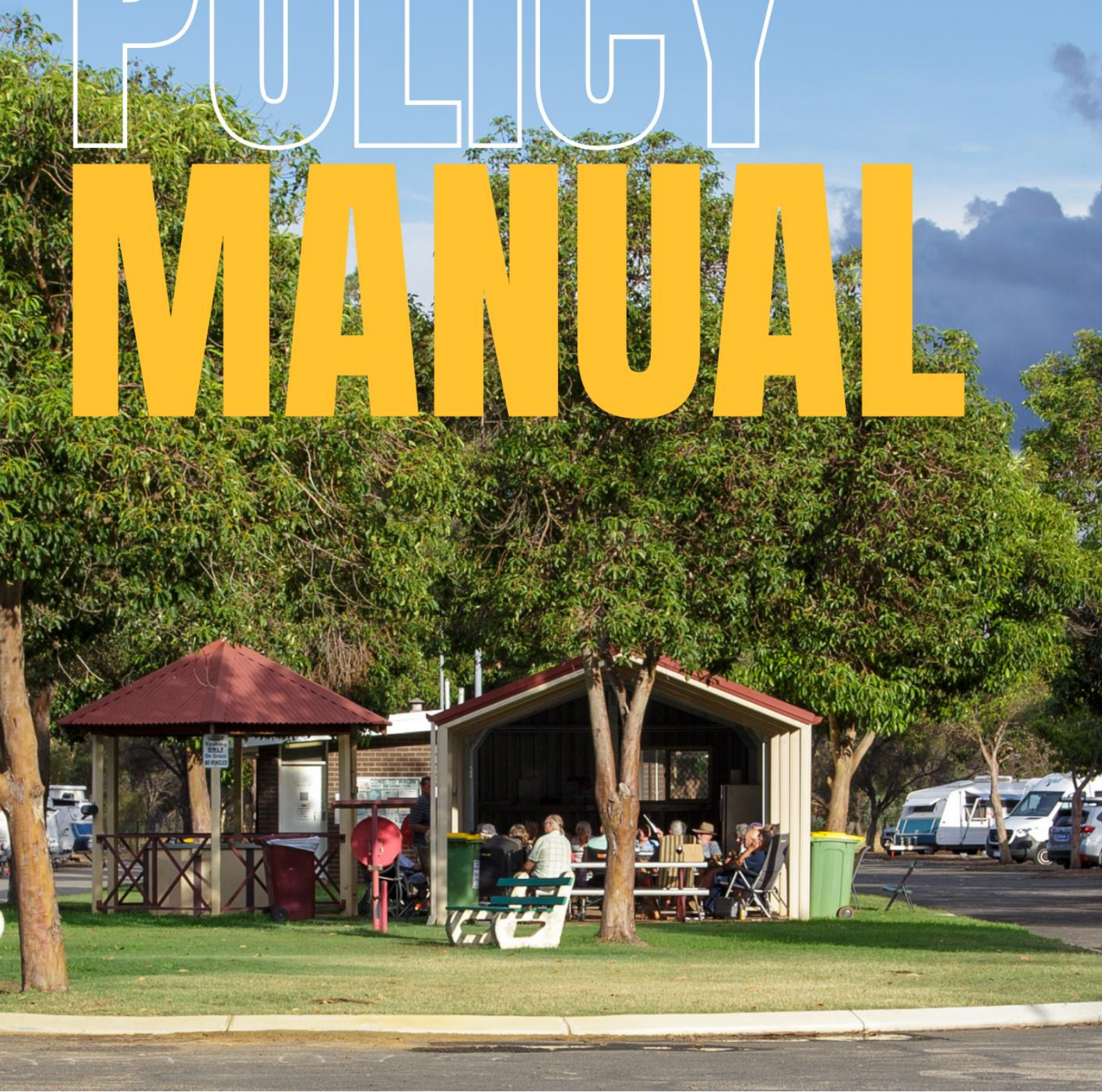


# SHIRE OF WAGIN POLICY MANUAL





## INTRODUCTION

This Policy Manual is intended as a guide to councillors, employees and the general public, on the normal practices and activities of the Shire of Wagin. The policies do not require absolute adherence, and may be changed as circumstances dictate, in accordance with Council's directions, and amended by Council from time to time.

Employees are expected to comply closely with the spirit and intention of the policies, and to use care and discretion in implementing the policies, to ensure the best possible outcome for all. Implementation should be fair, consistent and effective, with the emphasis on guidance and assistance rather than compulsion and inspection.

Council, in its absolute discretion, reserves the right to amend, add, delete or apply wholly or in part or not at all, any or all of the policies without notice.

This document does not stand alone, but is underpinned by legislative requirements, which comprises (in order of priority):

- Legislation – Acts of Parliament, Regulations etc.
- Common Law – legal precedent, interpretation and decisions made by the Courts
- Delegated legislation – local laws and by-laws, town planning policy
- General policy – administrative policy

## DEFINITIONS

The Local Government Act 1995 has not defined the term 'delegation' or 'delegated power', however:

- s 5.16 refers to ...*the exercise of any of its powers and duties...*
- s 5.42 refers to ...*the exercise of any of its powers or the discharge of any of its duties...*

The term '**policy**' is also not defined in the Local Government Act 1995.

Accordingly, throughout this document, the following terms apply, insofar as they are consistent with enabling legislation:

'**Authority**' means the permission or requirement for a Committee or the Chief Executive Officer (CEO) to act in accordance with:

- *the Local Government Act 1995 or other legislation or regulation;*
- *a delegation made by Council;*
- *a policy made by Council; or*
- *a specific decision by Council.*

'**Delegation**' means the authority for a Committee or the CEO to act on behalf of Council, where the power is either specifically or by implication, intended to be exercised by the elected members, rather than an organisational review.

'**Policy**', as the context requires, means either:

- a procedural direction to employees to implement Council directives in a particular way; or
- the authority for employees to act, where that authority is not considered to be a delegation, but more procedural in nature.

'**Instruction**' means the requirement for an employee to act in accordance with a direction given by the CEO.

'**Responsible Officer**' refers to the person or position responsible for the overseeing the function or task. **HEAD OF POWER**



Unless stated otherwise, the Local Government Act 1995 constitutes the head of power for Council to make the policies.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to assign responsibilities and authority to various officers. In order to maintain consistency with the concepts of the Local Government Act 1995, all delegations are made to the CEO, who is then responsible for the implementation of the function, either personally or through delegation to other officers.

It is Council's expectation that the CEO assigns responsibilities relevant to a specialist or specific position, to the appropriate person.

## **PROCESS**

It is a requirement of the Local Government Act 1995 s5.18 and s5.46 (1) (2) that all delegations be reviewed at least once in each financial year. In order to ensure that there is clear authority and to ensure consistency and relevancy, the applicable policy is to be updated where a delegation applies.

A policy may be reviewed at any time as a result of:

- Legislative changes (Acts/Regulations/Local Laws) which have a bearing on a particular policy;
- Council decisions which affect the continued validity or applicability of a policy;
- Important technological or social changes; or
- Any other such circumstance that would justify an earlier review

In order to ensure that policies remain current the assigned Responsible Officer should review them on a regular basis and no less than once every two years.

## **NEW POLICIES**

Council may make new policies at any time.

However, unless specifically stated that the authority is to be included in the Policy Manual at the time of adoption, it should be assumed that the authority to act is for a specific matter and is not a general or on-going policy.

## **AMENDED AND REVOKED POLICIES**

The document is to include a version date to ensure that the most current version is being referred to.

The history of the policy is amended to show date and resolution number of the motion of the amendment

## AMENDMENT RECORD

| REVIEW NO. | DATE            | COUNCIL RESOLUTION       | AMENDMENT DETAILS   |
|------------|-----------------|--------------------------|---|
| 1          | 19 October 2021 | Council Resolution #4649 | Adopt Bushfire Policy B.9 – <i>Management of Bushfire Volunteers</i>  |
| 2          | 26 October 2021 | Council Resolution #4655 | Review, update and adopt appropriate changes;<br>All – ‘Administration’ Policies<br>All – ‘Bushfire’ Policies<br>All – ‘Council’ Policies<br>All – ‘Finance’ Policies<br>All – ‘Health, Building & Planning’ Policies<br>All – ‘Works’ Policies   |
| 3          | 26 October 2021 | Council Resolution #4655 | Deletion of the following policies<br><b>Administration Policy:</b><br>A.15 Integrated Workforce Planning and Management Policy<br><b>Bushfire Policies:</b><br>B.4 Harvest Bans – Authorised Officers<br>B.5 Fire Control Officer Training<br><b>Council Policies:</b><br>C.5 Meetings Resulting from Council Meetings<br>C.6 Tenders<br><b>Health, Building and Planning Policies:</b><br>HBP.1 Swimming Pool Inspections<br>HBP.7 Smoking at Swimming Pool and Council Buildings<br>HBP.8 Smoking in Enclosed Council Buildings and Vehicles<br><b>Works Policies:</b><br>W.4 Road Trains/Pocket Road Trains and B Double Trucks on Local Roads<br>W.6 Farm Crossovers<br>W.11 Gate Permit<br>W.15 Rural Road Signs<br>W.17 Wagin Refuse Site Key Policy |



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# **ADMINISTRATION**

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## SECTION - ADMINISTRATION

### A.1 EMPLOYEES

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.1</b>   |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

#### **OBJECTIVE**

All employees of the Shire of Wagin are required to familiarise themselves with the conditions relating to their employment and entitlements to ensure fair and equitable working conditions.

To provide employees and management with a clear understanding of their responsibilities in the employment of new employees and their entitlements.

#### **STAFF APPOINTMENTS**

- **Appointment of Chief Executive Officer**  
The Chief Executive Officer is to be appointed by Council, in accordance with the Standards for CEO Recruitment, Performance and Termination
- **Appointment of Management Staff**  
In the appointment to all positions are to be the responsibility of the CEO and for the CEO may engage Council when appointing persons with Management responsibilities.
- **Appointment to all other Positions**  
Appointments to all positions are to be the responsibility of the Chief Executive Officer, who is also empowered to employ casual labour if and when necessary.

#### **PERFORMANCE ASSESSMENTS**

##### **Chief Executive Officer**

A performance assessment will be taken on the anniversary date. This assessment will be conducted by the CEO Review Committee. Council sets salaries in accordance with Salaries Allowances Tribunal Local Government Band Allocations

##### **Other Staff**

A performance assessment will be taken on minimum annually or as required.

#### **PRE-EMPLOYMENT REQUIREMENTS**

- All employees who are required to operate plant as part of their employment are required to produce their driver's license on an annual basis, at the office for photocopying. If the employees licence status is to change, the employee shall inform their manager immediately.
- All new employees are to undergo a medical and provide a current Police Clearance, at Council expense, prior to commencement of work.

## WORKING HOURS AND LEAVE

### Rostered Days Off – Outside Workers

No more than three (3) days may be accumulated without prior arrangements being made and the employee should either take the leave in excess of five days as it falls due or if it is not practicable to do so then payment at ordinary times rates will be made.

### Annual Leave

As far as practicable and within the provisions of relevant Awards, employees should take their annual leave entitlement within the year that it falls due. Applications for Annual Leave shall be approved by the Chief Executive Officer or the Deputy Chief Executive Officer. In the case of the Chief Executive Officer Annual Leave shall be approved by the Shire President. Council is to appoint an Acting Chief Executive Officer whilst the incumbent is on leave of 5 days or more, in accordance with Administration Policy A.22 – Temporary Employment or Appointment of Acting Chief Executive Officer (CEO)

### Long Service Leave

Long Service Leave is to be taken in accordance with provisions of the Local Government (Long Service Leave) Regulations, at the earliest practical date which is mutually convenient. Long Service Leave will be approved by the Chief Executive Officer. Council shall approve the Chief Executive Officer's Long Service Leave and appoint an Acting Chief Executive Officer, in accordance with Administration Policy A.22 – Temporary Employment or Appointment of Acting Chief Executive Officer (CEO)

### Public Holidays

The two paid days of absence granted in lieu of the Easter Tuesday and day after New Year's Day are to be taken as such:

- a) One day to be taken during the Christmas – New Year holiday period; and
- b) One day to be taken in a mutually agreed time in the year.

## ALLOWANCES AND REMUNERATION

### Superannuation

Employees of the Shire of Wagin who are employed on a permanent basis may join the voluntary contribution section of the Local Government Superannuation Plan after satisfactorily completing any probationary period set as part of the terms of their employment. Council will contribute up to 1 per cent of the employee's salary to this scheme in addition to any contributions to satisfy Superannuation Guarantee Legislation obligations if the employee contributes themselves to the scheme.

### Uniform Allowance

A uniform allowance of \$400.00 per annum will be paid to those members of the administration staff. For any new employees to Local Government, Council to meet the initial purchases up to a maximum of \$500, after their completion of their probationary period.

Works staff members will be allocated appropriate protective personal clothing each year as deemed necessary by the Manager of Works.

### Provision of Council Vehicle for Private Use

Upon appointment the;

- Chief Executive Officer, Deputy Chief Executive Officer, Manager of Works have full private use of a Council vehicle unless otherwise stated in employment contract.

Council will pay all FBT cost incurred for providing private use to officers within this policy.

No vehicle may be used whilst on long service leave unless otherwise approved by Council.

### Staff - Relocation Expenses

CEO shall use discretion assist to Officers in relocation expenses

### Staff Licences

Council shall pay for the annual renewal of a motor driver's licence for all outside (MEU) staff and the annual firearms licence for all authorised officers of the Dog Act 1976 as amended.

## **STAFF TRAINING**

The Chief Executive Officer, Deputy Chief Executive Officer and the Manager of Works are empowered to send employees on work related courses, seminars and conferences to the extent of the provisions made in the budget.

## **SEVERANCE AND REDUNDANCY**

### **SEVERANCE PAY**

#### **Purpose**

The purpose of this policy is to set down the maximum severance payable to terminating employees for the purpose of section 5.50 (1) of the Local Government Act (the “Act”). Note however these severance payments may be exceeded in accordance with clause 7 at the discretion of Council.

#### **Terminating Employees**

A terminating employee is entitled to severance pay and benefits in accordance with:-

- a) Any federal or state award or industrial agreement applicable to that employee;
- b) Any application provisions within the employee’s contract of employment;
- c) Any applicable award or order made by a federal or state employee tribunal arising from the circumstances of that employee being specifically brought before that tribunal, subject to any right of appeal;
- d) Where Council so agrees, any recommendation made by a federal or state Industrial Commissioner arising from the circumstances of that employee being specifically brought before that Commissioner.

#### **Dismissed Employees**

Where a dismissed employee has taken or is proposing to take litigation for alleged unfair dismissal, Council may decide to settle to avoid expensive litigation.

Matters to be taken into consideration by Council as to whether it will seek a settlement and if so, the extent of any financial offers may include:

- the strength of the respective cases in any litigation;
- the cost of legal advocacy and support;
- the cost of witnesses;
- the cost of travel and accommodation in running the case;
- the cost of having staff tied up in the preparation and hearing of the case; and
- the disruption to operations.

#### **Redundancy**

All redundancy pay-outs will be paid in accordance with regulations outlined in the Local Government Officers Award 2021 and the Municipal Employees Union Award 2021.

#### **Other Settlement**

Council may decide to settle in a situation where an employee, due to illness or impairment is unable to perform his/her job and there has been mutual agreement that employment must end.

Matters to be taken into consideration by Council in determining the extent of any financial offers may include:

- the length of service;
- the conscientiousness of the employee over the past employment;
- the value of the employee’s service having regard to position(s) held and the regard given by council to the employee’s contribution;
- the length of time to retirement;
- the personal circumstances of the employee including family responsibility, future employment prospects and alternative sources of income; and
- possible exposure to litigation if the employee was dismissed having regard to obligations of Council under the State Equal Opportunity Act, the Commonwealth Disability Discrimination Act and the Commonwealth Workplace Relations Act.

#### **Weeks Pay**

The term “weeks pay” means the normal weekly salary or wage payable to the employee including any penalty rates normally paid but excluding overtime or intermittent payments. The term also includes salary or wages specifically sacrificed for additional non-award benefits but does not include the value





of any non-award benefits normally provided for the employee's position (such as a vehicle in the case of a senior position, the normal superannuation provided to all employees etc).

#### **Outside Staff**

That the Chief Executive Officer has the authority to pay additional over award amounts of up to 20% based on suitable skills experience and productivity to employees under the Municipal Employees Union award.

That Council pay 10% over award payment to all employees under Municipal Employee's Union award.

#### **Inside Staff**

That Council pay 5% over award payment to all permanent employees under the Local Government Officers award.

#### **Loyalty Allowance**

That Council pay loyalty allowance to all permanent non-managerial staff as follows;

|             |               |
|-------------|---------------|
| 0 – 1 Years | \$0           |
| 1 – 3 Years | \$10 per week |
| 3 – 5 Years | \$20 per week |
| 5+ Years    | \$30 per week |

The above be paid as an over award payment on a pro rata basis for part time staff.

#### **Housing Allowance**

All permanent staff will be paid an annual housing allowance of \$1000 pro rata based on standard hours. Homecare staff and employees in Shire housing are excluded from this allowance. Senior staff negotiate a housing allowance with the CEO in lieu of residing in a Shire house.

#### **Special Circumstances**

Nothing in this Policy prevents Council from determining that in special circumstances, terminating employees may be paid additional monies or provided additional benefits where justified. If Council so determines, details of the severance pay, and benefits shall be published in accordance with section 5.50 (2) of the Act

#### **GUIDELINES**

- *Local Government Act 1995*
- *Standards for CEO Recruitment, Performance and Termination*

#### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

**A.2 CIRCUS SITE - SPORTSGROUND**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.2</b>   |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

**OBJECTIVE**

All visiting circuses are to be offered the area between the Trotting Track and Ballagin Street, the area north of the Wesfarmers shed or the centre of the old trotting training track and not the main grassed oval for the siting of their circuses.

**GUIDELINES**

*Nil*

**HISTORY**

- 20 November 2018 (Council Resolution #3910)

**RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer



### A.3 WAGIN COMMUNITY BUS CHARTER

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.3</b>   |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

#### **OBJECTIVE**

- i. Any fees for the use of the Community Bus must be endorsed by Council and included in Council's list of fees and charges.
- ii. Council will maintain income and expense operational accounts for the Community Bus and a specific Reserve Account to which profits from the operation of the Community Bus will be transferred or from which losses incurred from operations will be reimbursed.
- iii. The purpose of the Community Bus Reserve account will be for the maintenance, upgrade and changeover of the Wagin Community Bus.
- iv. The Shire of Wagin will be responsible for the vehicle license and insurance costs of the Wagin Community Bus.
- v. The Shire of Wagin is responsible for the hiring out, administration and finances of the Community Bus Service. All other costs will be covered by the operation of the Community Bus Service.
- vi. The effect of the operation of the Wagin Community Bus (except for license and insurance costs) is expected to be cost neutral

#### **GUIDELINES**

Nil

#### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

#### **RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer



#### **A.4 WAGIN FIRE TENDER**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.4</b>   |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

#### **OBJECTIVE**

Council will, as an annual donation to the Wagin Volunteer Fire and Rescue Service, pay the license and third party insurance for the brigades own fire tender. Such costs not being covered by the Emergency Services Levy

#### **GUIDELINES**

Nil

#### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

#### **RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer



## A.5 SHIRE OF WAGIN FIREARMS

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.5</b>   |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>   |

### **OBJECTIVE**

The objective of this policy is to provide the guidelines for the use of Council's Corporate Firearm so that suitable controls are in place to ensure security of the weapon and legitimate use of same.

### **Firearm Usage**

Council provides its Corporate Firearm for the use by authorised personnel in the carrying out of legitimate Council business. This would include the destruction of animals or other purposes as required under the Dog Act, Local Government Act or other legislation.

The firearm is only to be utilised by Council's Authorised Officer/s under the Dog Act as detailed in Council's Delegations Register.

The Council firearm is not to be utilised for private purposes.

The Manager of Works and Ranger shall be the only staff to hold the code to the key box containing the firearm safe key.

### **GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Delegation Register*

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer



## A.6 USE OF SHIRE LOGO

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.6</b>   |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

The objective of this policy is to establish guidelines for the use of the Shire Logo so as to ensure it is used in an appropriate manner.

That local community groups be permitted to use the Shire of Wagin Logo provided it is used in its original design and colour and for the promotion of Wagin.

### **GUIDELINES**

Nil

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.7 OCCUPATIONAL SAFETY AND HEALTH

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.7</b>   |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

The Shire of Wagin recognises its duty to ensure the safety and health of its employees, contractors, volunteers and visitors and in meeting this duty will comply with the requirements of the Occupational Safety and Health Act 2020 and any other legislation and supporting documents that apply to its operations.

It is our policy objective to

- Provide and maintain a workplace and systems of work, so far as is practicable, that employees, contractors, volunteers and visitors are not exposed to hazards.
- Ensure that all employees are provided with information, instruction, training and supervision appropriate to the scope of work being undertaken.
- Consult with employees on any issues that may affect their safety and health at work.
- Continuously review the Shire of Wagin Safety management systems.

All Managers and Supervisors are responsible to ensure, within their respective level of control, the safety and health of employees, contractors, volunteers and visitors to the workplace.

Employees are required to take all reasonable care to ensure their own safety and that of other persons. They are also required to comply with all instruction and directions established to provide a safe and healthy workplace.

### **GUIDELINES**

- *Local Government Act 1995*
- *Occupational Safety & Health Act 2020*
- *Occupation Safety & Health Regulations 1996 (WA)*
- *WA Codes of Practice*
- *WorkSafe WA*
- *WorkCover WA*

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.8 ELECTED MEMBER AND EMPLOYEE LOYALTY SERVICE RECOGNITION

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.8</b>   |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

#### **Purpose**

The purpose of this policy is to recognise Loyal Service by Elected Members and Employees of the Shire of Wagin.

#### **Objective**

The objective of this policy is to determine the level of recognition that an Elected Member or Employee will receive based on the number of completed years of service given to the Shire of Wagin.

Completed Years of Service do not need to be performed consecutively, but a calculated total of each block of service with the Shire of Wagin to determine the level of recognition.

Recipients of a Loyalty Service award will be classified into three separate categories comprising of Gold (30 years), Silver (20 years), and Bronze (10 Years).

For the purpose of determining the award classification the cut off date each year will be the 1<sup>st</sup> November which will occur after the October Local Government Election process and allow enough time to prepare all certificates prior to the annual Christmas function.

#### **Policy**

That the Shire of Wagin recognises the Loyal Service of Elected Members and Employees by awarding each recipient that qualifies, either a Gold, Silver, or Bronze framed certificate of Loyal Service at the Shire's Annual Christmas function.

The Shire President and Chief Executive Officer are delegated authority to carry out the provisions of this policy on behalf of Council, and that a suitable budget allocation be made each year to cover the cost of preparing each certificate and framing.

### **GUIDELINES**

*Nil*

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer



## A.9 ELECTED MEMBERS RECORDS MANAGEMENT

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.9</b>   |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>24 MAY 2011</b>                                 |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

To define the principles of the Shire of Wagin' records management function and to document an orderly and efficient approach to the proper management of records. This policy incorporates applicable legislative requirements into standard Shire practices and enumerates basic records management requirements. This helps the CEO ensure that records and documents of the local government are properly kept for the purpose of the *Local Government Act 1995* and any other written law (s.5.41(h)).

Records are recognised as an important resource in the Shire of Wagin, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Organisation. Due to legislative requirements, the Shire of Wagin is obliged to maintain a records management system, and to dispose of those records only through an approved scheme.

The policy applies to all external and internal records, which are handled, received or generated by the Shire of Wagin, regardless of their physical format or media type.

The Shire's records are a corporate asset. Complete and accurate records of all business decisions and transactions are to be recorded and registered in the Shire's records management system both in respect to their content and context. They are to be managed in a cost-effective manner in accordance with records management and record keeping legislative requirements.

- All records are to be managed according to whether they are *significant* or *ephemeral* records, *vital* or *non-vital* records, and in accordance with their security classification
- All communications in the form of records, whether paper or electronic, and whether internal or external, are to be captured within the appropriate aspect of the record keeping system
- Registers are to be maintained of all records series and special categories, including but not limited to, registers of police, databases, FOI applications, assets, tenders photographs, forms, vital records, files and contracts
- All contractual arrangements are to ensure the Shire's ownership of *significant* records
- Any records / files in the possession of individual staff and Elected members are to be registered to them and, dependent upon security classification, kept accessible.
- Only approved record formats are to be used in effecting the Shire's business
- All records with record keeping series maintained by the Shire of Wagin are to be disposed of in accordance with the State Records Office's *General Disposal Schedule for Local Government Records*

All records are not to be removed from the Shire's sites unless in accordance with the approved retention and disposal schedule or in the custody of an officer or elected member performing approved business

### **Roles and Responsibilities**

#### **Chief Executive Officer**

The CEO is to ensure there is a system for the maintenance and management of records that is compliant with records management legislation and State guidelines and procedures. This includes the provision of Section 5.11(h) of the *Local Government Act 1995*.

### Elected Members

Elected members must create and keep records of communications or transactions, which convey information relating to local government business or functions. These records should be forwarded on a regular basis to the local government administration for capture into the official recordkeeping system.

### Executive Officers

Executive Officers are to ensure their staff are familiar with, and adhere to the Records Management Policy and any associated procedures endorsed by the CEO.

### Staff

Staff are to ensure they retain records relating to the business activities they perform. They are to identify significant and ephemeral records, ensure significant records are registered in the records management system; and, protected and disposed of in accordance with the State Records Office's *General Disposal Schedule for Local Government Records*.

### **Statutory Obligations**

In addition to the requirements of the State Records Act 2000, the relevant aspects of the following statutes should also be considered in managing Shire records:

- Evidence Act 1906
- Limitation Act 1935
- Freedom of Information 1992
- Local Government Act 1995
- Financial Administration & Audit Act 1985
- Criminal Code 1913 (Section 85)
- Electronic Transactions Act 200
- Privacy Act 1988

### **Custodianship**

The Shire's records are a government-owned asset. The records created during the course of business belong to the Shire of Wagin by virtue of their possession, and not the individuals who created such records during their time as a public officer or elected member at the Shire of Wagin. Officers or Elected members who acquire or create any records in the course of business shall not retain proprietary interest. Ownership of these records is vested in the Shire.

### **Definitions**

#### A Record

A record as defined in the State Records Act 2000 means any record of information however recorded and includes:

- Anything on which there is writing or Braille,
- A map, plan, diagram or graph,
- A drawing, pictorial or graphic work or photograph,
- Anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them,
- Anything from which images, sounds or writings can be reproduced with or without the aid of anything else, and
- Anything on which information has been stored or recorded, either mechanically, magnetically, or electronically.

*Records in the public sector are referred to as:*

#### Government Records (or Public Records)

Records created or received by a public officer or elected member in the course of his or her duties regardless of whether the communication is between staff in the same agency, between different agencies, or between public officers and members of the community (both private and business).

*Records may be categorised as:*

#### Ephemeral Records

Ephemeral records are duplicated records and/or those that have only short-term value to the Shire, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records of routine enquires.



### Significant Records

Significant records contain information which is of administrative, legal, evidential or historical value and are not recorded elsewhere on the public record. They describe an issue, record who was involved, record why a decision was made, and may embody actual guidelines.

### Important Notice:

Distinguishing between significant and ephemeral records is a matter of judgement and the above definitions can only act as a guide. Reference to :”records” in this guideline should be read as relating to significant public records unless otherwise stated.

### Vital Records

Vital records are records which are essential to the continued business of the Shire. Vital records include those that protect the rights of individuals and the Shire, and are absolutely essential for the Shire’s reconstruction in the event of a disaster.

### Non-Records

Non-records are documents that are generally available in the public domain and do not form part of a business process in respect to the Shire’s activities. They are generally used for reference and information purposes, such as reports or plans from another organisation, a published directory, or a training manual of a third party.

### Records Disposal

Disposal is by way of depositing records in the State Archives, managing the records as designated State Archives at the Council, or by destruction in accordance with *General Disposal Schedule for Local Government Records*.

## **GUIDELINES**

- *Local Government Act 1995*

## **HISTORY**

- 20 November 2018 (Council Resolution #3910)

## **RESPONSIBLE OFFICER**

- Chief Executive Officer



## A.10 GRIEVANCE

|                              |                         |
|------------------------------|-------------------------|
| <b>POLICY NUMBER</b>         | <b>A.10</b>             |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>   |
| <b>DATE ADOPTED</b>          |                         |
| <b>REVIEW DATE</b>           | <b>23 FEBRUARY 2021</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>               |

### **OBJECTIVE**

The Shire of Wagin must effectively manage employee grievances, to ensure that if established and maintains a harmonious, secure and productive workplace. In doing so it must comply with relevant Government legislation and guidelines that govern the conduct of employees in the workplace.

The purpose of this policy is to provide a framework that ensures appropriate processes are undertaken by the Shire of Wagin to investigate all reported grievances and comply with the Standard as specified in the Public Sector Standards in Human Resource Management.

This policy applies to all employees of the Shire of Wagin.

This policy relates to the process used by the Shire of Wagin to manage an employee's grievance.

A grievance is an issue raised by an employee that concerns another person or persons or an action or inaction that has negatively affected their employment. It is a matter that affects the complainant for which they are seeking a resolution.

When a grievance is brought to the attention of the Shire of Wagin, a genuine attempt will be made to resolve or redress it. The grievance process will be managed in a manner that is fair and will take into consideration the material facts and circumstances that prevailed at the time of the grievance.

All grievance processes and decisions will be undertaken in a manner that is fair and equitable and complies with the Grievance Resolution Standard. Processes and will be subject to the provision of the *Public Sector Management (Breaches of Public Sector Standards) Regulations 2005*.

The procedures and methodologies for undertaking grievance processes are outlined in the Shire of Wagin's Grievance Management Procedures.

### ***Authority***

***This policy is issued by the Chief Executive Officer upon endorsement by Council.***

### ***References***

This policy operates in accordance with the following legislation framework.

### ***Legislation***

#### **Available at:**

Public Sector Management Act 1994 [www.slp.wa.gov.au](http://www.slp.wa.gov.au)

WA Public Sector Standards in Human

Resource Management [http://intranet/hr/employee\\_services.htm](http://intranet/hr/employee_services.htm)

The term used in this policy “Grievance Officer” refers to the Shire Chief Executive Officer

## Appendix A

The grievance management checklist contains some of the key actions associated with managing an employee grievance.

The checklist is applicable throughout all stages of the grievance resolution process and should be regularly referred to including prior to commencement, during and the completion of the grievance resolution process.

### Documentation

Good documentation of the grievance issues is central to the grievance resolution process to provide a comprehensive perspective of the complaint and how it was dealt with, should the matter be subject to further review or litigation.

|   |                          |
|---|--------------------------|
| Describe how information will be kept confidential and how long it will be stored in accordance with the Shire’s Record Keeping Plan.   | <input type="checkbox"/> |
| Provide clear guidance on the extent of the documentation that will be recorded in the process  | <input type="checkbox"/> |
| How parties were informed of their rights and responsibilities?   | <input type="checkbox"/> |
| How issues were identified and examined?  | <input type="checkbox"/> |
| Pathways used to resolve issues i.e. what issues were referred to and resolved under other processes, such as an industrial process?  | <input type="checkbox"/> |
| Key actions undertaken during the process, including discussions with parties.  | <input type="checkbox"/> |
| Decisions made as part of the process.  | <input type="checkbox"/> |
| The basis on which the final decision is made>  | <input type="checkbox"/> |
| <b>The parties have been informed of their rights and responsibilities in the grievance resolution process.</b>   |                          |
| Both the parties (complainant and respondent) have been provided with copies of the Shire’s grievance policy and procedure.   | <input type="checkbox"/> |
| The parties have been advised that they may request the presence of a support person for any meetings.  | <input type="checkbox"/> |
| The parties have had the opportunity to have the Shire’s policy and procedures explained to them by a Grievance Officer.  | <input type="checkbox"/> |
| The parties have had a opportunity to ask questions and clarify any issues relevant to the grievance with a Grievance Officer.  | <input type="checkbox"/> |
| The Grievance Officer has clarified the grievance issues with the person who made the grievance.  | <input type="checkbox"/> |
| Where the grievance relates to the alleged actions/behaviour of an individual or individuals, those people have been informed of the full details of the grievance and given an opportunity to respond. | <input type="checkbox"/> |
| The Shire informed the parties’ of the timelines it intends to follow to keep the parties informed of their rights and responsibilities.  | <input type="checkbox"/> |
| Delays in the process have been /will be explained to the parties.  | <input type="checkbox"/> |

|  |  |
|--|--|
| The Shire has recorded and retained documentation in the appropriate confidential file.  | <input type="checkbox"/>   |
| The Shire has informed the parties of the actions being undertaken to address the issues raised in the grievance.  | <input type="checkbox"/>   |
| Further action required by the parties has been/will be identified and conveyed to the parties.  | <input type="checkbox"/>   |
| Strategies are in place to ensure appropriate confidentiality will be maintained.  | <input type="checkbox"/>   |
| <b>The process is based on a proper consideration of the facts and circumstances prevailing at the time of the grievance.</b>  |  |
| The grievance issues have been clarified with the person who lodged the grievance and ideally agreement reached in the issues to be covered.   | <input type="checkbox"/>   |
| If using external consultants ensure they have copies of all relevant documents, including the Shire's policies and procedures, the grievance resolution standard and the scope of the grievance.  | <input type="checkbox"/>   |
| The Shire's has considered and identified if a grievance could be linked to a suspected breach of discipline prior to commencing a review of the prevailing facts and circumstances of a grievance.  | <input type="checkbox"/>   |
| If a suspected breach of discipline has been identified by the Shire the two processes of grievance and discipline have been kept separate.  | <input type="checkbox"/>   |
| The Shire's Grievance Officer records main issues raised in the employee grievance management processes.   | <input type="checkbox"/>   |
| All the grievance issues have been documented. For example, in memorandums, letters to the parties, the final report.  | <input type="checkbox"/>   |
| The person who conducts the consideration of the facts and circumstances is: <ul style="list-style-type: none"> <li>• Impartial</li> <li>• Is not a party to the grievance</li> <li>• Does not have a conflict of interest with any of the parties</li> </ul>  | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| The decision takes into account all of the facts and circumstances, i.e. covers all issues raised.   | <input type="checkbox"/>   |
| The Shire has communicated to the parties the independent process for considering all the issues raised in the grievance.  | <input type="checkbox"/>   |
| Prior to making any conclusions, findings or recommended actions the Shire has given the parties the opportunity to comment on the process for identifying and considering all of the issues raised in the grievance and the opportunity to respond to the conclusion, findings and recommended actions. | <input type="checkbox"/>   |
| <b>Decisions are impartial, transparent and capable of review.</b>   |  |
| The investigation report has been quality checked to ensure that all areas of the grievance have been properly considered and addressed before a final decision is made.   | <input type="checkbox"/>   |

## Appendix B

### GRIEVANCE MANAGEMENT PROCEDURE

#### 1. Definitions

##### **Grievance**

A grievance is an issue raised by an employee that concerns another person or persons or an action or inaction that has negatively affected their employment or wellbeing. It is a matter that affects the complainant for which they are seeking resolution.

An issue raised could be any real perceived ground for complaint including received bullying; racial or sexual harassment; discrimination on the grounds of disability, race, religious belief, political viewpoint, sex, marital status or pregnancy sexual orientation, gender identity, age; or any other unfair or improper treatment.

##### **Procedural Fairness**

Procedural fairness is concerned with the procedures used by a decision maker, rather than the actual outcome reached. Procedural fairness requires a fair and proper procedure to be used in making the decision. The requirements of procedural fairness include opportunity to be heard, absence of bias and expeditious handling of complaints.

##### **Mediation**

Mediation is a process of negotiation which aims to resolve conflicts or complaints through the use of a third party that will bring the parties to the grievance together, and assist them to reach an agreement.

##### **Conciliation**

Conciliation is a process whereby a third party negotiated with each party individually to facilitate and acceptable outcome.

#### 2. Informal Procedures

1. The complainant should first consider addressing the issue with the person(s) considered responsible with the aim to resolve or redress the matter at that level, before informing the Shire of Wagin about a grievance. A line manager may assist with this process.
2. If the matter is unable to be resolved at that level, then an informal grievance may be lodged with the Shire of Wagin Grievance Officer. The Grievance Officer will document the grievance and/or support the complainant to do so, including the process of resolution thus far undertaken.
3. Collaboratively, a course of action to resolve the matter may be developed. Usually a conciliatory approach will be applied where information is taken between the relevant parties until a reasonable resolution can be agreed. Depending upon the circumstances, mediation may be the preferred option in order to reach a resolution.

#### 3. Formal Procedures

1. If the more informal approach is deemed inappropriate or has proven unsuccessful, a formal grievance management process may be enacted. A formal grievance requires the matter to be reported to the Grievance Officer. If it is not reported in written form, the Grievance Officer will be required to make a record of the grievance and have the complainant agree and sign the document, before the matter can proceed further.
2. The respondent(s) will be provided with the written grievance and will be required to respond to the matter to the Grievance Officer. The Grievance Officer responsible for the process will consider the matter and conduct an appropriate investigation to determine the material facts and circumstances of the matter. A report, including findings and conclusions will be provided to the Chief Executive Officer, who will review the findings, conclusions and recommendations contained in the report.

**Note:** An employee involved in a grievance management process shall have the right to a support person at any stage of that process. This includes the complainant, respondent(s) and witnesses. A support person could be, but is not limited to, an employee association representative, colleague or friend.

3. At the conclusion of a formal grievance management process, parties will be advised about any decision/outcomes relevant to them and informed of their right to appeal within the framework of the Public Sector Standards.



#### **4. Confidentiality**

At all times the highest confidentiality must be maintained in resolving a grievance or dispute.

Any documentation concerning the grievance or dispute shall be held on a "Grievance/Dispute Resolution" confidential file maintained by the Chief Executive Officer.

#### **5. Retention and Disposal of Documentation**

Records of grievance lodged by employees, including those related to discrimination and harassment will be retained for seven (7) years after action completed.

#### **6. Roles and Responsibilities**

##### ***Complainant***

Complainants are effectively the person who bears the grievance.

Complainants are responsible for:

- Ensuring they are aware the Grievance Management Policy and Procedures.
- Using this procedure with probity. Grievances, which are found to be knowingly vexatious, frivolous or malicious, may be subject to disciplinary action.
- Seeking to resolve the grievance informally in the first instance.
- Making the Shire of Wagin clearly aware of their grievance and providing sufficient information to enable assessment if the matter cannot be resolved informally.
- Maintaining appropriate confidentiality throughout the grievance management process.

##### ***Grievance Officer***

A suitably trained and appointed staff member whose role is to provide information and support to either the complainant or the respondent in a grievance.

The Grievance Officer is responsible for:

- Providing support and advice to a person or persons who have identified an issue of concern in the workplace.
- Ensuring that the complainant is aware of the Grievance Management Policy and Procedures.
- Providing support to line managers.
- If required, acting as a support person for a complainant or a respondent, if the matter progresses through the grievance process. Handling informal grievances sensitively and confidentially, ensuring standards of fairness, objectivity and consistency in treatment of all staff in all cases.
- Recording appropriate and relevant information.
- Facilitating a resolution to a grievance where possible.
- Conciliation and/or mediation to achieve a resolution of an informal grievance.
- Providing support to line managers.
- Handling informal grievances sensitively and confidentially, ensuring standards of fairness, objectivity and consistency in treatment of all staff in all cases.
- Recording appropriate and relevant information.

**Any grievances lodged against the CEO are to be dealt with by the Shire President under this policy.**

##### ***Respondent***

The person who the complainant cites as the person responsible for their grievance.

The Respondent is responsible for:

- Ensuring that they involve themselves in the process in a timely and appropriate manner.
- Maintaining appropriate confidentiality throughout the process.

### **Support Person**

A person of the Complainant or Respondent's choice that they have asked to provide support throughout the process.

The Support Person is responsible for:

- At request, providing support to either the Complainant or Respondent throughout the grievance process.
- The support person may assist by taking notes and by discussing the issues with the employee outside of the meetings.
- The support person cannot advocate on behalf of the employee, or offer their views or opinions during any mediation meetings.
- Maintaining appropriate confidentiality throughout the process.

### **Witness to matters raised in a grievance**

A person that has witnessed matters raised in the grievance process.

- If required, participating in the investigation process conducted by or on behalf of the Shire of Wagin.
- Maintaining appropriate confidentiality throughout the process.
- Reviewing the findings, conclusions and recommendations of a formal grievance presented by the Grievance Officer.
- Maintaining appropriate confidentiality throughout the process.

### **References**

The Grievance Management Procedures have been aligned with the following legislation framework.

#### **Available at:**

|   |   |
|---|---|
| Public Sector Management Act 1994                       | <a href="http://www.slp.wa.gov.au">www.slp.wa.gov.au</a>  |
| WA Public Sector Standards in Human Resource Management | <a href="http://intranet/hr/employee_services.htm">http://intranet/hr/employee_services.htm</a> |
| Equal Opportunity Act 1984                              | <a href="http://www.slp.wa.gov.au">www.slp.wa.gov.au</a>  |
| WA Public Sector Code of Ethics                         | <a href="http://intranet/hr/employee_services.htm">http://intranet/hr/employee_services.htm</a> |

### **GUIDELINES**

- *Local Government Act 1995*

### **HISTORY**

- 23 February 2021 (Council Resolution #4479)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.11 RELEASE OF STAFF TO ASSIST EMERGENCY SERVICES

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | A.11  |
| <b>POLICY TYPE</b>           | ADMINISTRATION                              |
| <b>DATE ADOPTED</b>          | 24 MAY 20211                                |
| <b>REVIEW DATE</b>           | 20 NOVEMBER 2018 (Council Resolution #3910) |
| <b>DELEGATION APPLICABLE</b> | NO  |

### **OBJECTIVE**

Council supports and recognises the need of volunteers as members of the emergency services within the Shire and adopts as policy the following:

The release of staff, who are trained volunteers to assist the emergency services of which they are members in, an emergency situation **only** when approval from a manager is given.

Staff released to assist in an emergency will be remunerated without less pay or leave while attending the emergency event during working hours.

