

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday 20th December 2016, commencing at 2:05 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.04 pm – President, Cr. Forsyth declared the meeting open.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE:

Present:

Cr. Forsyth	President/Presiding Person
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. White	Member
Cr. Steber	Member
Cr. Reid	Member
Cr. McNeil	Member
Mr Raymond Griffiths	Chief Executive Officer
Mrs Karen Oborn	Deputy Chief Executive Officer – Minutes
Mr Mick Jones	Manager Works and Services
Mr Garry Tucker	Manager Development Services
Mrs Natasha Giles	Community Development Officer

Apologies:

Leave of Absence: Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTION TAKEN ON NOTICE: Nil

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

6. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **20th December 2016**.

Date	Name	Item No.	Reason

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **20th December 2016**.

Date	Name	Item No.	Reason

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity** interest were made at the Council meeting held on **20th December 2016**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 15th November 2016

COUNCIL RECOMMENDATION

MIN 194/16 MOTION: Moved Cr. White 2nd Cr. McNeil

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 15th November 2016, be confirmed as a true and accurate record

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION: Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS: Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 195/16 MOTION: Moved Cr. Leake 2nd Cr. McNeil

That the President's reports for December 2016 be received

CARRIED 7/0

11.1 CORPORATE SERVICE – AGENDA ITEM

Agenda Reference:	11.1.1
Subject:	Community Requests and Discussion Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	12 th December 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council during the Performance Appraisal process for the Chief Executive Officer requested time during the meeting to bring forward ideas, thoughts and points raised by the community.

November 2016 Council Meeting

MIN 183/16 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council note that no requests or ideas to be actioned.

CARRIED 7/0

October 2016 Council Meeting

MIN 164/16 MOTION - Moved Cr. White 2nd Cr. Leake

That Council;

- *Look into the requirement for a bin at the Baandee Look Out on Bruce Rock Road and look to incorporate into the upgrade being undertaken for the Pipeline Trail;*
- *Approach the Bruce Rock Shire regarding installing a sign pointing to Kellerberrin from Kokerbin rock;*
- *Develop documented guidelines regarding the conditions for using Council land for fundraising purposes through community 'cropping', including an option for Council to lease the properties out commercially, if permissible, in the event there are no community groups wishing to use the land.*

CARRIED 6/0

September 2016 Council Meeting

MIN 151/16 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council;

- **Write to the CRC regarding the defensive driving training course and future opportunities with RAC withdrawing the course availability, with CDO to follow up.**
- **Request the Manager Works and Services reviews the issues raised by the Doodlakine Community Committee members being;**
 - **Main Street Intersection pot holes**
 - **Tolley Road pot holes**
 - **Mather Road between Quarry and Town**
 - **Town Vacant blocks and roadsides fuel loading and limiting the exposure.**

CARRIED 7/0

COMMENT

November 2016 – MIN 183/16

No action required.

October 2016 – MIN 164/16

- 1 – Council has obtained that the cost associated would outweigh the need to place a bin at this look out.
- 2 - Council has contacted Bruce Rock Shire and got approval to install a sign at Kokerbin rock. MW&S is looking into ordering the sign.
- 3 – CEO is currently investigating.

September 2016 – MIN 151/16

Pot hole repairs completed on requested roads.
Mather Road has had tress pruned ready for road works.
Town crew have completed the clean up on vacant blocks and entry in Doodlakine.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Implications will be applicable depending on requests and decision of Council.

POLICY IMPLICATIONS

Policy Implications will depend on items brought forward by Council. During discussions the Policy Manual will be referred to prior to decision being finalised.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

- (1) The council —
 - (a) directs and controls the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

[Section 5.60 inserted by No. 64 of 1998 s. 30.]

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

5.61. Indirect financial interests

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
- (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

notifiable gift means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

value, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers;
 - (b) an interest in the imposition of any rate, charge or fee by the local government;
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - [(e) deleted]*
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,
- then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
 - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
 - (c) the proposed development of that land or any land adjacent to that land,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]

[5.64. Deleted by No. 28 of 2003 s. 112.]

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- Penalty: \$10 000 or imprisonment for 2 years.
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —

- (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.
- Penalty: \$10 000 or imprisonment for 2 years.

5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.

STRATEGIC PLAN IMPLICATIONS:

The Strategic Plan will be the driver and provide Guidance for Council in their decision making process for the community requests.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION:

Council
Community Members.

STAFF RECOMMENDATION

That Council note that no requests or ideas to be actioned.

COUNCIL RECOMMENDATION

MIN 196/16 MOTION - Moved Cr. McNeil 2nd Cr. O'Neill

That Council;

- 1. Authorises Greyland's Dorset Stud permission to agist ~ 20 sheep on Council's lot 438 on Deposited Plan 195528 until 2017 cropping program and to assist in keeping vegetation low;***
- 2. Authorise the Kellerberrin Recreation and Leisure Centre Management Committee progress the Tote, Coulahan and Cottle room relocation drawings and costings as presented;***
- 3. Request the Chief Executive Officer to arrange a meeting with CBH and Growers to discuss the upgrade of the CBH facilities in Kellerberrin that has been discussed since 2013, in March 2017; and***
- 4. Follow up with residents in Bath Street who are leaving green waste in the back lane.***

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 197/16 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss item 11.1.2.

CARRIED 7/0

2.30 pm – Mr Garry Tucker Manager Development Services exited Council Chambers.

2.30 pm – Mr Mick Jones, Manager Works and Services exited Council Chambers.

Agenda Reference:	11.1.2
Subject:	Shire of Kellerberrin/Australia Day Awards Nominations PRIVATE AND CONFIDENTIAL
Location:	Australia Day Awards
Applicant:	Shire of Kellerberrin
File Ref:	ORG:00, PUB:08 & ICR161277
Disclosure of Interest:	N/A
Date:	5 th December 2016
Author:	Natasha Giles, Community Development Officer

COUNCIL RECOMMENDATION

MIN 199/16 MOTION - Moved Cr. Reid 2nd Cr. Leake

Council moves back from behind closed doors

CARRIED 7/0

2.45 pm – Mr Garry Tucker Manager Development Services entered Council Chambers.

2.45 pm – Mr Mick Jones, Manager Works and Services entered Council Chambers.

2.45 pm – Mrs Natasha Giles, Community Development Officer, exited Council Chambers.

Agenda Reference:	11.1.3
Subject:	WE-ROC Council Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Westonia
Applicant:	WE-ROC Council
File Ref:	ORG-10
Disclosure of Interest:	Nil
Date:	08 th December 2016
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 30th November 2016 held at the Council Chambers, Shire of Westonia are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last WE-ROC Council Meeting Minutes held on Wednesday 30th November 2016 held at the Council Chambers, Shire of Westonia.

The intent is to list minutes of each Council Meeting formally as compared to listing these minutes in the Information Bulletin section of Council's monthly Agenda, ensures that Council is;

- a) aware of decision making and proposals submitted
- b) opportunity to prepare agenda items
- c) forward planning to commitments made by the full Council Group and;
- d) return the formality by Member Councils involved in the organization and provision of Executive Support Services of WE-ROC.

Resolutions arising out of the 30th November 2016 WE-ROC Council Meeting summarised hereunder,

RESOLUTION:	Moved: Mr Powell	Seconded: Cr Forsyth
That the Minutes of the Council Meeting held Wednesday 31 August 2016 be confirmed as a true and correct record.		
		CARRIED

RESOLUTION:	Moved: Mr Mollenoyux	Seconded: Cr Truran
That the matter be lifted from the table and no further action taken.		
		CARRIED

RESOLUTION:	Moved: Mr Griffiths	Seconded: Cr Hooper
That:		
<ol style="list-style-type: none"> 1. The Status Report as presented be received; and 2. In addition to writing to the Building Commission, WE-ROC approach WALGA to determine whether work around the issue of gaining approval for alternate fire solutions for buildings greater than 500m² and located within a townsite had been undertaken by other Councils across the State. 		
		CARRIED

RESOLUTION:	Moved: Cr Hooper	Seconded: Cr Royce
That the matters/papers detailed in Item 4.3 be noted.		
		CARRIED

RESOLUTION: **Moved: Mr Griffiths** **Seconded: Cr Truran**
That the WE-ROC Financial Report for the period ending 31 October 2016 be received.
CARRIED

RESOLUTION: **Moved: Cr Truran** **Seconded: Mr Criddle**
That the Accounts Paid for the period 1 August 2016 to 18 November 2016 totalling \$28,291.14 be approved.
CARRIED

RESOLUTION: **Moved: Mr Mollenoyux** **Seconded: Cr Truran**
That WE-ROC:
a) Approve the Draft Financial Report and Representation Letter and authorise the WE-ROC Chair and Executive Officer to sign the Draft Financial Report and authorise the Executive Officer to sign the Representation Letter as indicated; and
b) Note the Management Letter.
CARRIED

RESOLUTION: **Moved: Mr Powell** **Seconded: Mr Criddle**
That RDA Wheatbelt be advised that WE-ROC would like one or more of the following topics used as templates for discussion at the Benefit Cost Analysis workshop to be held in Southern Cross on Wednesday 8 February 2017:

- Tourism;
- Alternative energy;
- Upgrading road network;
- NBN connection; and
- Alternative agriculture.

CARRIED

RESOLUTION: **Moved: Mr Mollenoyux** **Seconded: Cr Forsyth**
That WE-ROC adopt the following meeting schedules for 2017 and for the first meetings of 2018:

WE-ROC Council

- Wednesday 26 April 2017 in Kellerberrin (sundowner meeting)
- Wednesday 28 June 2017 in Merredin
- Wednesday 23 August 2017 in Westonia
- Wednesday 25 October 2017 in Yilgarn (Southern Cross)
- Wednesday 28 February 2018 in Bruce Rock

WE-ROC Executive

- Wednesday 29 March 2017 in Bruce Rock
- Wednesday 24 May 2017 in Kellerberrin
- Wednesday 26 July 2017 in Merredin
- Wednesday 27 September 2017 in Westonia
- Wednesday 29 November 2017 in Yilgarn (Southern Cross)
- Wednesday 7 February 2018 in Bruce Rock

CARRIED

RESOLUTION: **Moved: Cr Forsyth** **Seconded: Mr Mollenoyux**
That WE-ROC re-affirm its support for the medical student vocational and immersion programs in the Wheatbelt and advise the WA Primary Health Alliance and Rural Health West that WE-ROC is prepared to support the program through the provision of accommodation, travel within the regional area (after the students arrive) and food costs.
CARRIED

RESOLUTION: **Moved: Mr Mollenoyux** **Seconded: Cr Truran**

That WE-ROC Memorandum of Understanding for the period 1 July 2016 to 30 June 2017 be adopted and its signing be noted.

CARRIED

RESOLUTION: **Moved: Cr Hooper** **Seconded: Mr Powell**

That WE-ROC extend an invitation to the Minister for Transport. Hon Bill Marmion MLA, and Shadow Minister for Transport, Ms Rita Saffioti MLA, to visit the Wheatbelt to review the road network prior to Christmas and if possible during current harvest.

