	87.50%	78.26%	78.33%	78.50%	78.70%
BORROWINGS RATIOS									
Debt Service Cover Ratio	>	2	Between	5	19.73	10.06	10.50	11.01	11.54
FIXED ASSET RATIOS									
Asset Sustainability Ratio	>	90.00%	Between	110.00%	127.93%	179.39%	174.80%	152.73%	194.98%
Asset Consumption Ratio	>	50.00%	Between	60.00%	81.59%	80.62%	81.26%	81.70%	82.19%

Current Ratio

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

Indication: A measure of the Shire's immediate liquidity and the capacity to meet short term financial obligations from unrestricted current assets.¹

Commentary: As expected for a Shire with a forecast balanced funding surplus position the ratio is less than 1.0. The ratio below the target is not considered to indicate a threat the Shire's long term financial position.

Operating Surplus Ratio

$$\frac{\text{operating revenue minus operating expense}}{\text{own source operating revenue}}$$

Indication: A measure of the extent to which own source revenues raised cover operational expenses.

Commentary: While the ratio is initially below the target, the trend is improving over the life of the plan to a position above target. The ratio is not considered to indicate a threat the Shire's long term financial position but does indicate the Shire's reducing reliance on external capital grants overtime

¹ UHY Haines Norton



Own Source Revenue Coverage Ratio

$$\frac{\text{own source operating revenue}}{\text{operating expense}}$$

Indication: A measure of the extent of the Shire’s ability to cover costs using only discretionary revenue.

Commentary: The ratio increases to a level above the target range and improves over time (2019-20) indicating an increase in own resource operating revenue relative operating expense. This indicates the Shire’s ability to continue to operate in the event of a sudden loss of grant and other revenue.

Debt Service Coverage Ratio

$$\frac{\text{annual operating surplus before interest and depreciation}}{\text{principal and interest}}$$

Indication: A measure of the extent of the Shire’s capacity to generate sufficient cash to cover debt payments.

Commentary: The ratio is in above the target range and continues to improve over time as existing borrowings are paid off and the operating result improves.

Asset Consumption Ratio

$$\frac{\text{depreciated replacement cost of assets}}{\text{current replacement cost of depreciable assets}}$$

Indication: A measure of the extent to which assets managed by the Shire are being replaced as they reach the end of their useful lives.

Commentary: Whilst the ratio is above the ideal range, limited reliance should be placed on the ratio due to possible changes to the estimated replacement cost of assets with the mandatory introduction of fair value for all asset classes.

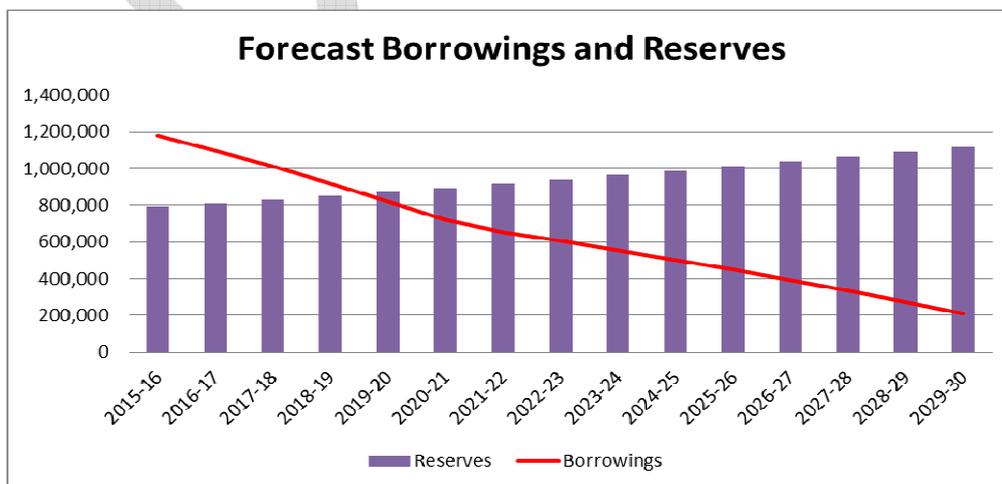
Asset Sustainability Ratio

$$\frac{\text{capital renewal and replacement expenditure}}{\text{depreciation expense}}$$

Indication: A measure of the aged condition of the Shire’s physical assets.

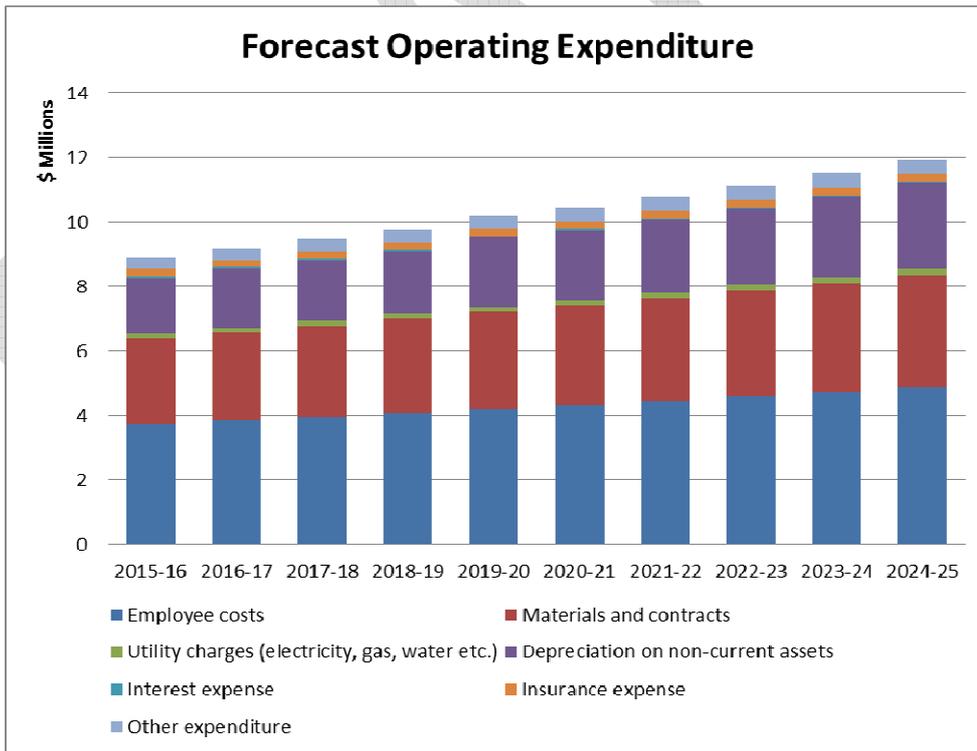
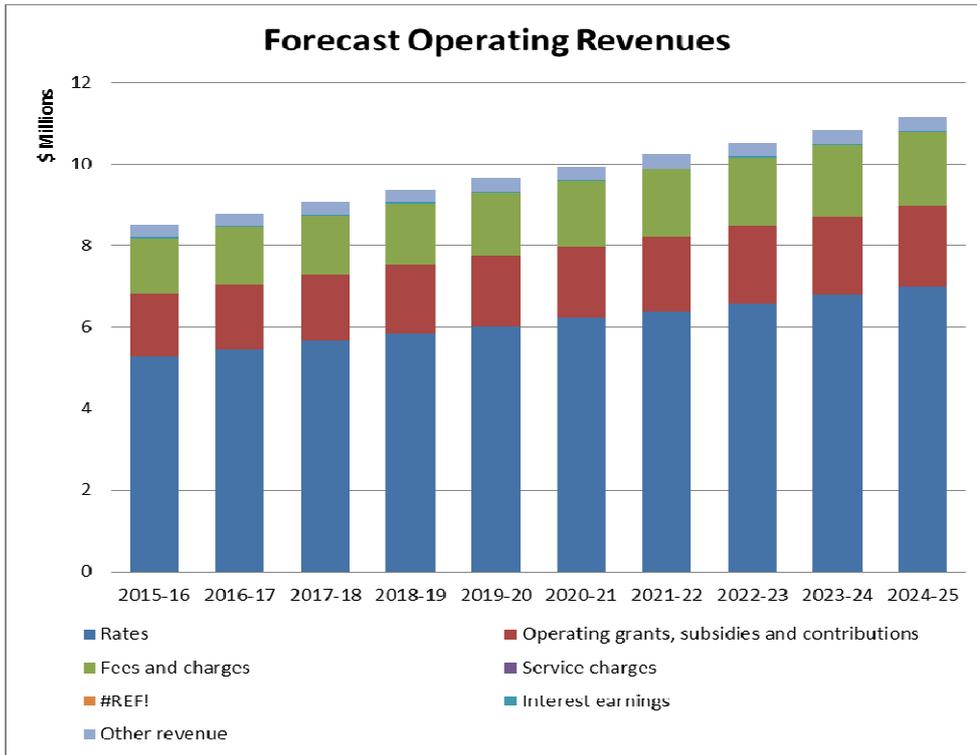
Commentary: Whilst the ratio is trending above the ideal range this is reliant upon the Shire receiving the forecast level of Capital grants to fund renewal expenditure.

Borrowings & Reserve Funds





Total Revenue & Expenditure



Corporate Business Plan

Statement of Comprehensive income by program

	2014-15	2015-16	2016-17	2017-18	2018-19
	\$	\$	\$	\$	\$
Revenue					
Governance	43,724	45,037	46,389	47,782	49,216
General purpose funding	6,451,527	6,562,046	6,778,556	7,008,778	7,246,859
Law, order, public safety	333,776	343,790	354,103	364,727	375,669
Health	29,040	29,912	30,810	31,735	32,687
Education and welfare	40,320	41,530	42,777	44,060	45,382
Housing	143,060	147,356	151,778	156,334	161,021
Community amenities	971,660	1,000,810	1,030,835	1,061,760	1,093,612
Recreation and culture	88,375	91,027	93,758	96,572	99,470
Transport	2,000	2,060	2,122	2,186	2,252
Economic services	148,480	152,935	157,523	162,248	167,116
Other property and services	76,600	78,898	81,266	83,703	86,215
	8,328,562	8,495,401	8,769,917	9,059,885	9,359,499
Expenses Excluding Finance Costs					
Governance	(1,016,177)	(1,010,485)	(1,041,727)	(1,073,795)	(1,106,677)
General purpose funding	(236,239)	(243,327)	(250,626)	(258,146)	(265,888)
Law, order, public safety	(832,678)	(856,963)	(884,170)	(912,010)	(940,450)
Health	(262,944)	(270,728)	(279,078)	(287,654)	(296,449)
Education and welfare	(145,839)	(150,180)	(154,759)	(159,467)	(164,303)
Housing	(279,823)	(288,072)	(297,035)	(306,227)	(315,645)
Community amenities	(2,072,241)	(2,133,775)	(2,199,157)	(2,266,335)	(2,335,312)
Recreation and culture	(1,033,465)	(1,001,864)	(1,033,653)	(1,066,204)	(1,099,450)
Transport	(2,139,602)	(2,197,483)	(2,276,989)	(2,357,229)	(2,437,716)
Economic services	(679,365)	(641,667)	(661,299)	(681,481)	(702,204)
Other property and services	(225,432)	(44,703)	(48,962)	(52,996)	(56,690)
	(8,923,805)	(8,839,247)	(9,127,455)	(9,421,544)	(9,720,784)
Finance Costs					
Health	(28,864)	(40,832)	(39,274)	(37,648)	(35,948)
Education and welfare	0	0	0	0	0
Housing	(15,100)	(13,325)	(11,355)	(9,261)	(7,037)
Recreation and culture	(7,188)	(6,195)	(5,389)	(4,527)	(3,605)
Transport	(13,459)	0	0	0	0
	(64,611)	(60,352)	(56,018)	(51,436)	(46,590)
Non Operating Grants	2,689,718	1,560,947	1,676,255	1,525,380	1,486,130
Profit & Loss on Disposal	(16,597)	0	0	0	0
NET RESULT	2,013,267	1,156,749	1,262,699	1,112,285	1,078,255
Other Comprehensive Income	0	1,785,864	1,880,355	1,972,033	2,038,509
TOTAL COMPREHENSIVE INCOME	2,013,267	2,942,613	3,143,054	3,084,318	3,116,764

Program titles	Sub-programs included within the program
<i>Governance</i>	Members of council Governance — general
<i>General purpose funding</i>	Rates Other general purpose funding
<i>Law, order, public safety</i>	Fire prevention Animal control Other law, order, Emergency Management , public safety
<i>Health</i>	Preventive services <ul style="list-style-type: none"> — Meat inspection — Administration and inspection — Pest control — Other Other health
<i>Education and Welfare</i>	Other education Care of families and children Aged and disabled <ul style="list-style-type: none"> — Senior citizens centres Other welfare
<i>Housing</i>	Staff housing Other housing
<i>Community amenities</i>	Sanitation <ul style="list-style-type: none"> — Household refuse — Other Sewerage Protection of environment Town planning and regional development Other community amenities
<i>Recreation and culture</i>	Public halls, Civic Centre Other recreation and sport Libraries Other culture
<i>Transport</i>	Streets, roads, bridges, depots <ul style="list-style-type: none"> — Construction — Maintenance Road plant purchase Traffic control
<i>Economic services</i>	Rural services Tourism and area promotion Building control Economic Development Other economic services
<i>Other property and services</i>	Private works Public works overheads Plant operation Salaries and wages Unclassified

Forecast Statement of Funding - for the period 2015 - 2019

	2014-15	2015-16	2016-17	2017-18	2018-19
	\$	\$	\$	\$	\$
FUNDING FROM OPERATIONAL ACTIVITIES					
Revenues					
Rates	5,099,362	5,277,840	5,462,564	5,653,753	5,851,633
Operating grants, subsidies and contributions	1,485,795	1,530,369	1,576,282	1,623,570	1,672,279
Fees and charges	1,331,944	1,371,909	1,413,068	1,455,463	1,499,123
Service charges	0	0	0	0	0
Interest earnings	141,300	37,015	31,386	31,882	32,389
Other revenue	270,161	278,268	286,617	295,217	304,075
	8,328,562	8,495,401	8,769,917	9,059,885	9,359,499
Expenses					
Employee costs	(3,625,590)	(3,734,360)	(3,846,387)	(3,961,784)	(4,080,640)
Materials and contracts	(2,898,193)	(2,664,161)	(2,744,080)	(2,826,407)	(2,911,209)
Utility charges (electricity, gas, water etc.)	(137,437)	(141,562)	(145,806)	(150,184)	(154,689)
Depreciation on non-current assets	(1,696,445)	(1,736,635)	(1,811,780)	(1,886,387)	(1,959,559)
Interest expense	(64,611)	(60,352)	(56,018)	(51,436)	(46,590)
Insurance expense	(199,161)	(205,137)	(211,292)	(217,633)	(224,161)
Other expenditure	(366,979)	(357,392)	(368,110)	(379,149)	(390,526)
	(8,988,416)	(8,899,599)	(9,183,473)	(9,472,980)	(9,767,374)
	(659,854)	(404,198)	(413,556)	(413,095)	(407,875)
Funding Position Adjustments					
Depreciation on non-current assets	1,696,445	1,736,635	1,811,780	1,886,387	1,959,559
Net profit and losses on disposal	0	0	0	0	0
Movement in employee benefit provisions	0	0	0	0	0
Write-off of assets	0	0	0	0	0
Net Funding From Operational Activities	1,036,591	1,332,437	1,398,224	1,473,292	1,551,684
FUNDING FROM CAPITAL ACTIVITIES					
Inflows					
Proceeds on disposal	429,282	359,985	299,704	284,653	1,045,705
Non-operating grants, subsidies and contributions	2,689,718	1,560,947	1,676,255	1,525,380	1,486,130
Outflows					
Purchase of land held for resale	0	0	0	0	0
Purchase of property plant and equipment	(4,173,345)	(773,075)	(773,025)	(698,482)	(1,365,034)
Purchase of infrastructure	(2,032,343)	(2,627,202)	(2,498,900)	(2,477,507)	(2,605,796)
Net Funding From Capital Activities	(3,331,037)	(1,479,345)	(1,295,966)	(1,365,956)	(1,438,995)

FUNDING FROM FINANCING ACTIVITIES



Corporate Business Plan

Inflows					
Transfer from reserves	374,449	0	0	0	0
New borrowings		0	0	0	0
Self-supporting loan		0	0	0	0
Outflows					
Transfer to reserves	(74,300)	(19,296)	(19,775)	(20,271)	(20,778)
Advances to community groups		0	0	0	0
Repayment of past borrowings	(77,476)	(78,149)	(82,483)	(87,065)	(91,911)
Net Funding From Financing Activities	222,669	(97,445)	(102,258)	(107,336)	(112,689)
Estimated Surplus/Deficit July 1 B/Fwd	2,071,773	244,353	0	0	0
Estimated Surplus/Deficit June 30 C/Fwd	244,533	0	0	0	0

Note: 2014/15 is an estimate only, not actuals.

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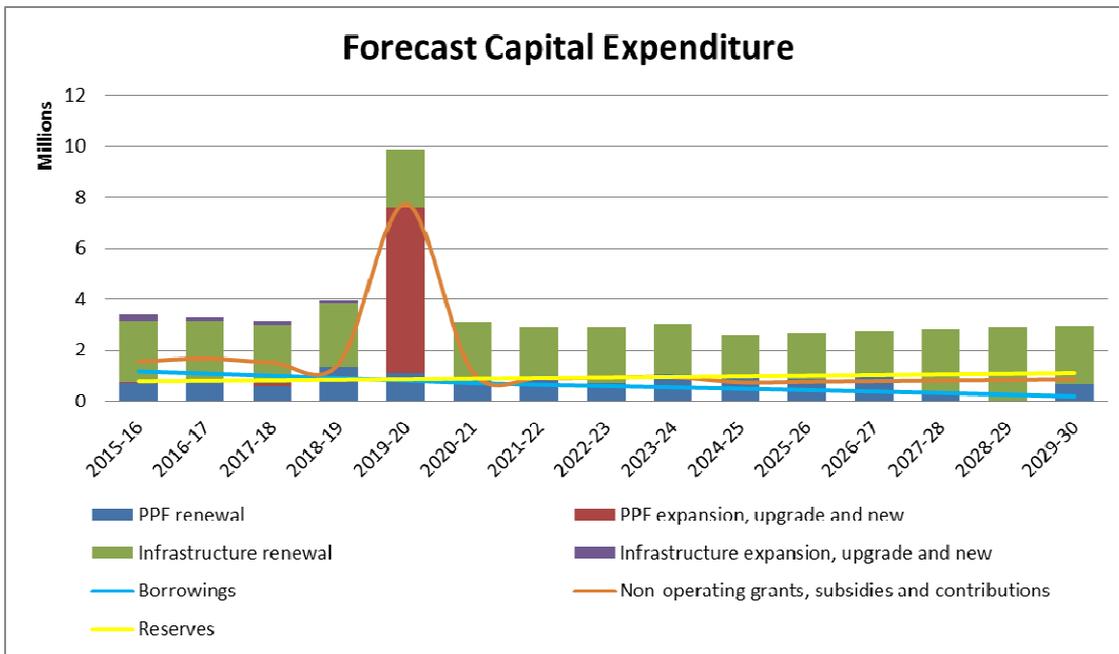
Corporate Business Plan

