

MINUTES

Council Meeting held
on Thursday 26 February 2009

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 4.25 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (previously approved)

Councillors Dunnet, Pinkerton, Bird, Boulter, Dean, Camarri, Taylor, and Lorkiewicz.

Shane Collie – Chief Executive Officer.
Ewen Ross – Manager Development Services.
Chris Wade – Works Manager.
Craig Waddell – Manager Corporate Services.
Rob Paull – Consultant Town Planner

VISITORS

17

APOLOGIES

Nil.

LEAVE OF ABSENCE (previously approved)

Nil.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr M Loveland

Q. *What is the percentage of rates paid in full on time?*

A Approximately 58% of ratepayers paid their rates in full and on time for the current financial year.

Response by Manager Corporate Services

4. PUBLIC QUESTION TIME

Mr M Loveland

- Q1. If property or crop is lost by fire beginning on Council land, who pays the damages bill?
- Q2. Council, the management and employees should be responsible for briefing on correct process and which has not happened in this instance, please explain?
- Q3. With prohibition in place when and how does Council's fire hazard get removed?

These questions were taken on notice and a response will be provided in due course.

Ms K Newnham

- Q1. How are Councillors going to distribute Royalties for Regions funding?

The Shire President responded that Council will be discussing this as part of this agenda.

Ms M Longmore.

Tabled a copy of the Music Festival Program.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Ms C Brown made a presentation about the Telecentre.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8101 BOULTER/TAYLOR

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 22 January 2009 be confirmed as a true and correct record.

CARRIED 8/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Councillor Dunnet informed the meeting that Mr Kevin Bird had informed her that he was withdrawing the clock component from the TimeWood Centre project.

9. REPORTS BY MEMBERS ATTENDING COMMITTEES

Formation of the Nannup Sporting and Recreation Association Club meeting
Streetscape Advisory Committee meeting
Community Off Road meeting
Bushfire Meeting
Royalties for Regions Funding meeting
Australia Day Awards meeting

10. REPORTS OF OFFICERS

AGENDA NUMBER: 10.1
SUBJECT: Request for Support to Subdivide and Establish a Shire Reserve
LOCATION/ADDRESS: Lot 11090 Brockman Highway
NAME OF APPLICANT: Mr Scott Hedley
FILE REFERENCE: A 1496
AUTHOR: Rob Paull Planning Consultant
DISCLOSURE OF INTEREST:
DATE OF REPORT: 17 February 2009

Attachments: 1. Location Plan.
2. Shire Report to Council of 24 August 2006.
3. WAPC Refusal of Subdivision Application (WAPC 131825).
4. Accompanying Correspondence from Mr Scott Hedley.

BACKGROUND:

The land owner is seeking Council support to subdivide Lot 11090 Brockman Highway into 2 land parcels. A small portion of the lot (3.708 ha) is severed by Brockman Highway. Mr Hedley proposes to create two lots as per the severance comprising a lot of 48.54 ha and a lot of 3.708 ha respectively.

In addition, although not directly associated the proposal is to subdivide, Mr Hedley has flagged an opportunity to divest a small portion of the smaller parcel for 'rest-area reserve of approximately 1948m².

Western Australian Planning Commission (WAPC) Subdivision Application (131825) for a similar subdivision (excluding the 'rest area') was considered by both Council and the WAPC in 2006. Council on 24 August 2006 resolved:

"That Council not support Subdivision Amalgamation Proposal WAPC 131825 as the application does not address the objectives of the Warren Blackwood Rural Strategy for rural subdivision".

A copy of the Shire Report to Council of 24 August 2006 is included as Attachment 2. The WAPC refused the Subdivision Application (131825) on 9 October 2006 (copy included as Attachment 3).

COMMENT:

The subject land is zoned 'Agriculture under the Shire of Nannup Local Planning Scheme No. 3 (LPS 3). Section 4.13.1 of the Local Planning Scheme controls subdivision in the 'Agriculture' zone and states:

"4.13.1.4 Subdivision

Council's guidelines in assessing referrals from the Western Australian Planning Commission for the subdivision of land within the zone will be:

- *Where land is to be used for annual or perennial horticulture production, subdivision should be based on a minimum lot size of 40 hectares, including a minimum area of high capability (class 1 or 2) land of 30 hectares, in addition to sufficient area for water capture/storage, the siting of a dwelling and agricultural buildings, other infrastructure, protection of any remnant vegetation, and sufficient setbacks from watercourses and adjoining properties so as not to restrict potential agricultural productivity on those properties;*
- *Where land is to be used for grazing, cropping and other general agricultural practices, subdivision should be based on a minimum lot size of 80 hectares;*
- *Where an agricultural trade lot is proposed a minimum lot size of 40 hectares is required. The development of a dwelling on an agricultural trade lot is prohibited under the Scheme."*

Based on the above criteria, an application that does not address the above criteria of LPS 3 cannot be supported by Council.

However, the reality is that the use of the whole of Lot 11090 is significantly impaired by the existence and traffic operations of Brockman Highway. A count of vehicles using Brockman Highway was undertaken by the Shire on 15 February 2007 (opposite the Hines Subdivision) where 292 vehicles per day were recorded over a 24 hour period. Of interest, 10% of vehicles recorded were 'heavy vehicles'. Ordinarily, 292 vehicles is not necessarily a significant number, however Brockman Highway heading east is extremely steep and it is desirable that heavy, slow moving vehicles (including cars towing caravans) not be stopped in this section of road.

This issue of Brockman Highway does not seem to have been given significant weight under the assessment of WAPC Subdivision Application 131825 by Council. It is reasonable to consider that any attempt to halt heavily laden vehicles climbing the Brockman Highway hill opposite Lot 11090 (due to using the 3.708 ha portion of the land for agricultural or other agricultural related purposes) could cause significant disruption and danger to traffic flow.

Development Control Policy '3.4 Rural Subdivision' of the WAPC acknowledges the ability of the WAPC to consider subdivision where land is impaired by 'significant features':

"4.3 Significant physical division

The existing physical division of a lot by a significant natural or constructed feature may be formalised through subdivision. A significant physical division

generally does not include rural roads or creeks that are commonly crossed for farm management purposes”.

This provision is of significance in relation to this land.

It is not the position of Council to prepare the basis of an application for any land owner. However, due to the 2006 recommendation of Council to the WAPC, it is reasonable to give guidance to the land owner as to whether Council may be prepared to review its position. In this instance, a revised position that acknowledges the impact of Brockman Highway on the operation and use of the ‘severed’ portion is appropriate.

Should Council support this view, Mr Hedley may wish to address the issues raised by the WAPC in its decision of 9 October 2006 (in detail) and seek the guidance of DPI before he pursues a new subdivision application.

In relation to the portion of land suggested by Mr. Hedley for ‘rest area’ appears to have merit. It should be noted that the Shire has not budgeted for any works or purchase of the land in question. Mr Hedley as indicated that he would be prepared to transfer the land to the Shire (at no cost), however it is likely that that this would be undertaken in concert with a successful Application for subdivision (as outlined in this Report) to the WAPC. It is appropriate for Council to advise Mr Hedley that it would be prepared to accept (at no cost), a portion of the land as referred to in his correspondence for ‘rest area’.

STATUTORY ENVIRONMENT:

Council is only a referral agency in the application for subdivision process. The final decision on a subdivision application rests with the Western Australian Planning Commission. Mr Hedley would need to make application to the WAPC. In this instance and due to result of the previous application, Mr Hedley is seeking the views of Council prior to making application to the WAPC.

POLICY IMPLICATIONS:

The proposal sought by Mr Hedley is not in keeping with the Shire’s Local Planning Strategy (LPS) nor the Warren Blackwood Rural Strategy as it seeks to retain the land for agricultural purposes. However, as noted in this Report, the ‘severance’ of Brockman Highway is regarded as a significant impediment to using the whole of the land for agricultural purposes. In this instance, a variance of the LPS and the Warren Blackwood Rural Strategy is considered reasonable.

FINANCIAL IMPLICATIONS:

Nil, though Council may at some point in the future consider some form of development on the portion of excised land if the WAPC approves subdivision and Council becomes the custodian of the land.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council advise Mr. Hedley that:

1. Should he lodge an Application for subdivision to the Western Australian Planning Commission (WAPC) whereby the 'severed' 3.708 portion south of Brockman Highway is sought to be created as a separate lot, Council would be obliged to advise the WAPC of the provisions of the Shire of Nannup Town Planning Scheme No. 3 in relation to the 'Agriculture' zone.
2. Council would be prepared to advise the WAPC that it would not oppose the creation of a separate lot as outlined in Mr Hedley's correspondence on the basis that the impact of Brockman Highway on the operation and use of the 'severed' portion is considered significant with respect to the WAPC's Development Control Policy '3.4 Rural Subdivision' – *Clause 4.3 Significant physical division*.
3. He may wish to address the issues raised by the WAPC in its decision of 9 October 2006 (in detail) and seek the guidance of DPI before he pursues a new subdivision application.
4. Council would be prepared to accept (at no cost), a portion of the land as referred to in his correspondence for 'rest area'.

8102 BOULTER/TAYLOR

That Council advise Mr. Hedley that:

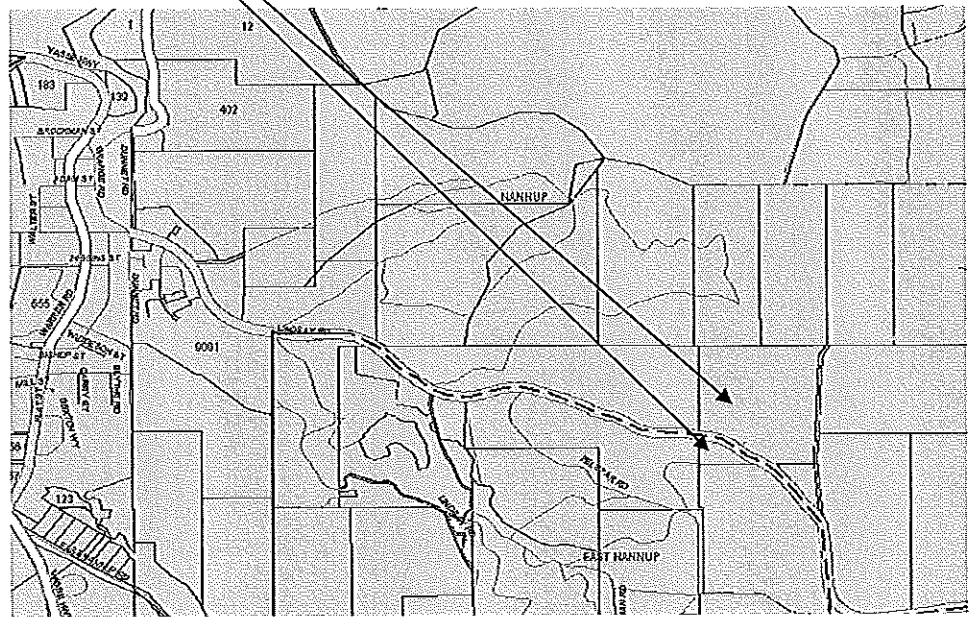
1. Should he lodge an Application for subdivision to the Western Australian Planning Commission (WAPC) whereby the 'severed' 3.708 portion south of Brockman Highway is sought to be created as a separate lot, Council would be obliged to advise the WAPC of the provisions of the Shire of Nannup Town Planning Scheme No. 3 in relation to the 'Agriculture' zone.
2. Council would be prepared to advise the WAPC that it would not oppose the creation of a separate lot as outlined in Mr Hedley's correspondence on the basis that the impact of Brockman Highway on the operation and use of the 'severed' portion is considered significant with respect to the

WAPC's Development Control Policy '3.4 Rural Subdivision' – Clause 4.3 *Significant physical division*.

3. He may wish to address the issues raised by the WAPC in its decision of 9 October 2006 (in detail) and seek the guidance of DPI before he pursues a new subdivision application.
4. Council would be prepared to accept (at no cost), a portion of the land as referred to in his correspondence for 'rest area'.

CARRIED 8/0

Lot 11090 Brockman Highway



Attachment 2

AGENDA NUMBER: 10.2
SUBJECT: Subdivision Amalgamation Proposal WAPC 131825
LOCATION/ADDRESS: Lot 11090 Brockman Highway Nannup
NAME OF APPLICANT: Mr Scott Hedley
FILE REFERENCE: A 1496
AUTHOR: Leigh Guthridge – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 2 October 2006

Attachments: 1. Location Plan.
2. Subdivision Guide Plan.

BACKGROUND:

The proposal is to subdivide lot 11090 Brockman Highway into 2 land parcels. A small portion of the lot (3.9 ha) is severed by Brockman Highway. Creating two lots as per the severance is the proposal for subdivision.

The proposed lots are 48.54 ha and 3.9 ha respectively.

COMMENT:

The land being considered in this proposal is zoned "Rural" under the Shire of Nannup Town Planning Scheme No.1.

Councillors may recall that identical proposals have been referred to Council in previous years with the land being in different ownership. On these occasions Council has resolved not to support the application as the proposal did not comply with the subdivision criteria for rural land in accordance with the "Western Australian Planning Commission Development Control Policy 3.4 – Subdivision of Rural Land" (WAPC – DC 3.4).

The methodology for assessment has changed in that the application needs to be assessed against the objectives and subdivision policy within the Warren Blackwood Rural Strategy and the WAPC – DC 3.4.

The objectives of the Warren Blackwood Rural Strategy are as follows:

*In order to protect the productive capacity of agricultural land and the basis of State, regional and local economies, there is a general presumption against the further subdivision of land in the Agriculture and Priority Agriculture zones, except where it can be clearly demonstrated that the subdivision **will be beneficial** to viable and sustainable agricultural production and land management on the subject land and **will not be prejudicial** to similar production and management on adjoining lands.*

Further the WAPC DC 3.4 states the following:

“3.2 Subdivision for Specific Purposes

3.2.1 Notwithstanding section 3.1.1, the Commission may approve subdivision of rural land for the following specific purposes:

(a) A significant natural or man-made feature already physically divides the proposed lots and undesirable precedent would not be set.”

The application does not specifically address the objective of the Warren Blackwood Rural Strategy however based on the location of the property, the current land uses of the property (and adjoining lands) and the policy statement WAPC DC 3.4 (as above) a reasonable argument could be presented in favour of the proposal for Council support.

The reasons are as follows:

- The severance of the land by Brockman Highway creates a management problem for the land for agricultural purposes. Removing the severed portion of land from the parent lot will have minimal impact on the agricultural capability of the parent lot.
- Adjoining land uses include tourist / lifestyle and tree plantations. Therefore a smaller lot (that ultimately may be used for non rural agricultural activities) will not constrain bona fide agricultural activities as there is not any occurring adjacent to the subject property. This is largely because operational issues associated with higher valued agriculture pursuits have proven to be difficult because of physical factors of the land.
- The lot is located approximately 4 kilometres from the Nannup Townsite services. Lifestyle lots ideally should be located in close proximity to town centres for close access to services.
- The area is located in the ‘agriculture zone’ of Council’s draft Town Planning Scheme No. 3 and the Warren Blackwood Rural Strategy. The property is not identified in an area of agricultural significance so the creation of a non capable agricultural lot is less significant.

Notwithstanding the above, the objectives of the Warren Blackwood Rural Strategy have not been addressed by the applicant. Therefore, Council is advised not to support the application as reflected in the recommendation.

STATUTORY ENVIRONMENT: Town Planning and Development Act 1928.

POLICY IMPLICATIONS:

Western Australian Planning Commission Development Control Policy 3.4 – Subdivision of Rural Land and the Warren Blackwood Rural Strategy.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council not support Subdivision Amalgamation Proposal WAPC 131825 as the application does not address the objectives of the Warren Blackwood Rural Strategy for rural subdivision.

7535 BOULTER/TAYLOR

That Council not support Subdivision Amalgamation Proposal WAPC 131825 as the application does not address the objectives of the Warren Blackwood Rural Strategy for rural subdivision.

CARRIED 5/1

Councillors voting for the motion: Boulter, Taylor, Gilbert, Pinkerton and Bird.

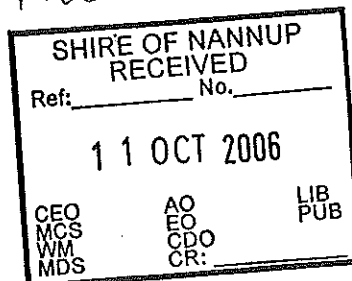
Councillors voting against the motion: Camarri.