CARRIED

RESOLUTION: **Moved: Mr Griffiths** **Seconded: Cr Forsyth**

That an application be submitted in relation to the “soft sell” of WE-ROC aged friendly communities and the Shire of Bruce Rock be the lead agency for the application.

CARRIED

RESOLUTION: **Moved: Mr Griffiths** **Seconded: Mr Criddle**

That following the WE-ROC Council Meeting in Bruce Rock on Wednesday 22 February 2017 a “brain storming” session on WE-ROC’s future directions and possible projects for it to undertake be held.

CARRIED

RESOLUTION: **Moved: Mr Griffiths** **Seconded: Mr Criddle**

That WE-ROC make a one-third contribution to the printing of a regional tourism banner, with the cost be funded from the WE-ROC Project Account.

CARRIED

Note: Member Councils also wanted to ensure that the banner included good photographs of the eastern Wheatbelt.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

Nil (not directly in regards to formalisation of the Group other following good administration practices in terms of researching and conducting the business requirements of the Group benchmarked against Minutes, Agenda and Meeting procedure standards- voluntary membership).

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Participation in WE-ROC provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member of WE-ROC.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

Council and Councillors of the Shire of Kellerberrin
WE-ROC Member Councils
Staff Information re Minutes and Agendas of WE-ROC

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 30th November 2016.

COUNCIL RECOMMENDATION

MIN 200/16 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 30th November 2016.

CARRIED 7/0

BACKGROUND

COMMENT

- a) aware of decision making and proposals submitted
- b) opportunity to prepare agenda items
- c) forward planning to commitments made by the full Council Group and;
- d) return the formality by Member Councils involved in the organization and provision of Executive Support Services of CEACA.

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rod Forsyth**

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Stephen Strange**

- CARRIED**

RESOLUTION: **Moved:** Ken Hooper **Seconded:** Rachel Kirby

- CARRIED**

RESOLUTION: **Moved:** Onida Truran **Seconded:** Rachel Kirby

That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Tuesday 27 September 2016 be received.

CARRIED

RESOLUTION: **Moved:** Quentin Davies **Seconded:** Rachel Kirby

That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Monday 17 October 2016 be received.

CARRIED

RESOLUTION: **Moved:** Rachel Kirby **Seconded:** Ken Hooper

1. That the Executive Committee note the recommendations in the Management Letter and provide the following response to the Auditor:

a) In respect to banking authorities it is noted that the Chair, Secretary and Treasurer, together with the Joint Executive Officers are all signatories to the bank account. CEACA's Secretary, Mr Ken Hooper, is already a signatory for electronic banking purposes and arrangements are being progressed to include the Treasurer, Ms Rachel Kirby, as an additional signatory for electronic banking.

b) The recommendation relating to insurance is noted and consideration will be given by CEACA to engaging an insurance broker to assess CEACA's insurance policy and level requirements.

2. That the Executive Officer seek expressions of interest from at least two insurance brokers to provide advice to CEACA on the type of policy/policies and level of insurance cover required.

CARRIED

RESOLUTION: **Moved:** Ken Hooper **Seconded:** Rachel Kirby

1. That the CEACA Executive Committee accept Access Housing Australia's proposal covering a 30 month period at a cost of \$84,000 ex GST, noting the proposal will include:

- Ten days work to prepare project management documents including a consultation process for development of the procurement strategy;**
- 2 days per month (average) for ongoing program management;**
- Monthly written activity report to CEACA;**
- Preparation of 10 quarterly and two annual reports to DRD;**
- Attendance at CEACA meetings by phone or in Perth when required and one face to face Wheatbelt meeting annually.**

2. Executive Officer advise Access Housing Australia of CEACA's decision and assist in the establishment of a contract as soon as practicable for both parties.

CARRIED

RESOLUTION: **Moved:** Rachel Kirby **Seconded:** Ken Hooper

1. That the CEACA Executive Committee recommend to the CEACA Committee that CEACA enter into a contract with Access Housing using as a basis for the contract Standards Australia General Conditions of Contract for Consultants AS 4122-2010, with the contract commencing from 4 August 2016, that being the date CEACA Executive Committee accepted the proposal presented by Access Housing, for 30 month period at a cost of \$84,000 ex GST, noting the proposal will include:

- Ten days work to prepare project management documents including a consultation process for development of the procurement strategy;**
- 2 days per month (average) for ongoing program management;**
- Monthly written activity report to CEACA;**
- Preparation of 10 quarterly and two annual reports to DRD; and**
- Attendance at CEACA meetings by phone or in Perth when required and one face to face Wheatbelt meeting annually.**

CARRIED

RESOLUTION: **Moved: Rod Forsyth** **Seconded: Onida Truran**

That CEACA enter into a contract with Access Housing using as a basis for the contract Standards Australia General Conditions of Contract for Consultants AS 4122-2010, with the contract commencing from 4 August 2016, that being the date CEACA Executive Committee accepted the proposal presented by Access Housing, for a 30 month period at a cost of \$84,000 ex GST, noting the contract will include:

- Ten days work to prepare project management documents including a consultation process for development of the procurement strategy;
- 2 days per month (average) for ongoing program management;
- Monthly written activity report to CEACA;
- Preparation of 10 quarterly and two annual reports to DRD; and
- Attendance at CEACA meetings by phone or in Perth or in the Wheatbelt when required, with a minimum of one face to face Wheatbelt meeting annually.
-

CARRIED

RESOLUTION: **Moved: Louis Geier** **Seconded: Quentin Davies**

That the Project Update (Financial) be received.

CARRIED

RESOLUTION: **Moved: Quentin Davies** **Seconded: Onida Truran**

That the Project Manager's report be noted.

CARRIED

RESOLUTION: **Moved: Louis Geier** **Seconded: David Burton**

That design Concept 2 be chosen as the logo for the Central East Aged Care Alliance Inc with Market Creations requested to make the following changes to the logo:

1. that the font used for Concept 1 be used for Concept 2 without underlining; and
2. the wording under the logo to be "Supporting age friendly communities".

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rachel Kirby**

1. That the Central East Aged Care Alliance Inc (CEACA) Executive Committee recommend to the CEACA Committee that the following meeting schedule be adopted for 2017:

Wednesday 8 March 2017	Ordinary Committee Meeting;
Wednesday 7 June 2017	Ordinary Committee Meeting;
Wednesday 6 September 2017	Ordinary Committee Meeting; and
Wednesday 1 November 2017	AGM and an Ordinary Committee Meeting.

2. The Executive Committee adopt the following meeting schedule for 2017:

Wednesday 8 February 2017;
Wednesday 3 May 2017;
Wednesday 5 July 2017; and
Wednesday 27 September 2017.

CARRIED

RESOLUTION: **Moved: Rachel Kirby** **Seconded: David Burton**

That the Central East Aged Care Alliance Inc Committee adopt that the following meeting schedule for 2017:

Wednesday 22 March 2017	Ordinary Committee Meeting;
Wednesday 7 June 2017	Ordinary Committee Meeting;
Wednesday 6 September 2017	Ordinary Committee Meeting; and
Wednesday 1 November 2017	AGM and an Ordinary Committee Meeting.

CARRIED

RESOLUTION: **Moved: Stephen Strange** **Seconded: Louis Geier**

1. That CEACA does not accept the proposal from the Shire of Wyalkatchem and the Wyalkatchem Senior Citizens Housing Trust (Inc) to form a peppercorn lease with CEACA for the purpose of locating four independent living units at Wyalkatchem.

2. That CEACA advise the Shire of Wyalkatchem and the Wyalkatchem Senior Citizens Housing Trust (Inc) of its decision based upon its belief that houses should only be constructed on land that is freehold to CEACA and that the transfer of land must be equitable for Members.
3. That CEACA extend an invitation to the Wyalkatchem Senior Citizens Housing Trust (Inc) to become a member of CEACA.

CARRIED UNANIMOUSLY

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

Nil (not directly in regards to formalisation of the Group other following good administration practices in terms of researching and conducting the business requirements of the Group benchmarked against Minutes, Agenda and Meeting procedure standards- voluntary membership).

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Participation in CEACA provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member of CEACA.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

Council and Councillors of the Shire of Kellerberrin
CEACA Member Councils
Staff Information re Minutes and Agendas of CEACA

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 2nd November 2016.

COUNCIL RECOMMENDATION

MIN 201/16 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 2nd November 2016.

CARRIED 7/0

Agenda Reference:	11.1.5
Subject:	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
Location:	Via Teleconference
Applicant:	Great Eastern Country Zone of WALGA
File Ref:	OLGOV-16
Disclosure of Interest:	Nil
Date:	8 th December 2016
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Meeting, held on Thursday 1st December 2016 via teleconference, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Thursday 1st December 2016. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure that Council is;

- a. aware of decision making and proposals submitted
- b. opportunity to prepare agenda items
- c. forward planning to commitments made by the full Group and;
- d. return the formality by Member Councils involved.

Note: COUNCIL APPOINTED DELEGATES-GECZ:
President Cr Rodney Forsyth
Deputy President Cr Scott O'Neill

GREAT EASTERN COUNTRY ZONE MEETING: Appointed Delegate Meeting attendance: Cr Forsyth and Raymond Griffiths (CEO).

RESOLUTION: **Moved: Cr Day** **Seconded: Cr O'Connell**

That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 1 September 2016 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Cr Truran** **Seconded: Cr Tarr**

That the Minutes of a Meeting of the Great Eastern Country Zone Executive Committee held Thursday 10 November 2016 be received.

CARRIED

RESOLUTION: **Moved: Cr Truran** **Seconded: Cr O'Connell**

That the Great Eastern Country Zone Executive recommend to the Great Eastern Country Zone that meetings of the Great Eastern Country Zone be held on the following dates during 2017:

**Thursday 23 February 2017 (Merredin);
Thursday 27 April 2017 (Kellerberrin);
Thursday 29 June 2017 (Merredin);
Thursday 24 August 2017 (Kellerberrin); and
Thursday 30 November 2017 (Merredin).**

The Great Eastern Country Zone Executive Committee adopt the following meeting schedule for 2017:

Thursday 9 February 2017;
Thursday 6 April 2017;
Friday 16 June 2017;
Thursday 3 August 2017 (in Perth during Local Government Week); and
Thursday 9 November 2017.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET) : Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

As per Great Eastern Country Zone WALGA resolutions adopted at Zone Meetings

STATUTORY IMPLICATIONS: Nil (not directly in regards to Zone Meeting procedures and resultant actions forwarded onto the Western Australian Local Government Association.

STRATEGIC PLAN IMPLICATIONS

Participation in Great Eastern Country Zone of WALGA provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member of Great Eastern Country Zone. The additional advantage to membership of the Zone is to monitor and actively provide input to Governance, Compliance and Statutory issues that affect the member Local Government, to deliver the required services to its respective community and to operate effectively and efficiently as a local government.

CORPORATE BUSINESS PLAN IMPLCATIONS: Nil (not know at this time)
(Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLCATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION

- Council and Councillors of the Shire of Kellerberrin
- Great Eastern Country Zone Member Councils
- Great Eastern Country Zone of WALGA
- Western Australian Local Government Association

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 1st December, 2016.

COUNCIL RECOMMENATION

MIN 202/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 1st December, 2016.