Forecast Statement of Financial Position

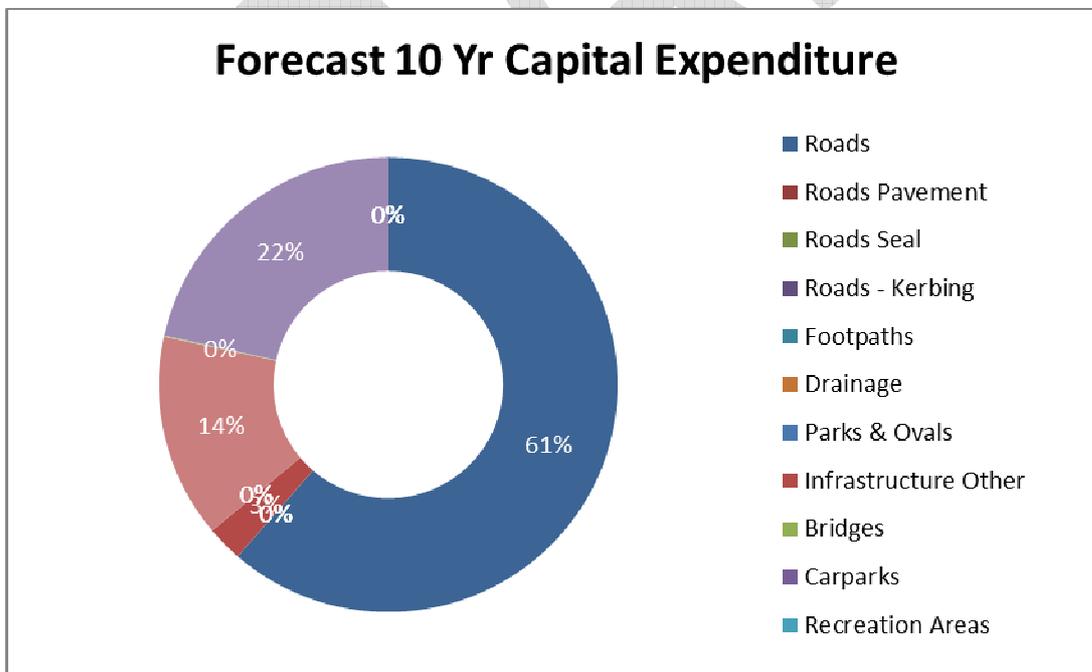
	2014-15	2015-16	2016-17	2017-18	2018-19
	\$	\$	\$	\$	\$
CURRENT ASSETS					
Unrestricted Cash and Equivalents	408,632	164,279	164,279	164,279	164,279
Restricted Cash and Cash Equivalent	1,071,931	1,091,227	1,111,002	1,131,273	1,152,051
Non-Cash Investments	42,500	42,500	42,500	42,500	42,500
Trade and Other Receivables	333,612	333,612	333,612	333,612	333,612
Inventories	408,632	3,724	3,724	3,724	3,724
TOTAL CURRENT ASSETS	1,860,399	1,635,342	1,655,117	1,675,388	1,696,166
NON-CURRENT ASSETS					
Other Receivables	34,665	34,665	34,665	34,665	34,665
Inventories	0	0	0	0	0
Property Plant and Equipment	28,957,792	29,185,037	29,438,599	29,599,703	29,609,729
Infrastructure	44,064,444	46,926,720	49,713,954	52,529,832	55,523,881
TOTAL NON-CURRENT ASSETS	73,056,901	76,146,422	79,187,218	82,164,200	85,168,275
TOTAL ASSETS	74,917,300	77,781,764	80,842,335	83,839,588	86,864,441
CURRENT LIABILITIES					
Trade and Other Payables	844,260	844,260	844,260	844,260	844,260
Current Portion of Long-term Liabilities	138,501	82,483	87,065	91,911	97,035
Provisions	382,270	382,270	382,270	382,270	382,270
TOTAL CURRENT LIABILITIES	1,365,031	1,309,013	1,313,595	1,318,441	1,323,565
NON-CURRENT LIABILITIES					
Long-term Borrowings	1,119,476	1,097,345	1,010,280	918,369	821,334
Provisions	122,837	122,837	122,837	122,837	122,837
TOTAL NON-CURRENT LIABILITIES	1,242,313	1,220,182	1,133,117	1,041,206	944,171
TOTAL LIABILITIES	2,607,344	2,529,195	2,446,712	2,359,647	2,267,736
NET ASSETS	72,309,956	75,252,569	78,395,623	81,479,941	84,596,705
EQUITY					
Retained Surplus	56,889,307	58,026,760	59,269,684	60,361,698	61,419,175
Reserves - Cash Backed	771,786	791,082	810,857	831,128	851,906
Revaluation surplus	14,648,863	16,434,727	18,315,082	20,287,115	22,325,624
TOTAL EQUITY	72,309,956	75,252,569	78,395,623	81,479,941	84,596,705



Forecast Capital Program



Capital expenditure by asset class



Summary of proposed Capital Works & Funding source 2015 – 2016 Budget

Summary	Total (\$)	Municipal (\$)	Reserves (\$)	Grant & Contributions (\$)	Trade-in (\$)	Loans (\$)
Bridges	-	-	-	-	-	-
Roads	2,461,929	698,859	-	1,763,070	-	-
Plant & Equipment	693,800	165,760	-	49,040	479,000	-
Parks & Gardens	127,500	127,500	-	-	-	-
Footpaths	146,000	146,000	-	-	-	-
Buildings	658,000	512,334	-	145,666	-	-
Drainage	-	-	-	-	-	-
Total	4,087,229	1,650,453		1,957,776	479,000	

This excludes gifted assets from developers

Note: The above figures have been taken from the draft 2015/16 Budget and vary from those proposed in the LTFP (\$5,892,965). A factor contributing to the difference is the timing between the completion of both documents. The Budget includes uncompleted capital works carried forward from 2014/15.

Major LTFP Assumptions

- Annual rate increase 3.5%
- Investment Interest Rate 3%
- Borrowing Interest Rate 3%
- Population growth 4.30%
- Base population (Dec 2013 ABS) 4,996
- Inflation adjustment of 3.0%
- Assumes no carried forward surpluses or deficits beyond 2015/16

General Funding Assumptions

- Roads to recovery funding will continue for the life of the plan
- Regional Road Group funding will remain constant
- No new borrowings
- Current levels of service to be maintained for the duration of the plan for existing assets.
- Where insufficient funds are available in any particular year to fund capital works the following funding options will be used in priority order:
 - Additional grant funding sought;
 - Reserve funds used where available;
 - Capital works deferred to later years.

Asset Management

Asset Management Plan

The Shire's asset management plan covers the Buildings and Structures infrastructure assets that serve the Shire of Chittering's needs. These assets include public conveniences, civic and corporate buildings, community buildings, recreation buildings, waste facilities, heritage buildings and other structures throughout the Council area that enable people to gain access to localised services.

Asset management planning is a comprehensive process to ensure delivery of services from infrastructure is provided in a financially sustainable manner.

The Shire's asset management plan details information about infrastructure assets including actions required to provide an agreed level of service in the most cost effective manner. The Plan defines the services to be provided, how the services are provided and what funds are required to provide the services.

Council's goal in managing infrastructure assets is to meet the required level of service in the most cost effective manner for present and future consumers. The key elements of infrastructure asset management are:

- Taking a life cycle approach,
- Developing cost-effective management strategies for the long term,
- Providing a defined level of service and monitoring performance,
- Understanding and meeting the demands of growth through demand management and infrastructure investment,
- Managing risks associated with asset failures,
- Sustainable use of physical resources,
- Continuous improvement in asset management practices.²

Building and Structures Service

The Shire of Chittering has a number of building assets that it maintains to support the delivery of community services. Many of these buildings also provide a focal point for social, cultural engagement and general community activities. The table below provides a list of Council's building structures by asset category and their current replacement values.

Asset category	Number	Replacement Value
Amenities Buildings	7	\$280,000
Civic and Corporate Buildings	14	\$3,823,500
Residential Buildings	18	\$4,000,000
Community Buildings	18	\$9,171,000
Recreation Buildings	12	\$3,717,500
Heritage Buildings	1	\$500,000
Waste Buildings	7	\$460,000
Other Structures	107	\$3,371,990
TOTAL	184	\$25,232,990

² IPWEA, 2006, *IIMM* Sec 1.1.3, p 1.3.

Corporate Business Plan

Roads & Infrastructure

The Shire of Chittering has responsibility for maintaining a combined road network of approximately 438km, (287kms of sealed roads, and 151 kms unsealed roads) in a safe and useable state.

The Shire is not responsible for the maintenance of Great Northern Hwy, Brand Hwy or the Bindoon Moora Road, these are Federal and State responsibilities.

Historically;

- Road maintenance represents 30% of Council's total operating budget
- Road construction represents 23% of Council's total capital budget

During the life of this plan Council has allocated **\$8,859,905** on capital road works improvements.

Written Down Asset value as at 30th June 2014 **\$39,106,371**

Parks & Reserves

The Shire is responsible for maintaining 45 parks and reserves of varying size, as well as a number of residential estate gardens.

Written Down Value as at 30th June 2014 **\$1,002,222**

Footpaths

The Shire's footpath network provide thoroughfare that is intended primary as safer routes for use by pedestrians off the main roads. Total footpath network 5.8 kms

Written Down Value as at 30th June 2014 **\$507,871**

Bridges & Culverts

The Shire's bridges provide access to safe crossing points to provide a relatively effective transport network that generally provides the most efficient method of travel given the surrounding physical constraints. An asset maintenance program with funding is provided by Main Roads WA (MRWA) to ensure our bridges remain in a suitable standard for use.

During the life of this plan Main Roads has allocated an indicative amount of \$1,000,000 on preventive maintenance works (this figure is subject to change at the discretion of MRWA, without notice).

The total number of bridges is 12 with a Written Down Value of **\$1,982,982**



Demand Forecast

Factors affecting demand include population change, changes in demographics, seasonal factors, vehicle ownership, consumer preferences and expectations, economic factors, agricultural practices, environmental awareness, etc.

Demand factor trends and impacts on service delivery are summarised in Table below.

Demand Factors, Projections and Impact on Services

Demand factor	Present position	Projection	Impact on services
Population	<ul style="list-style-type: none"> The population as at 2011 Census was 4,427³ 	<ul style="list-style-type: none"> 9,600⁴ by 2026 (Band E), equates to a 116% increase. 	<ul style="list-style-type: none"> Increased demand on community and recreation facilities. Increased demand for ageing services.
Demographics	<ul style="list-style-type: none"> 24.1% in 5-19 age range; 12.8% over 65 	<ul style="list-style-type: none"> 25% in 20-34 age range by 2020. 19% over 65 by 2026 	<ul style="list-style-type: none"> Increased demand for recreation, community and education facilities Increased demand for aged housing and seniors centre.

³ Source: ABS 2011 Census.

⁴ Source: "WA Tomorrow Report", 2012 – WA Planning Commission

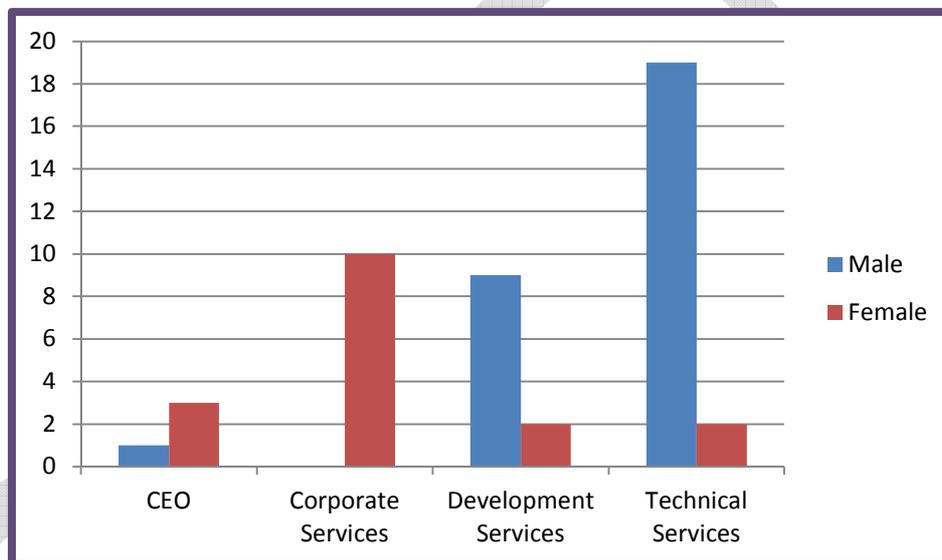
Workforce Plan

Through a comprehensive review and restructure of the organisation, the Shire's consultation with the community and the development of the *Strategic Community Plan*, gaps in services have been identified and the *Shire of Chittering Workforce Plan* has been developed to ensure the Shire of Chittering's workforce has the right skills and capacity at the right time to guarantee sustainable service delivery and special project management in the future.

The Shire's Workforce Plan endeavours to foster a resilient, connected organisation culture which continues to attract and retain talented staff.

This Plan has identified skills shortages and the positions most at risk due to challenges of retaining and filling vacancies and where the organisation is most at risk of loss of corporate knowledge.

Workforce Employee Distribution – Departmental



A key driver to our workforce planning is the issue of Australia's ageing population. This ageing workforce is a trend currently reflected in Council's staff demographics. Council employee (including casuals) age demographic are as follows:

- 8.7% are in the age category of 25 and under;
- 8.7% are 26 – 35 years
- 43.5% are 36 – 45 years
- 23.9% are 46 – 55 years
- 15.2% are over 55
- With the average age of our current workforce being 44.12 years.

Staff engagement

In November 2012 and again in 2014, Council undertook a comprehensive survey of all staff. The aim of the survey was to understand what is important to our staff and how we can improve our workplace.



Corporate Business Plan

Internal meetings were held with Executive Managers to review the organisation's overall capacity to deliver future plans.

These forward planning meetings considered a range of different factors including the community's future service demands, resources, our systems and processes and legislative and policy requirements.

Priorities and strategies were identified as detailed below:

- Develop teams that will ensure Council meets its obligations and the needs and expectations of the community into the future.
- Continue to build a culture that is positive and proactive in pursuing efficient and effective service delivery.
- Embrace existing and new technology to improve skills and delivery of service (for example, focus on training for all administrative staff in Synergy Records to ensure a more effective utilisation of information).
- Encourage multi-skilling within teams to provide greater flexibility when scheduling projects, succession planning and relief.
- Improving skills and providing training that is relevant for the organisation and enhances recruitment and retention strategies.
- Foster and develop stronger partnerships with State and Federal Government and other agencies.
- Improve partnerships and communication with the community in order to maximise the social, environment and economic resources.

Historical staff salary & wages

Financial Year	Gross Salary & Wages	# FTE	Increase %
2009/2010	2,127,773	37.0	13.25%
2010/2011	\$2,398,827	41.0	12.73%
2011/2012	\$2,548,690	40.0	6.24%
2012/2013	\$2,722,733	43	6.80%
2013/2014	\$2,913,959	44.6	7.02%
2014/2015	\$3,134,030	45.8	7.55%

Note: In 2013/14 the Building Surveyors position was vacant, therefore, only one new position was created in 2014/15 (the Compliance Officer).

Estimated 2015/16 Gross salary & wages

Financial Year	Gross Salary & Wages	# FTE	decrease %
2015/2016	\$3,089,982	45.67	(1.4%)

Note 2015/16 no additional new positions have been identified.

Future workforce requirements

Department	FTE 2014/15	FTE 2015/16	FTE 2016/17	FTE 2017/18	FTE 2018/19
Office of the CEO					
Chief Executive Officer	1	1	1	1	1
Council & Executive Support	1.18	1.18	1.18	1.18	1.18
Human Resources	1	1	1	1	1
Sub- total	3.18	3.18	3.18	3.18	3.18
Community & Corporate Services					
Executive Manager Corporate Services	1	1	1	1	1
Economic Development Officer	1	1	1	1	1
Club & Community Development Officer	1	1	1	1.5*	1.5
Economic & Community Development Support	0.42	0.42	0.42	0.42	0.42
Rates Officer	1	1	1	1.5	1.5
Payroll/Library Officer	0.89	0.89	0.89	0.89	0.89
Admin Support	1	1	1	1	1
Records Officer	1	1	1	1	1
Cashier	1	1	1	1	1
CSO Finance	0.84	0.84	0.84	0.84	0.84
Senior Finance Officer	0	0	0	0	0
Tourism Officer	0	0	0	0	0
Community Services Officer	0	0	0	0.2	0.2
Sub- total	9.15	9.15	9.15	10.35	10.35
Development Services					
Executive Manager Development Services	1	1	1	1	1
Principal Environmental Health Officer	1	1	1	1	1
Principal Building Surveyor	1	1	1	1	1
Senior Planning Officer	1	1	1	1	1
Planning Officer	1	1	1	1	1
Planning Assistant	0	0	0	0	0
Support Officer	1	1	1	1	1
PT Support Officer	0.67	0.67	0.67	0.67	0.67
Community Emergency Services Manager	1	1	1	1	1
Ranger	1	1	1	1	1
Ranger	1	1	1	1	1
Compliance inspector	1	1	1	1	1
Sub- total	10.67	10.67	10.67	10.67	10.67
Technical Services					
Executive Manager Technical Services	1	1	1	1	1
Building Coordinator	1	1	1	1	1
Technical Officer – Engineering	0	0	0	0	0
Works Manager	1	1	1	1	1
Support Officer	1	1	1	1	1
Apprentice Carpenter / Joiner	1	1	1	1	1
Supervisor Roads	1	1	1	1	1
Supervisor Parks and Reserves	1	1	1	1	1
Grader Op / General Hand	1	1	1	1	1
Road Construction Plant Op / General Hand	1	1	1	1	1

Corporate Business Plan

Department	FTE 2014/15	FTE 2015/16	FTE 2016/17	FTE 2017/18	FTE 2018/19
Road Construction Plant Op / General Hand	1	1	1	1	1
Road Construction Plant Op / General Hand	1	1	1	1	1
Backhoe Operator / General Hand	1	1	1	1	1
Roads Maintenance / General Hand	1	1	1	1	1
Roads Maintenance / General Hand	1	1	1	1	1
Roads Maintenance / General Hand	1	1	1	1	1
Roads Maintenance / General Hand	0.67	0.67	0.67	0.67	0.67
Roads Maintenance / General Hand	0	0	1	1	1
Roads Maintenance / General Hand	0	0	0	1	1
Roads Maintenance / General Hand	0	0	0	0	1
Landscape General Hand	1	1	1	1	1
Landscape General Hand	1	1	1	1	1
Landscape General Hand	1	1	1	1	1
Landscape General Hand All Rounder	1	1	1	1	1
Landscape Operator All Rounder	1	1	1	1	1
Landfill Coordinator	1	1	1	1	1
Landfill General Hand	1	1	1	1	1
Sub- total	22.67	22.67	23.67	24.67	25.67
Total staff numbers	45.67	45.67	46.67	47.67	48.67

Budget impact

New Staff Identified	2014/15	2015/16	2016/17	2017/18	2018/19
Community & Corporate Services	\$	\$	\$		
Casual Fire Mitigation Staff	27,000	0	0	0	0
Compliance Officer	68,511	0	0	0	0
Part time Community Services Officer	0	0	0	35,478	0
Part Time Tourism Officer	0	0	0	0	0
Fulltime Finance Officer	0	0	0	0	0
Part time Rates Officer	0	0	0	29,258	0
Development Services	\$	\$	\$		
Clerical Assistance 1 days	0	0	0	0	0
Increase Planning Assistant to 2 days per week	0	0	0	0	0
Technical Services	\$	\$	\$		
Six Road Maintenance (PPE not included)**	0	0	62,028	63,889	65,805
CEO	\$	\$	\$		
Increase Executive Services to 1.5 FTE by 2015/2016	0	0	0	0	0
TOTAL	95,511	0	62,028	128,625	65,805

**Dependent on position being externally funded



Major Services

Planning & Development Services

Health & Building Services

To ensure the health, safety and amenity of the built environment

Statutory Planning Services

To provide a statutory planning service to ensure compliance with the Town Planning Scheme #6, Local Planning Polices, Local Laws and other statutory requirements

Ranger Services

The Shire's Rangers (x2) are responsible for the enforcement and administration of a number of statutes and local laws. This includes investigating complaints, providing public education and awareness, and the issue of infringement notices or instigation of prosecutions for non-compliance or breaches

Emergency Management Services

The Shire employs a Community Emergency Service Manager (CESM) whose role is hazard management, community resilience, community engagement and volunteer training

Total department operating costs **\$1,642,948**

Technical Services

Road Construction & Maintenance

To provide and maintain a safe and efficient transport network across the shire

Parks & Gardens

To provide and maintain a network of Parks and Gardens

Waste (Landfill) Services

To manage the Shire's Landfill sites in both Bindoon & Muchea in an efficient and cost effective manner, whilst encouraging greater recycling of waste materials

Facilities management

To undertake planned, and reactive maintenance to the Shire's Building infrastructure, including playground equipment

Total department operating costs **\$6,381,649**

Corporate Services

Financial & Rates Services

To provide for the overall financial management of the shire operations.

Community Development Services

To strengthen the community and contribute to creating a sense of belonging and well-being. It unites the efforts of people in the belief that by working together more can be achieved that will benefit all parts of the community.

Economic Development Services

To provide sustainable economic growth for residents from a regional approach and aims to produce a long term operating framework for economic development in the shire.

Library Services

To provide a range of reading materials, story time for young children & internet services.

Total department operating costs **\$1,362,606**

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Major Projects 2015-2019

Chittering Multi-purpose Health Centre



Estimated project Cost \$2.6 million

Project description

This project will see the provision of a multi-purpose health centre in which to co-locate all the current community medical services (both private & government) to ensure that an appropriate standard of health services are retained within the region.