Your Ref : 131825
Enquiries : Pete Malavisi

File: A 1496

Chief Executive Officer
Shire of Nannup
P O Box 11
NANNUP WA 6275



Refusal Freehold (Green Title) Subdivision

Application No : 131825

Planning and Development Act 2005

Applicant	:	Naturaliste Land Surveys 51 Reynolds Street BUSSELTON WA 6280
Owner	:	Scott Mc Kenzie Hedley 8 O'Neile Parade REDCLIFFE WA 6104
Application Receipt	:	10 July 2006

Lot number	:	11090
Location	:	
Diagram/Plan	:	203132
C/T Volume/Folio	:	2138/305
Street Address	:	Lot 11090 Brockman Highway, Nannup
Local Government	:	Shire of Nannup

The Western Australian Planning Commission has considered the application referred to in accordance with the plan date-stamped 10 July 2006 and has resolved that the application be refused for the reason(s) set out.

Reconsideration - 28 days

Under section 144(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the



decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.wapc.wa.gov.au>

Reason(s)

The WAPC's reason(s) for refusal are:

1. The Commission is not satisfied that The Brockman Highway constitutes a "significant man made feature" which restricts access to the land, particularly given that use of proposed lot 2, for plantation timber, requiring infrequent access for management purposes.
2. The proposed subdivision is inconsistent with the 'Rural' zoning of the land, the principal purpose of which is to preserve its rural use and density of development. The subdivision, if permitted, would result in an unplanned breakdown of land holdings.
3. The subdivision, if permitted, would create a lot which is too small to comprise a productive commercial agricultural holding.
4. The Commission is not prepared to approve the subdivision as the resultant lot sizes would be below the minimum indicated by the Warren Blackwood Rural Strategy.
5. The Commission is not prepared to approve a subdivision creating a rural residential sized lot in a locality which is zoned 'Rural' in the Shire of Nannup District Scheme No. 1.



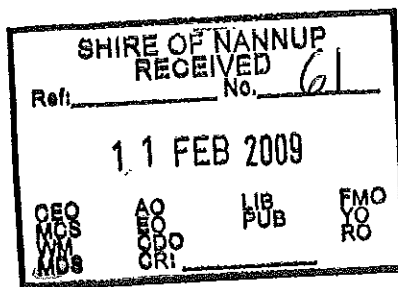
6. The proposed subdivision, if approved, could set an undesirable precedent for the creation of unsustainable lots based previously on the grounds of road reserve, contrary to the purpose and intent of WAPC Policy DC3.4

m Jt

MOSHE GILOVITZ
Secretary
Western Australian Planning Commission
09 October 2006

Scott Hedley
 8 O'Neile Parade
 REDCLIFFE 6104
 Ph: 08 9277 9023
 M 0408228239

Mr Shane Collie
 Chief Executive Officer
 Shire of Nannup
 PO Box 11
 NANNUP WA 6275



Dear Shane

Re: Proposed Subdivision (approx 10 acres) Lot 11090 on Plan No 203132 Nannup, Brockman Highway

After speaking with Rob Paul I believe that there was no formal resolution from the last Council meeting regarding the proposed subdivision of approx 10 acres from the main lot 11090. He suggested that I contact you requesting that this item of business be placed on the agenda for the next Council meeting held on 26 February 2009 seeking support in principle from the members of the Council for this proposed subdivision.

For your information I have enclosed a copy of the letter and relevant documents which I posted to all Councillors in January 2009.

Please feel free to contact me on 0408228239 should you have any queries regarding this.

Thank you.

Scott Hedley

① MDS

② Rob.

9 February 2009

Scott McKenzie Hedley
Postal Address: 8 O'Neile Parade
REDCLIFFE 6104
Mob: 0408228239

COPY ONLY

Dear

**Re: Application for Subdivision Lot 11090 on Plan No 203132 Nannup
Brockman Highway**

Hi, my name is Scott Hedley I am the owner of Lot 11090 Brockman Highway. I am writing to you seeking your support in principle for the resubmission of my application to Nannup Shire Council to subdivide my block located on Brockman Highway.

My property, Lot 11090, is divided into two parts by the Brockman Highway. One section of approximately 3.708 hectares (9.16 acres) is on the south side at the crest of the hill as you leave Nannup and the balance of 44.88 hectares is on the north side. I am seeking to subdivide the south side consisting of 3.708 hectares from the main block. Enclosed is a plan of Lot 11090 showing the area of the proposed subdivision. (Attachment A)

Prior to my purchasing Lot 11090 it appears that a small section of the proposed lot 2 (on the south side of the highway leaving Nannup) had been used as an unofficial rest area/truck bay.

Subject to my subdivision application being successful, I am prepared to relinquish ownership of a small portion approx 1948sm of the proposed Lot 2 to the Nannup Shire Council, at no cost, to be used again as a rest area/truck bay. The area proposed to be given to the Shire is shown in yellow on attachment A.

The proposed rest area/truck bay is situated on the top of the hill and has an uninterrupted panoramic view of Nannup town site and surrounding areas for some distance.

I believe that this proposed rest area/truck bay would be beneficial to the Nannup community in the following ways:

- Rest area for caravans, tourists etc
- Tourist information bay
- Scenic lookout overlooking Nannup town site and surrounding area with panoramic view
- Availability for taking photos with uninterrupted view
- Good mobile phone reception
- Use by trucks –
 - Only area where over width/length/heavy vehicles can safely turn around
 - Safety check area prior to descending hill into Nannup. (This hill has a steep gradient.)
 - Over length/width vehicles pilot meeting area

In addition the Brockman Highway is heavily used by forestry contractors and this proposed rest area/truck bay would be a benefit to these contractors.

To strengthen my case it has come to my notice that a precedent has already been set in that the Nannup Shire Council has approved the subdivision of several properties into smaller lots as listed which are zoned agriculture/rural the same as my property. In both cases there was a road through each property and the owners have successfully divided both sides of the roadway into separate title and they are still zoned agriculture/rural.

These are:

1. P26888 Lot 10 consisting of 9.171 acres and P26888 Lot 11 consisting of 6.271 acres located at Beyonderup Falls. Both of these properties are situated 15 Kilometers from Nannup town centre and are divided by the man-made structure of the Bailingup-Nannup Road.
2. P84680 Lot 1 consisting of 6.1 acres and P84680 lot 2 consisting of 15.2 acres – Both of these properties are located 3 kilometers from Nannup town centre and are divided by the man-made structure of Dean Road.

Further I have found that there are a number of small acreage lots under agriculture/rural zoning throughout the Nannup shire which I believe to be contrary to the planning policy which is currently in place and which the Shire of Nannup uses as a guide. This proves that precedents have been set in the past.

Also in support of my application I have received from the Nannup Shire Council a copy of the amending document in relation to Amendment No 1 of the Shire of Nannup Local Planning Scheme No 3. This document outlines the proposed rezoning from *Agriculture* to *Folly Development* of the property adjacent to mine. I will be responding to this document requesting that my property be included in the new rezoning.

The Western Australian Planning Commission, Development Control Policy 4.3 Subdivision of Rural Land, February 2008 states that: *Significant Physical Division – The existing physical division of a lot by significant natural or constructed feature may be formalized through subdivision. A significant physical division generally does not include rural roads or creeks that are commonly crossed for farm management purposes.* I do not believe that this section of the Development Control Policy applies to my property in that the physical division in respect to my property is a man-made structure in the form of Brockman Highway not rural roads or creeks.

If my subdivision application is successful, I am prepared to accept as a condition of title that no large trees will be planted on the remaining 3.708 hectare block.

I would appreciate confirmation of your in principle support in writing. I would be pleased to speak/meet with you should you have any concerns regarding this subdivision application.

Thank you.

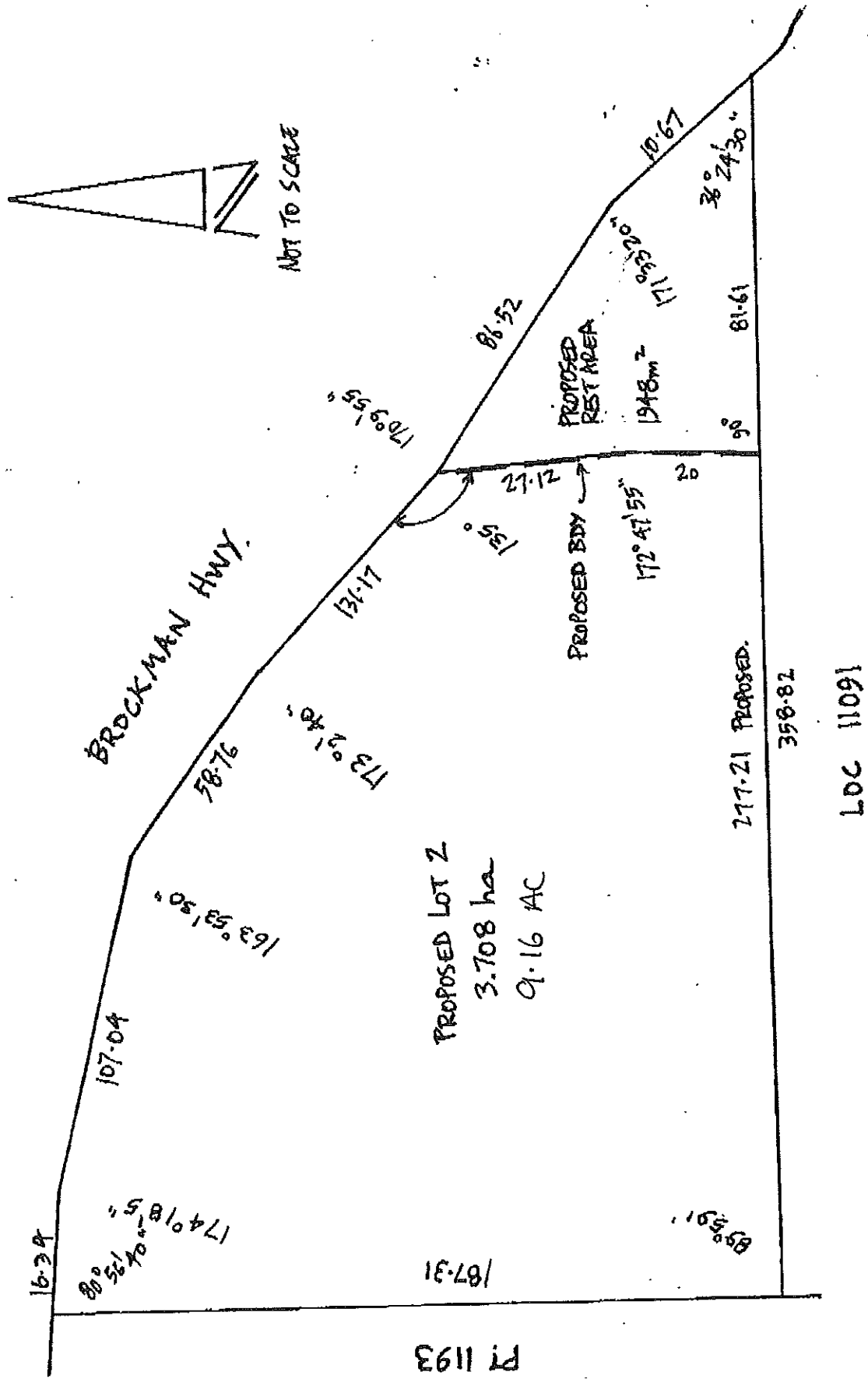


Scott Hedley

10 November 2008

Encl.

ATTACHMENT A.





ANVELS RD

SCOTT HEDLEY mob 0408 228 239

P203132

1 1090

48.532 ha

ANVELS RD

OVE CHAIR ROAD

NANNUP 3.9km

BROCKMAN HWY

LOT 11090
PROPOSED
SUBDIVISION

PROPOSED
REST AREA

358.78m.

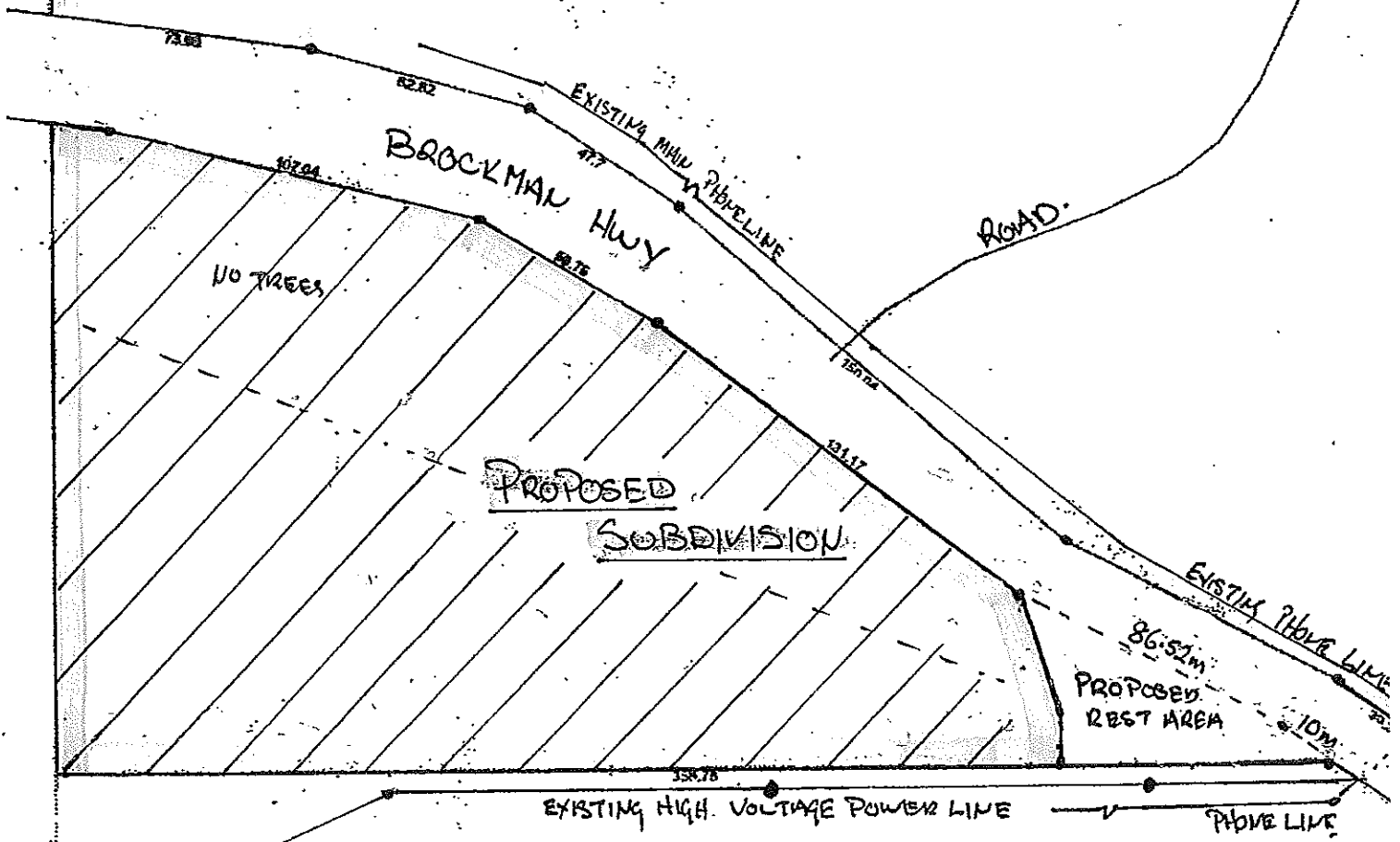
SOUTH



SCOTT HEALEY 0408 228 229

LOT 11090

48.53%



SOUTH



AGENDA NUMBER: 10.2
SUBJECT: Bonds for Use/Hire for Community Facilities
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: FNC 10
AUTHOR: Shane Collie– Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 28 January 2009

Attachment: Current Policy HAB 2.

BACKGROUND:

Council at its November 2008 meeting updated delegation Number 70 in relation to the use/hire of community facilities. The intent of that update was to include the discretion to refund or waive bonds for community facilities being used or hired under certain circumstances. The Chief Executive Officer has delegated authority to refund or waive hire fees if the amount is equal or less than one days facility hire.

COMMENT:

In adopting that delegation the related policy, Council policy HAB 2 (attached) was not updated to reflect the intent of the amended delegation. Points 9 and 10 require minor rewording to reflect the intent of Council's November 2008 decision.

The recommendation to this item will ensure that bonds are included in the discretionary waiver area.

STATUTORY ENVIRONMENT: Local Government Act 1995 Section 5.42.

POLICY IMPLICATIONS: Amended policy recommended.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council amend Policy HAB 2 by inserting in point 9, first sentence, after the word hire, new words "and/or bond payable" with the second sentence in point 9 being deleted. Point 10 to be amended after the word hire where it appears for the first two times, new words "and/or bond payable".