The emergency services are those defined under LEMC (Local Emergency Management Committee) and are:

- WA Fire and Rescue
- St John Ambulance
- Bushfire Brigades
- State Emergency Services
- Australian Red Cross

### **GUIDELINES**

- *Local Government Act 1995*

### **HISTORY**

- Nil

### **RESPONSIBLE OFFICER/S**

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager of Works

## A.12 FITNESS FOR WORK AND DRUG AND ALCOHOL TESTING

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.12</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>28 FEBRUARY 2012</b>                            |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

The Shire of Wagin is committed to providing a safe, healthy and productive workplace for all. An employee's fitness for work may be adversely affected by the effects of fatigue, stress, injury/illness, alcohol or drugs. These factors may cause impairment or deficiencies in the employee's work performance and can be a contributing factor in workplace accidents or incidents.

The Shire of Wagin will not tolerate Employees attending work under the influence or in possession of alcohol or drugs and will take action where this occurs.

This Policy aims to:

- Provide a safe work environment and a safe system of work for employees, contractors and visitors.
- Minimise the risk of injury to employees, contractors or visitors in the workplace.
- Minimise the risk of damage to the employer's property or that of its customers.
- Minimise risk of disruption to operations and productivity as a result of illness, injury or damage to property caused by consumption of drugs or alcohol.
- Provide a framework for dealing with the issue of fitness for work.

### **SCOPE:**

This policy applies to: All employees & contractors performing work at the Shire of Wagin workplaces or where work is performed (eg a customer's premises).

All employees engaged by the Shire of Wagin are required to be "fit for work" at all times. Any employee who the Shire of Wagin reasonably considers is unfit for work will not be permitted to commence or continue work and will be required to leave the premises.

The Shire of Wagin will take reasonable steps to ensure employees are in a fit state to work safely and to minimise risks to both themselves and others in the workplace

This policy is part of a broader Health and Wellbeing Program provided by the Shire of Wagin to its employees.

The situations in which the Shire of Wagin may reasonably consider that an employee is unfit for work include, but are not limited to:

1. Exhibiting a physical, mental or emotional state that potentially compromises a safe work environment.
2. Presenting for work with a level of alcohol and/or drugs (prescription or otherwise) in their system which is in excess of the cut off prescribed in this policy or in excess of that allowed by law.
  - a. Employees need to have a Blood Alcohol Concentration (BAC) level of 0.00 whilst in the workplace. The employee will not be permitted to commence or continue work and will be required to leave the premises - Or at the direct Manager –

Supervisors discretion, if under 0.005 may be given non-hazardous tasks e.g. sweeping the yard, until a BAC Reading of 0.000 is returned.

- b. Employees are prohibited from having any other illegal drugs detected in their system; eg Cannabis, methamphetamines ("speed" or "Ice") or MDMA ("Ecstasy") or any other illicit drug.
- c. Employees are prohibited from attending the workplace whilst taking prescription drugs at excessive levels or where adversely affected by prescription drugs.

#### DEFINITIONS:

**Alcohol:** Alcohol means ethyl alcohol or ethanol. Blood Alcohol Content (BAC)

**Drug:** Any substance that may result in psychological or behavioural changes that cause impaired work performance. In this context, the term 'substance' includes, but is not limited to, alcohol, intoxicating products, Prescription Drugs, Non-Prescription Drugs, legal and illegal/illicit Drugs, whether naturally occurring or synthetic.

**Duty of Care:** A responsibility owed to another person because of a relationship between the two people.

**Fit for work:** Refers to an individual's functional capacity (physically, mentally and behaviourally) to perform assigned tasks competently and in a manner which does not compromise or threaten the safety or health of themselves or others.

**Illicit or illegal Drugs:** Illegal / Illicit Drugs includes all drugs identified as such by AS/NZS 4308 2008 or drugs which have been synthetically designed to be outside the detection limits of AS/NZS 4308 2008 and are not considered Prescription Drugs or Non- Prescription Drugs.

**Impairment:** The alteration of an individual's normal physical and/or mental function which results in diminished ability to safely undertake tasks at the normal level of concentration and performance.

**Non-Negative Result.** A result equal to or above the cut off level or target used in initial On Site Testing e.g. Blood Alcohol Content (BAC) level above 0.000

**Non-prescription Drugs Or Over the Counter (OTC)** Non Prescription Drugs include medications and other substances, both naturally occurring and synthetic, as sold legally over the counter, by a registered medical practitioner (ie pharmacist) without a physician's prescription.

**Prescription Drugs:** Prescription Drugs includes medications and other substances, both naturally occurring and synthetic, that cannot be legally purchased without a prescription from a registered medical practitioner.

#### RESPONSIBILITIES:

- The Shire of Wagin has a duty of care to provide a safe workplace to its employees, as per safety and health legislation and common law.
- The employer/direct manager is responsible for making the decision as to whether an employee is fit for work and removing any impaired employee from possible harm.
- The employer and direct manager are responsible for ensuring the privacy of any drug/alcohol suspected incidents.
- All employees have a corresponding duty of care to take reasonable care so as not to expose themselves or their fellow employees to unnecessary risks. This duty extends to notifying their immediate supervisor if they reasonably suspect that another employee may be a risk because they are unfit to work.

The employee is responsible for advising of any drug use (including prescription or over the counter drugs), adhering to this policy and following directions with regard to drug/alcohol testing procedures as outlined

#### PROCEDURES:

##### ASSESSMENT FOR FITNESS FOR WORK

An employee's fitness for work may be assessed by any or all of the following methods:

##### Pre-Employment Testing

Prior to appointment of certain positions, a Pre-Employment Medical Assessment may be required. This may include a Drug and Alcohol Test and will be performed at the cost of the employer. Should a positive test be returned, appointment may not proceed.

### Random / Blanket Testing

The Shire of Wagin and all its employees and contractors engaged acknowledge that the employer will conduct random or blanket testing of employees for alcohol and drugs in order to maintain a safe and healthy working environment for all.

Testing methods will be in accordance with ASNZS4309:2008 for testing drugs of abuse: and will be conducted by an independent and approved tester in accordance with relevant Australian Standards.

#### Reasonable Cause testing

Workers may be directed to attend drug and/or alcohol testing where there are reasonable grounds to believe the employee's fitness for work may be impaired by drugs and/or alcohol, or there is a work-related incident. Reasonable Cause Test should be taken as soon as is practicable after an incident or reasonable grounds are identified. These include but are not limited to the following:

- a) Reasonable suspicion of impairment
- b) Vehicle accidents
- c) Property damage
- d) Reportable near misses

The testing for any drug will be via any available, valid and reliable National Association of Testing Authorities (NATA) approved drug testing centre e.g. PathWest Katanning or Narrogin.

See reasonable cause – schedule A

### **SUSPECTED IMPAIRMENT OF EMPLOYEES:**

1. Where the Shire of Wagin has a reasonable suspicion that an employee may be impaired by the use of drugs or alcohol / of this policy (see below for further information), the employee will not be permitted to commence or resume work until they have undergone testing and the test indicates that they are not under the influence of drugs or alcohol and not in breach of this policy.
2. An employee directed by the Shire of Wagin to undertake an alcohol and/or drug test, must comply with the direction. Any refusal to comply with a direction to undertake testing will be treated as a breach of this policy and will be considered a Non Negative Result. The employee will be suspended immediately without pay and not allowed to return to work (pending disciplinary action) until the refusing Employee supplies a clear D&A result from an independent testing lab (at the Employees own expense) Disciplinary action may result in such action such as dismissal.
3. The Shire of Wagin is responsible for ensuring that an employee who is suspected of breaching this policy is provided with transport to and from the testing location (if required) and/or is provided with appropriate assistance to return home safely where necessary.
4. Where an employee is directed to undertake an alcohol and or/drug test the Shire of Wagin will meet the costs of the initial test regardless of the test results.
5. The devices used for testing for Blood Alcohol Concentration (BAC) should be a Breathalyser Unit in accordance with operational training in Unit of Competency HLTPAT005
6. An employee who vexatiously reports another employee for breaching this policy (for example; without reasonable grounds or for personal gain) may be subject to disciplinary action.
7. The Shire of Wagin is committed to ensuring confidentiality and privacy of employee's personal information. Accordingly access to information that is retained on an employee's personnel file regarding breaches of this policy and individual test results is strictly controlled and will be restricted to the employee's department manager and senior management of the Shire of Wagin only.

### **NON NEGATIVE ALCOHOL TEST - (BAC above 0.000), UNFIT FOR WORK:**

8. In the event that a breathalyser Blood Alcohol Concentration (BAC) test result indicates a test result higher than 0.000% :
  - 8.1. Then a second "confirmatory" breathalyser (BAC) test will be undertaken after 20 minutes. The donor will be instructed not to eat, drink or smoke and must be supervised for this period.
  - 8.2. The second (BAC) test is final and must be witnessed by an authorised company representative. (See Request – reasonable cause alcohol and drug testing)

- 8.3. The donor, tester and official witness must print their names and sign the request form. The employee will not be permitted to commence or continue work and will be required to leave the premises - or at the direct Manager – Supervisors discretion, if under 0.005 may be given non- hazardous tasks e.g. sweeping the yard, until a BAC Reading of 0.000 is returned.
- 8.4. In the instance of a Non Negative Alcohol test (above 0.000), the employee will receive a written warning and be advised that this is a serious offence and will be subject to further investigation and disciplinary action, including potential for dismissal.

#### **NON NEGATIVE DRUG TEST - UNFIT FOR WORK:**

9. In the event that the employee returns a “Non - Negative” drug test result to AS/NZS 4308:2008 for testing drugs of abuse:
  - 9.1. The Employee will be immediately stood down without pay and required to leave the premises.
  - 9.2. The Employee must present to an authorized testing center such as PathWest in Narrogin or Katanning within the subsequent 24 hours and be tested to AS/NZS 4308:2008 for testing drugs of abuse:
  - 9.3. Any refusal to comply with the direction to undertake further confirmatory testing at an authorized testing center within the 24 hours from the initial test will be treated as a breach of this policy. Disciplinary action will result such as dismissal.
  - 9.4. The company will pay for the initial confirmatory testing at an authorized testing center.
  - 9.5. Subsequent testing will be at the Employee’s own expense.
  - 9.6. The Employee will not be reinstated until the employee provides a clear test result from an authorized testing center (pending on disciplinary action)
  - 9.7. In the instance of a Non Negative Drug test result confirmation from an authorized testing center, the employee will receive a written warning and be advised that this is a serious offence and will be subject to further investigation and disciplinary action, including potential for dismissal.
  - 9.8. All details and documentation related to the test and circumstances will be retained on the employee’s personal file with confidentiality maintained.
  - 9.9. The employee will be required to undergo training/education and counselling regarding the effects of alcohol and/or drugs on their health and at the workplace (pending on disciplinary action).
  - 9.10. In the instance that the confirmatory test results from the authorized testing center come back clear then the employee will be reinstated and fully reimbursed for the time off work during this process.
10. Breaches of this policy and its procedures will be regarded as a serious matter by the Shire of Wagin and will be subject to further Investigation and disciplinary action, which may include termination of employment.
11. Any time off work as a consequence of a breach of this policy will be treated as unpaid leave.

#### **RANDOM / BLANKET FITNESS FOR WORK TESTING:**

Drugs to be screened for are: Alcohol, cannabis, opiates, methamphetamines or any other illicit drugs or prescription and over the counter drugs.

Unacceptable levels will be as per AS/NZS 4308:2008

Employees will be chosen for random or blanket testing at the Employers discretion several times per year. Testing will be as per this policy and/or relevant EBA document.

Testing will be carried out by an impartial person trained to administer the chosen test e.g. urine - BAC. The tester will be tested prior to each random set of staff testing.



If the tester is impaired, another suitable person agreed with the employees and the employer will be chosen (Breathalyser testing only).

Test results will be kept confidential and will be dealt with on an individual basis with each employee at the time the confirmed impairment is discovered.

Consequences for impairment will be:

- Removal from the workplace (until proven fit for duty, at the employee's expense)
- Discussion with the employee (with representation) to determine reasons for impairment.
- Written Warning, Education, Counselling Sessions, Disciplinary Action.

If an employee tests positive for impairment on multiple occasions, the employee may be referred for medical / EAP assistance; and will receive Disciplinary Action, including the possibility of termination.

#### **POSSESSION OF DRUGS OR ALCOHOL AT THE WORKPLACE:**

1. An employee is not to attend work whilst impaired by any illicit drugs. Any employee must not exceed the drug levels as specified by the AS/NZS 4308:2008.
2. Employees who are taking any over the counter or prescription medication are required to consult with their medical practitioner or pharmacist about possible side effects of prescription drugs and the impact on their ability to work safely prior to use.
3. Where there are side effects of prescription medication that may affect an employee's fitness for work, the employee is required to advise their immediate supervisor of the potential effect on workplace performance. The supervisor will then take any necessary action to assess and minimise any identified risk to employee's safety.
4. An employee must not have any alcohol or other drugs in his or her possession on the work premises or consume alcohol or drugs (prescription or otherwise) whilst on the premises without the knowledge and permission of their immediate supervisor, unless it is a prescribed or over the counter drug and the employee has established with their medical practitioner or pharmacist that the drug does not work in such a way that it may not impair their fitness for work.
  - 4.1. Any employee who has illicit/illegal drugs in their possession will be asked to leave the premises immediately and their employment may be in jeopardy (including summary dismissal).
5. Where there is reasonable cause to suspect that the employee or contractor is in possession of or affected by drugs or alcohol the Shire of Wagin may instigate a search of the employee's workplace and this includes lockers or other personal spaces within the workplace. The employee may also be asked to make bags, vehicles or other personal property at the workplace at that time available for inspection to ascertain the presence of drugs or alcohol. Failure to do so may be viewed as evasive behaviour and will be the subject of further discussion with the employee and may lead to Disciplinary Action, including the possibility of termination.

#### **CHEATING – SAMPLE SUBSTITUTION OR DILUTION:**

1. An employee found, to have, or having attempted to, dilute or substitute a sample will be asked to leave the workplace immediately. The incident will be reported directly to the Chief Executive Officer and he or she will give the employee the opportunity to "show cause" why their employment with the Shire of Wagin should not be immediately terminated. The Shire of Wagin views this practice to be a serious offence in trying to create the illusion that the employee is unaffected by the substance. Without reasonable cause being shown by the employee the CEO will terminate the employee effective immediately.
2. Employees unable to provide a urine sample at a random testing time will be required to wait (supervised) for an hour to give the opportunity to provide a sample. If still unable to provide a urine sample, the employee

will be required to attend testing within 24 hours at an authorized testing center of the Shires choice and at the Shires cost.

- 2.1. Any refusal to comply with the direction to undertake testing at an authorized testing center of the Shires choice within the 24 hours from the initial documented request (Use Request for Reasonable Cause Alcohol and Drug Test Page: 11) will be treated as a breach of this policy. Disciplinary action will result such as dismissal.

### **WORKPLACE FUNCTIONS:**

The Shire of Wagin, while not responsible for the private lives of our employees, carry the primary responsibility for safety at work through creating and maintaining a safe working environment. The impact of unsafe behaviour potentially caused by alcohol consumption at workplace functions are emphasised in the creation and communication of this policy.

The Shire of Wagin, at times, makes alcohol available to staff over the age of 18 at work functions, after work hours. The employer will minimise risks of that consumption causing harm to others by ensuring non-alcoholic and low-alcohol beverages are readily available. Food will also be offered.

Prior to attending a workplace function, employees will be reminded that the responsibility to limit the amount of alcohol to safe levels of consumption at a workplace function is the responsibility of the employee.

Driving over the legal blood alcohol limit or under the influence of illicit drugs is illegal and is not condoned by the Shire of Wagin.

**Prior Planning – Employee:** If there is any potential that alcohol consumption at a workplace function may result in an employee driving over the legal blood alcohol limit then employees are encouraged to organise alternative transport prior to any workplace function where alcohol is available, to minimise the risk of them driving under the influence of alcohol.

**Prior Planning – Employer:** In the event an employee becomes intoxicated at the Shire of Wagin workplace function, or if the Shire of Wagin believes that there is the potential for employees to drive under the influence of alcohol after a workplace function, the Shire of Wagin must ensure that they get home safely by following normal procedures for managing intoxicated workers e.g. taxi, bus, “Skipper”.

### **SELF-REFERRAL:**

Where an employee believes that he or she has a problem with drug or alcohol use they are encouraged to discuss the matter with their direct Supervisor – line Manager and or the Chief Executive Officer. The employee will be supported in such instance with initial counselling (3 visits), time off work to attend drug and alcohol rehabilitation and an ongoing rehabilitation contract where regular discussions with managers and ongoing testing will be a feature in an environment of absolute confidentiality

### **MULTIPLE DRUG/ALCOHOL OFFENCES:**

Where an employee has breached this policy on more than one occasion, the employee will be removed from the workplace, pending further investigations.

The employee will be advised that their employment may be in jeopardy which may include termination of employment.

If a dependency issue is apparent, they will be referred to appropriate medical assistance or counselling service and any Employee Assistance Program offered by the employer (see Employee Assistance Program (EAP)).

### **EMPLOYEE EDUCATION:**

An education program will run in conjunction with this policy ensuring that employees understand the effects of drugs and alcohol in the workplace in order to make an informed choice about their actions and behaviour. Employees will be given education material re the effects of different drugs and the potential consequences in the workplace at their Induction. Annual refreshers will be conducted to reinforce the knowledge.

### **SIGNS OF IMPAIRMENT:**

Impairment can be caused by a range of factors, including alcohol and other drug use. The focus at the workplace should be on occupational safety and health management rather than more general concerns about personal health.

It should not be assumed that any observed impairment is caused by alcohol and/or other drug use. Other impairment factors may include fatigue, medical conditions, chemicals, heat, noise and symptoms of work-related stress.

Some work-specific signs that an employee may be impaired by drugs, alcohol or other factors are:

- Repeated accidents, near misses or mistakes
- Altered, uncharacteristic behaviour in the workplace or with colleagues
- Aggressive behaviour or defensive attitude,
- Poor concentration, impaired memory, inattention or carelessness in work duties

Where the ability to work safely is impaired, the employer and employees should respond in a respectful manner based on the information available.

*If an employee suspects that a person is impaired in the workplace, they should immediately advise a supervisor or direct line Manager.*

*Any action taken by the director/supervisor toward any person with a suspected impairment should be brief, firm, calm, clear and confidential.*

Refer to Appendix A - Fitness for Work – Policy - Procedure Flowchart

### **Employee Assistance Program (EAP):**

The Shire of Wagin understands employees may be experiencing difficulties external to work that may influence their behaviour and health whilst at work. To assist with the recovery of the employee, the shire has in place a confidential employee assistance program. For the purpose of this procedure, this program may be offered to first offence employees through ratification of the CEO or Manager of Finance & Corporate Services. Otherwise this program will be offered on the second affirmed screening. The shire will offer a total of 3 counselling sessions, if further sessions are required, approval is to be deemed by the CEO or Manager of Finance & Corporate Services.

If an EAP is offered as a result of a first offence and the employee declines the offer, they risk the consequence of instant dismissal on second offence.

Employees who feel an EAP would benefit them due to personal circumstances may utilise these services on ratification of the CEO or Manager of Finance & Corporate Services. Such employees do not contravene the guidelines of this procedure if they volunteer for the EAP service

### **Disciplinary Action:**

If this procedure is in anyway contravened by an employee the following will result.

### **General Guidelines:**

Any employee who tests positive to an alcohol breath screen or urine screen will be stood down from their work and will not be permitted to resume work until such time as they have proven they are fit for work. Any person who is found to be significantly fatigued will also be stood down from work without pay until such time as they have proven they are fit for work.

### **FIRST OFFENCE**

- BAC Reading of over 0.000** - The employee will be immediately suspended from duty without pay if found unfit to work - or at the direct Manager – Supervisors discretion, if under 0.005 may be given non-hazardous tasks e.g. sweeping the yard, until a BAC Reading of 0.000 is returned.
- Drugs** - The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- Alcohol and Drugs** - The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- The employee will be counselled by their supervisor that will focus on;
  - a. The unacceptability of the employee's behaviour
  - b. The risk that such behaviour creates for the safety of the individual and other employees or members of the public
  - c. The employee's responsibility to demonstrate that the problem is being effectively addressed;
  - d. That any future breach of the policy will result in second offence or instant dismissal.

**The employee will be formally offered the opportunity to contact a professional counsellor.**

The decision to undertake counselling or other treatment for alcohol or other drug or substance problem

is the responsibility of the employee and cannot be made mandatory. However, refusal to accept counselling may result in instant dismissal on second offence. The Shire of Wagin will insist that the employee provide satisfactory evidence that the effect of work performance and/or safety has been addressed before they are permitted to return to work.

#### Second Offence- Alcohol and Drugs:

- i. The employee will be immediately suspended from duty without pay if found unfit for work.
- ii. The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- iii. The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- iv. The employee will be counselled by their supervisor that will focus on;
  - a. the unacceptability of the employee's behaviour
  - b. the risk that such behaviour creates for the safety of the individual and other employees or members of the public
  - c. the employee's responsibility to demonstrate that the problem is being effectively addressed;
- v. that any future breach of the policy will result in instant dismissal.
- vi. Counselling will be offered, refer to *First Offence (v)*, if counselling was not used in the first offence.
- vii. The employee will be instantly dismissed without notice if found to decline the offer to an EAP on second offence.
- viii. The employee will be submitted [fortnightly or randomly] for alcohol and / or drug screening for the period of [two months] paid by the Shire of Wagin. If tests

Third Offence: confirm positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

- (i) The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- (ii) The employee will be immediately dismissed from duty without notice.

#### Instant Dismissal:

The following are guidelines to circumstances that will result in dismissal without notice:

- (i) Any attempt to falsify the drug and alcohol screen
- (ii) Cultivating, selling or supplying drugs and / or other substances
- (iii) Unauthorised consumption of illicit drugs or alcohol whilst on the work site or during the working period.
- (iv) Unlawful behaviour.

#### Other:

If an employee is found to be heavily intoxicated, above the legal limit to drive, or extremely fatigued and they are to be sent home without pay, it is a requirement of the supervisors to:

- a) Contact the employee's next of kin to arrange pick up.
- b) If next of kin is unable to be contacted or unable to take employee home, the direct line Supervisor – Manager is to arrange for alternative transport)
- c) The employee is to be advised that their vehicle must be collected that day.

#### **RELEVANT LEGISLATION/DOCUMENTS:**

Occupational Safety and Health Act 1984 Occupational Safety and Health Regulations 1996

AS 3547-1997: Breath alcohol testing devices for personal use

AS/NZS 4308:2008; Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine

AS 4760-2006: Procedures for specimen collection and the detection and quantitation of drugs in oral fluid

#### **REFERENCES:**

Guidance Note Alcohol and Other Drugs At The Workplace 2008

WA Government, Alcohol Think Again - Fitness-for-work-alcohol-policy-development WA Government,

Alcohol Think Again - Fitness-for-work-alcohol-policy-inclusion

Workplace Health and Safety Queensland, Department of Justice and Attorney- General Framework for alcohol and drug management in the workplace

Source:

<https://www.commerce.wa.gov.au/worksafe/alcohol-and-drugs-frequently-asked-questions>

### **REASONABLE CAUSE – SCHEDULE A**

When determining “reasonable cause” physical symptoms and/or unusual or out of character observable or reported behaviours must be considered.

Examples of physical symptoms or behaviours include, but are not limited to:

- Excessive lateness
- Absences often on Monday or Friday or in conjunction with holidays
- Increased health problems or complaints about health
- Emotional signs – outbursts, anger or aggression
- Changes in personality
- Changes in alertness – clothing, hair, personal hygiene
- Less energy
- Involvement in various minor accidents
- feigning sickness or emergencies to get out of work early
- going to the bathroom more than normal
- defensive when confronted about behaviour
- dizziness
- slurred speech
- hangovers
- violent behaviours
- impaired motor skills
- bloodshot eyes
- impaired or reduced short term memory
- reduced ability to perform tasks requiring concentration and co-ordination
- Intense anxiety or panic attacks
- Impairments in learning and memory, perception and judgement
- Irritability
- Depression
- Odour of alcohol or drugs

Reasonable grounds testing may also take place where the Shire of Wagin learns, from a credible source, that the employee/contractor is at risk of impairment of drugs and/or alcohol, or where the employee/contractor is observed (whether by the Shire of Wagin or a credible source) using, possessing, distributing or consuming drugs or alcohol during work time or during any breaks, whether on or off the Shire of Wagin premises or worksites.



REQUEST – REASONABLE CAUSE ALCOHOL AND DRUG TESTING

Employee name:..... Date: .....

Supervisor: .....

Supervisor’s reasons for reasonable cause:

.....  
.....  
.....

Employer/Contractor comments:

.....  
.....  
.....

**DETERMINING REASONABLE CAUSE**

|                          |                          | Yes | No |   |
|--------------------------|--------------------------|-----|----|---|
| <input type="checkbox"/> | <input type="checkbox"/> |     |    | Do you believe that there is a risk to the safety and health of this person or others?                              |
| <input type="checkbox"/> | <input type="checkbox"/> |     |    | Are you satisfied that it is reasonably possible that the risk is a result of the possible use of drugs or alcohol? |

DO NOT proceed with reasonable cause testing unless the answer to both of these questions is YES.  
Reasonable Cause established Yes/No at (time)..... Date .....

Action Taken:

.....  
.....  
.....

Supervisors Signature.....Time: .....Date .....

CEO’s Signature .....Time: ..... Date .....

**SAFETY SENSITIVE ROLES AND POSITIONS – SCHEDULE B**

The following is a non-exhaustive list of the types of positions and roles that are classed as safety sensitive positions or roles and which are subject to random testing under this policy.

- Any employee or contractor who uses a motor vehicle or heavy machinery such as trucks or heavy mobile plant in the course of their employment or engagement, High risk licence activities e.g. Forklift operation;
- Any employee or contractor who is working within the confines of a warehouse or depot facility;
- Any employee or contractor working in a marked HAZCHEM area or has cause to work with dangerous chemicals or materials;
- Any employee or contractor working at heights or in confined spaces;
- Any employee or contractor operating machinery or power tools;
- Any employee or contractor working in trenches or excavations;
- Any employee or contractor working in water or boats;
- Any employee or contractor working with dangerous animals;
- Any employee or contractor working at high risk sites, for example, active construction or road maintenance sites or regular visits to such sites;
- Any employee or contractor who works in a supervisory role;





**HEALTH REHABILITATION CONTRACT – SCHEDULE C**

The Shire of Wagin – Health Rehabilitation Contract.

EMPLOYEE NAME: .....

I,..... acknowledge that I have been entered into the Shire of Wagin Health Rehabilitation Plan and that my continued employment with the Shire of Wagin is subject to the following:

I am committed to full participation in the Plan with the service provider(s) specified by the Shire of Wagin.

I understand that I may be required to contribute to part or all of the cost of the plan.

I authorise the service provider(s) to release the following information to the Shire of Wagin:

- Whether I have kept my appointments;
- Whether the service provider(s) has recommended a course of treatment;
- Whether I am following that course of treatment;
- Whether a return to work is appropriate and within what timeframe; and
- Whether I have completed the required course of treatment.

I understand that the Shire of Wagin may disclose this information as a proof of action where it is appropriate to defend the employee or the Shire of Wagin with regard to the employee’s rehabilitation.

I agree to take this course of treatment outside of work hours or use leave entitlements - if required and approved, to participate during work hours. I agree to take up to 6 drug and alcohol tests in the 12 months following treatment and agree to the release of the results to my employer.

I accept that I may be suspended from my duties with or without pay or allocated alternative duties while I participate in the programme.

I accept that, if I do not attend or complete the required course of treatment, or if I refuse to take any of the 6 subsequent tests referred to above or if during those tests or any other future tests I return a positive drug or alcohol test, the consequence may be dismissal without notice.

I accept the terms of this contract, which I acknowledge may be in addition or vary the terms of my current employment agreement.

EMPLOYEE.....Date.....

EMPLOYER.....Date.....

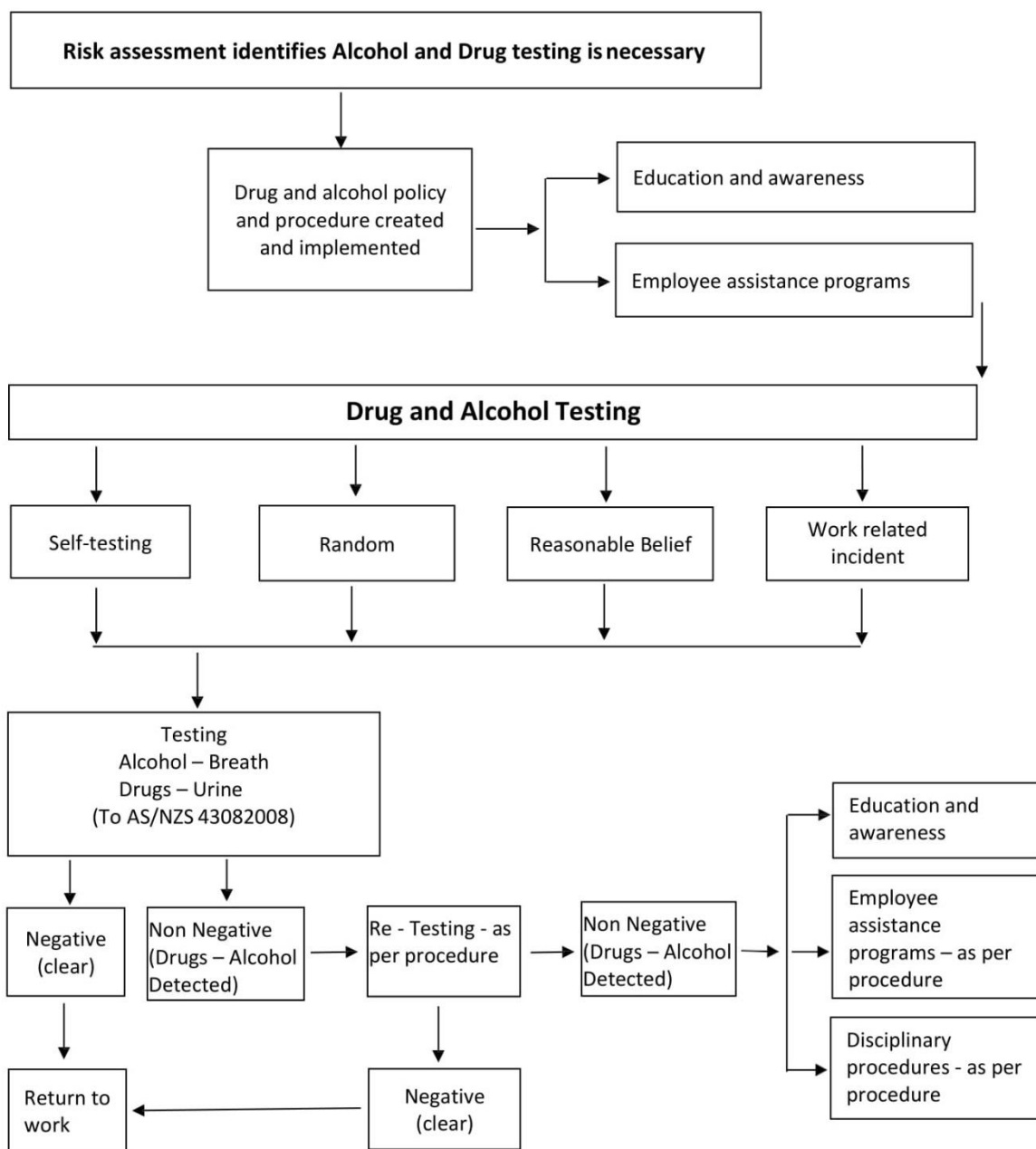
**Appendix 1 – Fitness for Work – Policy - Procedure Flowchart**

Developed in consultation with workers, Health and Safety Committees and Health and Safety Representatives, (where these exist).

**Policy Aim** - to prevent drug and alcohol-related incidents and foster safe behaviours at work.



**Objective** -to prevent or minimise the potential for alcohol and drugs to contribute to work-related injury  
 Note: the policy needs to be assessed and evaluated on an ongoing basis



+ Note: Flowchart template adapted from Workplace Health and Safety Queensland, Department of Justice and Attorney- General Framework for alcohol and drug management in the workplace

**GUIDELINES**

1. Local Government Act 1995 Occupational Safety and Health Act 1984
2. Occupational Safety and Health Regulation 1996, and 2005 amendments
3. ISO 31000 Risk Management – Principles and Guidelines

**HISTORY**

- Reviewed: 19 July 2018
- 20 November 2018 (Council Resolution #3910)

**RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.13 CUSTOMER AGGRESSIVE BEHAVIOUR

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.13</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>27 MAY 2014</b>                                 |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### OBJECTIVE

To provide advice on managing the risks of client aggression in the workplace.

The intention of this policy is to ensure that the Shire of Wagin meets its obligations and duty of care to successfully manage risks associated with customer aggression within the workplace and ensure a safe and healthy work environment.

This policy defines 'Customer aggressive behaviour' as hostile unacceptable behaviour, directed at employees by the public. This behaviour may occur inside or outside of the workplace.

As Customer Service employees have significant face to face interaction with customers, aggressive behaviour may put the health and safety of employees at risk.

### **IDENTIFYING THE HAZARD**

Employees deal with a wide variety of clients every day. Some of these clients may be aggressive due to:

- Lack of understanding of procedures
- The influence of alcohol or other drugs
- Feeling aggrieved
- Being easily aroused to aggression
- Mental instability

Customer aggression is recognised by the display of hostile behaviour towards staff by;

- Threatening or offensive behaviour
- Verbal abuse of with a personal or general nature by means of innuendo, raised voice, obscenities and racist or sexist comments
- Unwelcome gestures

Customer aggression is generally unprovoked, sudden and unexpected and can therefore be difficult to identify any warning signs before an incident occurs. However awareness and monitoring of the factors that can trigger customer aggression may identify potential aggressive behaviour and guide actions to prevent such behaviour, or to stop it escalating. Some factors that may trigger customer aggression include:

- Factors related specifically to the information being sought that the client sees as unnecessary or offensive
- Poor work organisation or work practices that might result in long waiting times, conflicting advice, confusion over information, errors or delays
- Adverse decisions
- Inadequate knowledge and / or skills of staff in providing effective customer service

## **ASSESSMENT OF THE RISK**

A risk assessment will determine the likelihood and potential consequences of customer aggression within the workplace and needs to consider the nature of the work and when it is undertaken (during or out of normal business hours), the work environment, customer profile (such as previous incidences of aggression and any other relevant issues identified).

### *Likelihood*

Identify the likelihood of client aggression in a workplace by:

- Observing workplace interaction between staff and customers
- Consider the nature of work and the possibility it may prompt customer aggression
- Previous incidents
- Collect information from Staff, Managers and OHS Officer on their perception of the scope and severity of the customers aggression.

### *Potential Consequences*

The potential consequences of client aggression may include physical or psychological injuries and or damage to property.

Apart from the more obvious physical injuries and property damage, staff may experience psychological reaction to an aggressive incident and the extent of the reaction and potential consequences may depend on the affect on staff through previous experience, skill level, personality factors and health at the time of incident.

## **CONTROL THE RISK**

Once risk is identified and assessed, manager and supervisors should consider three aspects of control;

- Prevention
- Incident management; and
- Post – incident management

### *Prevention*

As priority managers and supervisors should use preventative strategies to minimise the risk of exposure to customer aggression with developed workplace procedures for dealing with incidents.

### *Incident Management*

The Shire of Wagin deems preserving the health and safety of employees and other is, at all times, the main aim in managing aggressive behaviour.

Employees can discontinue service to abusive and potentially aggressive clients when all available information is provided and prolonging contact is likely to have no constructive outcome and / or the client is becoming extremely hostile.

### *Standard Operating Procedures*

Standard Operating Procedures developed to manage customer aggression incidents include:

#### **Low Level** – Customer displays mild aggression

- Use communication and interpersonal skills to attempt to defuse the situation.
- Display empathy by clarifying their needs and acknowledging their feeling and concerns.
- Restate requirements and rational and explain options.
- Apologise if a mistake has been made and take appropriate remedial action.

#### **Medium Level** – Escalation of low level behaviour or displays a moderate level of aggression

- Request assistance from other more experienced employees or manager. Seek to continue the discussion in a safe environment away from other customers with help from experienced senior staff or managers.
- Continue appropriate communication and interpersonal skills.

#### **High Level** – Continued escalation or displays high level of aggression and refuse to leave and / or takes physical action against persons or property.

- Call manager and direct the customer to stop behaviour and if behaviour continues call Police.
- Ensure staff and other clients are safe at all times (move them away from the area).
- Identify a suitable exit route and clear it.
- Identify property and equipment vulnerable to be damaged or used as a weapon.

### *Strategies Outside of the Work Environment*

If an employee or their family face aggressive or abusive behaviour outside normal working hours such as stalking, threats and / or harassment as a result of their employment duties they should report the incident as soon as possible. The report may be made to the employee's manager, police or both as appropriate.

### *Incident Reporting*

All incidents must be reported according to the Incident / Accident Reporting procedures outlined in the OHS Induction Manual. This means submitting an Incident / Accident Form, and notifying the employees Manager, OHS Officer, and if necessary Police.

The incident must also be investigated so appropriate control strategies are applied to reduce the risk of further incidents.

### **MONITOR AND REVIEW**

To monitor and review client aggression, consider the following approaches;

- Review preventative measures to determine if they are having the desired effect;
- Monitor any changes in performance, behaviour or mood of employees that have been involved in an incident to identify any delayed negative reactions
- Review incident management procedures and incidence trends to identify areas for improvement; and  
Investigate actual incidences to determine causes of incidences and to implement control measures to reduce risks.

### **GUIDELINES**

- *Local Government Act 1995*

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer

## A.14. EQUAL OPPORTUNITY EMPLOYMENT

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.14</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>24 JUNE 2014</b>                                |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

To ensure Shire of Wagin workplaces are free from unlawful discrimination, free from harassment and provide equal employment opportunity to diverse groups.

1. The Shire will actively promote Equal Employment Opportunity (EEO) and Diversity within a comprehensive Staff Equity and Diversity Framework, which recognises the value a diverse and multi-talented workforce can bring to the delivery of organisational outcomes.
2. The EEO goals of the Shire are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.
3. All employees will receive fair and equitable treatment in the workplace.
4. Employment decisions will be based on skills, talents and business needs.
5. The Shire will not tolerate any form of discrimination or harassment within its workplace.

The Shire is committed to ensuring that any complaint made under this policy is investigated thoroughly and the appropriate actions are taken. Should the complaint be found to be justified, after having regard to the seriousness of the offense and the expectation of the complainant, will be dealt with in a serious manner.

This policy applies to employees, potential employees, volunteers and contractors/consultants.

### **GUIDELINES**

- WA Equal Opportunity Act 1984
- Equal Opportunity Act 1986
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer



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**A.15. INTERGRATED WORKFORCE PLANNING AND MANAGEMENT POLICY**

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|                      |                       |
|----------------------|-----------------------|
| <b>POLICY NUMBER</b> | <b>A.15</b>           |
| <b>POLICY TYPE</b>   | <b>ADMINISTRATION</b> |
| <b>DATE DELETED</b>  |                       |

## A.16. RECRUITMENT AND SELECTION OF EMPLOYEES

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.16</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>DECEMBER 2014 (Council Resolution #2629)</b>    |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

*To ensure a consistent, fair and equitable recruitment and selection process is followed and enable selection of the best candidates for vacant positions at the Shire.*

### **INTRODUCTION:**

Council and employees are committed to the achievement of the goals and objectives outlined in the Strategic Community Plan and the Corporate Plan that need to be resourced through the Integrated Workforce Plan.

This will be achieved through a continuous improvement approach driven by key organisational development strategies aimed at ensuring that the Shire engages right people at the right time for the right job with appropriate remuneration to support the delivery of its services to the community.

### **SCOPE:**

This Policy applies to all staff involved in the recruitment and selection process at the Shire.

### **POLICY:**

The Shire recognises that its strategic goals and the upholding of its values are dependent on the recruitment and selection of a skilled and committed workforce.

The Shire is committed to the principles, values and recommendations outlined in the Equal Opportunity Act WA 1984 and Reference Guide, supported by its own EEO and family friendly policies.

The Shire is committed to establishing a robust recruitment and selection process in order to attract and retain suitable applicants through consistent and ethical selection and decision-making processes.

### **Employee Recruitment and Selection Specific Objectives**

- To ensure that the Shire employs people in a timely manner with relevant skills and knowledge
- To support the delivery of good quality, efficient and effective services to the Shire or to the community.
- Internal candidate preference where experience and potential indicate, for retention of corporate knowledge and development of clear career paths for staff.

All staff involved in the recruitment and selection process will ensure that employees are recruited and selected for employment vacancies in accordance with the procedure outlined further in the Shire procedures.

### **Responsibilities:**

#### **Management/Supervisory staff must:**

- ensure all recruitment and selection procedures comply with the Equal Employment Opportunity, and any other legal requirements which apply to the recruitment and selection process
- maintain confidentiality throughout the process
- aim to attract sufficient applications from potential candidates for appointment with the skills, qualities, abilities, experience and competencies deemed as being necessary to the job
- develop and maintain procedures which will assist in ensuring the appointment of the most suitable candidate



- ensure that recruitment procedures are clear, valid and consistently applied by all staff involved in recruitment and that they provide for fair and equitable treatment for potential candidates
- ensure all selection decisions are based on clear criteria and identified competencies to meet requirements of the job
- ensure that all staff involved in the recruitment and selection process are properly trained in order that the objectives of the policy are met
- ensure all appointments made on merit and the decision making process is appropriately documented.
- ensure successful candidates undertake pre-employment medical and provides a current National Police Clearance (at the Shire of Wagin's cost).

### **Responsible Senior Manager**

The delegated Manager or Officer must support the recruitment and selection plans, systems and processes and ensure all policy requirements are met. Following completion of each particular recruitment and selection process, He / She must ensure the recruitment and selection process is documented and recorded in accordance with the Shire's records management policies and procedures.

### **Monitor and Review**

To ensure effectiveness of the process all the outcomes need to be reviewed and monitored by relevant manager/supervisor throughout the entire process. All the relevant records must be kept on file for any future references.

### **GUIDELINES**

- *Local Government Act (1995)*

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.17. SOCIAL MEDIA

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.17</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>DECEMBER 2014 (Council Resolution #2629)</b>    |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

*To give staff and elected members a guidance on acceptable Social Media behaviour and its purposes within the organisation*

This policy applies to all employees and Councillors of Shire of Wagin. Other than what is set out in the “Social Media for personal purposes” section of this policy, this policy does not apply to employees or Councillors personal use of Social Media.