CARRIED 7/0

Agenda Reference:	11.1.6
Subject:	Wheatbelt Communities Inc Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Westonia
Applicant:	Wheatbelt Communities
File Ref:	N/A
Disclosure of Interest:	Nil
Date:	8 th December 2016
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 30th November 2016 held at the Council Chambers, Shire of Westonia are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last Wheatbelt Communities Inc. Council Meeting Minutes held on Wednesday 30th November 2016 held at the Council Chambers, Shire of Westonia.

The intent is to list minutes of each Council Meeting formally as compared to listing these minutes in the Information Bulletin section of Council's monthly Agenda, ensures that Council is;

- a) aware of decision making and proposals submitted
- b) opportunity to prepare agenda items
- c) forward planning to commitments made by the full Council Group and;
- d) return the formality by Member Councils involved in the organization and provision of Executive Support Services of the Wheatbelt Communities Inc.

Resolutions arising out of the 30th November 2016 Wheatbelt Communities Inc. Council Meeting summarised hereunder,

RESOLUTION: **Moved: Ms Day** **Seconded: Ms Truran**
That the Minutes of the Meeting of Wheatbelt Communities Inc held Wednesday 31 August 2016 be confirmed as a true and accurate record of the meeting.

CARRIED

RESOLUTION: **Moved: Ms Truran** **Seconded: Ms Day**
That the Wheatbelt Communities Financial Report for the period ending 31 October 2016 be received.

CARRIED

RESOLUTION: **Moved: Mr Forsyth** **Seconded: Mr Powell**
That the Accounts Paid for the period 1 July 2016 to 31 October 2016 totalling \$89.10 be approved.

CARRIED

RESOLUTION: **Moved: Ms Day** **Seconded: Mr Criddle**
That the invoice from BHW Consulting for reimbursement for the period to 31 October 2016 for an amount of \$594.53 (incl GST) be approved for payment.

CARRIED

RESOLUTION: **Moved: Ms Truran Seconded: Mr Forsyth**
That the report on the development of a mobile app be noted.

CARRIED

RESOLUTION: **Moved: Ms Truran Seconded: Ms Day**

That the Wheatbelt Communities Inc adopt the following meeting schedule for 2017:

Wednesday 22 February 2017 Ordinary Committee Meeting;
Wednesday 26 April 2017 Ordinary Committee Meeting (the budget for 2017/2018
will be considered at this meeting – with meeting to be
held as an afternoon/sundowner meeting);
Wednesday 23 August 2017 Ordinary Committee Meeting
Wednesday 25 October 2017 Annual General Meeting; and
Wednesday 29 November 2017 Ordinary Committee Meeting.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

Nil (not directly in regards to formalisation of the Group other following good administration practices in terms of researching and conducting the business requirements of the Group benchmarked against Minutes, Agenda and Meeting procedure standards- voluntary membership).

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Participation in Wheatbelt Communities Inc. provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

Council and Councillors of the Shire of Kellerberrin
Wheatbelt Communities Inc. Member Councils
Staff Information re Minutes and Agendas

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 30th November 2016.

COUNCIL RECOMMENDATION

MIN 203/16 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 30th November 2016.

CARRIED 7/0

Agenda Reference:	11.1.7
Subject:	Common Seal Register and Reporting
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM-52
Disclosure of Interest:	N/A
Date:	8 th December 2016
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

To seek Council's endorsement for the application of the Shire of Kellerberrin Common Seal in accordance with the Common Seal Register.

COMMENT

The Shire of Kellerberrin's Common Seal is applied in circumstances where the Shire enters into a legal agreement, lease or undertakes the disposal or acquisition of land.

Application of the Seal is accompanied by the signatures of the President and Chief Executive Officer.

A register is maintained to record all occasions on which the Seal is applied. The register is maintained, updated and should be presented to Council on a quarterly basis. A process will be put in place to ensure that this occurs. It is recommended that Council formalises the receipt of the affixation of the Common Seal Report for endorsement.

Generally, the Common Seal is only applied in circumstances where the Council has specifically resolved to enter into an agreement, lease or dispose of or acquire land. There are however, occasions where the Seal is required to be applied urgently and Council's endorsement is sought retrospectively.

Attached to this report is a short list of agreements that require Council endorsement for use of the Common Seal.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

Clause 19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.
Penalty \$1,000

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION: Nil (not required statutory function of the Council)

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council endorse the affixing of the Shire of Kellerberrin’s Common Seal as per the attached Common Seal Register document.

COUNCIL RECOMMENDATION

MIN 204/16 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council endorse the affixing of the Shire of Kellerberrin’s Common Seal as per the attached Common Seal Register document.

CARRIED 7/0

Agenda Reference:	11.1.8
Subject:	Shire of Kellerberrin 2015/16 Annual Report Adoption
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN-01
Disclosure of Interest:	N/A
Date:	7 December 2016
Author:	Ms Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

The Shire of Kellerberrin auditors have completed the Annual Audit for the financial year ending 30th June 2016 as per the Local Government Act 1995 as amended and the Local Government (Financial Management) Regulations 1996.

The auditors attended Council's offices on the 3rd, 4th and 5th October 2016.

COMMENT

The Financial Statements were completed and audited at the time of the audit visit with all aspects of the audit being attended to with a number of changes being made following the auditors departure in relation to road depreciation, land assets and the treatment of FESA assets.

A number of points were raised in the Independent Auditor's Report regarding the financial ratios. In summary the auditors comment was: *"As most of the ratios are below the accepted industry benchmark and a number of the ratios are trending downwards over the longer term, moving forward, measures/strategies to reverse the downward trends and improve the overall level of the ratios should be considered. We would like to take this opportunity to stress one off assessments of ratios at a particular point in time can only provide a snapshot of the financial position and operating situation of the Shire. As is the case with all ratios and indicators, their interpretation is much improved if they are calculated as an average over time with the relevant trends being considered. We will continue to monitor the financial position and ratios in future financial years and suggest it is prudent for Council and management to do so also as they strive to manage the scarce resources of the Shire".*

The recently adopted long term financial plan (15 year) from 16/17 to 30/31, addresses most of these issues, although not the lack of road funding and the requirement to list FESA assets in Shire registers. These two factors distort the asset ratios.

The auditors noted that there were no other matters to bring to Councils attention, and advised there were no uncorrected misstatements noted during the course of our audit.

Council will continue to strive to improve its financial reporting over the coming financial years.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET) - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Division 4 — General

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister,

by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

Local Government (Financial Management) Regulations 1996

51. Completion of financial report

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.

[Regulation 51 amended in Gazette 18 Jun 1999 p. 2639; 20 Jun 2008 p. 2726.]

STRATEGIC COMMUNITY PLAN IMPLICATIONS – Nil

CORPORATE BUSINESS PLAN IMPLICATIONS – Nil

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS – Nil

COMMUNITY CONSULTATION

Auditors

Chief Executive Officer

Deputy Chief Executive Officer

Administration Staff

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council accepts the recommendation from the Audit Committee, therefore

1. Adopts the Annual Financial Report for the Financial Year 2015/16;
2. Adopts the Audit Report for 2015/16 Financial Year;
3. Adopts the Management Report for the 2015/16 Financial Year;
4. Adopts the Annual Report for the 2015/16 Financial Year inclusive of the above as presented; and
5. Advertises Annual Elector's Meeting be held on 13th February 2017 commencing at 5.30 pm in the Cuolahan Room at the Kellerberrin Recreation and Leisure Centre.

COUNCIL RECOMMENDATION

MIN 205/16 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council accepts the recommendation from the Audit Committee, therefore

- 1. Adopts the Annual Financial Report for the Financial Year 2015/16;***
- 2. Adopts the Audit Report for 2015/16 Financial Year;***
- 3. Adopts the Management Report for the 2015/16 Financial Year;***
- 4. Adopts the Annual Report for the 2015/16 Financial Year inclusive of the above as presented; and***
- 5. Advertises Annual Elector's Meeting be held on Thursday 2nd February 2017 commencing at 5.30 pm in the Cuolahan Room at the Kellerberrin Recreation and Leisure Centre.***

CARRIED 7/0

Agenda Reference:	11.1.9
Subject:	Sale of Industrial Land Lot 302 Tiller Drive
Location:	Lot 302 Tiller Drive, Kellerberrin
Applicant:	Mr Ross Weir
File Ref:	Ass 1730
Record Ref:	ICR16899
Disclosure of Interest:	N/A
Date:	6 th December 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Councils June 2016 Ordinary Council Meeting

MIN 100/16 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council rescinds Minute 05/16 as Mr Carmelo Fondacaro has officially withdrawn the offer to purchase Lot 302 Tiller Drive.

CARRIED 7/0

Councils February 2016 Ordinary Council Meeting

MIN 05/16 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council approves the sale of Council owned Lot 302, Tiller Drive Kellerberrin Deposited Plan 75882, to Carmelo Fondacaro of Unit 1/55 Connelly Street, Kellerberrin, as per Deposited Plan by private agreement for the sum of \$15,500 subject to:

- ***McLeods prepare a contract of sale with development conditions contained within the contract to enforce development on the property within two years, should the development not occur, the land will be transferred back to the Shire of Kellerberrin.***
- ***Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.***
- ***No submissions being received Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.***

CARRIED 5/0

Councils December 2015 Ordinary Council Meeting

MIN 210/15 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council requests the Chief Executive Officer to seek a legal ruling regarding the contractual inclusion of development deadlines.

CARRIED 7/0

REASON: Council wanted to ensure that development deadlines could be incorporated into the contract of sale prior to formally approving the sale.

MIN 169/13 MOTION - Moved Cr. O'Neill 2nd Cr. Bee

That Council approves the sale of Council owned Lot 308, Tiller Drive Kellerberrin Deposited Plan 75882, Noel Mervyn Lawrence and Marnie Evelyn Lorraine Sauer of Lot 3 Great Eastern Highway, Kellerberrin, as per Deposited Plan by private agreement for the sum of \$8,975.10 subject to:

- ***Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.***
- ***No submissions being received Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.***

CARRIED 6/0

MIN 170/13 MOTION - Moved Cr. Clarke 2nd Cr. Forsyth

That Council approves the sale of Council owned Lot 307, Tiller Drive Kellerberrin Deposited Plan 75882, to Clive Andrew Betty and Kerry Betty of Lot 12593 Goodie Road, Wongan Hills, as per Deposited Plan by private agreement for the sum of \$9,499.20 subject to:

- ***Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.***
- ***No submissions being received Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property***

CARRIED 6/0

Council in December 2009 purchased Lots 103 and 104 from the GW Tiller Estate on Mather Road.

Council purchased the land with the view to sub-divide the two lots into further developed lots catering for Industrial Lots for Sale and creation of additional industry to Kellerberrin. Council engaged Mr Paul Bashall of Planwest to provide Council with a workable design from the newly purchased parcels of land, which would allow Council to provide new fully serviced Industrial Land for Sale.

The attached plan being Deposited Plan 75882 illustrates the sub-division and the lots allocated from the land Council purchased.

Council has in the process of this sub-division sold land to Premium Grains Pty Ltd, Co-operative Bulk Handling, Mark Harrison & Lynette Mealey and Moylan Grain Silos.