8103 PINKERTON/BIRD

That Council amend Policy HAB 2 by inserting in point 9, first sentence, after the word hire, new words "and/or bond payable" with the second sentence in point 9 being deleted. Point 10 to be amended after the word hire where it appears for the first two times, new words "and/or bond payable".

CARRIED 8/0

Use/Hire of Community Facilities

HAB 2

1. Council encourages the self-management of community buildings and will endeavour to provide adequate support to community groups who are eager to maintain and develop community buildings and facilities.
2. The tenure of local controlling committees with their buildings and/or land shall be by way of lease agreement based on the Shire of Nannup Tenancy Agreement Standard Terms and Conditions, with each lease/agreement being endorsed by Council prior to the occupation of any premises. Council is to have regard to the individual circumstances of community groups when finalising any lease/agreement.
3. All facilities must be managed on a financially independent basis and fees, subscriptions, rentals, levies etc; must be sufficient to cover all operational outgoings which should include maintenance required as a result of normal wear and tear, as well as electricity, water and any other utilities.
4. Council reserves the right to provide annual operational grants to managing committees if such expenses are considered to be outside the resources of the organisation, is seen to be in the general interests of the community or is granted to assist an organisation in its establishment.
5. Council, upon receipt of Annual Financial Statements and Building Reports will consider budget allocations for expenses of a non-operational nature such as major repairs, additions or renovations in line with normal annual budget deliberations.
6. Council will undertake an inspection of all community buildings as part of its budget deliberations.
7. Council will not, at the expense of a community based not for profit group, enter into a lease/agreement with any organisation that is considered commercial in nature. If Council does enter into a lease/agreement with an organisation that is considered commercial in nature, commercial arrangements and conditions are to be put in place.

HAB 2
(Page 1/2)

8. In relation to the short term hire of Community facilities, Council's adopted Schedule of Fees and Charges will apply.
9. Community based organisations may apply to Council for a refund of the cost of the hire of Council facilities after the event or for a waiver of the applicable fees through the hire process. Bonds for the hire of facilities are to be paid by all hirers regardless of whether any hire fees have been waived or contributed by Council in kind.
10. Council will consider the refund or waiver of any hire fees on a case by case basis with the Chief Executive Officer having delegated authority to refund or waive hire fees if the amount is less than or equal to one days facility hire.
11. Council and the Chief Executive Officer in applying point 10 above will have regard to the perceived benefits to the community, and what is in the best interests of the community, when determining if any fee or charge should be refunded or waived.

Policy Adopted at a Council Meeting on 17 December 1992.

Policy Reviewed at a Council Meeting on 9 June 1994.

Policy Reviewed at a Council Meeting on 28 February 2002.

Policy Reviewed at a Council Meeting on 23 August 2007.

HAB 2
(Page 2/2)

AGENDA NUMBER: 10.3
SUBJECT: Policy on Grant Acceptance
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: FNC 6
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 28 January 2009

BACKGROUND:

Council presently does not have any policy or guidelines on the acceptance of grants. What this means is that all grants that Council receives need to be formally accepted by Council resolution.

There is also presently no policy on applying for grants. It is not intended to make any recommendation on a policy for applying for grants as the present arrangements appear to work well. Grant applications are undertaken generally in accordance with Council's Forward Plan, budget, management direction and officer or volunteer initiative. Council resolution or direction is also applicable on some occasions.

COMMENT:

It is however recommended that a policy on the acceptance of grants be implemented, mainly from an administrative point of view to streamline the process as well as reflecting present practices in place.

For example a recent grant application was successful whereby the Nannup Brook Volunteer Bush fire Brigade (effectively a Council entity) applied on its own initiative for funds to purchase items such as a refrigerator, kettle and other minor operating items for use in the East Nannup/ Nannup Brook Fire shed. The grant amount was just over \$1,000 and was through the Federal Government's Volunteer Grants program. Officially the acceptance of this grant should be run through Council even though Council had virtually no role in the brigade securing the funds.

Likewise the Youth Advisory Council Grants, generally under \$1,000, are obtained from time to time which again should officially be run through Council. These relatively minor grants are normally contained in Council Information Reports.

The intent of this report is to clarify in terms of dollar amount grant acceptance items that would need come to Council and also to provide a notification mechanism for Council to be advised of other minor grants.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: New policy FNC 6 recommended.

FINANCIAL IMPLICATIONS:

Should there be any financial impost on Council through grant procurement, normal budget processes would apply, in kind (no cost) commitments excluded.

STRATEGIC IMPLICATIONS:

Grant applications and acceptance are generally in accordance with the aims and objectives contained within Council's Forward Plan.

RECOMMENDATION:

That Council adopt the following policy FNC 6 in relation to grant acceptance:
“

Acceptance of Grant Funding

FNC 6

Acceptance of grant funding by Council is to be in accordance with the following:

1. Any matching funding required of Council is to be included in the annual budget or by Council resolution.
2. The Chief Executive Officer is delegated authority to accept grants on behalf of Council up to a maximum amount of \$5,000.
3. Where a grant is accepted on behalf of Council up to the delegated amount, an Information Report is to be provided to Council at the next available opportunity giving details of the grant accepted.
4. Where a grant is accepted on behalf of Council up to the delegated amount, the grant purpose is to be consistent with existing planning documents or direction of Council such as Council's adopted Forward Plan, budget or existing resolution of Council.

Policy Adopted at a Council Meeting on 26 February 2009.

FNC 6
(Page 1/1)”

Signed:

Dated 26 March 2009

8104 BIRD/TAYLOR

That Council adopt the following policy FNC 6 in relation to grant acceptance:

“

Acceptance of Grant Funding

FNC 6

Acceptance of grant funding by Council is to be in accordance with the following:

1. Any matching funding required of Council is to be included in the annual budget or by Council resolution.
2. The Chief Executive Officer is delegated authority to accept grants on behalf of Council up to a maximum amount of \$5,000.
3. Where a grant is accepted on behalf of Council up to the delegated amount, an Information Report is to be provided to Council at the next available opportunity giving details of the grant accepted.
4. Where a grant is accepted on behalf of Council up to the delegated amount, the grant purpose is to be consistent with existing planning documents or direction of Council such as Council's adopted Forward Plan, budget or existing resolution of Council.

Policy Adopted at a Council Meeting on 26 February 2009.

FNC 6
(Page 1/1)”

CARRIED 7/1

Councillors voting for the motion: Dunnet, Bird, Taylor, Pinkerton, Dean, Boulter and Lorkiewicz .

Councillors voting against: Camarri.

AGENDA NUMBER: 10.4
SUBJECT: Review of Ward Boundaries and Representation
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: ADM 2
AUTHOR: Shane Collie - Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 2 February 2009

Attachment: Extract from Local Government Act 1995 Schedule 2.2.

BACKGROUND:

A local government is to review ward boundaries and the number of offices of councillor for each ward at least once every eight years. Council last undertook such a review in 2001/02 and the next review is due at the latest in 2009/10.

With Local Government elections scheduled for October 2009 it is recommended that the review due be undertaken prior to that time in order that any possible change or non change to wards and representation is confirmed for both electors and candidates prior to the elections being held and new terms commencing.

Note this report was compiled prior to the Minister announcing that he would like to see local governments put to him a process for amalgamations of councils within a six month timeframe. The desire of the Minister may or may not come to fruition and it is not known whether this Council would be impacted, and if so how. It is therefore recommended to proceed with the ward boundary and representation review without regard to what the Minister may or may do.

COMMENT:

Council presently has eight members representing three wards being North, South and Central. The Brockman Highway divides the North and South Wards with the townsite boundary encompassing the Central Ward. The last certified residents roll for Nannup (2 September 2007) had the following electoral statistics:

- 341 electors in the North Ward with three members giving a representation of one member for every 114 electors.
- 335 electors in the Central Ward with three members giving a representation of one member for every 112 electors.
- 196 electors in the South Ward with two members giving a representation of one member for every 98 electors.

These statistics will have changed since that time, though probably only marginally upwards.

Before carrying out a review a local government is required to give local public notice advising of the review and calling for submissions over a period of at least six weeks. As part of the review process public submissions are to be taken into account in determining if there is any recommendation to change.

Some of the matters that are to be taken into account in the review process are as follows:

- Community of Interests,
- Physical and Topographical Features,
- Demographic Trends,
- Economic Factors,
- Ratio of Councillors to Electors in the Various Wards.

Current Council members Bird, Pinkerton, Boulter and Dunnet were on Council when the last review took place when there were a number of possible options canvassed. The following options were submitted for consideration:

1. Maintain the current ward system with the current representation. North (3), Central (3) and South (2). Total of 8.
2. Maintain the current ward system with reduced representation. North (2), Central (2) and South (1). Total of 5. Any other combination could also be considered, mindful that the elected member to electors ratio should be similar for all wards.
3. No wards with the current representation (8).
4. No wards with reduced representation (7).
5. No wards with reduced representation (6).

Two other Council member options were also put forward at that time (they were not adopted) relating to the process of election of Shire President and also some different naming options for wards. Council resolved on 2 May 2002 to request the Minister for Local Government to make no change to the present ward boundaries and representation levels.

When considering this matter Council is advised to take into account the direction from the State in determining if any change is applicable. There are two key guiding principles as follows:

The current ratio of Councillors to electors is 1:109 throughout the district and plus or minus 10% of this benchmark is considered as normal and appropriate ward representation. The present ward numbers reflect this though the South Ward is just short of absolute 10%. Should wards be removed the principle of "One Vote One Value" is in place by default as the Councillor/Elector ratio will be the same throughout the district.

Section 2.10(a) of the Local Government Act 1995 states under the heading of the role of Councillors:

"A councillor –

(a).represents the interests of electors, ratepayers and residents of the district."

Members would also be aware that nominations for positions on Council do not have to come from the ward that the person resides in. Councillors when elected are to serve the district as a whole and wards are not relevant until the next election is held.

STATUTORY ENVIRONMENT: Local Government Act 1995 Schedule 2.2.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Council's Forward Plan Action Item 4.1.A. notes this matter for attention in 2009/10. As indicated in the body of this report given the election date of October 2009 it is preferable to conduct the review prior to the election date in order that any possible change or non change to wards and representation is confirmed for both electors and candidates prior to the elections being held and new terms commencing.

Given the present timing it is likely that the review process if commenced now will not conclude until the 2009/10 financial year in event, consistent with Council's Forward Plan objective.

RECOMMENDATION:

That Council commence a review process of both Ward boundaries and the number of offices of councillor for each ward pursuant to Schedule 2.2 of the Local Government Act 1995 putting forward as part of community consultation the following options:

1. Maintain the current ward system with the current representation. North (3), Central (3) and South (2). Total of 8.
2. Maintain the current ward system with reduced representation. North (2), Central (2) and South (1). Total of 5. Any other combination could also be considered, mindful that the elected member to electors ratio should be similar for all wards.
3. No wards with the current representation (8).
4. No wards with reduced representation (7).
5. No wards with reduced representation (6).
6. No wards with reduced representation (5).

8105 CAMARRI/TAYLOR

That Council commence a review process of both Ward boundaries and the number of offices of councillor for each ward pursuant to Schedule 2.2 of the Local Government Act 1995 putting forward as part of community consultation the following options:

1. Maintain the current ward system with the current representation. North (3), Central (3) and South (2). Total of 8.
2. Maintain the current ward system with reduced representation. North (2), Central (2) and South (1). Total of 5. Any other combination could also be considered, mindful that the elected member to electors ratio should be similar for all wards.
3. No wards with the current representation (8).
4. No wards with reduced representation (7).
5. No wards with reduced representation (6).
6. No wards with reduced representation (5).

CARRIED 7/1

Councillors voting for the motion: Taylor, Pinkerton, Camarri, Dunnet, Dean, Boulter and Bird.

Councillors voting against: Lorkiewicz.

SCHEDULE 2.2 — PROVISIONS ABOUT WARDS AND REPRESENTATION

[Section 2.2 (3)]

Interpretation

1. In this Schedule, unless the contrary intention appears —

“affected electors”, in relation to a submission, means electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the submission;

“review” means a review required by clause 4 (4) or 6 or authorized by clause 5 (a);

“submission” means a submission under clause 3 that an order be made to do any or all of the things referred to in section 2.2 (1), 2.3 (3) or 2.18 (3).

Advisory Board to make recommendations relating to new district

2. (1) When a local government is newly established, the Advisory Board —

- (a) at the direction of the Minister; or
- (b) after receiving a report made by a commissioner appointed under section 2.6 (4) after carrying out a review,

is, in a written report to the Minister, to recommend the making of an order to do all or any of the things referred to in section 2.2 (1) (a), 2.3 (2) or 2.18 (1).

(2) In making its recommendations under subclause (1) the Advisory Board is to take into account the matters referred to in clause 8 (c) to (g) so far as they are applicable.

Who may make submissions about ward changes etc.

3. (1) A submission may be made to a local government by affected electors who —

- (a) are at least 250 in number; or
- (b) are at least 10% of the total number of affected electors.

(2) A submission is to comply with any regulations about the making of submissions.

Dealing with submissions

4. (1) The local government is to consider any submission made under clause 3.

(2) If, in the council's opinion, a submission is —

- (a) one of a minor nature; and
- (b) not one about which public submissions need be invited,

the local government may either reject the submission or deal with it under clause 5 (b).

(3) If, in the council's opinion, a submission is substantially similar in effect to a submission about which the local government has made a decision (whether an approval or otherwise) within the period of 2 years immediately before the submission is made, the local government may reject the submission.

(4) Unless, under subclause (2) or (3), the local government rejects the submission or decides to deal with it under clause 5 (b), the local government is to carry out a review of whether or not the order sought should, in the council's opinion, be made.

Local government may propose ward changes or make minor proposals

5. A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3 (3) or 2.18 should, in the council's opinion, be made;
 - (b) propose* to the Advisory Board the making of an order under section 2.2 (1), 2.3 (3) or 2.18 (3) if, in the opinion of the council, the proposal is —
 - (i) one of a minor nature; and
 - (ii) not one about which public submissions need be invited;
- or
- (c) propose* to the Minister the making of an order changing the name of the district or a ward.

* *Absolute majority required.*

Local government with wards to review periodically

6. A local government the district of which is divided into wards is to carry out reviews of —

- (a) its ward boundaries; and
- (b) the number of offices of councillor for each ward,

from time to time so that not more than 8 years elapse between successive reviews.

Reviews

7. (1) Before carrying out a review a local government has to give local public notice advising —

- (a) that the review is to be carried out; and
- (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.

(2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

Matters to be considered in respect of wards

8. Before a local government proposes that an order be made —

- (a) to do any of the matters in section 2.2 (1), other than discontinuing a ward system; or
- (b) to specify or change the number of offices of councillor for a ward,

its council is to have regard, where applicable, to —

- (c) community of interests;
- (d) physical and topographic features;
- (e) demographic trends;
- (f) economic factors; and
- (g) the ratio of councillors to electors in the various wards.

Proposal by local government

9. On completing a review, the local government is to make a report in writing to the Advisory Board and may propose* to the Board the making of any order under section 2.2 (1), 2.3 (3) or 2.18 (3) it thinks fit.

** Absolute majority required.*

Recommendation by Advisory Board

10. (1) Where under clause 5 (b) a local government proposes to the Advisory Board the making of an order under section 2.2 (1), 2.3 (3) or 2.18 (3), and the Board is of the opinion that the proposal is —

- (a) one of a minor nature; and
- (b) not one about which public submissions need be invited,

the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.

(2) Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8 (c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.

(3) Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —

- (a) the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and
- (b) if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend* the making of any order under section 2.2 (1), 2.3 (3) or 2.18 (3) it thinks fit that would correctly take into account those matters.

** Absolute majority required.*

(4) Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend* the making of any order under

section 2.2 (1), 2.3 (3) or 2.18 (3) it thinks fit that would correctly take into account the matters referred to in clause 8.

** Absolute majority required.*

Inquiry by Advisory Board

11. (1) For the purposes of deciding on the recommendation, if any, it is to make under clause 10 (3) (b) or (4), the Advisory Board may carry out any inquiry it thinks necessary.

(2) The Advisory Board may recover the amount of the costs connected with an inquiry under subclause (1) from the local government concerned as if it were for a debt due.

Minister may accept or reject recommendation

12. (1) The Minister may accept or reject a recommendation of the Advisory Board made under clause 10.

(2) If the recommendation is accepted the Minister can make a recommendation to the Governor for the making of the appropriate order.

AGENDA NUMBER: 10.6
 SUBJECT: Royalties for Regions Royalties Future Allocations
 LOCATION/ADDRESS:
 NAME OF APPLICANT:
 FILE REFERENCE: DEP 11
 AUTHOR: Shane Collie – Chief Executive Officer
 DISCLOSURE OF INTEREST:
 DATE OF REPORT: 4 February 2009

Attachment: Extract Department of Local Government website.