Shire of Wagin embraces social media as an important tool for stakeholder engagement. Shire of Wagin encourages its employees and Councillors to use social media in a personal capacity as a way to reach out and develop their personal and professional networks. The shire only will ever have one profile per social media source at any one time and only with permission from the CEO and/or Council as to which social media is preferred and acceptable.

Shire of Wagin employees and Councillors must take care to clarify whom they are representing when using social media. They must take responsibility for the accuracy and appropriateness of what they say in any social media communications which reference Shire of Wagin or the shire’s related activities, or from which communications of the shire could reasonably be identified.

### **Social Media for business purposes**

Employees must have approval from a member of the management team before you are permitted to communicate (“post”) on social media sites on behalf of the shire.

Elected Members must have approval from the President before you are permitted to communicate (“post”) on social media sites on behalf of the shire. Social media usage may be monitored at any given time without notice. Any employee or Councillor of the Shire of Wagin identified as breaching this policy will be subject to appropriate action. For employees, this may result in termination of employment.

Information posted on social media on behalf of the Shire of Wagin must:

- Be factually correct and accurate and complies with Council policies
- Not constitute legal advice or fall outside your area of knowledge or expertise
- Not be obscene, defamatory, threatening, harassing, discriminatory or hateful towards another person or entity including the Shire of Wagin and its employees or Councillors, suppliers, contractors and other Councils.
- Not be confidential or commercially sensitive to the Shire of Wagin, employees, Councillors, suppliers, contractors and other Councils
- Not contain content that is another person’s personal information without their express written consent
- Not breach applicable legislation including laws relating to copyright, privacy, financial disclosure, discrimination/equal opportunity and defamation
- Be respectful of all individuals and communities with whom/which you interact online
- Be polite and respectful of others opinions

Permitted posts relating to the Shire of Wagin’s activities via social media channels will generally be:

- Part of a marketing strategy

- Communication targeting specific stakeholder groups
- Part of an approved approach to communicating information regarding the Shire of Wagin and the community to the wider community via updates on Facebook, Linked In, Twitter and the Council's website.

### **Social Media for Personal Purposes**

Shire of Wagin acknowledges that, general, activities carried on outside of your employment or Council responsibilities are your own affair. However, activities that impact on or affect your performance, the performance of others or Shire of Wagin's business interests or reputation or those of its customers or stakeholders are a proper focus for the Shire of Wagin's policy. Accordingly, in your personal use of social media you must follow these guidelines:

- You must not refer to the Shire of Wagin or its employees, Councillors or stakeholders in a derogatory or negative manner
- You must not create an unauthorised profile or page on social media posing as the Shire of Wagin. Profiles or pages for the shire will only be created by the Social Media Officer or Management and administration rights will only be given to the Social Media Officer and Management.
- If you cite the Shire of Wagin in your employment or professional profiles you must ensure that the information is accurate and up to date
- You must not 'tag' or identify as relating to the Shire of Wagin, any images or videos taken at Shire of Wagin events and social occasions, without prior written approval from the management team. This will include, for example, photographs of events sponsored by the Shire of Wagin in which the logo is visible.
- If you have a personal blog and wish to post content referring to the Shire of Wagin or from which the shire could reasonably be identified, you must ensure you have written approval before posting.
- You must not represent any social media posts as being views of the Shire of Wagin without consent from the management team
- You must not engage in conduct online that is likely to bring the Shire of Wagin into disrepute or otherwise damage its interests or reputation
- You must not engage in conduct that would breach any policy of the Shire of Wagin including but not limited to policies proscribing discrimination, harassment and bullying
- Using social media platforms for personal purposes during work hours must be kept to a very low minimum.

### **GUIDELINES**

- *Local Government Act (1995)*

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.18. ASSET MANAGEMENT

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.18</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>REVIEW DATE</b>           | <b>23 FEBRUARY 2021</b>                            |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

The Policy provides clear direction in the provision and management of all Council's assets. It seeks to ensure that assets support Council's strategic vision and objectives, deliver sustainable service outcomes and are provided at appropriate levels of service for present and future stakeholders

### **POLICY**

The Shire will provide and manage assets that support the delivery of services in line with its Strategic Vision (Strategic Community Plan). Through a commitment to continuous improvement in its organisational asset management, the Shire will develop and implement a Vision, a Strategy and Management Plans.

The Shire will manage its assets in a whole-of-life and economically, environmentally, culturally and socially sustainable manner. Asset management decisions will consider other key Shire policies and priority will be given to existing assets and services over new ones.

### **SCOPE**

The Shire considers assets (such as infrastructure, land, plant and equipment) to be any that support the delivery of one or more of the following services:

- Property
- Recreation
- Transport
- Plant, Vehicles and Equipment
- Information Technology
- Waste

This Policy applies to all assets which are required to be managed by the Shire, where their components have a useful life of more than one year and a replacement cost is greater than \$5,000.

### **FRAMEWORK**

The Shire's Asset Management Vision shall be achieved through the implementation of an integrated planning and reporting framework. As a minimum:

The Asset Management Strategy shall define the Shire's asset management Vision, Objectives, Outcomes, Enablers, Performance Monitoring and Implementation Plan.

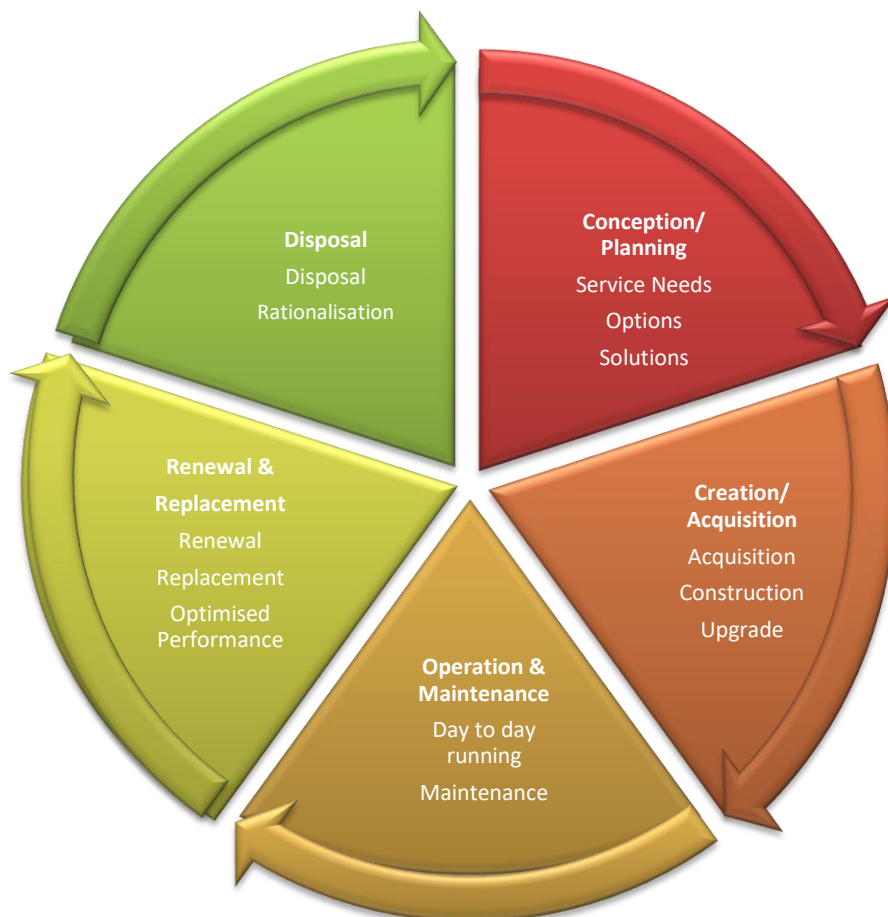
The Asset Management Plans shall be driven by community informed service levels, future demand, long term sustainability and risk management.

### **DEFINITIONS**

#### **The Asset Life Cycle (Whole of Life)**

For clarity, the following describes the Shire's definition of its Assets' Lifecycles.

Lifecycle asset management involves the decisions made at each stage of an asset's life, from conception to disposal. The decisions made at one stage may affect the asset's performance and cost in others.



### **Levels of Service (Service Levels)**

The Shire defines Levels of Service to be statements describing the outputs of objectives an organisation or activity intends to deliver to customers (stakeholders).

In order to implement this Policy, the Shire commits to the following principles:

- systematic and appropriate asset management practices be implemented including a continuous improvement approach to asset management;
- impacts on the Strategic Community Plan's social, economic, environmental and civic leadership objectives be considered in asset management and asset operational processes;
- asset management plans be informed by community consultation, financial planning and workforce planning;
- asset renewals included in adopted asset management plans and long term financial plans be considered in forming the annual budget estimates;
- service levels be identified for all major asset classes in consultation with the community;
- asset renewal plans be prioritised based on level of service and ability of the current assets to provide the desired level of service;
- an asset inspection program be developed to ensure agreed service levels are maintained and to ensure assets are managed, valued and depreciated in accordance with appropriate asset management practices and applicable Australian Accounting Standards;
- life cycle costs be considered in decisions relating to new services and assets as well as upgrading of existing services and assets;
- major assets be regularly reviewed to assess their ongoing relevance and contribution to community need;
- assets may be rationalised where the level of service requirement falls to a sufficiently low level; and
- training in asset and financial management be offered for elected members and relevant staff.

### **GUIDELINES**

- *Local Government Act 1995*
- *Local Government Financial Management Regulations 1996*

- *Department of Local Government Integrated Planning and Reporting Framework and Guidelines*

#### **HISTORY**

- 20 November 2018 (Council Resolution #3910)
- 23 February 2021 (Council Resolution #4479)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.19. EMERGENCY MANAGEMENT

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.19</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3907)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### OBJECTIVE

To minimise the impact of disruptive and disaster events through an ongoing commitment to emergency Prevention, Preparedness, Response and Recovery.

In achieving this, the Shire will:

- promote risk, emergency management and business continuity principles throughout the organisation and community to enhance disaster resilience;
- support community and neighbouring local governments following disaster events to aid local and regional recovery (where practicable);
- ensure that the Natural, Built, Social and Economic environments are considered when aiding community recovery;
- provide an effective after-hours response to emergencies within the Shire's normal service delivery area;
- effectively communicate and report on disruptive/disaster events and impacts;
- provide ongoing commitment to emergency and business continuity preparations, training and exercising to build and maintain individual and organisational confidence and capacity;
- prevent or minimise the impact of events capable of disrupting business operations; and;
- promote a smooth and rapid restoration of normal business functions following a disaster.

In support of the above objectives, the Shire may:

- develop and review sectional emergency preparedness checklists;
- develop and review business continuity plans;
- ensure compliance with approved emergency communications and reporting procedures; and
- maintain a mutual aid agreement with adjoining Councils, referred to as an Emergency Management Memorandum of Understanding (EMMOU).

The EMMOU broadly defines the mechanism for requesting, providing and recovering the costs associated with the provision of emergency aid to or from a neighbouring council

The Shire acknowledges that whilst not all events can be predicted, some of the likely impacts can be predetermine, e.g. power outage.

By preparing and planning for such events, the Shire can respond and recover more effectively minimising the impacts to the Shire and its community.

The Shire acknowledges that before, during or after an emergency, decisions may be made to reduce some Shire services, in order to focus on those that maybe more beneficial to a community in need.

### **Roles and Responsibilities**

This policy applies to all Shire employees, in order to demonstrate that emergency management is a shared responsibility between Shire staff, emergency services and the community.



### **GUIDELINES**

- s6.8(1)(c) *Local Government Act 1995*
- *Emergency Management Act 2005*

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.20. EMPLOYEE HOUSING POLICY

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.20</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3909)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

To provide clear parameters in relation to the Shire of Wagin's employee housing.

#### Introduction:

This policy introduces a set of allowances and conditions for staff. The allowances and conditions of the Shire of Wagin Housing Policy are reviewed annually.

A Housing budget exists for the ongoing maintenance and repairs, renovation, rates and insurances associated with the staff housing portfolio.

The houses owned by the Shire of Wagin are for the purposes of staff housing vary in size and are used to maximise their ability to house the mix of staff, single or married, in each location.

Staff members should also be aware that from time to time due to unforeseen circumstances they might be required to move into alternate accommodation if there are changes to the number and composition of full time staff. Though this is an inconvenience that shall be avoided if at all possible, staff shall relocate to housing allocated to them

Council is to regularly review the numbers and types of staff housing it has as to the appropriateness, age and location with the view of renewing older homes in line with Councils Strategic Plan

The locations, which apply to the Shire of Wagin Housing Scheme have been categorised into three (2) groups. The eligibility and conditions for Housing vary between these groups.

#### **Group 1**

**Executive Housing** – 2 Executive Houses

#### **Group 2**

**Other Staff Housing** – 5 Other Houses

The CEO has the discretion to utilize staff housing for other staff members or private rent should a house become vacant or is not required from time to time on a time limit basis

#### **a. RESPONSIBILITIES**

The following are the specific responsibilities for both the Shire of Wagin (Council) and the Employee (Tenant) during the period of occupancy.

#### **Bonds**

A security Bond equivalent to four weeks rent is to be paid by tenants unless tenant is a contracted employee. Tenants may choose to pay the bonds either in full or via Payroll Deductions over and up to four consecutive pay periods.

Bond monies shall be submitted to the Bonds Administrator for the duration of the lease. It shall be returned to the tenant in full or part depending on the state of repair and cleanliness of the accommodation upon final inspection. If the accommodation requires cleaning and /or maintenance

deemed to be the tenant's responsibility, then an appropriate amount shall be deducted from the bond to cover all associated expenses

Inspections shall be conducted by an independent professional and appointed by the CEO at their discretion

#### Lease Agreements

All tenants must sign a Shire of Wagin Tenancy Agreement. In signing it, the tenant acknowledges they have read and understood their eligibility for housing and are aware of their specific responsibilities of the tenancy.

#### Termination of Lease by tenant

The tenant must refer to the Checklist for Vacating a Property and ensure all items are attended to prior to vacating the premise upon vacating the premises. The completed checklist must be presented to the independent professional appointed by the CEO.

#### Insurance

Insurance coverage for buildings and contents owned by the Shire is the responsibility of the Council. The insurance of personal possessions is the Tenant's responsibility.

#### Maintenance issues

Is the responsibility of the Tenant to report any maintenance issues to Council as soon as a problem is identified This must be done in writing and handed in at the Wagin Administration Office.

#### Grounds and Gardens

The Tenant is responsible for maintaining the premises, outbuildings and grounds including regular watering of gardens. Where the tenant does not perform these duties, the tenant will be responsible for all costs associated with any repairs or replacements caused by careless use or neglect.

#### Pets

Tenants who reside in Council managed housing shall seek prior approval regarding the keeping of pets. All costs related to pets are the responsibility of the owner.

At the termination of the lease, the Tenant is required to have the carpeted areas of the house shampooed and the house sprayed internally for fleas and ticks by a reputable pest control company. The tenant is required to provide documentation to verify the work has been carried out.

#### Smoking

Council supplied housing are smoke free environments and no smoking indoors shall be permitted at any time. Where smoke odours or stains are evident during the course of house inspections and if additional costs are incurred in removing such orders and stains, such costs shall be the responsibility of the tenant.

#### Water

Water charges will be paid by Council, a maximum of \$500 per annum, with the condition that the Tenant waters all lawn and garden areas.

#### Rates

Shire Rates, Water Rates and Land Tax are the responsibility of Council.

#### Telephones

The tenant is responsible for any fees incurred for connection or reconnection of the telephone. Tenants are responsible for all accounts in relation to this service (unless otherwise negotiated). Accounts are to be held in the tenant's name.

#### Internet Connections

Connection, disconnection and ongoing costs associated with the internet service are the responsibility of the tenant (unless otherwise negotiated).

#### Electricity

The tenant is responsible for any fees incurred for the connection of the electricity supply and are to contact the Electricity Supply Company prior to moving in to transfer the account into their name. Tenants are responsible for the payment of all accounts related to electricity supply.

### Replacing Light Globes and Batteries

Tenants are responsible for replacing light globes and smoke detector batteries annually.

### Gas

Gas bottles are supplied and listed as part of the inventory where applicable. The Tenants are to arrange and meet all costs associated with refilling gas bottles (including cost of gas and transportation). Council is responsible for the annual rental of all gas bottles. Gas bottles are not to be removed from Council owned properties without prior consent (unless otherwise negotiated).

### Air-conditioning

Tenants are to ensure air-conditioning filters are cleaned regularly. Council will service evaporative air-conditioning units annually at Council's cost. It is the responsibility of the tenant to advise Council staff of any maintenance needs as soon as possible.

### Pest Treatment

Treatment and inspection for white ants and other pests is carried out annually. Council will respond to additional reports of termite activity, however during the intervening periods, it is the responsibility of tenants to take whatever action deemed necessary to address incidences of other pest activity including such things as cockroaches, rodents and ants etc. The tenant must keep all vegetation away from the sides of the house and must not store goods against the external walls of the house.

### Garbage bins

Garbage bins are provided by Council's Waste Collection Agency, any loss or damage to garbage bins should be reported to the Shire of Wagin.

### House inspections

All residences should be inspected at least once a year by the Environmental Health Officer/Building Surveyor. Inspections will also be made when changes in occupancy occur. The tenant will be given at least seven (7) days' notice of Council's intention to inspect the premises.

## **b. ELIGIBILITY FOR HOUSING**

### Factors Affecting Eligibility

Council provides subsidised housing for Council employees as part of employment packages and for strategic use as determined by the CEO.

Unoccupied dwellings can be offered on the short-term rental market at full commercial rates.

Bonds of four weeks rent are to be paid by other than contracted employees.

Upon termination of employment occupants of housing must pay a commercial rate of rent and vacate within 21 days of termination.

## **c. RELEVANT FORMS**

The following forms can be located at the rear of this document

1. Check list for Vacating property
2. Shire of Wagin Tenancy Agreement



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### **GUIDELINES**

- *Local Government Act 1995*

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.21. CONTINUING PROFESSIONAL DEVELOPMENT – ELECTED MEMBERS

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>A.21</b>                                     |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                           |
| <b>DATE ADOPTED</b>          | <b>24 MARCH 2020 (Council Resolution #4221)</b> |
| <b>REVIEW DATE</b>           |   |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

### **OBJECTIVE**

The Shire of Wagin recognises the importance of providing Elected Members with the knowledge and resources that will enable them to fulfil their role in accordance with statutory compliance and community expectations and make educated and informed decisions.

Pursuant to the Local Government Act 1995, Elected Members must complete Council Member Essentials which incorporates the following training units:

- a) Understanding Local Government;
- b) Conflicts of Interest;
- c) Serving on Council;
- d) Meeting Procedures and Debating; and
- e) Understanding Financial Report and Budgets.

Council's preferred provider for the training is WALGA (WA Local Government Association).

All units and associated costs will be paid for by the Shire and must be completed as per the prescribed regulations. The training is valid for a period of five years.

Additionally, the Shire will publish, on the Shire's website, training undertaken by all Elected Members within one month after the end of the financial year pursuant to Local Government Act 1995.

It is Council's preference that the training is undertaken via the eLearning method which is the more cost efficient form of delivery. It is acknowledged however that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region or in the Perth metropolitan area.

### **Procedures**

Considerations for approval of the training or professional development activity include:

- The costs of attendance including registration, travel and accommodation, if required;
- The Budget provisions allowed and the uncommitted or unspent funds remaining;
- Any justification provided by the applicant when the training is submitted for approval;
- The benefits to the Shire of the person attending;
- Identified skills gaps of elected members both individually and has a collective;
- Alignment to the Shire's Strategic Objectives; and
- The number of Shire representatives already approved to attend.

Any expenditure commitments associated with training or professional development must be performed by and authorised through the CEO.

### **Forms and Templates**

Nil



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### **GUIDELINES**

- s6.8(1)(c) *Local Government Act 1995*
- *Emergency Management Act 2005*

### **HISTORY**

- 24 March 2020 ( Council Resolution #4221)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer



## A.22. TEMPORARY EMPLOYMENT OR APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (CEO)

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>A.22</b>                                     |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                           |
| <b>DATE ADOPTED</b>          | <b>26 May 2020</b>                              |
| <b>REVIEW DATE</b>           | <b>27 April 2021 (Council Resolution #4528)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

### **OBJECTIVE**

To provide clear guidance on the provisions that apply to the appointment of a person as Acting Chief Executive Officer (A/CEO) for the period of less than one year; and in periods of extended leave or absences appoint a person to perform the duties of the Chief Executive Officer.

Section 5.36 of the *Local Government Act 1995* requires that local government is to employ a CEO and such other persons as the Council believes are necessary to enable the function of the local government and the functions of Council to be performed.

Section 5.39 of the Act requires the Shire to have a policy on the temporary employment of a CEO. On the basis, where a CEO is to be externally recruited for periods of less than one year, Council approval shall be required for the recruitment process and the appointment of any recommended candidate.

In accordance with Section 5.36(2) & 5.37(1) of the *Local Government Act 1995*, all Senior Employees employed by the Shire are considered to be suitably qualified to act in the position of Chief Executive Officer and the Deputy Chief Executive Officer is designated as a Senior Employee for the purposes of the Act.

### **PROCEDURES**

#### Appointment of Acting CEO for period of less than one year

Periods expected to be six months or longer, up to 12 months:

1. In cases where the CEO position is expected to be vacant for six months or longer, up to 12 months maximum, Council is not bound by any decision made in regard to periods up to six months. This is because short periods of Acting CEO may be shared by two or more senior employees. However, for longer periods, it is preferable to appoint one employee as Acting CEO to provide stability and consistency, in these circumstances a separate report will be presented to Council for a decision; and
2. Alternatively, Council may wish to temporarily employ a person who is not a current Shire of Wagin employee in the position of CEO for a term not exceeding 12 months.

#### Appointment of Senior Employee as Acting CEO, in the event of extended absences by current CEO

In the event of planned absences (e.g. Annual or Long Service Leave) of greater than 5 days an appointment of an Acting CEO is made through a Council Resolution.

In the event of unplanned absences (e.g. Sick or Personal Leave) of greater than 5 days, Council will be required to hold a Special Council Meeting where DCEO or other designated Senior Employee will be appointed by Council Resolution.

Appointment to the role of Acting CEO must be confirmed in writing and requires an absolute majority vote.

## **REMUNERATION**

In all the circumstances outlined above any Senior Employee who is appointed Acting CEO will receive the same salary (cash component) as the CEO's current salary whilst acting in this position.

For the temporary employment of a person who is not a current Shire of Wagin employee in the position of CEO for a period not exceeding 12 months, the Council will determine a remuneration package payable to the appointed person.

## **FORMS AND TEMPLATES**

Nil

## **GUIDELINES**

- *Local Government Act 1995*
- *Local Government (Administration) Amendment Regulations 2021*

## **HISTORY**

- 27 April 2021 (Council Resolution #4528)

## **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.23. ATTENDANCE TO EVENTS

|                              |                       |
|------------------------------|-----------------------|
| <b>POLICY NUMBER</b>         | <b>A.23</b>           |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b> |
| <b>DATE ADOPTED</b>          | <b>26 MAY 2020</b>    |
| <b>REVIEW DATE</b>           |                       |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>             |

### **OBJECTIVE**

The Shire of Wagin is required under Section 5.90A of the *Local Government Act 1995* prepare and adopt an Attendance at Events Policy. This policy addresses the attendance of Council members, CEO and Senior Managers at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government.

The purpose of the policy is to provide transparency about the attendance at events and to provide guidance when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge.

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.

Receipt of the gift will still be required under the gift register provisions.

This policy applies to Elected Members, the Chief Executive Officer and all Senior Employees of the Shire of Wagin (the Shire) in their capacity as an Elected Member or Employee of the Shire.

Elected Members, the Chief Executive Officer and Senior Managers occasionally receive tickets or invitations to attend events to represent the Shire to fulfil their leadership roles in the community. The event may be a paid event or a ticket/invitation may be gifted in kind or indeed it may be to a free / open invitation event for the community in general.

Under Section 5.90A of the *Local Government Act 1995* an event includes the following

- a) A concert;
- b) A conference;
- c) A function;
- d) A sporting or community event
- e) An occasion of a kind prescribed for the purposes of this definition.

### **PROVISION OF TICKETS TO EVENTS**

#### **1. INVITATIONS**

- 1.1 All invitations or offers of tickets for an Elected Member, CEO or employee to attend an event should be in writing and addressed to the CEO.
- 1.2 Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- 1.3 Whilst not required by the legislation the CEO will maintain a list of events and attendees authorised by the local government in advance of the event. See Annexure A – Pre-Approved Events
- 1.4 Attendance at any events not pre-approved in Annexure A will require approval by Council.

#### **2. APPROVAL OF ATTENDANCE**

- 2.1 In making a decision on attendance at an event, the council will consider:
  - a) who is providing the invitation or ticket to the event,
  - b) the location of the event in relation to the local government (within the district or out of the district),

- c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
  - d) whether the event is sponsored by the local government,
  - e) the benefit of local government representation at the event,
  - f) the number of invitations / tickets received, and
  - g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 2.2 Decisions to attend non pre-approved events in accordance with this policy will be made by simple majority of Council. A register of these events shall be maintained by the CEO. See Annexure B – Register of Events Approved by Council

### **3. PAYMENTS IN RESPECT OF ATTENDANCE**

- 3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determines attendance to be of public value.
- 3.2 For any events where a member of the public is required to pay, unless previously approved and listed in Annexure A, the Council will determine whether it is in the best interests of the local government for an Elected Member, CEO or another Officer to attend on behalf of the Council.
- 3.3 If the Council determines that an Elected Member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 3.4 Where partners of an authorised local government representative attend an approved event, any tickets for that person will be paid by Council.

### **Forms and Templates**

Annexure A – Pre-Approved Events List

Annexure B – Register of Events Approved By Council

#### **Annexure A – Pre-Approved Events**

The Shire approves attendance at the following events by Elected Members, the Chief Executive Officer and employees of the Shire: -

- i. Advocacy lobbying or Ministerial briefings (Elected Members, the Chief Executive Officer and Executive Management only);
- ii. Meetings of clubs or organisations within the Shire of Wagin;
- iii. Any free event held within the Shire of Wagin;
- iv. Australian or West Australian Local Government events;
- v. Events hosted by Clubs or Not for Profit Organisations within the Shire of Wagin to which the Shire President, Elected Member, Chief Executive Officer or employee has been officially invited;
- vi. Shire hosted ceremonies and functions;
- vii. Shire hosted events with employees;
- viii. Shire run tournaments or events;
- ix. Shire sponsored functions or events;
- x. Community art exhibitions;
- xi. Cultural events/festivals;
- xii. Events run by a Local, State or Federal Government;
- xiii. Events run by the Wagin District High School;
- xiv. Major professional bodies associated with local government at a local, state and federal level;

- xv. Opening or launch of an event or facility within the Shire of Wagin;
- xvi. Recognition of Service events
- xvii. RSL events; and
- xviii. Events run by the Wagin Agricultural Society.

**Annexure B – Register of Events Approved by Council (by Simple Majority decision)**

| Event | Date of Event | Approved Attendee/s | Approved local government contribution to cost | Date of Council resolution |
|-------|---------------|---------------------|--|----------------------------|
|       |               |                     |  |                            |
|       |               |                     |  |                            |
|       |               |                     |  |                            |

### **GUIDELINES**

- *Local Government Act 1995*
- *Local Government Administration Regs*

### **HISTORY**

- Nil

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.24. WAGIN SHIRE ELECTRONIC ADVERTISING SIGN

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>A.24</b>                                     |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                           |
| <b>DATE ADOPTED</b>          | <b>27 APRIL 2021</b>                            |
| <b>REVIEW DATE</b>           | <b>27 April 2021 (Council Resolution #4531)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

### **OBJECTIVE**

This policy is to provide clear guidelines for the management of the Wagin Electronic Sign

This document sets out:

- The purpose of the sign
- Responsibility for the operation and upkeep of the sign
- Define what is permissible to be displayed on the sign
- The operational income and expenditure process

#### **1. Location of the sign**

The sign is located in the Town Square, Wagin

#### **2. Purpose of the sign**

The purpose of the sign is to:

- Maximise exposure of local and regional events
- Provide communication between Wagin Shire and the community
- Promotion of Wagin
- Promote local organisations and events
- Promote local businesses

#### **3. Responsibility for the sign**

The Shire of Wagin will be responsible for the management, operation and upkeep of the sign.

The Shire of Wagin will make provision for the replacement of the sign.

#### **4. What may be displayed**

Messages permissible to be displayed on the sign, comprise:

| Item  | Duration (days) | Cost (per item) |
|---|-----------------|-----------------|
| Shire events and meetings   | Unlimited       | Free            |
| Shire Community advice  | Unlimited       | Free            |
| Shire facility opening and closing  | Unlimited       | Free            |
| Woolorama and Community events which are primarily <i>not for profit</i> or where the proceeds are returned directly to the Wagin community | Up to 28        | Free            |
| Local sporting events   | Up to 14        | Free            |



|   |             |                 |
|---|-------------|-----------------|
| Community Organisations where proceeds are returned directly to the Wagin community.  | On-going    | Free            |
| Regional events outside of shire  | Up to 7     | \$500           |
| Regional significant events held in the Shire of Wagin (Commercial)   | Up to 14    | \$250           |
| <b>**Local Business:</b><br><i>15 Minutes per business per day of advertising time: Permissible items</i> <ol style="list-style-type: none"> <li>1. Advertising of business name, contact details and services provided</li> <li>2. Opening times</li> <li>3. Promotion of events</li> <li>4. Promotion of major sale items on a cost recovery basis</li> </ol> |             | \$250 per annum |
| Church services   | Up to 7     | Free            |
| Emergency warnings and advice   | As required | Free            |
| Local Roadworks and road closures   | As required | Free            |

\*\*It will be the responsibility of the business advertiser to organise all advertising material and any costs associated with providing this to the Shire in the correct format.

Messages that relate to the following will be disallowed:

- political parties
- religious groups
- messages that are deemed offensive

Final determination as to the suitability of a message and its duration is delegated to and at the discretion of the Wagin Shire CEO.

## 5. Operational Income and Expenditure

The Shire will be responsible for all expenditure associated with the operation of the Sign, other than business advertising costs.

All advertising income generated from the sign will go to offsetting all associated operating costs. Any surplus funds in-excess of meeting the annual operating costs will be transferred into the Electronic Sign Reserve. These funds will be held for the future replacement of the sign.

### GUIDELINES

- *Local Government Act 1995*
- *Local Government Administration Regs*

### HISTORY

- 27 April 2021 (Council Resolution #4531)

### RESPONSIBLE OFFICER

- Chief Executive Officer

## A.25 INTERNAL CONTROL

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.25</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>23 FEBRUARY 2021 (COUNCIL RESOLUTION #4479)</b> |
| <b>REVIEW DATE</b>           |  |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

*The Internal Controls Policy serves as evidence of Council's commitment to proper and effective internal controls and their significance to the organisation.*

*This policy provides a basis for establishing documented internal controls that are implemented based on risk management policies and standards. The policy ensures that Council meets its obligations under the Local Government Act 1995, related Regulations and other legislation.*

The policy will aid the organisation to address the risks as outlined under the objectives

1. The purpose of this policy is to assist the Shire to carry out its activities in an efficient and effective manner in order to achieve its strategic objectives, to ensure adherence to policies, to safeguard the Shire's assets, and to secure (as far as possible) the accuracy and reliability of Shire financial records.
2. This policy applies to all aspects of the Shire of Wagin.
3. This policy documents Council's commitment to appropriate and effective internal controls and their importance to the organisation.
4. This policy provides a framework for the establishment of documented internal controls that are implemented based on risk management policies and principles.
5. The policy will assist the organisation in addressing the risk of; material misstatement of financial information, fraud and corruption, misappropriation of funds and loss of physical assets and ensure that Council meets its obligation under the Local Government Act 1995, associated Regulations and other legislation.
6. Internal Control Systems of policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with laws and regulations and achieve effective and efficient operations. These systems not only relate to accounting and reporting but also include communication and organisational processes both internally and externally, staff management and error handling.
7. Principles
  - a) A risk based approach to address and reduce the risk of loss caused by fraud, error or misstatement.
  - b) Protection of the Shire of Wagin assets –people, property, reputation, financial sustainability and information.
  - c) On-going audit and identification of system gaps and improvement of internal controls at the Shire of Wagin.
8. Roles and Responsibilities–a) An appropriate and effective internal control framework is the responsibility of all employees.

All employees are accountable for implementing systems, controls, processes and procedures in their own area of responsibility and will play a part in the internal control framework in differing degrees.

- a. The Audit Committee and Council are responsible for mandating that a strong internal control framework is implemented to ensure the good governance of the organisation.

- b. The Chief Executive Officer will report at least once yearly to the Audit Committee and Council on the review and improvement to Council's internal control framework.
9. Monitoring, Reviewing and Reporting –A monitoring and reporting process/system will be implemented which will provide a yearly report to management, the Audit Committee and Council on the status of Risk Management, Internal Controls and Legislative Compliance within the Shire and which will identify the need for specific areas for review.

In accordance with Regulation 17 of the Local Government (Audit) Regulations 1996, the Chief Executive Officer is required to report on a review of the above three areas every three years. This is in addition to the three-yearly review required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 which also includes a review of the Shire's financial internal controls

#### **GUIDELINES**

- *Local Government Act 1995*
- *Local Government (Audit) Regulations 1996*

#### **HISTORY**

- 23 February 2021 (Council Resolution #4479)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## A.26. LEGISLATIVE COMPLIANCE

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>A.26</b>  |
| <b>POLICY TYPE</b>           | <b>ADMINISTRATION</b>                              |
| <b>DATE ADOPTED</b>          | <b>23 FEBRUARY 2021 (COUNCIL RESOLUTION #4479)</b> |
| <b>REVIEW DATE</b>           |  |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

The Shire of Wagin 's obligation and objective is to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Council will comply with applicable legislation and the Council should take all appropriate measures to ensure that that expectation is met

Regulation 14 of the Local Government (Audit) Regulations 1996 requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The compliance audit is structured by the Department of Local Government and Communities and relates to key provisions of the Local Government Act 1995.

Regulation 17 of the Local Government (Audit) Regulations 1996 also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every two calendar years and a report to the Audit Committee on the results of that review.

The Council will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Council.

These processes and structures will aim to:-

- a) Develop and maintain a system for identifying the legislation that applies to the Shire's activities.
- b) Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- c) Provide people with the resources to identify and remain up-to-date with new legislation.
- d) Establish a mechanism for reporting non-compliance.
- e) Review accidents, incidents and other situations where there may have been noncompliance.
- f) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

### ***Roles and Responsibilities***

- a) Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.

- b) Senior Management - Senior Management should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. Senior Management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.
- c) Employees - Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report through their supervisors to Senior Management any areas of noncompliance that they become aware of.

### ***Implementation of Legislation***

The Council will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.

## **LEGISLATIVE COMPLIANCE PROCEDURES**

### **1. *Identifying Current Legislation***

The Council accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au). Direct access to this site is provided from the Council's networked computers.

### **2. *Identifying New or Amended Legislation***

#### **a) Western Australian Government Gazette**

The Council has access to the WA Government Gazette which publishes all new or amended legislation applicable to Western Australia. Copies of gazetted changes are distributed to Senior Staff and other designated staff. It is incumbent on the CEO and Senior Staff to determine whether any gazetted changes to legislation need to be incorporated into processes.

#### **b) Department of Local Government**

The Council receives regular circulars from the Department of Local Government on any new or amended legislation. Such advice is received through the Council's Records section and is distributed to the CEO and relevant Council officers for implementation.

#### **c) Department of Planning**

The Council receives Planning Bulletins from the Department of Planning on any new or amended legislation. Such advice is received through the Council's Records section and distributed to the relevant Council officers for implementation.

#### **d) Western Australian Local Government Association (WALGA)**

The Council receives regular circulars from WALGA and these circulars highlight changes in legislation applicable to local governments.

### **3. Obtaining advice on Legislative Provisions**

The Council will obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the Department of Local Government, WALGA or the relevant initiating government department for advice.

### **4. Informing Council of Legislative Change**

If appropriate the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation. The Council's format for all its reports to Council meetings provides that all reports shall have a section headed 'Statutory Environment' which shall detail the sections of any Act, Regulation or other legislation that is relevant.

### **5. Review of Incidents and Complaints of Non-compliance**

The Council shall review all incidents and complaints of non-compliance. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

### **6. Reporting of Non-compliance**

All instances of non-compliance shall be reported immediately to the CEO. The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the relevant government department. The CEO will also take the necessary steps to improve compliance systems.

### **GUIDELINES**

- *Local Government Act 1995*
- *Local Government (Audit) regulations 1996*

### **HISTORY**

- 23 February 2021 (Council Resolution #4479)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

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# BUSHFIRE



**SECTION - BUSHFIRE**

**B.1 EXPENDITURE LIMIT**

|                              |                 |
|------------------------------|-----------------|
| <b>POLICY NUMBER</b>         | <b>B.1</b>      |
| <b>POLICY TYPE</b>           | <b>BUSHFIRE</b> |
| <b>DATE ADOPTED</b>          |                 |
| <b>REVIEW DATE</b>           |                 |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>       |

**OBJECTIVE**

Registered Bush Fire Control Officers in charge of combating a bush fire may commit up to \$500 on any initial action considered necessary to control that fire without first seeking authorisation of the Shire President or Chief Executive Officer.

**GUIDELINES**

- *Bush Fire Act 1954*

**HISTORY**

- Nil

**RESPONSIBLE OFFICER**

- Chief Executive Officer

## B.2 SUSPENSION OF PROHIBITED BURNING PERIOD

|                       |          |
|-----------------------|----------|
| POLICY NUMBER         | B.2      |
| POLICY TYPE           | BUSHFIRE |
| DATE ADOPTED          |          |
| REVIEW DATE           |          |
| DELEGATION APPLICABLE | NO       |

### **OBJECTIVE**

The Shire President in consultation with the Chief Fire Control Officer is authorised to amend or suspend the prohibited burning period in accordance with the Bush Fires Act 1954.

### **GUIDELINES**

- *Bush Fire Act 1954*

### **HISTORY**

- Nil

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

### **B.3 USE OF COUNCIL EQUIPMENT AND MACHINERY FOR BUSHFIRE CONTROL**

|                              |                 |
|------------------------------|-----------------|
| <b>POLICY NUMBER</b>         | <b>B.3</b>      |
| <b>POLICY TYPE</b>           | <b>BUSHFIRE</b> |
| <b>DATE ADOPTED</b>          |                 |
| <b>REVIEW DATE</b>           |                 |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>       |

#### **OBJECTIVE**

That all Council equipment and machinery be available for usage in controlling bushfires within or bordering the Wagin district. Equipment and machinery to be utilised only by regular operators of such equipment or machinery. Application of this policy to be at the discretion of the Chief Executive Officer.

#### **GUIDELINES**

- *Bush Fire Act 1954*
- *Road Traffic (Vehicles) Act 2012*

#### **HISTORY**

- Nil

#### **RESPONSIBLE OFFICER**

- Manager of Works

**B.4 HARVEST BANS – AUTHORISED OFFICERS**

|                      |                 |
|----------------------|-----------------|
| <i>POLICY NUMBER</i> | <b>B.4</b>      |
| <i>POLICY TYPE</i>   | <b>BUSHFIRE</b> |
| <i>DATE DELETED</i>  |                 |

**B.5 FIRE CONTROL OFFICER TRAINING**

|                      |                 |
|----------------------|-----------------|
| <i>POLICY NUMBER</i> | <b>B.5</b>      |
| <i>POLICY TYPE</i>   | <b>BUSHFIRE</b> |
| <i>DATE DELETED</i>  |                 |

## B.6 AUTHORITY TO ISSUE INFRINGEMENTS

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>B.6</b>   |
| <b>POLICY TYPE</b>           | <b>BUSHFIRE</b>  |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>APRIL 1977 (Council Resolution #7900)</b>   |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b><br>Delegation No.10. Bushfire Policies 2 Suspended<br>Prohibited Burning Period, 3 Use of Council Equipment, 6<br>Issuing Infringements |

### OBJECTIVE

That Council adopt as policy that the Chief Bushfire Control Officer in addition to the Chief Executive Officer, be authorised to issue infringement notices under the Bush Fires Act.

### GUIDELINES

- *Bush Fire Act 1954*

### HISTORY

- April 1977 (Council Resolution #7900)

### RESPONSIBLE OFFICER

- Chief Executive Officer

## B.7 BUSHFIRE RISK MANAGEMENT PLAN

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>B.7</b>                                     |
| <b>POLICY TYPE</b>           | <b>BUSHFIRE</b>                                |
| <b>DATE ADOPTED</b>          | <b>19 JUNE 2018 (Council Resolution #3762)</b> |
| <b>REVIEW DATE</b>           |  |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                      |

### OBJECTIVE

To only allow owners of property within the Shire of Wagin to view their bushfire risk rating as stated in the Bushfire Risk Management Plan

Under the State Hazard Plan for Fire (formerly Westplan Fire) an integrated Bushfire Risk Management Plan (BRM Plan) is to be developed for local government areas with significant bushfire risk. This BRM Plan has been prepared for the Shire of Wagin in accordance with the requirements of State Hazard Plan for Fire and the Guidelines for Preparing a Bushfire Risk Management Plan.

The risk management processes used to develop this BRM Plan are aligned to the key principles of AS/NZS ISO 31000:2009 Risk management – Principles and guidelines (AS/NZS ISO 31000:2009), as described in the Second Edition of the National Emergency Risk Assessment Guidelines (NERAG 2015). This approach is consistent with the policies of the State Emergency Management Committee.

This BRM Plan is a strategic document that identifies assets at risk from bushfire and their priority for treatment. The resulting 'Treatment Schedule' sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRM Plan. Government agencies and other land managers responsible for implementing treatments participate in developing the BRM Plan to ensure treatment strategies are collaborative and efficient, regardless of land tenure. Treatments will be guided by risk priority, not land tenure, and will not be limited to local government managed lands.

Assets, risk assessments and treatment data is stored and maintained in an electronic database – the Bushfire Risk Management System (BRMS). Shire personnel will have access to the Shire's data and are able to produce reports including the Asset Risk Register and Treatment Schedule as well as detailed maps.