MIN 58/10 MOTION - Moved Cr. Lamplugh 2nd Cr. Bee

1. ***That Council approves the sale of Council owned Part Lot 104 known as New Lot 24, 25, 26 and 27 Mather Road Kellerberrin as per subdivision plan, to Co-operative Bulk Handling of 50 Kings Park Road, West Perth, as per subdivision guide plan by private agreement for the sum of \$85,770.00***

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

MIN 32/10 MOTION - Moved Cr. Bee 2nd Cr. Clarke

- 1. That Council approves the sale of Council owned Part Lot 103 and Part 104 known as New Lot 28 Mather Road Kellerberrin as per subdivision plan, to Mr Michael Joseph Moylan and Mrs Helen Moylan of 69 Moore Street, Kellerberrin, as per subdivision guide plan by private agreement for the sum of \$48,186.45.**
- 2. That Council approves the sale of Council owned Part Lot 103 known as New Lot 7 Mather Road Kellerberrin as per subdivision plan, to Eastern Districts Seed Cleaning Company of Po Box 21, Kellerberrin, as per subdivision guide plan by private agreement for the sum of \$30,023.86.**
- 3. That Council approves the sale of Council owned Part Lot 103 known as New Lot 9 Mather Road Kellerberrin as per subdivision plan, to Mr Mark Walter Harrison and Ms Lynette June Mealey of 10 Bedford Street, Kellerberrin, as per subdivision guide plan by private agreement for the sum of \$11,152.35.**
- 4. That Council approves the sale of Council owned Part Lot 103 and Part 104 known as New Lot 13 Mather Road Kellerberrin as per subdivision plan, to Premium Grain Handlers of Po Box 1311, Fremantle, as per subdivision guide plan by private agreement for the sum of \$28,912.87.**

CARRIED 7/0
BY ABSOLUTE MAJORITY

COMMENT

Council earlier in the year was approached by Mr Ross Weir for the opportunity to purchase Lot 302 Tiller Drive, for the purposes of a trucking Depot yard. Mr Weir owns a trucking company and undertakes majority of his business to the East of Kellerberrin and is currently located in Bakers Hill therefore is looking for something a little closer.

The issues originally with the site was around RAV 7 access which may inhibit his operations, therefore Council over the past several months has been discussing with Main Roads the ability to have RAV 7 access from Great Eastern Highway through to Council's Depot Area. The current issues is "Lane Correct" from the Highway onto Steelweld Road, however Main Roads are looking into the issue.

Mr Weir has since been in contact with Council again and has advised he would like to go ahead with the purchase and the RAV 7 issued continued to be pursued.



FINANCIAL IMPLICATIONS –

Council has been offered \$15,500 plus GST for Lot 302, Tiller Drive.

There will be expenditure associated with Settlement Fees which will be deducted from the income received and Income associated with the Sale.

General Ledger	Budget	Actual	Difference
148349	\$15,972	\$0	\$15,972

The total costs association with this course of action is unknown.

With this action should it progress to a hearing, Mr Robert may also be found guilty and a fine may be applied as per section 115 as listed below.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (2) *Except as stated in this section, a local government can only dispose of property to;*
- a. *the highest bidder at public auction; or*
 - b. *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. *describing the property concerned;*
 - ii. *giving details of the proposed disposition; and*
 - iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*

and

- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. *the names of all other parties concerned;*
 - b. *the consideration to be received by the local government for the disposition; and*
 - c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

3.59. Commercial enterprises by local governments

- (1) *In this section —*

acquire *has a meaning that accords with the meaning of “dispose”;*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

land transaction *means an agreement, or several agreements for a common purpose, under which a local government is to —*

- (a) *acquire or dispose of an interest in land; or*
- (b) *develop land;*

major land transaction *means a land transaction other than an exempt land transaction if the total value of —*

- (a) *the consideration under the transaction; and*
- (b) *anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking *means a trading undertaking that —*

- (a) *in the last completed financial year, involved; or*
- (b) *in the current financial year or the financial year after the current financial year, is likely to involve,*

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking *means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of “land transaction”.*

- (2) *Before it —*

- (a) *commences a major trading undertaking;*
- (b) *enters into a major land transaction; or*

- (c) enters into a land transaction that is preparatory to entry into a major land transaction,
- a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- (a) its expected effect on the provision of facilities and services by the local government;
 - (b) its expected effect on other persons providing facilities and services in the district;
 - (c) its expected financial effect on the local government;
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - and
 - (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.
- * Absolute majority required.
- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and

for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

- (10) For the purposes of this section, regulations may —
- (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Our Vision

The Shire of Kellerberrin will be diverse and welcoming to all members of the community and visitors. We will be open to various cultures and industries and we will strive to provide a community that is safe. Our focus will be to develop a community that is prosperous and economically sustainable, rich and vibrant.

Our Vision is:

*To welcome diversity, culture and industry;
promote a safe and prosperous community
with a rich, vibrant and sustainable lifestyle for all to enjoy.*

Our Focus Areas

Our vision will be achieved in five (5) key focus areas. These focus areas identify what we will be concentrating on to get us to where we want to be and to achieve our long term goal of being a diverse, cultural, safe, prosperous, vibrant and sustainable community. The key focus areas are:

4 Economic Development

Refers to the economic opportunities which Council will strive to enhance to create a prosperous, sustainable and viable community

To retain the population and diverse demographics in the region through ongoing economic development and the creation of economic and commercial opportunities to boost the local economy.

Economic issues, such as employment, population retention and growth and improving the local economy are key factors that concern the sustainable development of our community.

Theme 4: Prosperity

To develop a community that fosters and encourages long term prosperity and growth and presents a diverse range of opportunities.

4.1 We are a sustainable, economically diverse and strong community.	4.1.1 To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.	✓		✓	✓	
	4.1.2 To work with local businesses to improve and enhance the quality of service provided.	✓		✓	✓	

	4.1.3 To identify economic trends and create employment and business opportunities for the local community.	✓		✓	✓	
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Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

An Overview

The key issues currently faced by our community are the decline in employment and population, and the need to improve the status of our local economy.

There is a strong desire to retain the population and demographics in the region and to boost our local economy through the creation of commercial, retail and industrial opportunities.

Our Objective

- To create an environment that will encourage economic growth and employment opportunities.

Our Desired Outcomes

- A community that is economically sustainable, able to offer a range of diverse opportunities to local residents, commercial, retail and industrial operators.

Our Goals

4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.
4.1.2	To work with local businesses to improve and enhance the quality of service provided.
4.1.3	To identify economic trends and create employment and business opportunities for the local community.

Our Delivery Strategy

Goal 4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.
Council's Role	<ul style="list-style-type: none"> ■ To identify opportunities to enhance the local economy. ■ To collaborate and facilitate discussions with external / private parties on business, commercial and industrial ventures in the Shire. ■ To undertake long term economic development and marketing planning for the Shire, focussing on the local and regional economy and opportunities. ■ Work with external government and non-government agencies to develop programs and initiatives to promote economic development in the region and identify new ventures / opportunities to create economic opportunities.
Anticipated Results	<ul style="list-style-type: none"> ■ Effective communication and network / relationship building with external private parties and government / non-government agencies. ■ Improved economic profile for the region. ■ Creation of opportunities for the Shire that will booster the local economy. ■ Improved participation by the community. ■ A stronger and more sustainable community.
Performance Measure	<ul style="list-style-type: none"> ■ Increase in local economic activity ■ Status of employment and jobs. ■ Level of community satisfaction in relation to the quality and quantity of services available. ■ Financial status
Relationship to Key Focus	<ul style="list-style-type: none"> ■ Social

Areas	<ul style="list-style-type: none"> ■ Governance ■ Economic Development
Goal 4.1.2	To work with local businesses to improve and enhance the quality of service provided.
Council's Role	<ul style="list-style-type: none"> ■ To establish relationships with local business providers to identify and understand key issues and opportunities to assist in the promotion of services. ■ To facilitate discussions with external agencies and government departments to identify opportunities to enhance and assist local business providers within the community. ■ To develop initiatives with external parties to educate and improve the welfare of local businesses.
Anticipated Results	<ul style="list-style-type: none"> ■ Improved relationships between external parties and Council ■ Identification of employment and commercial opportunities to improve the local economy
Performance Measure	<ul style="list-style-type: none"> ■ Increase in local economic activity ■ Status of employment and jobs. ■ Level of community satisfaction in relation to the quality and quantity of services available. ■ Financial status
Relationship to Key Focus Areas	<ul style="list-style-type: none"> ■ Social ■ Governance ■ Economic Development
Goal 4.1.3	To identify economic trends and create employment and business opportunities for the local community.
Council's Role	<ul style="list-style-type: none"> ■ To work with local business communities and education and health service providers to identify what is required to improve and enhance services. ■ To facilitate discussions with external parties and government agencies to identify ways of improving economic, education and training opportunities within the community. ■ To establish relationships with external parties and government / non-government agencies to identify opportunities, programs and initiatives that will benefit the community. ■ To seek funding from external parties / government agencies to support the development and implementation of economic and employment programs and initiatives.
Anticipated Results	<ul style="list-style-type: none"> ■ Improved relationship between Council and external parties ■ Greater opportunity for collaboration with external parties on key local economic initiatives and programs ■ Increased level of funding and support from external parties to promote economic and employment initiatives.
Performance Measure	<ul style="list-style-type: none"> ■ Increase in local economic activity ■ Status of employment and jobs. ■ Level of community satisfaction in relation to the quality and quantity of services available. ■ Financial status
Relationship to Key Focus Areas	<ul style="list-style-type: none"> ■ Social ■ Governance ■ Economic Development

CORPORATE BUSINESS PLAN IMPLICATIONS - NIL

(Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLICATIONS - NIL

COMMUNITY CONSULTATION

Chief Executive Officer
Councillors

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:

- 1. Authorise the Chief Executive Officer to give local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of Lot 302 Tiller Drive, Kellerberrin to RJD Investments Trust, 835 Brooking Road, Hoveal, WA, 6071.*
- 2. If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of land documentation.*
- 3. If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.*

COUNCIL RECOMMENDATION

MIN 206/16 MOTION - Moved Cr. Steber 2nd Cr. White

That Council:

- 1. Approves the sale of Council owned Part Lot 104 known as New Lot 302 Tiller Drive as per subdivision plan, to RJD Investment Trust, 835 Brooking Road, Hoveal, WA 6071, as per subdivision guide plan by private agreement for the sum of \$15,500.00 plus GST.***
- 2. Authorise the Chief Executive Officer to give local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of Lot 302 Tiller Drive, Kellerberrin to RJD Investments Trust, 835 Brooking Road, Hoveal, WA, 6071.***
- 3. If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of land documentation.***
- 4. If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.***

CARRIED 7/0

Agenda Reference:	11.1.10
Subject:	November 2016 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	7 th November 2016
Author:	Miss Codi Mullen, Administration Officer

BACKGROUND

Accounts for payment from 1st November 2016 – 30th November 2016

Trust Fund

EFT & CHQ

TRUST TOTAL	\$ 0.00
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Municipal Fund