Project timeframe

Commencement 2013

Completion 2015

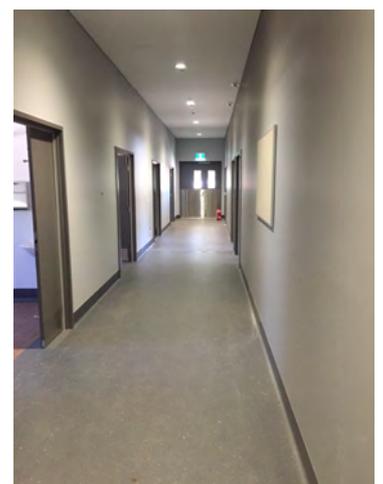
Project Funding

Royalties for Regions (Regional & Local)	\$ 842,412
Regional Development Australia	\$ 450,000
Country Health WA	\$ 600,000
Total funding	\$1,892,412

Municipal funds (loan) approx* \$ 750,588

Total funds "budgeted" \$2,643,000

*the figure is approximate as not all costs have yet been received



(Internal corridor 2015 –Northern Wing)

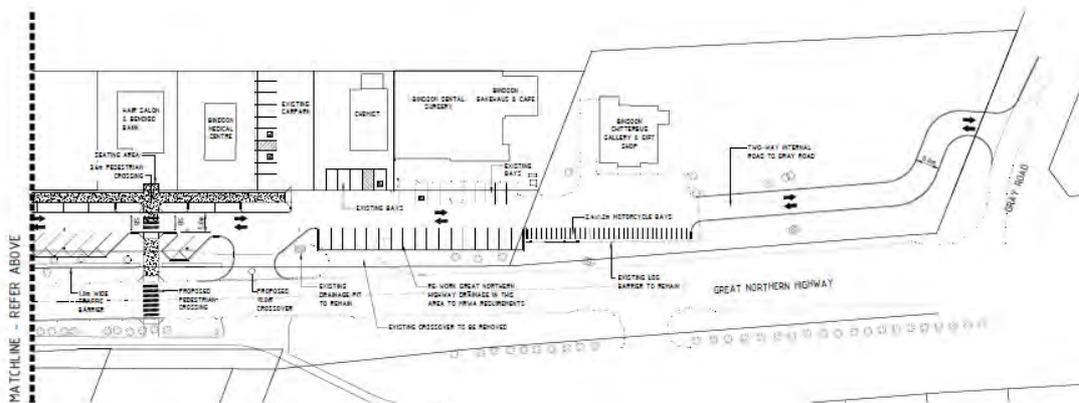
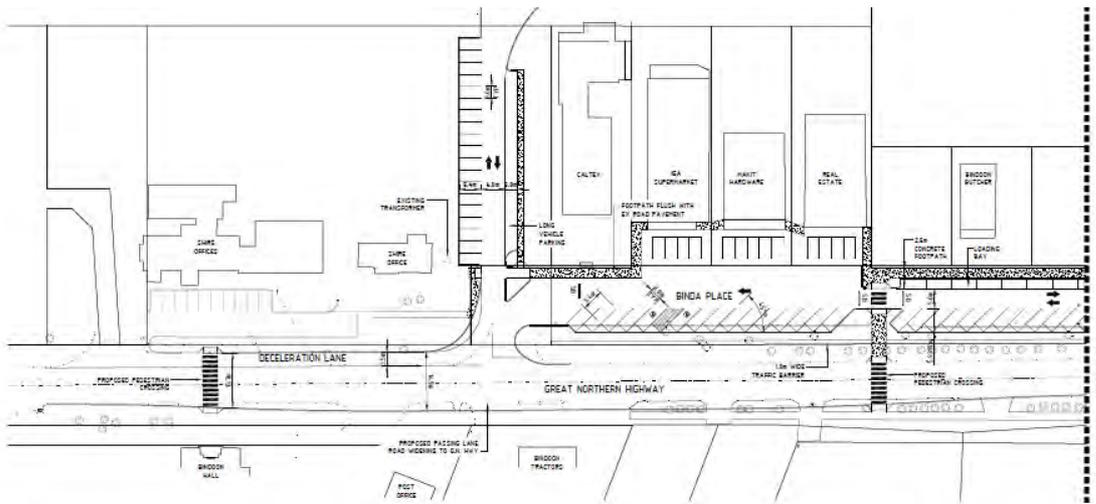
Note: Further detailed information can found in the Chittering Multi-purpose Community Health business case.

Project update:

- The successful tender price (Badge Construction) was \$2.45 million, within Budget.
- Construction commenced in August 2014, and is due to be completed by July 2015.



Binda Place Redevelopment



Estimated Project cost \$ 1.398 million

Project Description

The objective of this project is to create a shared vision for the Binda Place based on sound design features for improved safety, connectivity, functionally and visual appeal. These are to be implemented in the context of retaining and enhancing Bindoon’s rural charm, creating an image of the town reflected through its main shopping precinct. The project will be undertaken in stages to allow for minimal disruption to the local businesses.

Project timeframe

Commencement 2015 Completion 2018

Project Funding

Stage 1 – Roads to recovery	\$ 460,059 (2015/16)
Regional Grants Scheme	\$ 142,000 (2015/16)
Stage 2 – Roads to Recovery	\$ 397,970
Stage 3 – Roads to Recovery	\$ 397,970

Total funding	\$1,398,000
Municipal funds	\$ 0
Total funds	\$1,398,000





Project Update

Due to difficulties encountered with getting general consensus around the location of footpath & land tenure the project was not commenced during 2014/15. A redesign has been necessary which now places the footpath in the road reserve.

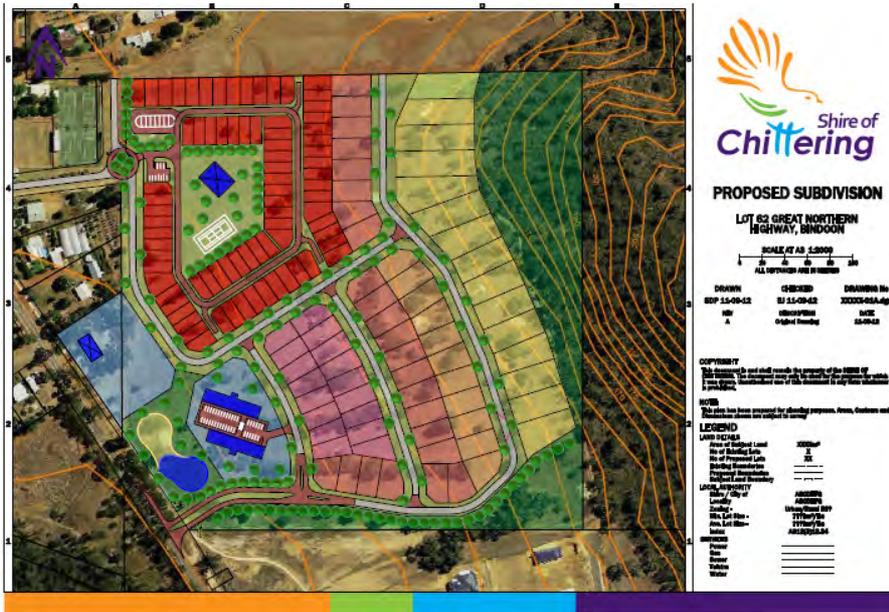
Construction of stage 1 is now due to commence August 2015

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Development of Lot 62 Great Northern Hwy – (Stage 1) Independent Living Units



Project Description

The Shire has been approached by sections of the community to provide a suitable residential development for the aged population living within its district. An increasing section of the community are, due to their age, becoming unable to maintain their large acreage lots and, therefore, are looking to relocate to smaller, more manageable lots or a purpose built residential complex which caters for their particular needs.

To meet the needs of its community, the Shire wishes for the development of a retirement village (Independent Living Units complex), within its district.



Project timeframe

18 months.

Project Funding

The Independent Living will now be built by Retirees WA (private company) that specialises in the development and operation of Independent Living units. Refer to their website for further information at www.retireeswa.com.au.

Project Update

During 2014/15 Council undertook the necessary subdivision of Lot 62, to provide specific lots for the Chittering Health Centre (Lot E) & new proposed Independent Living Units (Lot A).

Council sold the proposed Lot A to Retirees WA in 2015, who have entered into a Deed of Agreement which sets out various terms and conditions relating to its sale. Most importantly the timing for the delivery of the first 5 Units, which requires they be substantially commenced within 18 months from the sale of the Land.

The site has the potential for up to 79 units subject to various conditions. It is the Developers intention to construct 5 at a time.

For further details regarding this project please contact Retirees WA on 9362 0100 or alternatively info@retireeswa.com.au.





**DELEGATED
AUTHORITY
REGISTER**

DOCUMENT CONTROL

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Version	Approved by		Date
	Name	Title/Resolution	
1	Ordinary Council	Register of Delegations (N10318)	16 June 2010
2	Ordinary Council	Delegated Authority Register Review Council Resolution 090512 (N12956)	16 May 2012
3	Ordinary Council	Delegated Authority Register Review Council Resolution 170613 (N131241)	19 June 2013
4	Ordinary Council	Delegated Authority Register Review Council Resolution (N141465)	25 June 2014
5	Ordinary Council	Delegated Authority Register Review Council Resolution	17 June 2015

AMENDMENTS		
Document Version	Date of Amendment	Amendment details
1	29 June 2011	Amended by CEO (N11726)
1	24 August 2011	Amended by CEO (N1123790)
1	30 March 2012	Amended by Council (N1229266)
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3	21 August 2013	Approved by Council (N1340338)
3	23 October 2013	Approved by Council (N131311)
3	19 March 2014	Approved by Council (N141391)



Delegated Authority Register

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INTRODUCTION

Purpose of Delegating Authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the **Local Government Act 1995** (the Act) on an annual basis. The coordination of the review will be performed by the Chief Executive Officer.

Legislation

The **Local Government Act 1995** allows for a local government to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, except those listed in section 5.43. All delegations made by the Council must be by absolute decision [section 5.42(1)].

Associated legislation

Legislation other than the Act, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- Planning and Development Act 2005 including regulations and adopted policies
- Dog Act 1976 and regulations
- Bush Fires Act 1954 regulations and local laws created under that Act)
- Health Act 1911 (as amended) regulations and local law created under that Act
- Freedom of Information Act 1992
- Land Administration Act 1997 as amended and regulations
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provision) Act 1960 as amended
- Caravan Parks and Camping Grounds Act 1995
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations
- Strata Titles Act 1985
- Food Act 2008
- Environmental Protection Act 2005
- Building Act 2011

Note - this is not an exhaustive list

Delegated Authority Register

Delegation by the Chief Executive Officer

The Act allows for the CEO to delegate any of the powers to another employee [Section 5.44 (1)]. This must be done in writing [Section 5.44 (2)]. The Act allows for the CEO to place conditions on any delegations if desired [Section 5.44 (4)].

A register of delegations relevant to the CEO and other employees is to be kept and reviewed at least once every financial year [Section 5.46 (1) and (2)]. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used [Section 5.46 (3)].

The record is to contain the following information:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power of the discharge of the duty [**Local Government (Administration) Regulations 1996, regulation 19**].
- Service unit's responsible for a work process are to ensure that data is captured and recorded managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the CEO where applicable, once approved through a signed authority by the CEO.
- A person to whom a power is delegated under the Act is considered to be a 'designated employee' under 5.5.74(b) of the Act and is required to complete a primary and annual return each year.
- There is no power for a person other than the CEO to delegate a power [Section 5.44 (1)].

Acting through another person

Local Government Act 1995 - section 5.45 (2)

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- a local government from performing any of its functions by acting through a person other than the CEO; or***
- a CEO from performing any of his or her functions by acting through another person.***



Delegated Authority Register

The key difference between a delegation and "acting through" is that a delegated exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The difference between a delegated authority to exercise discretion on behalf of the Shire and acting through another person to undertake a function on behalf of the Shire where not discretion exists is reinforced by *Section 56* of the ***Interpretation Act 1984*** which states:

56. "May" imports a discretion, "shall" is imperative

- (1) Where in a written law the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.**
- (2) Where in a written law the word "shall" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.**

Delegated Authority Register

DA1 ACTING CHIEF EXECUTIVE OFFICER

Objective of Delegation: Appointment of an Acting Chief Executive Officer

Extent of Delegation: The authority to appoint an Acting Chief Executive Officer during periods of absence.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	On making any appointment under this delegation the Chief Executive Officer shall inform the Council of the details of the appointment. Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – Section 5.39</i> • <i>Shire of Chittering Staff Policy – Acting Chief Executive Officer</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA2 CODE OF CONDUCT ENFORCEMENT

- Objective of Delegation:** To enforce the Code of Conduct
- Extent of Delegation:** The duty to enforce the Code of Conduct in respect of employees, contractors and volunteers.
- Conditions imposed:**
1. The Chief Executive Officer is required to implement appropriate procedures for enforcing the Code of Conduct in respect of allegations or complaints involving employees, contractors and volunteers.
 2. The procedure should include internal investigations and/or referral to appropriate external agencies.
 3. The Chief Executive Officer is not required to personally investigate or enforce the Code, but to ensure that it is properly enforced and that the integrity and probity of the Shire is maintained at a high level.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – Section 5.9</i> • <i>Shire of Chittering Staff Policy – Code of Conduct – Staff</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA3 CONTROL AND MANAGEMENT OF LAND

Objective of Delegation: To control and manage land

Extent of Delegation: The duty to do anything necessary for the administration purpose of controlling and managing land reserved under the **Land Act 1933** and vested in or under control and management of the Council.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 • Land Act 1933
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA4 DISPOSAL OF PROPERTY OTHER THAN LAND

- Objective of Delegation:** To expedite the disposal of Shire property other than land.
- Extent of Delegation:** The power to dispose of Shire property (other than land or buildings) by public tender or public auction where the expected value is:
- less than \$20,000.
- The power to dispose of items of a minor nature by private treaty, such as surplus old plant or equipment, where the anticipated value is:
- less than \$5000.
- Conditions imposed:**
1. This delegation does **NOT** apply to the disposal of plant or light vehicles or equipment that is being replaced by a tender process involving trade-in.
 2. The Chief Executive Officer is to develop and implement an appropriate procedure for the management of disposal of property by public tender or public auction and which provides a high standard of probity and accountability.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Receipt of payment Recorded in central records system
Heads of Power:	<i>Local Government Act 1995</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA5 SIGNING OF DOCUMENTS

- Objective of Delegation:** To sign Shire documents on behalf of the Shire of Chittering.
- Extent of Delegation:** The authority to sign documents as a part of the day to day operations of the Shire of Chittering.
- Conditions imposed:** Authority is delegated on the provision that one or more of the following provisions apply:
- 1 The Council has authorised the entering into a formal contract/document.
 - 2 A formal contract is authorised under delegated authority of the Council.
 - 3 A formal contract/document is considered necessary by the Chief Executive Officer as part of the day to day operations of the Council.
 - 4 The Chief Executive Officer is to prepare the necessary documentation taking into account any specific policy requirements of Council and to arrange for signing of the contract/documents without further reference to Council.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Common Seal Register Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s9.49 (a) 4</i> • <i>Shire of Chittering Administration Policy – Execution of Documents</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA6 INVESTMENT OF FUNDS

- Objective of Delegation:** To oversee the investing of funds
- Extent of Delegation:** The power to invest excess funds into investment funds as approved by the Shire of Chittering Finance Policy – Investment of Funds.
- Conditions imposed:**
1. To observe any regulations relating to investments by local government.
 2. To observe any Council policy, direction or guidelines relevant to the investment of Shire funds.
 3. To act in a prudent manner and to exercise regular management control and oversight of the investment of funds.
 4. To conduct regular reviews of the investment performance and controls.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Included in Monthly Financial Statements in Ordinary Council agenda Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Financial Management) Regulations – Reg 19 • Shire of Chittering Finance Policy – Investment of Funds
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA7 CONTRACT PRICE VARIATION

Objective of Delegation:	To approve minor price variations to contracts
Extent of Delegation:	The power to approve a minor price variation for a contract subject to sufficient funds being available within the approved expenditure budget and that the price variation is necessary.
Conditions imposed:	For the purposes of this delegation, a minor price variation is limited to \$50,000.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Any contract variation is to be recorded in a register of contracts. Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 – section 3.58 • Shire of Chittering Finance Policy – Purchasing
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA8 DISPOSING OF IMPOUNDED GOODS

- Objective of Delegation:** To dispose of impounded goods
- Extent of Delegation:** The power to dispose of confiscated or uncollected goods.
- Conditions imposed:** Disposal must be by public auction or public tender.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 – section 3.47</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA9 ENGAGING CONSULTANTS

- Objective of Delegation:** To appoint consultants to the Shire of Chittering
- Extent of Delegation:** The power to appoint consultants, such as architects, valuers, planning consultants etc. for projects and tasks where specific external skills or knowledge are required.
- Conditions imposed:**
- Any applicable Council Policy must be implemented.
 - The consideration for the consultancy is less than \$50,000.
 - Specific budget provision exists.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services Executive Manager Technical Services Executive Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 – section 6.5 – 6.10</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA10 ENGAGING CONTRACTORS

- Objective of Delegation:** To appoint contractors to the Shire of Chittering
- Extent of Delegation:** The authority to engage private contractors to assist and complement the Shire's work staff in implementing the works program.
- Conditions imposed:**
1. Applies to Contracts under \$100,000.
 2. In exercising this authority, the Chief Executive Officer must be satisfied that it will be in the best interest of Shire and have regard for:
 - adequate budget provision exists;
 - the engagement of contractors is made in accordance with the Shire's purchasing policy;
 - that all contracts are in writing; and
 - that appropriate performance measures are in place and performance is subject to supervision.
 3. The payment for any work carried out under contract must be specifically authorised by the responsible senior officer and certified as carried out to a satisfactory standard.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 • Shire of Chittering Finance Policy – Purchasing
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA11 ENTERING INTO CONTRACTS

- Objective of Delegation:** To enter into contracts on behalf of the Shire of Chittering
- Extent of Delegation:** The administrative duty to prepare the necessary documentation to execute documents taking into account any specific policy requirements of Council where:
- the Council has authorised entering into a formal contract; or
 - a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council and where the consideration under the contract is less than \$100,000; or
 - a formal contract is authorised under a delegated authority from the Council
- Conditions imposed:**
1. All contracts where the consideration is greater than \$100,000 must be subject to specific authorization of the Council.
 2. Compliance with the requirements of the Standing Orders Local Law in respect of signing documents under seal if applicable.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Shire of Chittering Finance Policy – Purchasing</i> • <i>Shire of Chittering Administration Policy –Signing of Documents</i> • <i>Shire of Chittering Local Government (Council Meetings) Local Law 2014</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA12 FACILITY HIRE FEES

- Objective of Delegation:** To manage the fees for hire of Shire of Chittering facilities
- Extent of Delegation:** The authority to grant discounts or waive hire fees applying to any of the Shire’s recreation facilities under the direct management of the Council.
- Conditions imposed:** In exercising this authorisation, the Chief Executive Officer is to give consideration to:
- The cost of normal hire per participant being prohibitive to the financial resources of the hirer(s).
 - One off usage discounts being supported in favour of regular use discounts.
 - The participation of children/juniors in the program.
 - The benefits to the Shire, its staff and the community in general.
 - Costs to Council, including any forgone opportunity costs.
 - Any other circumstances that warrant consideration of a discount or waiving of fees.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Shire of Chittering Annual Budget</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA13 INDUSTRIAL REPRESENTATION

Objective of Delegation: To source advice from an industrial service

Extent of Delegation: To source advice from an appropriate industrial service with consent to act on the Council's behalf in any general industrial/award matter and any industrial dispute involving employees of the Council.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Shire of Chittering Staff Policy – Code of Conduct, Staff</i> • <i>Shire of Chittering Staff Policy – Occupational Safety and Health (OSH)</i> • <i>Shire of Chittering Staff Policy – Contractors</i> • <i>Shire of Chittering Staff Policy – Voluntary service</i> • <i>Shire of Chittering Staff Policy – Gratuities and Redundancy Payments</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA14 ISSUING OF NOTICES

Objective of Delegation: To issue notices to owners of land in the Shire of Chittering

Extent of Delegation: The power to issue notices requiring certain things to be done by the owner/occupier of land. Such items in addition to those contained with the Act are also outlined in Schedules 3.1 and 3.2 and contain such issues as:

- Preventing water from dripping or running from a building
- Placing a street number in a prominent place
- Ensuring that unsightly land is either enclosed or where it is considered untidy having such materials or rubbish removed including contaminated material
- Taking steps for preventing or minimising danger to the public or damage to property which might arise from cyclonic activity or bush fire.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Shire of Chittering Town Planning Policy – Rural Numbering</i> • <i>Shire of Chittering Environment and Health Policy – Bush Fire Control</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA15 LEGAL ADVICE