BACKGROUND:

Future allocations (2009/10 and beyond) through the Royalties to Regions program, Country Local Government Fund, are required to be allocated through a regional body. The detail on this matter has not been finalised at this point in time with the only information obtained being the attached downloaded from the Department of Local Government website.

It is understood that councils can determine their own regional groupings with the only criteria appearing to be that councils must be part of one to be eligible for the funding allocation.

There has been some initial discussion with neighbouring councils as to how best regional groupings could operate in respect of the distribution of funds.

COMMENT:

The following table provided the detail known in terms of allocation split up proposed for the following four years:

Year	Shire of Nannup Allocation		Regional Group Allocation		Total
2008/09	100%	\$605,370	0%	\$0	\$605,370
2009/10	65%	\$393,491	35%	\$211,880	\$605,370
2010/11	50%	\$302,685	50%	\$302,685	\$605,370
2011/12	50%	\$302,685	50%	\$302,685	\$605,370
Total		\$1,604,231		\$817,250	\$2,421,480

Given that decisions on funding are going to be required very soon in respect of allocations for 2009/10 it is considered very important that a regional funding body be established as soon as possible to put in place a mechanism for funding allocations. There are two such bodies in operation presently:

- Warren Blackwood Strategic Alliance
- South West Zone, WA Local Government Association

The importance of whichever regional entity is chosen to be the vehicle for the distribution of funds is set to escalate. At present, the proposal is for the South West Zone of WALGA to be the relevant regional body, however discussions with the shires which comprise the Warren Blackwood Strategic Alliance have led to a push for this entity to be the body best suited for this role.

The Warren Blackwood Strategic Alliance comprises the four shires of Manjimup, Bridgetown-Greenbushes, Boyup Brook and Nannup. Meetings are held two monthly on Tuesday evenings and are normally attended by the Shire President, Deputy Shire President and Chief Executive Officer. The most recent meeting was held in Boyup Brook on Tuesday 3 February 2009.

The South West Zone of the WA Local Government Association comprises the 12 shires of the South West including the larger shires of Bunbury and Busselton and stretched as far north as Harvey.

The shires of Manjimup and Bridgetown/Greenbushes have already indicated a preference for the Warren Blackwood Strategic Alliance and this was communicated at the meeting held on 3 February 2009. This position is concurred with for the following reasons:

- The smaller the grouping of councils is the more responsive and flexible it is likely to be in the allocation of funds.
- The Warren Blackwood Strategic Alliance will see a more localised decision making process and competition with larger shires would be minimised. There would no doubt be some robust discussions in terms of developing criteria and guidelines for allocations though this would be expected to be easier managed with a grouping of 4 like councils as opposed to 12 more diverse councils.
- The Warren Blackwood Strategic Alliance has struggled to make an impact over the years and having this body responsible for the allocation of these funds is anticipated to see an increase in the profile of the group as well as promoting further regional cooperation.
- The Warren Blackwood Strategic Alliance is an existing entity with funding and support mechanisms in place to be able to undertake this role quite readily.

The following table represents the funding allocation 2009/10 to 2011/12.

Year	Manjimup	Bridgetown	Nannup	Boyup Brook	Total
2009/10	\$528,681	\$356,004	\$211,880	\$202,795	\$1,299,360
2010/11	\$755,259	\$508,577	\$302,685	\$289,707	\$1,856,228
2011/12	\$755,259	\$508,577	\$302,685	\$289,707	\$1,856,228
Total	\$2,039,199	\$1,373,158	\$817,250	\$782,209	\$5,011,816

As can be seen Nannup contributes a total of \$817,250 to the pool over three years. Manjimup on the other hand contributes \$2,039,199 in the same time period. The total funding to be allocated over the three year program if the Warren Blackwood Strategic Alliance was the chosen entity to do this is just over \$5 million.

The funding is again required to be used in the following areas:

- Buildings
- Infrastructure – Roads
- Infrastructure – Bridges
- Infrastructure – Drainage
- Infrastructure – Parks, Gardens and Reserves
- Infrastructure – Footpaths and Cycleways
- Infrastructure – Airports
- Infrastructure – Sewerage
- Infrastructure - Other

Note recommendation 1 below simply refers to Council accepting the Shire of Nannup component of the 2009/10 to 2011/12 portion of the Royalties to Regions program, Country Local Government Fund.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As noted in the body of this report. Funding allocations will be required to be budgeted and allocated accordingly in the year in which they are received. This report does not relate to funding in the present financial year.

STRATEGIC IMPLICATIONS:

Any funding allocation to Council would be expected to be in accordance with Council's adopted Forward Plan.

RECOMMENDATIONS:

1. That Council accept the funding offered under the State Royalties to Regions Program (Country Local Government Fund) 2009/10 to 2011/12 as follows:

2009/10	\$393,491
2010/11	\$302,685
2011/12	\$302,685

2. That Council adopt the position that the preferred regional body for the distribution of funds under the State Royalties for Regions Program (Country Local Government Fund) 2009/10 to 2011/12 is the Warren Blackwood Strategic Alliance.

8106 CAMARRI/TAYLOR

1. That Council accept the funding offered under the State Royalties to Regions Program (Country Local Government Fund) 2009/10 to 2011/12 as follows:

2009/10	\$393,491
2010/11	\$302,685
2011/12	\$302,685

2. That Council adopt the position that the preferred regional body for the distribution of funds under the State Royalties for Regions Program (Country Local Government Fund) 2009/10 to 2011/12 is the Warren Blackwood Strategic Alliance.

CARRIED 8/0



Government of Western Australia
Department of Local Government
and Regional Development

Country Local Government Fund

☐ Royalties for Regions

Future Year Allocations

In future years the Country Local Government Fund will provide Infrastructure support to local governments directly and through regional groupings of councils.

Up to 50 per cent of the Country Local Government Fund In years two, three and four will be allocated through existing and emergent regional governance groups of local governments.

The funding allocated through these regional groups will be the sum of the allocations of the local governments in that group. Regional groups will then reach mutual agreement on the priorities for expenditure of their regional funding allocation.

If a local government does not participate in a regional group then, subject to special circumstances, that share of the regional allocation will be held over and may be used to augment local government capacity building initiatives.

It is envisaged that the Country Local Government Fund will evolve and the processes will be refined in response to experience and achievements and improved information.

See also...

- Royalties for Regions: Overview
- Royalties for Regions: The Funds
- Country Local Government Fund: Overview
 - Funding Principles
 - Direct Allocation to Country Local Governments
 - Country Local Government Fund Allocations 2008-09
 - Future Year Allocations: 2009-10 to 2011-12
 - Funding for Capacity Building
 - Accountability
- Community Resource Network (WA Telecentre Network)
- Contact Us

Page last updated on Tuesday, December 16, 2008

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AGENDA NUMBER: 10.5
SUBJECT: Royalties for Regions 2008/09 Allocation
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: DEP 11
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 4 February 2009

Attachments: 1. Letter from Department of Local Government.
 2. Local Government Funding Allocations 2008/09.
 3. Country Local Government Fund Guidelines.
 4. Country Local Government Fund Acceptance Form.

BACKGROUND:

The Minister for Regional Development the Hon Brendon Grylls MLA launched the Royalties for Regions program on 16 December 2008. The program and its aims were a key election commitment from the State National Party last year and that commitment is now being delivered.

A key component of the program is the Country Local Government Fund.

Formal correspondence on the program fund was received 19 January 2009 (Attachment 1) and the whole of State allocations are listed per Attachment 2. The 2008/09 allocation to the Shire of Nannup is \$605,370, excluding GST.

The guidelines on what can be funded under the program and what steps must be taken to claim funds are noted per Attachment 3.

COMMENT:

The fund is primarily aimed at Regional Infrastructure either in the area of asset preservation or the creation of new assets. A grant acceptance form is required to be completed and returned to the Department of Local Government prior to any funds being claimed. There will be two instalment payments which will be made no later than March and June 2009.

There is no time specified in the documentation as to when the acceptance form has to be completed and returned. The first payment is anticipated to be received in March 2009 following the nomination of a project or projects via the formal acceptance form. 2008/09 funds can be carried forward into 2009/10 which given it is February 2009 is very likely.

Following this first funding allocation future years funding allocations are to be based on regional groupings of councils which is the subject of a separate report for Council's consideration at today's meeting.

Council is required to nominate which of the following asset classes will be the recipient of the 2008/09 funds:

- Buildings
- Infrastructure – Roads
- Infrastructure – Bridges
- Infrastructure – Drainage
- Infrastructure – Parks, Gardens and Reserves
- Infrastructure – Footpaths and Cycleways
- Infrastructure – Airports
- Infrastructure – Sewerage
- Infrastructure - Other

There has been some discussion among community members as to what best use these funds could be put. Council members may have been lobbied in this regard or become aware of this. Such interest and feedback through the community, informal or otherwise, is a sign of a healthy, involved community.

Contact has been made with the Department of Local Government (17 February 2009 Dr Chris Berry) in order to clarify a few matters. Detail is as follows, being an extract from an email sent to Ms Karlene Newnham by the Chief Executive Officer following some questions on the program:

- Q1. *Questioned when project(s) had to be nominated by as there did not appear to be any date in the guidelines. The answer was that despite there not being a firm date set it should be asap as the first payment is due in March 2009. Payment will not be made until a project or projects are nominated that meet the guidelines. It is clearly not desired to delay any payment. This matter is in my view superceded by my next question below.*
- Q2. *Can projects change after nominations if still within the guidelines. The answer was yes, a variation can be approved. This is relevant to us I believe in two aspects. Initially as it is TimeWood and Mowen that are the most ready to go projects, if there is any push for anything else from the community that Council accepts, it can be put forward and a project nomination variation sought. I am not entertaining whether or not Council would do this, but it could happen. Indeed I do not even know if Council is comfortable with TimeWood or Mowen being put forward now, this will be determined Thursday week. Secondly there are significant funds available Federally at the moment and Louise and I are looking at possibilities here, and in particular TimeWood. While I think it is a long shot as the program is a minimum Commonwealth contribution of \$2 million, if Council was to attract funds of this magnitude to TimeWood for example, it would certainly not require Royalties to Regions for TimeWood and would seek to allocate elsewhere.*

Q3. *Is 30/6/10 an absolute deadline. The answer was simple – Council will receive no allocation in future years if the funds are not expended by that date. Effectively this is an absolute deadline.*

On this basis I will be recommending for TimeWood to receive the allocation, given that Council has done extensive consultation on this prior and has included it in its Forward Plan and budget. Given that circumstances could change, there is clearly still the opportunity to change that position, however that will depend entirely on Council.

As such the recommendation on allocation is to buildings, specifically the Nannup TimeWood Centre. This project is a key infrastructure project at an advanced planning level which Council members would recall had a Federal Government funding offer (Regional Partnerships) withdrawn last year of close to \$0.5 million. The project is contained in Council's Forward Planning documentation and current budget and as members are well aware has been the subject of considerable planning and development over the past few years.

Council members would also be aware that tenders for the redesign of the building closed on 20 February 2009.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Unbudgeted income \$605,370.

STRATEGIC IMPLICATIONS:

The recommendation on allocation is in accordance with Council's adopted Forward Plan.

RECOMMENDATION:

That Council accept the funding offered under the State Royalties for Regions Program (Country Local Government Fund) for 2008/09 advising the Department of Local Government and Regional Development of the intention to allocate the funding to "Buildings" specifically the proposed Nannup TimeWood Centre.

8107 DEAN/CAMARRI

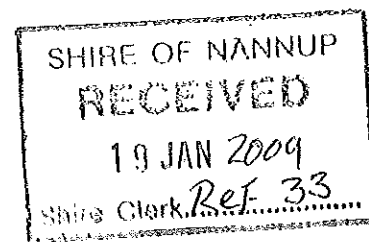
That Council accept the funding offered under the State Royalties for Regions Program (Country Local Government Fund) for 2008/09 advising the Department of Local Government and Regional Development that it will allocate funding after a special Council meeting to be called before 20 March 2009.

CARRIED 8/0



Department of Local Government and Regional Development
Government of Western Australia

Our Ref: 782-08



CEO

Cr Barbara Dunnet
President
Shire of Nannup
PO Box 11
NANNUP WA 6275

Dear Cr Dunnet

ROYALTIES FOR REGIONS – COUNTRY LOCAL GOVERNMENT FUND

The Country Local Government Fund (CLGF) was launched on 16 December 2008 by the Minister for Regional Development, Hon Brendon Grylls MLA. At the launch, country local governments were advised of allocations under the Fund for 2008-09 and that details for claiming allocations would be available early in the new year from the Department of Local Government and Regional Development.

The Department will be responsible for the administration of this fund and will also provide capacity-building support to local governments consistent with the State's overall responsibility for the local government system. A small percentage of the Fund has been allocated to the Department to support capacity building and encourage standardised asset management practices to complement the efforts of local government to address infrastructure needs in regional Western Australia.

Under the CLGF, an allocation of \$605,370 (excluding GST) for the Shire of Nannup is available in 2008-09 subject to requirements detailed in the attached Guidelines and Acceptance Form. Please examine the Guidelines, complete and sign the Acceptance Form and return it to the Department to access the allocation.

It is important to note:

- The allocation will be made in two (2) payments:
- An Interim Report Form will need to be completed to access the second payment: and
- Further reporting, as outlined in the Guidelines, will be required before allocations will be made in subsequent years.

As part of the requirements for the allocation, local governments are to acknowledge the funding is from Royalties for Regions on information and signage associated with the provision of funds, including correspondence and promotional material.

The CLGF is a component of the State Government's Royalties for Regions which provides a long-term focus on regional development with support to maintain strong and vibrant regions through improved infrastructure and headworks; strategic across

government, regional and community services projects; and access to grant funding at a local and regional level.

The CLGF has been specifically established to:

- Improve the financial sustainability of regional local governments in WA through improved asset management; and
- Address infrastructure backlogs and support capacity building.

As a result, all funds in the allocation to Councils must be applied to infrastructure expenses and are aimed at encouraging additional expenditure by the Council on planned infrastructure needs.

The requirements associated with the allocation are aimed at local decision making, allowing Councils a level of freedom to apply the funds in areas of Council priority and at the same time provide the Department with confidence that expenditure will address important infrastructure needs in regional Western Australia.

As previously announced, future allocations will also be made through regional organisations of local governments. It is suggested that councils consider which regional grouping they wish to be associated with for determining regional funding priorities.

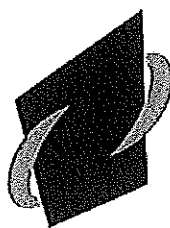
Should you have any queries regarding the allocations of and access to Fund guidelines and access to allocations, please contact the Department on telephone (08) 9217 1500 or freecall 1800 620 511 or email clgf@dlgrd.wa.gov.au. Further information is also available through our website www.dlgrd.wa.gov.au/RforR.

Royalties for Regions – Country Local Government Fund provides an opportunity for local governments to upgrade their infrastructure and I trust that the Shire of Nannup will use these funds wisely.