Cheque Payments

34138 - 34155	\$ 33,203.72
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EFT Payments

6494 - 6607	\$ 743,229.31
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Direct Debit Payments	\$ 63,756.82
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TOTAL MUNICIPAL	\$ 840,189.85
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COMMENT

During the month of November 2016, the Shire of Kellerberrin made the following significant purchases:

Kellerberrin Recreation & Leisure Centre Management Advisory Committee	\$ 186,010.43
Proceeds received from Glencore Grain for Community Crop	
Colas WA Pty Ltd	\$ 124,839.62
To Supply 2 Coat Cutback Bitumen Primer sealing	
Peak Transport	\$ 57,750.46
Pick up and deliver aggregate Hanson's to Baandee Nth road	
Western Stabilisers	\$ 49,493.41
To Supply Wet mixing at \$0.79/m2 and mobilisation for Baandee North Road	
LGIS Property	\$ 37,319.46
Second Instalment Property	
LGIS Workcare	\$ 26,217.05
LGIS Workcare Contribution Second Instalment	
Great Southern Fuel Supplies	\$ 19,764.33
Fuel Purchase for September 2016	
Youlie and Son Spreading Services	\$ 16,325.10
Grading, Water Truck & Roller for works at Yelbeni Rd throughout October 16	
Great Southern Fuel Supplies	\$ 16,281.03
Fuel Purchase October 2016	
Sunbather WA	\$ 11,756.25
Supply and install solar pool heater. 50% deposit	
Tuss Group Pty Ltd	\$ 11,691.90
Link slabs .etc. for repairs	
EnLocus Pty Ltd	\$ 11,082.50
Professional Fees for Skate Park. Project Inception, Design Development - Stages 1 & 2, Final Payment	
Shaun's Mobile Mechanical Service	\$ 10,032.00
Works carried out in October & November 16	
LGIS Liability	\$ 9,323.02
LGIS liability Contribution Second Instalment	

Water Corporation	\$ 8,968.62
Water Charges for various properties Aug - Oct 16	
Daves Tree Service	\$ 8,932.00
Tree pruning for pool heater and western power lines.	
Avon Waste	\$ 8,660.71
Domestic & Commercial Refuse July 16	
R Munns Engineering Consulting Services	\$ 8,318.11
Pegging North Baandee Road.	
Youlie and Son Spreading Services	\$ 7,935.40
Maintenance Grading Services	
Marketforce	\$ 7,073.81
Advertising for Plant Operator/General Hand 12/11 and 19/11	
WA Local Government Superannuation Plan Pty Ltd	\$ 6,894.84
Payroll Deductions & Superannuation Contribution	
WA Local Government Superannuation Plan Pty Ltd	\$ 6,855.16
Payroll Deductions & Superannuation Contribution	
STS West Pty Ltd	\$ 6,128.00
Rib logger, water bottles, batteries & tyres	
Kellerberrin Community Resource Centre	\$ 6,016.11
Licencing Commissions August 16	
Automated Surveys Pty Ltd	\$ 5,444.00
Statutory Fees for lodgement and processing Sub-division Application	
Shire of Northam	\$ 4,954.75
Old Quarry Tipping Fees September 16	
Geraldine Nominees T/AS Daimler Trucks Perth	\$ 4,929.43
Parts for Vehicles	
E Giles & Co.	\$ 4,861.45
To extract gravel from Giles Pit - Nth Baandee Rd 8,839m	
Malatesta Road Paving & Hot Mix	\$ 4,840.00
Repair damage on Dowding street , profile and seal humps	
Peak Transport	\$ 4,598.00
supply prime mover and side tipper for Baandee road, other work for October 16	
SafetyQuip Midland	\$ 4,576.49
Outside Staff Uniform 16/17	
Synergy	\$ 4,509.05
Streetlight Tarrif 25 Sept - 24 Oct & Power consumption various properties Sept - Oct 16	
Farmways Kellerberrin Pty Ltd	\$ 4,087.69
Chemicals for pool water treatment, parts & Misc. items under \$100.00	

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2016/2017 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and

- (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;
 And
 - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLCATIONS - Nil
(Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council notes that during the month of November 2016, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.

1. *Municipal Fund payments totalling **\$840,189.85** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$0.00** on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 207/16 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council notes that during the month of November 2016, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.

1. ***Municipal Fund payments totalling **\$840,189.85** on vouchers EFT, CHQ, Direct payments***
2. ***Trust Fund payments totalling **\$0.00** on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

Agenda Reference:	11.1.11
Subject:	Financial Management Report, Direct Debit List and Visa Card Transactions for the month November 2016
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	6 December 2016
Author:	Jennine Ashby, Senior Finance Officer

BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of November 2016.

Enclosed is the Monthly Financial Report for the month of November 2016.

Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
1-Nov-16	Westnet	Monthly Static IP, Annual Anti-spam, DNS	\$	144.94
1-Nov-16	National Australia Bank	Merchant Fees	\$	180.70
1-Nov-16	National Australia Bank	Merchant Fees	\$	190.39
2-Nov-16	Shire of Kellerberrin	EFT Payment	\$	11,756.25
3-Nov-16	National Australia Bank	VISA Transactions	\$	4,575.17
3-Nov-16	Shire of Kellerberrin	Payroll	\$	52,468.52
4-Nov-16	Shire of Kellerberrin	Payroll - Click Super	\$	7,711.79
4-Nov-16	Shire of Kellerberrin	EFT Payment	\$	120,209.68
9-Nov-16	Shire of Kellerberrin	EFT Payment	\$	39,880.51
11-Nov-16	DLL Group	Monthly Photocopier Lease	\$	265.21
15-Nov-16	SG Fleet	Monthly Lease Payment	\$	3,752.07
16-Nov-16	Australian Taxation Office	BAS October 2016	\$	857.00
17-Nov-16	Shire of Kellerberrin	EFT Payment	\$	10,032.00
17-Nov-16	Shire of Kellerberrin	Payroll	\$	50,391.99
17-Nov-16	Shire of Kellerberrin	Reserve Transfer-Matured Term Deposit	\$	512,639.70
18-Nov-16	Shire of Kellerberrin	Payroll - Click Super	\$	7,672.11
22-Nov-16	National Australia Bank	Connect Fee Access and Usage	\$	56.74
23-Nov-16	Shire of Kellerberrin	EFT Payment	\$	6,649.00
25-Nov-16	Shire of Kellerberrin	EFT Payment	\$	244,117.95
30-Nov-16	National Australia Bank	Merchant Fees	\$	0.70
30-Nov-16	National Australia Bank	Merchant Fees	\$	137.57
30-Nov-16	National Australia Bank	Merchant Fees	\$	139.85
30-Nov-16	National Australia Bank	BPAY Charges	\$	63.24
30-Nov-16	National Australia Bank	Account Fees - Municipal	\$	68.00
30-Nov-16	National Australia Bank	Account Fees - Trust	\$	59.00
TOTAL			\$	<u>1,074,020.08</u>

Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
30-Nov-16	Department Transport	Direct Debit-Licensing Payments Nov 16	\$	54,486.25
TOTAL			\$	<u>54,486.25</u>

Visa Card Transactions

Date	Name	Details	\$	Amount
07-Nov-16	BP Bellevue	Diesel Fuel - KE001	\$	171.00
08-Nov-16	DKT Rural Agencies	Purchases for Baandee North Road	\$	170.50
14-Nov-16	Esplanade Fremantle	LGMA WA Conference - R Griffiths	\$	931.36

17-Nov-16	Ross's Diesel Service	Vehicle Inspections KE2495 and KE179	\$	204.30
28-Nov-16	National Australia Bank	Card Fee	\$	9.00
		TOTAL - CEO	\$	1,486.16
31-Oct-16	SMJ United, Meckering	Unleaded Fuel - KE002	\$	43.00
31-Oct-16	Caltex StarMart Bunbury	Unleaded Fuel - KE002	\$	74.00
01-Nov-16	Kellerberrin Resource Centre	Plate Change	\$	16.60
02-Nov-16	Puma El Caballo	Unleaded Fuel - KE002	\$	42.81
02-Nov-16	M Harrison & L Mealey	Staff Consumables	\$	17.10
03-Nov-16	Kellerberrin Farmers Co-Op	Staff Consumables	\$	42.77
03-Nov-16	Kellerberrin Farmers Co-Op	Staff Consumables	\$	32.50
04-Nov-16	Puma El Caballo	Unleaded Fuel - KE002	\$	75.00
14-Nov-16	Caltex StarMart	Unleaded Fuel - KE002	\$	62.51
14-Nov-16	Esplanade Fremantle	LGMA WA Conference - K Oborn	\$	958.63
16-Nov-16	BP Baldivis	Unleaded Fuel - KE002	\$	39.86
28-Nov-16	National Australia Bank	Card Fee	\$	9.00
		TOTAL - DCEO	\$	1,413.78
		TOTAL VISA TRANSACTIONS	\$	2,899.94

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2016/2017

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
 - (a) according to nature and type classification; or

- (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

- 1) That the Financial Report for the month of November 2016 comprising;
 - (a) Statement of Financial Activity
 - (b) Note 1 to Note 9
- 2) That the Direct Debit List for the month of November 2016 comprising;
 - (a) Municipal Fund – Direct Debit List
 - (b) Trust Fund – Direct Debit List
 - (c) Visa Card Transactions

Be adopted.

COUNCIL RECOMMENDATION

MIN 208/16 MOTIONS - Moved Cr. O'Neill 2nd Cr. Reid

- 1) That the Financial Report for the month of November 2016 comprising;**
 - (a) Statement of Financial Activity**
 - (b) Note 1 to Note 9**
- 2) That the Direct Debit List for the month of November 2016 comprising;**
 - (a) Municipal Fund – Direct Debit List**
 - (b) Trust Fund – Direct Debit List**
 - (c) Visa Card Transactions**

Be adopted.

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 209/16 MOTIONS - Moved Cr. Steber 2nd Cr. Reid

That Council moves item 11.1.12 to be considered at the conclusion of item 11.2.5

CARRIED 7/0

3.15 pm - Council Meeting was adjourned to conduct Citizenship Ceremony

3.50 pm – Council returned from the Citizenship Ceremony adjournment.

11.2 DEVELOPMENT SERVICES – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: November 2016
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	8 th December 2016.
Author:	Mr Garry Tucker, Manager Development Services

BACKGROUND

Council has provided delegated authority to the Chief Executive Officer, which has been delegated to the Building Surveyor to approve of proposed building works which are compliant with the Building Act 2011, Building Code of Australia and the requirements of the Shire of Kellerberrin Town Planning Scheme No.4.

COMMENT

1. There were No applications received for a "Building Permit" during the November 2016 period. A copy of the "Australian Bureau of Statistics appends.
2. There were No "Building Permits" issued in the November 2016 period. See attached form "Return of Building Permits Issued".

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

There is income from Building fees and a percentage of the levies paid to other agencies. Ie: "Building Services Levy" and "Construction Industry Training Fund" (when construction cost exceeds \$20,000)

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

- Building Act 2011
- Shire of Kellerberrin Town Planning Scheme 4

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLCATIONS - Nil (Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council

1. Acknowledge the "Return of Proposed Building Operations" for the November 2016 period.
2. Acknowledge the "Return of Building Permits Issued" for the November 2016 period.