- Objective of Delegation:** To seek legal advice for the Shire of Chittering
- Extent of Delegation:** The power to obtain legal advice and opinions as deemed necessary in the exercise of the management of the local government.
- Conditions imposed:**
- The authority is restricted to legal advice of an operational nature that is required to protect the interests of the Shire and to an initial value not exceeding \$20,000.
 - The budget containing appropriate provision.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Shire of Chittering Annual Budget</i> • <i>Shire of Chittering Staff Policy – Code of Conduct, Staff</i> • <i>Shire of Chittering Elected Members Policy – Legal Representation and Costs Indemnification</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA16 NATIVE TITLE

Objective of Delegation: To register an interest in any native title claim

Extent of Delegation: The power to register an interest in any native title claim affecting the Shire in order for Council to have sufficient interest to become a party to the native title application.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Native Title (State Provisions) Act 1999</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA17 PROSECUTIONS

- Objective of Delegation:** To sign all prosecution complaint forms
- Extent of Delegation:** The power to sign all prosecution complaint forms in relation to prosecutions under the ***Local Government Act 1995*** on behalf of the Council.
- Conditions imposed:** The Chief Executive Officer is required to use discretion in taking action under this delegation where there are mitigating circumstances.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA18 RATES AND SERVICE CHARGES AGREEMENTS

- Objective of Delegation:** To accept payment of a rate or service charge
- Extent of Delegation:** The power to accept payment of a rate or service charge that is due and payable by a person in accordance with an agreement made with that person.
- Conditions imposed:**
1. The Chief Executive Officer is required to observe any relevant policy.
 2. In making any such agreement, the Chief Executive Officer is to exercise discretion in negotiating the best possible repayment schedule to protect the interests of the Shire without imposing undue financial hardship on the person.
 3. The Chief Executive Officer is to ensure that appropriate written agreements are entered into and that appropriate internal controls are in place to monitor compliance with the agreed repayment schedule.
 4. The Chief Executive Officer is to have regard to the Shire's Rating Policy should the person materially default with the terms of the agreement.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Copy of signed offer and acceptance retained on property file. Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 • Shire of Chittering Finance Policy – Rating
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA19 RATES AND SERVICE CHARGES CAVEAT

- Objective of Delegation:** To lodge a caveat on property in the Shire of Chittering
- Extent of Delegation:** The power to lodge a caveat to preclude dealings in land where rates or services charges are in arrears and the Chief Executive Officer is of the opinion that it is in the interests of the Shire to lodge the caveat.
- Conditions imposed:**
1. The Chief Executive Officer is required to observe any relevant policy.
 2. The action to lodge a caveat is only to be taken, where in the opinion of the Chief Executive Officer, that action is necessary.
 3. The action is only to be taken by persons with the specific written authority to lodge the caveat.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Monthly Information Bulletin. Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 • Shire of Chittering Finance Policy – Rating
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA20 TENDERS / QUOTATIONS

- Objective of Delegation:** To expedite the calling of quotations and tenders.
- Extent of Delegation:** The power to:
- (i) make the decision to invite quotations and tenders for goods and services.
 - (ii) call quotations and tenders before the Shire enters into a contract of a prescribed kind.
 - (iii) accept a quotation where the consideration is less than \$99,999.
- Conditions imposed:**
1. All decisions to call for quotations or tenders for goods or services must relate to a proposal that is specifically authorised in the budget or by a specific Council decision.
 2. The Chief Executive Officer must be satisfied before making the decision to call for quotations or tenders that an appropriate specification and information package is available and that there are appropriate assessment criteria specified.
 3. That the process is conducted fairly and impartially and in strict compliance with the **Local Government Act 1995** and the associated regulations, and any appropriate Council policy, direction or guideline.
 4. That any decision to accept a quotation or tender is made fairly, impartially and based upon a proper assessment of the stipulated criteria, and that represents the best value for the Shire.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 – section 3.57 • Shire of Chittering Finance Policy – Purchasing
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

**DA21 TO ACCEPT QUOTATIONS FOR GOODS AND SERVICES –
REVOKED (16 MAY 2012)**

Delegated Authority Register

DA22 BOND REFUNDS

Objective of Delegation:	To expedite the approvals process
Extent of Delegation:	The authority to refund bond monies where all conditions of approval have been met, with the aggrieved applicant having a right of appeal to Council.
Conditions imposed:	Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services Executive Manager Technical Services Executive Manager Corporate Services Manager Human Resources
Formal Record:	Monthly List of Payments included in the Ordinary Council agenda Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – section 5.42</i> • <i>Shire of Chittering Community Facilities and Recreation Policy – Advertising on public open space</i> • <i>Shire of Chittering Engineering, Construction and Maintenance Policy – Crossovers Subsidy</i> • <i>Shire of Chittering Town Planning Policy – Public Guidance Signage in Road Reserves</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA23 UNDERTAKING PRIVATE WORKS

Objective of Delegation: To facilitate private works

Extent of Delegation: The authority to use discretion in accepting or rejecting private works requests.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – section 5.42</i> • <i>Shire of Chittering Engineering, Construction and Maintenance Policy – Works</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA24 MAJOR PLANT PURCHASES – REVOKED (16 MAY 2012)

Delegated Authority Register

DA25 GRANT APPLICATIONS

- Objective of Delegation:** To make applications for grants from various sources
- Extent of Delegation:** The authority to make application for grants from various sources.
- Conditions imposed:** The Chief Executive Officer must approve and sign any grant application.
- Where possible, the prior approval of the Council is required before making application for grants that may impose an ongoing commitment by the Shire.
- Any application that requires a financial commitment from the Shire requires specific approval of the Council.
- Where it is proposed to make a submission for grants and/or subsidies from state/commonwealth governments without prior approval of Council, the grant/subsidy shall not be accepted without specific Council endorsement through the budget process.
- Any application must be in accord with Council’s strategic objectives.
- The Chief Executive Officer is to ensure that any relevant grant conditions are met and that the appropriate grant acquittal is completed in a timely manner and subject to audit scrutiny.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Shire of Chittering Finance Policy – Funding Submissions</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA26 CARAVAN PARK LICENCES / PERMITS TO CAMP ON PRIVATE PROPERTY

Objective of Delegation:	To control and maximise tourist numbers.
Extent of Delegation:	The authority under Regulation 6 of the <i>Caravan Parks & Camping Grounds Regulation 1997</i> to issue approvals for renewal of licences and granting approvals for camping permits on private property.
Conditions imposed:	Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Principal Environmental Health Officer
Formal Record:	Recorded in central records system
Heads of Power:	<i>Caravan Parks & Camping Grounds Regulation 1997 – Regulation 6</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA27 BURNING ON ROADSIDES

- Objective of Delegation:** To control burns on road verges
- Extent of Delegation:** The authority to approve applications submitted by the relevant Fire Control Officer to burn on a road verge vested in the care control and management of the Shire of Chittering.
- Conditions imposed:** The Chief Executive Officer is to have regard to roadside conservation policies of the Shire of Chittering in place from time to time and environmental harm provisions contained within the *Environmental Protection Act 1986*.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services Executive Manager Technical Services Community Emergency Services Manager
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Bush Fire Act 1954</i> • <i>Environmental Protection Act 1986</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA28 BURNING – PROHIBITED TIMES VARIATIONS

Objective of Delegation: To manage the prohibited burning periods

Extent of Delegation: The authority to vary the prohibited burning times in place from time to time.

Conditions imposed: Nil

Delegation by Council to:	Chief Bush Fire Control Officer Shire President
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Bush Fire Act 1954</i>
Last Reviewed:	25 June 2014
Amended:	

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DA29 CERTIFICATES OF CLASSIFICATION – REVOKED (16 MAY 2012)

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DA30 INSURANCE

Objective of Delegation: To enter into appropriate contacts of insurance

Extent of Delegation: The authority to enter into appropriate contracts of insurance.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Retain copy of Insurance documentation Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – section 5.42</i> • <i>Shire of Chittering Staff Policy – Contractors</i> • <i>Shire of Chittering Town Planning Policy – Application for Work/Development, Public Thoroughfare or Place</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA31 PUBLIC LIABILITY CLAIMS

Objective of Delegation:	To consider claims for property damage
Extent of Delegation:	The authority to consider claims against Council for the property damage that does not exceed the insurance policy excess levels and to accept or deny liability on behalf of Council.
Conditions imposed:	In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excesses amount and then only upon receipt of an appropriate release form provided by Council's insurers.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Retain all claims Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 – section 5.42</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA32 SALE AND CONSUMPTION OF LIQUOR ON COUNCIL PROPERTY

Objective of Delegation: To expedite applications for the sale of liquor on Council property.

Extent of Delegation: The authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Principal Environmental Health Officer
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – Section 5.42</i> • <i>Food Act 2008 – Section 122 and 126(2)</i> • <i>Environmental Protection Act 1986 – Section 87 and 88</i>
Last Reviewed:	25 June 2014
Amended:	

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DA33 ISSUE OF SECTION 401 NOTICES – REVOKED (25 JUNE 2014)

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DA34 APPOINTMENT OF AUTHORISED OFFICERS

Objective of Delegation: To appoint authorised officers.

Extent of Delegation: The power to appoint authorised officers/persons to enforce local laws of the Shire made in accordance with the *Local Government Act 1995* and the following Acts (including their relevant Regulations):

- *Bush Fires Act 1954*
- *Cemeteries Act 1986*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Dog Act 1976*
- *Health Act 1911*
- *Litter Act 1979*
- *Food Act 2008*
- *Building Act 2011*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Cat Act 2011*
- *Town Planning Scheme No 6*

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Nil
Formal Record:	Recorded in central records system
Heads of Power:	<i>Acts as listed above</i>
Last Reviewed:	25 June 2014
Amended:	<i>17 June 2015</i>

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DA35 TENDER EVALUATION

Objective of Delegation:	To expedite the evaluation of tenders received.
Extent of Delegation:	The authority to: <ul style="list-style-type: none"> • establish the individual weighting for each evaluation criterion. • vary the Evaluation Criteria where in his opinion the particular tender requires a variation to the established evaluation criteria.
Conditions imposed:	Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Technical Services Executive Manager Development Services Executive Manager Corporate Services
Formal Record:	Copies of tender evaluations to be filed with Tender documents. Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Function and General) Regulations 1996 • Shire of Chittering Finance Policy – Purchasing
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA36 PERMITS ROAD TRAINS AND EXTRA MASS

Objective of Delegation: To expedite the applications to use road trains / extra mass on any local road.

Extent of Delegation: The authority to determine any application recommending approval or refusal to Main Roads WA to use road trains and applications for extra mass permits on any local road.

Conditions imposed: The Chief Executive Officer is to have regarded:

- 1 All roads are subject to the appropriate approval by Main Roads WA and subsequent issue of relevant permits
- 2 Applicants to supply Council with a copy of Main Roads WA permit before operations commence
- 3 That the speeds of the vehicles do not exceed 90km/h on gravel roads or as sign posted
- 4 Applicants are requested to utilise sealed routes, where possible, particularly during periods of wet weather
- 5 Council reserves the right to withdraw the approval with twenty four (24) hours' notice.
- 6 Any policy of Council in place from time to time.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Shire of Chittering Engineering, Construction and Maintenance Policy – Heavy Vehicle Access</i>
Last Reviewed:	25 June 2014
Amended:	

DA37 RATING AND SERVICE CHARGES RECOVERY

Objective of Delegation: To recover debt from rates or services charges.

Extent of Delegation: The power to:

1. recover rates and service charges which are apportioned between successive owners in respect of time as if they accrue.
2. recover a rate or service charge, if it remains unpaid after it becomes due and payable, as well as costs of proceedings, if any, for that recovery, in a court of law.
3. recover rates and charges outstanding.
4. give notice to the lessee of land if payment of a rate or service charge imposed is due and payable requiring the lessee to pay any rent as it falls due in satisfaction of the debt.
5. give the lessor a copy of the notice with an endorsement that the original of it has been given to the lessee.
6. recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.
7. recover unpaid rates or service charges. Refer 6.60 (5) and (6).
8. request the occupier of property, or an agent of the owner of property to disclose the name and address of the owner or of the person receiving or authorised to receive the rate or service charge.
9. apply the money for or towards rates or service charges where money is paid on rates and charges due on the land in the order in which they become due.
10. lodge a caveat to preclude dealings in respect of land where payment of rates or service charges imposed in respect of the land is in arrears.
11. instigate action through a court to recover a debt, including recovery costs, associated with a rate or service

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charge, if it remains unpaid after the time for payment under the Act, and after the procedures under the Shire debt collection policy has been unsuccessful.

Conditions imposed:

1. The Chief Executive Officer is required to observe any relevant policy.
2. The legal action is only to be taken, where in the opinion of the Chief Executive Officer, that action is a last resort to obtain payment.
3. The legal action is only to be taken by persons with the specific written authority to commence the action.
4. To observe all relevant provisions of the **Local Government Act 1995**, all other written law and regulations, Council policies, directions and guidelines.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Monthly Information Bulletin Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 • Shire of Chittering Finance Policy – Rating
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA38 DEMOLITION PERMITS

- Objective of Delegation:** To manage dangerous buildings in the Shire of Chittering
- Extent of Delegation:** Council delegates its authority and power to Bronwyn Southee (Executive Manager Development Services) and Sam Neale (Principal Building Surveyor) to approve or refuse to grant demolition permits submitted under section 21 of the **Building Act 2011**.
- Conditions imposed:** Subject to the following conditions:
- In undertaking the functions of this delegation, Sam Neale, Principal Building Surveyor must:
- 1) Be employed by the Shire of Chittering in accordance with section 5.36 of the **Local Government Act 1995**; and
 - 2) Hold the appropriate qualifications as set out under Regulation 6 of the **Local Government (Building Surveyors) Regulations 2008**.

Delegation by Council to:	Executive Manager Development Services Principal Building Surveyor
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 – sections 21, 22 and 127</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA39 BUILDING PERMITS

- Objective of Delegation:** To expedite the approval of Building Licences
- Extent of Delegation:** Council delegates its authority and power to Bronwyn Southee (Executive Manager Development Services) and Sam Neale (Principal Building Surveyor) to approve or refuse to approve plans and specifications submitted under the ***Building Act 2011***.
- Conditions imposed:** Subject to the following conditions:
- In undertaking the functions of this delegation Sam Neale, (Principal Building Surveyor) must:
- 1) Be employed by the Shire of Chittering in accordance with section 5.36 of the ***Local Government Act 1995***; and
 - 2) Hold the appropriate qualifications as set out under Regulation 6 of the ***Local Government (Building Surveyors) Regulations 2008***.

Delegation by Council to:	Executive Manager Development Services Principal Building Surveyor
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 – sections 16, 20, 22 and 127</i>
Last Reviewed:	25 June 2014
Amended:	<i>17 June 2015</i>

Delegated Authority Register

DA40 BUILDING ORDERS

- Objective of Delegation:** To expedite the approval of building orders
- Extent of Delegation:** Council delegates its authority and power to Bronwyn Southee (Executive Manager Development Services) and Sam Neale (Principal Building Surveyor) to:
- 1) Make building orders pursuant to section 110 of the **Building Act 2011** in relation to:
 - a) Stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the **Building Act 2011**;
 - b) Take specific action to prevent contravention of the **Building Act 2011**;
 - c) Finish an outward facing side of a wall;
 - d) Buildings which are considered as being unsafe or not fit for human habitation.
 - 2) Revoke building orders pursuant to section 117 of the **Building Act 2011**.
- Conditions imposed:** Subject to the following conditions:
- 1) The Executive Manager Development Services may:
 - a) Seek legal advice on the issue of a building order where it is considered appropriate.
 - b) Determine that a building order is to remain in effect in accordance with section 117(2) of the **Building Act 2011** where it is considered appropriate.
 - 2) In undertaking the functions of this delegation, the Principal Building Surveyor must be employed by the Shire of Chittering in accordance with section 5.36 of the **Local Government Act 1995**.

Delegated Authority Register

Delegation by Council to:	Executive Manager Development Services Principal Building Surveyor
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 – sections 110, 111, 117 and 127</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA41 EXTENSION OF PERIOD OF DURATION OF AN OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE

Objective of Delegation: To manage extending the period of duration of an occupancy permit or building approval certificate.

Extent of Delegation: Council delegates its authority and power to Bronwyn Southee (Executive Manager Development Services) and Sam Neale (Principal Building Surveyor) to approve or refuse to approve applications submitted under section 65 of the ***Building Act 2011***.

Conditions imposed: Subject to the following conditions:

In undertaking the functions of this delegation, the Principal Building Surveyor must:

- 1) Be employed by the Shire of Chittering in accordance with section 5.36 of the ***Local Government Act 1995***; and
- 2) Hold the appropriate qualifications as set out under Regulation 6 of the ***Local Government (Building Surveyors) Regulations 2008***.

Delegation by Council to:	Executive Manager Development Services Principal Building Surveyor
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 – sections 65 and 127</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA42 UNCOMPLETED BUILDINGS – REVOKED (16 MAY 2012)

Delegated Authority Register

DA43 STRATA TITLES

Objective of Delegation: To manage strata titles in the Shire of Chittering

Extent of Delegation: Pursuant to the provisions of section 23 of the ***Strata Titles Act 1985***, the authority to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and Building statutory requirements and that the Chief Executive Officer, is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the *Strata Titles Act 1985*.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Miscellaneous Provisions) Act 1960</i> • <i>Strata Titles Act 1985</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA44 DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL

Objective of Delegation: To expedite the approval of Planning Applications

Extent of Delegation:

- 1) The authority to perform the functions of Council in respect of determining applications for development approval, including applications involving:
 - a) the variation of scheme provisions, Planning Policy or provisions of the Residential Design Codes or
 - b) the exercise of discretion under the scheme, Planning Policy or the Residential Design Codes.

- 2) The authority to refuse any development applications where the proposed use is not permitted by the Town Planning Scheme or where the development does not comply with the non-discretionary provisions of the Residential Planning Codes or any mandatory statutory requirement, unless:
 - a) advertising is undertaken and any objections are received that officers cannot adequately resolve through sourcing of additional information or through conditions of approval;
 - b) The application is contentious; or
 - c) It requires the concurrence of the Minister of Planning.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services Senior Planner
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Miscellaneous Provisions) Act 1960</i> • <i>Planning and Development Act 2005</i>
Last Reviewed:	25 June 2014
Amended:	17 June 2015

Delegated Authority Register

DA45 AUTHORITY TO COMMENCE PROSECUTIONS

Objective of Delegation: To provide authority to commence legal proceedings

Extent of Delegation: Council delegates its authority and power to Gary Tuffin (Chief Executive Officer) the authority to commence prosecutions pursuant to section 133 of the ***Building Act 2011***.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 - sections133</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA46 PLANNING APPROVALS – REVOKED (17 JUNE 2015)

Delegated Authority Register

DA47 SUBDIVISION

- Objective of Delegation:** To expedite the sub division referral proformas
- Extent of Delegation:** The authority to:
- 1 endorse subdivision referral proformas for the purposes of part 10 Division 2 of the ***Planning and Development Act 2005***.
 - 2 certify the compliance with subdivision conditions for the purposes of part III sections 20 & 24 of the ***Planning and Development Act 2005***.
 - 3 approve or refuse the Subdivision referral which complies with all relevant legislation and policies involving:
 - (i) The boundary realignment of a property which is not creating additional lots
 - (ii) The creation of a maximum of ten (10) lots.
- Conditions imposed:** Council is to be notified of delegated authority used by report through the Information Bulletin.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services
Formal Record:	Monthly Information Bulletin Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Miscellaneous Provisions) Act 1960</i> • <i>Planning and Development Act 2005</i>
Last Reviewed:	25 June 2014
Amended:	<i>17 June 2015</i>

Delegated Authority Register

DA48 SUBDIVISIONAL CLEARANCE

Objective of Delegation: To issue subdivision clearances

Extent of Delegation: The authority to issue subdivision clearances where the subdivision complies with the requirements of the Town Planning Scheme and Council Policies in place from time to time and the conditions have been complied with to the satisfaction of the Executive Manager Development Services and Executive Manager Technical Services.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Miscellaneous Provisions) Act 1960</i> • <i>Planning and Development Act 2005</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA49 VARIATION TO ADVERTISING PERIOD

Objective of Delegation: To manage the advertising periods in accordance with the Town Planning Scheme

Extent of Delegation: The authority to determine whether advertising is required, the level of advertising and undertake the advertising process in accordance with 9.4.3 of the **Town Planning Scheme No 6**.