Ross Weaver
A/DIRECTOR GENERAL

15 January 2009



**ROYALTIES
FOR REGIONS**

Country Local Government Fund 2008-09 Allocations

Local Government	2007 Population	Country Local Government Fund Allocation 2008-09
Albany	33,545	1,568,047
Ashburton	6,477	1,803,793
Augusta-Margaret River	11,360	1,123,296
Beverley	1,679	605,681
Boddington	1,505	486,196
Boyup Brook	1,552	579,414
Bridgetown-Greenbushes	4,194	1,017,154
Brookton	1,040	545,937
Broome	15,259	1,590,859
Broomehill-Tambellup	1,199	676,507
Bruce Rock	1,017	757,473
Bunbury	31,638	1,189,272
Busselton	27,500	1,263,255
Capel	11,250	1,163,948
Carnamah	789	598,197
Carnarvon	6,085	1,693,818
Chapman Valley	982	536,919
Chittering	3,892	841,130
Collie	9,067	1,337,259
Coolgardie	4,078	862,456
Coorow	1,196	638,166
Corrigin	1,213	679,609
Cranbrook	1,120	605,275
Cuballing	829	572,416
Cue	362	646,761
Cunderdin	1,274	623,755
Dalwallinu	1,387	802,548
Dandaragan	3,097	820,400
Dardanup	11,418	1,119,765
Denmark	4,982	1,076,771
Derby-West Kimberley	7,917	2,079,507
Donnybrook-Balingup	5,092	1,167,748
Dowerin	740	618,573
Dumbleyung	662	635,505

Local Government	2007 Population	Country Local Government Fund Allocation 2008-09
Dundas	1,153	673,751
East Pilbara	7,500	1,870,713
Esperance	14,170	1,692,177
Exmouth	2,224	721,045
Geraldton-Greenough	35,727	1,701,007
Gingin	4,629	1,086,381
Gnowangerup	1,410	600,485
Goomalling	1,003	530,808
Halls Creek	3,620	1,526,029
Harvey	21,310	1,294,766
Irwin	3,347	711,480
Jerramungup	1,185	586,158
Kalgoorlie-Boulder	30,903	1,397,790
Katanning	4,482	1,085,325
Kellerberrin	1,270	688,524
Kent	604	586,470
Kojonup	2,212	625,454
Kondinin	1,030	644,667
Koorda	452	720,977
Kulin	900	650,289
Lake Grace	1,530	750,341
Laverton	786	757,712
Leonora	1,620	609,235
Mandurah	60,560	1,373,018
Manjimup	9,817	1,510,518
Meekatharra	1,296	941,218
Menzies	249	791,732
Merredin	3,427	966,402
Mingenew	494	512,174
Moora	2,550	662,338
Morawa	894	647,073
Mount Magnet	580	718,005
Mount Marshall	655	770,927
Mukinbudin	588	653,884
Mullewa	950	573,715
Murchison	127	912,836
Murray	12,917	1,323,082
Nannup	1,260	605,370
Narembeen	908	716,933
Narrogin(S)	880	567,162
Narrogin(T)	4,565	996,820
Ngaanyatjarraku	1,650	1,085,756
Northam	10,381	1,413,188
Northampton	3,412	824,025
Nungarin	259	587,030

Local Government	2007 Population	Country Local Government Fund Allocation 2008-09
Perenjori	540	681,709
Pingelly	1,260	580,218
Plantagenet	4,775	1,071,541
Port Hedland	13,060	1,457,619
Quairading	1,098	658,191
Ravensthorpe	2,249	650,852
Roebourne	18,240	1,570,171
Sandstone	136	769,543
Serpentine-Jarrahdale	14,194	1,360,486
Shark Bay	917	682,737
Tammin	410	565,828
Three Springs	698	564,714
Toodyay	4,400	1,007,671
Trayning	398	627,982
Upper Gascoyne	335	931,727
Victoria Plains	920	537,458
Wagin	1,933	626,011
Wandering	387	474,227
Warooka	3,697	841,779
West Arthur	890	549,393
Westonia	230	592,276
Wickepin	746	629,551
Williams	935	469,371
Wiluna	770	753,249
Wongan-Ballidu	1,440	709,849
Woodanilling	432	528,696
Wyalkatchem	580	619,649
Wyndham-East Kimberley	7,474	1,710,292
Yalgoo	272	760,662
Yilgarn	1,557	708,036
York	3,352	816,313
Total for Regional WA	565,208	\$97,500,000

Details of the conditions for the payments of the allocations will be available early in 2009.



Department of Local Government
and Regional Development
www.dlgrd.wa.gov.au



ROYALTIES
FOR REGIONS

ROYALTIES FOR REGIONS COUNTRY LOCAL GOVERNMENT FUND

Guidelines 2008-09

OBJECTIVES

The primary objective of the Royalties for Regions' Country Local Government Fund (CLGF) is to address infrastructure backlogs across the country local government sector.

The Fund provides the country local government sector with additional money for the purpose of infrastructure provision and renewal. Funding in 2008-09 is provided to individual country local governments to promote efficient infrastructure development and asset preservation and renewal.

The Fund aims to:

- Improve the financial sustainability of regional local governments in WA through improved asset management; and
- Address infrastructure backlogs and support capacity building.

WHAT CAN BE FUNDED

Expenditure of Fund allocations must be on individual local government infrastructure asset renewal and/or infrastructure asset creation. The Funds are aimed at encouraging additional expenditure by the Council on planned infrastructure needs.

Allocation of funds is tied to expenditure against the following local government asset classes according to the *Local Government Accounting Manual*:

- Buildings
- Infrastructure:
 - Roads
 - Bridges
 - Drainage
 - Parks, gardens and reserves
 - Footpaths and cycleways
 - Airports
 - Sewerage
 - Other

Local governments need to be aware that the Local Government Grants Commission is likely to take into account CLGF funds to the extent to which local governments spend them on road asset preservation and renewal (including bridges). Where the funding to local governments is spent on buildings and infrastructure assets other than road asset preservation, this will not affect financial assistance grant allocations. Funding to regional local governments for all asset classes will not be taken into account by the Commission.

Please contact the Department of Local Government and Regional Development should you require information regarding the Commission's definition of road preservation. Alternatively this information can be found on the Royalties for Regions website www.dlgrd.wa.gov.au/RforR.

WHAT CANNOT BE FUNDED

The grant funds cannot be applied to expenditure on non-infrastructure items. The grant funds are not to be used for purchasing plant and equipment, employing staff, engaging consultants, retiring debt or any other organisation requirements that fall outside the above asset classes.

CONDITIONS AND OBLIGATIONS

Before receiving initial annual funds, recipients are required to provide to the Department of Local Government and Regional Development a completed CLGF Acceptance Form outlining the community's infrastructure priorities for the financial year.

Recipients will need to demonstrate the previous funds received from CLGF have been fully allocated before subsequent allocation payments will be made. This can be done through the completion of the standard CLGF Interim Report Form available from the Department.

In 2008-09 these reports will be required by 29 May 2009 for the 2008-09 allocations.

As a condition of funding all financial assistance recipients are required to have fund expenditure audited. Documentation of this audit is to be forwarded separately to the Department and included in the organisation's annual report. Compliance with reporting requirements for the Fund will also be included in the annual Compliance Audit Return.

Final reporting requirements for the 2008-09 allocations are to be received by the Department by 30 November 2009. Further documentation and information regarding this final report will be made available through the Department's website.

Funding payments in future years may not be made until the required paperwork has been satisfactorily received by the Department. Should recipients not adhere to these conditions they may be excluded from future distributions of the Fund and their notional entitlement may be distributed to other recipients. The Department may also undertake a non-compliance investigation under the powers of the *Local Government Act, 1995*.

Recipients need to be aware that the Department will undertake sample audits to assess the application of the funds against the broad aims of the Fund.

Recipients are required to acknowledge the funding is from Royalties for Regions on information and signage associated with the provision of funds, including correspondence and promotional material.

Recipients will also permit the Department to refer to the project in promoting the Fund, Royalties for Regions or other similar funding arrangements in articles, publications and public forums.

TAX INFORMATION

The Department of Local Government and Regional Development is registered for GST and has been issued with Australian Business Number (ABN) 88 549 163 437. The Department regards financial assistance under this Fund as payment for a supply. GST-registered financial assistance recipients will therefore be liable for GST in connection with the financial assistance.

For GST-registered financial assistance recipients, the Department will increase the financial assistance by the amount of GST payable. GST-registered financial assistance recipients must provide the Office of Shared Services (OSS) with a tax invoice for the GST inclusive value of the financial assistance unless the Department and applicant have agreed in writing to the issue of a Recipient Created Tax Invoice.

Payment will not be made until the recipient is registered as a supplier with OSS and OSS receive a tax invoice or an agreement to issue a Recipient Created Tax Invoice. The recipient acknowledges that the financial assistance provided is consideration for a supply to the Department and that the

GST component will be included in the applicant's next Business Activity Statement lodged with the Australian Taxation Office.

For applicant not registered for GST, the Department will *not* include GST. Nor will it reimburse an unregistered financial assistance recipient for GST paid or payable to a third party. Unregistered financial assistance recipients must provide OSS with an invoice for the amount of the grant.

FREEDOM OF INFORMATION ACT

Recipients are informed that the Department is subject to the *WA Freedom of Information Act*, which provides a general right of access to records held by State Government agencies and local government authorities.

Recipients should also be aware that information pertaining to the receipt of State Government financial assistance will be tabled in the Western Australian Parliament. This information could include the name of recipients, the amount of the assistance, the name of the project/activity and, possibly, a brief description thereof. This could result in requests for more detail to be released publicly.

Should you require any further information in relation to this issue, please contact the Department's Freedom of Information Coordinator on (08) 9217 1500.

PAYMENT DETAILS

Allocations are to be provided in two (2) payments in 2008-09 and payments will be made no later than March and June of 2009.

Initial payments in each financial year will be upon receipt of a completed CLGF Acceptance Form. All payments are contingent upon receipt of required reporting and audit actions as outlined in the conditions and obligations.

Method of Payment

The Department of Local Government and Regional Development is responsible for the administration of this Fund. Please be aware the Department now operates under a Whole of Government shared corporate services environment. Through this arrangement, payments will be undertaken by the OSS, a business unit of the Department of Treasury and Finance.

Upon receipt of the required documentation, the Department will raise a requisition and will issue recipients with a purchase order. Tax invoices for these funds will then need to be submitted directly to OSS, quoting the purchase order number. The payment of this grant will be made direct to you from OSS and not from the Department within 30 days of receipt of invoice.

For further information regarding these new payment arrangements please visit the OSS website <http://www.oss.wa.gov.au> and review information about how the new arrangement will affect the local government by clicking on the Suppliers Corner.

Should the organisation not be registered as a supplier with OSS please complete the Supplier Creation Form found on the OSS website. Should you need to contact OSS, details are as follows:

Mason Bird Building
303 Sevenoaks Street
PO Box 591
CANNINGTON WA 6987
Customer Service Centre: 1300 345 677
Fax: (08) 9258 0303
Email: business@oss.wa.gov.au

Supplier Creation Forms can also be obtained by contacting the Department on the details below.

Please note that organisations will not be able to receive funding until they are registered with OSS.

Please refer to the Department's website www.dlgrd.wa.gov.au/RforR for any further information on this grant.

Please contact the Department on telephone (08) 9217 1500 or freecall 1800 620 511 or email clgf@dlgrd.wa.gov.au should there be any further queries regarding the payment of this grant.



Department of Local Government
and Regional Development
www.dlgrd.wa.gov.au



ROYALTIES
FOR REGIONS

Royalties for Regions Country Local Government Fund Acceptance Form 2008-09

To receive funding under the Country Local Government Fund (CLGF), local governments are required to complete, sign and return the attached acceptance form to the Department of Local Government and Regional Development. All other required documentation is to be administered as per the Fund guidelines.

A copy of this form and the CLGF guidelines can be found at:
www.dlgrd.wa.gov.au/RforR/clgf.asp

The mailing address for returning this form is:

**Department of Local Government and Regional Development
Financial Assistance Branch
GPO Box R1250
PERTH WA 6844**

If you require more information or help to complete this form please contact the Department on telephone (08) 9217 1500 or Freecall 1800 620 511 or email clgf@dlgrd.wa.gov.au.

Completed forms must be provided to ensure that your local government receives payments in 2008-09.

ROYALTIES FOR REGIONS COUNTRY LOCAL GOVERNMENT FUND (CLGF) ACCEPTANCE FORM – 2008-09

1. ORGANISATION DETAILS:

Legal Name of Council:			
ABN:		GST Registered:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Address:			
Postal Address:			
Web Address:			
Contact Person:			
Position/Title:			
Telephone:		Fax:	
Email:			

2. EXPENDITURE DETAILS:

CLGF Funds Allocated (ex GST):	\$
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2.1 In accordance with the CLGF Guidelines 2008/2009, the Funds are to be allocated to one of more of the following asset classes. Please tick the boxes for which you intend to expend this allocation:

- | | |
|---|---|
| • Buildings <input type="checkbox"/> | • Infrastructure – Footpaths and cycleways <input type="checkbox"/> |
| • Infrastructure – Roads <input type="checkbox"/> | • Infrastructure – Airports <input type="checkbox"/> |
| • Infrastructure – Bridges <input type="checkbox"/> | • Infrastructure – Sewerage <input type="checkbox"/> |
| • Infrastructure – Drainage <input type="checkbox"/> | • Infrastructure – Other <input type="checkbox"/> |
| • Infrastructure – Parks, gardens and reserves <input type="checkbox"/> | |

2.2 The Funds are to be allocated to the following community infrastructure priority(s)/project(s):

Priority/project	Brief Description	Est \$ (ex GST)

Please attach more information if insufficient space.

3. FINANCIAL ARRANGEMENTS:

3.1 Details of who will manage and deliver the priority(s)/project(s):

Priority/project	Officer Responsible	Position Title	Contact Details

3.2 Contact details of the local government auditor:

Name:			
Address:			
Phone:		Fax:	
Email:			

4. DECLARATION

I declare that I am authorised to supply this information on behalf of the council identified in section one (1) above.

I declare that the information I have given on this form is complete and correct and that the council that I represent supports this priority(s)/ project(s). If any change to this information occurs, either the council or I will promptly inform the Department of Local Government and Regional Development (the Department).

I declare on behalf of the council that:

- ☐ The local government is registered as a supplier with the Office of Shared Services
OR
☐ It is in the process of becoming registered as a supplier with the Office of Shared Services.

The council agrees that:

- Monies are a tied contribution for infrastructure renewal and/or new infrastructure projects;
- Expenditure will be allocated to the classes of infrastructure and buildings identified in the *Local Government Accounting Manual*;
- The projects indicated in this form are priority targets of the community;
- Reports will be lodged with the Department biannually in accordance with the guidelines;
- Subsequent payments will not be received until such satisfactory reports have been received by the Department;
- Annual audit statements by this organisation's auditor will include confirmation that the CLGF funds have been allocated as reported in this Form;
- This organisation may be subject to a sample audit to enable the Department to assess that the application of CLGF funds against the broad aims of the Fund;
- It is required to acknowledge the Fund with public recognition as outlined in the Guidelines; and
- The Department will maintain information from this Form for strategic information purposes.

I have read, understood and agree to the conditions in the Guidelines and this form.

Below are my details and signature, acknowledging the above:

Name	
Title	
Organisation	

Signature: _____ Date: _____

Please print, sign and return this Form to the Department.

**Department of Local Government and Regional Development
Financial Assistance Branch
GPO Box R1250
PERTH WA 6844**

AGENDA NUMBER: 10.7
 SUBJECT: Tender 4/08 – Construction of Ablution Facilities
 LOCATION/ADDRESS: Foreshore Park and Riversbend Caravan Park
 NAME OF APPLICANT:
 FILE REFERENCE: TEN 9
 AUTHOR: Shane Collie – Chief Executive Officer
 DISCLOSURE OF INTEREST:
 DATE OF REPORT: 17 February 2009

Attachments: 1. Summary of Tenders Received.
 2. South West Regional Grant Scheme Guidelines.

BACKGROUND:

Council resolved the following in May 2008:

- “
1. *That Council construct an ablution facility at the Rivers Bend Caravan park in a central location on Area 3 (Rivers Bend Caravan Park – Conceptual Development Plan) as this area will be centrally located in the park and be positioned strategically to link with the improved stairs and lighting linking all three tiers of camping areas within the park.*
 2. *That the ablution facility be constructed to service 40 serviced sites where the following fixtures are provided in accordance with the Caravan Parks and Camping Grounds Regulations as follows:*
 - *Mens: 3 water closets, 2 urinals, 4 hand wash basins and 4 showers.*
 - *Womens: 4 water closets, 4 hand wash basins and 4 showers.*
 - *Laundry: 2 washing machines and 2 troughs.*
 - *Facilities for persons with disabilities in accordance with AS 1428.”*

Council also included as part of its 2008/09 budget funds to construct an ablution block at the Foreshore Park area. Both facilities proposed have been recognised as being needed for some years and are contained in Council's Forward Plan.

Council has allocated the following funds for the completion of these works in its 2008/09 budget:

Foreshore Park Ablution Facility	\$98,440
Riversbend Caravan Park Ablution Facility	\$40,150
Federal Government funding (12/08)	\$100,000
Total Budget available	\$238,590

It was apparent that the initial budget allocation for the Riversbend Caravan Park Ablution facility was insufficient taking into account the requirements that Council confirmed via the Caravan Parks Advisory Committee in May 2008 as noted above. Council hence resolved in December to allocate an additional \$100,000 to be received under the Regional and Local Community Infrastructure Program to the two ablution facilities to be constructed in Foreshore Park and the Riversbend Caravan Park

COMMENT:

Tenders for the construction of the two (2) ablution facilities for the Foreshore Park in Brockman Street and the Riversbend Caravan Park were called by way of State wide public notice in December 2008. The calling of tenders was based on plans prepared by DOBBINdesign with the consent of Architect Mr Ian Molyneux who prepared concept drawings in 2001.

There was a minor delay with the finalisation of plumbing and electrical specifications which were only recently completed. The original tender date hence was extended by 4 weeks with all prospective tenderers advised.

At the close of the tenders on the 13th February 2009, Council had received 5 tenders. The tenders have been assessed and summarised (Attachment 1).