This BRM Plan consists of:

- Bushfire Risk Management Plan
- Communications Strategy (Attachment 1)
- Local Government Wide Controls & Multi Agency Work Plan (Attachment 3)
- Asset Risk Register (refer to Section 4.3.4)
- Treatment Schedule (to be completed within 6 months of endorsement of the BRM Plan)
- 

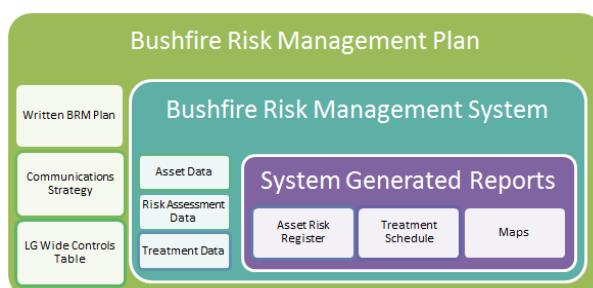


Figure 1 – Components of the Bushfire Risk Management Plan 2

### **GUIDELINES**

- *Local Government Act 1995 (As Amended) Section 6.10.*
- *Office of Bushfire Management (OBRM) - Guidelines for Preparing a Bushfire Risk Management Plan*
- *Bush Fire Act 1954*

### **HISTORY**

- Nil

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## **B.8 BUSHFIRE COMMUNICATION POLICY**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>B.8</b>                                      |
| <b>POLICY TYPE</b>           | <b>BUSHFIRE</b>                                 |
| <b>DATE ADOPTED</b>          | <b>24 MARCH 2020 (Council Resolution #4234)</b> |
| <b>REVIEW DATE</b>           |   |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

### **OBJECTIVE**

This Policy is designed to Validate the use of Digital Text based communication for Emergency Management. It is designed to obtain maximum value of this communication for the majority of Wagin Residents.

The Shire of Wagin Endorses the use of Digital Text messaging platforms as an appropriate form of communication in times of Emergency.

### **Rules of use:**

1. Management of the platforms will be held by the endorsed FCO's and Shire CEO or his delegate
2. Text messaging is accepted as a legitimate form of communication of Harvest and Movement of Vehicle Bans, Total Fire Bans and similar.
3. Use of the WhatsApp Chat "Wagin Fire Emergency" is to be limited to the discovery, locating, and management of fire and similar emergencies.
4. Chatter is specifically unwelcome
5. Users of this system will be deemed to have accepted these rules.
6. Managers of the platforms have the right to remove members who disrupt the platform.
7. Persons removed from the Platform will be written to and advised the platform rules, they will then have the opportunity to rejoin.

### **GUIDELINES**

- *Bush Fire Act 1954*

### **HISTORY**

- Nil

### **RESPONSIBLE OFFICER**

- Chief Executive Officer



## B.9 MANAGEMENT OF BUSHFIRE VOLUNTEERS POLICY

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>B.9</b>  |
| <b>POLICY TYPE</b>           | <b>BUSHFIRE</b>                                   |
| <b>DATE ADOPTED</b>          | <b>19 October 2021 (Council Resolution #4234)</b> |
| <b>REVIEW DATE</b>           |   |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>   |

### **OBJECTIVE**

This policy is designed to give guidance in managing the Shire's valuable bushfire volunteers in relation to their competency in fighting fires and expectations and requirements when attending a bush fire.

The State Government's new Work Health and Safety Act 2020 commences in January 2022 and will impact on the Shire's bushfire volunteers through the new Industrial Manslaughter provisions.

The new regulations require the Shire to adopt a more structured approach to managing its registered bushfire volunteers. The legislation states that all registered bushfire volunteers are deemed to be employees of the Shire of Wagin to whom the Shire has a duty of care with respect to safety, training, performance and compliance.

As volunteers come under the Shire's umbrella, liability wise, as well as any employer who has an employee attending a fire, volunteers are covered through the Shire's insurance scheme.

Shire of Wagin is adopting a protocol that recognises and addresses the issue of training. *Recognition of Prior Learning*, that is experience in fire situations, will be recognised and registered as a competency level. Inexperienced volunteers will need to have a recorded basic introduction to fire safety and procedure training or have been issued a Shire *Competency Certificate*.

The Shire of Wagin deems the Bushfire Advisory Committee Chairperson and the Chief Bushfire Control Officer as being qualified to assess the volunteer's recognition of prior learning and to approve and sign the Competency Certificate.

Other requirements for volunteers who attend a bushfire include:

- Following orders of a Fire Control Officer (FCO)
- Wearing appropriate fire-fighting PPE
- Understanding and using the correct communication methods
- Notifying when arriving and leaving the fire grounds
- Ensuring firefighting plant and equipment is operational.

### **GUIDELINES**

- *Bushfires Act 1954*
- *Work Health and Safety Act 2020*

### **HISTORY**

- Nil

### **RESPONSIBLE OFFICER**

- Chief Executive Officer



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# COUNCIL

## SECTION - COUNCIL

### C.1. STANDING COMMITTEES

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>C.1</b>                                     |
| <b>POLICY TYPE</b>           | <b>COUNCIL</b>                                 |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>DECEMBER 2008 (Council Resolution #886)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                      |

### OBJECTIVE

#### Standing Committees

Council has identified the follow eight committees as standing 'Committees of Council'

- Finance and General-Purpose Committee
- Works and Services Committee
- Audit Committee
- CEO Review Committee
- Bushfire Advisory Committee
- Local Emergency Management Committee
- Sportsground Precinct Redevelopment Committee
- Sportsground Advisory Committee

As identified in the 'Committees of Council, Working Groups and External Organisations' Manual the following is listed;

- Terms of Reference
- Meeting Quorum
- Meeting frequency
- Responsible Officer

These eight committees, along with Ordinary Council Meetings and Special Council Meetings will attract sitting fees as set by Council. For other external committees or working groups, elected members will be reimbursed for travel costs (only) in line with the Salaries and Allowances Tribunal as stated in Council Policy C.2 – Councillors Out of Pocket Expenses.

### GUIDELINES

- *Local Government Act 1995 (As Amended) – Section 6.10.*

### HISTORY

- December 2008 (Council Resolution #886)

### RESPONSIBLE OFFICER

- Chief Executive Officer

## C.2. COUNCILLORS - OUT OF POCKET EXPENSES

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>C.2</b>                                      |
| <b>POLICY TYPE</b>           | <b>COUNCIL</b>                                  |
| <b>DATE ADOPTED</b>          | <b>DECEMBER 1999 (Council Resolution #9112)</b> |
| <b>REVIEW DATE</b>           | <b>23 FEBRUARY 2021</b>                         |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

### **OBJECTIVE**

Councillors shall be entitled to reimbursement of expenses incurred whilst engaged in the performance of their duties.

Expenses to be reimbursed are governed by the provisions of the *Salaries and Allowances Tribunal (WA)* as they relate to elected members.

Reimbursement is subject to completion of a written quarterly claim and copies of the accounts paid being submitted.

Travel costs are to be paid in accordance with the provisions of the most recent determination of the Salaries and Allowances Tribunal. This is currently in accordance with the rate contained in Section 30.6 of the *Local Government Officers (Western Australia) Award 2021*.

### **GUIDELINES**

- *Local Government Act 1995 (As Amended) – Section 5.98.*
- *Local Government (Administration) Regulations 1996 – Reg. 31*
- *Salaries and Allowances Tribunal (WA)*
- *Local Government Officers (Western Australia) Award 2021*

### **HISTORY**

- 23 February 2021 (Council Resolution #4479)

### **RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer

### C.3. COUNCIL SEAL

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>C.3</b>                                     |
| <b>POLICY TYPE</b>           | <b>COUNCIL</b>                                 |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>NOVEMBER 2008 (Council Resolution #842)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                      |

#### **OBJECTIVE**

The Council seal can be applied to any legal document requiring the signature of the Shire President and Chief Executive Officer only via a resolution of Council.

#### **GUIDELINES**

- *Local Government Act 1995 – Section 9.49a*

#### **HISTORY**

- November 2008 (Council Resolution #842)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

#### C.4. ADMINISTRATION AND COUNCIL CHAMBER

|                       |         |
|-----------------------|---------|
| POLICY NUMBER         | C.4     |
| POLICY TYPE           | COUNCIL |
| DATE ADOPTED          |         |
| REVIEW DATE           |         |
| DELEGATION APPLICABLE | NO      |

#### **OBJECTIVE**

The Shire President or Chief Executive Officer may authorise the use of the Council Chamber by community or government organisations for the purpose of conducting meetings during office hours. After hours meetings may be approved where adequate arrangements can be made.

#### **GUIDELINES**

Nil

#### **HISTORY**

- Nil

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer



**C.5. MEETINGS RESULTING FROM COUNCIL MEETINGS**

|                      |                |
|----------------------|----------------|
| <i>POLICY NUMBER</i> | <b>C.5</b>     |
| <i>POLICY TYPE</i>   | <b>COUNCIL</b> |
| <i>DATE DELETED</i>  |                |

**C.6. TENDERS**

|                      |                |
|----------------------|----------------|
| <i>POLICY NUMBER</i> | <b>C.6</b>     |
| <i>POLICY TYPE</i>   | <b>COUNCIL</b> |
| <i>DATE DELETED</i>  |                |

## C.7. PETITIONS

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>C.7</b>                                     |
| <b>POLICY TYPE</b>           | <b>COUNCIL</b>                                 |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>NOVEMBER 2008 (Council Resolution #842)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                      |

### **OBJECTIVE**

#### **1. Format**

In accordance with the Model Local Law for standing orders, a petition in order to be effective is to;

- a) be addressed to the President,
- b) be made by the electors of the district
- c) state the request on each page of the petition
- d) state the names, addresses and signatures of the electors making the request, and the date each elector signed
- e) contain a summary of the reasons for the request.
- f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given.
- g) be in the form prescribed by the Act and Local Government (Constitution) regulations 1996 if it is –
  - i) proposal to change the method of filling the office of President.
  - ii) A proposal to create a new district or the boundaries of the Local Government
  - iii) A request for a poll on a recommended amalgamation
  - iv) A submission about changes towards the name of a district or ward or the number of Councillors for a district or ward.

#### **2. Receipt of Petitions**

A petition may either be delivered to the Council offices by mail or in person or presented to Council at a Council Meeting.

#### **3. Status**

Any petition once received at the Council office or by Council at a Council Meeting shall be considered and treated as a public document unless otherwise resolved by Council.

#### **4. Processing a Petition**

- i) If a petition is received at the Council office in time to be included on the next Council agenda, a report will be prepared and presented to Council including if practical a copy of the petition or otherwise a summary of its contents and details regarding the number of signatories.
- ii) If a petition is received at the Council office after the close of the Council agenda, the petition will be referred to Council under the petitions section of the agenda.
- iii) If a petition is presented directly to the Council meeting in relation to an issue on that Council agenda, the Council will take into account the petition when considering the item and may either make a decision on the issue or defer the matter for further consideration to a later meeting.
- iv) If the matter, the subject of the petition is not listed on the Council agenda the matter will be dealt with at the subsequent Council meeting after a report has been prepared unless the Council chooses to deal with the item as a matter of urgent business.





## 5. Recording of Petitions

When practical the full petition will be included in the Council minutes however if considered impractical, the Chief Executive Officer, in consultation with the President may include a summary of the petition contents and details of the number of signatories in the minutes. A notation as to where the full petition is filed should be made in the minutes.

## 6. Withdrawal of Signatures

Once a petition has been either stamped as received by Council through its incoming mail system or received at a Council meeting it shall not be amended. Persons who wish to have their names subsequently removed from a petition once it has been received can write to Council indicating their change of heart. Such letter will be attached to the petition or summarised in reporting to Council and filed with the petition. The original petition will **not be amended**.

## 7. Access to Petition

Petitions will be viewed as public documents and as such will be available for viewing with other public documents.

## 8. Responding to Petitions

Council having dealt with a petition will respond only to the person named in (f) above. If no person is named as required and Council has dealt with the matter a response will be made to the first name on the petition.

### GUIDELINES

- *Local Government Act 1995*

### HISTORY

- November 2008 (Council Resolution #842)

### RESPONSIBLE OFFICER

- Chief Executive Officer

## C.8. CIVIC AWARDS

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>C.8</b>                                     |
| <b>POLICY TYPE</b>           | <b>COUNCIL</b>                                 |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>DECEMBER 2008 (Council Resolution #885)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                      |

### **OBJECTIVE**

That a Civic Awards Committee comprising the Shire President, Deputy Shire President and Chief Executive Officer or nominated proxy. deal with the awarding of Australia Day Awards such as the Citizen of the Year, Young Citizen of the Year, Senior Citizen of the Year, Sportsperson of the Year and Community Group/Event of the Year Award.

In determining Civic Award winners the Committee are able to consult with other parties considered necessary to them in coming to a decision. The decision of the Civic Award Committee is to remain confidential until the announcement of the awards are made.

### **GUIDELINES**

#### **HISTORY**

- December 2008 (Council Resolution #885)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## C.9. ADMINISTRATION AND ELECTED MEMBERS RECORDS MANAGEMENT

|                       |  |
|-----------------------|--|
| POLICY NUMBER         | C.9                                    |
| POLICY TYPE           | COUNCIL                                |
| DATE ADOPTED          | 24 MAY 2011 (Council Resolution #1625) |
| REVIEW DATE           |  |
| DELEGATION APPLICABLE | NO                                     |

### OBJECTIVE

To define the principles of the Shire of Wagin's records management function and to document an orderly and efficient approach to the proper management of records. This policy incorporates applicable legislative requirements into standard Shire practices and enumerates basic records management requirements. This helps the CEO ensure that records and documents of the local government are properly kept for the purpose of the Local Government Act 1995 and any other written law (s.5.41(h)).

Records are recognised as an important resource in the Shire of Wagin, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Organisation. Due to legislative requirements, the Shire of Wagin is obliged to maintain a records management system, and to dispose of those records only through an approved scheme.

The policy applies to all external and internal records, which are handled, received or generated by the Shire of Wagin, regardless of their physical format or media type.

The Shire's records are a corporate asset. Complete and accurate records of all business decisions and transactions are to be recorded and registered in the Shire's records management system both in respect to their content and context. They are to be managed in a cost-effective manner in accordance with records management and record keeping legislative requirements.

- All records are to be managed according to whether they are *significant* or *ephemeral* records, *vital* or *non-vital* records, and in accordance with their security classification
- All communications in the form of records, whether paper or electronic, and whether internal or external, are to be captured within the appropriate aspect of the record keeping system
- Registers are to be maintained of all records series and special categories, including but not limited to, registers of police, databases, FOI applications, assets, tenders photographs, forms, vital records, files and contracts
- All contractual arrangements are to ensure the Shire's ownership of *significant* records
- Any records / files in the possession of individual staff and Elected members are to be registered to them and, dependent upon security classification, kept accessible.
- Only approved record formats are to be used in effecting the Shire's business
- All records with record keeping series maintained by the Shire of Wagin are to be disposed of in accordance with the State Records Office's *General Disposal Schedule for Local Government Records*

All records are not to be removed from the Shire's sites unless in accordance with the approved retention and disposal schedule or in the custody of an officer or elected member performing approved business

### **Roles and Responsibilities**

#### Chief Executive Officer

The CEO is to ensure there is a system for the maintenance and management of records that is compliant with records management legislation and State guidelines and procedures. This includes the provision of Section 5.41(h) of the Local Government Act 1995.

### Elected Members

Elected members must create and keep records of communications or transactions, which convey information relating to local government business or functions. These records should be forwarded on a regular basis to the local government administration for capture into the official recordkeeping system.

### Executive Officers

Executive Officers are to ensure their staff are familiar with, and adhere to the Records Management Policy and any associated procedures endorsed by the CEO.

### Staff

Staff are to ensure they retain records relating to the business activities they perform. They are to identify significant and ephemeral records, ensure significant records are registered in the records management system; and, protected and disposed of in accordance with the State Records Office's *General Disposal Schedule for Local Government Records*.

### **Statutory Obligations**

In addition to the requirements of the State Records Act 2000, the relevant aspects of the following statutes should also be considered in managing Shire records:

- Evidence Act 1906
- Limitation Act 1935
- Freedom of Information 1992
- Local Government Act 1995
- Financial Administration & Audit Act 1985
- Criminal Code 1913 (Section 85)
- Electronic Transactions Act 200
- Privacy Act 1988

### **Custodianship**

The Shire's records are a government-owned asset. The records created during the course of business belong to the Shire of Wagin by virtue of their possession, and not the individuals who created such records during their time as a public officer or elected member at the Shire of Wagin. Officers or Elected members who acquire or create any records in the course of business shall not retain proprietary interest. Ownership of these records is vested in the Shire.

### **Definitions**

#### A Record

A record as defined in the State Records Act 2000 means any record of information however recorded and includes:

- Anything on which there is writing or Braille,
- A map, plan, diagram or graph,
- A drawing, pictorial or graphic work or photograph,
- Anything on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them,
- Anything from which images, sounds or writings can be reproduced with or without the aid of anything else, and
- Anything on which information has been stored or recorded, either mechanically, magnetically, or electronically.

*Records in the public sector are referred to as:*

#### Government Records (or Public Records)

Records created or received by a public officer or elected member in the course of his or her duties regardless of whether the communication is between staff in the same agency, between different agencies, or between public officers and members of the community (both private and business).

*Records may be categorised as:*

#### Ephemeral Records

Ephemeral records are duplicated records and/or those that have only short-term value to the Shire, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records of routine enquires.

### Significant Records

Significant records contain information which is of administrative, legal, evidential or historical value and are not recorded elsewhere on the public record. They describe an issue, record who was involved, record why a decision was made, and may embody actual guidelines.

### Important Notice:

Distinguishing between significant and ephemeral records is a matter of judgement and the above definitions can only act as a guide. Reference to “records” in this guideline document should be read as relating to significant public records unless otherwise stated.

### Vital Records

Vital records are records which are essential to the continued business of the Shire. Vital records include those that protect the rights of individuals and the Shire, and are absolutely essential for the Shire’s reconstruction in the event of a disaster.

### Non-Records

Non-records are documents that are generally available in the public domain and do not form part of a business process in respect to the Shire’s activities. They are generally used for reference and information purposes, such as reports or plans from another organisation, a published directory, or a training manual of a third party.

### Records Disposal

Disposal is by way of depositing records in the State Archives, managing the records as designated State Archives at the Council, or by destruction in accordance with *General Disposal Schedule for Local Government Records*.

## GUIDELINES

- *Local Government Act 1995 – s.5.41(h) State Records Act 2000*
- *Shire of Wagin Records Management Plan*

## HISTORY

Nil

## RESPONSIBLE OFFICER

- Deputy Chief Executive Officer

## C.10. SERVICE COMPLAINT

|                       |  |
|-----------------------|--|
| POLICY NUMBER         | C.10   |
| POLICY TYPE           | COUNCIL                                      |
| DATE ADOPTED          | 27 SEPTEMBER 2011 (Council Resolution #1734) |
| REVIEW DATE           |  |
| DELEGATION APPLICABLE | NO   |

### OBJECTIVE

*The Shire of Wagin welcomes service complaints as a form of feedback that will ultimately identify service improvement opportunities.*

*The Shire acknowledges that a majority of service complaints are not reported due to customer perceptions that the process of complaining will cause more inconvenience than the actual complaint itself.*

*In an effort to simplify the complaints handling process and capture as many service complaints as possible, the Shire has developed this Service Complaints Policy. This document outlines the definition of a service complaint, eligibility and the service complaint handling process.*

Service complaints regarding an administrative process that leads to a decision made either by Council, or under delegated authority must be within 90 days of the actual decision.

Service complaints cannot be made where another avenue of appeal exists e.g. State Administrative Tribunal.

Only directly involved parties can lodge a service complaint.

**Service Complaint:** A service complaint is a grievance against a process or the quality of service that a customer receives when dealing with the Shire.

- Objectives:**
- To encourage customer feedback that will provide opportunities for system and process improvement.
  - To provide equitable redress to our clients for poor service and processes.
  - To actively resolve service complaints.
- Eligibility:**
- Only directly involved parties can lodge a service complaint.
  - Service complaints regarding an administrative process that leads to a decision made either by Council, or under delegated authority, must be made within 90 days of the actual decision.
  - Service complaints cannot be made where another avenue of appeal exists e.g. State Administrative Tribunal.
- Applications:**
- Service complaints can be registered with the Shire via telephone, email, in writing or by completing a service form available at the Shire's Administration Officer in Arthur Road Wagin.

**Legislative and Strategic Context:**

- This policy directly relates to the Strategic Plan. The Shire of Wagin will be an industry leader in good governance and service delivery.

### **GUIDELINES**

- *Local Government Act 1995*

### **HISTORY**

- Nil

### **RESPONSIBLE OFFICER**

- Chief Executive Officer



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# FINANCE





## SECTION - FINANCE

### F.1. ANNUAL FEES & CHARGES

|                       |   |
|-----------------------|---|
| POLICY NUMBER         | F.1   |
| POLICY TYPE           | FINANCE                                     |
| DATE ADOPTED          |   |
| REVIEW DATE           | 20 NOVEMBER 2018 (Council Resolution #3910) |
| DELEGATION APPLICABLE | NO  |

#### OBJECTIVE

The Finance and General-Purpose Committee or Full Council shall review all charges and fees prior to each annual budget meeting of Council.

#### GUIDELINES

- *Local Government Act 1995 s 6.16 & s 6.17*

#### HISTORY

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 (Council Resolution #3910)

#### RESPONSIBLE OFFICER

- Deputy Chief Executive Officer

## F.2. INSTALMENT PAYMENT OF RATES

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.2</b>   |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>   |

### **OBJECTIVE**

The Manager of Finance and Deputy CEO is delegated authority in consultation with the Chief Executive Officer to accept reasonable requests for alternative instalment payments of rates where the instalment programme differs from that adopted as part of the Annual Budget.

### **GUIDELINES**

- *Local Government Act 1995 s 6.49*

### **HISTORY**

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 ( Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer

### F.3. TOWNSCAPE PAINTING AND IMPROVEMENTS

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.3</b>   |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          | <b>18 DECEMBER 2012 (Council Resolution #2078)</b> |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>   |

#### **OBJECTIVE**

The Chief Executive Officer is delegated authority to approve subsidies of 1/3 total cost up to a maximum of **\$2000.00** for the painting and structural improvement/restoration work of shop fronts, facades and verandas under the following guidelines.

1. The shop front and façade needs to be painted and or structurally improved
2. Colours are to follow the recommended Palette as prepared by the Townscape Consultant – November 2014 and will therefore be in keeping with the character of the building & surrounding buildings.
3. Funding shall be subject to availability of funds in Councils Townscape Budget and be provided on the receipt of invoices for the completed works.

#### **GUIDELINES**

Nil

#### **HISTORY**

- 18 December 2012 (Council Resolution #2078)
- 24 March 2015 (Council Resolution #2664)
- 27 September 2016 (Council Resolution #3114)
- 26 October 2016 (Council Resolution #3145)
- 20 November 2018 (Council Resolution #3910)

#### **RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer

#### F.4. WAGIN DISTRICT HIGH SCHOOL – USE OF COUNCIL BUILDINGS

|                       |   |
|-----------------------|---|
| POLICY NUMBER         | F.4   |
| POLICY TYPE           | FINANCE                                     |
| DATE ADOPTED          |   |
| REVIEW DATE           | 20 NOVEMBER 2018 (Council Resolution #3910) |
| DELEGATION APPLICABLE | NO  |

#### **OBJECTIVE**

That the Wagin District High School be able to utilise Council's Town Hall, Recreation Centre Lounge Area or Eric Farrow Pavilion for educational purposes free of charge.

#### **GUIDELINES**

- *Local Government Act 1995 s 6.17*

#### **HISTORY**

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 (Council Resolution #3910)

#### **RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer

## F.5. ACCOUNTS CERTIFYING OFFICERS – AUTHORISATION POLICY

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.5</b>   |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          | <b>22 JUNE 2010 (Council Resolution #1395)</b>     |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

*The purpose of the Shire of Wagin's Accounts Certifying Officers – Authorisation Policy is to clearly define which staff can authorise accounts to be paid and the extent of their authority with regards to authorisation limits.*

That the Chief Executive Officer, Deputy CEO, Manager of Finance and Manager of Works be appointed authorised officers for checking and certifying accounts for payment.

The following limits will apply to each officer:

| <b>Invoice Amount</b> | <b>Authorised Staff</b>                                     |
|-----------------------|---|
| Up to \$39,999        | CEO<br>Deputy CEO<br>Manager of Finance<br>Manager of Works |
| \$40,000 and above    | CEO   |

### **GUIDELINES**

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

### **HISTORY**

- 24 June 2014 (Council Resolution #2484)
- 20 November 2018 (Council Resolution #3910)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## F.6. ISSUING OF COUNCIL PURCHASE ORDERS

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.6</b>   |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          | <b>22 JUNE 2014 (Council Resolution #2602)</b>     |
| <b>REVIEW DATE</b>           | <b>23 FEBRUARY 2021 (Council Resolution #4479)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

*The purpose of the Shire of Wagin's Issuing of Council Purchase Orders Policy is to clearly define which staff can issue and sign Council Purchase Orders and the extent of their authority with regards to issuing and signing limits.*

That the Chief Executive Officer, Deputy CEO, Manager of Finance, Manager of Works, Building Maintenance Officer and Shire Mechanic be delegated authority to issue and sign Council Purchase Orders.

The following limits will apply to each position and the incumbent officer.

| <b>Title</b>                 | <b>Proposed Delegation Limit</b> |
|------------------------------|----------------------------------|
| CEO                          | Unlimited                        |
| Deputy CEO                   | Up to \$39,999                   |
| Manager of Finance           | Up to \$39,999                   |
| Manager of Works             | Up to \$39,999                   |
| Building Maintenance Officer | Up to \$1,000                    |
| Shire Mechanic               | Up to \$1,000                    |

### **GUIDELINES**

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

### **HISTORY**

- 20 November 2018 (Council Resolution #3910)
- 23 February 2021 (Council Resolution #4479)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## F.7. CHEQUE SIGNING POLICY

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.7</b>   |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #2601)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### OBJECTIVE

Wagin Shire Council cheques issued from the Municipal, Trust, Restricted Funds or Reserve accounts or by direct debit require endorsement by way of two signatories being a combination of:

- 1) The Chief Executive Officer, Deputy CEO, Manager of Works and Manager of Finance  
Or any person appointed to act in the Chief Executive Officer, Deputy CEO, Manager of Works or Manager of Finance

Payment of salaries and wages shall be authorised by both the Deputy Chief Executive Officer and the Manager of Finance. In the event that one or both the officers are unavailable the Chief Executive Officer or the Manager of Works may authorise the payment of salaries and wages with the Deputy Chief Executive Officer or Manager of Finance to review the transfer on their return.

A list of all payments made shall be presented to Council at the following ordinary meeting in accordance with the Local Government (Financial Management) Regulations 1996.

### GUIDELINES

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

### HISTORY

- 25 November 2014 (Council Resolution #2601)
- 20 November 2018 ( Council Resolution #3910)

### RESPONSIBLE OFFICER

- Chief Executive Officer

## F.8. GRATUITY PAYMENTS

|                       |   |
|-----------------------|---|
| POLICY NUMBER         | F.8   |
| POLICY TYPE           | FINANCE                                     |
| DATE ADOPTED          |   |
| REVIEW DATE           | 20 NOVEMBER 2018 (Council Resolution #3910) |
| DELEGATION APPLICABLE | NO  |

### OBJECTIVE

1. The Shire of Wagin will only pay a gratuity to those employees whose employment with the local authority is finishing and who have provided an extended period of loyal service to the local authority as determined by the Council of the day.
2. Any gratuity paid under this policy will be up to a maximum of \$1000.

In special circumstances the Council may consider it appropriate to make a greater payment than that listed in its policy, in those cases local public notice is required to be given in relation to the payment made in accordance with section 5.50 (2) of the *Local Government Act 1995*.

### GUIDELINES

- *Local Government Act 1995 s 5.50(2)*

### HISTORY

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 (Council Resolution #3910)

### RESPONSIBLE OFFICER

- Chief Executive Officer



## F.9. RESERVE ACCOUNT

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.9</b>   |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

#### **Leave Reserve Account**

The purpose of Council's Leave Reserve Account is to provide provisions to meet Council's Long Service Leave and Accrued Annual leave liabilities so as to minimise the effect on Council's Budget from year to year.

The objective of the Reserve is to provide cashed back provisions to meet Long Service Leave liability of staff with seven or more years service and accrued annual leave of staff. Funds may be expended to meet these requirements or other emergency payments resulting from termination of employees.

The balance of the reserve and Council's liability to staff leave will be reviewed each year at the annual budget.

#### **Administration Centre Furniture and Equipment Reserve**

The purpose of this reserve is to provide for the purchase of furniture, fittings and equipment with the Council's entire administration building.

The objective of the reserve is to minimise the effect on Council's budget from year to year for the purchase of furniture and equipment either for replacement or expansion. The funds may be used in emergency situations (e.g. photocopier or computer breakdown) or for budgeted purposes.

The reserve balance will be reviewed at budget time each year and Council will consider transfers to and from the reserve as it sees fit.

#### **Aerodrome Maintenance and Development Reserve**

Purpose of this reserve is to provide for major maintenance type works (eg resealing of apron area, replacing lights etc) and development type works (such as reconstructing runways, sealing roadways, upgrading buildings, fences etc) at the Wagin Airstrip.

The object of the reserve is to minimise the effect on Council's budget from year to year on major expenditure on the Wagin Airstrip.

The level of funds in the Reserve will be reviewed at budget each year by Council taking into account any works identified in its budget or Principal Activities Plan.

#### **Municipal Buildings Reserve**

The purpose of the Municipal Buildings Reserve is to provide funds for the upgrading, renovating or restoration of existing Council owned buildings and the construction of new Council owned buildings including fences and Council houses.

The objective of the Reserve is to minimise the effect on Council budget from year to year on major expenditure on Municipal Buildings.

The level of funds in the Reserve will be reviewed at budget each year by Council taking into account proposed works in its budget and Principal Activities Plan.

### **Recreation Centre Equipment Reserve**

The purpose of the Recreation Centre Equipment Reserve is to provide funds for the purchase of additional or replacement equipment utilised at the Wagin Community Recreation Centre including the upgrading or replacement of fixtures and fittings.

The object of the Reserve is to minimise the impact on Council budget from year to year on major expenditure items at the Recreation Centre.

The level of funds in the Reserve will be reviewed at budget each year by Council.

### **Recreation Development Reserve**

The purpose of the Recreation Development Reserve is to provide funds for the expansion, upgrading and development of Council's Recreation facilities. This includes the upgrading of water supplies and the like for recreation areas within the Shire of Wagin.

The objective of this Reserve is to reduce the reliance on Council's year to year budget on major expenditure items in the Recreation area.

The Reserve balance will be reviewed each year at budget taking into account works identified in the budget and Councils Financial Planning Documents and other matters considered relevant by Council.

### **Land Development Reserve**

The purpose of this Reserve is to provide funds for the development of land within the Wagin Shire for the benefit of residents and the good Government of the local authority as determined by the Council. This includes the purchase, subdivision and development of land for industrial, residential, commercial or other purposes as the need arises and as Council sees fit. The object of the Reserve is to reduce the reliance on Council's budget from year to year on land development issues.

The level of funds held in the Reserve will be reviewed each year by Council taking into account items identified in its budget, Councils Financial Planning Documents and other matters considered relevant by the Council.

### **Plant Reserve**

The purpose of this Reserve is to provide funds for the ongoing replacement and upgrading of motor vehicles, heavy machinery, light machinery and other equipment necessary in the performance of Council's core functions.

The object of the Reserve is to reduce the impact on Council's budget from year to year on the purchase of new and replacement plant items.

The level of funds held in the Reserve will be reviewed each year by Council, taking into account items identified in its coming budget, Councils Financial Planning Documents and other matters considered relevant by the Council.

### **Homecare Plant and Leave Reserve**

The purpose of this Reserve is to provide provision to meet the Homecare long service leave and accrued annual leave liabilities so as to minimise the impact on the Homecare budget from year to year and to provide for the replacement vehicles, should grant monies not be provided or are insufficient to meet requirements.

The object of the Reserve is to reduce the impact on the Homecare budget from year to year, given the limited recurrent grant from the Health Department and contributions/donations made by clients which do not allow for large one off expenditure items that may be required from time to time.

The level of funds held in the Reserve will be reviewed each year by Council, taking into account items identified in its budget and other matter considered relevant by the Homecare programme, its funding body (Health Department) or by the Council.

### **Community Bus Reserve**

The purpose of this Reserve is to provide funds to allow for the maintenance, upgrade and changeover of the Wagin Community Bus as required from time to time.

The object of the Reserve is to ensure that funds are available to ensure the ongoing effective management of the Community Bus program.

The level of funds held in the Reserve Account will be monitored by the Community Bus Management Committee and Council from time to time in line with the operations of the Community Bus and at the end of each financial year. Net operating profits will be transferred to the Reserve Account and any operating losses transferred from the Reserve Account.

#### **Refuse Site/Waste Management**

The purpose of the Refuse site/ Waste Management Reserve is to provide funds for a new refuse site, rehabilitation of the existing site and future costs for waste management in working towards zero waste.

#### **Wagin Water Management Plan Reserve**

The purpose of the Wagin Water Management Plan is to ensure Council spends the surplus Rural Towns grant and Councils funds on measures and projects in line with the Water Management Plan.

#### **Refuse Site Rehabilitation Reserve**

The purpose of the Refuse Site Rehabilitation Reserve is to provide funds to rehabilitate the existing refuse site at Brockman Road once the site has been replaced with a Waste Transfer Station.

#### **Town Drainage Reserve**

The purpose of the Town Drainage Reserve is to provide funds to rehabilitate existing drainage around the town site that is in need of major repair work and for any identified new drainage required in the townsite.

#### **Electronic Sign Reserve**

The purpose of the Electronic Sign Reserve is to provide funds for the unbudgeted maintenance and future replacement of the electronic sign in the Wagin townsite. .

#### **Emergency and Bushfire Control Reserve**

The purpose of the Emergency / Bushfire Reserve is to provide funds during unexpected times of extreme emergency recovery and provide adequate assistance to bushfire requirements.

#### **Community Gym Reserve**

The purpose of this Reserve is to provide funds to allow for the maintenance, upgrade and changeover of the Wagin Community Gym and equipment as required from time to time.

#### **Sportsground Precinct Redevelopment Reserve**

The purpose of this Reserve is to provide funds to carry out the Sportsground Precinct Redevelopment in the near future.

#### **Community Events Reserve**

The purpose of this reserve is to provide funds for costs associated with holding future community events.

#### **Housing Reserve**

The purpose of this reserve is to provide funds for all identified future housing requirements.

#### **GUIDELINES**

- *Local Government Act 1995 s6.11*
- *Local Government (Financial Management) Regulation 1996 - s 38*

#### **HISTORY**

- 16 December 2014 (Council Resolution #2629)
- 20 November 20218 (Council Resolution #3910)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

**F.10. RATES CONCESSION INCENTIVES – COMMERCIAL PROPERTIES**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.10</b>  |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

**OBJECTIVE**

This policy is to clearly demonstrate the Wagin Shire Council’s commitment to attracting new business enterprises into Wagin. Council will endeavour to support economic development in the town because of the benefits that flow to the local economy by way of increased services, job creation, population growth and general economic activity.

The objectives of this policy are;

- To help provide increased economic activity by providing incentives to new business.
- To fill empty shops particularly in the CBD of Wagin
- To provide a clear concise outline of the concessions available to potential businesses moving to Wagin.
- Note it is not the objective of this policy to provide advantages to new business setting up in competition to existing firms. Whilst Council respects the right of firms to set up in competition to existing firms and also acknowledges advantages may arise as a result of competition, the policy is not intended to provide unfair advantage to such firms.

1. Waiver of rates (and rubbish) fees for a period of 12 months if the new business is not in direct competition to an existing business in the town.

If the building premises in which the business sets up is not owned by the business the rate concession will still apply to the owner of the building so long as the business remains trading for a period of 12 months.

2. The concession applies only to businesses which set up in the Commercial or Industrial Zoned areas of the town. Other bona fide businesses setting up outside these zones may be considered for such a concession on application to Council.
3. Where a new business will be providing some services of a competitive nature but is not in direct competition to an existing business and its principal business is considered new to the town the concession shall still apply. The authority to decide as to whether direct competition exists is delegated to the Chief Executive Officer in consultation with the Shire President.

**GUIDELINES**

- *Local Government Act 1995*

**HISTORY**

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 ( Council Resolution #3910)

**RESPONSIBLE OFFICER**

- Chief Executive Officer

## F.11. CORPORATE CREDIT CARD

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.11</b>  |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>23 FEBRUARY 2021 (Council Resolution #4479)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

*The purpose of the Shire of Wagin's Corporate Credit Card Policy is to establish rules for their use and the responsibilities of cardholders using the Shire's corporate credit cards.*

*The policy ensures that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.*

### **Authority for Use of Corporate Credit Cards**

Shire of Wagin Corporate Credit Cards may be issued to the Chief Executive Officer, Deputy CEO, Manager of Finance, and Manager of Works where it is inappropriate or inconvenient to use the Shire's normal payment systems.

### **Authority for Approval of Corporate Credit Cards**

The Council must approve the issue of a credit card to the Chief Executive Officer, Deputy CEO, Manager of Finance, and Manager of Works and any change to the credit card limit. The following Limits to apply –

|         |                         |
|---------|-------------------------|
| \$8,000 | Chief Executive Officer |
| \$4,000 | Deputy CEO              |
| \$2,000 | Manager of Finance      |
| \$2,000 | Manager of Works        |

The Local Government Act 1995 does not allow for the issue of Credit Cards to elected members of Local Governments. Councillors are entitled to allowances or the reimbursement of expenses incurred on Council business.

### **Legislation**

The Local Government Act 1995 does not specifically mention the use of Corporate Credit Cards by officers in a Local Government. However, Section 6.5(a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations. In addition, the Local Government (Financial Management) Regulation 11(1)(a) requires Local Government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

### **Purchases and Use of Corporate Credit Cards**

The Shire's Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Most internet transactions provide this ability and any telephone or facsimile communications provide the opportunity to make such a request. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required. (Date, Company, Address, ABN, amount, any GST included).

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Wagin employees in that number. This is required to ensure the Shire pays the correct amount of Fringe Benefits Tax.

### **Accounts and Settlement**

The provider of the credit card will supply the Shire with a statement on each card each month. This statement will be forwarded to each cardholder for certification and the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained. The Chief Executive Officer will approve the expenses by signing the statement and in the case of the Chief Executive Officer, the statement must be signed by the Deputy Chief Executive Officer.

The credit shall be linked to Council's Municipal bank account and a recoup of expenditure be made, on a monthly basis, via funds transferred from the Shire of Wagin Municipal Account.

### **Card Lost or Stolen**

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing banker by telephone. At the earliest opportunity, written notification must also be given to the Manager of Finance so that the cancellation of the card may be confirmed and a reconciliation of the card account from the date the card was lost or stolen may be performed.

### **Misuse of Corporate Credit Cards**

Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder.

### **Recovery of Unauthorised Expenditure**

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary.

### **Internal Audit of the Corporate Credit Card System**

The Chief Executive Officer will monitor the use of all credit cards and the adherence to the policy and procedures.

### **Reward/Bonus Points**

Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Wagin. The Chief Executive Officer will decide how these points are to be utilised and may include a charitable, social or sporting distribution. Under no circumstances are rewards or bonus points to be redeemed for an officer's private benefit.

### **Return of Cards**

When the Chief Executive Officer or other Managers cease to occupy a position that is authorised to be issued with a corporate credit card they must return the card to the Manager of Finance at least one week prior to vacating the position so that the card may be cancelled and the account settled.

### **Manager of Finance Responsibilities**

The Manager of Finance is responsible for arranging the issue of the Corporate Credit Card on advice from the CEO.

The Finance and Corporate services section responsibilities in relation to the Shire's Corporate Credit Cards include:-

1. Maintain a Card Register of all cardholders.

2. Arrange the issue/cancellation of the Corporate Cards.
3. Arrange for all cardholders to sign the Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed with the Card Register.
4. Verify payment of card expenditure on receipt of the card statement from the Bank after certification from the cardholder. Ensure that all receipts and tax invoices are in place prior to authorisation for payment.
5. To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

### **Cardholders Responsibilities**

Officers who are issued with Corporate Cards must -

- (i) Ensure the care and safe keeping of the card.
- (ii) Adhere to the policy and procedures in relation to use of the card and its financial limits.
- (iii) Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
- (iv) Ensure the monthly card statement is certified correct and approved for payment when received from the Finance and Corporate Services section and return to the Finance and Corporate Services section together with the receipts and tax invoices
- (vi) To provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.

### **Appendix A**

**To:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**From: Manager of Finance**

**Date:** \_\_\_\_\_

### **CORPORATE CARD USER INSTRUCTIONS**

You have been provided with a Shire of Wagin sponsored Corporate Card in line with your official duties.

The limit of this card is \$\_\_\_\_\_.

The following guidelines are provided for your information.

1. The card is issued in your name. It is a corporate card and all transactions made with it are the responsibility of the Shire of Wagin.
2. The card is to be used for official expenditure in the performance of official duties for which there is Budget provision. Under no circumstances is it to be used for personal or private purposes.
3. Being in your name, you are responsible for the care and safe keeping of the card and therefore held accountable to the Shire for its proper use.
4. The card is not to be used to withdraw cash even for official functions.
5. Any unauthorised, excessive or unreasonable use of the card will result in an enquiry and appropriate disciplinary action.
6. When using the card, the holder is required to obtain Tax Invoices to support all purchases. A credit card statement or credit card transaction slip is not acceptable as support for purchases. (Only a Tax Invoice allows the Shire to reclaim the GST component of purchases from the Australian Taxation

Office). A Tax Invoice should provide a description of the goods or services supplied, the suppliers Australian Business Number and identifies any GST component of the amount paid.

7. When a Statement of Account is provided, you are required to certify the correctness of the expenditure and return the Statement to the Finance section together with all supporting Tax Invoices.

8. If the card is lost or stolen, you must immediately notify the NAB by phone on 1800 033 103. The Manager Finance should be notified on the next working day.

9. The card must be returned to the Shire via the Manager of Finance if you vacate the position. This must be done one week prior to your last working day so the card can be cancelled and accounts settled.