The Chief Executive Officer may extend the advertising period beyond the minimum where he/she believes there is a need to extend or where there has been changes to the applicant's original proposal.

Conditions imposed: Advertising is to be not less than fourteen (14) days in accordance with the Scheme.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Miscellaneous Provisions) Act 1960 • Planning and Development Act 2005 • Shire of Chittering Town Planning Scheme No 6
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA50 RECORD ON TITLE – REVOKED (25 JUNE 2014)

Delegated Authority Register

DA51 PAYMENT OF CREDITORS

- Objective of Delegation:** To ensure the timely payment of creditors
- Extent of Delegation:** The authority to make payments from the Municipal Fund Bank Accounts and the Trust Bank Accounts.
- Conditions imposed:** Each payment from the Municipal Fund Bank Accounts and the Trust Fund Bank Account is to be noted on a list compiled for each month showing:
- a) The Payees name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Executive Manager Development Services Executive Manager Technical Services Manager Human Resources
Formal Record:	List of payments in monthly Ordinary Council agenda Recorded in central records system
Heads of Power	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Financial Management) Regulations – Reg 13 • Shire of Chittering Finance Policy – Cheque Signatory/EFT requirements
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA52 ORDERING THRESHOLDS

Objective of Delegation: To authorise officers to sign purchase orders

Extent of Delegation: To authorise officers to sign orders on behalf of Council within the limits stated provided such proposed purchases are contained within the Budget and are within the officer's area of activity.

Conditions imposed: As outlined in Shire of Chittering Policy – Purchasing

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services Executive Manager Technical Services Executive Manager Corporate Services Manager Human Resources Works Manager Principal Building Surveyor Principal Environmental Health Officer Community Emergency Services Manager
Formal Record:	Retain copy of purchase order Recorded in central records system
Heads of Power	<i>Shire of Chittering Policy - Purchasing</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA53 OCCUPANCY PERMITS OR BUILDING APPROVAL CERTIFICATES

Objective of Delegation: To expedite the approval of occupancy permits or building approval certificates.

Extent of Delegation: Council delegates its authority and power to Bronwyn Southee (Executive Manager Development Services) and Sam Neale (Principal Building Surveyor) the authority to grant, modify or refuse to grant occupancy permits or building approval certificates.

Conditions imposed: Nil

Delegation by Council to:	Executive Manager Development Services Principal Building Surveyor
Delegation by Chief Executive Officer to:	Nil
Formal Record:	Monthly information bulletin Recorded in central records system
Heads of Power:	<i>Building Act 2011, section 58 and 127</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA54 AUTHORITY TO APPOINT AUTHORISED PERSONS - BUILDING

- Objective of Delegation:** To provide authority to appoint authorised persons
- Extent of Delegation:** Council delegates its authority and power to Gary Tuffin (Chief Executive Officer) to appoint authorised persons pursuant to section 96 of the ***Building Act 2011***.
- Conditions imposed:** Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Nil
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 – sections 96 and 127</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA55 CHITTERING AUSTRALIA DAY ADVISORY COMMITTEE –
REVOKED (19 JUNE 2013)

Delegated Authority Register

DA56 CHITTERING EDUCATION SCHOLARSHIP ADVISORY
COMMITTEE – REVOKED (19 JUNE 2013)

Delegated Authority Register

DA57 FOOD ACT 2008 – TO ISSUE INFRINGEMENT NOTICES

Objective of Delegation: To issue infringement notices

Extent of Delegation: The authority to issue infringement notices in accordance with section 126(2) of the *Food Act 2008*.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Principal Environmental Health Officer
Formal Record:	Recorded in central records system
Heads of Power:	<i>Food Act 2008, Section 126(2)</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA58 FOOD ACT 2008 – TO RECEIVE PAYMENT AND GRANT EXTENSIONS OF TIME

Objective of Delegation: To receive payment and grant extensions of time for infringement notices.

Extent of Delegation: To receive payment of modified penalties, granting extension of time and withdrawing infringement notices in accordance with Section 126(1), (3), (6) and (7) of the *Food Act 2008*.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Food Act 2008, Section 126(1), (3), (6) and (7)</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA59 FOOD ACT 2008 – TO ISSUE OF PROHIBITION ORDERS AND CERTIFICATES OF CLEARANCE

Objective of Delegation: To issue Prohibition Orders and Certificates of Clearance.

Extent of Delegation: To issue prohibition orders and Certificates of Clearance for the purpose of Sections 65 and 66 of the *Food Act 2008*.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Nil
Formal Record:	Recorded in central records system
Heads of Power:	<i>Food Act 2008, Sections 65 and 66</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA60 MULTIPLE DOGS

Objective of Delegation: To expedite the approval of multiple dog(s) applications

Extent of Delegation: The authority to approve multiple dog(s) applications where:

1. The proposal complies with all relevant legislation and policies
2. The proposal has been advertised and no valid objections have been received by affected adjoining land owners.

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services
Formal Record:	Monthly Information Bulletin Recorded in central records system
Heads of Power:	<i>Dog Act 1976, Section 26(3)</i> <i>Local Government Act 1995, Sections 5.18, 5.42& 5.46(1)</i> <i>Dogs Local Law 2011</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA61 WITHDRAWAL RATES AND SERVICE CHARGES CAVEAT

- Objective of Delegation:** To expedite the withdrawal of a Caveat that has been lodged with Landgate for unpaid rates and charges on a property in the Shire of Chittering, where the purpose for which the Caveat was lodged has been satisfied.
- Extent of Delegation:** The authority to withdraw a Caveat to enable dealings on land, where the purposes for which the Caveat was lodged has been satisfied and the Chief Executive Officer is satisfied that the Shire’s interests arising from the Caveat are fully protected.
- Conditions imposed:**
1. The Chief Executive Officer and the Executive Manager Corporate Services are required to observe any relevant policy.
 2. The action to withdraw a Caveat is only to be taken, where in the opinion of the Chief Executive Officer or the Executive Manager Corporate Services, the purpose for which the Caveat was lodged has been satisfied or will be satisfied at settlement.
 3. The action is only to be taken by persons with the specific written authority to withdraw the Caveat.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Monthly Information Bulletin Recorded in central records system
Heads of Power:	<i>Local Government Act 1995</i> <i>Shire of Chittering – Rating Policy</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA62 CAT REGISTRATION

- Objective of Delegation:** To expedite the registration of cats in the Shire.
- Extent of Delegation:** The authority to grant, renew or refuse an application for cat registration

The authority to cancel a cat registration
- Conditions imposed:**
1. A registration number, certificate and tag is to be issued with each registration
 2. A replacement tag is to be provided if required
 3. A cat register is to be kept
 4. Notify the owner of the cat the outcome of a decision

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services Executive Manager Corporate Services Community Emergency Services Manager Shire Ranger Customer Service Officers
Formal Record:	Cat Register Recorded in central records system
Heads of Power:	<i>Cat Act 2011, sections 9, 9 (5), 10, 11, 13</i> <i>Local Government Act 1995</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

DA63 CAT CONTROL NOTICE

Objective of Delegation: To expedite the issuing of cat control notices

Extent of Delegation: The authority to issue a cat control notice to a cat owner

Conditions imposed: Nil

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Development Services Community Emergency Services Manager Shire Ranger
Formal Record:	Monthly Information Bulletin Recorded in central records system
Heads of Power:	<i>Cat Act 2011, section 26</i> <i>Local Government Act 1995</i>
Last Reviewed:	25 June 2014
Amended:	

Delegated Authority Register

**DA64 WESTERN AUSTRALIAN TREASURY CORPORATION
BORROWINGS**

Objective of Delegation: To sign documents in relation to borrowings for the Shire of Chittering

Extent of Delegation: To sign schedule documents under the Master Lending Agreement and give instructions to Western Australian Treasury Corporation on behalf of the Shire of Chittering.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 – Section 9.49A(4)</i>
Last Reviewed:	25 June 2014
Amended:	

Lease of portion of Chittering Multi-Purpose Health Centre – Great Northern Highway, Bindoon

Shire of Chittering

Binda Medical Services Pty Ltd



McLEODS

Barristers & Solicitors

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Details

Parties

Shire of Chittering

of 6177 Great Northern Highway, Bindoon, Western Australia
(Lessor)

Binda Medical Services Pty Ltd

of Binda Place, Bindoon, Western Australia
(ACN 147 204 528)
(Lessee)

Background

- A The Lessor is registered as the proprietor of the Land.
- B The Lessor has agreed to lease and the Lessee has agreed to take a lease of the Premises upon the terms and conditions contained in this Lease.

Agreed terms

1. Definitions

In this Lease, unless otherwise required by the context or subject matter:

Amounts Payable means the Rent, outgoings, Operating Expenses and any other money payable by the Lessee under this Lease;

Authorised Person means:

- (a) an agent, employee, licensee or invitee of the Lessor; and
- (b) any person visiting the Premises with the express or implied consent of any person mentioned in paragraph (a);

Business Day means a day other than a Saturday, Sunday or public holiday in Perth, Western Australia;

CEO means the Chief Executive Officer for the time being of the Lessor or any person appointed by the Chief Executive Officer to perform any of her or his functions under this Lease;

Commencement Date means the date of commencement of the Term specified in **Item 4** of the Schedule;

Common Areas means all those parts of the Medical Centre not leased to any lessee and intended for use by the lessees of the Medical Centre and their respective clients in common with each other including the reception area, waiting area, staff rooms, all parking areas, roads, walkways, malls, corridors, passageways, stairways, elevators, toilets and washrooms in, on or about the Medical Centre and more particularly shown coloured in green on the sketch annexed to this Lease as **Annexure 1**;

Common Areas Lease means the lease agreement between the Lessor, the Lessee and the Neighbouring Tenant in respect of the Common Areas;

Contaminated Sites Act means the *Contaminated Sites Act 2003 (WA)*;

Contamination has the same meaning as the word “contaminated” in the Contaminated Sites Act;

CPI means the Consumer Price Index (All Groups) Perth number published from time to time by the Australian Bureau of Statistics;

Encumbrance means a mortgage, charge, lien, pledge, easement, restrictive covenant, writ, warrant or caveat and the claim stated in the caveat;

Further Term means each further term specified in **Item 3** of the Schedule;

Good Repair means good and substantial tenantable repair and in clean, good working order and condition;

Interest Rate means the rate at the time the payment falls due being 2% greater than the Lessor’s general overdraft rate on borrowings from its bankers on amounts not exceeding \$100,000.00;

Land means the land described at **Item 1** of the Schedule;

Lease means this deed as supplemented, amended or varied from time to time;

Lessee’s Agents includes:

(a) the sublessees, employees, agents, contractors, invitees and licensees of the Lessee; and

(b) any person on the Premises by the authority of a person specified in paragraph (a);

Lessee’s Covenants means the covenants, agreements and obligations set out or implied in this Lease or imposed by law to be performed and observed by any person other than the Lessor;

Lessor’s Covenants means the covenants, agreements and obligations set out or implied in this Lease, or imposed by law to be observed and performed by the Lessor;

Lessor’s Fixtures and Fittings means all fixtures, fittings and equipment installed in or provided to the Premises by the Lessor at the Commencement Date or at any time during the Term. An initial list of the Lessor’s Fixtures and Fittings installed at the Commencement Date is annexed hereto as **Annexure 2**.

Medical Centre means the building described at **Item 1** of the Schedule;

Month or **month** means a calendar month;

Neighbouring Tenant means the lessee of that portion of the Medical Centre coloured yellow as shown on the sketch annexed to this Lease as **Annexure 1**;

Notice means each notice, demand, consent or authority given or made to any person under this Lease;

Party means the Lessor or the Lessee according to the context;

Permitted Purpose is described in **Item 7** of the Schedule;

Premises means the premises described at **Item 1** of the Schedule;

Rent means the rent specified in **Item 5** of the Schedule;

Rent Review Date means a date identified in **Item 6** of the Schedule;

Schedule means the Schedule to this Lease;

Term means the term of years specified in **Item 2** of the Schedule and any Further Term; and

Termination means expiry by effluxion of time or sooner determination of the Term or any period of holding over.

2. Interpretation

In this Lease, unless expressed to the contrary:

- (a) words importing:
 - (i) the singular include the plural and vice versa; and
 - (ii) a gender or genders include each other gender;
- (b) if a word or phrase is assigned a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning;
- (c) a reference to:
 - (i) a natural person includes a body corporate or local government;
 - (ii) a body corporate or local government includes a natural person;
 - (iii) a professional body includes a successor to or substitute for that body;
 - (iv) a Party includes its legal personal representatives, successors and assigns and if a Party comprises two or more persons, the legal personal representatives, successors and assigns of each of those persons;
 - (v) a statute, includes an ordinance, code, regulation, award, local or town planning scheme, regulation, local law, by-law, requisition, order or other statutory instruments made under any of them and a reference to any of them, whether or not by name, includes any amendments to, re-enactments of or replacements of any of them from time to time in force;
 - (vi) a right includes a benefit, remedy, discretion, authority or power;

- (vii) an obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation;
 - (viii) this Lease or provisions of this Lease or any other deed, agreement, instrument or contract includes a reference to:
 - (A) both express and implied provisions; and
 - (B) that other deed, agreement, instrument or contract as varied, supplemented, replaced or amended;
 - (ix) writing includes any mode of representing or reproducing words in tangible and permanently visible form and includes facsimile transmissions and emails;
 - (x) any thing (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them; and
 - (xi) a subparagraph, paragraph, subclause, clause, Item, Schedule or Annexure is a reference to, respectively, a subparagraph, paragraph, subclause, clause, Item, Schedule or Annexure of this Lease;
- (d) the covenants and obligations on the part of the Lessee not to do or omit to do any act or thing include:
- (i) covenants not to permit that act or thing to be done or omitted to be done by a Lessee's Agent; and
 - (ii) a covenant to take all reasonable steps to ensure that that act or thing is not done or omitted to be done;
- (e) the meaning of general words or phrases is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and
- (f) if a Party comprises two or more persons, the covenants and agreements on their part bind them and must be observed and performed by them jointly and each of them severally, and may be enforced against any one or more of them.

3. Grant of lease

The Lessor leases to the Lessee the Premises for the Term subject to:

- (a) all Encumbrances;
- (b) the payment of the Amounts Payable; and
- (c) the performance and observance of the Lessee's Covenants.

4. Quiet enjoyment

Except as provided in the Lease, for so long as the Lessor is registered as the proprietor in fee simple in the Land, and subject to the performance and observance of the Lessee's Covenants the Lessee may quietly hold and enjoy the Premises during the Term without any interruption or disturbance from the Lessor or persons lawfully claiming through or under the Lessor.

5. Common Areas

The Lessee acknowledges and agrees that the use and responsibility for the Common Areas is shared with the Neighbouring Tenant in accordance with the Common Areas Lease.

6. Rent and other payments

The Lessee covenants with the Lessor:

6.1 Rent

To pay to the Lessor during the Term the Rent in the manner set out at **Item 5** of the Schedule and subject to review in accordance with **clause 7** from the Commencement Date clear of any deductions, set-off or abatement whatsoever otherwise than as provided in this Lease.

6.2 Outgoings

- (1) To pay punctually to the Lessor or to such person as the Lessor may from time to time direct punctually all the following outgoings or charges (if applicable), assessed or incurred in respect of the Premises:
 - (a) local government services and other charges;
 - (b) water, drainage and sewerage rates, charges for disposal of stormwater, meter rent and excess water charges;
 - (c) telephone, electricity, gas and other power and light charges including but not limited to meter rent and the cost of installation of any meter, wiring, internet connection or telephone connection;
 - (d) Department of Fire and Emergency Services (D.F.E.S) levies;
 - (e) land tax and metropolitan regional improvement tax on a single ownership basis;
 - (f) the costs of any cleaning and lighting of, supply of internal security and toilet requisites to, and maintenance and repair of the Premises;
 - (g) any other consumption charge or cost, statutory impost or other obligation incurred or payable by reason of the Lessee's use and occupation of the Premises.
- (2) If the Premises are not separately charged or assessed the Lessee will pay to the Lessor a proportionate part of any charges or assessments referred to in **clause 6.2(1)** being the proportion that the Premises bears to the total area of the land or premises included in the charge or assessment.

6.3 Interest

Without affecting the rights, power and remedies of the Lessor under this Lease, to pay to the Lessor interest on demand on any Amounts Payable which are unpaid for seven (7) days computed from the due date for payment until payment is made and any interest payable under this paragraph will be charged at the Interest Rate.

6.4 Costs

- (1) To pay to the Lessor on demand all duty, fines and penalties payable under the *Duties Act 2008* and other statutory duties or taxes payable on or in connection with this Lease.

- (2) To pay to the Lessor all costs, legal fees, disbursements and payments incurred by or for which the Lessor is liable in connection with or incidental to:
- (a) the Amounts Payable or obtaining or attempting to obtain payment of the Amounts Payable under this Lease;
 - (b) any breach of covenant by the Lessee or the Lessee's Agents;
 - (c) the preparation and service of a notice under section 81 of the *Property Law Act 1969* requiring the Lessee to remedy a breach even though forfeiture for the breach may be avoided in a manner other than by relief granted by a court;
 - (d) any work done at the Lessee's request; and
 - (e) any action or proceedings arising out of or incidental to any matters referred to in this **clause 6.4** or any matter arising out of this Lease.

6.5 Accrual of amounts payable

Amounts Payable accrue on a daily basis.

6.6 Payment of Money

Any Amounts Payable to the Lessor under this Lease must be paid to the Lessor at the address of the Lessor referred to in the Lease or as otherwise directed by the Lessor by Notice from time to time.

7. Rent Review

7.1 Rent to be Reviewed

The Rent will be reviewed on and from each Rent Review Date to determine the Rent to be paid by the Lessee until the next Rent Review Date.

7.2 Methods of Review

The review will be either based on CPI or a Market Review. The basis for each rent review is as identified for each Rent Review Date in Item 6 of the Schedule.

7.3 CPI Review

A rent review based on CPI will increase the amount of Rent payable during the immediately preceding period by the percentage of any increase in CPI having regard to the quarterly CPI published immediately prior to the later of the Commencement Date or the last Rent Review Date as the case may be and the quarterly CPI published immediately prior to the relevant Rent Review Date. If there is a decrease in CPI having regard to the relevant CPI publications the Rent payable from the relevant Rent Review Date will be the same as the Rent payable during the immediately preceding period. Should the CPI be discontinued or suspended at any time or its method of computation substantially altered, the Parties shall endeavour to agree upon the substitution of the CPI with an equivalent index, or failing agreement by the Parties, the substitution shall be made by a Valuer appointed in accordance with **clause 7.4**.

7.4 Market Rent Review

- (1) A rent review based on market rent will establish the current market rent for the Premises (which will not be less than the Rent payable in the period immediately preceding the Rent Review Date) by agreement between the Parties and failing agreement, will be determined in accordance with the following provisions.

- (2) If agreement as to the substitution of the CPI with an equivalent index for the Premises is not reached at least one (1) month prior to the relevant Rent Review Date then the current market rent for the Premises will be determined at the expense of the Lessee by a valuer (**Valuer**) licensed under the *Land Valuers Licensing Act 1978*, to be appointed, at the request of either Party, by the President for the time being of the Australian Property Institute (Western Australian Division) (or if such body no longer exists, such other body which is then substantially performing the functions performed at the Commencement Date by that Institute).
- (3) The Valuer will act as an expert and not as an arbitrator and his or her decision will be final and binding on the Parties. The Parties will be entitled to make submissions to the Valuer.
- (4) In this **clause 7**, “current market rent” means the rent obtainable for the Premises in a free and open market if the Premises was unoccupied and offered for rental for the use for which the Premises is permitted pursuant to this Lease and on the same terms and conditions contained in this Lease, BUT will not include:
 - (a) any improvements made or effected to the Premises by the Lessee; and
 - (b) any rent free periods, discounts or other rental concessions.

7.5 Rent will not decrease

Notwithstanding the provisions in this clause, the Rent payable from any rent review based on CPI Review will not be less than the Rent payable in the period immediately preceding such Rent Review Date.

7.6 Lessor's right to review

The Lessor may institute a rent review notwithstanding the Rent Review Date has passed and the Lessor did not institute a rent review on or prior to that Rent Review Date, and in which case the Rent agreed or determined shall date back to and be payable from the Rent Review Date for which such review is made.