Of the five tenders received, one submitted by Tate Constructions was rejected because the tender did not comply with the conditions of tender which was to complete documentation allowing for an equal assessment process to be undertaken in accordance with the criteria set.

Of the remaining four tenders who completed the required documentation, one marked that they would have a "conflict of interest" if they were successful in their tender, however did not provide any information as to what the conflict of interest related to or how it may affect their tender. It is therefore recommended that the tender from D Dyson Building Contractors also be rejected. This tender was additionally the highest received and subsequently scored poorly rating last in the assessment process.

The remaining tenders all provided information requested as part of the tender documentation and have been assessed on that information provided.

The remaining tenders are (GST exclusive):

Karamfiles Builders	\$449,800
Phoenix Building Contractors	\$264,000
P Corrigan	\$368,744

Based on the assessment matrix attached the preferred tenderer is Phoenix Building Contractors who have submitted a tender price of \$264,000 (GST exclusive). The following matters are also relevant to this project and where applicable are carried forward into the recommendation to this report:

- The preferred tenderer's price is \$25,410 over the total budget funds available.
- Additional costs that Council is responsible for connected to these jobs include the provision of a septic system at the Riversbend Caravan Park, sewer connection at the Foreshore Park, Headworks costs for same, development of a legally binding construction contract and the cost of demolishing the old ablution facility at the Riversbend Caravan park. These costs have not as yet been finalised, however could be in the vicinity of \$18,000 as noted below:

Supply and install approved septic system (Riversbend)	\$6,000
Connection to Sewer Main (Foreshore)	\$3,500
Water Corporation Headworks charge	\$2,000
Construction Contract	\$1,500
Demolition of the old ablution facility at Riversbend	\$5,000

Additional costs Council responsibility: \$18,000

- As a minor contract variation Council may be able to negotiate with the successful tenderer on matters such as earthworks preparation and rock supply. Any cost differential is not considered material in this regard with the preferred contractor Phoenix Building Contractors have allowed within their tender for these materials to be supplied by the Council which was noted as an option in the tender documentation.
- Additional reference checking for the preferred tenderer was sound.
- Some investigation was undertaken into Council managing this project itself however was discounted due in the main to limited staff availability/expertise as well as being unable to accurately estimate if this option would have been less expensive overall. Additionally there is a reasonable expectation that the budget amount will be commensurate with the overall cost of construction cost utilising the preferred tenderer.

In respect of the preferred tender's price being over Council's budget amount coupled with the additional costs that remain Council's responsibility addressing a shortfall in funding of \$43,410 is apparent. Note that this is likely to spread across two financial years and budget review item 10.13 reflects this with only the anticipated tender price excess of \$25,410 noted for 2008/09.

The tender construction timeframe is 6 months, March to September 2009.

In addressing the overall shortfall Council is advised to submit a grant application under the South West Regional Grants Scheme (Royalties for Regions) currently being advertised and closing on 25 March 2009. Guidelines on this scheme are attached with the program being aimed at infrastructure and being managed by the South West Development Commission.

Council's Community Development Officer is in the process of assessing how best Council can access this program and it may end up being a combined grant application with other matters scheduled for completion in the Foreshore Park area such as fencing, lighting and a green room. If successful a grant of this nature coupled with the construction of the Ablution Block would effectively finish the development of this area which would be a considerable achievement.

Should Council not be successful in attracting grant funding the fall back position would be to directly budget for these expenses in the 2009/10 financial year.

STATUTORY ENVIRONMENT:

Local Government Act 1995.

Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in the body of this report. The strategy for meeting the shortfall in funding is provided in the recommendation to this item.

STRATEGIC IMPLICATIONS:

Council's prior forward planning documents has led to the allocation of funds for these two structures. The proposed Riversbend Ablution facility will replace a dilapidated old structure and the Foreshore Park Ablution facility is an integral part of the overall development plan for the area.

Council members may recall the Foreshore Park facility attracted Community Facilities Grant funds a few years ago however Council determined that the upgrade of the Marinko Tomas playground area was a higher priority. Once that upgrade was completed focus returned to the Foreshore Park Ablution facility.

Full plans and specifications have been available for some time if Council members wish to view them.

RECOMMENDATIONS:

1. That Council award tender 4/08 to Phoenix Building Contractors for the sum of Two Hundred and Ninety Thousand Four Hundred Dollars (\$290,400, comprising of \$264,000 and \$26,400 GST) for the construction of the Foreshore Park and Riversbend Ablution Facilities in accordance with the approved plans and specifications as drawn up by DOBBINdesign (including late plumbing and electrical specification).
2. That Council arrange for a competent solicitor to prepare, based on the standard contract for building services, a construction contract between Council and Phoenix Building Contractors for the construction of the Foreshore Park and Riversbend Ablution Facilities.
3. That Council submit a grant application under the South West Regional Grants Scheme (Royalties for Regions) incorporating the estimated funding shortfall for the full completion of the Foreshore Park and Riversbend Ablution Facilities, with a fall back position being if the application is not successful that Council directly budgets for the remaining expenses in the 2009/10 financial year.

8108 DEAN/BOULTER

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3. That Council submit a grant application under the South West Regional Grants Scheme (Royalties for Regions) incorporating the estimated funding shortfall for the full completion of the Foreshore Park and Riversbend Ablution Facilities, with a fall back position being if the application is not successful that Council directly budgets for the remaining expenses in the 2009/10 financial year.

CARRIED 8/0

**SHIRE OF NANNUP
TENDER 4/08
CONSTRUCTION OF ABLUTION FACILITIES - NANNUP TOWNSITE**

BUILDER	Project	QUALITATIVE CRITERIA WEIGHTING							Comments	
		Relevant Experience 5%	Local Contractors Preference 5%	Equipment & Resources 5%	References 5%	Indicative Pricing 80%	Tendered Price Individual	Tendered Price Total(GST Excl)		Total Score (100%)
Karamfiles Builders	Riversbend Caravan Park Ablution Block	5	5	5	5	42	\$262,400	\$449,800	62	No exclusions noted as part of the tender.
	Foreshore Park Ablution Block						\$187,400			
Tate Construction	Riversbend Caravan Park Ablution Block	0	0	0	0	70	N/A	\$274,572	70	Respondent did not complete the "Respondent's submission" section and should be excluded from the tender process
	Foreshore Park Ablution Block						N/A			
D Dyson Building	Riversbend Caravan Park Ablution Block	5	5	5	5	41	\$297,000	\$465,400	61	Ticked "conflicts of interest" but has not detailed. Tender does not include supply of storm water holding tank.
	Foreshore Park Ablution Block						\$168,400			
Phoenix Building Contractors	Riversbend Caravan Park Ablution Block	2	5	2	4	72	\$144,000	\$264,000	85	No exclusions noted as part of the tender. Lack of relevant experience maybe a factor, however appears to have good management skills from past employment in the building industry.
	Foreshore Park Ablution Block						\$120,000			
P Corrigan	Riversbend Caravan Park Ablution Block	3	4	2	3	52	\$184,372	\$368,744	64	No exclusions noted as part of the tender.
	Foreshore Park Ablution Block						\$184,372			
Indicative Pricing is calculated by dividing the Budget Allocation by the Tendered Price										
	Budget Provision	Fed Govt Grant		Total Funds						
Riversbend Caravan Park Ablution Block	\$40,150	\$100,000		\$238,590						
Foreshore Park Ablution Block	\$98,440									



Royalties for Regions

South West Regional Grants Scheme

Guidelines for Applicants

Closing date: 25 March 2009

OBJECTIVES OF THE SCHEME

The primary objective of this Scheme is to improve economic and community infrastructure and services in the South West Region through funding projects that will assist in attracting investment and increasing jobs or help to improve the quality of life in the region.

Funding is available to assist the development of infrastructure, services and community projects, including the provision of headworks, and to assist in the broad development of the community, including the establishment of services and programs. Funding is intended to support the development of resilient communities and contribute to regional areas being vibrant and interesting places in which to live.

The Scheme is administered by the South West Development Commission as part of the Royalties for Regions Program. Royalties for Regions is a State Government program designed to promote long-term development in Western Australia's regions. It aims to help local communities grow and prosper through the promotion of local decision-making and is specifically designed to help regions attract the resources needed to support development. The Scheme's broad objectives are to:

1. Increase capacity for local strategic planning and decision-making.
2. Retain and build the benefits of regional communities.
3. Promote relevant and accessible local services.
4. Assist communities to plan for a sustainable economic and social future.
5. Enable communities to expand social and economic opportunities.
6. Assist regional communities to prosper through increased employment opportunities, business and industry development opportunities, and improved local services.

WHO CAN APPLY

The Scheme is targeted at providing financial assistance to regionally based organisations. Eligible applicants may include local governments, voluntary organisations, business groups, educational institutions, philanthropic foundations and community organisations.

State and Federal Government agencies may apply, but projects deemed to be within their core business functions will not be supported.

Organisations outside the region are invited to apply, but will need to demonstrate significant, sustainable regional benefits and a commitment to local decision-making and planning.

The Scheme is not intended to provide support to individuals or individual businesses unless it can be shown that a significant benefit will accrue to the broader community or industry sector. Private businesses may apply for assistance for headworks where it is critical to the business and it can be clearly demonstrated that new jobs will be created.

Preference will be given to projects that can demonstrate that a grant from this Scheme will lever funds from other sources.

All voluntary and community groups applying for funding must be incorporated or have equivalent status.

ELIGIBILITY CRITERIA FOR ACCESS TO THE SCHEME

1. The project must demonstrate that it will result in a positive economic, social and/or environmental return (e.g. employment growth, population increase, improve education and information technology links, improve facilities) to the South West Region.
2. The project must fit within the framework of the South West Development Commission's Strategic Plan (available on the Commission's website) or other nominated regional planning documents.
3. Applicants should demonstrate a high level of financial commitment to the project, either through sourcing other project funding and/or a direct financial contribution.
4. The project should have the support of local government/s and/or other key regional stakeholders.
5. The project should promote partnerships (i.e. between the community/business sector and government; or across various levels of government).
6. The project should reflect a commitment to local decision-making and planning.
7. The project should demonstrate its capacity for meeting ongoing operating and maintenance costs.
8. The proponent should demonstrate that detailed project planning has been completed (including all approvals being in place or achievable in a short timeframe), the project is ready to proceed and that it can be completed in a timely manner. (Note: This criterion will not preclude applications for feasibility studies and business planning.)

PRIORITIES

Consideration will be given to all proposals that will meet the objectives of Royalties for Regions.

Priority will be given to projects that fit within the framework of the South West Development Commission's Strategic Plan.

The key priorities of the Plan are:

- Investing in people,
- Investing in infrastructure and place, and
- Investing in knowledge, enterprise and innovation.

THE TYPE OF SUPPORT AVAILABLE

A total of \$3.5 million has been allocated to this Scheme for the year 2008/09.

The current round of funding is available for the period ending 30 June 2009. Further funding rounds will be made available in subsequent financial years. The first round will open on Thursday, 12 February and close at 4.30 p.m. on Wednesday, 25 March 2009.

The provision of financial assistance under this Scheme is dependent on the availability of funds.

The Scheme provides grants for infrastructure projects, project development activities, non-capital projects such as community development activities, establishment of new services and increasing access to information.

Grant funding is also available to assist with costs associated with headworks undertaken by essential service providers to connect businesses to water, electricity, gas, telecommunications, drainage and sewerage. Applicants seeking headworks assistance are referred to **Attachment A** which outlines the additional requirements for this component of the Scheme.

Generally, large grants will be paid progressively by instalments based on the achievement of agreed milestones, unless the applicant can demonstrate that the project is unable to proceed without an upfront grant payment or explain satisfactorily why funds are required before a milestone is achieved or the project is complete.

Progressive payments will be made, subject to the applicant providing the Commission with:

- sufficient information (including a written report) on the agreed milestone to indicate that the project is progressing satisfactorily; and
- a statement of income and expenditure for the project, to the date of the progressive payment claim, signed by the applicant's Chief Executive Officer or equivalent position. The statement should include details of eligible project expenditure compared to budget.

An initial partial payment of grant funds may be made to the applicant on signing of a grant agreement.

All projects must be approved prior to commencement to be eligible for a financial contribution. No retrospective payments will be made.

The following items of expenditure are not eligible:

- Recurrent costs once the project is completed.
- Ongoing staff salaries. Employment of personnel will only be considered for a project with specific outcomes achievable within the funding provided.

INFORMATION REQUIRED FOR ASSESSMENT

GUIDE FOR COMPLETION OF APPLICATION FORM

(This information directly corresponds to the information required on the application form which can be downloaded from www.swdc.wa.gov.au)

1. **Organisation details** – This information is required to enable us to process your application and to have the correct contact details should further information be required. Please attach a copy of your Incorporation Certificate if applicable.
2. **General project information** – We need to know some basic information about your project. Please complete the details as requested.
3. **Brief project description** – What do you want to do? Include aims and objectives. Restrict your response to the space provided on the application form (no more than 200 words).
4. **Funding priority and category** – Indicate which funding priority your project is most able to address (**tick one box only**); and which category of funding is applicable to your project (tick more than one box if necessary).
5. **Eligibility criteria** – You must address each one of the criteria in full as failure to do so may result in your application not being competitive. Additional supporting material such as business plans, feasibility studies may be requested during the assessment process.
 - 5.1 **Positive outcomes** –
 - (a) **Deliverables:** Specify what the project will deliver (in tangible terms).
 - (b) **Benefits:** Demonstrate in detailed terms how the project will result in a positive net economic, social and/or environmental return (e.g. employment growth, population increase, improve education or health outcomes, improved facilities) to the South West Region.

Headworks applicants – See **Attachment A** for additional requirements.

- 5.2 Your project in a regional context** – Your project must link strongly with:
- (a) the **South West Development Commission's Strategic Plan**. You must identify which priority your project is able to meet and give details on how the project fits within the nominated strategic priority. Copies of the Strategic Plan are available from the South West Development Commission or on the Commission's website – www.swdc.wa.gov.au, or
 - (b) other **nominated regional planning documents**. You must provide the name of each document and indicate how the project is relevant to the document and its intended outcomes.
- 5.3 Commitment to the project** – Applicants should demonstrate a high level of financial commitment to the project through sourcing other project funding and/or a direct financial contribution to the project. If your project is unable to source supporting funds this should be clearly explained.
- Headworks applicants – See **Attachment A** for additional requirements.
- 5.4 Letters of support** – Your project should have the support of your local government/s, key regional stakeholders and/or other organisations benefiting from, or contributing to, the project. List your letters of support in the space provided and attach copies at the back of your completed application form. **The letters of support must be current to this funding round and relevant to the specific project for which funding is sought.** For e-mailed submissions – please attach electronic letters of support with your application or submit by post noting the project name of your application.
- 5.5 Promote partnerships** – Give details of the partnerships that your project will promote such as between the community/business sector and government; or across various levels of government.
- 5.6 Commitment to local decision-making and planning** – Explain how you have involved your local government/s, the local community or others in planning and making decisions for your project.
- 5.7 Ongoing operating and maintenance costs** – Give details of your project's ongoing and maintenance costs and how they will be funded. A business case is required for all projects seeking a SWRGS grant of \$150,000 or more. If you are required to provide a business case please give only a brief outline in Section 5.7. See **Attachment B** which outlines the additional requirements for a business case.
- 5.8 Project ready** – Applicants should demonstrate that the project is ready to proceed, detailed planning has been undertaken, all required approvals are in place or achievable in a short timeframe and the project can be completed in a timely manner. Indicate if you are waiting for funding from other sources, and the due date for confirmation, or otherwise, of that funding.

6. **South West Regional Grants Scheme funding** – Give details of your budget expenditure for the funds required from the South West Regional Grants Scheme using categories appropriate to your individual project. Include the amount for an independent audit if required. An independent audit will be required for funding allocations over \$20,000. See Conditions and Obligations below for full details. You may attach documents that support the budget estimate such as copies of quotations/estimates for any feasibility studies, business and marketing plans, marketing research, economic impact studies etc. A business case is required for all projects seeking a SWRGS grant of \$150,000 or more. See **Attachment B** which outlines the additional requirements for a business case.
7. **Project funding sources** – Give details in this section of all of your funding sources. Identify where the funding is coming from and what it will be used for. Also nominate the amount you are seeking from the South West Regional Grants Scheme. Include your own (or any other organisation's) in-kind support. It is important that information on financial and non-financial contributions from all parties is clearly explained.
8. **Project time line** – Give details of the proposed time line for your project, noting key milestones. Please respond in the space provided.
9. **Project planning and management experience** –
 - 9.1 **Demonstrate your previous planning and management experience and expertise** (including financial skills) in managing projects of this type. **Provide details, qualifications and/or experience of key personnel involved in managing the project.** If a committee manages your organisation, give details of the experience of the key people involved such as Chairperson, Treasurer and committee members.
 - 9.2 **In-kind support.** Applicants need to give details as to how any in-kind contributions have been calculated and will be acquitted (i.e. voluntary labour time = number hours by hourly rate). In general, voluntary labour time is calculated at \$15 per hour. Any specialised labour should be calculated at the current rate applicable to the particular trade/industry. Timesheets should be maintained to assist you when it comes time for you to acquit the grant. This will help to demonstrate to the Commission that you have used the funds granted for your originally stated purpose.
 - 9.3 **Previous government support (if applicable).** Applicants need to give details of previous government grants received within the last three years for similar or related projects. Include which agency, the amount of money received and when it was received, including funds from the South West Development Commission.
10. **Tax information** – For GST-registered grant applicants and for applicants not registered for GST.