10. Please acknowledge the above by signing and returning the duplicate copy of this statement to the Manager Finance.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name**

**Title**

**GUIDELINES**

- *Local Government Act 1995 s 6.5 (a)*
- *Local Government (Financial Management) Regulation 11(1)(a)*

**HISTORY**

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 (Council Resolution #3910)
- 23 February 2021 (Council Resolution #4479)

**RESPONSIBLE OFFICER**

- Chief Executive Officer



**F.12. LEGAL REPRESENTATION – COSTS INDEMNIFICATION**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.12</b>  |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

**OBJECTIVE**

**1.0 Introduction**

- This policy is designed to protect the interests of Elected members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.
- In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

**2.0 General Principles**

- a) The local government may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the local government or otherwise in bad faith.
- b) The local government may provide such assistance in the following types of legal proceedings:
  - i) proceedings brought by members and employees to enable them to carry out their local government functions (eg where a members or employee seeks a restraining order against a person using threatening behaviour.
  - ii) proceedings brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person (eg refusing a development application) or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions]; and
  - iii) statutory or other inquires where representation of members or employees is justified.
- c) The local government will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticism leveled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the local government may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- d) The legal services the subject of assistance under this policy will usually be provided by the local government's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the local government.

**3.0 Applications for Financial Assistance**

- a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
- c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).

- d) A member of employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer is delegated authority to authorise this to the value of \$5,000.

#### **4.0 Repayment of Assistance**

- a) Any amount recovered by a member of employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the local government.
- b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the local government or otherwise in bad faith, or where information from the person is shown to have been false or misleading.
- c) Where assistance is so withdrawn, the person who obtained financial support is to repay any monies already provided. The local government may take action to recover any such moneys in a court of competent jurisdiction.

#### **5.0 Acknowledgement of Policy Details**

Where a Council member or employee is granted assistance by Council in accordance with this policy the recipient of the assistance is required by Council to acknowledge in writing the details of this policy prior to Council providing legal assistance".

#### **GUIDELINES**

- *Local Government Act 1995*

#### **HISTORY**

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 ( Council Resolution #3910)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

**F.13. GROUP VALUATION FOR CONTIGUOUS RURAL LAND**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.13</b>  |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

**OBJECTIVE**

That Council apply to the Valuer General’s Office for contiguous use valuation on land / locations / lots that can be demonstrated to be owned and operated by a family unit as one farm unit, upon application made by the landowner.

The valuation shall only apply to the definition of contiguous as determined by the Valuer General’s Office.

Proponents wishing to seek a contiguous use valuation will be required to complete a Statutory Declaration to this effect, detailing the land / lots involved, the various ownership details and a statement as to who the “ratepayer / owner” will be in the rate book.

In the event that a parcel of land is sold or Council is made aware that land is on the “market”, then the group valuation ceases to exist and is to be removed. The onus is on the landowner to advise Council of this event.

Any associated cost incurred from the Valuer Generals office shall be reimbursed to Council by the applicant.

**GUIDELINES**

- *Local Government Act 1995*

**HISTORY**

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 ( Council Resolution #3910)
- 

**RESPONSIBLE OFFICER**

- Chief Executive Officer

## F.14. RATE RECOVERY

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.13</b>  |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### OBJECTIVE

The purpose of this policy is to set in place a system and give staff clear guidelines for recovery of outstanding rates in an efficient, timely and professional manner.

The objective of this policy is to ensure consistency, fairness, integrity and confidentiality when recovering outstanding rates and charges and to ensure outstanding rates are reduced to a level that is acceptable

1. Where rates remain outstanding fourteen (14) days after the due date shown on the Rate Notice, and the ratepayer has NOT elected to pay by the two or four instalment option, a Final notice shall be issued requesting full payment within seven (7) days.
2. Rates remaining unpaid after the expiry date shown on the Final notice will be examined for the purpose of issuing a Final Council Demand letter.
3. Where payment still remains outstanding despite the issue of a Final Demand letter, and the ratepayer has not entered into a payment arrangement, action will be taken to secure payment of the debt through Council's Collection Agency for amounts equal to or greater than the minimum rate for that particular property type.
4. Following the issue of a Claim by Council's Collection Agency and the addition of legal costs, a reasonable offer to discharge a rate account will not be refused. The CEO will have the power of deciding what is reasonable in any particular circumstance and that action shall be reported to Council.
5. Instalment arrangements will be calculated so that the minimum repaid over a full year will equal 150% of annual levies.
6. Legal proceedings will continue until payment of rates imposed is secured. This includes the issue of a Property Seizure and Sale Order against goods and land if necessary.
  - a. If a Property Seizure and Sale Order against land is proposed to collect outstanding rates due on a property, approval of Council shall be obtained before the PSSO is lodged.
7. In cases where the owner of a leased or rented property on which rates are outstanding cannot be located, or refuses to settle rates owed, notice will be served on the lessee under the provisions of section 6.60 of the Local Government Act 1995, requiring the lessee to pay to Council the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

### GUIDELINES

- *Local Government Act 1995*



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## HISTORY

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 (Council Resolution #3910)
- 

## RESPONSIBLE OFFICER

- Chief Executive Officer

## F.15. PURCHASING AND TENDER GUIDE

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>F.15</b>   |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                      |
| <b>DATE ADOPTED</b>          | <b>22 JUNE 2010 (Council Resolution #1394)</b>      |
| <b>REVIEW DATE</b>           | <b>22 SEPTEMBER 2020 (Council Resolution #4382)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>   |

### **OBJECTIVE**

- *To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).*
- *To deliver a best practice approach and procedures to internal purchasing for the Shire of Wagin.*
- *To ensure consistency for all purchasing activities that integrates within all the Shire of Wagin operational areas.*
- *The Shire is committed to using efficient and effective purchasing procedures that are directed towards delivering the most advantageous purchases of goods and services by the Shire.*

### **Why do we need a Purchasing Policy?**

The Shire of Wagin is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire of Wagin with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire of Wagin receives value for money in its purchasing.
- Ensures that the Shire of Wagin considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Shire of Wagin is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire of Wagin's purchasing practices that withstands probity.

### **Ethics and Integrity**

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

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

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Wagin policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and

- any information provided to the Shire of Wagin by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

### **Value For Money**

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

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

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

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

### **Sustainable Procurement**

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

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

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

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range;
- For new buildings and refurbishments – where available use renewable energy and technologies.

### **Purchasing Thresholds and Staff Limits**

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

| Amount of Purchase  | Policy  | Authorised Officers  |
|---------------------|---|--|
| Up to \$3,000       | <p><b>Direct purchase from suppliers – no formal process</b><br/>           Quotations not required for items of minor recurrent nature, such as groceries, stationary, hardware, mechanical, reticulation consumable's etc<br/>           Employee must be satisfied that the price is competitive.</p>  | CEO, Deputy CEO,<br>Manager of Finance,<br>Manager of Works,<br>Mechanic (up to 1K)<br>Building Maintenance Officer (up to 1K) |
| \$3,000 - \$9,999   | <p><b>Request at least two written quotations where possible.</b><br/>           At least two written quotations are to be requested. A "Written Quotation Form" must be completed. Where two written quotes are not received or not available or where multiple quotes is not practical, e.g. due to limited suppliers, it must be noted on the Written Quotation form and signed off by the Authorising officer.<br/>           In some cases Staff can also use the Request for Quotation form for procurement between \$3,000 and \$10,000 when warranted.</p> <p><b>If purchasing from a WALGA Preferred Supplier Arrangement or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</b></p> <p>Record keeping requirements must be maintained in accordance with record keeping policies.</p>  | CEO, Deputy CEO,<br>Manager of Finance & Manager of Works  |
| \$10,000 - \$39,999 | <p><b>Request at least three written quotations where possible</b><br/>           For the procurement of goods or services where the value exceeds \$10,000 but is less an \$40,000, at least three written quotations are to be requested. A "Written Quotation Form" must be completed. Where three written quotes are not received or not available or where multiple quotes is not practical, e.g. due to limited suppliers, it must be noted on the Written Quotation form and signed off by the Authorising officer.</p> <p>At this level of procurement, a Request for Quotation must be completed for each supplier or contractor to carry out their quotation.</p> <p><b>If purchasing from a WALGA Preferred Supplier Arrangement or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</b></p> <p><b>NOTES:</b> The general principles relating to written quotations are;</p> <p>An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.<br/>           The request for written quotation should include as a minimum:</p> <ul style="list-style-type: none"> <li>• Written Specification</li> <li>• Supply timeframe</li> <li>• Conditions of responding</li> </ul> | CEO, Deputy CEO,<br>Manager of Finance & Manager of Works  |



|                               |   |                     |
|-------------------------------|---|---------------------|
|                               | <ul style="list-style-type: none"> <li>• Validity period of offer</li> <li>• Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.</li> <li>• Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.</li> <li>• Respondents should be advised in writing as soon as possible after the final determination is made and approved.</li> </ul>  |                     |
| <p>\$40,000 - \$99,999</p>    | <p>For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999 at least three written quotations are to be requested. A “Written Quotation Form” must be completed. Where three written quotes are not received or not available or where multiple quotes is not practical, e.g. due to limited suppliers, it must be noted on the Written Quotation form and signed off by the Authorising officer.</p> <p>At this level of procurement, a Request for Quotation must be completed for each supplier or contractor to carry out their quotation.</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> <li>• a detailed written specification for the goods, services or works required; and</li> </ul> <p>The procurement decision is to be evidenced using the Quotation Evaluation Report retained in accordance with the Shire’s Record Keeping Plan.</p> <p>For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation’s capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.</p> <p>This evaluation will be carried out by a panel consisting of 2 members.</p> | <p>CEO</p>          |
| <p>\$100,000 to \$249,999</p> | <p>For the procurement of goods or services where the value exceeds \$100,000 but is less than \$249,999 at least three written quotations are to be requested. A “Written Quotation Form” must be completed. Where three written quotes are not received or not available or where multiple quotes is not practical, e.g. due to limited suppliers, it must be noted on the Written Quotation form and signed off by the Authorising officer.</p> <p>At this level of procurement, a Request for Quotation must be completed for each supplier or contractor to carry out their quotation.</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> <li>• a detailed written specification for the goods, services or works required; and</li> </ul>   | <p>Full Council</p> |

|                            |  |                     |
|----------------------------|--|---------------------|
|                            | <ul style="list-style-type: none"> <li>• pre-determined selection criteria that assesses all best and sustainable value considerations.</li> </ul> <p>The procurement decision is to be evidenced using the Evaluation Report template retained in accordance with the Shire's Record Keeping Plan.</p> <p>For this procurement range, the selection should not be based on price alone, and it is strongly recommended to consider some of the qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.</p> <p>This evaluation will be carried out by a panel consisting of 3 members. Final acceptance of a quotation at this level of procurement will be made by full Council.</p> |                     |
| <p>\$250,000 and above</p> | <p>Conduct a <b>Public Tender</b> process in accordance with the Local Government Act and relevant Shire Policy and procedures.</p> <p>Or</p> <p><b>Tender Exempt</b> arrangements under F&amp;G Reg.11(2)</p>   | <p>Full Council</p> |

The authorising officer, before signing off on a purchase order, is to ensure written or email quotations are recorded and attached to the purchase order when applicable.

The CEO or DCEO will conduct regular checks of purchase orders to ensure verbal and written quotations are recorded and attached to purchase orders when applicable.

The CEO will conduct regular checks of invoices to ensure the correct authorised staff have signed purchase orders and authorised accounts for payment within their authorised spending limit.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$250,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

Exemptions to purchasing requirements – Purchase value \$3,000 to less than \$100,000

From time to time there will be circumstances where it is not appropriate or not reasonably practicable to adhere to the requirements to request quotations as set out in this Policy. An example is where the Shire is satisfied and can evidence that there is only one source of supply for goods, services or works, having used genuine endeavours to determine that there is not a reasonable alternative source of supply.

In such circumstances, the CEO may waive the requirements to obtain quotations as set out in this Policy. The responsible Shire officer must document the waiver process in the manner required by the CEO.

### Purchasing Criteria

The Shire of Wagin shall, before quotations are requested, determine in writing the criteria for deciding which quotation should be accepted.

The evaluation panel is to include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

- Between \$40,000 and \$99,999, the panel must contain a minimum of 2 members; (eg. CEO & Manager of Works) and
- Between \$100,000 and \$249,999, the panel must contain a minimum of 3 members; (eg. CEO, Manager of Works and Works Committee Chairperson)

## **Regulatory Compliance**

### **Tender Exemption**

Exceptions to purchase requirements – Purchase value \$250,000 or greater

Where the purchase value exceeds \$249,999, the Regulations provide for a range of exceptions to the requirement to publicly invite tenders. These are set out in regulation 11(2) of the Regulations.

The exceptions include:

- a. The supply of goods or services authorised as an emergency under s 6.6(1)(c) of the Act;
- b. The supply of goods or services is associated with a state of emergency;
- c. The supply of goods or services obtained through the WALGA Preferred Supplier Program
- d. Where the Shire has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier;
- e. The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- f. Where the contract is a renewal or extension of the term of an original contract in certain circumstances related to a state of emergency.
- g. Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

### **Sole Source of Supply (Monopoly Suppliers)**

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

**Note:** The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

### **Anti-Avoidance**

The Shire of Wagin shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$250,000 thereby avoiding the need to publicly tender.

### **Tender Criteria**

The Shire of Wagin shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

- \$ 250,000 and above, the panel must contain a minimum of 3 members.

### **Issuing Tender Documentation**

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Wagin not to compromise its Duty to be Fair.

### **Tender Deadline**

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

### **Opening of Tenders**

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the CEO delegated nominee and at least one other Shire Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as *commercial-in-confidence* to the Shire of Wagin. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire of Wagin Officers present at the opening of tenders.

### **No Tenders Received**

Where the Shire of Wagin has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$100,000 & \$249,999(listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

### **Tender Evaluation**

Tenders that have not been rejected shall be assessed by the Shire of Wagin by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

### **Addendum to Tender**

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Wagin may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

### **Minor Variation**

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Wagin and tenderer have entered into a Contract, a minor variation may be made by the Shire of Wagin.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Any amendments must be incorporated into the contract with the preferred tenderer for the supply of the varied requirement.

Any major variation will require a new and separate tender.

### **Notification of Outcome**

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

## Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Wagin's internal records management policy.

## Contracts and Contract Renewals, Extensions and Variations

- The Shire will maintain a contract register, with details of the key information to be included in the register, including:
- Contracts in value of \$40,000 or greater are to be recorded in the register and the Shire Executive Assistant will be responsible for the regular review and update of the register.
- Circumstances may require the Shire to vary the specifications and or contractual terms of a Contract. The Shire may only vary a contract that has not yet been awarded, if the variation is considered to be a "minor variation". The Shire may only vary an existing contract, if the variation is considered by the Shire of Wagin to be necessary in order for the goods or services to be supplied and does not change the scope of the contract. The CEO is authorised to determine variations on contracts.
- The Shire Executive Assistant will be responsible to review the register for contracts nearing expiry, so that negotiations can commence well before the expiry of the contract. This ensures continuity in the supply of goods and services as well as provide best value for money
- The Shire CEO is responsible and will carry out assessment of current contractor performance. This will ensure poor performing contractors are identified and concerns are adequately addressed, prior to exercising the contract renewal or extension option.
- The Shire may vary a contract due to unforeseen circumstances with the contract.

**All new Contracts and Contract renewals, extensions and variations must be authorised by the Chief Executive Officer.**

## GUIDELINES

- *Local Government Act 1995*

## HISTORY

- 18 December 2012 (Council Resolution #2078)
- 20 November 2018 (Council Resolution #3910)
- 17 December 2019 (Council Resolution #4166)
- 24 March 2020 (Council Resolution #4220)
- 22 September 2020 (Council Resolution #4382)

## RESPONSIBLE OFFICER

- Chief Executive Officer

## F.16. RECOVERY OF NON RATESNON-RATES CHARGES

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>F.16</b>   |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                      |
| <b>DATE ADOPTED</b>          | <b>24 JUNE 2014</b>                                 |
| <b>REVIEW DATE</b>           | <b>20 November 2018 ( Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>  |

### OBJECTIVE

#### **1.0 Debt Management – Excluding Infringement Notices**

If the invoice is not paid by the due date, then the following procedure will take place.

- 1.1 For amounts outstanding for up to 30 days, the Finance Officer is to issue a Statement to the debtor with an 'overdue' sticker attached to the Statement.
- 1.2 For amounts outstanding for 60 days, the Finance Officer is to issue a Statement to the debtor with 'urgent action' sticker attached to the statement.
- 1.3 For amounts outstanding for 90 days, the Finance Officer is to issue a Statement to the debtor with 'final notice payment within 7 days' sticker attached to the statement.
- 1.4 For amounts outstanding for greater than 90 days, the Finance Officer is to issue a letter of demand to the debtor.
- 1.5 Before any third party is engaged to take legal action to recover an outstanding debt, the Manager of Finance is to be consulted to ensure that this action is appropriate giving due consideration to all issues that have led to the debt being overdue and not paid.
- 1.6 Once all reasonable attempts to either locate the debtor or to obtain payment have failed, the responsible officer for raising the debt will be asked to submit a written request for the invoice to be considered for write off.
- 1.7 Approval will be sought from the Chief Executive Officer, and subsequently Council for approval for the debt to be written off. Once Council approval has been received, the appropriate entries will be made in the Accounts Receivable Ledger.

#### **2.0 Debt Management – Infringement Notices**

If the invoice is not paid by the due date, then the following procedure will take place.

- 2.1 For amounts outstanding for up to 28 days, the Finance Officer is to issue a Final Demand Notice (approved by The Fines Enforcement Registry) to the debtor.
- 2.2 If not paid by 28 days, an authorised Prosecuting Officer is to register the outstanding infringement notice with the Fines Enforcement Registry.
- 2.3 After the registration of the unpaid infringement at Fines Enforcement Registry, they will issue a 'Court Order to Pay or Elect' – this has the status of an order issued by the court order which requires the alleged offender within 28 days to:
  - pay the stipulated penalty in full or organise a time to pay arrangement with Fines Enforcement Registry; or
  - elect to have the matter heard and determined in the Magistrates Court.
- 2.4 Where there is no response to the order to pay or elect, Fines Enforcement Registry may issue a 'Notice of Intention to Enforce', pursuant to section 18 of the Fines, Penalties and Infringement Notices Enforcement Act 1994 (the Act) to the most recent address for the alleged offender as recorded in the database of the Department of Transport (DOT), or the most recent address provided to Fines Enforcement Registry. A 'Notice of intention to Enforce' informs the alleged offender that he or she must pay the amount demanded to avoid the licence nominated in the notice being suspended and/or to avoid further enforcement sanctions occurring on their vehicle or property. The payment period provided for this notice is 28 days. An alleged order can still elect

to have the matter dealt with by the Magistrate Court under section 21 of the Act if they wish to defend the infringement.

- 2.5 If the alleged offender does not respond after the 28 days, a 'Licence Suspension Order' will be imposed on the offender and notice confirming the suspension order will be issued to the alleged offender.

The 'Licence Suspension' Order stays in place until the penalty, including the relevant enforcement fees, are paid in full, place on time pay arrangement or the alleged offender makes an election under section 21 of the Act for the matter to be dealt with by the Magistrates Court.

- 2.6 If the Infringement requires a withdrawal due to being issued incorrectly, in error or a payment has been received, an authorised Prosecuting Officer will be able to withdraw the infringement from the Fines Enforcement Registry.

### **3.0 Debt Raised in Error or Debt Adjustment**

If a debt has been raised in error or requires an adjustment, then an explanation will be sought from the relevant staff members. Once this has been received a credit note request will be raised which is to be authorised by both the staff member who raised the initial invoice and the Manager of Finance.

#### **GUIDELINES**

- *Local Government Act 1995*
- *Finance Management Regulations 19A & 19B*

#### **HISTORY**

- 24 June 2018 (Council Resolution #2484)
- 20 November 2018 (Council Resolution #3910)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer



## F.17. INVESTMENT POLICY

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.17</b>  |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          | <b>24 JUNE 2014</b>                                |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>   |

### **OBJECTIVE**

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

**1.0** While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return of investment.

1.1 Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

1.2 The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of investment.

1.3 The investment is expected to achieve a predetermined market average rate of return that takes into account the council's risk tolerance. Any additional return target set by council will also consider the risk limitation and prudent investment principles.

### **2.0 Approved Investments**

With approvals from Council, investments are limited to:

- 2.1 State/Commonwealth Government Bonds with a term of maturity not exceeding three years;
- 2.2 Fixed term deposits placed with an authorised institution for a term not exceeding 12 months;
- 2.3 Interest bearing deposits placed with an authorised institution.

### **3.0 Prohibited Investments**

This Policy prohibits any investment carried out for speculative purposes including the following:

- 3.1 Derivative based instruments;
- 3.2 Principle only investments or securities that provide potentially nil or negative cash flow; and
- 3.3 Standalone securities issued that have underlying futures, options, forward contracts and swaps of any kind.
- 3.4 The use of leverage (borrowing to invest) of any investment.
- 3.5 Deposits with any institution other than an authorised institution.
- 3.6 Deposits for a fixed term of more than 12 months.
- 3.7 Investment in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government.
- 3.8 Investment in bonds with a term of maturity of more than three years.
- 3.9 Investment in a foreign currency.



#### 4.0 Risk Management

Investments obtained are to comply with the following three criteria:

##### 4.1 Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category:

| S&P LONG TERM RATING | S&P SHORT-TERM RATING | DIRECT INVESTMENT MAXIMUM |
|----------------------|-----------------------|---------------------------|
| AAA                  | A-1+                  | 100%                      |
| AA                   | A-1                   | 100%                      |
| A                    | A-2                   | 100%                      |

##### 4.2 Counterparty Credit Framework

The Shire of Wagin will invest funds with authorised financial institutions that provide a service to the local community by establishing branches or agencies in the Shire of Wagin. Such institutions must maintain a minimum Standard and Poor rating of A for short term investments.

##### 4.3 Term to Maturity Framework

| OVERALL PORTFOLIO TERM TO MATURITY LIMITS |                           |
|---|---------------------------|
| Portfolio % < 1 Year                      | 100% maximum, 40% minimum |
| Portfolio % 1-3 Years                     | 60%                       |

#### 5.0 Performance Measurement

Performance benchmarks will be as follows:

| INVESTMENT                  | PERFORMANCE BENCHMARK   |
|-----------------------------|---|
| Cash                        | Cash Rate   |
| Enhanced/Direct investments | UBSWA Bank Bill Rate  |
| Diversified Funds           | CPI + appropriate margin over rolling 3 year periods (depending on composition of fund) |

#### 6.0 Report and Review Compliance Requirements

6.1 A monthly report will be provided to Council in support of the monthly Statement of Financial Activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio and maturity date.

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

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

#### GUIDELINES

- *Local Government Act 1995*
- *Trustees Act 1962 – Part III*
- *Local Government (Financial Management) Regulations 19, 28 and 49.*
- *Australian Accounting Standards*

#### HISTORY

- 26 June 2014 (Council Resolution #2484)
- 20 November 2018 (Council Resolution #3910)

#### RESPONSIBLE OFFICER

- Chief Executive Officer

**F.18. COUNCIL VEHICLE REPLACEMENT AND PROCUREMENT POLICY**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.18</b>  |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>   |
| <b>DATE ADOPTED</b>          | <b>22 SEPTEMBER 2015 (Council Resolution #2810 &amp; 2811)</b> |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b>             |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

**OBJECTIVE**

The objectives of this policy are:

- to ensure all vehicles purchased are the most sustainable and efficient vehicle allowable under the budget, and

to ensure all vehicles meet the needs of the position and the employee while providing the best value for money to Council, and reflect an understanding that in order to attract and retain quality staff, Council should offer vehicles of a particular standard and size

**Why do we need a Vehicle Replacement and Procurement Policy?**

This policy provides guidelines for fair, equitable and transparent vehicle allocation and vehicle replacement.

This policy pertains to Council’s passenger and light vehicle fleet assigned to employees.

**Procurement**

When purchasing new Council vehicles the Department Manager will obtain quotations from suppliers (as per Council’s procurement policy), and will include specified values for the trade-in vehicle (if applicable).

All quotations shall be assessed on the basis of value for money. Council is transparent and accountable when dealing with ratepayer funds, and as such binds itself to procurement based on value for money.

**Environmental Considerations**

Vehicle maintenance should be undertaken according to the manufacturer’s recommendations to ensure optimum fuel efficiency, emission performance and return on investment.

Staff will be made aware of the need to optimise fuel efficiency and emission performance by ensuring tyres are maintained at recommended pressures, wheels are correctly aligned, vehicles are not used to carry unnecessary loads, and that good driving habits are observed.

**Economic Considerations**

In determining the cost to Council of operating a motor vehicle, purchase price, operating costs and resale must all be considered, to ensure the best value for Council.

The standard of vehicle purchased must be with a view of optimising the trade-in at change-over or disposal of the vehicle.

If the opportunity arises to replace any vehicle which is advantageous to Council, however is outside this policy, then the CEO is to investigate and report to Council for their consideration.

The replacement cycle for vehicles shall be modelled on the following:

- CEO, DCEO & EHO/BS Vehicles – Every 4 years or 80,000 km’s whichever comes first
- Manager Works Vehicle –Every 4 years or 80,000 km’s whichever comes first.

- Doctor's Vehicle - Every 4 years or 80,000 km's whichever comes first.

Type of vehicles shall be modelled on the following:

- CEO Vehicle – Up to \$60,000
- DCEO Vehicle Up to \$50,000
- EHO/BS Up to \$40,000
- Manager Works Vehicle – Up to \$50,000
- Doctor's Vehicle - Up to \$50,000

### **Vehicle Options and Accessories**

The fitting of all accessories must be approved by the CEO. Approval will only be given where the accessories address genuine operational requirements.

These fall into two categories:

#### **Standard Accessories**

- Air Conditioning
- Automatic
- Window tinting
- Cargo barriers on wagons/4WDs
- Car mats and Dash mats
- Bluetooth.

#### **Extra Accessories**

- Tow bar
- Roo bar

#### **Vehicle use that Council will not approve**

All vehicles supplied to staff to undertake their Council duties must be maintained as per their individual agreements and must not be used:

- to contravene any road rule under the Australian Road Rules or Road Traffic Act
- in a dangerous or offensive manner.

**NOTE:** All Council staff who have a motor vehicle as part of their employment conditions will be required to enter into an individual vehicle agreement.

#### **GUIDELINES**

- *Local Government Act 1995*

#### **HISTORY**

- 22 September 2015 (Council Resolution #2810 & 2811)
- 20 November 2018 (Council Resolution #3910)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## F.19. RISK MANAGEMENT

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.19</b>  |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          | <b>21 JULY 2016 (Council Resolution #3060)</b>     |
| <b>REVIEW DATE</b>           | <b>23 FEBRUARY 2021 (Council Resolution #4479)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

*The Shire of Wagin is committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.*

### **Definition of “Risk”:**

AS/NZS ISO 31000:2018 defines risk as “*the effect of uncertainty on objectives.*”

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

### **Definition of Risk Management:**

The application of coordinated activities to direct and control an organisation with regard to risk.

### **Principles – Framework – Process**

The Shire of Wagin considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.

Council is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2018.

The Shire of Wagin will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.

In particular it will be applied to:

- Strategic planning
- Expenditure of large amounts of money
- New strategies and procedures
- Management of projects, tenders and proposals
- Contractors engaged by the Shire
- Volunteers providing volunteer work for the Shire
- Introducing significant change, and
- The management of sensitive issues.

### **Risk Management Objectives**

- The achievement of organisational goals and objectives
- The ongoing health and safety of all employees at the workplace
- Ensuring public safety within the Council’s jurisdiction is not compromised
- Limited loss or damage to property and other assets
- Limited interruption to business continuity
- Positive public perception of Council and the Shire
- Application of equal opportunity principles in the workforce and the community.

### **Responsibilities**

- Executives, managers and supervisors have the responsibility and accountability for ensuring that all staff manage risks within their own work areas. Risks should be anticipated and reasonable protective measures taken.
- All managers will encourage openness and honesty in the reporting and escalation of risks.
- All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.
- All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
- All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.
- The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
- Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.
- It is the responsibility of every department to observe and implement this policy in accordance with procedures and initiatives that are developed by management.
- Council is committed morally and financially to the concept and resourcing of risk management.

### **Monitor and Review**

The Organisation will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

Risk management key performance indicators, relating to both organisational and personal performance will be developed implemented and monitored, by the Shire of Wagin.

### **GUIDELINES**

- *Local Government Act 1995*

### **HISTORY**

- 21 July 2016 (Council Resolution #3060)
- 20 November 2018 (Council Resolution #3910)
- 23 February 2021 (Council Resolution #4479)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## F.20. RELATED PARTY DISCLOSURES

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.20</b>  |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                     |
| <b>DATE ADOPTED</b>          | <b>22 AUGUST 2017 (Council Resolution #3362)</b>   |
| <b>REVIEW DATE</b>           | <b>20 NOVEMBER 2018 (Council Resolution #3910)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### OBJECTIVE

From 1 July 2016, the Australian Accounting Standards Board has determined that AASB 124 Related Party Disclosures will apply to government entities, including local governments.

The objective of the policy is to disclose the existence of certain related party relationships and related party transactions concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them, and information about the transactions who have significant influence over the Shire's operations, necessary for users to understand the potential effects on the financial statements are properly identified, recorded in Shires' systems, and disclosed in Shires' general purpose financial statements in compliance with the AASB 124

### POLICY

The Shire of Wagin is committed to producing Financial Information with high standards. In delivering high standard financial information the Shire is committed to comply with the principles of transparency and good governance and compliance with the Accounting Standards prescribed by the Australian Accounting Standards Board (AASB), Local Government Act 1995, and Local Government (Financial Management) Regulations 1996.

The Related Party Disclosure Policy aims to assist the Shire in complying with disclosure requirements concerning key management personnel (KMP), their close family members and entities controlled or jointly controlled by any of them stipulated under the Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124).

### SCOPE

This policy is to be applied in:

1. identifying related party relationships; related party transactions (RPT), and ordinary citizen transactions concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them; and
2. identifying information about the related party transactions for disclosure;
3. establishing systems to capture and record the related party transactions and information about those transactions;
4. identifying the circumstances in which disclosure of the items in subparagraphs (1) and (2) are required.
5. determining the disclosures to be made about those items in the general purpose financial statements for complying with the AASB 124

### BACKGROUND AND / OR PRINCIPLES

Local Government (Financial Management) Regulations 1996 requires the Shire to prepare its general purpose financial statements in compliance with the relevant Australian Accounting Standards applicable for the reporting period.

### AASB 124 DISCLOSURE REQUIREMENTS

1. Disclosures - Relevant to this policy, and compliance with the AASB 124, for annual periods beginning on or after 1 July 2016, the Shire will disclose in its general purpose financial statements the information specified in section 4(2) for related party transactions during the periods covered by the financial statements.
2. Disclosed Information – The Shire will disclose the following information in the Shire’s general purpose financial statements in aggregate or separately:

Related party transactions of a similar nature in aggregate except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of the Shire, having regard to the following criteria:

- (a) the nature of the related party relationship;
- (b) the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises since no consideration for the transaction is given or received by the Shire);
- (c) whether the transaction is carried out on non-arm’s length terms;
- (d) whether the nature of the transaction is outside normal day-to-day business operations, based on the factors and thresholds determined by the Chief Executive Officer and the Shires’ Audit committee.

#### 1. Application

This Related Party Disclosures Policy applies to –

- a) Related Parties of Council,
- b) Key Management Personnel.

#### 2. Disclosure requirement

- (a) The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not.
- (b) Each financial year, the Shire must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.

#### 3. Key Management Personnel (KMP)

In accordance with AASB 124, KMP are –

- All elected members
- CEO
- DCEO
- Manager of Finance
- Manager of Works
- Environmental Health Officer / Building Surveyor

#### 4. Related Party – Council

- (a) Related entities to Council are those where the Shire of Wagin has significant control or influence, which is deemed to be a greater than 20% –
  - financial interest in the organisation,
  - voting rights in the organisation.
- (b) Unless otherwise excluded, the administration will be required to assess all transactions made with these persons or entities.

#### 5. Related Party – KMP

- a) Related parties of the KMP are close family members of the KMP.
- b) For the AASB 124, close family members include –
  - Your spouse / domestic partner
  - Your children
  - Your dependents
  - Children of your spouse / domestic partner
  - Dependents of your spouse / domestic partner

Who may be expected to influence, or be influenced by, your dealings with the Council.

Close family members could also include extended family members (such as, parents, siblings, grandparents, uncles/aunts or cousins) if they could be expected to influence, or be influenced by, the KMP in their dealings with the Shire.

- c) Related entities to the KMP or close family members are those where the person has control,



joint control or influence, which is deemed to be greater than 20% –

- financial interest in the organisation
- voting rights in the organisation.

d) Unless otherwise excluded, the administration will be required to assess all transactions made with these persons or entities.

#### 6. Related Party Transactions (RPT)

(a) A related party transaction is a transfer of resources services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

(b) For the purposes of determining whether a related party transaction has occurred, the following transactions or provisions of services have been identified as meeting this criterion –

- (i) payments to elected members;
- (ii) employee compensation whether it is for KMP or close family member of KMP.
- (iii) lease agreements for housing rental (whether for a Shire owned property or property sub- leased by the Shire through a real estate agent)
- (iv) lease agreements as lessee or lessor, for commercial properties or other properties;
- (v) monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement).
- (vi) loan arrangements between related entities or KMP;
- (vii) contracts and agreements for construction, consultancy or services
- (viii) purchases or sales of goods; property and other assets;
- (ix) rendering or receiving of services; or goods;
- (x) transfers under licence agreements; or finance arrangements (example, loans);
- (xi) provision of guarantees (given or received);
- (xii) commitments to do something if an event occurs, or does not occur, in the future;
- (xiii) settlement of liabilities on behalf of Council or by the Shire on behalf of that related party.

#### 7. Ordinary Citizen Transactions (OCT)

a) OCT are where there is no special treatment of consideration of either party and are deemed to be any transaction that a member of the public would receive in the usual course of business, and includes but is not limited to –

- (i) payment of rates and charges imposed by Budget resolution, fines and penalties etc.
- (ii) payment of application or development fees imposed by Council and applying to any applicant
- (iii) use of Council facilities, whether use of the facility incurs a fee or not, and includes Recreation Centre, Civic Centre, library, parks, ovals, reserves, waste facility and public open spaces

b) OCT incorporates transactions resulting from delivery of Public Service Obligations and includes but is not limited to –

- (i) attending Shire of Narrogin functions that are open to the public
- (ii) attending events that are open to the public

(c) All Ordinary Citizen Transactions identified within this policy are unlikely to influence the conclusions that those reading the Shire's financial statements would make.

#### 8. Materiality

For guidance, materiality is generally deemed to apply where –

- Where an RPT can be expressed in financial terms
  - o Single transaction – greater than \$300
  - o Cumulative transactions – greater than \$1,500
- Where an RPT cannot be expressed in financial terms –
  - o reasonable person test – would an ordinary person consider that pressure has been applied or influence exerted

#### 9. Related Party Notification

a) KMP must submit to the CEO a Related Party Declaration, notifying of any existing or potential related party relationship between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members.

b) Related Party Declarations are to be submitted –

- (i) within 30 days of commencement;
- (ii) annually, prior to 31 August;



- c) Related Party Declarations are to be updated where –
  - (i) any new or potential related party transaction that is required or likely to be required to be disclosed in Council's financial statements; or
  - (ii) any change to a previously notified related party transaction.

#### 10. Related Party Transaction Notification

- a) A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.
- b) KMP must submit to the CEO a Related Party Transaction Notification, notifying of any transaction between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members.
- c) Related Party Transaction Notifications are to be submitted –
  - (i) at minimum – within 30 days of the end of each financial year;
  - (ii) recommended – at Council meeting each month.

#### 11. Confidentiality

- (a) All information contained in a disclosure return, will be treated in confidence.
- (b) Generally, related party disclosures in the annual financial reports are reported in aggregate and individuals not specifically identified.
- (c) Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

### **REGISTER OF RELATED PARTY TRANSACTIONS**

Staff will maintain and keep up to date a register of related party transactions that captures and records the information specified in section 4(2) for each existing or potential related party transaction (including ordinary citizen transaction assessed as being material in nature) during a financial year.

#### 12. Discretionary capacity of the CEO

Where a matter is not covered by this policy, the CEO is authorised to make a determination, and may seek such advice as is necessary in order to do so.

– *End of Policy*

#### Notes

Abbreviations –

AASB – Australian Accounting Standards Board

KMP – Key Management Personnel

OCT – Ordinary Citizen Transaction

RPT – Related Party Transaction

The objective of the AASB is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.

Effective beginning 1 July 2016 the Shire must disclose in the Annual Report certain related party relationships and transactions together with information associated with those transactions in its Financial Statements, to comply with Australian Accounting Standard 124 Related Party Disclosures.

If there is a related party transaction with the Shire applicable to a reporting financial year, the AASB 124 requires the Shire to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments

associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about the Shire's disclosure requirements under the AASB 124, please refer to <http://www.aasb.gov.au>

## Schedule A: Related Party Disclosures - Definitions

**ALBT or arm's length business transaction** means a transaction where the terms between parties are reasonable in the circumstances of the transaction that would result from –

- (a) neither party bearing the other any special duty or obligation; and
- (b) the parties being unrelated and uninfluenced by the other, and
- (c) each party having acted in its own interest

**associate** means relation to an entity (the first entity), an entity over which the first entity has significant influence.

**close members of the family of a person** means relation to a key management person, family members who may be expected to influence, or be influenced by, that key management person in their dealings with the Shire and include –

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner; and
- (c) dependants of that person or that person's spouse or domestic partner.

**control** means the ability to direct the business' activities of an entity through rights or exposure to returns from its involvement with the entity.

**entity** can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body or non-profit association.

**financial benefit** includes giving a financial benefit indirectly through an interposed entity, making an informal, oral or non-binding agreement to give the benefit, and giving a benefit that does not involve paying money.

Examples of "giving a financial benefit" to a Related Party include but are not limited to the following –

- (a) Giving or providing the Related Party finance or property.
- (b) Buying an asset from or selling an asset to the Related Party.
- (c) Leasing an asset from or to the Related Party.
- (d) Supplying services to or receiving services from the Related Party.
- (e) Issuing securities or granting an option to the Related Party.
- (f) Taking up or releasing an obligation of the Related Party.

**joint control** is the contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of 2 or more parties sharing control.

**joint venture** is an arrangement of which 2 or more parties have joint control and have right to the net assets of the arrangement.

**KMP or key management personnel or Key management person** are those person(s) having authority and responsibility for planning, directing and controlling the activities of Council.

**KMP compensation** all forms of consideration paid, payable, or provided in exchange for services provided.

**material** is the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. For this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

**OCT or ordinary citizen transaction** are transactions that an ordinary citizen would undertake with Council, which is undertaken on arm's length terms and in the ordinary course of carrying out Shire's functions and activities.

**related party** is a person or entity that is related to the Shire or KMP pursuant to the definition contained in the AASB 124 –

- (a) an entity that is controlled, jointly controlled or significantly influenced by the Shire or KMP;
- (b) close family members of the KMP; or
- (c) an entity controlled, jointly controlled or significantly influenced by a close family member of the KMP.

**RPT or related party transaction** means a transfer of resources, services or obligations between the Shire and a related party, regardless of whether a price is charged.

**significant** means likely to influence the decisions that users of the Shire's financial statements make

having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Shire and related party outside a public service provider/ taxpayer relationship.

**remuneration or remuneration package** and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from an RPT.

## **Schedule B: Related Party Disclosures – Reporting Requirements**

### 1. Background

The objective of the standard is to ensure that the Shire's financial statements contain disclosures necessary to advise of the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this policy procedure is to stipulate the information requested from related parties to enable an informed judgement to be made.

### 2. Identification of Related Parties

AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.

Related parties include a person who has significant influence over the reporting entity, a member of the KMP of the entity, or a close family member of that person who may be expected to influence that person.

KMPs are defined in the Policy Statement as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

The Shire will therefore be required to assess all transactions made with these persons or entities.

### 3. Identification of Related Party Transactions

A related party transaction is a transfer of resources services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, Council has defined in the Policy Statement the transactions or provisions of services have been identified as meeting this criterion:

### 4. Related Party Transactions

Some of the transactions listed in the Policy Statement, occur on terms and conditions no different to those applying to the public and have been provided during delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

### 5. Ordinary Citizen Transactions

Ordinary Citizen Transactions that occur with the identified KMP as defined in AASB124, are identified in the Policy Statement as any transaction with the Shire of Narrogin or use of Shire facilities that any member of the public would receive.

Where any of the services OCTs were not provided at arm's length and under the same terms and conditions applying to the public, elected Council members and KMP will be required to make a declaration about the nature of any special terms received.

All transactions which does not meet the criteria of arm's length business transactions, elected members and KMP as identified, will be required to provide the necessary details to the CEO

### 6. Ordinary Citizen Transactions (OCTs) – Annual Report



Management will put forward a draft resolution to Council annually, declaring that in its opinion, based on the facts and circumstances, a list of OCTs that are provided on terms and conditions no different to those applying to the public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the quarterly Related Party Disclosures is required.

7. Materiality

Management will apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements. In assessing materiality, management will consider both the size and nature of the transaction, individually and collectively.