8. Insurance

8.1 Public Liability Insurance

The Parties AGREE THAT the Lessee must effect and maintain with insurers approved by the Lessor noting the respective rights and interests of the parties in the Premises for the time being, adequate public liability insurance for a sum not less than the sum set out at **Item 8** of the Schedule in respect of any one claim or such greater amount as the Lessor may from time to time reasonably require.

8.2 Contents Insurance

Where the Lessor so requires, the Lessee must effect and maintain reasonable insurance to cover the Lessee's fixtures, fittings, equipment and stock against loss or damage by fire, fusion, smoke, lightning, flood, storm, tempest, earthquake, sprinkler leakage, water damage and other usual risks against which a lessee can and does ordinarily insure in their full replacement value, and loss from theft or burglary.

8.3 Workers Compensation and Accident Insurance

- (1) The Lessee must effect and maintain a policy of employers' indemnity insurance including workers' compensation insurance in respect of all employees of the Lessee employed in, about or from the Premises.

- (2) The Lessee must effect and maintain a policy of personal accident insurance including insurance in respect of all volunteers of the Lessee employed in, about or from the Premises.

8.4 Building Insurance to be effected by Lessor

The Lessor shall effect and keep effected insurance to the full insurable value on a replacement or reinstatement value basis of the Premises against damage arising from fire, tempest, storm, earthquake, explosion, aircraft, or other aerial device including items dropped from any device, riot, commotion, flood, lightning, act of God, fusion, smoke, rainwater, leakage, impact by vehicle, machinery breakdown and malicious acts or omissions and other standard insurable risks..

8.5 Details and receipts

In respect of the insurances required by **clauses 8.1, 8.2 and 8.3** the Lessee must:

- (a) upon renewal of any insurance policy immediately forward to the Lessor copies of certificates of currency and details of the insurances as held by the Lessee;
- (b) promptly pay all premiums and produce to the Lessor each policy or certificate of currency and each receipt for premiums or certificate of currency issued by the insurers; and
- (c) notify the Lessor immediately:
 - (i) when an event occurs which gives rise or might give rise to a claim under or which could prejudice a policy of insurance; or
 - (ii) when a policy of insurance is cancelled.

8.6 Lessee May be Required to Pay Excess on Insurances

The Lessee AGREES with the Lessor that it shall be responsible to pay any excess payable in connection with the insurances referred to in **clauses 8.1, 8.2, 8.3 and 8.4**.

8.7 Not to invalidate

The Lessee must not do or omit to do any act or thing or bring or keep anything on the Premises which might:

- (a) render any insurance effected under **clauses 8.1, 8.2, 8.3 and 8.4** on the Premises, or any adjoining premises, void or voidable; or
- (b) cause the rate of a premium to be increased for the Premises or any adjoining premises (except insofar as an approved development may lead to an increased premium).

8.8 Report

Each Party must report to the other promptly in writing and in an emergency verbally:

- (a) any damage to the Premises of which they are or might be aware; and
- (b) any circumstances of which they are aware and which are likely to be a danger or cause any damage or danger to the Premises or to any person in or on the Premises.

8.9 Settlement of claim

The Lessor may, but the Lessee may not without the prior written consent of the Lessor, settle or compromise any claims under any policy of insurance required by **clauses 8.1, 8.2, 8.3 and 8.4**.

8.10 Lessor as attorney

The Lessee irrevocably appoints the Lessor as the Lessee's attorney during the Term:

- (a) in respect of all matters and questions which may arise in relation to any insurances required by **clauses 8.1, 8.2, 8.3 and 8.4**;
- (b) with full power to demand, sue for and recover and receive from any insurance company or society or person liable to pay the insurance money as are payable for the risks covered by the insurances required by **clauses 8.1, 8.2, 8.3 and 8.4**;
- (c) to give good and effectual receipts and discharges for the insurance; and
- (d) to settle, adjust, arbitrate and compromise all claims and demands and generally to exercise all powers of absolute owner.

9. Indemnity

9.1 Lessee responsibilities

- (1) The Lessee is subject to the same responsibilities relating to persons and property to which the Lessee would be subject if during the Term the Lessee were the owner and occupier of the freehold of the Premises.
- (2) The Lessee is responsible and liable for all acts or omissions of the Lessee's Agents on the Premises and for any breach by them of any covenants or terms in this Lease required to be performed or complied with by the Lessee.

9.2 Indemnity

- (1) The Lessee indemnifies, and shall keep indemnified, the Lessor from and against all actions, claims, costs, proceedings, suits and demands whatsoever which may at any time be incurred or suffered by the Lessor, or brought, maintained or made against the Lessor, in respect of:
 - (a) any loss whatsoever (including loss of use);
 - (b) injury or damage of, or to, any kind of property or thing; and
 - (c) the death of, or injury suffered by, any person,

caused by, contributed to, or arising out of, or in connection with, whether directly or indirectly:

- (i) the use or occupation of the Premises by the Lessee or the Lessee's Agents;
- (ii) any work carried out by or on behalf of the Lessee on the Premises;
- (iii) the Lessee's activities, operations or business on, or other use of any kind of, the Premises;
- (iv) the presence of any Contamination, pollution or environmental harm in, on or under the Premises or adjoining land caused or contributed to by the act, neglect or omission of the Lessee or the Lessee's Agents;

- (v) any default by the Lessee in the due and punctual performance, observance and compliance with any of the Lessee's covenants or obligations under this Lease; or
- (vi) an act or omission of the Lessee.

9.3 Obligations Continuing

The obligations of the Lessee under this clause:

- (a) are unaffected by the obligation of the Lessee to take out insurance, and the obligations of the Lessee to indemnify are paramount, however if insurance money is received by the Lessor for any of the obligations set out in this clause then the Lessee's obligations under **clause 9.2** will be reduced by the extent of such payment; and
- (b) continue after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

9.4 No indemnity for Lessor's negligence

The Parties agree that nothing in this clause shall require the Lessee to indemnify the Lessor, its officers, servants, or agents against any loss, damage, expense, action or claim arising out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

9.5 Release

- (1) The Lessee:
 - (a) agrees to occupy and use the Premises at the risk of the Lessee; and
 - (b) releases to the full extent permitted by law, the Lessor from:
 - (i) any liability which may arise in respect of any accident or damage to property, the death of any person, injury to any person, or illness suffered by any person, occurring on the Premises or arising from the Lessee's use or occupation of the Premises;
 - (ii) loss of or damage to the Premises or personal property of the Lessee; and
 - (iii) all claims, actions, loss, damage, liability, costs and expenses arising from or connected with (directly or indirectly) the presence of any Contamination, pollution or environmental harm in, on or under the Premises or surrounding area,except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.
- (2) The release by the Lessee continues after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

10. Limit of Lessor's liability

10.1 No liability for loss on Premises

The Lessor will not be liable for loss, damage or injury to any person or property in or about the Premises however occurring.

10.2 Limit on liability for breach of Lessor's covenants

- (1) The Lessor is only liable for breaches of the Lessor's Covenants set out in this Lease which occur while the Lessor is registered as the proprietor in fee simple of the Premises.
- (2) The Lessor will not be liable for any failure to perform and observe any of the Lessor's Covenants due to any cause beyond the Lessor's control.

11. Lease of Common Areas

The Lessee must enter into a lease with the Neighbouring Tenant and the Lessor in relation to the Common Areas.

12. Maintenance, repair and cleaning

12.1 Generally

- (1) The Lessee AGREES during the Term and for so long as the Lessee remains in possession or occupation of the Premises to maintain, replace, repair, clean and keep the Premises (which for the avoidance of doubt includes the Lessor's Fixtures and Fittings) and appurtenances in Good Repair having regard to the age of the Premises at the Commencement Date PROVIDED THAT this subclause shall not impose on the Lessee any obligation:
 - (a) to carry out repairs or replacement that are necessary as a result of fair and reasonable wear and tear, EXCEPT when such repair or replacement is necessary because of any act or omission of or on the part of the Lessee (or its servants, agents, contractors or invitees), or the Lessor's insurances are invalidated by any act, neglect or default by the Lessee (or its servants, agents, contractors or invitees); and
 - (b) in respect of any structural maintenance, replacement or repair EXCEPT when such maintenance, repair or replacement is necessary because of any act or omission of or on the part of the Lessee (or its servants, agents, contractors or invitees), or by the Lessee's particular use or occupancy of the Premises.
- (2) For the avoidance of doubt, the Lessee shall be responsible to carry out at its cost repairs as a result of fair and reasonable wear and tear to the following items:
 - (a) blocked toilets provided that such repair is due to minor blockages;
 - (b) doors off hinges;
 - (c) leaking taps;
 - (d) broken light fittings;
 - (e) sticking doors;
 - (f) broken locks;
 - (g) broken glass; and
 - (h) any other repairs that may be required,

to maintain the Premises in good working order and condition arising from a particular incident, unless such repair or maintenance is the Lessor's responsibility under this Lease.

12.2 Cleaning

The Lessee must at all times keep the Premises and the Common Areas clean, tidy, unobstructed and free from dirt and rubbish.

12.3 Repair

- (1) Unless such damage is the Lessor's responsibility pursuant to the terms of the Lease, the Lessee must promptly repair at its own expense to the satisfaction of the Lessor, any damage to the Premises, regardless of how the damage is caused and replace any of the Lessor's Fixtures and Fittings which are or which become damaged.
- (2) If any damage is not repaired or replaced by the Lessee in accordance with its obligations under **clause 12.3(1)**, within 14 days of written notice from the Lessor that such repair or replacement is required, the Lessor may carry out the repairs or replacements and the cost will be borne by the Lessee.

12.4 Damage to Common Areas

The Lessee must at the Lessee's cost make good any breakage, defect or damage to the Common Areas or to any other part of the Medical Centre or any appurtenance or equipment therein caused by the Lessee or the Lessee's Agents or other persons claiming through or under the Lessee or by any breach of this Lease by the Lessee.

12.5 Responsibility for Securing the Premises

The Lessee must ensure the Premises, including the Lessor's and Lessee's fixtures and fittings, are appropriately secured at all times.

12.6 Lessor's Fixtures and Fittings

The Lessee covenants and agrees that the Lessor's Fixtures and Fittings will remain the property of the Lessor and must not be removed from the Premises at any time.

12.7 Pest control

The Lessee must keep the Premises free of any pests and vermin and the cost of extermination will be borne by the Lessee.

12.8 Drains

- (1) The Lessee must keep and maintain the waste pipes, drains and conduits originating in the Premises or connected thereto in a clean, clear and free flowing condition and must pay to the Lessor upon demand the cost to the Lessor of clearing any blockage which may occur in such waste pipes, drains and conduits between the external boundaries of the Premises and the point of entry thereof into any trunk drain unless such blockage has been caused without neglect or default on the part of the Lessee.
- (2) The Lessee must not permit the drains, toilets, grease traps (if any) and other sanitary appliances on the Premises to be used for any purpose other than that for which they were constructed and must not allow any foreign matter or substance to be thrown therein.

12.9 Safety & Testing Obligations

- (1) The Lessee acknowledges and agrees that it fully responsible at its costs for ensuring that the Premises and any fixtures or fittings are regularly tested, maintained and inspected to ensure that the Premises and such fixtures and fittings comply with all statutory requirements and are safe for use.

- (2) To comply with its obligation pursuant to **clause 12.9(1)** above, the Lessee acknowledges that it will be required to, amongst other things:
- (a) comply with the requirements of the *Occupational Safety and Health Act 1984*, including without limitation the requirement for all portable plug-in electrical equipment and residual current devices to be safe and appropriately inspected, tested and maintained by a competent person;
 - (b) comply with all relevant requirements of the Department of Fire & Emergency Services of Western Australia (D.F.E.S), including without limitation the requirement to ensure that all fire protection and fire fighting equipment located, or installed at the Premises, is tested regularly for compliance with Australian Standards and DFES's requirements; and
 - (c) ensure that the emergency/exit lighting systems in the Premises are adequately maintained in accordance with the requirements of the Building Code of Australia and Australian Standards.

12.10 Comply with all reasonable conditions

The Lessee must comply with all reasonable conditions that may be imposed by the Lessor from time to time in relation to the Lessee's maintenance of the Premises.

12.11 Acknowledgement of state of repair of Premises

The Lessee acknowledges that it has inspected the structure of the Premises internally and externally prior to the execution of this Lease and enters into the Lease with full knowledge of the structural state and state of repair of the Premises.

13. Use

13.1 Restrictions on use

(1) Generally

The Lessee must not and must not suffer or permit a person to:

- (a) use the Premises or any part of the Premises for any purpose other than the Permitted Purpose; or
- (b) use the Premises for any purpose which is not permitted under any local or town planning scheme, local law, act, statute or any law relating to health.

(2) No offensive or illegal acts

The Lessee must not and must not suffer or permit a person to do or carry out on the Premises any harmful, offensive or illegal act, matter or thing.

(3) No nuisance

The Lessee must not and must not suffer or permit a person to do or carry out on the Premises any thing which causes a nuisance, damage or disturbance to the Lessor or to owners or occupiers of adjoining properties.

(4) **No dangerous substances**

The Lessee must not and must not suffer or permit a person to store any dangerous compound or substance on or in the Premises, otherwise than in accordance with the following provisions:

- (a) any such storage must comply with all relevant statutory provisions;
- (b) all applications for the approval or renewal of any licence necessary for such storage must be first referred to the Lessor;
- (c) the Lessor may within its absolute discretion refuse to allow the storage of any particular dangerous compound or substance on the Premises; and
- (d) upon the request of the Lessor, the Lessee will provide a list of all dangerous compounds or substances stored on the Premises.

(5) **No harm or stress**

The Lessee must not and must not suffer or permit a person to do any act or thing which might result in excessive stress or harm to any part of the Premises.

(6) **No signs**

The Lessee must not and must not suffer or permit a person to display from or affix any signs, notices or advertisements on the Premises without the prior written consent of the Lessor.

(7) **No smoking**

The Lessee must not suffer or permit a person to smoke inside any building or other enclosed area on the Premises.

(8) **Consumption of alcohol**

The Lessee must not suffer or permit a person to use or allow the Premises to be used for the consumption of alcohol without first obtaining the written consent of the Lessor.

(9) **Sale of Alcohol**

The Lessee will not sell or supply liquor from the Premises or allow liquor to be sold or supplied from the Premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988*, *Liquor Control Regulations 1989*, *Liquor Licensing Regulations 1989*, *Food Act 2008*, *Food Regulations 2009* and any other relevant written law that may be in force from time to time.

(10) **Removal of rubbish**

The Lessee must keep the Premises free from dirt and rubbish and store and keep all trade waste and garbage in proper receptacles.

(11) **No pollution**

The Lessee must do all things necessary to prevent pollution or contamination of the Premises by garbage, refuse, waste matter, oil and other pollutants.

13.2 No warranty

The Lessor gives no warranty:

- (a) as to the use to which the Premises may be put; or
- (b) that the Lessor will issue any consents, approvals, authorities, permits or licences required by the Lessee under any statute for its use of the Premises.

13.3 Lessee to Observe Copyright

In the event that the Lessee or any person sub-leasing, hiring, or in temporary occupation of the Premises provides, contracts for, or arranges for the performance, exhibition or display of any music or work of art the copyright of which is not vested in the Lessee or that person, the Lessee shall ensure that all obligations in regard to payment of copyright or licensing fees with the owner or licensor of the copyright are met before any such performance, exhibition or display is held.

13.4 Premises Subject to Restriction

The Lessee accepts the Premises for the Term subject to any existing prohibition or restriction on the use of the Premises.

13.5 Indemnity for Costs

The Lessee indemnifies the Lessor against any claims or demands for all costs, on a solicitor client basis, reasonably incurred by the Lessor by reason of any claim in relation to any matters set out in this **clause 13**.

14. Alcohol

14.1 Consumption of alcohol

The Lessee COVENANTS AND AGREES:

- (a) not to use or allow the Premises to be used for the consumption or sale of alcohol without first obtaining the written consent of the Lessor, and the Lessor shall determine any such application in its absolute discretion; and
- (b) that it shall not make an application for a licence or permit under the *Liquor Control Act 1988* for the Premises, or apply for an amendment to a licence or permit it has been granted, without first obtaining the written consent of the Lessor.

14.2 Liquor licence

The Lessee COVENANTS AND AGREES that if a licence or permit is granted under the *Liquor Control Act 1988* for the Premises it must:

- (a) comply with any requirements attaching to the licence or permit at its cost and where any alteration is required to the Premises **clause 15** shall apply;
- (b) comply with the requirements of the Harm Minimisation Policy (as amended from time to time) of the Department of Racing, Gaming & Liquor, which will require, without limitation the following:
 - (i) the development and implementation of a House Management Policy and Code of Conduct (as defined by the Harm Minimisation Policy) for the Premises, and such policies must be displayed in a prominent position on the Premises at all times; and

- (ii) the development and implementation of a Management Plan (as defined by the Harm Minimisation Policy) for the Premises.
- (c) provide a copy of the licence or permit (as well as a copy of any document referred to in the licence or permit, including without limitation a copy of the House Management Policy, Code of Conduct and Management Plan (as defined by the Harm Minimisation Policy)) to the Lessor as soon as practicable after the date of grant; and
- (d) indemnify and keep indemnified the Lessor from and against any breach of the *Liquor Control Act 1988*, *Liquor Control Regulations 1989*, *Liquor Licensing Regulations 1989*, *Food Act 2008*, *Food Regulations 2009* or the licence or permit or any conditions imposed thereupon for which it may be liable as the owner of the Premises.

15. Alterations

15.1 Restriction

- (1) The Lessee must not without prior written consent:
 - (a)
 - (i) from the Lessor;
 - (ii) from any other person from whom consent is required under this Lease;
 - (iii) required under statute in force from time to time, including but not limited to the planning approval of the Lessor under a local or town planning scheme of the Lessor;
 - (b) make or allow to be made any alteration, addition or improvements to or demolish any part of the Premises; or
 - (c) subject to the performance of the Lessee's obligations in **clause 11**, remove any flora or fauna, alter or cut down any flora, or sell, remove or otherwise dispose of any flora, sand, gravel, timber or other materials from the Premises.

15.2 Consent

- (1) If the Lessor and any other person whose consent is required under this Lease or at law consents to any matter referred to in **clause 15.1** the Lessor may:
 - (a) consent subject to conditions; and
 - (i) require that work be carried out in accordance with plans and specifications approved by the Lessor or any other person giving consent; and
 - (ii) require that any alteration be carried out to the satisfaction of the Lessor under the supervision of an engineer or other consultant; and
 - (b) if the Lessor consents to any matter referred to in **clause 15.1**:
 - (i) the Lessor gives no warranty that the Lessor will issue any consents, approvals, authorities, permits or policies under any statute for such matters; and
 - (ii) the Lessee must apply for and obtain all such consents, approvals, authorities, permits or policies as are required at law before undertaking any alterations, additions, improvements or demolitions.

15.3 Cost of Works

All works undertaken under this **clause 15** will be carried out at the Lessee's expense.

15.4 Conditions

If any of the consents given by the Lessor or other persons whose consent is required under this Lease or at law require other works to be done by the Lessee as a condition of giving consent, then the Lessee must at the option of the Lessor either:

- (a) carry out those other works at the Lessee's expense; or
- (b) permit the Lessor to carry out those other works at the Lessee's expense,

in accordance with the Lessor's requirements.

16. Lessor's right of entry

16.1 Entry on Reasonable Notice

The Lessee must permit entry by the Lessor or any Authorised Person onto the Premises without notice in the case of an emergency, and otherwise upon reasonable notice:

- (a)
 - (i) at all reasonable times;
 - (ii) with or without workmen and others; and
 - (iii) with or without plant, equipment, machinery and materials;
- (b) for each of the following purposes:
 - (i) to inspect the state of repair of the Premises and to ensure compliance with the terms of this Lease;
 - (ii) to carry out any survey or works which the Lessor considers necessary, however the Lessor will not be liable to the Lessee for any compensation for such survey or works provided they are carried out in a manner which causes as little inconvenience as is reasonably possible to the Lessee;
 - (iii) to comply with the Lessor's Covenants or to comply with any notice or order of any authority in respect of the Premises for which the Lessor is liable; and
 - (iv) to do all matters or things to rectify any breach by the Lessee of any term of this Lease but the Lessor is under no obligation to rectify any breach and any rectification under this **clause 16.1(b)(iv)** is without prejudice to the Lessor's other rights, remedies or powers under this Lease.

16.2 Costs of Rectifying Breach

All costs and expenses incurred by the Lessor as a result of any breach referred to at **clause 16.1(b)(iv)** together with any interest payable on such sums will be a debt due to the Lessor and payable to the Lessor by the Lessee on demand.