COUNCIL RECOMMENDATION

MIN 210/16 MOTION - Moved Cr. Steber 2nd Cr. White

That Council

1. *Acknowledge the "Return of Proposed Building Operations" for the November 2016 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the November 2016 period.*

CARRIED 7/0

Agenda Reference:	11.2.2
Subject:	Town Planning Scheme 4, Amendment 2
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	TPLAN 08
Disclosure of Interest:	N/A
Date:	5 th December 2016.
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's November Ordinary Council Meeting - Tuesday 17th November 2015.

MIN 194/15 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council Pursuant to Section 50 (3) of the Planning & Development Act 2015 hereby support the Local Planning Scheme 4, Amendment 1 without modification.

CARRIED 7/0

Council's August Ordinary Council Meeting - Tuesday 18th August 2015.

MIN 143/15 MOTION - Moved Cr. Leake 2nd Cr. Daley

That Council

- 1. Pursuant to Section 75 of the Planning & Development Act 2005, hereby amends the above Local Planning Scheme 4 by:***
 - a. rezoning Lot 2 and portion of Lot 3777 Great Eastern Highway, KELLERBERRIN, from 'Special Use - SU3' and 'General Agriculture' to a new 'Special Use – SU 3' as more clearly shown on the Scheme Amendment Map.***
 - b. Amending Special Use in Schedule 4 – Special use zones by deleting Special use zone No 3 and inserting a new Special use No 3 zone***
- 2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;***
- 3. Forward the Town Planning Scheme Amendment to the Environmental Protection Authority, requesting that the level of assessment for the amendment be set pursuant to Section 48A of the Environmental Protection Act 1986 (as amended); and***
- 4. Upon receipt of the level of assessment from the Environmental Protection Authority, advertise the amendment for a period of 42 days via the placement of an advertisement in a locally circulating newspaper, erection of a notice in the Shire Offices and the posting of notices to affected parties and servicing agencies***
- 5. Ensure that Main Roads WA have approved the additional access to highway.***

CARRIED 6/0

COMMENT

To consider proposed Amendment No. 2 to Planning Scheme No. 4 to align the scheme with the deemed provisions contained in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations) and to provide an overview of the regulations.

Section 256 of the Planning and Development Act provides for the Minister for planning to make regulations in regard to planning schemes.

Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) came into effect on 19 October 2015. They replace the *Town Planning Regulations 1967* and associated Model Scheme Text (MST). The regulations are a major part of the planning reform agenda being undertaken by the State Government.

The regulations consist of three elements being:

- Regulations that govern the preparation and amendment of local planning strategies and schemes, and the review of local planning schemes;
- Model Scheme Provisions (Schedule 1) that should be followed in all local planning schemes; and
- Deemed Provisions (Schedule 2) that automatically apply in every operational local planning scheme in Western Australia.

Local Planning Strategies and Schemes

The processes for adopting local planning strategies and schemes are consistent with those contained in the previous regulations.

Scheme amendments

The regulations introduce a track based approach to local planning scheme amendments that enables amendments to be classified as either a basic, standard or complex amendment.

The amendment types are defined in r34, and can be summarised as follows:

- Basic: an amendment of an administrative nature including:
- correction of an administrative error
 - incorporating model provisions
 - compliance with the deemed provisions
 - compliance with an Act or State Planning Policy
 - zoning of land that is consistent with an approved structure plan, where the zones exist within the schemes
- Standard: an amendment that is:
- consistent with a zone or reserve
 - consistent with a local planning strategy
 - consistent with a structure plan but the zones do not exist within the scheme
 - considered to have minimal impact on surrounding land
 - not basic or complex
- Complex: an amendment that is:
- not consistent with a local planning strategy
 - not addressed in a local planning strategy
 - to be made at the direction of the Minister
 - for a development contribution area or development contribution plan
 - of a scale that is significant relative to development in the locality.

The classification of an amendment in turn influences the consultation requirements and timeframes in which the amendment must be dealt with. The public consultation requirements have been amended, in addition to timeframes now being imposed on both the local government and WAPC for processing of the amendment, as outlined in the table below:

Scheme Amendment type	Advertising	Local government consideration period (post advertising)	WAPC timeframe to make recommendation to Minister
Basic	No advertising required Amendment to be provided to WAPC within 21 days of Council resolution to prepare or adopt	N/A	42 days
Standard	42 days	60 days post end date of submission period	60 days
Complex	60 days *WAPC approval required prior to advertising	90 days post end date of submission period	90 days

A local government can apply to the WAPC for an extension of the consideration period. The WAPC can extend their timeframe to make a recommendation to the Minister subject to the approval of the Minister or an authorised person. There are no timeframes imposed on the Minister to make a decision.

A Council resolution will still be required to prepare or adopt a scheme amendment and the resolution will need to specify the classification of the amendment and an explanation as to why the amendment type is appropriate.

Model Provisions

The model provisions are to be used when new planning schemes are being prepared. They contain the scheme provisions in regard to matters such as the zones and reserves, objectives, land use permissibility, development standards and special control areas. The model provisions can be varied, subject to the approval of the Minister.

Deemed Provisions

Section 257B of the *Planning and Development Act 2005* provides the ability for deemed provisions to be enforced as part of each local planning scheme to which they apply.

From the 19 October 2015, the deemed provisions contain in Schedule 2 of the regulations, form part of Scheme No. 4. Where there is a conflict or inconsistency between the provisions of Scheme No. 4. and the deemed provisions, the deemed provisions prevail. The Shire is required to comply with, and where appropriate, enforce the deemed provisions, as they form part of the Scheme. .

The deemed provisions deal primarily with administrative matters of the scheme, including information to be submitted with a development application, advertising of applications, matters to be considered when determining applications and the determination of development applications.

The deemed provisions do also detail when development approval is not required (exempt development).

The deemed provisions cannot be varied. Supplemental provisions can be approved by the Minister, including additional exemptions from development approval.

Amendment No. 2 proposes to delete provisions which are inconsistent with the prevailing deemed provisions and amend others to ensure consistency with the deemed provisions.

Amendment Classification

In respect to Amendment No. 2 it is recommended that it be classified by Council as a basic amendment pursuant to Regulation 34 (c), given that it proposes to delete provisions of the Scheme which have been superseded by the deemed provisions.

In respect to the form which Council's resolution to prepare the amendment must take, new regulation 35 (1) requires that this be in a form approved by the WAPC. The DoP has published a Form 2A for this purpose, and this report's recommendation is provided to be consistent with this form.

The next steps in the procedure for a basic amendment requires:

- the amendment to be forwarded to the WAPC within 21 days of passing of the resolution to prepare the amendment;
- the amendment to be referred to the Environmental Protection Authority to determine whether it needs to be assessed under the Environmental Protection Act;

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - NA

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015.

STRATEGIC PLAN IMPLICATIONS:

Strategic Priority 1.3

Present a Shire with high visual and aesthetic appeal to neighbouring Shire Councils and visitors

Goal 1.3.1	To create visually appealing and inviting public and recreational places that complies with good planning and design principles.
Council's Role	<ul style="list-style-type: none">■ To facilitate discussions with community members to identify priority community infrastructure upgrades■ To develop and implement a program of visual improvements throughout the Shire.■ To facilitate discussions with external parties, state and federal agencies for funding to support improvement programs and/or partnerships to deliver and provide community facilities and amenities.■ To work with contractors and service providers in delivering facilities and amenities that complies with legislative requirements and best practice planning and design principles.
Goal 1.3.2	To plan and design assets and facilities to address community needs and expectations.
Council's Role	<ul style="list-style-type: none">■ To facilitate discussions with community members / key users of community / public facilities to identify needs and requirements■ To develop a program to upgrade / develop new community facilities■ To collaborate with external parties / agencies on the possibility of working together to deliver major infrastructure■ To lobby state / federal agencies for community funds to facilitate development of public / community facilities

Strategic Priority 2.1

Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.

Goal 2.1.1	To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
Council's Role	<ul style="list-style-type: none"> ■ To implement asset management best practice principles into our day to day operations. ■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal. ■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible. ■ To source funding and grants to contribute to the renewal and replacement works.
Goal 2.1.2	To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.
Council's Role	<ul style="list-style-type: none"> ■ To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs. ■ To operate and maintain assets in the most economical and efficient manner possible. ■ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.
Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with Road Authorities and external parties to improve condition of state roads. ■ To lobby government agencies to provide an improved road and transportation system to the Shire. ■ To develop a program to improve and enhance local roads and footpaths. ■ To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

CORPORATE BUSINESS PLAN IMPLICATIONS (Including Workforce Plan and Asset Management Plan Implications)

LONG TERM PLAN IMPLICATIONS: Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION

Chief Executive Officer
WA Planning Commission
Manager Development Services.

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council:-

- pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Kellerberrin Planning Scheme No. 4 by:*

- Inserting reference to the deemed provisions in the preamble to the Scheme as follows:*

- First paragraph: "This Local Planning Scheme of the Shire of Kellerberrin consists of this Scheme Text, the deemed provisions (set out in the Planning and Development*

- (Local Planning Schemes) Regulations 2015 Schedule 2) and the Scheme Maps. The Scheme should be read with the Local Planning Strategy for the Shire.*
- *Second paragraph, first sentence: "Part 2 of the deemed provisions..."*
 - *Final paragraph, last sentence: Replace "scheme text" with "scheme".*
- 1.2 *Inserting reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting sub-clauses (b) and (c) and renumbering the sub-clauses accordingly:*
- *1.4 (b) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2;*
 - *1.4 (c) the supplemental provisions contained in Schedule A; and*
 - *1.4 (d) the Scheme Map (sheets 1 - 8).*
- 1.3 *Inserting reference to the Regulations accordingly:*
- *1.7.1 (b)(ii) in Schedule 1 Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*
- 1.4 *Correcting Schedule references as follows:*
- *Clause 5.6.1: Schedule 10*
 - *Clause 5.10.3: Schedule 11*
- 1.5 *Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:*
- *Parts 2, 7, 8, 9, 10 and 11 in their entirety*
 - *Clauses 5.15.2, 5.16.1, 5.16.2, 5.16.4 and 5.17 in its entirety;*
 - *Schedules 6, 7, 8 and 9 in their entirety.*
- 1.6 *Delete the following text from Clause 5.14.1, "Notwithstanding anything elsewhere appearing in the Scheme, planning approval is required for development of land abutting an unconstructed road, or a lot which does not have frontage to a constructed road", and include within Schedule A - Supplemental provisions.*
- 1.7 *Removing Clause 5.16.5 from the Scheme Text, as it has been inserted into Schedule A - Supplemental Provisions.*
- 1.8 *Inserting Schedule A and the following provisions into Schedule A – Supplemental Provisions:*

Clause 61(1):

- (k) any of the exempt classes of advertisements listed in Schedule 5 except in respect of places, buildings, conservation areas or landscape protection zones which are either:*
- (a) listed by the National Trust;*
 - (b) listed on the register of the National Estate;*
 - (c) included in the Heritage List; or*
 - (d) in a Heritage Precinct.*
- (l) the erection or extension of a single house on a lot if a single house is permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:*

- (a) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (b) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or
 - (c) included on a heritage list prepared in accordance with this Scheme; or
 - (d) within an area designated under the Scheme as a heritage area; or
 - (e) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29; or
 - (f) on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.
- (m) the erection or extension of an outbuilding, external figure, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (a) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (b) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or
 - (c) included on a heritage list prepared in accordance with this Scheme; or
 - (d) within an area designated under the Scheme as a heritage area; or
 - (e) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29; or
 - (f) on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.