**Attachment – Related Party Disclosures**

**DECLARATION**

*As per requirements of AASB 124 Related Party Disclosures, and Business Operating Procedure – Related Party Disclosures. For additional information to assist you in making a declaration, please refer to the Appendices to this form.*

The following declaration must be completed by all Council members, the CEO, Directors and Senior Management of the Shire of Wagin who were elected or employed at any time during the financial year.

|   |  |
|---|--|
| <b>Disclosure Period:</b>                                       |  |
| <b>Person making disclosure:</b>                                |  |
| <b>Position held by person:</b><br>e.g. Councilor, CEO, Snr Mgr |  |

**1. CLOSE MEMBERS OF THE FAMILY**

| <b>Name of Family Member</b>  | <b>Relationship to you</b> |
|---|----------------------------|
| <i>If there has been no change since your last declaration, please complete "No Change"</i> |                            |
|   |                            |
|   |                            |
|   |                            |
|   |                            |

**2. ENTITIES THAT I, OR A CLOSE FAMILY MEMBER CONTROLS OR JOINTLY CONTROLS**

| <b>Name of Entity</b> | <b>Name of person who has control/nature of control</b> |
|-----------------------|---|
|                       |   |

*If there has been no change since your last declaration, please complete "No Change"*

|  |  |
|--|--|
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|  |  |

**TRANSACTION NOTIFICATIONS**

**3. ORDINARY CITIZEN TRANSACTIONS – NOT PROVIDED AT ARMS LENGTH**  
 Did you or any member of your close family use facilities provided at Recreation Centre, attend any event at the Civic Centre, or use any other Shire provided facility AND you received a discount or special terms that would not otherwise be offered to any other member of the public?

| Name of person using the facility | Service/Facility used | Nature of transaction | Nature of discount or special conditions |
|-----------------------------------|-----------------------|-----------------------|--|
|                                   |                       |                       |  |
|                                   |                       |                       |  |
|                                   |                       |                       |  |
|                                   |                       |                       |  |
|                                   |                       |                       |  |
|                                   |                       |                       |  |

Note: Recreation Centre membership provided as part of employment has been provided under the same terms as those memberships provided to the public.

#### 4. LEASING AGREEMENTS - DOMESTIC RESIDENTIAL

Did you, a close family member or related entity, enter a lease agreement with the Shire (either as lessee or lessor) for the provision of a domestic rental property (Includes properties owned by the Shire and privately owned properties sub-leased through the Shire from a real estate agent)? Did you receive or provide a discount or special terms that would not otherwise be offered to any other member of the public?

| Name of Person party to the lease | Property Address | Term of Lease & Weekly rent | Detail of any non-length arm's conditions |
|-----------------------------------|------------------|-----------------------------|---|
|                                   |                  |                             |   |
|                                   |                  |                             |   |

#### 5. LEASING AGREEMENTS - COMMERCIAL

Did you, a close family member or related entity, enter a commercial leasing agreement with the Shire for the provision of a commercial property? Did you receive a discount or special terms that would not otherwise be offered to any other member of the public?

| Name of person party to the lease | Property Address | Term of Lease & Weekly rent | Detail of any non-length arm's |
|-----------------------------------|------------------|-----------------------------|--------------------------------|
|                                   |                  |                             |                                |
|                                   |                  |                             |                                |

#### 6. TRADING ARRANGEMENTS

Were you or a close family member (as defined above) the owner of any business (or in a position to substantially control the business) that provided goods or services to the Shire? Were those goods or services provided on the same terms and conditions as those available to any other customer? If not, please provide details of the specific terms provided to the Shire.

| Business name | Goods or services provided | Approximate value for the reporting period | Terms & conditions |
|---------------|----------------------------|--|--------------------|
|               |                            |  |                    |
|               |                            |  |                    |
|               |                            |  |                    |
|               |                            |  |                    |

### 7. OTHER AGREEMENTS (Construction, Consultancy, Service Contracts)

Did you, a close family member or related entity, enter into any other agreements/arrangements with the Shire (whether or not a price was charged)? This may include (but is not limited to): construction contracts, consultancy services, service contracts (such as cleaning, maintenance, security). For e.g. a company that a close family member controls, was awarded a contract with the Shire for building a new office facility.

| Name of person or business/comp | Nature of agreement | Value of agreement | Terms & conditions |
|---------------------------------|---------------------|--------------------|--------------------|
|                                 |                     |                    |                    |
|                                 |                     |                    |                    |
|                                 |                     |                    |                    |
|                                 |                     |                    |                    |
|                                 |                     |                    |                    |

### 8. PURCHASE OF PROPERTY

Did you, a close family member or related entity, purchase any property or other assets from the Shire? (This may include vehicles or other plant items, land or buildings) was the purchase made at arm's length (for e.g. at public auction), and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided to you.

| Name of person or entity name | Property purchased | Value of the purchase | Terms & conditions |
|-------------------------------|--------------------|-----------------------|--------------------|
|                               |                    |                       |                    |
|                               |                    |                       |                    |

### 9. SALE OF PROPERTY

Did you, a close family member or related entity, sell any property or other assets to the Shire? (This may include vehicles or other plant items, land or buildings).

Was the sale made at arm's length, and on terms and conditions available to any other member of the public? If not, please provide details of the specific terms provided.

| Name of person or entity name | Property Sold | Value of the Sale | Terms & conditions |
|-------------------------------|---------------|-------------------|--------------------|
|                               |               |                   |                    |
|                               |               |                   |                    |

### 10. SELF SUPPORTING LOANS

Did you, a close family member or related entity, enter into a loan agreement with the Shire? For example a club for which you have control (See Appendix 2 for example)

| Name of person or entity name | Loan details | Value of the loan | Terms & conditions |
|-------------------------------|--------------|-------------------|--------------------|
|                               |              |                   |                    |

### 11. OTHER AGREEMENTS

Please list any other agreement or arrangement you believe is a related party transaction and should be declared.

| Name of person or business/comp | Nature of agreement | Value of agreement | Terms & conditions |
|---------------------------------|---------------------|--------------------|--------------------|
|                                 |                     |                    |                    |

I declare that all information and details provided in this form are true and correct to the best of my knowledge and belief and that no known relevant information has been omitted.

I have made this declaration after reading the information supplied by Council which details the meaning of the definitions to which this declaration relates.

**SELECT OPTION 1:**  **Handwritten Signature**

Signed: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Once signed please provide to the Chief executive Officer

OR

**SELECT OPTION 2:**  **Electronic Signature**

This form can be sent by email to the CEO, provided the email is sent by the person making the disclosure from their work or personal (e.g. Councillor's) email account.



### GUIDELINES

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996 -  
r.4 – AAS to be complied with and has priority over Regulations  
r.5 – annual budget, annual financial report and other financial reporting to be in  
accordance with AAS  
Sch.2 Form 1 – CEO required to certify annual financial reports complied in accordance  
with AAS*
- *AAS Australian Accounting Standard 124*

### HISTORY

- 22 August 2017 (Council Resolution #3362)
- 20 November 2018 (Council Resolution #3910)

### RESPONSIBLE OFFICER

- Chief Executive Officer

## F.21. COVID-19 FINANCIAL HARDSHIP

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>F.21</b>                                    |
| <b>POLICY TYPE</b>           | <b>FINANCE</b>                                 |
| <b>DATE ADOPTED</b>          | <b>23 JUNE 2020 (Council Resolution #4316)</b> |
| <b>REVIEW DATE</b>           |  |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>                                     |

### **OBJECTIVE**

To give effect to our commitment to support severely financially disadvantaged parts of the ratepayer base and community affected by the challenges arising from the COVID19 pandemic and other circumstances as they arise.

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied for the 2020/21 financial year.

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

### **Payment difficulties, hardship and vulnerability**

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person or entity is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Wagin recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

### **Anticipated Financial Hardship due to COVID19**

We recognise that some ratepayers may be experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy to make them aware eligible ratepayers can apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

### **Financial Hardship Criteria**

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

### **Payment Arrangements**

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Wagin of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

### **Interest Charges**

A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case by case basis.

### **Deferment of Rates**

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

### **Debt recovery**

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises the Shire and makes an alternative agreed plan before defaulting on the 3<sup>rd</sup> due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July of each year, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of that financial year.



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Rates and service charge debts that remain outstanding at the end of each financial year, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

### **Delegation**

Delegated authority to the CEO or his appointee by decision of Council:

### **Review**

Management will establish a mechanism for review of decisions made under this policy and advise the applicant of their right to seek review and the procedure to be followed.

### **Communication and Confidentiality**

Management will maintain confidential communications at all times, and we undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt

### **GUIDELINES**

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

### **HISTORY**

- 23 June 2020 (Council Resolution #4316)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

# HEALTH, BUILDING & PLANNING



**SECTION – HEALTH, BUILDING & PLANNING**

**HBP.1. SWIMMING POOL INSPECTIONS**

|                             |   |
|-----------------------------|---|
| <b><i>POLICY NUMBER</i></b> | <b><i>HBP.1</i></b>                           |
| <b><i>POLICY TYPE</i></b>   | <b><i>HEALTH, BUILDING &amp; PLANNING</i></b> |
| <b><i>DATE DELETED</i></b>  |   |

**HBP.2. SPORTSGROUND**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>HBP.2</b>                           |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b> |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           |  |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                              |

**OBJECTIVE**

1. **Construction or Amendment to Buildings/Future Developments**  
All applications shall be referred to the Sportsground Advisory Committee prior to consideration by Council. The Committee may refer any application to other users of the Sportsground likely to be affected by the application.
  
2. **Advertising Signs**  
Signs displaying or promoting tobacco products shall be prohibited from being erected or otherwise displayed as free standing or affixed to the external walls of buildings or fences within Council Reserves.
  
4. **Woolorama Committee**  
Council grant the Woolorama Committee with a blanket exemption from the Policy controlling discount sales from outside vendors for all their stall holders during the annual Woolorama

**GUIDELINES**

*Nil*

**HISTORY**

*Nil*

**RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.3. DISCOUNT SALE – OUTSIDE VENDOR**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.3</b>                                |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>      |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>MAY 2005 (Council Resolution #11107)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

**OBJECTIVE**

Local organisations, clubs, groups or church organisations are exempted from this policy. Any exemption to be granted only by the Chief Executive Officer.

**GUIDELINES**

- *Local Government Act 1995*

**HISTORY**

- May 2002

**RESPONSIBLE OFFICER**

- Chief Executive Officer



**HBP.4. APPROVAL/REFUSAL OF BUILDING APPLICATION**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.4</b>                                |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>      |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>MAY 2002 (Council Resolution #10165)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>                                  |

**OBJECTIVE**

Council delegates authority to the Environmental Health Officer/Building Surveyor to issue a building licence to those applications in conformity to the Building Code of Australia

**GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Delegations Register*
- *Building Act 2011 Misc. Provisions.*

**HISTORY**

- May 2002 (Council Resolution #10165)

**RESPONSIBLE OFFICER**

- Chief Executive Officer



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**HBP.5. DUMPING OF GRAIN**

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|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.5</b>                                |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>      |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>MAY 2005 (Council Resolution #11107)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>                                  |

**OBJECTIVE**

That delegated authority be provided to the Chief Executive Officer to accept small quantities of spoilt grain for disposal at the Wagin Refuse Site provided that Council charges private works rates for its staff time required. Further that requests for disposal of larger quantities of spoil grain be referred to Council.

Note: The Chief Executive Officer is to use their discretion in determining small and large quantities.

**GUIDELINES**

*Nil*

**HISTORY**

- May 2005 (Council Resolution #11107)

**RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.6. HEALTH AND SAFETY REQUIREMENTS OF CONTRACTORS**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.6</b>                                |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>      |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>MAY 2005 (Council Resolution #11107)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

**OBJECTIVE**

The Council requires contractors to inform each of their employees of the policies, procedures and information on potential hazards contained in this document before they commence work on Council premises.

An induction checklist is attached to this document that shall be signed by the employee and the employer/contractor representative to indicate that the employee has an adequate understanding of the policies, procedures and information on potential hazards contained in this document and given to the Safety and Health Co-ordinator before work commences.

Contractors shall provide each employee with:

- a copy of this document; and
- a copy of the Council’s Emergency Evacuation Procedures
- a copy of the Emergency Procedure the Services Failure
- 

Copies of such documents to be made available to the contractor.

The Safety and Health Co-ordinator shall ensure that each Contractor has been suitably inducted to enable compliance with these procedures.

**COUNCIL CONTRACT**

All contractors and or employees shall report to the nominated Council Officer prior to commencement of any work. The nominated Council Officer in this instance is.....

**PLANNING AND DESIGNING THE WORK**

Prior to any work being undertaken, the Contractor shall take appropriate steps to ensure adequate planning and design of the work and processes have been carried out to avoid any foreseeable safety and health issues.

Also, the contractor shall ensure that adequate supervision of the work is provided and that staff have been appropriately trained for the tasks which they are required to undertake.

**ROADWORKS AND PUBLIC PLACES**

The contractor shall ensure that when working on roadways, reserves or public places that suitable signage is provided in accordance with Main Roads WA Traffic Management for Roadworks General Field Guide and provision of signage is supervised by a accredited person to ensure the safety of the general public and the workforce alike.

Road safety jackets are to be worn at all times when undertaking works on road reserves, or in public places by all employees.

## **EMERGENCY PROCEDURES**

Contractors shall ensure each employee is aware of emergency procedures to be taken in the event of:

- a fire
- an emergency evacuation
- a bomb threat
- having to contact a warden

## **FIRST AID**

Contractors shall ensure each employee is aware of the location of first aid boxes or cabinets readily accessible on Council premises.

## **SMOKING**

Contractors shall ensure each employee is aware of Council's smoking policy and areas in which smoking is not permitted.

## **INFORMATION ON POTENTIAL HAZARDS**

Contractors and their employees are required to carry out their work in such a manner that does not expose themselves or occupants of the workplace to hazards.

The Council has considered the hazards likely to be encountered during maintenance of Council premises and equipment and what action is required to prevent exposure. The following information outlines appropriate regulations, standards or procedures should a potential hazard be encountered.

## **ASBESTOS**

Any equipment or plant containing asbestos material which is required to be removed, shall be removed in accordance with Part 8, Division 1, of the Occupational Health, Safety and Welfare Regulations 1988.

## **ATMOSPHERIC QUALITY**

The contractor shall take effective measures in accordance with Regulation 330 to control the level of all gases, vapours, dust or other airborne contaminants that may be generated.

## **CONFINED SPACE WORK**

The contractor shall ensure that all work in a confined space, such as in a lift shaft, air conditioning ducts, in false ceilings and drainage/sewerage pits, tanks, tunnels is carried out in accordance with Regulation 320 and AS 2865-1986.

## **ELECTRICAL SAFETY**

All electrical installation, maintenance, modification and/or removal in or on Council premises and equipment shall be carried out by licensed electricians in accordance with Regulation 334, AS3000-1986 and AS1076.

All portable electric power driven equipment used by contractors shall comply with Regulation 944 and shall have earth leakage circuit protection provided in accordance with Regulation 946. All electrical equipment shall be inspected and tested in accordance with Regulation 947.

## **ESSENTIAL SERVICES**

The contractor shall arrange work practices and schedules to ensure minimal disruption to all essential services including telephones, electrical supply, lifts, access to first aid facilities, access to air-conditioning, lighting and kitchen facilities.

## **HAZARDOUS SUBSTANCES**

All hazardous substances used shall have a Material Safety Data Sheet (MSDS) whose format is consistent with the “Guidance Note for Completion of a Material Data Sheet” published by the National Occupational Health and Safety Commission. A copy of the MSDS shall be provided to the Safety and Health Co-ordinator.

The storage, use, transport and disposal of all hazardous substances shall be undertaken in accordance with the information supplied on the respective MSDS.

### **MANUAL HANDLING**

The contractor shall ensure that all manual handling occurs in accordance with the “Code of Practice for Manual Handling” released by Worksafe Western Australia.

### **NOISE HAZARDS**

The contractor shall comply with Regulations 302 to 313, both with respect to their own employees and those of the Council. Reference should be made to the “Code of Practice for Noise Control in the Workplace” published by Worksafe Western Australia.

### **NOISE NUISANCE**

Unless suitable arrangements have been made, potentially noisy activities shall be carried out prior to 0800 hours and after 1700 hours or on weekends and public holidays. AS 2107-1987 table 1 provides guidance.

### **PAINTS, SOLVENTS AND ADHESIVES**

Where practicable all paints and adhesives used shall be water based. All paints, solvents and adhesives shall be used or applied in such a manner as to minimise the generation of fumes (vapour) and mists.

### **PERSONAL PROTECTIVE EQUIPMENT**

All personal protective equipment and clothing shall be selected, used and maintained in accordance with the relevant Australian Standard including:

|                        |              |
|------------------------|--------------|
| Eye protection         | AS 1336-1982 |
|                        | AS 1337-1984 |
|                        | AS 1338-1981 |
| Respiratory Protection | AS 1715-1991 |
|                        | AS 1716-1991 |
| Safety Helmets         | AS 1801-1981 |
| Hearing Protection     | AS 1269-1989 |
|                        | AS 1270-1988 |
| Safety Footwear        | AS 2210-1980 |
| Safety Gloves          | AS 2161-1978 |

### **SILICA DUST**

The generation of airborne silica dust is hazardous and should be controlled by using local extraction systems connected to the machinery generating the dust. Silica is a component of bricks, concrete, tiles and other building materials. The occupational exposure standard for respirable silica dust is 0.1mg/m<sup>3</sup> averaged over 8 hours.

### **SYNTHETIC MINERAL FIBRES (SMF)**

All SMF's shall be used and handled in accordance with the “Code of Practice for the Safe Handling of Synthetic Mineral Fibres” published by the National Occupational Health and Safety Commission

### **EMERGENCY CONTACT NUMBERS**

In the case of an emergency the following numbers should be used:



Dial 000  
 Wagin Police 98 611211  
 Wagin Hospital 98 611033  
 Wagin Shire Office 98 611177  
 Wagin Shire Depot 98 611252  
 In Case of Fire Use UHF Radio Channel 5 or dial 000

**CONTRACTORS INDUCTION CHECK LIST**

The Council requires employers/contractors to instruct their employees in the following safety, health policies and procedure and information on potential hazards, before they commence working on Council premises.

Indicate with a tick that your employee has achieved an adequate understanding of the policy or procedure to enable them to work safely.

**(1) INDUCTION**

**Fire**

**Location of:**

- Extinguishers
- Alarms
- Wardens
- Emergency Exits

**Knowledge of:**

- Procedure in the event of fire
- Extinguisher operation

**EMERGENCY EVACUATION**

- Procedure for evacuation in an emergency
- Assembly area location

**BOMB THREAT**

- Procedure in the event of bomb threat

**WARDEN**

- Location of warden
- Location of deputy warden

**FIRST AID**

- Location of first aid cabinet
- Other special instructions

**GENERAL**

- Smoking policy
- Information on potential hazards
- Other special instructions
- Copy of documents from Co-ordinator

**DECLARATION**

I,.....Employees Name

an employee of.....Employer's name

.....Address



declare that I have an adequate understanding and will abide by the Council's Occupational Safety and Health Policies and Procedures for employees of contractors working on Council premises.

.....(Signature) .....(Date)

.....

(Signature of Employers/Representative)

**SHIRE OF WAGIN**

**EMERGENCY PROCEDURE  
FOR  
SERVICE FAILURE**

Note that all services should be suitably located, any approval required on insurances necessary should be obtained prior to the commencement of works.

In the event of a service failure the following procedure should be followed in the specific instance.

**1. Road or Bridge Failure**

In the event of a failure to road or bridge the managing authority should be contacted immediately. The Managing Authority will be either.

- a) Main Roads Western Australia (on a Main Road)  
Contact: Narrogin Office  
Phone: 98 810566
- b) Local Government Shire of Wagin  
Contact: Works Manager  
Phone 98 611252  
98 611038 a/h  
or CEO  
Phone 98 611177  
98 611692 a/h

If possible note the road name and describe the location and the hazard occurring.

**2. Electricity Failure**

Notify

- a) Western Power Phone 131351  
Emergency 98 211330
- b) Local Government Shire of Wagin  
contact Works Manager  
Phone 98 611252  
98 611038 a/h  
or Chief Executive Officer  
Phone 98 611177  
98 611692 a/h

Report the type of failure and any danger or hazards which exist. Where necessary for public safety cordon off the hazard until relief arrives. DO NOT TOUCH POWER LINES. KEEP PUBLIC WELL CLEAR.

**3. Sewerage and Water Failures**

Notify as soon as possible the following agencies.

- |    |                   |   |
|----|-------------------|---|
| 1. | Water Corporation | Phone 131375  |
| 2. | Local Government  | Shire of Wagin<br>contact Works Manager<br>Phone 98 611252<br>98 611038     a/h<br>or CEO<br>Phone 98 611177<br>98 611692     a/h |

Report the type of failure and any danger or hazard which exists. Where necessary cordon off the hazard until relief arrives.

4. **Telephone Failure**

Notify as soon as possible the following agencies.

- |    |                  |   |
|----|------------------|---|
| 1. | Telstra          | Phone 132255  |
| 2. | Local Government | Shire of Wagin<br>contact Works Manager<br>Phone 98 611252<br>98 611038     a/h<br>or CEO<br>Phone 98 611177<br>98 611692     a/h |

5. **Other**

In the case of other service failures contact the Wagin Shire.

Works Manager  
 Phone 98611252  
 A/H 98611038  
 Chief Executive Officer  
 Phone 98611177  
 A/H 98611692

In emergencies the following emergency numbers are applicable.

|                    |                  |                   |
|--------------------|------------------|-------------------|
| Dial               | 000 in Emergency |                   |
| Police             | 98 611211        |                   |
| Fire Brigade       | 000              |                   |
| Ambulance          | 98 611033        |                   |
| or                 | 000              |                   |
| Hospital           | 98 611033        |                   |
| or                 | 000              |                   |
| Doctors Surgery    | 98 611633        |                   |
| Veterinary Surgeon | 98 611844        | 018 900908 mobile |

**GUIDELINES**

- *Local Government Act 1995*

**HISTORY**

- May 2005 (Council Resolution #11107)

**RESPONSIBLE OFFICER**

- Chief Executive Officer





**HBP.7. SMOKING AT SWIMMING POOL AND COUNCIL BUILDINGS**

|                      |  |
|----------------------|--|
| <i>POLICY NUMBER</i> | <b>HBP.7</b>                           |
| <i>POLICY TYPE</i>   | <b>HEALTH, BUILDING &amp; PLANNING</b> |
| <i>DATE DELETED</i>  |  |

**HBP.8. SMOKING IN ENCLOSED COUNCIL BUILDINGS AND VEHICLES**

|                      |  |
|----------------------|--|
| <i>POLICY NUMBER</i> | <b>HBP.8</b>                           |
| <i>POLICY TYPE</i>   | <b>HEALTH, BUILDING &amp; PLANNING</b> |
| <i>DATE DELETED</i>  |  |

**HBP.9. RELOCATED BUILDING AND DWELLINGS**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.9</b>                                |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>      |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>MAY 2005 (Council Resolution #11107)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>                                  |

**OBJECTIVE**

Any person wishing to relocate a building within or to the Shire of Wagin must first receive Council's planning approval before a building licence will be issued. In matters of emergency such applications shall be referred to the CEO and Council which has delegated authority to approve developments of this type. The following conditions shall apply to all applications for planning approval:

1. Plans and specifications together with photographs and a structural engineers or building surveyors report of the proposed building must be submitted to Council prior to approval.
2. If approval to the application is granted Council may require the building to be painted externally and all external defects rectified within six (6) months of the building being positioned on its new site.
3. Council may require that any sub-floor space under any building built on stumps be enclosed by either brick, stone, fibro sheeting or vermin proof battens placed horizontally with the openings not greater than 50% of the width of the batten, or such other materials as approved by Council.
4. All asbestos shall be removed in accordance with the Health (Asbestos) Regulations 1992.
5. Prior to Council issuing a building licence the applicant will be required to lodge with the Shire of Wagin a bond of \$1 500.00 which will be refunded at the completion of the following stages:
  - a) After the building has been positioned on its new site and all conditions relative to the external appearance of the building have been fulfilled to the satisfaction of Council's Building Surveyor, an amount of \$500.00 will be refunded;
  - b) On certification of the septic tank installation or connection to sewer a further \$500 will be refunded; and
  - c) The remaining \$500.00 will be refunded to the applicant when the building has been completed and approved including removal of all rubbish and building material.

**GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Asbestos Register*

**HISTORY**

- May 2005 (Council Resolution #11107)

**RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.10. LAND SUBJECT TO DAMPNES AND FLOODING**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>HBP.10</b>                                |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>       |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>JUNE 2003 (Council Resolution #10573)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                    |

**OBJECTIVE**

Council is aware that areas within the Shire of Wagin may be subject to inundation. Apart from those areas subject to inundation which are designated on maps Council reserves the right to prohibit construction of buildings in areas considered by Council to be subject to inundation unless the proponent can establish the 100-year flood level and a practising structural engineer certifies the suitability of the site and the method of construction to be used.

**GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*

**HISTORY**

- June 2003

**RESPONSIBLE OFFICER**

- Chief Executive Officer



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**HBP.11. DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS**

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|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>HBP.11</b>                              |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>MAY 1999 (Council Resolution #8782)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                  |

**OBJECTIVE**

Council is aware that there are a number of unconstructed roads in the Wagin townsite. Where an application is made for planning consent in respect of land abutting an unconstructed road Council reserves the right to:

- a) refuse the application until the road has been constructed;
- b) approve the application subject to a condition that the applicant contribute to the cost of constructing the road; or
- c) require other permanent access arrangements to the satisfaction of the Council.

**GUIDELINES**

*Nil*

**HISTORY**

- May 1999 (Council Resolution #8782)

**RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.12. RESIDENTIAL DEVELOPMENT STANDARDS – PROPOSED SUBDIVISION OF WAGIN TOWN LOTS 7 41 & 752 PEDERICK DRIVE WAGIN**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>HBP.12</b>                              |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>MAY 1999 (Council Resolution #8984)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                  |

**OBJECTIVE**

Council shall apply the following standards to all future residential development within the subdivision of Wagin Town Lots 741 & 752 Pederick Drive:

**i) Minimum Floor Area**

All dwellings shall have a minimum floor area of 120 square metres (excluding garages and open terraces).

**ii) Building Materials – External Walls**

All external walls of the dwelling house are to be constructed predominantly of brick, brick veneer, rammed earth or masonry. All external walls of other buildings shall be the same as the dwelling house or of colorbond.

**iii) Building Setbacks**

The dwelling house shall have a minimum setback of 6 metres from the front boundary. Side and rear setbacks for the dwelling house and other buildings shall be in accordance with the minimum requirements of the Residential Planning Codes of Western Australia.

**iv) Fencing**

All boundary fencing shall have a maximum height of 1.8 metres. No fence of asbestos is permitted to be constructed on any part of any lot. All fencing constructed in front of the front building line shall have a maximum height of 1200 mm.

**v) Landscaping**

All garden areas which are in public view shall be landscaped within six months of occupation of the dwelling.

**vi) Air conditioners, Rainwater Tanks and Clotheslines**

Air conditioners, rainwater tanks and clotheslines shall be located on the property so as to be screened from public view.

**vii) Driveways**

All driveways shall be constructed and sealed or paved within six months of occupation of the dwelling house.

**viii) Vehicle Parking**

The parking of commercial vehicles (i.e. trucks, buses etc), boats, caravans and trailers is required to be behind the front building line of the dwelling house.



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**ix) Repairs to Motor Vehicles**

The repair or restoration of any motor vehicle, boat, caravan, trailer or any other vehicle or aircraft is not permitted unless such activity is screened from public view

**GUIDELINES**

- 
- *Residential Planning Codes*
- *Dividing Fences Act 1961*

**HISTORY**

- May 1999 (Council Resolution #8984)

**RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.13. AGISTMENT AND STABLING OF HORSES ON “RESIDENTIAL” ZONED LAND**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>HBP.13</b>                              |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>     |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>MAY 1999 (Council Resolution #8782)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                  |

**OBJECTIVE**

Council’s requirements with respect to the agistment and/or stabling of horses on “Residential” zoned land are as follows:

- i) All Residential zoned land used for the agistment or stabling of horses is required to be registered with the Shire Council.
- ii) Where a property which is registered with the Shire Council is sold, the use rights shall be transferred to the new owner who shall immediately re-register with the Shire Council.
- iii) Existing stables are permitted to be upgraded through renovation or reconstruction.
- iv) The agistment of horses or development of new horse stables on “Residential” zoned land having an area less than 4000 square metres is not permitted.
- v) The agistment of horses or development of new horse stables on “Residential” zoned land having an area equal to or greater than 4000 square metres may be permitted at the discretion of Council if it can be demonstrated that such usage will not have a detrimental impact upon the general amenity of surrounding properties.
- vi) Before issuing any approval to the agistment of horses or development of new horse stables on “Residential” zoned land Council shall give notice of the proposed use in accordance with the advertising procedures specified in Clause 6.3 of Town Planning Scheme No.2
- vii) Every application for the development of new horse stables shall be supported by a diagram at a suitable scale which shows the lot and surrounding lots, lot size, the nature of development on surrounding lots, position on the property where the horse stables are to be constructed and horses kept, distance of the stables from existing buildings and boundaries, the extent of the fenced area where horses will be contained, the extent of existing trees and vegetation and the location of proposed landscaping.
- viii) Generally no more than two horses will be permitted to be agisted or stabled on “Residential” zoned land unless the applicant can demonstrate a clear capacity of the lot to sustain greater numbers.

In issuing any approval to the agistment of horses or the development of new horse stables Council may require the establishment and maintenance of approved landscaping to screen the stables from public view

**GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*



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## **HISTORY**

- May 1999 (Council Resolution #8782)

## **RESPONSIBLE OFFICER**

- Chief Executive Officer



**HBP.14. INDUSTRIAL ZONED LAND**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.14</b>                               |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>      |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>MAY 2002 (Council Resolution #10165)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

**OBJECTIVE**

This policy has been adopted by the Wagin Shire Council to complement the provisions and requirements of the Shire of Wagin Town Planning Scheme No.2 as these relate to land zoned “Industrial”. Council’s aim in applying this policy is to foster a high standard of development in this zone and ensure that all future industrial development satisfies the demands and requirements of the community and does not result in being a nuisance.

In controlling development on land zoned “Industrial” Council’s objectives are to:

- provide for the needs of industry to support the community and development in the District;
  - nurture existing and encourage new industries compatible with the amenity of the Wagin townsite;
  - encourage industrial development with diverse employment opportunities;
  - provide appropriate buffers between industry and adjacent land uses to avoid land use conflicts.
  - provide industrial development which is not obtrusive in or detrimental to the amenity of the “Industrial” zone;
  - achieve and maintain a high standard of presentation within the “Industrial” zone; and
  - secure the safe movement of vehicular and pedestrian traffic.
- i) Industrial development in the “Industrial” zone shall comply with the objectives for that zone as outlined in Part III of the Shire of Wagin Town Planning Scheme No.2 and the objectives outlined above.
- ii) Council shall require an overall concept development plan to be submitted prior to issuing planning consent for an industry in the “Industrial” zone. In considering any application for planning consent for development in this zone the Council, in order to achieve satisfactory standards of amenity and appearance, may impose conditions relating to the following matters:
- building appearance
  - building materials
  - building height and scale
  - building setbacks
  - landscaping and visual screening
  - vehicle parking
  - on-site traffic circulation and access to public roads
  - location of loading docks and storage areas
  - control of dust, management of wastes and storm water disposal
  - signage
- iii) Prior to issuing planning consent for an industry in the “Industrial” zone the Council will ascertain the appropriate buffer for that industry as specified in the Environmental Protection Authority’s Buffer Distance Guidelines, and such industry may only be granted planning consent if the relevant buffer can be accommodated wholly within the zone.

- iv) In considering proposals for industries which would generate industrial liquid, solid or gaseous wastes the Council may refer such proposals to the Department of Environmental Protection, and the granting of planning consent for such industries shall be subject to wastes being treated and disposed of in accordance with advice / guidelines received.
- v) Development standards relating to building setbacks, plot ratio, landscaping and car parking shall generally comply with the provisions specified in Part IV – General Development Requirements of the Shire of Wagin Town Planning Scheme No.2 as these relate to industrial development.
- vi) Council may require the first three (3) metres of the front setback on any lot in the “Industrial” zone shall be landscaped and maintained to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped and maintained to the satisfaction of the Council.
- vii) Landscaping shall generally be located in such positions on a site so as to enhance the appearance of any development or screen from view any parking area, open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area.
- viii) The front setback area may be used only for the purposes of landscaping, visitors car parking or access. The Council may approve the use of the front setback area for trade display purposes or for loading and unloading of vehicles. No material or product may be stored within the front setback area.
- ix) The front façade of all buildings in the “Industrial” zone shall be orientated to the street.
- x) The whole of any wall or building facing any street shall be constructed in brick, concrete or masonry, provided however, that an owner or his/her agent may apply to the Council for permission to use materials other than those prescribed and the Council may permit the use of such other materials where it is satisfied that such use will not detract from the amenity of the area.
- xi) Industrial buildings occupied or intended to be occupied by more than one separate business establishment (i.e. factory tenement buildings) shall be constructed so that every occupancy:
  - a) has a floor area of at least 100 square metres and neither its width or length is less than eight metres;
  - b) has an adjacent open yard area no smaller than one-third of the floor area of the occupancy;
  - c) has an open yard with direct access to a service access road not less than 6 metres in width;
  - d) is separated from every other occupancy by a suitable distance or an internal wall or walls constructed of brick, stone, concrete or other material of equal or greater fire rating approved by the Building Code of Australia.
- xii) All development within the “Industrial” zone shall be limited to a maximum building height of 8.0 metres measured from the natural ground level to the highest point of the building.
- xiii) Loading docks and access ways shall be provided sufficient in size to wholly contain delivery vehicles on site or within the building and to permit the passage of vehicles from and to the street without having to reverse.
- xiv) All on-site access ways are required to be sealed and drained to the specifications and satisfaction of the Council.
- xv) Each open storage area, drying area and any other space which, by virtue of its location and use is likely to detract from the visual amenity of the surrounding area, shall be screened from public view by a closed wall or fence no less than 1.8 metres in height or screen landscaping approved by Council.
- xvi) The minimum standard fence for lots used for industrial purposes shall be a 1.8 metre high link

mesh security fence unless otherwise approved by Council.

- xvii) Fencing shall be provided to all boundaries abutting reserved land to prevent vehicular ingress and egress. Such fencing shall be of a uniform design, colour, material and height, to the satisfaction of Council, so as to not detract from the amenity of the reserved land and the general amenity of the surrounding area.
- xviii) The Council may require a bond or bank guarantee from a developer to ensure that landscaping and / or other development works are designed and carried out to the satisfaction of the Council. In the case of landscaping, the works shall be brought to a standard considered by the Council to be properly established.
- xix) All advertising signage shall be provided in accordance with the requirements specified in Part V and Appendix 8 of the Shire of Wagin Town Planning Scheme No.2.

#### **GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*

#### **HISTORY**

- May 2002 (Council Resolution #10165)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.15. CARETAKERS DWELLING ON INDUSTRIAL ZONED LAND**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.15</b>                                   |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>          |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>December 1999 (Council Resolution #9097)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

**OBJECTIVE**

Under the terms of Town Planning Scheme No.2 a caretakers dwelling is classified as an 'AA' use in the Industrial Zone. As such it is not permitted unless the Council has granted planning approval.

The objective of this policy is to ensure that land zoned "Industrial" under the Scheme is not used primarily for residential purposes. Due to the nature, scale and operation of industrial uses it is considered inappropriate to encourage potentially incompatible uses such as residential dwellings to be established in close proximity to industrial uses. Residential uses will only be permitted in the Industrial Zone if such usage is incidental to the intended principal industrial use of the land and the future inhabitants will not be placed in an unduly hazardous position.

A caretaker's dwelling shall not be constructed on any lot zoned "Industrial" until an approved predominant use for that lot has been established and Council has resolved that a caretaker's dwelling is incidental to the predominant use of the lot and the future inhabitants will not be placed in an unduly hazardous position.

Where an approved use does not exist on-site, a bank guarantee and/or bond is required to be lodged with the Council prior to the issuance of a building licence for the caretaker's dwelling to ensure that buildings associated with the approved use are completed prior to, or in conjunction with, the development of the caretaker's dwelling.

Where Council approves the development of a caretakers dwelling on "Industrial" zoned land the caretakers dwelling is required to be developed at the rear of the lot unless otherwise approved by Council and shall be screened from the road frontage.

If the predominant use approved by Council on the property ceases or the dwelling is unoccupied, Council may require that any transportable caretaker's dwelling be removed from the site within three (3) months from the date of ceasement or non-occupancy.

The total floor area measurement of a caretaker's dwelling from the external face of walls (including verandahs) shall not be greater than one hundred square metres.

Only one caretaker's dwelling is permitted on a given lot. This includes the provision of only one caretaker's dwelling on a lot with existing and/or proposed strata lots.

The use of a caravan as a caretaker's dwelling is not permitted.

The caretaker's dwelling shall not be occupied by any person other than the owner or manager or an employee of the industrial use established on the land.

The owner of land containing a caretaker's dwelling shall, by way of a written undertaking, indemnify Council against any costs or claims arising from the affects of noise, dust, odours or any other negative impacts caused by adjacent industrial land uses.

Should there be a change in the ownership of the land on which a caretakers dwelling has been approved such an approval is immediately cancelled. Any new landowner wishing to have a caretaker on the land is required to make application to Council for formal approval in accordance with the requirements of Council's current town planning scheme.

The Council will not support the subdivision or development of land in the Industrial Zone that will:

- a) allow a residence to be sold separately from the industrial use of the land; or restrict the use of the land for further industrial purposes.

#### **GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*

#### **HISTORY**

- December 1999 (Council Resolution #9097)
- May 2002

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## HBP.16. DEVELOPMENT OF OUTBUILDINGS IN THE TOWNSITE OF WAGIN

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>HBP.16</b>                                    |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>           |
| <b>DATE ADOPTED</b>          | <b>25 AUGUST 2015 (Council Resolution #2797)</b> |
| <b>REVIEW DATE</b>           | <b>25 AUGUST 2015 (Council Resolution #2797)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>  |

### **OBJECTIVE**

Outbuildings are a common form of incidental development to residential dwellings. Under the terms of the Shire of Wagin's current operative Town Planning Scheme No.2 the development and use of outbuildings on any land classified 'Residential', 'Commercial' and 'Rural' zone requires Council's prior planning approval.

Due to changing lifestyle patterns and domestic storage needs there is generally a growing trend toward the construction of larger outbuildings within the Shire of Wagin, particularly within the Wagin townsite. If not sensitively located and designed, outbuildings can have an undesirable impact on the character and amenity of streetscapes, local neighbourhoods and the enjoyment of those streetscapes and local neighbourhoods by residents.

This local planning policy sets out Council's position regarding the development and use of outbuildings throughout the Shire of Wagin and supersedes the Shire's previous adopted policy entitled 'Development of Outbuildings in the Townsite of Wagin'.

In applying this policy Council will aim to achieve a balance between providing for the domestic needs of residents and minimise the potential negative impacts that outbuildings may have on the amenity and character of the Shire's urban and rural environments

- To ensure the siting, design, appearance and scale of all new outbuildings in the Shire is site responsive and respects the character and amenity of the immediate locality.
- To establish acceptable parameters for new outbuildings in the Shire with due regard for the size of the properties on which they are to be located.
- To facilitate greater consistency of outcomes in the Shire's decision making process
- This policy is prepared pursuant to clause 8.6 of Town Planning Scheme No.2.
- This policy is applicable pursuant to clause 6.5(e) of Town Planning Scheme No.2 and clause 7.3.1(b) of the Residential Design Codes.
- This policy applies to outbuildings on land classified 'Residential', 'Commercial' and 'Rural' zones where residential development may be permitted subject to Council's formal planning approval.
- This policy does not apply to the development and use of buildings associated with agricultural, commercial and industrial purposes.

In this policy all terms and words have the same meaning as that contained in Town Planning Scheme No.2 and the Residential Design Codes.

### **1. General Provisions**

- i) Except where associated with agricultural, commercial and industrial purposes the Council will not approve an outbuilding on any land classified 'Residential', 'Commercial' or 'Rural' zone which does not contain an approved dwelling.
- ii) Where land classified 'Residential', 'Commercial' or 'Rural' zone does not contain an approved dwelling, Council may grant planning approval for the construction of an outbuilding where:
  - a) All required planning and building permit approvals have been issued by the Shire of Wagin for the erection of a dwelling on the land; and

b) The landowner provides the Shire with an appropriate written assurance that construction of the approved dwelling on the land will be completed within two (2) years of the date of issuance of conditional planning approval for the outbuilding.

## 2. Siting & Boundary Setbacks

### Residential & Commercial Zones

When submitting a planning application for the construction of an outbuilding on land classified 'Residential' or 'Commercial' zone that does not comply with the boundary setback requirements of Table 2a of the Residential Design Codes, the applicant shall provide written justification for the variation sought including details as to how the fire separation requirements of the National Construction Code are to be satisfied.

### Rural Zone

Unless otherwise approved by Council outbuildings on land classified 'Rural' zone shall be located no closer than 20 metres to any front boundary, 10 metres to a rear boundary or 10 metres to a side boundary.

## 3. Material Types

- i) Unless otherwise approved by Council (and in so doing it has regard for the character and amenity of the immediate locality), outbuildings shall use external roof and wall cladding materials that:
  - a. match the appearance of existing buildings on the property (where applicable); and
  - b. are generally non reflective.
- ii) Council will not grant approval to the use of second-hand or used building materials for any outbuilding unless it is satisfied the use of such materials will not have a detrimental impact upon the visual appearance and character of the immediate locality.

## 4. Maximum Outbuilding Size & Height

The following table provides details of the maximum height and total gross floor area of outbuildings considered acceptable by Council on land classified 'Residential', 'Commercial' and 'Rural' zones:

| LOT AREA  | MAXIMUM TOTAL GROSS FLOOR AREA   | MAXIMUM WALL & RIDGE HEIGHTS                              |
|---|--|---|
| <b>Residential &amp; Commercial Zone</b>              |  |   |
| <b>1,000m<sup>2</sup> or less</b>                     | To a maximum of 10% of the Lot area  | <b>2.4 metre wall height &amp; 4.2 metre ridge height</b> |
| <b>1,000 to 2,000m<sup>2</sup></b>                    | 10% of the Lot area or a maximum of 140m <sup>2</sup> whichever is the lesser      | <b>3.5 metre wall height &amp; 5 metre ridge height</b>   |
| <b>Greater than 2,000 m<sup>2</sup></b>               | <b>Maximum of 150m<sup>2</sup></b>   | <b>4 metre wall height &amp; 5.5 metre ridge height</b>   |
| <b>Townsite Rural Zone</b>                            |  |   |
| <b>All land zoned Rural within the Wagin Townsite</b> | <b>5% of the Lot area or a maximum of 200m<sup>2</sup> whichever is the lesser</b> | <b>4 metre wall height &amp; 5.5 metre ridge height</b>   |

Notes:

1. Wall and ridge heights are to be measured from natural ground level.
2. The wall heights for 'Residential' and 'Commercial' zoned land also apply to walls built up to a boundary.