17. Statutory obligations and notices

17.1 Comply with Statutes

The Lessee must:

- (a) comply promptly with all statutes and local laws from time to time in force relating to the Premises;
- (b) apply for, obtain and maintain in force all consents, approvals, authorities, licences and permits required under any statute for the use of the Premises specified at **clause 13**;
- (c) ensure that all obligations in regard to payment for copyright or licensing fees are paid to the appropriate person for all performances, exhibitions or displays held on the Premises; and
- (d) comply promptly with all orders, notices, requisitions or directions of any competent authority relating to the Premises or to the business the Lessee carries on at the Premises.

17.2 Indemnity if Lessee Fails to Comply

The Lessee indemnifies the Lessor against:

- (a) failing to perform, discharge or execute any of the items referred to in **clause 17.1**; and
- (b) any claims, demands, costs or other payments of or incidental to any of the items referred to in **clause 17.1**.

18. Report to Lessor

The Lessee must immediately report to the Lessor:

- (a) any act of vandalism or any incident which occurs on or near the Premises which involves or is likely to involve a breach of the peace or become the subject of a report or complaint to the police and of which the Lessee is aware or should be aware;
- (b) any occurrence or circumstances in or near the Premises of which it becomes aware, which might reasonably be expected to cause, in or on the Premises, pollution of the environment; and
- (c) all notices, orders and summonses received by the Lessee and which affect the Premises and immediately deliver them to the Lessor.

19. Default

19.1 Events of Default

A default occurs if:

- (a) any Rent remains unpaid for seven (7) days after a Notice has been given to the Lessee to rectify the breach;
- (b) the Lessee is in breach of any of the Lessee's Covenants other than the covenant to pay Rent for fourteen (14) days after written notice has been given to the Lessee to rectify the breach or to pay compensation in money;
- (c) the Lessee repudiates the Lease;

- (d) where the Lessee is an association which is incorporated under the *Associations Incorporation Act 1987*, the association is wound up whether voluntarily or otherwise;
- (e) where the Lessee is an association which is incorporated under the *Associations Incorporation Act 1987*, the Lessee passes a special resolution under the *Associations Incorporation Act 1987* altering its rules of association in a way that makes its objects or purposes inconsistent with the use permitted by this Lease;
- (f) where the Lessee is an individual, the Lessee dies or becomes of unsound mind, or is declared bankrupt;
- (g) where the Lessee is a partnership, the Lessee having a change in its constitution;
- (h) an application is made to a court for the Lessee to be wound up;
- (i) the appointment of a controller under section 9 of the *Corporations Act 2001* of any of the Lessee's assets;
- (j) the Lessee becomes an insolvent under administration under section 9 of the *Corporations Act 2001*;
- (k) the Lessee proposes to enter into or enters into any form of arrangement with any of its creditors;
- (l) the Lessee is unable to pay all its debts when they become due, it fails to comply with a statutory demand under section 459F of the *Corporations Act 2001*, or it is deemed to be unable to pay its debts under section 585 of the *Corporations Act 2001*;
- (m) a meeting is convened to place the Lessee in voluntary liquidation or to appoint an administrator;
- (n) a mortgagee takes possession of the property of the Lessee under this Lease;
- (o) any execution or similar process is made against the Premises on the Lessee's property;
- (p) the Premises are vacated, or otherwise not used, in the Lessor's reasonable opinion, for the Permitted Purpose for a six-month period; or
- (q) a person other than the Lessee or a permitted sublessee or assignee is in occupation or possession of the Premises or in receipt of a rent and profits.

19.2 Costs of Default Notice

The Lessee is liable for any legal costs incurred by the Lessor in respect of the Notices referred to in **clauses 19.119.1(a) and 19.1(b)**.

19.3 Forfeiture

On the occurrence of any of the events of default specified in **clause 19.1** the Lessor may:

- (a) without notice or demand at any time enter the Premises and on re-entry the Term will immediately determine;
- (b) by Notice to the Lessee determine this Lease and from the date of giving such Notice this Lease will be absolutely determined; and
- (c) by Notice to the Lessee elect to convert the unexpired portion of the Term into a tenancy from month to month when this Lease will be determined as from the giving of the Notice

and until the tenancy is determined the Lessee will hold the Premises from the Lessor as a tenant from month to month under **clause 22**,

but without affecting the right of action or other remedy which the Lessor has in respect of any other breach by the Lessee of the Lessee's Covenants or releasing the Lessee from liability in respect of the Lessee's Covenants.

19.4 Lessor may remedy breach

If the Lessee:

- (a) fails or neglects to pay the Amounts Payable by the Lessee under this Lease; or
- (b) does or fails to do anything which constitutes a breach of the Lessee's Covenants,

then, after the Lessor has given to the Lessee notice of the breach and the Lessee has failed to rectify the breach within a reasonable time, the Lessor may without affecting any right, remedy or power arising from that default pay the money due or do or cease the doing of the breach as if it were the Lessee and the Lessee must pay to the Lessor on demand the Lessor's cost and expenses of remedying each breach or default.

19.5 Acceptance of Amount Payable By Lessor

Demand for or acceptance of the Amounts Payable by the Lessor after an event of default has occurred will not affect the exercise by the Lessor of the rights and powers conferred on the Lessor by the terms of the Lease or at law and will not operate as an election by the Lessor to exercise or not to exercise any right or power.

19.6 Essential Terms

Each of the Lessee's Covenants in **clauses 5** (Rent and Other Payments), **8** (Insurance), **9** (Indemnity), **11** (Maintenance, Repair and Cleaning), **13** (Use), **26** (Assignment, Subletting and Charging) and **31** (Goods and Services Tax), is an essential term of this Lease but this clause **19.6** does not mean or imply that there are no other essential terms in this Lease.

19.7 Breach of Essential Terms

If the Lessee breaches an essential term of this Lease then, in addition to any other remedy or entitlement of the Lessor:

- (a) the Lessee must compensate the Lessor for the loss or damage suffered by reason of the breach of that essential term;
- (b) the Lessor will be entitled to recover damages against the Lessee in respect of the breach of an essential term;
- (c) the Lessee covenants with the Lessor that if the Term is determined:
 - (i) for breach of an essential term or the acceptance by the Lessor of a repudiation of this Lease by the Lessee; or
 - (ii) following the failure by the Lessee to comply with any Notice given to the Lessee to remedy any default,

the Lessee must pay to the Lessor on demand the total of the Amounts Payable under this Lease which would have been payable by the Lessee for the unexpired balance of the Term as if the Term had expired by effluxion of time together with the losses incurred or

reasonably expected to be incurred by the Lessor as a result of the early determination including but not limited to the costs of re-letting or attempting to re-let the Premises;

- (d) the Lessee agrees that the covenant set out in this **clause 19.7(c)** will survive termination or any deemed surrender at law of the estate granted by this Lease;
- (e) the Lessee may deduct from the amounts referred to at **clause 19.7(c)** the rent and other money which the Lessor reasonably expects to obtain by re-letting the Premises between the date of Termination and the date on which the Term would have expired by effluxion of time; and
- (f) the Lessor must take reasonable steps to mitigate its losses and endeavour to re-let the Premises at a reasonable rent and on reasonable terms but the Lessor is not required to offer or accept rent or terms which are the same or similar to the rent or terms contained or implied in this Lease.

20. Damage or destruction of Premises

20.1 Abatement of Rent

If the Premises are at any time during the Term, without neglect or default of the Lessee, destroyed or damaged by fire or other risk covered by insurance so as to render the same unfit for the occupation and use of the Lessee, then the Rent or a proportionate part thereof (according to the nature and extent of the damage) shall abate until the Premises have been rebuilt or made fit for the occupation and use of the Lessee, and in case of any dispute arising under this provision the same will be referred to arbitration under the provisions of the *Commercial Arbitration Act 1985* and the full Rent must be paid without any deduction or abatement until the date of the arbitrator's award whereupon the Lessor will refund to the Lessee any Rent which according to the award appears to have been overpaid.

20.2 Total Damage or Destruction

If the Premises are at any time during the Term destroyed or damaged to an extent as to be wholly unfit for the occupation and use of the Lessee either Party may by Notice in writing to the other of them given within sixty (60) days after the event elect to cancel and terminate this Lease. The Term will terminate upon such Notice being given and the Lessee must vacate the Premises and surrender the same to the Lessor, but such termination will be without prejudice however to the liability of the Lessee under this Lease up to the date of termination.

21. Option to renew

If the Lessee at least six (6) months, but not earlier than twelve (12) months, prior to the date for commencement of the Further Term gives the Lessor a Notice to grant the Further Term and:

- (a) all consents and approvals required by the terms of this Lease or at law have been obtained; and
- (b) there is no subsisting default by the Lessee at the date of service of the Notice in:
 - (i) the payment of Amounts Payable; or
 - (ii) the performance or observance of the Lessee's Covenants,

the Lessor shall grant to the Lessee a lease for the Further Term at the Rent and on terms and conditions similar to this Lease other than this **clause 21** in respect of any Further Term previously taken or the subject of the present exercise and on such other terms and conditions as the Lessor may consider appropriate.

22. Holding over

- (1) If the Lessee remains in possession of the Premises after the expiry of the Term with the consent of the Lessor, the Lessee will be a monthly tenant of the Lessor at a rent equivalent to one twelfth of the Rent for the period immediately preceding expiry of the Term increased by 3% and otherwise on the same terms and conditions of this Lease provided that all consents required under this Lease or at law have been obtained to the Lessee being in possession of the Premises as a monthly tenant.
- (2) The Lessee shall not be entitled to hold over for a more than twelve (12) months after the expiry of the Term.

23. Restore premises

Prior to Termination, the Lessee at the Lessee's expense must restore the Premises to a condition consistent with the observance and performance by the Lessee of the Lessee's Covenants under this Lease and repair, replace or make good to the reasonable satisfaction of the Lessor any of the Premises (which for the avoidance of doubt includes the Lessor's Fixtures and Fittings, the exterior façade, the glass perimeter walls, the exterior and interior of all windows, doors, all other glass and other fixtures) where they have been damaged by the Lessee or any of the Lessee's Agents.

24. Yield up the premises

24.1 Peacefully surrender

On Termination the Lessee must:

- (a) peacefully surrender and yield up to the Lessor the Premises in a condition consistent with the observance and performance of the Lessee's Covenants under this Lease; and
- (b) surrender to the Lessor all keys and security access devices and combinations for locks providing an access to or within the Premises held by the Lessee whether or not provided by the Lessor.

24.2 Clause 24.1 to survive termination

The Lessee's obligation under **clause 24.1** will survive termination.

25. Removal of property from Premises

25.1 Remove property prior to termination

Prior to Termination, unless otherwise mutually agreed between the Parties, the Lessee must remove from the Premises all property of the Lessee which is not a fixture other than air-conditioning plant and fire equipment, security alarms and security systems and other fixtures and fittings which in the opinion of the Lessor form an integral part of the Premises and promptly make good, to the satisfaction of the Lessor, any damage caused by the removal.

25.2 Lessor can remove property on re-entry

On re-entry the Lessor will have the right to remove from the Premises any property of the Lessee and the Lessee indemnifies the Lessor against all damage caused by the removal of and the cost of storing that property.

26. Assignment, Subletting and Charging

26.1 No assignment or sub-letting without consent

The Lessee must not assign the leasehold estate in the Premises nor sub-let, part with possession, or dispose of the Premises or any part of the Premises without the prior written consent of the Lessor and any other persons whose consent is required under the terms of this Lease or at law.

26.2 Change in Ownership of Shares

If the Lessee is a corporation the shares in which are not quoted on any stock exchange in Australia, any change in the beneficial ownership, issue or cancellation of shares in that corporation or any holding company of that corporation within the meaning of the *Corporations Act 2001 (Cth)* will be deemed to be an assignment of the leasehold estate created by this Lease and the Lessee must give the Lessor written notification of the change in ownership of shares within fourteen (14) days of the change.

26.3 Lessor's Consent to Assignment and Sub-letting

Provided all parties whose consent is required, under this Lease or at law, to an assignment or sub-letting, give their consent and any assignment or sublease is for a purpose consistent with the use of the Premises permitted by this Lease then the Lessor may not unreasonably withhold its consent to the assignment or sub-letting of the leasehold estate created by this Lease if:

- (a) the proposed assignee or sublessee is a respectable and responsible person of good financial standing capable of continuing the permitted use;
- (b) all Amounts Payable due and payable have been paid and there is no existing unremedied breach, whether notified to the Lessee or not, of any of the Lessee's Covenants;
- (c) the Lessee procures the execution by:
 - (i) the proposed assignee of a deed of assignment; or
 - (ii) the proposed sublessee of a deed of sublease,to which the Lessor is a party and which deed is prepared and completed by the Lessor's solicitors; and
- (d) the assignment contains a covenant by the assignee or sublessee with the Lessor to pay all Amounts Payable and to perform and observe all the Lessee's Covenants.

26.4 Consents of Assignee Supplementary

The covenants and agreements on the part of any assignee will be supplementary to the Lessee's Covenants and will not release the assigning lessee from the Lessee's Covenants.

26.5 *Property Law Act 1969*

Sections 80 and 82 of the *Property Law Act 1969* are excluded.

26.6 Costs for assignment and sub-letting

If the Lessee wishes to assign or sub-let the leasehold estate created by this Lease the Lessee must pay all reasonable professional and other costs, charges and expenses, incurred by the Lessor or other person whose consent is required under this Lease, of and incidental to:

- (a) the enquiries made by or on behalf of the Lessor as to the respectability, responsibility and financial standing of each proposed assignee or sublessee;
 - (b) any consents required under this Lease or at law; and
 - (c) all other matters relating to the proposed assignment or sub-letting,
- whether or not the assignment or sub-letting proceeds.

26.7 No mortgage or charge

The Lessee must not mortgage nor charge the Premises.

27. Disputes

27.1 Referral of Dispute: Phase 1

Except as otherwise provided any dispute arising out of this Lease is to be referred in the first instance in writing to the Lessor's representative as nominated in writing by the Lessor from time to time (**Lessor's Representative**) who shall convene a meeting within 10 days of receipt of such Notice from the Lessee or such other period of time as is agreed to by the Parties between the Lessor's Representative and an officer of the Lessee for the purpose of resolving the dispute (**Original Meeting**).

27.2 Referral of Dispute: Phase 2

In the event the dispute is not resolved in accordance with **clause 27.1** of this Lease then the dispute shall be referred in writing to the CEO of the Lessor who shall convene a meeting within 10 days of the Original Meeting or such other date as is agreed to by the Parties between the CEO of the Lessor and a director of the Lessee for the purpose of resolving the dispute.

27.3 Appointment of Arbitrator: Phase 3

In the event the dispute is not resolved in accordance with **clause 27.2** of this Lease then the dispute shall be determined by a single arbitrator under the provisions of the *Commercial Arbitration Act 2012* (as amended from time to time) and the Lessor and the Lessee may each be represented by a legal practitioner.

27.4 Payment of Amounts Payable to Date of Award

The Lessee must pay the Amounts Payable without deduction to the date of the award of the arbitrator or the date of an agreement between the Parties whichever event is the earlier, and if any money paid by the Lessee is not required to be paid within the terms of the award of the arbitrator or by agreement between the Lessor and the Lessee then the Lessor will refund to the Lessee the monies overpaid.

28. Prior notice of proposal to change rules

If the Lessee is an association which is incorporated under the *Associations Incorporation Act 1987*, the Lessee agrees that it will not change its rules of association under the *Associations Incorporation Act 1987* without notifying the Lessor of its intention to make such a change prior to consideration of the required special resolution.

29. Provision of information

The Lessee agrees to provide to the Lessor:

- (a) a copy of the Lessee's audited annual statement of accounts for each year;
- (b) advice of any changes in its office holders during the Term; and
- (c) any information reasonably required by the Lessor.

30. Caveat

30.1 No absolute caveat

The Lessee nor any person on behalf of the Lessee will not, without the prior written consent of the Lessor, lodge any absolute caveat at Landgate against the Certificate of Title for the Land, to protect the interests of the Lessee under this Lease.

30.2 CEO & Lessor as attorney

In consideration of the Lessor having granted this Lease to the Lessee, the Lessee irrevocably appoints the Lessor and the CEO of the Lessor jointly and severally:

- (a) for the Term of this Lease;
- (b) for any holding over under this Lease; and
- (c) for a period of 6 months after Termination,

to be the agent and attorney of the Lessee in its name and on its behalf to sign and lodge at Landgate:

- (d) a withdrawal of any absolute caveat lodged by or on behalf of the Lessee;
- (e) a withdrawal of any caveat lodged by or on behalf of the Lessee and not withdrawn on Termination; and
- (f) a surrender of the estate granted by this Lease,

and the costs of withdrawing any caveat or surrendering this Lease (including the Lessor's solicitor's costs and registration fees) will be borne by the Lessee.

30.3 Ratification

The Lessee undertakes to ratify all the acts performed by or caused to be performed by the Lessor, its agent or attorney under this clause.

30.4 Indemnity

The Lessee indemnifies the Lessor against:

- (a) any loss arising directly from any act done under this clause; and
- (b) all costs and expenses incurred in connection with the performance of any act by the attorney on behalf of the Lessee under this clause.

31. Goods and services tax

31.1 Definitions

The following definitions apply for the purpose of this clause:

- (a) **Act** means the Commonwealth's *A New Tax System (Goods and Services Tax) Act 1999* and associated Acts and subsidiary legislation;
- (b) **Consideration** means the Amounts Payable or any other money payable to the Lessor under this Lease, but does not include the amount of the GST which may apply to the Amounts Payable or other money payable under the Act;
- (c) **GST** means a tax under the Act levied on a Supply including but not limited to the Amounts Payable or other money payable to the Lessor for goods or services or property or any other thing under this Lease; and
- (d) **Supply** means a good or service or any other thing supplied by the Lessor under this Lease and includes but is not limited to a grant of a right to possession of the Premises.

31.2 Lessee to pay GST

- (1) The Consideration will be increased by the amount of the GST, if any, which the Lessor is required under the Act to pay on any Supply made under this Lease.
- (2) The Lessee must pay any increase referred to at **clause 31.2(1)** whether it is the Lessee or any other person who takes the benefit of any Supply.
- (3) The Lessee must pay the amount of the GST to the Lessor at the same time and in the same manner as the Lessee is required to pay the Consideration under this Lease.

31.3 Consideration in Kind

If consideration in kind is accepted by the Lessor for any Supply made under this Lease, the GST amount payable to the Lessor under **clause 31.2(2)** in respect of the consideration in kind will be calculated by using the prevailing market value of the consideration in kind as determined by the Lessor.

- (1) No Contribution from Lessor

If the Lessee is required under this Lease to make any payment of money or give other consideration to a third party for outgoings, goods, services and benefits of any kind, the Lessee is not entitled to any contribution from the Lessor for any GST payable by it to any person.

- (2) Statement of GST paid is Conclusive

A written statement given to the Lessee by the Lessor of the amount of the GST that the Lessor pays or is liable to pay or account for is conclusive as between the Parties except in the case of an obvious error.

- (3) Tax Invoices

For each payment by the Lessee under this clause the Lessor agrees to promptly deliver to the Lessee, as required under the Act, tax invoices and adjustment notes in a form which complies with the Act, so as to enable the Lessee to claim input tax credits or decreasing adjustments for Supplies.

(4) Reciprocity

If the Lessee furnishes any Supplies to the Lessor under this Lease, then the requirements set out in this clause with respect to the Lessee will apply to the Lessor with the necessary changes.

32. No Fetter

Notwithstanding any other provision of this Lease, the Parties acknowledge that the Lessor is a local government established by the *Local Government Act 1995*, and in that capacity, the Lessor may be obliged to determine applications for consents, approvals, authorities, licences and permits having regard to any written law governing such applications including matters required to be taken into consideration and formal processes to be undertaken, and the Lessor shall not be taken to be in default under this Lease by performing its statutory obligations or exercising its statutory discretions, nor shall any provision of this Lease fetter the Lessor in performing its statutory obligations or exercising any discretion.

33. Additional Terms Covenants and Conditions

Each of the terms, covenants and conditions (if any) specified in **Item 9** of the Schedule are part of this Lease and are binding on the Lessor and the Lessee as if incorporated into the body of this Lease.

34. *Commercial Tenancy Act*

If at any time and for so long as the *Commercial Tenancy (Retail Shops) Agreements Act 1985* applies to this Lease and a provision of that Act conflicts with a provision of this Lease, then each conflicting provision of this Lease is deemed to be amended to the extent necessary to comply with that Act.

35. Acts by agents

All acts and things which the Lessor is required to do under this Lease may be done by the Lessor, the CEO, an officer or the agent, solicitor, contractor or employee of the Lessor.