1.9 Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2

Clause 3.4.1: Part 7 of the deemed provisions
 Clause 3.4.2: Clause 67 of the deemed provisions
 Clause 4.4.2: Clause 64 of the deemed provisions
 Clause 4.8(c): Clause 80 of the deemed provisions
 Clause 4.9.2: Clause 64 of the deemed provisions
 Clause 5.4.2: Clause 64 of the deemed provisions
 Clause 5.5.2(a): Clause 64 of the deemed provisions
 Clause 5.5.3(a): Clause 67 of the deemed provisions
 Clause 5.10.2: Part 4 of the deemed provisions
 Clause 5.16.2: Clause 86 of the deemed provisions

1.10 Delete reference to the following terms and replace them with the corresponding term throughout the scheme:

- 'planning approval' replaced with 'development approval'
- 'council' replaced with 'local government'
- 'outline development plan' with 'structure plan'

1.11 Insert as clause 3.4.3, clause 18(7) of the model provisions, to provide clarity to the interpretation of the zoning table.

1.12 Move clause 8.5 and insert as clause 4.17.

1.13 *Modify the zoning table to update the following Use Class names to correspond with the appropriate definition within the Schedule 1 Part 6 Model Provisions for Local Planning Schemes:*

- *Restaurant to Restaurant/cafe*
- *Industry-Mining to Mining operations*
- *Industry-rural to Industry-primary production*
- *Agroforestry to Tree Farm*
- *Rural pursuit to Rural pursuit/hobby farm*

1.14 *Delete the following use classes and their permissibility from the zoning table as they are covered by other use classes:*

- *Transportable Dwelling*
- *Industry-general*
- *Plantation*

1.15 *Amend Schedule 1 as follows:*

Insert the following definitions:

- *'Industry - cottage' - means a trade or light industry producing arts and craft which does not fall within the definition of a home occupation which:*
 - (a) does not cause injury to or adversely affect the amenity of the neighbourhood;*
 - (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;*
 - (c) is conducted in an out-building which is compatible with the principle uses to which land in the zone which it is located may be put;*
 - (d) does not occupy an area in excess of 50 square meters; and*
 - (e) does not display a sign exceeding 0.2 square meters in area.*
- *'Industry - service' - means*
 - (a) an industry-light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or*
 - (b) premises which have a retail shop front and used as a depot for receiving goods to be serviced.*
- *'Showroom' - means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, household appliances, party supplies, swimming pools or goods of a bulky nature.*
- *'Storage' - means premises used for the storage of goods, equipment, plant or materials.*
- *'Warehouse' means premises used to store or display goods and may include sale by wholesale.*

Delete the following definitions:

- *Transportable dwelling*

1.16. *Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.*

2. *resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 2 is a basic amendment in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations;*

3. *authorise Council officers to prepare the scheme amendment documentation.*

4. *authorise the affixing of the common seal to and endorse the signing of the amendment documentation.*
5. *pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 2 to the Environmental Protection Authority;*
6. *pursuant to r.58 of the Regulations, provides Amendment 2 to the Western Australian Planning Commission.*

COUNCIL RECOMMENDATION

MIN 211/16 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council:-

1. **pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Kellerberrin Planning Scheme No. 4 by:**
 - 1.1 **Inserting reference to the deemed provisions in the preamble to the Scheme as follows:**
 - **First paragraph: "This Local Planning Scheme of the Shire of Kellerberrin consists of this Scheme Text, the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) and the Scheme Maps. The Scheme should be read with the Local Planning Strategy for the Shire.**
 - **Second paragraph, first sentence: "Part 2 of the deemed provisions..."**
 - **Final paragraph, last sentence: Replace "scheme text" with "scheme".**
 - 1.2 **Inserting reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting sub-clauses (b) and (c) and renumbering the sub-clauses accordingly:**
 - **1.4 (b) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2;**
 - **1.4 (c) the supplemental provisions contained in Schedule A; and**
 - **1.4 (d) the Scheme Map (sheets 1 - 8).**
 - 1.3 **Inserting reference to the Regulations accordingly:**
 - **1.7.1 (b)(ii) in Schedule 1 Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)**
 - 1.4 **Correcting Schedule references as follows:**
 - **Clause 5.6.1: Schedule 10**
 - **Clause 5.10.3: Schedule 11**
 - 1.5 **Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:**
 - **Parts 2, 7, 8, 9, 10 and 11 in their entirety**
 - **Clauses 5.15.2, 5.16.1, 5.16.2, 5.16.4 and 5.17 in its entirety;**
 - **Schedules 6, 7, 8 and 9 in their entirety.**
 - 1.6 **Delete the following text from Clause 5.14.1, "Notwithstanding anything elsewhere appearing in the Scheme, planning approval is required for development of land**

abutting an unconstructed road, or a lot which does not have frontage to a constructed road", and include within Schedule A - Supplemental provisions.

1.7 Removing Clause 5.16.5 from the Scheme Text, as it has been inserted into Schedule A - Supplemental Provisions.

1.8 Inserting Schedule A and the following provisions into Schedule A – Supplemental Provisions:

Clause 61(1):

- (k) any of the exempt classes of advertisements listed in Schedule 5 except in respect of places, buildings, conservation areas or landscape protection zones which are either:
 - (a) listed by the National Trust;
 - (b) listed on the register of the National Estate;
 - (c) included in the Heritage List; or
 - (d) in a Heritage Precinct.
- (l) the erection or extension of a single house on a lot if a single house is permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
 - (a) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (b) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or
 - (c) included on a heritage list prepared in accordance with this Scheme; or
 - (d) within an area designated under the Scheme as a heritage area; or
 - (e) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29; or
 - (f) on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.
- (m) the erection or extension of an outbuilding, external figure, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
 - (a) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (b) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or
 - (c) included on a heritage list prepared in accordance with this Scheme; or
 - (d) within an area designated under the Scheme as a heritage area; or
 - (e) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29; or
 - (f) on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.

1.9 Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2

Clause 3.4.1: Part 7 of the deemed provisions

Clause 3.4.2: Clause 67 of the deemed provisions

Clause 4.4.2: Clause 64 of the deemed provisions

Clause 4.8(c): Clause 80 of the deemed provisions

Clause 4.9.2: Clause 64 of the deemed provisions

Clause 5.4.2: Clause 64 of the deemed provisions

Clause 5.5.2(a): Clause 64 of the deemed provisions

Clause 5.5.3(a): Clause 67 of the deemed provisions

Clause 5.10.2: Part 4 of the deemed provisions

Clause 5.16.2: Clause 86 of the deemed provisions

1.10 Delete reference to the following terms and replace them with the corresponding term throughout the scheme:

- 'planning approval' replaced with 'development approval'
- 'council' replaced with 'local government'
- 'outline development plan' with 'structure plan'

1.11 Insert as clause 3.4.3, clause 18(7) of the model provisions, to provide clarity to the interpretation of the zoning table.

1.12 Move clause 8.5 and insert as clause 4.17.

1.13 Modify the zoning table to update the following Use Class names to correspond with the appropriate definition within the Schedule 1 Part 6 Model Provisions for Local Planning Schemes:

- Restaurant to Restaurant/cafe
- Industry-Mining to Mining operations
- Industry-rural to Industry-primary production
- Agroforestry to Tree Farm
- Rural pursuit to Rural pursuit/hobby farm

1.14 Delete the following use classes and their permissibility from the zoning table as they are covered by other use classes:

- Transportable Dwelling
- Industry-general
- Plantation

1.15 Amend Schedule 1 as follows:

Insert the following definitions:

- 'Industry - cottage' - means a trade or light industry producing arts and craft which does not fall within the definition of a home occupation which:
 - (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
 - (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
 - (c) is conducted in an out-building which is compatible with the principle uses to which land in the zone which it is located may be put;
 - (d) does not occupy an area in excess of 50 square meters; and
 - (e) does not display a sign exceeding 0.2 square meters in area.

- 'Industry - service' - means
 - (a) an industry-light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
 - (b) premises which have a retail shop front and used as a depot for receiving goods to be serviced.
- 'Showroom' - means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, household appliances, party supplies, swimming pools or goods of a bulky nature.
- 'Storage' - means premises used for the storage of goods, equipment, plant or materials.
- 'Warehouse' means premises used to store or display goods and may include sale by wholesale.

Delete the following definitions:

- Transportable dwelling

- 1.16. Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.
2. resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 2 is a basic amendment in accordance with r.34(c) of the Regulations as it proposes to amend the Scheme text to delete provisions that have been superseded by the deemed provisions in Schedule 2 of the Regulations;
3. authorise Council officers to prepare the scheme amendment documentation.
4. authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
5. pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 2 to the Environmental Protection Authority;
6. pursuant to r.58 of the Regulations, provides Amendment 2 to the Western Australian Planning Commission.

CARRIED 7/0

Agenda Reference:	11.2.3
Subject:	Home Occupation - Hairdresser Shop.
Location:	61 James Street Kellerberrin.
Applicant:	Lauren Starling
File No:	A636
Record Ref:	IPA 1620
Disclosure of Interest:	NIL
Date:	6 th December 2016
Author:	Garry Tucker: Manager Development Services

BACKGROUND

An application has been received from Lauren Starling to perform hairdressing activities in her home at 61 James Street Kellerberrin.

COMMENT

The activity of "Hairdressing" falls within the scope of what is known as a "Home Occupation": it is considered to be a suitable enterprise to be conducted at a residential house.

The Scheme Text or deemed provisions of the local planning scheme provide the following definition:-

Home Occupation - means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

The current Zoning for the Lot is "Residential". The Zoning mandates what uses can be permitted in a particular Zone.

The "Zoning Table" in Council's "Local Planning Scheme No 4" lists "Home Occupation" as a "D" Use. A "D" use means the use is not permitted unless the local government has exercised its discretion by granting development approval.

General Development Requirements (Extract from Scheme Text)

Home Occupation: 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. Should there be a change of

occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

FINANCIAL IMPLICATIONS

A Development Application fee of \$147.00. was paid at the time of lodging the application.

An initial Registration Fee of \$100.00 is payable to the local Government.