## 5. Administration

- i) All planning applications for an outbuilding are required to contain appropriate details and information in accordance with the specific requirements of clause 6.2 of the Shire of Wagin Town Planning Scheme No.2.
- ii) Where an application is received by the Shire of Wagin for the development and/or use of an outbuilding which does not comply with any provision of this policy or Town Planning Scheme No.2, the applicant shall submit in writing to Council for its consideration the reason(s) why such variation is required.
- iii) Prior to determining a planning application for an outbuilding that does not comply with any provision of this policy or Town Planning Scheme No.2; the local government shall consult with all affected adjoining landowner/s, as determined by Council. All costs associated with the required consultation process shall be met by the applicant and will be charged by the Shire in accordance with its adopted town planning fees schedule.

#### **GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*

#### **HISTORY**

- 25 August 2015 (Council Resolution #2797)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer



**HBP.17. HOME OCCUPATIONS**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.17</b>                                   |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>          |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>DECEMBER 1999 (Council Resolution #9097)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

**OBJECTIVE**

A Home Occupation is a home based business activity which may be permitted by Council if it considers that such usage will not have a detrimental impact upon the general amenity of the neighbourhood in which it is proposed to be established.

A Home Occupation is defined in Schedule 1 of Town Planning Scheme No.2 as a business or activity carried out within a dwelling house, domestic outbuilding or the curtilage of a house by a person resident in the dwelling house that:

- a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- b) does not cause injury to or prejudicially affect the amenity of the neighbourhood in which it is located;
- c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- d) does not entail the employment of any person not a member of the occupier's household;
- e) does not occupy an area greater than 20 square metres;
- f) does not display a sign exceeding 0.2 square metres in area;
- g) in the opinion of Council is compatible with the principal uses to which land in the zone in which it is located may be put;
- h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling and will not result in a substantial increase in the amount of vehicular traffic in the locality; and
- i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight.

This Policy is to be read in conjunction with Town Planning Scheme No.2, specifically Part VI,

Table 1 (Zoning Table) and Schedule 1 (Interpretations).

- To outline the procedures required to be followed in seeking Council's approval to the establishment of a Home Occupation on land within the Scheme Area.
  - To ensure that an approved Home Occupation does not have a detrimental impact upon the general amenity of the neighbourhood in which it is proposed to be established.
  - To provide Council with powers to require a Home Occupation to cease operations where the Proprietor has failed to comply with the conditions of a formal approval or such usage is having a detrimental impact on the amenity of the neighbourhood in which it has been established
- i) All proposals for the establishment of a Home Occupation require the prior approval of Council. Accordingly no person shall establish a Home Occupation on any land without first having applied for and obtained Council's planning consent pursuant to the provisions of Part VI of the Scheme.
  - ii) This Policy shall apply to all Home Occupations subject to the individual conditions imposed or variations permitted by Council in any particular case.

- iii) In considering an application Council shall have due regard to those matters specified in sub-clause 6.5.1 of Town Planning Scheme No.2.
- iv) An approved Home Occupation shall not:
  - a) display a sign which is not of a suitable standard of presentation;
  - b) conduct business before 8am or after 6pm daily unless the nature of the proposed activity could not reasonably be expected to have a detrimental impact upon the amenity of the neighbourhood in which it is located; and
  - b) involve the display, repair, maintenance or sale of motor vehicles, machinery or like products.
- v) An approval to conduct a Home Occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted.
- vi) Should there be a change of the occupier of the land in respect of which a Home Occupation approval is issued the approval is cancelled.
- vii) Any change in the nature, size and character of the business approved as a Home Occupation shall require Council's planning approval.
- viii) If, in the opinion of Council, a Home Occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may:
  - a) revoke the approval; or
  - b) require the occupier of the land in respect of which the Home Occupation approval is issued to implement those measures specified by the Council which in the opinion of the Council will remove the nuisance or annoyance.
- ix) Where the conditions of approval to conduct a Home Occupation are breached Council may revoke the approval.
- x) Where approval for a Home Occupation is not renewed or is revoked the business shall cease operations within fourteen (14) days of the required date of renewal or revocation or be liable to prosecution and such penalties as are prescribed by Section 10 of the Town Planning and Development Act.

#### **GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*

#### **HISTORY**

- December 1999 (Council Resolution #9097)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.18. INSTALLATION OF SATELLITE DISHES, MICROWAVE ANTENNAE AND RADIO MASTS**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.18</b>                                   |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>          |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>DECEMBER 1999 (Council Resolution #9097)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

**OBJECTIVE**

This policy applies to the consideration of proposals to install satellite dishes, microwave antennae and radio masts in the Shire’s townsites. The Council is concerned about the detrimental effect that these structures can have on visual amenity. As such this policy aims to ensure that the amenity in each of the Shire’s townsites is adequately protected where the installation of these facilities is proposed.

- To protect the amenity of townsites within the Shire of Wagin by ensuring that the visual impact of any proposal to install a satellite dish, microwave antenna or radio mast is minimised;
- To provide guidelines for proposals to install satellite dishes, microwave antennae and radio masts in the Shire’s townsites; and
- To recognise that satellite dishes, microwave antennae and radio masts will play an important and increased role in facilitating communications in the future.

**Satellite Dishes**

- i) Council’s planning approval is required for the installation of a satellite dish except where it complies with all of the following criteria:
  - a) the satellite dish is less than 1 metre in diameter;
  - b) the satellite dish is not located on the facade or that portion of the roof which faces the street;
  - c) the satellite dish is not located within any street setback area;
    - b) the satellite dish does not project above the ridge line of the building or is not visible from the street;
    - e) the satellite dish is of a similar colour to the roof of the building if it is visible from any nearby properties;
    - f) there are no existing satellite dishes, microwave antennae or radio masts on the lot.
- ii) In assessing an application for a satellite dish the Council shall have regard to:
  - a) the visual impact of the satellite dishes on the subject site, the street and the general locality in terms of its design, bulk, colour, height and general appearance;
  - b) the location of the satellite dish does not have an adverse impact upon the architectural integrity of any existing building;

- c) the location of the satellite dish (roof mounted) does not have an adverse impact upon the visual amenity of the adjoining properties;
- d) roof mounted satellite dishes greater than 1 metre and less than 1.5 metres in diameter will only be permitted in instances where it can be demonstrated that they will not have an adverse impact upon the visual amenity of the adjoining area and do not extend beyond the ridge line or within the street setback areas;
- e) satellite dishes with a diameter greater than 1.5 metres shall be located at ground level, have a maximum height of less than 3.0 metres and be located so that they are not visible from any street.

### **Microwave Antennae**

- i) Council's planning approval is required for the installation of a microwave antenna except where it complies with all of the following criteria:
  - a) the antenna has an area less than 0.6 square metres;
  - b) the antenna does not project higher than three metres above the ridge line of the building except where it is attached to an existing television mast; or
  - c) there are no existing satellite dishes, microwave antennae or radio masts on the lot.

### **Radio Masts**

- i) Council's planning approval is required for the erection of a radio mast for the transmission and receipt of radio signals where it exceeds five metres in height above the natural ground level.
- ii) Where approval is sought for a mast greater than five metres in height above the natural ground level the opinion of all adjoining property owners affected by its installation must be obtained prior to Council making a final determination on the application.

### **Cases where Council's Planning Approval is not required**

- i) Council's planning approval is not required for:
  - a) mobile communication facilities temporarily located at any one specific place for a period not exceeding one week;
  - b) State Emergency Services communication equipment;
  - c) any other emergency service authority or telecommunications authority acting within the scope of its statutory responsibilities; and
  - d) domestic satellite dishes, microwave antennae and radio masts which comply with the criteria specified above;

### **Special Cases**

- i) Council may consider applications that do not meet the criteria specified above and in so doing will take into account the following:
  - a) the applicant submitting satisfactory information from a qualified consultant that there are valid technical reasons why the structure must be located in a visible position;
  - b) there are no suitable locations where the structure can be located so as to be obscured from view;

- c) the comments of the adjoining land owners;
- d) the structure is to serve more than three dwellings;
- e) the structure is to be installed on a lot used for commercial purposes and would have minimal impact upon the visual amenity of the immediate locality; and
- f) the measures to be taken to reduce the visual impact of the proposed structure.

### **Administration Requirements**

- i) An application to install a satellite dish, microwave antenna or radio mast shall be made in accordance with Part VI of Town Planning Scheme No.2. The application shall be accompanied by:
  - a) three (3) copies of a site plan at a scale of 1:100 showing the location of the proposed structure in relation to the dwelling and lot boundaries; and
  - b) details of the finish of the proposed structure and its height in relation to the road and natural ground levels of the subject site.
- ii) Where in the opinion of Council a proposed structure is likely to have a detrimental impact upon the amenity of a given locality or does not comply with the provisions of this Policy the owners of those lots abutting and fronting the land the subject of the application shall be invited to comment on the proposal and shall be given a minimum of 14 days to provide a written response.

### **GUIDELINES**

- *Local Government Act 1995*

### **HISTORY**

- December 1999 (Council Resolution #9097 )

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## HBP.19. USE OF SEA CONTAINERS AND TRANSPORTABLE STRUCTURES

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.19</b>                               |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>      |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>May 2002 (Council Resolution #10165)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

### **OBJECTIVE**

The use of sea containers and transportable structures for purposes other than the transportation of goods (e.g. storage, shed, workshop etc.) has the potential to have a negative impact upon the visual amenity of areas in which they are located due to the general size and appearance of such structures. In order to guard against the potential negative impact of such usage Council requires that all proposals of this type be submitted to Council for its formal planning approval prior to commencement.

- To protect the amenity of the Scheme Area by ensuring that the visual impact of any proposal to use a sea container or transportable structure is minimised.
  - To specify the circumstances under which Council may permit the use of sea containers or transportable structures within the Scheme Area.
  - To outline the procedures required to be followed in seeking Council's approval to the use of sea containers or transportable structures within the Scheme Area.
- i) The use of sea containers or transportable structures within the Scheme Area for purposes other than the transportation of goods is generally not permitted. Council may however issue its planning consent for the use of such structures for purposes other than the transportation of goods where all of the following circumstances apply:
- a) Where the land the subject of such an application is classified / zoned "Commercial" , "Industrial" or "Rural";
  - b) Where the structure is located on the land so as to be completely screened from public view.
  - c) Where the height of such structures does not exceed 3 metres.
- ii) All applications for planning approval to use a sea container or transportable structure shall be made in the form prescribed in Appendix 4 to Town Planning Scheme No.2 and shall be accompanied by the following information:
- Details of the proposed use of the structure;
  - Details of the dimensions and finish of the proposed structure;
  - A photo of the proposed structure;
  - Details of the structure's proposed location on the subject land; and
  - The proposed method of screening.
- iii) In considering any application for planning consent to use a sea container or transportable structure within the Scheme Area Council shall have regard to the objectives and provisions of its Town Planning Scheme and may take into account any matters relevant to Town and Regional Planning, the public interest in general and the locality surrounding the proposed development in particular.

- iv) In issuing planning approval for the use of a sea container or transportable structure Council will for safety reasons require the provision of adequate ventilation and the installation of a door which allows personal access to and from the structure.
- v) Where a sea container is being used to transport goods it is not permitted to remain on any land within the Scheme area for a period exceeding twenty eight (28) days without Council's approval

#### **GUIDELINES**

- *Local Government Act 1995*

#### **HISTORY**

- May 2002 (Council Resolution #10165)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

## HBP.20. EXTRACTIVE INDUSTRIES

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.20</b>                                   |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>          |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>DECEMBER 1999 (Council Resolution #9097)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

### **OBJECTIVE**

Under the terms of the Shire of Wagin Town Planning Scheme No.2 an Extractive Industry is classified as an 'SA' use in the "Industrial" and "Rural" zones. As such an Extractive Industry is not permitted to be developed in these zones unless Council has granted planning approval after having given notice of the details of a specific proposal in accordance with the public advertising requirements of Clause 6.3 of Scheme No.2.

The development of an extractive industry in all other zones of the Scheme is not permitted due to its potential negative impacts.

- To regulate the development and operation of extractive industries in the Scheme Area to ensure minimal damage to the environment, roads and other peoples health and property.
- To specify the circumstances under which Council may permit an extractive industry to operate without Council's formal planning approval.
- To provide for the restoration and reinstatement of any excavation site.
- To outline the procedures required to be followed in seeking Council's approval to establish and operate an extractive industry within the Scheme Area.

i) The provisions of this policy do not apply to:

- a) the carrying on of an extractive industry on Crown Land
- b) the extraction of gravel or sand by the Shire of Wagin for public purposes;
- c) the extraction of less than 5000 tonnes per annum of gravel or sand from a lot.

ii) Where an application for planning approval is required for the establishment of an extractive industry such application shall be made in the form prescribed in Appendix 4 to Town Planning Scheme No.2 and shall be accompanied by the following information:

- Location of the proposed extraction works;
- Methods of extraction and on-site processing;
- Depth and extent of extraction works;
- Nature of existing vegetation to be cleared;
- Methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
- Anticipated life of the mine;
- Hours of operation;
- Number and size of trucks proposed to enter and leave the site each day and the route or routes to be taken by those vehicles;
- Location of existing and proposed improvements on the subject land including buildings, treatment plant, fences, gates, warning signs, drainage infrastructure, vehicle access roads etc. ;



- Location of existing essential service infrastructure (e.g. power, water, gas, telecommunications, drainage, transport etc.);
  - Location of all existing dams, watercourses, drains or sumps on or adjacent to the subject land;
  - Measures to be taken to minimise dust nuisance, erosion, water course siltation and dangers to the general public;
  - Measures to be taken to screen the excavation area from nearby roads and adjoining properties to minimise any adverse visual impacts;
  - Methods and timing of rehabilitation works to be undertaken to reinstate the excavation areas including details of earthworks, revegetation and on-going maintenance.
- iii) In issuing planning approval to the development of an extractive industry Council may impose conditions in respect of the following matters:
- the orientation of the excavation area to reduce visibility from other land;
  - the appropriate siting of access roads, buildings and plant;
  - the stockpiling of materials;
  - the hours during which any excavation work may be carried out;
  - the hours during which any processing plant associated with or located on the site may be operated;
  - requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the Shire of Wagin;
  - the depths below which a person must not excavate;
  - distances from adjoining land or roads within which a person must not excavate;
  - the control of dust and wind-blown material;
  - the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
  - the prevention of the spread of dieback or other disease;
  - the drainage of the excavation site and the disposal of water;
  - the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
  - the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
  - certification from a licensed surveyor that material has not been excavated below the final contour levels of the excavation programme originally approved by Council;
  - requiring the person or persons to whom an approval has been granted for the development of an Extractive Industry to enter into an agreement with the Shire of Wagin in respect of any condition or conditions imposed by Council in issuing planning approval;
  - any other matter for properly regulating the operation of an extractive industry.
- iv) Council may before issuing planning approval require the applicant to enter into an agreement for the payment to Council of a sum of money, being the expense estimated by Council as likely to be incurred by it in repairing and maintaining roads under its control in the vicinity of the proposed Extractive Industry by reason of extraordinary damage as a result of heavy or extraordinary traffic conducted by the applicant or any person acting on the applicant's behalf and any such agreement shall be deemed to have been entered into under the provisions of Section 57(1) of the Road Traffic Act 1974 (as amended).
- v) For the purpose of ensuring that an excavation site is properly restored or reinstated Council may require as a condition of planning approval the provision by the applicant to Council of a bond, bank guarantee or other security of a kind and in a form acceptable to Council in or for a sum determined by Council from time to time.
- vi) Subject to any conditions imposed by Council in issuing planning approval, a person shall not, without the written approval of Council, excavate within:
- a) 20 metres of the boundary of any land on which the excavation site is located;
  - b) 20 metres of any land affected by a registered grant of easement;
  - c) 40 metres of any road; or
  - d) 40 metres of any water course.

- vii) The person or persons to whom an approval has been granted for the development of an Extractive Industry must have at all times a current public liability insurance policy taken out in the joint names of themselves and the Shire of Wagin indemnifying both parties for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation operations.
- viii) The person or persons to whom an approval has been granted for the development of an Extractive Industry shall provide to the Shire of Wagin a copy of the public liability insurance policy taken out under Provision iv) within 14 days after the issue of that policy and shall provide to the Shire of Wagin evidence of renewal of that policy within 14 days of each renewal date.
- ix) If, in the opinion of Council, an Extractive Industry is causing a nuisance or annoyance to the owners or occupiers of land in the locality the Council may:
- a) revoke the approval; or
  - b) require the occupier of the land in respect of which the Extractive Industry is issued to implement those measures specified by the Council which in the opinion of Council will remove the nuisance or annoyance.

#### **GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*

#### **HISTORY**

- December 1999 (Council Resolution #9097)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.21. AUTHORITY TO DEAL WITH APPLICATIONS FOR PLANNING APPROVAL**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>HBP.21</b>                                |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>       |
| <b>DATE ADOPTED</b>          |  |
| <b>REVIEW DATE</b>           | <b>MARCH 1999 (Council Resolution #8708)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>                                   |

**OBJECTIVE**

That the Wagin Shire Council delegate authority to the Chief Executive Officer to grant approval to applications for planning consent in circumstances where the proposed development is classified as being a permitted ("P") use in the zone in which it is located, and such development complies with all of the requirements of Town Planning Scheme No.2.

**GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*

**HISTORY**

- March 1999 (Council Resolution #8708)

**RESPONSIBLE OFFICER**

- Chief Executive Officer
- Environmental Health Officer/Building Surveyor

**HBP.22. RURAL ZONE BUILDING SETBACKS**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.22</b>                                 |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>        |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>AUGUST 2000 (Council Resolution #9422)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                     |

**OBJECTIVE**

All buildings within the Rural Zone shall be a minimum of 20m from the front and rear boundaries and 10m from the sides unless a variation is approved by Council.

**GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*

**HISTORY**

- August 2000 (Council Resolution #9422)

**RESPONSIBLE OFFICER**

- Chief Executive Officer



**HBP.23. CAMPING ON RESERVE 29817 LAKE NORRING**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.23</b>                               |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>      |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>AUGUST 2005 (Council Resolution #32)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>                                  |

**OBJECTIVE**

Council will permit temporary camping on the Reserve subject to: -

- 1) Maximum duration of 72 hours in any one week.
- 2) Council will determine the maximum numbers of campers at any one-time dependant on available toilet facilities and waste collection arrangements.
- 3) The Chief Executive Officer is delegated authority to authorise camping consistent with this policy.

**GUIDELINES**

- *Local Government Act 1995*
- *Caravan Parks and Camping Grounds Act 1995*

**HISTORY**

- August 2005 (Council Resolution #32)

**RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.24. FARM/ BED & BREAKFAST ACCOMMODATION**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.24</b>                                   |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>          |
| <b>DATE ADOPTED</b>          | <b>DECEMBER 2011 (Council Resolution #1816)</b> |
| <b>REVIEW DATE</b>           |   |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

**OBJECTIVE**

- To make provision for the proper and orderly development of farmstay/bed & breakfast accommodation within the Shire of Wagin in accordance with a prescribed set of standards and procedures.
- To provide for a wide range of tourist accommodation that showcases and complements the attributes of the Shire.
- To minimise any potential negative impacts of farmstay/bed & breakfast accommodation on the character of local neighbourhoods and the amenity of adjoining residents.
- To provide for tourist accommodation in the rural areas of the Shire in a manner that does not conflict with existing or potential agricultural, pastoral, horticultural, viticultural or rural residential pursuits.
- To ensure the appropriate location and siting of farmstay/bed & breakfast accommodation and increase the safety of motorists and guests.
- To ensure the maintenance of a satisfactory standard of farmstay/bed and breakfast accommodation that has town planning as well as environmental health and building approval.
- To ensure the community is suitably consulted regarding any planning application for the development of farmstay/bed & breakfast accommodation within the Shire.

The Wagin Shire Council will not consider any application for planning approval proposing the development of farmstay / bed & breakfast accommodation without the applicant first having provided suitable documentation and plans in support of the application that demonstrates compliance with the following policy provisions.

**“Council”** means the Council of the Shire of Wagin.

The Shire of Wagin Town Planning Scheme No.2 (TPS No.2) does not define ‘Farmstay’ or ‘Bed & Breakfast Accommodation’. This policy therefore provides the following definitions for these uses:

**“Farmstay”** means a dwelling, chalet or cabin situated on a rural property or farm, used by a person to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and may include the provision of breakfast. Farmstay may also offer involvement in farm activities, tours and experiences on the property or at nearby working farms.

**“Bed & Breakfast”** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

This policy has been prepared and adopted by the Wagin Shire Council on the 20 day of December 2011 pursuant to Clause 8.6.1 of TPS No.2. Whilst the policy is not part of TPS No.2 and does not bind

Council in respect of any application for planning approval, Council is to have due regard for the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

This policy may be varied in part or in full at any time by Council subject to the procedures and requirements of Clause 8.6.2 of TPS No.2.

### **Preferred Development**

Council prefers farm stay / bed and breakfast development that:

- (a) provides some on-site activity or feature of interest to tourists;
- (b) is low profile, both physically and in setting, and is designed to be in harmony with the character of existing buildings and the local environment;
- (c) provides an eco-tourism or agro-tourism experience;
- (d) is not situated in a visually prominent location, such as on a ridge or along an unscreened section of the land or regional or tourist road; and
- (e) does not involve major disturbance of remnant bushland or natural areas.

### **Planning Criteria**

Council will only support the development of farmstay accommodation on land classified 'Rural' zone. Council will only support the development of bed & breakfast accommodation on land classified 'Residential', 'Commercial' or 'Rural' zone.

The following matters shall be satisfactorily addressed in any planning application to Council:

- (a) Scaled site plan detailing:
  - The layout of all buildings/structures on the land and clear identification of the rooms proposed for guest accommodation and the rooms to be occupied by the permanent residents of the dwelling;
  - The location of the dwelling and any proposed buildings for guest accommodation in relation to front, side and rear boundaries;
  - Distances and sightlines to adjoining dwelling(s);
  - The location of any proposed landscaping areas;
  - The location of water tanks if applicable. In relation to water supply, dwellings intending to be used as a farmstay / bed and breakfast establishment must be either connected to the Water Corporation's scheme water supply or, alternatively, be serviced by a rain water tank with a minimum storage capacity of 92,000 litres. The capacity of this tank may be reduced should the Shire be satisfied that on-site groundwater supplies are of acceptable quality and reliability;
  - The location of the ingress/egress point to the site;
  - Sight distances (in metres) in each direction at ingress/egress point;
  - Location of any obstructions within the road reserve (i.e. trees, crests)
  - The location and extent of all on-site vehicle access and parking areas;
  - Bush fire management arrangements (where appropriate); and
  - The nature and type of adjoining land uses and any associated buffer areas.
- (b) Scaled floor plan detailing the proposed accommodation, bathroom/toilet facilities and dining/kitchen areas;
- (c) Confirmation of the speed limit of the road from which access to and from the site is proposed to be gained;
- (c) Details of the approximate number and type of vehicles likely to attend the establishment on a weekly basis. Any application which proposes to gain direct vehicular access from a road under the care and control of Main Roads Western Australia (MRWA) shall be referred to MRWA for comment. In determining the application Council shall consider any comments received by MRWA.
- (e) Building approval will be required if any structural changes (internal and/or external) are proposed for any new or existing buildings. Any major new premises may be deemed

commercial under the requirements of the Building Code of Australia and will therefore be required to incorporate the necessary fire safety provisions.

Farmstay / bed & breakfast establishments are to be located in close proximity to the existing residence (existing building envelope) on the land and not result in the clearing of any significant on-site vegetation.

Farmstay / bed & breakfast establishments are to be operated by the residents/owner(s) of the subject dwelling/land. The use of farmstay / bed & breakfast accommodation shall be incidental to the predominant use and nature of the dwelling(s). The appearance of the dwelling(s) shall remain residential and shall not impact adversely upon any surrounding property.

Farmstay / bed & breakfast establishments must be for short term accommodation purposes only and are not permitted to be used as long term, permanent accommodation.

### **Car parking**

Onsite parking is to be provided on the basis of one bay per guest room, in addition to existing parking for permanent residents. On-site parking is to be clearly marked and signposted and is to be located in close proximity to the guest accommodation. Guest car parking should not be located close to neighbouring properties so as to minimise the potential for noise and light pollution.

For establishments in rural areas all vehicle access and parking areas should be constructed to a compacted gravel and/or limestone condition to the specifications and satisfaction of the Shire.

For establishments in rural areas where driveways are steeply inclined or stabilisation problems are likely to occur, the Shire may require the sealing of vehicle access and parking areas to avoid stabilisation and erosion problems occurring at a later date.

### **Landscaping**

Farmstay / bed & breakfast accommodation must be sited in a manner that will not impinge on the amenity, character or natural landscape qualities of the immediate locality. Council may require additional screening-type landscaping to be planted and maintained as a condition of planning approval.

### **Setbacks**

All building setbacks for the development of farm stay/bed & breakfast accommodation on land classified 'Rural' zone shall be at the discretion of Council. In determining the required boundary setbacks Council shall have due regard for the nature of any existing and/or proposed adjoining land uses and any associated buffer requirements.

The development of bed & breakfast accommodation on land classified 'Residential' zone shall comply with building setback requirements of the Residential Design Codes of Western Australia (2010).

All building setbacks for the development of bed & breakfast accommodation on land classified 'Commercial' zone shall be at the discretion of Council. In determining the required boundary setbacks Council shall have due regard for the nature of any existing and/or proposed adjoining land uses and any associated buffer requirements.

### **Signs**

Council may permit the erection of one (1) sign on a property to indicate a farmstay/ bed & breakfast establishment. The sign shall not exceed 0.3m<sup>2</sup> (i.e. 1.0m x 0.3m) and should be placed along the property frontage. Operators of farmstay / bed and breakfast establishments will be expected to send directional maps to guests and tourist bureaus and use other methods for directional purposes rather than relying on directional signage. To this end off-site directional signage is generally not supported.

### **Building Requirements**

Each guest bedroom is to be provided with an approved smoke detector installed in accordance with the specific requirements of the Building Code of Australia and a dry chemical portable fire extinguisher. An emergency lighting system is to be installed in appropriate areas of the building as deemed necessary.

### **Bushfire Management**

Council shall determine on application the need for bush fire protection measures such as firebreaks, escape routes, clearing of vegetation and standpipe and hose facilities if necessary and in consultation with the local Bush Fire Brigade. Council may require the preparation and endorsement of a suitable Bushfire Management Plan as a condition of planning approval.



## **Environmental Health Requirements**

Kitchen facilities and food handling practices are to be in accordance with the minimum requirements of the Food Act 2016, and breakfast/dining room facilities may be shared with the occupants of the households.

Separate bathroom and toilet facilities are to be provided for guests.

The Shire's Environmental Health Officer will conduct a minimum of one compliance inspection of the establishment per year. Council will only support continued approval of premises which demonstrate a high standard of hygiene and facilities.

Upgrading of plumbing, including septic disposal systems, may be required if an existing domestic system is inadequate as determined by the Shire's Environmental Health Officer.

## **Fees & Charges**

All establishments shall be licensed annually by the Shire of Wagin and an appropriate fee paid to the Shire. Upon payment of such fees the Shire shall issue an annual licence for a farmstay / bed & breakfast accommodation premises.

## **Public Advertising**

Public advertising of any planning application for a proposed farmstay/bed & breakfast establishment will be undertaken by the Shire in accordance with the specific requirements of Clause 6.3 of TPS No. 2.

The matters to be considered by Council when forming an opinion as to whether or not the use and enjoyment of any adjacent property may be detrimentally affected by the proposed farmstay/bed & breakfast establishment shall include:

- (a) The views and vistas to and from the land;
- (b) Overshadowing and loss of solar access to adjoining and neighbouring land and buildings;
- (c) Privacy of adjoining and neighbouring land;
- (d) Drainage, noise, dust, odours and similar emissions;
- (e) The visual quality of the building(s) in relation to the character and amenity of the streetscape and the immediate locality;
- (f) The effect of the proposed development on adjoining property, its continued use and any persons whose amenity is likely to be affected by the development;
- (g) Compatibility with existing or proposed adjacent land use(s);
- (h) The bulk and scale of the proposed establishment; and
- (i) Any other matter which Council deems relevant in the circumstances.

## **Revoking of a Farmstay/Bed & Breakfast Licence**

Council may revoke or withdraw its approval of a farmstay/bed & breakfast licence for non-compliance if the approved use:

- (a) Causes a disturbance or annoyance to neighbours or occupiers of land in the immediate locality;
- (b) Causes traffic problems; or
- (c) Contravenes any of the other criteria as laid down in this policy or any condition/s of planning approval issued by Council.

## **GUIDELINES**

- *Shire of Wagin Town Planning Scheme No. 2:*
  - *Part VI - Use and Development of Land*
  - *Clause 8.6 - Planning Policies*
- *Public Health Act 2016*
- *Food Act 2016*
- *Building Code of Australia*
- *Shire of Wagin Health Local Law*



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## **HISTORY**

- December 2011 (Council Resolution #1816)

## **RESPONSIBLE OFFICER**

- Chief Executive Officer

## HBP.25. LOCAL PLANNING POLICY FOR HERITAGE

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.25</b>                                   |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>          |
| <b>DATE ADOPTED</b>          | <b>FEBRUARY 2013 (Council Resolution #2168)</b> |
| <b>REVIEW DATE</b>           |   |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                       |

### **OBJECTIVE**

#### **Background**

The Shire of Wagin is one of the most heritage rich rural towns in WA. It has an extensive cultural heritage, both European and Aboriginal and many places of heritage significance still exist in both the built and natural environment.

Heritage places provide a tangible link to the past and a valuable cultural and educational resource. They contribute toward the Shire's character and identity, which is a key factor in attracting population growth, tourism and increased economic activity. The retention and adaptive reuse of existing buildings also reduces consumption of building materials and the embodied energy required to manufacture them.

The Shire's heritage assets are however coming under increasing threat from both development pressure and neglect. The policy seeks to encourage the retention, conservation and adaptive reuse of heritage places and ensure that any development that is carried out respects the integrity and significance of these places.

#### **Applications/Definitions**

This policy applies to all heritage places and heritage areas included in the Scheme Heritage List and where noted in the policy to development on land adjoining heritage places and areas.

*Adaptive Re-Use* means the process of adapting or modifying a Heritage Place for a compatible new use, different from its original or previous use.

*Cultural Heritage Significance* means the relative value which a site or group of sites has in terms of its aesthetic, historic, scientific, and/or social significance for the present community and future generations.

*Heritage Area* means a group of sites that together form an area which is of cultural heritage significance, notwithstanding that each site within the area may not itself be a Heritage Place, and is included in the Scheme Heritage List.

*Heritage Place* means land, building/s or structure/s within a defined area that is of recognised cultural heritage significance and is included in the Scheme Heritage List.

*Local Government Inventory* means the inventory of Heritage Places and Heritage Areas of local and State importance prepared and adopted by the Shire in accordance with section 45 of the *Heritage of Western Australia Act 1990*.

*Scheme* means the Shire of Wagin Town Planning Scheme No 2 or any subsequent Town Planning Scheme operative within the Shire.

*Scheme Heritage List* means the list adopted under Part V SPECIAL CONTROLS of the Scheme which identifies those places which are of cultural heritage significance and worthy of conservation.

### Planning Approval Requirements

All proposals for development of heritage places or land within a heritage area, including interior works, exterior works, a change of use, demolition and/or the pruning, removal or other destruction of a heritage tree require planning approval of the Shire before the commencement of the use or development, except internal works to heritage places with a management category B, C or D.

Applicants will need to clearly demonstrate that their proposal meets all of the objectives and requirements of this policy. Applications must also meet any other requirement of the Shire's planning framework that may be applicable for a particular site under a Town Planning Scheme or any applicable Outline Development Plan, Structure Plan, Local Planning Policy or Detailed Area Plan.

The objectives of the policy are to:

1. Conserve, protect and enhance the cultural heritage significance of heritage places and heritage areas.
2. Ensure that development does not adversely affect the cultural heritage significance of heritage places or heritage areas.
3. Promote the continued use and adaptive re-use of heritage places.
4. Ensure that cultural heritage significance is given due weight in planning decision making.
5. Provide improved certainty to landowners and the community about the planning processes for heritage identification and protection in the Shire.

### Requirements Level of Significance

Each heritage place included within the Scheme Heritage List has been allocated a management category based on its level of cultural heritage significance. Development of a heritage place is to meet the stated desired outcomes for the management category relevant to the heritage place.

| Management Category | Description  | Desired Outcome   |
|---------------------|--|---|
| Category A          | Exceptional Significance – Essential to the heritage of the locality. Rare or outstanding example. | The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise.<br>Any alterations or extensions should be sympathetic to the heritage values of the place and in accordance with a Conservation Plan (if one exists for the place). |
| Category B          | Considerable Significance – Very important to the heritage of the locality.                        | Conservation of the place is highly desirable.<br>Any alternations or extensions should be sympathetic to the heritage values of the place.   |
| Category C          | Significant Contributions to the heritage of the locality.   | Conservation of the place is highly desirable.<br>Any alterations or extensions should be sympathetic to the heritage values of the place and original fabric should be retained wherever feasible.   |
| Category D          | Significant Tree (s)   | Heritage trees should be removed only in order to protect public safety or private or public property from imminent danger.   |

|  |  |  |
|--|--|--|
|  |  | <p>Heritage trees may be pruned as part of routine tree maintenance in accordance with International Society of Arboriculture standards provided the pruning would not reduce the tree's height or crown diameter, alter the tree's general appearance, increase the tree's susceptibility to insects or disease, or otherwise increase its risk of mortality.</p> |
|--|--|--|

### **Alterations or Extensions to a Heritage Place**

Any development should conserve and protect the cultural heritage significance of a heritage place based on respect for the existing building or structure and its setting, and should involve the least possible change to significant fabric.

Alterations and additions to a heritage place should not detract from its significance and should be compatible with the location, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to be compatible with the original fabric rather than simply copying or mimicking it.

Alterations and additions to a heritage place should be sensitively located and designed so that they do not become visually dominant, especially where these are of a height greater than that of the original building. Alterations and additions are also to be located and designed to preserve existing important views and the setting of the place.

### **Adaptive Re-Use**

It is preferred that heritage places continue to be used for the purpose for which they were built, or for a use with which they have had a long association. In some cases however, the conservation and protection of a heritage place may require a change of use to ensure a reasonable beneficial return to use. Sympathetic adaptation and change of use should be supported in such cases provided it:

- Achieves a new use that is compatible with the physical conservation of the place.
- Ensures the conservation of the significant fabric and context of the place.
- Ensures the retention of the existing layout and access patterns of the development.
- Retains the ability to interpret the significance of the place.
- Incorporates interpretative heritage treatments to assist the appreciation of the significance of the place.

### **Demolition of a Heritage Place**

Heritage places should be conserved and maintained to a high standard where ever possible. Demolition of a heritage place is rarely appropriate and should require the strongest justification. Any application for demolition is to include clear and convincing evidence that there is no feasible and prudent alternative. Partial or complete demolition will only be approved in exceptional circumstances. The onus rests with the applicant to provide a clear justification for demolition.

Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development and the extent to which the community would benefit from the proposed redevelopment.

Exceptional Circumstances for Demolition may include:

- Where the building or part of the building or structure has been identified as having no cultural heritage significance, as not contributing to the significance of the heritage place or heritage area, or is considered to be intrusive.

- Where it can be conclusively demonstrated by a suitably qualified professional that a building is beyond repair, both physically and economically, or the significance of the place has been diminished to a degree that it cannot be re-established.
- Where the removal or relocation of a significant heritage building or structure is the only means of ensuring the place's survival, or
- Where the heritage place is listed in the Scheme Heritage List with a Management

Category D.

In considering an application to demolish, the Shire will have regard for the recognised cultural heritage significance, the statement of significance, management category and associated desired outcome statement, the justification provided by the applicant and whether it is desirable to retain elements of the building fabric.

### **Development Within a Heritage Area**

Development within a heritage area should respect and complement the heritage significance of the area as identified in the associated local planning policy. A respectful design approach is to give special consideration to the site, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours rather than copying historic detailing or decoration.

Alterations and additions to existing buildings should be designed and sited in a manner that respects and complements the cultural heritage significance of the area.

A general presumption should apply in favour of retaining buildings that make a positive contribution to the cultural heritage significance of the area notwithstanding the buildings may not be individually significant.

Planning Approval to demolish a heritage place or other building within a heritage area will not normally be granted unless accompanied by a proposal for replacement buildings or works to avoid gap sites. Approval for demolition, if granted, may be conditional on undertaking an acceptable redevelopment proposal. If redevelopment is likely to be delayed, consideration should be given to the interim use of the land including a requirement for sympathetic treatment such as facade retention, landscaping or boundary treatment.

Any new buildings erected in heritage areas should be designed and sited in a way that respects and complements the cultural heritage significance of the area. New development that is imaginative, well designed and harmonious should not be discouraged.

### **Development Adjacent to a Heritage Place or Area**

Development of a site located adjacent to a heritage place or heritage area, is to be respectful to and not adversely affect the recognised cultural heritage significance of the place or area. Development is to be designed to:

- Provide appropriate architectural style, built form, location and setbacks, materials and finishes, within the context of adjacent sites and the overall streetscape.
- Not imitate, replicate or mimic the heritage architecture.
- Not overwhelm or dominate heritage places or other development within a heritage area.
- Preserve views to significant elevations, the features and setting of the heritage place or heritage area

### **General Development Provisions**

New development is to be of a high design quality which reinforces and relates to the existing heritage character and features of the place, yet which is visually distinguishable from heritage fabric.

Development should not imitate, replicate or mimic the heritage architecture or detract from the cultural heritage significance of the heritage place or heritage area.

Development is not to adversely affect, damage or destroy the cultural heritage significance of a heritage place or heritage area.

### **Applications for Planning Approval – Accompanying Materials**

The Shire may require an applicant to provide one of more of the following to assist in the determination of its application. This is additional to the requirement for accompanying material set out in the Town Planning Scheme No. 2.

### **Heritage Impact Statement**

If a proposal is likely to have a substantial impact on a heritage place or heritage area, the Shire may require a heritage impact statement to be submitted with the application for planning approval. The heritage impact statement should be prepared by an appropriately qualified and experienced heritage professional and is to identify what impact the proposed development will have on the heritage place or area, and is to address the following:

- Identify how the proposed works will affect the significance of the place or area.
- Explain what alternatives have been considered to ameliorate any adverse impacts.
- Explain how the proposal will result in, or could be amended to result in, any heritage conservation benefits that might offset any adverse impacts.

If a proposal affects a heritage place that has been allocated a Management Category A, the Shire may require a conservation plan to be prepared.

### **Structural Condition Assessment in the Case of Demolition**

If structural failure is cited as a justification for the demolition of a heritage place, evidence should be provided from a registered structural engineer that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or costs of restoration works would be prohibitive.

### **Archival Recording in the Case of Demolition**

If a proposal is for the demolition or substantial development of a heritage place, the Shire may require the applicant as a condition of approval to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the Heritage Council of Western Australia standards for archival recording.

### **Procedure for Adding, Deleting or Amending Entries in the Local Heritage List**

The procedures for adding places to the Scheme Heritage List are set out in the Scheme. The Shire may consider amending the Scheme Heritage List over time in the following circumstances.

| Event  | Action  |
|--|---|
| A place is found to be significant in a new or reviewed local heritage survey.   | The Shire will consider inclusion of a place in the Scheme Heritage List if the findings of a new or reviewed Local Government inventory or other local heritage survey support it.                     |
| A place is nominated for inclusion in the Local Government Inventory or Scheme Heritage List by the owner or a member of the public. | The Shire will consider inclusion of a place in the Heritage List if assessment documentation to the required standard is provided by the nominator.  |
| A heritage assessment is prepared in conjunction with a development proposal.  | The Shire may consider inclusion of a place in the Heritage List of a heritage assessment is prepared:<br><br>as part of a Heritage Impact Statement submitted by an applicant, or<br><br>by the Shire. |
| A place is demolished, or substantially damaged or destroyed.  | The Shire will consider removing a place from the Heritage List if it is demolished or is damaged or destroyed, to the extent that its significance is lost.  |

### **Council Owned Property**

The Shire will seek to lead by example by managing its own property in accordance with this policy.

### **GUIDELINES**

- *Local Government Act 1995*

### **HISTORY**

- February 2013 (Council Resolution #2168)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer



**HBP.26. ADVERTISING SIGNS**

|                              |  |
|------------------------------|--|
| <b>POLICY NUMBER</b>         | <b>HBP.26</b>                                |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>       |
| <b>DATE ADOPTED</b>          | <b>APRIL 2013 (Council Resolution #2167)</b> |
| <b>REVIEW DATE</b>           |  |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                    |

**OBJECTIVE**

This local planning policy sets out Council's position regarding the development and use of advertising signs throughout the Shire of Wagin.

In applying this policy Council will aim to ensure that any future advertising signage within the Shire satisfies the objectives and standards prescribed in the policy and does not have a detrimental impact on the amenity, character, functionality or safety of its urban and rural environments.

Council will not consider any application for planning approval proposing the erection of advertising signage within the Shire without the applicant having first provided suitable documentation and plans in support of the application which demonstrate compliance with the following policy objectives and provisions.

- To improve the quality and appropriateness of advertising signs through the application of good design principles;
  - To ensure that the display of advertisements does not have any adverse impacts on the amenity of surrounding land;
  - To avoid the proliferation of advertising signs on individual sites and buildings;
  - To improve the streetscape of major roads;
  - To encourage the rationalisation of advertising signs on individual premises;
  - To encourage the incorporation of advertising signs into the design of buildings;
  - To ensure that advertising signs do not present a hazard or obstruction to pedestrians or block motorists' views of traffic control signals or information signs;
  - To ensure that all advertising signs are not discriminatory or offensive;
  - To ensure that advertising signs only relate to the activities, products and/or services provided on the site on which they are displayed; and
  - To provide increased certainty for advertisers, landowners, the community and others as well as consistency in decision making by Council.
1. This policy applies to all advertising signs that are visible from outside any given property, complex or facility, either from private land or from public places or streets.
  2. In accordance with the Shire of Wagin Town Planning Scheme No.2 (TPS No.2), Council's prior planning approval is not required for those types of advertisements listed in Schedule No.8 of the TPS (i.e. 'exempted advertisements'). The exemptions listed in Schedule No.8 do not apply to land, buildings, objects, structures and places included on the Shire's Heritage List or within a Heritage Area.
  3. Where an advertising sign requires Council's planning approval, including those that form a component of a particular development proposal, the applicant shall complete and lodge an

'Additional Information for Advertisements' form contained in TPS No.2 (see copy in Appendix No.1 of this policy) in addition to an 'Application for Planning Approval' form contained in TPS No.2.