36. Governing law

This Lease is governed by and is to be interpreted in accordance with the laws of Western Australia and, where applicable, the laws of the Commonwealth of Australia.

37. Statutory powers

The powers conferred on the Lessor by or under any statutes for the time being in force are, except to the extent that they are inconsistent with the terms and provisions expressed in this Lease, in addition to the powers conferred on the Lessor in this Lease.

38. Notice

38.1 Form of delivery

A Notice to a Party must be in writing and may be given or made:

- (a) by delivery to the Party personally;

- (b) by addressing it to the Party and leaving it at or posting it by registered post to the address of the Party appearing in this Lease or any other address nominated by a Party by Notice to the other;
- (c) by addressing it to the Party and faxing it to the facsimile number appearing in this Lease or any other facsimile number nominated by a Party by Notice to the other; or
- (d) by addressing it to the Party and emailing it to the email address appearing in this Lease or any other email address nominated by a Party by Notice to the other.

38.2 Service of notice

A Notice to a Party is deemed to be given or made:

- (a) if by personal delivery, when delivered;
- (b) if by leaving the Notice at an address specified in **clause 38.1(b)**, at the time of leaving the Notice, provided the Notice is left during normal business hours;
- (c) if by post to an address specified in **clause 38.1(b)**, on the second Business Day following the date of posting of the Notice;
- (d) if by facsimile, when despatched by facsimile to a facsimile number specified in **clause 38.1(c)** of this Lease unless the time of dispatch is not on a Business Day or after 5 pm on a Business Day, in which case it will be deemed to be given or made on the next following Business Day; and
- (e) if by email, when despatched by email to an email address specified in **clause 38.1(d)** of this Lease unless the time of dispatch is not on a Business Day or after 5 pm on a Business Day, in which case it will be deemed to be given or made on the next following Business Day.

38.3 Signing of notice

A Notice to a Party may be signed:

- (a) if given by an individual, by the person giving the Notice;
- (b) if given by a corporation, by a director, secretary or manager of that corporation;
- (c) if given by a local government, by the CEO of that local government;
- (d) if given by an association incorporated under the *Associations Incorporation Act 1987*, by any person authorised to do so by the board or committee of management of the association;
- (e) if given by the Lessor, by the representative of the Managing Agent; or
- (f) by a solicitor or other agent of the individual, corporation, local government or association giving the Notice.

39. Severance

If any part of this Lease is or becomes void or unenforceable, that part is or will be severed from this Lease to the intent that all parts that are not or do not become void or unenforceable remain in full force and effect and are unaffected by that severance.

40. Variation

This Lease may be varied only by deed executed by the Parties subject to such consents as are required by this Lease or at law and the costs of such variation will be borne by the Lessee.

41. Moratorium

The provisions of a statute which would but for this clause extend or postpone the date of payment of money, reduce the rate of interest or abrogate, nullify, postpone or otherwise affect the terms of this Lease do not, to the fullest extent permitted by law, apply to limit the terms of this Lease.

42. Further assurance

The Parties must execute and do all acts and things necessary or desirable to implement and give full effect to the terms of this Lease.

43. Payment of money

Any Amounts Payable to the Lessor under this Lease must be paid to the Lessor or the Managing Agent at its office in Perth in the State of Western Australia or at any other place within Australia which the Lessor or the Managing Agent shall designate in writing or in any other manner which the Lessor or the Management Agent from time to time designates in writing.

44. Waiver

44.1 No general waiver

Failure to exercise or delay in exercising any right, power or privilege in this Lease by a Party does not operate as a waiver of that right, power or privilege.

44.2 Partial exercise of right power or privilege

A single or partial exercise of any right, power or privilege does not preclude any other or further exercise of that right, power or privilege or the exercise of any other right, power or privilege.

Schedule

Item 1 Land and Premises

Land

Lot 62 on Deposited Plan 33557 being the whole of the land comprised in Certificate of Title Volume 2540 Folio 843.

Medical Centre

The building more commonly known as the 'Chittering Multi-purpose Health Centre' containing offices and other improvements now or at any time in the future erected upon the Land and includes the Common Areas.

Premises

That portion of the Medical Centre shown coloured purple on the sketch annexed hereto as **Annexure 1** and includes the Lessor's Fixtures and Fittings, all carpets and floor covering, window treatments (including but not limited to curtains and blinds) and other fixtures and fittings belonging to the Lessor therein and all modifications and replacements for the time being, comprising approximately [X] square metres.

Item 2 Term

5 years commencing on [insert date] and expiring on [insert date].

Item 3 Further Term

5 years commencing on [insert date] and expiring on [insert date].

Item 4 Commencement Date

[Insert date].

Item 5 Rent

[Insert Rent e.g. X dollars (\$X) plus GST per annum payable annually in advance OR X dollars (\$0) plus GST payable in advance in equal weekly/fortnightly/monthly instalments of X dollars (\$X) plus GST,] as varied from time to time in accordance with the terms of this Lease.

Item 6 Rent Review Dates

Market Reviews

Market Reviews are to be undertaken every five (5) years during the Term (including any Further Terms and any period of holding over, if applicable) on the anniversary of the Commencement Date.

CPI Review

CPI Reviews are to be undertaken upon each anniversary of the Commencement Date for each year of the Term (including any Further Terms and any period of holding over, if applicable), except for years for which a market review is required pursuant to the provisions of this clause.

Item 7 Permitted purpose

Medical services and uses reasonably ancillary thereto.

Item 8 Public liability insurance

Twenty million dollars (\$20,000,000.00).

Item 9 Additional terms and covenants**1. Method of Measurement**

- (a) If any area of the Premises or the Medical Centre is to be calculated or measured for the purposes of this Lease, those calculations and measurements must be in accordance with:
 - (i) the relevant method for the measurement of buildings as recommended by the Property Council of Australia;
 - (ii) if there is no relevant method, the method or criteria which the Lessor and the Lessee agree is the most appropriate; or
 - (iii) if the Lessor and the Lessee cannot agree, the method or criteria specified by a licensed land valuer appointed by the President of the Australian Property Institute at the request of either the Lessor or the Lessee. Each Party must pay half the costs of the valuer.
- (b) The Lessee is responsible for calculating or measuring any area for the purposes of this Lease and must pay the costs incurred.
- (c) If any calculation or measurement required in relation to this Lease is not completed within 60 days after the Commencement Date, the Lessor may arrange for it to be done and the reasonable and proper costs incurred by the Lessor must be paid by the Lessee on demand.

Signing page

EXECUTED

2015

THE COMMON SEAL of the SHIRE OF CHITTERING was hereunto affixed by authority of a resolution of the Council in the presence of -

Shire President

(Print Full Name)

Chief Executive Officer

(Print Full Name)

EXECUTED BY Binda Medical Services Pty Ltd (ACN 147 204 528) pursuant to Section 127 of the Corporations Act:

Signature of Sole Director/Secretary

(Print Full Name)

SIGNED by JANET MARY HAYWARD in the presence of

Signature of Janet Mary Hayward

Witness Sign

Name of Witness

Address

Occupation

(37087-15.03.24-LMC-Lease of Medical Facility (Binda Medical Services Pty Ltd))

Annexure 2 – Lessor’s Fixtures and Fittings

[Insert list of Lessor’s fixtures and fittings here]

**BULLSBROOK FAMILY MEDICAL
PRACTICE**

49 Kimberley Street, BULLSBROOK WA 6084
MIDEMED Pty Ltd ABN: 85110386920

Tel- (08) 9571 1478
Fax- (08) 9571 2678
E-mail James.Ogundipe@bbkfamilypractice.com.au

*Dr James Ogundipe
MBBS, FRACGP
Provider 251652*

1 May 2015

Mr. Garry Tuffin
Chief Executive Officer
Shire of Chittering
PO Box 70
Bindoon WA 6502

SHIRE OF CHITTERING
RECEIVED

05 MAY 2015

Officer... CEO \$ESA
File... 03/01/7
Ref... JISS8947

Dear Mr. Tuffin

Re: New Health Centre, Bindoon

I would like to make a proposal to the Chittering Shire to provide medical services in the new health centre in Bindoon. I have my own business in Bullsbrook and more than 30% of our patients come from the chittering shire. In the past I have considered working in Bindoon with previous doctors and have a provider number accordingly.

I propose to offer a 5 – 5 ½ day coverage, with 1-2 evening sessions per week for people who travel to work or farmers who are unable to attend during the day. Starting with the five days per week and increasing as demand requires. It is envisaged that the practice will grow to accommodate 1 ½ - 2 doctors on a full time basis.

Patients that would be bulk billed would be all children under the age of 16 years, patients with a current Pension Card or Health Care Card and Veteran Affairs patients. All other patients would be privately billed.

I would envisage not paying any rent in lieu of transport and other overhead costs for my doctors to attend the practice on a daily basis.

A presentation at your next council meeting in May by myself, would be beneficial to council and the community to further discuss options for this business arrangement at which I would like to bring along a manager who is working with me on this project.

Hoping to hear from you favourably regarding my presentation in the near future.

Yours faithfully



Dr James Ogundipe

Cc. Executive Support Officer – Natasha Mossman
Cc. Cr Robert Hawes
Cc. Cr Don Gibson
Cc. Cr Michelle Rossouw
Cc. Cr Barnie Norton
Cc. Cr Alex Douglas
Cc. Cr Sandra Clarke
Cc. Cr Doreen Mackie

TO THE HOUSEHOLDER

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The Toodyay Herald

VOLUME 290

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April 2011



Shire President, Kevin Hogg, addresses the crowd at St Stephens' Church lawn, Photo: Karen Jacomelli

Toodyay's Medical Services Seek Sustainable Future

Karen Jacomelli

THIS issue came to the fore recently when Dr. Richard Walkey and his partner Sean Byron were concerned that they were unable to attract more doctors to the area. The two current doctors were leaving by 1 July and the risk of Dr Walkey burning out was a concern.

They had written to the Shire in January 2011 wanting to discuss the continuity of medical care services.

It began snowballing in February and, by 19 March, a Public Meeting was held on the lawns of St. Stephens' Anglican Church. Nearly 300 people attended, out of a population of approximately 4,500 to 5,000 (2,917 rates notices are sent out by this Shire.) Emotions ran high as speakers gave differing perspectives. Some believed that the Shire should provide financial support to the current private practice through waiving of rent or the supply of accommodation and vehicles to attract prospective doctors. A Shire levy in the rates notice or a direct payment to the surgery were also suggested.

The Shire President, Kevin Hogg, stated that recruitment of another GP had been referred to forum but that the Shire's financial position needed to be ascertained first. It did not mean that all options would not continue

to be investigated. Whilst the Hon Grant Woodhams, M.L.A., Member for Moore and Speaker of the Legislative Assembly advised the crowd that it was the responsibility of the State and Federal Governments to provide medical services.

Another suggestion made was that petitions to government ministers should be 'drip fed' using the same words for maximum impact. Even Royalties for Regions was raised but that funding is only available for bricks and mortar. Also suggested was user pays or a partnership with the Wheatbelt GP Network. It also came to light that Wyalkatchem had a 30% levy but that over a million dollars for the provision of medical services came from a bequest. Northam Shire on the other hand did not contribute to medical services of any of the four private practices currently operating there.

Historically, the Shire acquired the Old Toodyay Club (Stirling House). It housed the doctor, dentist and Silver Chain. After Dr Dyer left, doctors from Northam filled the vacancy because Dr Dyer could not sell his practice at the time. The practice ran down to the extent that the Northam doctors were going to close it down and expect the population to travel to Northam. Part of this was because the facility was old and run

down.

The council became proactive in 1988 after they conducted a survey that showed the highest priority was medical services. It would appear that nothing has changed. In light of the survey, the Shire revisited its budget and built the Alma Beard Centre in order to ensure we had adequate facilities for medical services.

After 18 years it appears that this community has hit another hurdle and hopefully commonsense and a collaborative approach to a solution will prevail and a blueprint for a sustainable model may be achieved.

The following is unedited information released by the Toodyay Medical Centre.

Dr Walkey wrote to the Toodyay CEO in January to advise him that Dr Banerjee was leaving the practice in July 2011 and as it is now very difficult to get Registrars to come to the country as it is no longer compulsory but suggested that they do a country stint, Toodyay faces the real possibility of having only one Doctor from July onwards. Dr Walkey rang the CEO in late January requesting a meeting with him (the CEO) and or Councillors to further discuss the matter.

Continued Page 2

this month



Maverick Storm Hits Toodyay, page 3



'A' Grade Premiers, page 39



EXPO, page 7



Sandakan scholarship, page 26



WA Governor visits Toodyay Tennis Club, page 39

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All contributions and advertising may be left at the office of *The Toodyay Herald*, 92 Stirling Terrace, Toodyay, or posted to P.O. Box 100, Toodyay, 6566 or emailed to toodyayherald@westnet.com.au. Website: toodyayherald.com.au

The Toodyay Herald

is a community paper and as such welcomes contributions of letters, articles and photographs from all members of the community. Contributions via email or on flash drive are appreciated. There is no charge for articles which appear in the paper.

SUBSCRIPTIONS

Subscriptions are available at \$2.50 per issue (postage and packaging) or \$25 per year (11 issues) by writing to P.O. Box 100, Toodyay 6566, enclosing a cheque for the number of issues required.

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Membership of The Toodyay Herald is available to residents of the Shire of Toodyay at \$10 per member per year (July - June). Send your name, phone number, residential address and postal address with your membership fee to P.O. Box 100, Toodyay 6566 or leave it at 92 Stirling Terrace.

Readers who reside outside the Shire of Toodyay are not eligible for membership but for \$10 per year are invited to become a 'Friend of the Herald'.

Members receive \$15 free advertising per annum.

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DISTRIBUTION

The Toodyay Herald has a distribution of 3,200 copies. 1,800 copies are distributed as a 'Householder' to the residents of Toodyay, Morangup and Bolgart. Copies are also available at the roadhouses and businesses in Toodyay, the Northam and York Tourist Bureaux, the Clackline General Store, the Bakers Hill Newsagency and the Gidgegannup Newsagency. Online at www.toodyayherald.com.au

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THANK YOU

Thank you to the volunteers who helped with the *Toodyay Herald*: Karen Jacomelli, Jim Bavin, Speedy Cox, Paul Sutton, Wayne Clarke, Kim Lewis-Bicknell, Maree Lewis, Richard Grant, Janice Manning, Peter Ruthven, Shirley Banks, Guido Verschoor, Sue Manning, Peter Robinson, Bettina Scobie, Melanie von Bamberger, our photographers in Toodyay.

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\$3.10 (inc. GST) per column cm (NB Column width is 61.5mm)

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DEADLINE

ISSUE 291

Wednesday 27 April

NEXT EDITION

DUE OUT ON

Thursday 5 May

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 (OFFICE HOURS)

Continued from Page 1

Dr Walkey was advised that he didn't need a meeting as the Councillors were going to discuss the matter at a forum. As the letter to the CEO was just a general letter advising the situation, but with no actual request it is difficult to understand what the councillors were going to discuss at that meeting.

The purpose of the letter was to get the support of Shire to help attract a new Doctor to the area with the view of a meeting with all concerned to work out the structure and possible monetary shortfalls that would be required from the Shire of Toodyay.

To get any Doctor to work in a rural area is difficult, and even though Toodyay comes under the Workforce Shortage area and would qualify for International Medical Graduates, it is apparent that to attract a new Doctor to any rural area, in addition to minimum wages, rent free accommodation and a fully maintained car are a requirement.

Given that many rural shires are supporting their local Doctors in this way, Richard is looking for this support for a NEW DOCTOR only. The financial cost of a new Doctor would be approximately:-

Car - around \$1,000 - \$2,000 per month depending on car= \$12,000-\$24,000 per annum

House - \$300-\$400/week = around \$20,000 per annum

There would possibly be a shortfall in the weekly wages in the short term while the new Doctor builds up a rapport with the Toodyay residents and this could be around \$30,000+ per annum. It would be anticipated that this would decrease annually.

Without making every single person who comes to the surgery pay full Metropolitan prices for all medical consultations, treatment etc the surgery could not financially support the requirements for house and car entitlements for the new Doctor.

Dr Walkey is not looking to close the surgery, to the contrary he is doing everything that he can to ensure that Toodyay has at least 2 Doctor's in the town for now and in the future when he may possibly retire. He has advertised for a new Doctor with no success and is now looking at enlisting the AMA and the GP division to try and get an overseas Doctor to come and work in Toodyay - these things take time and time is what we are running out of and if there is no support from the Shire as to accommodation, car etc the likely hood of attracting a new Doctor here is minimal.

In regard to the request for the Shire to look at the rent currently being paid to the Shire, as the increase in bulk bill rebates has not increased in line with increases in wages etc, and as Dr Walkey currently bulk bills most patients, with all treatment room dressings also bulk billed, Dr Walkey is looking to have the rent on the premises reviewed to rent free to pass this saving on to the staff at the surgery in order to meet the wages that they can get elsewhere in line with their qualifications etc.

Dr Walkey has not in the past requested any personal or financial support nor is he looking for any financial support for himself in the future - to the contrary, his Company that runs the Toodyay Medical Centre has paid rent to the Shire for the use of the premises he is currently in. The company has purchased all the equipment in the surgery necessary to run an efficient medical practice and this includes the total fitout of the reception area, the three Doctors rooms, the Treatment room and all the dressing, drugs etc that are required to run the Treatment room. There has been no request for any support for this previously.

Dr Walkey and Sean also give a lot of financial support back to the Toodyay community in the way of donations of time (his staff helping with community events at his company's expense), resources and money. I know, I write the cheques that Richard signs.

We are running out of time to get another Doctor here in Toodyay before July, and once

the current Registrar's time here is up then we will have only Dr Walkey.

Given the current demands on Richards time with two other Doctors supporting him, come the future with only Richard here and no other Doctor support, the real possibility of his burn out in a very short time is evident and then we will have no Doctor in the town.

When people come in to see the Doctor, particularly from outlying areas, if they receive a script for medication, then they usually go to the local Chemist to have the script filled, they may possibly fuel up their car, might even have their car serviced while waiting at the Doctors, go to the local supermarket to do their shopping while in town, possibly have a cup of tea or lunch, go to one of the local shops to buy a birthday present etc, get their hardware requirements, have their hair done etc etc etc before heading home.

With no Doctor in the town the ramifications are huge. All of the above business stand to lose out on income also.

With no Doctor in town, people wanting to relocate to the country to retire or work etc, will rethink coming to Toodyay as at the moment the closest town with Doctors is Northam and they are not taking any new patients from outside their town. The drive down to Midland to find a Doctor there becomes a real prospect. Why would you shift to Toodyay?

Our current Ambulance service would also be hugely impacted.

Richard and Sean have fully supported Toodyay in the past in many areas and they don't deserve or need the rumours and innuendo that are currently out there.

Dianne Cox
 Practice Manager

Grant Woodhams has supplied this brief summary of what he said at the public meeting and what the State Government, via WA Country Health is attempting to do:

1. The Shire is not bound to provide any financial assistance to any medical practitioners in Toodyay. The provision of health services is a Federal and State responsibility.
2. I can't speak for or represent the Federal Government. I am in the WA State Parliament.
3. I have been lobbying WA Country Health (Dr Felicity Jeffery) to prioritise recruitment of doctors for regional Western Australia. They do this in two ways. Firstly by continuing discussions with the University of Western Australia and Notre Dame University, these are the two universities in WA with medical schools, and trying to convince their graduates to work in regional WA. Secondly by actively recruiting doctors from other states and countries. Currently there is a recruitment program focussed on Ireland and England.
4. I will be speaking to the Minister for Health, Dr Kim Hames in Parliament this week, to see if there are any 'fast track' solutions available to Toodyay.
5. In reality compared to most towns in regional WA, Toodyay has been spoilt by the brilliant practice of Dr Richard Walkey. Most local governments in regional WA are in a position of having to provide huge and expensive (some up to \$900,000) incentives to attract and keep doctors. This sort of decision comes back to ratepayers and the shire.

Grant Woodhams adds that, although he didn't say it at the meeting, he would like to suggest it would be worth the community's while contacting the Combined University Centre for Rural Health based in Geraldton. There are discussions proposed to look at the establishment of a similar centre based at Northam, although it is early days yet.

The Shire President, Kevin Hogg, also made response in his President's Report to the Shire meeting on 15 March. This report is printed in full on Page 20 of this edition of *The Toodyay Herald*.

Lost the Community Notice Board?

It's now outside the Fruit and Vege shop in Stirling Terrace **Page 504**