11. **Declaration** – To be signed by the Chief Executive Officer/Chairperson or equivalent. Please note, if submitting application by e-mail and if an electronic signature cannot be inserted, please ensure that the covering e-mail verifies that the CEO/Chairman has authorised the grant application.
12. **Application checklist** – Please tick all boxes in this section to signify that the application form has been completed.

The Commission reserves the right to request more information to clarify aspects of the application. Applications that do not include the required information as described may not be competitive.

CLOSING DATE FOR APPLICATIONS

The South West Development Commission must receive applications by 4.30 p.m. on Wednesday, 25 March 2009.

Completed applications are to be forwarded to:

**Chief Executive Officer
South West Development Commission
PO Box 2000
BUNBURY WA 6231**

or

**9th Floor, Bunbury Tower
61 Victoria Street
BUNBURY WA 6230**

or

E-mail: royaltiesforregions@swdc.wa.gov.au

THE DECISION-MAKING PROCESS

Each application will be assessed against the Scheme's criteria by a panel under the auspices of the South West Development Commission and submitted to the Commission's Chairman for recommendation to the Commission Board.

The Commission Board will approve applications up to and including \$250,000. Applications in excess of \$250,000 and up to and including \$500,000 will be approved by the Commission Board and referred to the Minister for Regional Development for endorsement. Applications above \$500,000 will be referred to the Minister for approval.

CONDITIONS AND OBLIGATIONS THAT APPLY TO SUCCESSFUL APPLICANTS

Before receiving funds, successful applicants are required to sign a grant agreement which will outline the conditions of the grant. The grant agreement must be signed and returned to the South West Development Commission within 60 days of the date of issue. As a condition of funding, all grant recipients are required to provide detailed acquittals to the South West Development Commission within 30 days for grants of \$20,000 or less and 12 weeks for grants greater than \$20,000 at the conclusion of the project.

This report must include:

For grants of \$20,000 or less:

- Details on how the funds were expended, including a statement of income and expenditure for the project, signed by the Chief Executive Officer/Chairperson (or equivalent) of the recipient organisation that show the grant was expended in accordance with the South West Regional Grants Scheme application and has been used for the purpose for which it was provided;
- An evaluation report outlining the effectiveness of the project against the set outcomes as set out in the grant agreement is required; and
- The Commission may require an audited statement. (If so, the Commission will include provision for the audit in your grant.)

For grants over \$20,000:

- Details on how the funds were expended, including an audited financial statement of income and expenditure for the project (prepared by a qualified independent auditor and signed by him/her), signed by the Chief Executive Officer (or equivalent) of the recipient organisation, that show the grant was expended in accordance with the South West Regional Grants Scheme application and has been used for the purpose for which it was provided; and
- An evaluation report outlining the effectiveness of the project against the set outcomes as set out in the grant agreement is required.

The cost of the audit must be included in the funding application (see Section 6 on page 8 of the application form).

As part of the grant agreement, recipients must provide public recognition of State Government funding and ensure that acknowledgement is given to the State Government and the South West Development Commission in all promotional material. The recognition should note that funding has been provided under the Royalties for Regions Program.

If the project is likely to extend beyond 12 months, successful applicants must provide the Commission with a current status report on the project 12 months after funding is paid.

Equipment purchased with grant funding must not be disposed of within three years of the date of the grant agreement without the written agreement of the Commission.

Any monies from the grant not spent for the purpose for which it was provided must be refunded to the Commission.

TAX INFORMATION FOR APPLICANTS

The South West Development Commission is registered for GST and has been issued with Australian Business Number (ABN) 23 250 505 809. The Commission regards grants under this scheme as payment for a supply. GST-registered grant recipients will therefore be liable for GST in connection with the grant.

For GST-registered grant applicants the Commission will increase the grant by the amount of GST payable. GST-registered grant applicants must provide the Commission with a tax invoice for the GST inclusive value of the grant unless the Commission and applicant have agreed in writing to the issue of a Recipient Created Tax Invoice. Payment will not be made until the Commission receives a tax invoice or an agreement to issue a Recipient Created Tax Invoice. The applicant acknowledges that the grant provided is consideration for a supply to the Commission and that the GST component will be included in the applicant's next Business Activity Statement lodged with the Australian Taxation Office.

For applicants not registered for GST the Commission will *not* include GST. Nor will it reimburse an unregistered grantee for GST paid or payable to a third party. Unregistered grant applicants must provide the Commission with an invoice for the amount of the grant.

FREEDOM OF INFORMATION ACT AND PRIVACY

Applicants are informed that the Commission is subject to the WA Freedom of Information Act, which provides a general right of access to records held by State and local government agencies.

Applicants should also be aware that information pertaining to the receipt of State Government financial assistance will be tabled in the Western Australian Parliament. This information could include the name of recipients, the amount of the assistance, the name of the project/activity and, possibly, a brief description thereof. This could result in requests for more detail to be released publicly.

The Commission reserves the right to discuss an application with a third party if it is necessary to assist in assessing the application.

CONTACT DETAILS FOR REGIONAL GRANTS SCHEME

SOUTH WEST DEVELOPMENT COMMISSION

Website: www.swdc.wa.gov.au
E-mail: royaltiesforregions@swdc.wa.gov.au
Phone: (08) 9792 2000

9th Floor, Bunbury Tower
61 Victoria Street
BUNBURY WA 6230

PO Box 2000, BUNBURY WA 6231

Contact our staff if you require assistance:

Alan Cross (Shires of Collie, Donnybrook-Balingup and Capel)
Phone: 9734 2322
Mobile: 0428 577 298
E-mail: alan.cross@swdc.wa.gov.au

Jon Birch (City of Bunbury)
Phone: 9792 2000
Mobile: 0419 967 709
E-mail: jon.birch@swdc.wa.gov.au

Jane Manning (Shires of Busselton and Augusta-Margaret River)
Mobile: 0407 997 543
E-mail: jane.manning@swdc.wa.gov.au

Graeme Baesjou (Shires of Harvey and Dardanup)
Phone: 9792 2000
Mobile: 0427 086 857
E-mail: graeme.baesjou@swdc.wa.gov.au

Deanna Giumelli (Shires of Nannup, Manjimup, Bridgetown-Greenbushes and Boyup Brook)
Phone: 9777 1555
Mobile: 0408 903 263
E-mail: deanna.giumelli@swdc.wa.gov.au

HEADWORKS GUIDELINES

WHO CAN APPLY

The South West Regional Grants Scheme (SWRGS) provides financial assistance to organisations to undertake small to medium commercial or industrial projects in regional Western Australia.

Eligible applicants include individual businesses, business groups, local governments, and community and not-for-profit organisations. State and Federal Government agencies are not eligible for assistance for headworks.

Non-regional businesses and organisations may be eligible for funding where a project is carried out within the South West Region and meets all the Scheme's eligibility criteria and the additional requirements outlined on page 12.

WHAT CAN BE FUNDED

The Scheme provides grants to offset costs incurred in the provision of essential services (headworks) to small to medium commercial or industrial projects that will assist in attracting investment and increasing jobs in regional areas. Projects which provide community benefits, such as housing for independent seniors or increased participation in physical activity may also be funded. Categories of projects which may be considered for funding through the Scheme include:

- Expansion of existing regional businesses;
- Development of new commercial and industrial enterprises;
- Industry development such as industrial parks, research facilities;
- Tourism development such as interpretive and discovery centres;
- Accommodation facilities including seniors and community care accommodation;
- Development of arts or sports centres.

This list is not exhaustive and should only be used as a guide.

Definition of Headworks

For the purpose of this Scheme, headworks is defined as follows: Work designated as headworks by essential service providers such as water, power, gas and telecommunications utilities, or local governments, which is undertaken by those organisations to provide service connection to the boundary of a property.

In circumstances where work that would normally be undertaken by an essential service provider is carried out by a contractor nominated by the essential service provider, the work will be considered as eligible for assistance.

In addition, funding assistance for "on site" wastewater treatment systems may be considered in instances where the connection to mains sewerage system is not an available option.

Applicants are strongly advised to contact the Commission to determine whether the headworks component of their project is eligible for funding assistance under this Scheme.

WHAT CANNOT BE FUNDED

The following categories of projects are not eligible:

- Residential developments.

- Property development incorporating the subdivision of land for sale to private individuals for the purpose of constructing holiday homes or other non-commercial entities.
- Requests for retrospective funding, where projects have been completed or have commenced prior to receiving SWRGS funding approval. This includes the signing of a contract for work that is subject to SWRGS funding.

ELIGIBILITY CRITERIA FOR ACCESS TO THE SCHEME

Proponents of small to medium commercial or industrial projects are eligible to apply for grant funding if the project meets the criteria of the Scheme together with the following additional requirements. When completing the application form, headworks applicants must also include the following information:

Criterion 5.1:

- Applicants must specify if the project is the creation of or support for a new industry or commercial activity in the region, or a substantial expansion of existing regional industry or commerce. Alternatively, the project should demonstrate how it will contribute to positive social or environmental outcomes.
- Applicants must demonstrate the project could not proceed in an acceptable form without assistance through the Scheme.
- Applicants should demonstrate that the project would not result in unfair competition to existing industry and/or businesses.

Criterion 5.3:

- Within this criterion applicants must also specifically demonstrate the project is viable and sustainable if SWRGS funding is provided.
- **Note:** Full funding of projects is generally not available through the SWRGS. Preference will be given to applicants that can demonstrate a matching contribution.

APPLICATION PROCESS

Applicants must satisfy all of the Scheme's criteria as a minimum including the additional requirements for headworks applicants indicated above. Written submissions should be made on the SWRGS application form and should include:

- Financial documentation including business plan, feasibility study, financial history for the past three years and projections demonstrating the project's long-term viability. (Additional documents may be attached.)
- Details of previous Government (Federal or State) support provided to the applicant organisation within the last three years for similar projects.

Applicants are encouraged to discuss their project and the application process with the Commission.

TYPE OF SUPPORT AVAILABLE AND PAYMENT OPTIONS

Generally, grant requests for less than \$5,000 (GST exclusive) will not be accepted. The maximum grant available per project will be \$200,000 (GST exclusive). Amounts greater than \$200,000 may be considered if a project demonstrates exceptional merit. Financial assistance provided under this Scheme is dependent on the availability of funds.

Applicants will be required to contribute an appropriate level of equity funding to the project as noted in Scheme's Criterion 5.3.

Payments may be made as:

- a reimbursement on provision by the grant recipient of receipts for completed work; or
- on provision of a current quote for work to be undertaken.

BUSINESS CASE GUIDELINES

For projects seeking a grant of \$150,000 or more

The additional business case information must be presented as an attachment to your application. It must be at a level of detail that is appropriate to the nature of the proposal to enable sound judgement to be made on its merits, and to determine whether the proposal is to be supported. The following is a guide on points to include over and above the information you have provided in the application form:

Statement of Need

- Why is the project needed – provide evidence of need and how it was determined (e.g. demonstration of research by an appropriately qualified person/agency).
- Provide evidence of the current and projected demand for products and services.
- Give reasons why the project is needed now.
- What are the consequences of the project not proceeding?
- Who will benefit from the project (target population) and how (benefits)?

Consideration and Selection of Preferred Options

- What options have been considered to address the need?
- Why is this project the best option to meet the need?

Project Budget and Budgetary Implications

- Provide a project budget, including a forecast of operating income and expenditure.
- How will the project be funded – include capital and recurrent – salaries, consumables, maintenance, ongoing support?
- How will any changes in recurrent costs during and after implementation be handled?
- What are the budget implications if other sources of funds are not yet approved, i.e. how will they be acquired?

Procurement Planning

- Provide evidence that costings and relevant plans have been developed by an appropriately qualified person/agency.
- Demonstrate that the project can be delivered within the timeframe and budget provided.
- Describe proposed implementation strategy –
 - How will the project be implemented?
 - List milestones and key dates.
 - What if any changes are required to working practices?

Financial Risk

- Identify known or potential risks.
- What is the likelihood of the risks occurring and how they will be managed?
- Identify annual capital and operating costs over the life of the project –
 - Identify total cost of ownership.
 - Provide a budget including salaries, equipment, maintenance, consumables.
 - Identify potential revenue.
 - Identify savings and how savings will be used.

Socio-Economic Evaluation

- Summarise benefits and costs and why benefits outweigh the costs.
- Identify quantifiable impacts on industry, community and economy.
- Identify and estimate direct distribution of benefits.
- Identify broader social implications and distribution of benefits.

AGENDA NUMBER: 10.8
SUBJECT: Compliance Audit Return 2008
LOCATION/ADDRESS:
NAME OF APPLICANT: Shire of Nannup
FILE REFERENCE: ADM 14
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 9 February 2009

Attachment: Completed 2008 Compliance Audit Return.

BACKGROUND:

Council is required to complete a Compliance Audit Return every year. The Compliance Audit Return for the period 1 January 2008 to 31 December 2008 has been completed. The Compliance Audit Return is to be:

Presented to Council at a meeting of the Council;

Adopted by the Council; and

The adoption recorded in the minutes of the meeting at which it is adopted.

COMMENT:

There were no issues of significance raised in the report that require any specific follow up action through Council or the Department of Local Government.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council adopt the Local Government Compliance Audit Report for the Shire of Nannup covering the 2008 calendar year, submitting the Report to the Department of Local Government as required.

8109 CAMARRI/LORKIEWICZ

That Council adopt the Local Government Compliance Audit Report for the Shire of Nannup covering the 2008 calendar year, submitting the Report to the Department of Local Government as required.