4. All advertising signage requiring Council's planning approval shall comply with the relevant standards prescribed in Table 1 of this policy unless otherwise approved by Council.
5. The erection of advertising signs within a road reserve managed by Main Roads Western Australia (MRWA) or near a highway or main road under the control of MRWA requires the prior approval of both Council and MRWA. It is recommended that a planning application be submitted to the Shire in the first instance and that the proposal be formulated with due regard for the provisions and standards of *Main Roads (Control of Advertising) Regulations 1996*.
6. Protection of the amenity and character of an area shall be a priority when considering any planning application for advertising signage. Proposals which are not in harmony with the character and amenity of a given area shall be refused by Council.
7. The following general provisions shall apply to all proposed new advertising signs in the Shire.

#### Design

Advertising signs shall:

- i) be incorporated into the overall design of the existing and/or proposed building/s on the land;
- ii) be in keeping with the scale and form of the existing and/or proposed building/s on the land;
- iii) not cause visual clutter of the streetscape or the existing and/or proposed building/s on the land;
- iv) not obscure any architectural features of the existing and/or proposed building/s on the land;
- v) not extend beyond any boundary of a lot;
- vi) not cause a nuisance, by way of light spillage, to abutting sites; and
- vii) not comprise flashing or running lights unless otherwise approved by Council and only on land classified Commercial, Townsite or Industrial zone.

#### Safety

Advertising signs shall:

- i) not pose a threat to public safety or health;
- ii) not obstruct visual sightlines of vehicles and/or pedestrians;
- iii) not interfere with or be likely to be confused with traffic control signals or information signs; and
- iv) not obstruct pedestrian movement.

#### Content

Advertising signs shall:

- i) not advertise activities, services or products other than those available on the lot; and
  - ii) not contain any material or content considered by Council to be discriminatory or offensive.
8. Approval for the continuation of advertising signage approved by Council on a temporary basis requires that a request be made to the Shire in writing prior to the designated expiry date. Approval for the continuation of advertising signage previously approved on a temporary basis may be granted by the Shire's Chief Executive Officer under delegated authority for a period not exceeding twelve (12) months.
  9. Where, in the opinion of Council, an approved advertising sign has been permitted to deteriorate to a point where it conflicts with the objectives of TPS No.2. and this policy or it ceases to be effective for the purpose for which it was erected or displayed, the Shire may by notice in writing require the advertiser and/or landowner to:
    - i) repair, repaint or otherwise restore the advertisement to the standards and within that period of time specified by the Shire in the notice; or
    - ii) remove the advertisement in its entirety and undertake any necessary site remediation works to the standards and within that period of time specified by the Shire in the notice.

**TABLE 1 – DEVELOPMENT STANDARDS FOR NON-EXEMPT ADVERTISING SIGNS**

| Location/Zones & Reserves                                      | Sign Purpose            | Development Standards  |
|--|-------------------------|--|
| All Locations  | All Advertising Signs   | <ul style="list-style-type: none"> <li>• Signage must be complementary to its surroundings.</li> <li>• Signage is only permitted where it relates to the activities, products or services provided on the site on which it is displayed unless otherwise approved by Council.</li> <li>• Any signage which in the opinion of Council may have any adverse impact on traffic safety shall not be approved.</li> <li>• Signage is not to obstruct pedestrian or vehicle movements.</li> <li>• With the exception of land classified Commercial, Townsite &amp; Industrial zones, flashing or illuminated signs shall not be approved.</li> <li>• Should the business, organisation or activity cease to operate, all relevant signage must be removed within 28 days of cessation of the use.</li> </ul> |
| Within Road Reserves under the control of the Local Government | Community Organisations | <ul style="list-style-type: none"> <li>• Maximum area of 2m<sup>2</sup>.</li> <li>• Signage must be specific to an event and time period. Ongoing approval shall not be granted.</li> <li>• On conclusion of the specific event, the signage shall immediately be removed.</li> </ul>  |
|  | Commercial Advertising  | Not Permitted  |
| Adjacent roads under the control of Main Roads WA (MRWA)       | All Advertising         | <ul style="list-style-type: none"> <li>• Not permitted unless approved by Council and MRWA.</li> <li>• Maximum area of 16m<sup>2</sup>.</li> <li>• Maximum height of 4m above natural ground level (including any supports).</li> <li>• Limited to a maximum of one (1) sign per lot.</li> <li>• All signage must comply with the setback requirements contained in Table 2 of TPS No.1 ('Site &amp; Development Requirements Table') unless otherwise approved by Council.</li> <li>• All signage within the 'Regional Rural' zone must comply with the setback requirements contained in Clause 5.8.7 of TPS No.1 unless otherwise approved by Council.</li> <li>• Advertising shall be for businesses, activities or events located within 5km of the sign.</li> </ul>                              |
| Within Road Reserves controlled by Main Roads WA               | Community Organisations | <ul style="list-style-type: none"> <li>• Not permitted unless approved by Council and MRWA.</li> <li>• Signage must be specific to an event and time period. Ongoing approval shall not be granted.</li> </ul>   |

|                             |                         | <ul style="list-style-type: none"> <li>On conclusion of the specific event, the signage shall immediately be removed.</li> </ul>  |
|-----------------------------|-------------------------|---|
|                             | Commercial Advertising  | Not Permitted   |
| Residential Zone            | All Advertising Signs   | Not Permitted   |
| Location/Zones & Reserves   | Sign Purpose            | Development Standards   |
| Townsite & Commercial Zones | All Advertising Signs   | <ul style="list-style-type: none"> <li>Maximum individual area of 5m<sup>2</sup>.</li> <li>Not to exceed 10m<sup>2</sup> in aggregate per lot.</li> <li>Signage is not permitted to protrude above the roofline of a building.</li> <li>A limit of one (1) pylon sign per lot. Pylon signs are limited in height to 6m above natural ground level and a maximum area of 4m<sup>2</sup>.</li> </ul>  |
| Industrial Zone             | All Advertising Signs   | <ul style="list-style-type: none"> <li>Maximum individual area of 6m<sup>2</sup>.</li> <li>Not to exceed 20m<sup>2</sup> in aggregate per lot.</li> <li>A limit of one (1) pylon sign per lot. Pylon signs are limited in height to 6m above natural ground level and a maximum area of 4m<sup>2</sup>.</li> </ul>  |
| Local Rural Zone            | All Advertising Signs   | Not Permitted   |
| Regional Rural Zone         | All Advertising Signs   | <ul style="list-style-type: none"> <li>Maximum area of 5m<sup>2</sup>.</li> <li>Limited to a maximum of one (1) sign per lot.</li> <li>All signage within the 'Regional Rural' zone must comply with the setback requirements contained in Clause 5.8.7 of TPS No.1 unless otherwise approved by Council.</li> </ul>  |
| Reserves & Recreation Zone  | Community Organisations | <ul style="list-style-type: none"> <li>Maximum area of 4m<sup>2</sup>.</li> <li>Signage must be specific to an event and time period. Ongoing approval shall not be granted.</li> <li>On conclusion of the specific event, the signage shall immediately be removed.</li> </ul>   |
|                             | Commercial Advertising  | <p>Not permitted except for sponsorship signs which must comply with the following requirements:</p> <ul style="list-style-type: none"> <li>All signs shall be securely fixed and include the club's name in a legible form on at least some part of the sign;</li> <li>All signs shall immediately be removed at the expiration of the sponsorship agreement;</li> <li>Signage shall be restricted to a maximum of three per club;</li> <li>Where there are two or more clubs on one reserve, signage shall be restricted to a maximum of three per club; and</li> </ul> |

|  |  |   |
|--|--|---|
|  |  | <ul style="list-style-type: none"><li>• All signs shall comply with the relevant provisions of the club's lease agreement with the Shire of Wagin where applicable.</li></ul> |
|--|--|---|



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**APPENDIX 1 - ADDITIONAL INFORMATION FOR ADVERTISEMENTS**

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NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM

1. Name of Advertiser (if different from owner):

.....  
.....

2. Address in full:

.....  
.....  
.....

3. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....  
.....  
.....

4. Details of Proposed Sign:

(a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):

.....  
.....

(b) Height: ..... Width: ..... Depth: .....

.....  
.....

(c) Colours to be used:

.....

(d) Height above ground level - (to top of advertisement):

.....

- (to underside):

.....

(e) Materials to be used:

.....

Illuminated: Yes / No. If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

.....  
.....



5. Period of time for which advertisement is required:

.....

6. Details of signs (if any) to be removed if this application is approved:

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.....  
.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in point 6 above.

Signature of Advertiser(s): .....

(if different from land owners)

Date: .....

**GUIDELINES**

- *Local Government Act 1995*
- *Shire of Wagin Town Planning Scheme #2*

**HISTORY**

- April 2013 (Council Resolution #2167)

**RESPONSIBLE OFFICER**

- Chief Executive Officer

**HBP.27. MOBILE AND ITINERANT VENDORS AND COMMERCIAL ACTIVITIES IN PUBLIC PLACES**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>HBP.27</b>                                 |
| <b>POLICY TYPE</b>           | <b>HEALTH, BUILDING &amp; PLANNING</b>        |
| <b>DATE ADOPTED</b>          | <b>26 MAY 2015 (Council Resolution #2720)</b> |
| <b>REVIEW DATE</b>           |   |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                     |

**OBJECTIVE**

- To allow for the operation of trading activities in such manner that they do not conflict with or prejudice the Shire's permanent retail and service base, or other normal functions of the Shire;
- To protect existing levels of public amenity and safety from the impact of trading activities by adequately addressing potential risk management issues;
- Set appropriate minimum standards in the interest of public safety, environmental protection and social amenity;
- Identify specific locations for particular activities and cap the number of activities weighted against the environment, conflict of use and broader public interest to accessibility;

To ensure that commercial activities on reserves do not diminish the recreational amenity of residents or visitors who are attracted to the Shire

**POLICY STATEMENT**

This Policy has been developed to provide clarity and guidance on the preparation and assessment of stallholder / mobile and itinerant vendor applications including commercial activities. Each application is assessed on its merits.

With the introduction of the Food Act 2016 and associated legislation, all regulation of Itinerant Vendors (e.g Food Vans) was repealed, necessitating these businesses being considered 'traders' and therefore captured by the Trading in Public Places Local Law

**1.0 Definition**

- 1.1 The main difference between an "Itinerant Vendor" and a "Mobile Vendor" is that a mobile vendor can solicit business from a parked location whereas an itinerant vendor has to be stopped by customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling fresh flowers or produce is a mobile vendor).

For the purposes of this Policy:

**"Mobile"** means working in one place for a short period of time and then moving on to operate in another place.

**"Itinerant"** means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is parked



“**Vendor**” means someone who promotes, exchanges or hires goods or services for money.

“**Public Place**” includes a road or place which the public are allowed to use, whether or not the road or place is on private property.

## 2.0 Licensing

The following conditions apply to all **itinerant and mobile food vendors** operating or intending to operate within land under the management, care and control of Shire of Wagin'. Trading on land not vested with the Shire will require the applicant to seek the necessary statutory approvals from the managing authority.

- 2.1 All food vendors must have a health clearance certificate issued under the Food Act and Regulations.
- 2.2 Vendors must be present to receive the licence and vehicles must have received a health clearance certificate (see 6.2).
- 2.3 The approval period will be from 1<sup>st</sup> July each year to 30<sup>th</sup> June the following year.
- 2.4 Approvals are not transferable.
- 2.5 A separate approval must be obtained for each vehicle.
- 2.6 Employees of the applicant must be nominated on the licence application form.
- 2.7 An approval fee will exist as specified in Council's fees and charges policy.
- 2.8 All vendors shall be limited to the supply of products and services approved by the Shire.
- 2.9 In response to an issue of public safety (as determined by the Chief Executive Officer) all operations shall cease until the matter has been resolved to the satisfaction of the local government.

## 3.0 General

- 3.1 The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted unless otherwise approved by the Shire..
- 3.2 Itinerant vendors are to move on when all customers at a particular location have been satisfied.
- 3.3 Public liability insurance cover of \$20 million is required where an activity occurs on local government managed land.
- 3.4 The local government may seek contribution towards the upgrading and/or construction of a site.
- 3.5 An approval to operate may be cancelled by Council at its discretion due to non-compliance with any of the requirements outlined in this policy or if a reasonable complaint is received by Council.
- 3.6 A vehicle, cart, stall or the type of food sold etc., cannot be altered without consulting Councils Environmental Health Officer or Planning Officers for approval.
- 3.7 No animal is to be used as part of the vehicle, cart or stall etc.without Shire approval.
- 3.8 No additional flashing or rotating lights, except that required under the Road Traffic Act 1974 , are permitted.
- 3.9 All vehicles must be registered as per the requirements of the Road Traffic Act 1974.
- 3.10 Trading within a reserve controlled by Main Roads WA will not be permitted unless permission is received from Main Roads WA.

- 3.11 Vendors shall not obstruct traffic, pedestrians, entrance ways to shops and laneways.
- 3.12 Illegal, dangerous or offensive goods are not to be sold by the vendor.
- 3.13 No direct soliciting or collecting of donations will be permitted without approval by the Shire.
- 3.14 Banners, signs, bunting and the like are not permitted to be erected without approval.
- 3.15 The vendor's operation must not unduly disrupt normal business activities nor unduly disturb the ambience of both residents and passers-by.
- 3.16 Persons granted approval shall comply with the requirements of this code and such licences must be available to be shown on demand by an authorised officer.
- 3.17 All elements of the stall / vehicle will need to be of a high standard and maintained as to not detract, damage, or lead to the degradation of the Town sites. In the case of such an event occurring, the Shire is to be notified immediately.
- 3.18 Approval for Trading in Public Places Licence is strictly limited to one-year. Inspections and reviews of the service may be conducted by the Shire of Wagin. The Shire of Wagin reserves the right to decline the renewal of, or amend the conditions of all Trading in Public Places Licence in the future.

#### **4.0 Application of Policy**

- 4.1 Vendors are not permitted to operate within 100m of an outlet selling a similar product if that outlet is open.
- 4.2 Vendors are required to obtain permission from event organisers when attending events (For example festivals, charity markets and sporting events).
- 4.3 Any rubbish or waste associated with the business is the responsibility of the Vendor.

If not complied with, Council may revoke the licence to operate or an infringement will be issued.

#### **5.0 Legislative Requirements**

- 5.1 A vendor's operation, including the vehicle, cart or stall, must be in accordance with the requirements of the Food Act 2016.
- 5.2 A vendor's operation must be in accordance with the Environmental Protection Noise Regulations.

#### **6.0 Inspections**

- 6.1 Regular Food Inspections will be carried out by Council's Principal Environmental Health Officer at random. A fee will be charged if the vendor's operation is unsatisfactory in accordance with the Shire's schedule of fees and charges.
- 6.2 A vendor's vehicles, carts, stalls, etc., must be made available for inspection by the Principal Environmental Health Officer for a health clearance certificate which is required to obtain approval. A fee for the inspection, as set out in Council's fees and charges policy, will exist.

#### **7.0 COMMERCIAL RECREATIONAL TOURISM ACTIVITY ON CROWN LAND**

- 7.1 If local government roads, car parks or dual use paths are to be used, then the activity will be assessed in terms of whether it will create a danger or obstruct other uses, or result in a major loss of car parking spaces.

7.2 Activities are to be ancillary and beneficial to the designated purpose of the reserve and do not damage, or lead to the degradation of the local government property. In the event of damage to infrastructure or the environment the Shire may seek costs for repair and restoration works.

7.3 All activities are to demonstrate that they will not create a public nuisance to adjacent residential areas in context of noise, traffic, etc and not create a conflict with the informal users of the reserves.

7.4 Where appropriate, activities should be located adjacent to constructed public car parking areas and public conveniences (within 100 metres). The applicant may be required to contribute towards the construction of the public facilities. Approved applications may be required to contribute towards the upkeep of the local public infrastructure and facilities if considered necessary as a consequence of that activity.

7.5 In response to an issue of public safety (as determined by the Chief Executive Officer) all operations shall cease until the matter has been resolved to the satisfaction of the local government.

## **8.0 Application for Approval**

8.1 Applicants should address the criteria as outlined in Clause 9 and provide the local government with the following information:

- a) Full details of type of service to be operated;
- b) Previous relevant experience of the applicant(s);
- c) Preferred location of operation;
- d) Hours and dates of operation;
- e) Type and numbers of equipment to be hired/used including details of make, age, special features;
- f) Ability to provide appropriate safety requirements and duty of care responsibilities, all of the intended safety measures – i.e. signs;
- g) A cover note or similar statement from an insurance company indicating a willingness to promote insurance coverage (minimum \$20 million public liability coverage required and must be held in Australia);
- h) Any additional information specific to the individual service to be provided.

**9.0** Applicants are to provide a Plan/Diagram of layout of operation upon the public place showing location of equipment, trailers, signs, operators table, what areas are to be used and the like. This needs to be of a scale that demonstrates the location clearly and should not be indicated as being for the entire public place.

## **10 General Approval Terms**

10.1 The local government will prepare all approvals.

10.2 For land not under the care, control and management of the local government, a draft approval will be forwarded to the relevant statutory authority/land owner for consent prior to execution.

10.3 Copies of the approval will be prepared and stamped with one (1) copy to be forwarded to the applicant, one (1) copy to be forwarded to the owner of the land and one (1) copy to be retained by the local government.

10.4 The approval should be signed prior to the commencement of the permitted period to which the approval relates.

1.5 The approval will include an automatic termination clause, if the activity is found to breach any of the conditions of the agreement.

10.6 The approval is with the individual parties and is non-transferable.

10.7 All approvals and Permits are non-exclusive and do not grant the proponent the right to a particular portion of the public place. The proponent will need to renegotiate access with the Shire and/or event organisers when events are scheduled on Shire Reserves.

10.8 All approvals are for one year and subject to review after the first year. The Shire reserves the right to decline the renewal of, or amend the conditions of the approval in the future.

## 11. Fees

Refer to Councils annual fees & charges document

### GUIDELINES

- *Local Government Act 1995*
- *Road Traffic Act 1974*
- *Food Act 2016*

### HISTORY

- May 2015 (Council Resolution #2720)

### RESPONSIBLE OFFICER

- Chief Executive Officer



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# WORKS

## SECTION – WORKS

### W.1. SCHOOL BUS POLICY

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.1</b>                                  |
| <b>POLICY TYPE</b>           | <b>WORKS</b>                                |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>JUNE 2012 (Council Resolution #1938)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

#### OBJECTIVE

That upon request Council will install at its cost, school bus stops safety signs where the conditions meet the Main Roads WA guidelines for installation, i.e.: On approaches to school bus stops which have limited visibility. A bus stop is considered to have limited visibility when approaching drivers who have less than 200m sight distance to any children waiting at the stop.

That safety signs will also be approved if in the opinion of the Manager of Works and Councillor deems a dangerous situation exists.

#### GUIDELINES

- *Main Roads WA Guidelines*

#### HISTORY

- June 2012 (Council Resolution #1938)

#### RESPONSIBLE OFFICER

- Manager of Works

## W.2. STREET TREE POLICY

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.2</b>  |
| <b>POLICY TYPE</b>           | <b>WORKS</b>  |
| <b>DATE ADOPTED</b>          | <b>25 FEBRUARY 2014 (Council Resolution #2363)</b>  |
| <b>REVIEW DATE</b>           | <b>27 SEPTEMBER 2016 (Council Resolution #3112)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>  |

### **OBJECTIVE**

Street tree selection and management needs to be undertaken in the long term interest of the community as a Whole.

To ensure appropriate management of road reserves and town streets with regard to planting and removal, where necessary, of verge trees in accordance with the Shire Street Tree Landscape and Vegetation Implementation Plan – Tree List.

To protect and preserve trees in our streets. It provides rules to determine what species can be planted, circumstances under which they can be removed or pruned, and their ongoing management.

To “Green” the town site by the provision of street trees that are pleasing in appearance and provide extensive shade for the comfort of citizens.

To add value to the public and private realms by reinforcing the character of the Shire as a desirable place to live or visit.

The Shire of Wagin recognises the significant contribution that street trees make to provide a high-quality public realm where people are encouraged to partake in a wide range of activities, meet others and to linger in comfortable surrounds.

This Policy is intended to cover the provision of street trees in the Shire of Wagin, including public parks and gardens and taking into account local conditions.

- The Shire of Wagin values the contribution of trees in achieving a high-quality urban environment and will seek to plant all streets with trees whenever there is an opportunity to do so, within the urban design outcomes for the area. Such plantings will complement any heritage building façade.
- Trees will be selected for individual streets, in accordance with that streets theme and that support the urban design role of each street in the Shires activities. The streets of Wagin have often been planted with each street having a consistent theme, it is proposed to retain that theme and identify that species as the preferred species for that street.
- A diverse range of tree species will be used to reinforce street identity, attract a variety of native bird life to the town, create visual interest and enhance the amenity of the public realm.
- Tree selection will be made from the Tree List, within The Shire of Wagin Landscape and Vegetation Implementation Plan.
- Trees will be planted to form green corridors linking the park lands and major public and civic places.
- All street trees will be managed to maintain them in a healthy state and minimize any adverse impacts of the trees on the public realm.
- Requests from residents/occupants will be considered and, subject to approval, will be required to plant their own street tree from a list of approved varieties and follow Shire guidelines:

- Plant at least three metres away from any public utility junction box, manhole, pole or aerial feeder line.
- Plant on a 2.5 metre alignment from any adjacent property boundary
- Generally plant trees on a spacing interval of one tree per property frontage with similar spacing being maintained on large frontage lots
- Plantings near road intersections and driveway crossover will be subject to Shire staff assessment.
- Watering is encouraged by the resident/occupant during the establishment period – that is for the first two years following planting.
- While trees will always be selected that have a minimal impact on services such as electricity and water, the Shire of Wagin strongly encourages service utilities to minimize the impact of their operations on the street trees of the Shire.
- In the interests of vehicular and pedestrian safety, as well as keeping services clear, street trees on verges shall be of a specific species and planted with a particular alignment

### **Removal of street trees**

- Natural grown, or Shire planted trees can be removed with the Chief Executive Officer's approval when:
  - They are likely to cause damage to public or private property.
  - When they constitute a threat to personal safety, trees that are diseased, decaying, infested or dead, structurally weak or are a traffic hazard.
  - In appropriate instances, they need to be removed for road widening or because they interfere with sewerage or underground services or Western Power supply lines.
  - To facilitate a same tree theme in a particular street.

Responsibility for cost of removal in the above such instances to rest with the Shire of Wagin.

- Private planting, without council approval.
- When street tree removal is approved as part of a development approval – this will be noted as advice on the approval. The approval will also be conditioned to require the applicant to meet the cost of removal by the Shire and the replacement of the tree(s) with a 45L (or as otherwise approved) tree of a species acceptable to the Shire. The applicant will also be encouraged to maintain (water) the new trees for the first two years.
- Where they are obstructing a proposed entranceway and no other means of access is available.

In such circumstances, the responsibility for cost of removal to be that of present owner of property if it can be established that the person was responsible for planting the tree. Where proof of planting cannot be established, council will meet the cost if the criteria for removal are satisfied.

The following are not considered sufficient reason for the removal of trees:

- The tree obscures or potentially obscures views
- The tree variety is disliked
- The tree variety is a nuisance by way of leaf, fruit, nut and/or bark shedding
- The tree causes allergy

The tree shades private gardens, solar hot water installations or the like

The Shire of Wagin is responsible for the planting of all trees with the reserves under its control, care and management, including road reserve tree plantings, revegetation of denuded sites and various community tree planting projects.

The Shire of Wagin is responsible for the pruning of all street trees under power lines and trees affected by electrical feeder lines to individual properties on the opposite side of the street.

### **GUIDELINES**

- *Shire of Wagin Street Tree Plan*





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## **HISTORY**

- 25 February 2014 (Council Resolution #2363)
- 27 September 2016 (Council Resolution #3112)

## **RESPONSIBLE OFFICER**

- Chief Executive Officer

### W.3. ROADSIDE CLEARING OF FENCELINES AND ROAD RESERVES

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.3</b>                                  |
| <b>POLICY TYPE</b>           | <b>WORKS</b>                                |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>JUNE 2012 (Council Resolution #1938)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

#### **OBJECTIVE**

The purpose of this policy is to provide standard guidelines for landholders in the construction or replacement of rural fences along road reserves.

The objectives of this policy are to;

- Detail what is expected of landholders when replacing a fence.
- Give due consideration to roadside conservation and community expectations with respect to road reserves.
- Enable cooperation of landholders and the Shire to undertake joint works where necessary and if possible.
- To enable the maintenance of road reserves with a view to preventing fire hazards from building up and managing the build up of debris/spoil which can become unsafe, unsightly and effect drainage.
- Prevent disputes arising from clearing activities.

Council acknowledges the need to manage fencelines clearing along road reserves in a manner that protects established trees where practical but which enables landholders to construct and maintain fencelines. Council therefore encourages landholders to erect fences inside paddocks in an endeavour to preserve vegetation. Landholders will be permitted to clear fencelines to a width of up to 1 metre onto the road reserve to facilitate the replacement or construction of a fence along the landholder's boundary. In so doing, trees such as white gums and other eucalyptus trees within this 1.5 metres that are healthy and not a threat to the fence are to be retained. It is recognised in this shire that sheok and jam trees generally cause the most consternation to landholders given their lifespan and propensity to fall, spilt etc. It is also acknowledged that their record of regeneration is strong. Therefore where such trees are cleared or dying or threaten to fall onto the fenceline or the roadway they may be removed.

Where it is considered necessary that more extensive maintenance of a road reserve is required Council may at its discretion agree to undertake work in conjunction with the landholder when a fence is being removed. This would mean that spoil and debris could be taken into a landholder's property off the road reserve at this time.

1. Prior to any fenceline clearing a Council inspection is required.
2. Landholders are permitted to clear up to a width of 1.5 metres into the road reserve so long as established white gums and eucalyptus trees are retained where they do not pose a immediate threat to a fence. Branches of these trees may be pruned back.
3. If agreed at inspection dying or decaying sheoak and jam trees that threaten the fenceline or roadway may be removed and other trees may be pruned.

4. Where considered appropriate by Council arrangements can be put in place for Council to undertake more extensive maintenance of a road reserve such as the removal of spoil or debris in conjunction with the landholders clearing activity. This will be subject to budget constraints, availability of manpower, the assessment of necessity and where spoil can be placed on the landholder's property.
5. All old fencing materials and any debris or spoil created by the clearing of a fenceline is to be drawn off the road reserve and disposed of by the landholder on his/her land.
6. The burning, clearing or spraying of any road reserve under the care and control of Council outside of this policy will only be permitted upon written application to Council setting forth the full particulars of the proposal.

Authority to deal with requests to clear roadside vegetation along fencelines is delegated to the Chief Executive Officer or Manager of Works in consultation with a Councillor (s).

Applicants must complete and sign a Roadside Fence Line Clearing Application as part of the inspection process prior to any clearing commencing. To be authorised by Chief Executive Officer after inspection has been completed.

Authority to authorise Council maintenance works on a road reserve in consultation with fenceline clearing is delegated to the Chief Executive Officer in consultation with a Councillor provided that this can be incorporated within Council's road maintenance budget. The Chief Executive Officer may refer any requests to Council for a decision if considered necessary.

#### **GUIDELINES**

- *Department of Water and Environmental Regulations*

#### **HISTORY**

- June 2012 (Council Resolution #1938)

#### **RESPONSIBLE OFFICER**

- Chief Executive Officer



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**W.4. ROAD TRAINS/POCKET ROAD TRAINS AND B DOUBLE TRUCKS ON LOCAL ROADS**

|                      |              |
|----------------------|--------------|
| <i>POLICY NUMBER</i> | <b>W.4</b>   |
| <i>POLICY TYPE</i>   | <b>WORKS</b> |
| <i>DATE DELETED</i>  |              |

## W.5. RURAL DRIVEWAYS AND FARM CROSSOVERS

|                       |       |
|-----------------------|-------|
| POLICY NUMBER         | W.5   |
| POLICY TYPE           | WORKS |
| DATE ADOPTED          |       |
| REVIEW DATE           |       |
| DELEGATION APPLICABLE | NO    |

### **OBJECTIVE**

#### **Rural Driveways**

The driveway is constructed in compliance with standards set down by the

Shire of Wagin while satisfying the following conditions:

- a) Single access only - minimum width 5.5 metres
- b) Turn out curve radius of 6 metres on both sides at road shoulder
- c) Minimum pavement thickness of 150mm of gravel or similar suitable material
- d) The driveway is perpendicular to the road.
- e) A culvert is installed to maintain table drain run off if required
- f) Main Roads traffic safety requirements must be complied with while the work is being done

#### **Farm Crossovers**

That Council provide one crossing to the main farm entrance free of charge and all other crossovers to be at the expense of the landowner.

### **GUIDELINES**

*Nil*

### **HISTORY**

- Nil

### **RESPONSIBLE OFFICER**

- Manager of Works



**W.6. FARM CROSSOVERS**

|                      |              |
|----------------------|--------------|
| <i>POLICY NUMBER</i> | <b>W.6</b>   |
| <i>POLICY TYPE</i>   | <b>WORKS</b> |
| <i>DATE DELETED</i>  |              |

## W.7. GRAVEL PIT REHABILITATION

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.7</b>                                  |
| <b>POLICY TYPE</b>           | <b>WORKS</b>                                |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>JUNE 2012 (Council Resolution #1938)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

### **OBJECTIVE**

- Disused Pits - the sites shall be spread and levelled as much as possible, the site shall be deep ripped at no more than 1 metre intervals where necessary.
- New pits - top soil shall be stock piled. Following annual excavation the top soil shall be pushed over the excavation.

### **GUIDELINES**

*Nil*

### **HISTORY**

- June 2012 (Council Resolution #1938)

### **RESPONSIBLE OFFICER**

- Manager of Works

## W.8. PRIVATE WORKS

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.8</b>                                  |
| <b>POLICY TYPE</b>           | <b>WORKS</b>                                |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>JUNE 2012 (Council Resolution #1938)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

### **OBJECTIVE**

1. That Council delegate under Section 157A of the Local Government Act to the Chief Executive Officer the authority to authorise private works up to a value of \$30,000 provided that:
  - (a) the private works can be performed without detriment to Council's works program
  - (b) an estimate is provided and accepted for the proposed works
2. Works valued over \$30,000 are to be referred to Council for consideration
  - a) any works over \$30,000, a 50% deposit is required prior to commencement of works.
3. Council's Private Works rates are to be utilised in forming estimates.
4. For service providers eg: Telstra, Main Roads etc a receipt of an order number authorising the work must be received (in lieu of payment) prior to commencement of works.

### **GUIDELINES**

*Nil*

### **HISTORY**

- June 2012 (Council Resolution #1938)

### **RESPONSIBLE OFFICER**

- Manager of Works



## W.9. WATER PIPELINES

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.9</b>                                  |
| <b>POLICY TYPE</b>           | <b>WORKS</b>                                |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>JUNE 2012 (Council Resolution #1938)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

### **OBJECTIVE**

1. The pipe be buried 600 mm beneath the roadway
2. White posts marked "Water Pipe" be placed at either end of the line where it crosses the road reserve.
3. The landowner is responsible for all reinstatement costs of the road surface under Council supervision.
4. Council accepts no responsibility for any damage that may occur to the pipe line.

### **GUIDELINES**

*Nil*

### **HISTORY**

- June 2012 (Council Resolution #1938)

### **RESPONSIBLE OFFICER**

- Manager of Works

## W.10. FIREWOOD COLLECTION ON ROAD RESERVES

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.10</b>                                 |
| <b>POLICY TYPE</b>           | <b>WORKS</b>                                |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>JUNE 2012 (Council Resolution #1938)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>NO</b>                                   |

### **OBJECTIVE**

That Council adopt the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) Firewood on Public Road Reserves as policy with the following additions:

“DBCA will not enforce the requirement that persons collecting salvage wood for use as firewood from road reserves hold a flora license for that purpose provided:

1. Firewood can only be collected for personal use.
2. Only take fallen timber. You cannot cut down any standing tree, either dead or alive, or cut or break off any part of a standing tree for firewood. Felling trees can damage nearby vegetation.
3. There is a limit to how much firewood can be removed, and when this can occur. Between 1 June to 30 September, a maximum of one tonne. Between 1 October to 31 May, a maximum of one tonne can only be removed on any one occasion. As a guide, half a tonne equates to approximately a 6 x 4 trailer loaded 30cm deep.
4. Chainsaws must not be used on days of total fire ban or Very High, Severe, Extreme or Catastrophic fire danger ([EmergencyWA](#)).

Note that any other wood product taken for sale or other commercial purposes (for example wood kilns) from road reserves will still need to be taken under an appropriate licence issued by DBCA”.

Council includes also the following conditions:

- i. That for the taking of firewood from road reserves no trees are to be felled at any time.
- ii. Timber is only to be taken off the ground
- iii. All sites are to be left in a safe, clean and tidy state prior to leaving a site.
- iv. The wood collection activities are not to in any way cause a hindrance or hazard to road users.
- v. Council may revoke its approval at any time by notification.
- vi. Maximum licence period to be 12 months from date of issue.
2. That Council delegate authority to the Deputy Chief Executive Officer to grant approval for firewood taking from road reserves subject to the above conditions and that all such approvals be made in writing.

### **GUIDELINES**

- *Local Government Act 1995*

### **HISTORY**

- June 2012 (Council Resolution #1938)
- February 2021 (No changes)

### **RESPONSIBLE OFFICER**

- Deputy Chief Executive Officer



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**W.11. GATE PERMIT**

|                      |              |
|----------------------|--------------|
| <i>POLICY NUMBER</i> | <b>W.11</b>  |
| <i>POLICY TYPE</i>   | <b>WORKS</b> |
| <i>DATE DELETED</i>  |              |

## W.12. URBAN CROSSOVERS GENERAL

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.12</b>                                 |
| <b>POLICY TYPE</b>           | <b>WORKS</b>                                |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>JUNE 2012 (Council Resolution #1938)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>                                  |

### **OBJECTIVE**

1. One four (4) metre wide gravel crossover flared at the road connection per block will be provided upon request at no cost to the landowner.
2. Anything more than a gravel crossover for example bitumen, concrete or brickpaved crossover Council to subsidise 50% of the cost up to a maximum of \$300.00.
3. Landowners may claim the subsidy if they themselves or a contractor perform the work to Council's satisfaction and provide evidence of expenditure within three months of the work being performed.
4. Any more than one crossover will be treated as a private work job and fully paid for by the landowner.
5. The landowner will be responsible for maintenance of their crossovers.

### **GUIDELINES**

*Nil*

### **HISTORY**

- June 2012 (Council Resolution # 1938)

### **RESPONSIBLE OFFICER**

- Chief Executive Officer

**W.13. STAFF USE OF LOCAL GOVERNMENT EQUIPMENT – PRIVATE USE OF COUNCIL PLANT**

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.13</b>                                 |
| <b>POLICY TYPE</b>           | <b>WORKS</b>                                |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>JUNE 2012 (Council Resolution #1938)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>                                  |

**OBJECTIVE**

**USE OF PLANT BY STAFF**

1. There is to be no private use of the depot, workshop or workshop based equipment without prior approval. Each employee to sign an indemnity/disclaimer form absolving Council of liability.
2. Private use of plant and vehicles shall be at the Chief Executive Officers discretion, small plant (eg lawnmower, chainsaw) at the Manager of Works discretion having regard to the following;
  - i) appropriateness and duration of proposed use,
  - ii) that the proposed use is for, and by, the employee for personal and non-commercial use, (NOTE : generally on his/her residential property)
  - iii) the vehicle is to be operated by the regular plant operator being paid by the person requesting the use or else the person themselves if considered competent.
  - iv) any further conditions deemed appropriate by the Chief Executive Officer in the particular circumstance,
3. The cost of hiring shall be the equivalent of the running costs of the plant minus the labour component.
4. A Staff Personal Use of Local Government Plant & Equipment Form shall be completed and retained for Council's records.
5. Staff will be invoiced for total cost of usage upon the return of the item.

**USE OF PLANT FOR COUNCIL HOUSING**

Council plant may be used for the maintenance and upgrading of Council housing property with the consent of the Chief Executive Officer and Manager of Works and subject to conditions deemed necessary to ensure safety and good repair of the plant in question, at no cost.

**USE OF PLANT FOR COMMUNITY / SPORTING GROUPS**

Council plant may be provided to community and sporting groups for major community projects at the discretion of the Chief Executive Officer subject to the following conditions;

1. Availability - use of plant fits in with Councils work program.
2. All fuel used is paid for by the group concerned.

3. The plant shall be used exclusively for the use approved by the Club /Organisation and not for any personal or commercial use.
4. The plant shall be operated by Council's regular operator or an approved Council employee who shall be paid by the Shire and the employees labour rates (only) will be on charged to the requesting Club or Organisation.
5. A Private Use Request Form shall be completed and retained for Council's records

#### **GUIDELINES**

*Nil*

#### **HISTORY**

- June 2012 (Council Resolution #1938)

#### **RESPONSIBLE OFFICER/S**

- Chief Executive Officer
- Manager of Works

## W.14. ROAD MAKING MATERIAL ACQUISITION

|                       |  |
|-----------------------|--|
| POLICY NUMBER         | W.14                                     |
| POLICY TYPE           | WORKS                                    |
| DATE ADOPTED          | NOVEMBER 1997 (Council Resolution #8166) |
| REVIEW DATE           | JUNE 2012 (Council Resolution #1938)     |
| DELEGATION APPLICABLE | NO                                       |

### **OBJECTIVE**

Council from time to time requires road making materials from private property to utilise for a variety of public purposes such as road maintenance and construction.

Locating a suitable quantity and quality of material is often difficult and Council attempts to find the most advantageous deposits to reduce lead times and the cost to the ratepayer of Council works.

#### 1. **Acquisition**

The following procedure shall be Council's normal practice in securing road making materials from private property;

- a) Request permission to search for materials from the owner. Entry powers to be used as a last resort.
- b) The approximate requirement for the project or yearly requirement of materials from the proposed pit shall be calculated as will the expected life of the pit.
- c) If suitable material is located a written agreement (as attached) is to be reached with the owner as to compensation for materials removed.
- d) Priority must be given at all times to reasonable negotiation to reach an amicable agreement mutually acceptable to Council and the owner.
- e) Should agreement for the removal of the road making materials not be reached with the landholder, procedures to resume an area sufficient for immediate and future needs may be instigated.

#### 2. **Compensation**

Compensation for road making materials taken can take the form of cash paid at the rate of \$1.30 (reviewed annually) per cubic metre removed.

#### 3. **Pit Rehabilitation**

Works to rehabilitate the gravel pit once materials are exhausted and shall take place to the landowners satisfaction.

#### 4. **Delegated Authority**

Negotiations, final approval and execution of gravel agreements is delegated to the Chief Executive Officer or Manager of Works.



**SHIRE OF WAGIN**

**AGREEMENT FOR THE EXTRACTION OF ROAD MAKING MATERIALS**

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Materials required: \_\_\_\_\_

Estimated volume \_\_\_\_\_

From location/s \_\_\_\_\_

Anticipated life of pit \_\_\_\_\_

**COMPENSATION**

**Required:** YES/NO

**Payment:** \_\_\_\_\_ at \$1.30 (reviewed annually) per cubic metre

**Conditions and Rehabilitation**

- 1. \_\_\_\_\_  
\_\_\_\_\_
- 2. \_\_\_\_\_  
\_\_\_\_\_
- 3. \_\_\_\_\_  
\_\_\_\_\_

**CONSENT OF LANDOWNER/S**

I hereby give consent for the Shire of Wagin to remove road making materials, as detailed above and in accordance with the conditions outlined.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**ACCEPTANCE BY SHIRE**

On behalf of the Shire of Wagin, I hereby undertake to ensure that the requirements as noted on this form are adhered to:

\_\_\_\_\_

CHIEF EXECUTIVE OFFICER

\_\_\_\_\_

DATE





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## **GUIDELINES**

*Nil*

## **HISTORY**

- November 1997 (Council Resolution #8166)
- June 2012 (Council Resolution #1938)

## **RESPONSIBLE OFFICER**

- Manager of Works



**W.15. RURAL ROAD SIGNS**

|                      |              |
|----------------------|--------------|
| <i>POLICY NUMBER</i> | <b>W.15</b>  |
| <i>POLICY TYPE</i>   | <b>WORKS</b> |
| <i>DATE DELETED</i>  |              |

## W.16. ROAD CLOSURE

|                              |   |
|------------------------------|---|
| <b>POLICY NUMBER</b>         | <b>W.16</b>                                 |
| <b>POLICY TYPE</b>           | <b>WORKS</b>                                |
| <b>DATE ADOPTED</b>          |   |
| <b>REVIEW DATE</b>           | <b>JUNE 2012 (Council Resolution #1938)</b> |
| <b>DELEGATION APPLICABLE</b> | <b>YES</b>                                  |

### **OBJECTIVE**

The purpose of this Policy is to provide standard guidelines for Road Closure for Wagin Events.

The objective of this policy is to provide an approval to Wagin Organisations for the closure of appropriate roadways in conducting an event without needing to refer each request to Council.

Council's approval shall be granted to any Wagin bone-fide organisation to close the roadways necessary for conducting such event.

CEO approval shall be granted to applicants requesting the closure of local roads (only) where deemed necessary. The closure to be carried out by the Shire works staff as directed by the Manager of Works.

The approvals are subject to:

1. The necessary application for an order for a road closure being complete and approved in accordance with the Road Traffic Act 1974.

The Chief Executive Officer is delegated responsibility to provide approvals for such road closures in accordance with this policy.

### **GUIDELINES**

- *Road Traffic Act 1974*

### **HISTORY**

- June 2012 (Council Resolution #1938)

### **RESPONSIBLE OFFICER/S**

- Chief Executive Officer
- Manager of Works



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**W.17. WAGIN REFUSE SITE KEY POLICY**

|                      |              |
|----------------------|--------------|
| <i>POLICY NUMBER</i> | <b>W.17</b>  |
| <i>POLICY TYPE</i>   | <b>WORKS</b> |
| <i>DATE DELETED</i>  |              |