CARRIED 8/0



Department of Local Government
and Regional Development
Government of Western Australia

Nannup - Compliance Audit Return 2008

Caravan Parks and Camping Grounds					
No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2007 to 30 June 2008.	YES		MDS

Cemeteries					
No	Reference	Question	Response	Comments	Respondent
1	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial. (For the return period)	YES		MCS
2	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants. (For the return period)	YES		MCS
3	s40(2) Cemeteries Act 1986	Have plans been kept and maintained showing the location of all burials registered in as above.	YES		MCS

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2008.	N/A		CEO
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2008.	N/A		CEO
3	s3.59(2)(a)(b)(c) F&G Reg 7,11	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2008.	N/A		CEO
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2008.	N/A		CEO
5	s3.59(5)	Did the Council, during 2008, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		CEO

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	YES		CEO
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	YES		CEO



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3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	YES		CEO
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	YES		CEO
5	s5.18	Has Council reviewed delegations to its committees in the 2007/2008 financial year.	YES	OM 27/10/2008 Resolution # 8057	CEO
6	s5.42(1), 5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	YES		CEO
7	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO resolved by an absolute majority.	YES		CEO
8	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO in writing.	YES		CEO
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	YES		CEO
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	YES		CEO
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	YES		CEO
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2007/2008 financial year.	YES	OM 27/10/2008 Resolution # 8057	CEO
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	YES		CEO

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	YES		CEO
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A		CEO
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	YES		CEO
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		CEO
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	N/A		CEO
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2008.	NO	Not rec'd until early September 2008	CEO



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7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2008.	NO	Not rec'd until early September 2008	CEO
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	YES		CEO
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	YES		CEO
10	s5.88(1)(2) Admin Reg 2	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	YES		CEO
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	N/A		CEO
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	N/A		CEO
13	s5.103 Admin Reg 34C	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	YES		CEO
14	s5.66(b)	Did the person presiding at a meeting, on all occasions, when given a member's written financial interest disclosure by the CEO, bring its contents to the attention of persons present immediately before any matters to which the disclosure relates were discussed.	YES		CEO
15	s5.71(a)	Did the CEO disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	N/A		CEO
16	5.71(b)	Did an employee disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	YES		CEO
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	YES		CEO



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18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	YES	CEO
19	s5.66(a)	Did the CEO, on all occasions, where a council member gave written notice of a disclosure of interest before a meeting, cause that notice to be given to the person who presided at the meeting.	YES	CEO
20	s5.71	On all occasions were delegated powers and duties not exercised by employees that had an interest in the matter to which the delegated power or duty related.	YES	CEO

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	N/A		MCS
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	N/A		MCS

Executive Functions

No	Reference	Question	Response	Comments	Respondent
1	s3.18(3)(a)	Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments.	YES	As far as our limited resources permit	CEO
2	s3.32(1)	Was a notice of intended entry given to the owner or occupier of the land, premises or thing that had been entered.	YES		CEO
3	s3.50	Did the local government close a thoroughfare wholly or partially for a period not exceeding 4 weeks under the guidelines of 3.50.	N/A		CEO
4	s3.18(3)(b)	Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector.	YES		CEO
5	s3.18(3)(c)	Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed.	YES		CEO
6	s3.40A(1)	Where in the opinion of the local government a vehicle was an abandoned vehicle wreck, was it removed and impounded by an employee authorised (for that purpose) by the local government.	N/A		CEO



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7	s3.40A(2)	Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.	N/A		CEO
8	s3.40A(3)	Where notice was given under s3.40A(2) did it include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47.	N/A		CEO
9	s3.51(3)	Did the local government give notice of what is proposed to be done giving details to the proposal and inviting submissions from any person who wishes to make a submission and allow a reasonable time for submissions to be made and consider any submissions made.	N/A		CEO
10	s3.52(4)	Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or management, and made those plans available for public inspection.	YES	Where such plans exist	CEO
11	s3.32(2)	Did the notice of intended entry specify the purpose for which the entry was required.	YES		CEO
12	s3.32(3)	Was the notice of intended entry given not less than 24 hours before the power of entry was exercised.	YES		CEO

Finance

No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg 19B	Has the local government prepared an annual report for the financial year ended 30 June 2008 that contained the prescribed information under the Act and Regulations.	NO	Due to MCS absence on sick leave staff have only just finished EOY balance and forwarded to auditor. Annual Report ready for including financial statements in once Audit report rec'd.	MCS
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2008.	N/A	See above	MCS
3	s5.54(1), (2)	Where the Auditor's report was not available in time for acceptance by 31 December, was it accepted no more than two months after the Auditor's report was made available.	N/A	See above	MCS
4	s5.55	Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.	N/A		MCS
5	S5.56 Admin Reg 19C(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	YES		MCS



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6	Admin Reg 19D	After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).	YES	MCS
7	s5.94, s5.95	Did the local government allow any person attending the local government during office hours to inspect information, free of charge, listed in s5.94 of the Act and subject to s5.95 whether or not the information was current at the time of inspection.	YES	MCS
8	s5.96	Where a person inspected information under Part 5, Division 7 of the Act and requested a copy of that information, did the local government ensure that copies were available at a price that did not exceed the cost of providing those copies.	YES	MCS
9	s5.98 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	YES	MCS
10	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	YES	MCS
11	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	YES	MCS
12	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).	YES	MCS
13	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.	N/A	MCS
14	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.	N/A	MCS
15	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority.	YES	MCS



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16	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.	N/A		MCS
17	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee.	YES		MCS
18	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.	N/A		MCS
19	s6.2	Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column)	NO	Minister's approval received to adopt budget after 31 August 2008.	MCS
20	s6.2	If 'no', was Ministerial approval sought for an extension.	YES		MCS
21	s6.3	Did the council prepare and adopt a budget in a manner similar to the annual budget with modifications as listed in section 6.3.	N/A		MCS
22	FM Reg 33	Was the 2008/2009 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column).	YES	27/10/2008	MCS
23	s6.4(1) FM Reg 34	Did the local government prepare an annual financial report as prescribed.	YES	Yet to be presented to Council for adoption - awaiting Audit report.	MCS
24	s6.4(1) FM Reg 34	Did the local government prepare other financial reports as prescribed.	YES		MCS
25	FM Reg 34	If the local government prepared other financial reports as prescribed in s6.4(1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted.	YES		MCS
26	s6.4(3)(b)	Was the annual financial report, prepared for the financial year ended 30 June 2008, submitted to the Auditor by 30 September 2008 or by the extended time allowed by the Minister or his delegate.	YES		MCS
27	FM Reg 51(2)	Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report.	N/A	Yet to receive Audit report - once rec'd will be forwarded within req'd time.	MCS



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28	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.	YES	MCS
29	s6.8(1)(c)	Did the Mayor or President authorise expenditure from the municipal fund in an emergency. (Please indicate circumstances in the "Comments" column)	N/A	MCS
30	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	N/A	MCS
31	s6.9 (1)	Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund.	YES	MCS
32	s6.9 (1)	Does the local government's trust fund consist of all money or the value of assets held by the local government in trust.	YES	MCS
33	s6.9(2)	Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it.	YES	MCS
34	s6.9(3)	Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment.	YES	MCS
35	s6.9(3)	Has property held in trust been delivered to the persons entitled to it.	YES	MCS
36	s6.11(2)	Have all decisions to change the use or purpose of money held in reserve funds been by absolute majority.	N/A	MCS
37	s6.11(2) FM Reg 18	Did the local government give one months public notice of the proposed change of purpose or proposed use of money held in reserve funds . (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditure authorised under s6.8(1)(c) of the Act or where the amount to be used did not exceed \$5,000).	N/A	MCS
38	s6.12, 6.13, 6.16(1),(3)	Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.	NO	MCS
39	s6.12, 6.13, 6.16(1),(3)	Did Council determine the setting of an interest rate on money owing to Council by absolute majority.	YES	MCS



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40	s6.12, 6.13, 6.16(1),(3)	Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges).	YES	MCS
41	s6.17(3)	Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.	YES	MCS
42	s6.17(3)	Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.	YES	MCS
43	s6.19	After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.	N/A	MCS
44	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20).	N/A	MCS
45	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).	N/A	MCS
46	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21).	N/A	MCS
47	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21)	N/A	MCS



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48	s6.32(1)(a)	Did Council determine by absolute majority to impose a general rate on rateable land within its district .	YES	MCS
49	s6.32(1)(b)(i)	Did Council determine by absolute majority to impose a specified area rate on rateable land within its district .	N/A	MCS
50	s6.32(1)(b)(ii)	Did Council determine by absolute majority to impose a minimum payment on rateable land within its district .	YES	MCS
51	s6.32(1)(c)	Did Council determine by absolute majority to impose a service charge on rateable land within its district .	YES	MCS
52	s6.33(3)	Did Council obtained the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed.	N/A	MCS
53	s6.34	Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.	N/A	MCS
54	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200).	YES	MCS
55	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200).	YES	MCS
56	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200).	YES	MCS
57	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200).	N/A	MCS
58	s6.36	Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed.	N/A	MCS



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59	s6.36		Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions.	N/A	MCS
60	s6.36		Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected.	N/A	MCS
61	s6.38(1) 54	FM Reg	Where a local government imposed a service charge was it only imposed for a prescribed purposes of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security.	N/A	MCS
62	s6.38		Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act.	N/A	MCS
63	s6.46		Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority.	YES	MCS
64	s6.47		When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority.	YES	MCS
65	s6.51		Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority.	YES	MCS
66	S6.76(6)		Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.	N/A	MCS
67	FM Reg 5		Has efficient systems and procedures been established by the CEO of a local government as listed in Finance Reg 5.	YES	MCS
68	FM Reg 6		Has the local government ensured that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for conducting an internal audit or reviewing the discharge of duties by that employee.	YES	MCS



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69	FM Reg 8	Did the local government maintain a separate account with a bank or other financial institution for money to be held in a municipal fund, trust fund or reserve accounts.	YES	MCS
70	FM Reg 9	On all occasions have separate financial records been kept for each trading undertaking and each major land transaction.	N/A	MCS
71	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained.	YES	MCS
72	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems.	YES	MCS
73	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made.	YES	MCS
74	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account.	YES	MCS
75	FM Reg 12	Have payments from the Municipal or Trust fund been made under the appropriate delegated authority.	YES	MCS
76	FM Reg 12	When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council.	YES	MCS
77	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name.	YES	MCS
78	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment.	YES	MCS



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79	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction.	YES	MCS
80	FM Reg 13	Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council.	YES	MCS
81	FM Reg 19	Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments.	YES	MCS
82	FM Reg 33A	Did the local government, between 1 January and 31 March 2008, carry out a review of its annual budget for the year ended 30 June 2008.	YES	MCS
83	FM Reg 55	Does the local government's rate record include all particulars set out in the FM Regulations.	YES	MCS
84	FM Reg 56,57	Are the contents of the local government's rate notice in accordance with the FM Regulations.	YES	MCS
85	FM Reg 56,57	Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations.	YES	MCS
86	FM Reg 68	Was the maximum rate of interest imposed 5.5% as prescribed under section 6.45(3).	YES	MCS
87	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	YES	MCS
88	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A	MCS
89	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	YES	MCS
90	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	YES	MCS
91	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	YES	MCS
92	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2008 received by the local government within 30 days of completion of the audit.	N/A	Auditors have only had the annual statement since 6/2/09. Should be re'c by Council by 27/2/09 MCS



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93	s7.9(1)	Was the Auditor's report for 2007/2008 received by the local government by 31 December 2008.	N/A	See Finance Q27 above	MCS
94	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	Awaiting Auditor's report	MCS
95	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	Awaiting Auditor's report	MCS
96	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	Awaiting Auditor's report	MCS
97	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	YES		MCS
98	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	YES		MCS
99	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	YES		MCS
100	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	YES		MCS
101	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	YES		MCS

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A	Position not vacant	CEO
2	s5.36(4) s5.37(3)	Were all vacancies for the position of CEO and for designated senior employees advertised.	YES		CEO
3	s5.36(4) s5.37(3) Admin Reg 18A(1)	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	YES		CEO



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4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	YES	CEO
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	YES	CEO
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	YES	CEO
7	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.	YES	CEO
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	YES	CEO
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	YES	CEO
10	s5.38	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	YES	CEO
11	Admin Reg 18D	Where Council considered the CEO's performance review did it decide to accept the review with or without modification (If Council did not accept the review, the preferred answer is N/A & refer Q12).	YES	CEO
12	Admin Reg 18D	Where the Council considered the CEO's performance review, but decided not to accept the review, did it decide to reject the review (If Council accepted the review, the preferred answer is N/A refer Q11).	N/A	CEO
13	s5.39	During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.	YES	CEO
14	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	YES	CEO



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15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	YES	CEO
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.	YES	CEO
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	YES	CEO
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	N/A	CEO
19	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.	YES	CEO
20	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.	YES	CEO
21	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A	CEO
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	CEO
23	Admin Reg 33	Was the allowance paid to the mayor or president for the purposes of s5.98(5) within the prescribed range.	YES	CEO

Local Laws

No	Reference	Question	Response	Comments	Respondent
1	s3.12(2) F&G Reg 3	On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3.	N/A		CEO



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2	s3.12(3)(a)	On each occasion that Council proposed to make a local law, did the local government give Statewide and local public notice stating the purpose and effect of the proposed local law	N/A	CEO
3	s3.12(3)(a)	Did the local government give Statewide and local public notice stating details of where a copy of the local law may be inspected or obtained.	N/A	CEO
4	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, to the Minister for Local Government and Regional Development	N/A	CEO
5	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice where applicable, to the Minister who administers the Act under which the local law was made.	N/A	CEO
6	s3.12(4)	Have all Council's resolutions to make local laws been by absolute majority.	N/A	CEO
7	s3.12(4)	Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting.	N/A	CEO
8	s3.12(5)	After making the local law, did the local government publish the local law in the Gazette.	N/A	CEO
9	s3.12(5)	After making the local law, did the local government give a copy to the Minister for Local Government and Regional Development and where applicable to the Minister who administers the Act under which the local law was made.	N/A	CEO
10	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law.	N/A	CEO
11	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	N/A	CEO
12	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	N/A	CEO
13	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.	YES	CEO



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14	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	N/A	CEO
15	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	N/A	CEO
16	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	N/A	CEO
17	s3.16(3)	Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.	N/A	CEO
18	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	N/A	CEO

Meeting Process

No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	YES		CEO
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	YES		CEO
3	s2.25(3)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A		CEO
4	s2.25(2)	Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council.	N/A		CEO



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5	s5.4	On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting;	YES	CEO
6	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting.	N/A	CEO
7	s5.5(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council.	YES	CEO
8	s5.5(2)	Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council.	YES	CEO
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting	N/A	CEO
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities.	N/A	CEO
11	s5.8	Did the local government ensure all Council committees (during the review period) were established by an absolute majority.	YES	CEO
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)).	YES	CEO
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act.	YES	CEO
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.	YES	CEO
15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.	YES	CEO



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16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	N/A	CEO
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.	YES	CEO
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	YES	CEO
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	YES	CEO
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	YES	CEO
21	s5.23 (1)	Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).	YES	CEO
22	s5.23 (1)	Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).	YES	CEO
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	YES	CEO
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	YES	CEO
25	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	YES	CEO
26	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	YES	CEO
27	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	YES	CEO



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28	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	N/A	CEO
29	Admin Reg 9	Was voting at Council or committee meetings conducted so that no vote was secret.	YES	CEO
30	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	YES	CEO
31	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.	YES	CEO
32	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	YES	CEO
33	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	YES	CEO
34	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	YES	CEO
35	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	YES	CEO
36	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	YES	CEO
37	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	YES	CEO
38	Admin Reg 11	Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	YES	CEO



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39	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	YES	CEO
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.	YES	CEO
41	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	YES	CEO
42	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	YES	CEO
43	Admin Reg 12(2)	Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.	YES	CEO
44	Admin Reg 12(3)(4)	In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.	YES	CEO
45	Admin Reg 12(3)(4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	YES	CEO
46	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	YES	CEO
47	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	YES	CEO
48	Admin Reg 14(1)(2)	Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	YES	CEO



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49	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	N/A	CEO
50	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)	N/A	CEO
51	s5.27(2)	Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.	YES	CEO
52	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	YES	CEO
53	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	YES	CEO
54	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	YES	CEO
55	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	YES	CEO
56	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	YES	CEO

Miscellaneous Provisions

No	Reference	Question	Response	Comments	Respondent
1	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	YES		CEO



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2	s9.29(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	N/A		CEO
3	s9.6(5)	Did the local government ensure that the person who made the objection was given notice in writing of how it has been decided to dispose of the objection and the reasons why.	N/A		CEO

Official Conduct

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	YES		CEO
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	YES		CEO
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	YES		CEO
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	YES		CEO
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	YES		CEO
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b)(c).	YES		CEO

Swimming Pools

No	Reference	Question	Response	Comments	Respondent
1	s245A(5)(aa) LG (MiscProv) Act 1960	Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960.	N/A		MDS

Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
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1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	YES	MCS
2	F&G Reg 12	Has the local government, as far as it is aware, only entered into a single contract rather than multiple contracts so as to avoid the requirements to call tenders in accordance with F&G Reg 11(1).	YES	MCS
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	YES	MCS
4	F&G Reg 14(3)	Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	YES	MCS
5	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	YES	MCS
6	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	YES	MCS
7	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	YES	MCS
8	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	YES	MCS
9	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.	YES	MCS
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	YES	MCS
11	F&G Reg 14(3)(4)	Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.	YES	MCS



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12	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	YES	MCS
13	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	YES	MCS
14	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.	YES	MCS
15	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.	YES	MCS
16	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.	YES	MCS
17	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	YES	MCS
18	F&G Reg 16 (3)(b)	Did the local government ensure members of the public were not excluded when tenders were opened.	YES	MCS
19	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	YES	MCS
20	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	YES	MCS
21	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	YES	MCS
22	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	YES	MCS
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).	YES	MCS



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24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest.	YES	MCS
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)	YES	MCS
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	YES	MCS
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	YES	MCS
28	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.	YES	MCS
29	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.	YES	MCS
30	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	YES	MCS
31	F&G Reg 21(3)	On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice.	YES	MCS
32	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include a brief description of the goods and services required.	YES	MCS
33	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.	YES	MCS
34	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.	YES	MCS
35	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.	YES	MCS



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36	F&G Reg 22	Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.	YES	MCS
37	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	YES	MCS
38	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	YES	MCS
39	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	YES	MCS
40	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).	N/A	MCS
41	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A	MCS
42	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	N/A	MCS
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council).	N/A	MCS
44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	N/A	MCS



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45	F&G Reg 11A(1)	Has the local government prepared and adopted a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.	YES	MCS
46	F&G Reg 11A(3)(a)	Did the purchasing policy that was prepared and adopted make provision in respect of the form of quotations acceptable.	YES	MCS
47	F&G Reg 11(3)(b)	Did the purchasing policy that was prepared and adopted make provision in respect to the recording and retention of written information, or documents for all quotations received and all purchases made.	YES	MCS