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No 4

Health Act 1911: "Hairdressing Establishments Regulations 1972"

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Not Required

STAFF RECOMMENDATION

That Council exercise its discretionary power and grant "Development Approval" for the establishment of a "Home Occupation" for the purpose of conducting a Hairdressing business at 61 James Street Kellerberrin with the following conditions:-

1. The Applicant must make application to the Shire of Kellerberrin in the prescribed format. The form titled "APPLICATION FOR APPROVAL TO ESTABLISH A HAIRDRESSING OR SKIN PENETRATION PREMISES" is available for this purpose.
2. The 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. Should there be a change of occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

COUNCIL RECOMMENDATION

MIN 212/16 MOTION - Moved Cr. White 2nd Cr. O'Neill

That Council exercise its discretionary power and grant "Development Approval" for the establishment of a "Home Occupation" for the purpose of conducting a Hairdressing business at 61 James Street Kellerberrin with the following conditions:-

- 1. The Applicant must make application to the Shire of Kellerberrin in the prescribed format. The form titled "APPLICATION FOR APPROVAL TO ESTABLISH A HAIRDRESSING OR SKIN PENETRATION PREMISES" is available for this purpose.***
- 2. The 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. Should there be a change of occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.***

CARRIED 7/0

Agenda Reference:	11.2.4
Subject:	Transportable Dongas Conversion to a House
Location:	Lot 17 Station Street Doodlakine.
Applicant:	Mr John Nicholls
File No:	A286
Record Ref:	IPA
Disclosure of Interest:	NIL
Date:	7 th December 2016
Author:	Garry Tucker: Manager Development Services

BACKGROUND

An application has been received from John Nicholls to install onto the above mentioned property a house comprised of two donga type transportable buildings.

COMMENT

The applicant engaged the services of Northam based Designer & draughtsman Mr Steve Callaway, trading as "Avon Valley Design & Drafting Service", to produce a house design that camouflages the donga type buildings so as to present a building suitable for positioning onto land zoned principally for houses. See "ATTACHMENT 1"

The subject land (Lot 17 Station Street Doodlakine) is Zoned "Rural Townsite" with an R-Code of R10. See "ATTACHMENT 2"

The graphical representation of the proposed house design as shown on the cover sheet of the Plan Set shows a reasonably attractive building and it would be quite acceptable in the proposed locale. The colour of the external cladding shown in the drawing is also a good choice.

The submitted Site Plan shows the positioning of the house to be compliant with R-Codes requirements for setbacks.

Zones and the Use of Land (Extract from Scheme Text)

Rural Townsite Zone:

To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities.

FINANCIAL IMPLICATIONS

A Development Application fee of \$147.00. was paid at the time of lodging the application.

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No 4

R-Codes (State Planning Policy No: 3.1)

National Construction Codes (formerly Building Codes of Australia)

Health Act 1911

Health (Bacteriological Treatment of Sewerage and Disposal of Liquid Wastes) Regulations 1974.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Not Required

STAFF RECOMMENDATION

That Council grant "Development Approval" for erection/installation of the house as shown in the submitted Plans dated October 2016, Issue A with the following conditions:-

1. No building works are to be commenced before the Building Permit is issued.
2. An application for approval to install a septic tank system and effluent disposal system must be lodged along with the application for a Building permit so that they can be processed concurrently.
3. The external finish of the house shall be Colorbond® steel and the colour/s shall only be of neutral tones approved by Council.
4. The colour of the external cladding shown on the cover sheet of the submitted Plan Set is a suitable colour.

COUNCIL RECOMMENDATION

MIN 213/16 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council grant "Development Approval" for erection/installation of the house as shown in the submitted Plans dated October 20146, Issue A with the following conditions:-

1. ***No building works are to be commenced before the Building Permit is issued.***
2. ***An application for approval to install a septic tank system and effluent disposal system must be lodged along with the application for a Building permit so that they can be processed concurrently.***
3. ***The external finish of the house shall be Colorbond® steel and the colour/s shall only be of neutral tones approved by Council.***
4. ***The colour of the external cladding shown on the cover sheet of the submitted Plan Set is a suitable colour.***

CARRIED 7/0

Agenda Reference:	11.2.5
Subject:	Warehouse / Storage shed & Materials Storage Bunkers.
Location:	Lot 7, Tiller Drive, Kellerberrin.
Applicant:	Wongan Concrete
File Ref:	TP 03
Record Ref:	N/A
Disclosure of Interest:	NIL
Date:	9 th December 2016
Author:	Garry Tucker: Manager Development Services

BACKGROUND

An application has been received from Wongan Concrete for Development Approval at their established Batching Plant. The proposal is to erect a large shed to store their trucks and other equipment; and furthermore another series of concrete bunkers to hold extra concrete making materials on the site.

COMMENT

The initial Development Application was dealt with by Council at its July 2013 Ordinary Meeting. At that time Council was operating under "Town Planning Scheme No 2". The following text is taken from that report:-

"The proposed use falls within the interpretation of "Industry - noxious" in the "Zoning Table". The Zoning Table assigns an "AA" use to this type of industry in an "Industrial Zone" which is the case with the subject land. The following definition is taken from "Schedule 1" - INTERPRETATIONS of Town Planning Scheme No 2. The definition given is: *means an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Act 1986 (as amended).*

A letter was sent to the owners / occupiers of properties in the vicinity of the subject property in accordance with the provisions of Clause 6.2.3 of TPS No 2. One letter was received in response; from Mr Paul & Nicole Brown. The Brown's letter expresses concerns; to quote from the letter, *"I have concerns of the establishment of such a business in this location due to the noise and dust that may be created from the operations of the plant which will be located approximately 200 metres from my place of residence"*.

Additionally whilst not providing anything in writing Mr Les Peak came to my Office and told me that he had no objection to the proposal provided there was no problems with dust etcetera."

Council now operates under the provisions of "Planning Scheme No 4" which was gazetted on 20th January 2015. Many of the definitions used in the old scheme for the various "Industrial Activities" have changed.

I telephoned the State Planning Commission and spoke to a Planning Officer (Rowenia) who later provided me with the following advice.

The proposed erection of a shed for the storage of vehicles and equipment could in this case be considered to fit under the "Use Class Tables" definition of a "Warehouse/Storage" where the use in the "Industrial Zone" is listed as a "P" use; that is to say the use is permitted. The storage bunkers for the concrete making materials are incidental to the current activity and therefore exempt from needing Development Approval. Therefore they only need a Building Permit.

FINANCIAL IMPLICATIONS

1. Development Application Fees of are applicable - the fee has been paid.
2. Building Permit fees maybe be applicable to some buildings should the project go to construction.

POLICY IMPLICATIONS

There are no Policy implications

STATUTORY IMPLICATIONS

1. Town Planning & Development Act
2. Building Act & Regulations 2011
3. Building Code of Australia.

STRATEGIC PLAN IMPLICATIONS - NIL

FUTURE PLAN IMPLICATIONS - NIL

COMMUNITY CONSULTATION - NIL

STAFF RECOMMENDATION

That Council grant "Development Approval" to permit the erection of a large Shed for the purpose of "Warehouse/Storage" use, with the following condition:-

1. No works are permitted to commence until a "Building Permit" is obtained from Council.

COUNCIL RECOMMENDATION

MIN 214/16 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council grant "Development Approval" to permit the erection of a large Shed for the purpose of "Warehouse/Storage" use, with the following condition:-

1. ***No works are permitted to commence until a "Building Permit" is obtained from Council.***

CARRIED 7/0

Agenda Reference:	11.1.12
Subject:	Skate Park Construction Tender
Location:	Centenary Park
Applicant:	Shire of Kellerberrin
File Ref:	ADM 52
Record Ref:	TEND 03/2016
Disclosure of Interest:	N/A
Date:	12 th December 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council over the past three years has been progressing plans for the upgrade of Centenary Park which includes the Construction of a Skate Park.

The Skate Park has been designed by Enlocus in consultation with the Shire of Kellerberrin and its Community.

The concept of the Skate Park was originally presented to Council by the youth of Kellerberrin as the current park facilities were dated and didn't provide an area for the middle aged youth.

Tenders for the Construction of the Skate Park were advertised in The West Australian on the following dates:

- Saturday 12th November 2016
- Saturday 19th November 2016

Council as a result of the abovementioned advertising issued out thirteen (13) Tender Packs to prospective Tenderers.

COMMENT

Council at the Tender closing on Friday 9th December 2016, 12 noon received tenders from the following;

- Convic
- Carving Concrete Construction Pty Ltd – (Conforming Tender)
- Carving Concrete Construction Pty Ltd – (Alternative Tender)

Carving Concrete have provided an Alternative Tender price for the Kellerberrin Skatepark based on the following minor design adjustments;

Item	Proposed Change	Saving (EXC GST)	Comment
18. Large Quarry Granite Feature Stone	Use existing rocks near site to create seating, embedding the rocks into the batters. This will provide informal seating and maintain the landscape intent of the quarried square split face stone.	\$14,329.59	Savings will be made on the supply and delivery of the split face stone.
20. Drinking Fountain	Replace the specified drink fountain (Street Furniture Arqua Drink Fountain DF4) with alternative drink fountain (Landmark KF502 Cascade). Silver coloured	\$2552.00	A similar product at a lower cost. It is available in silver.

23. Planting Beds	Remove planting from the contract. During the proposed contract works Kellerberrin is likely to receive little rainfall and experience mean temperatures of over 30 degrees Celsius. This is likely to result in a poor survival rate for the non-irrigated plantings.	\$5892.21	It is acknowledged that the plants are drought tolerant however they need to be watered in.
25. Accommodation	Accommodation to be provided at no cost by the Shire of Kellerberrin, subject to the provision of single rooms and air conditioning.	\$15,120.00	Carving Concrete have allowed accommodation for 6 workers for 8 weeks.
	TOTAL	\$37,893.80	

Council's Chief Executive Officer Mr Raymond Griffiths, Deputy Chief Executive Officer, Mrs Karen Oborn, Community Development Officer Mrs Natasha Giles and Manager Works and Services, Mr Mick Jones undertook the evaluation process utilising an Evaluation pro-forma for the abovementioned Tender which has been provided as an attachment including a summary of all Evaluations for consideration.

See attached schedule of tenders received. Full documentation of tenders submitted will be available for perusal in Council Chambers.

Please find attached a summarised evaluation of all the Tenders that were eligible for evaluation.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2016/2017 Capital Budget – Centenary Park Construction

General Ledger	Expenditure/Income	Budget	Actual	Difference
C113J1	Expenditure	\$808,268	\$0	\$0
113332	Income	\$628,000	\$938,682	\$310,682

The Capital Income that has been budgeted is Grants for the entire Centenary Park precinct which incorporates both the Centenary Park and Skate Park which have been confirmed as per the following:

- Lotterywest \$498,212
 - Department of Sport and Recreation \$ 95,000
 - Community Chest Funding \$ 20,000
 - Wheatbelt Development Commission \$ 15,000
- \$628,212

Council since this time has also received advice that it has been successful in its National Stronger Regions Funding for Construction of both the Skate Park and Centenary Park to the value of \$310,470.

Therefore the total funds received towards both projects equates to \$938,682. With the extra funds being received Council will need to increase the Expenditure by the same amount of extra funding therefore equating to \$1,118,950 being allocated in the Budget.

Council with the above Budgeted figures have allocated to expend \$180,268 of its own expenditure to complete the construction of both Centenary Park and Skate Park.

Should Council accept the Staff Recommendation the Financial Implications are:

Construction of the Kellerberrin Skate Park	\$451,872.28
Plus Accommodation Costs	\$ 15,120.00
Plus Council Material Costs	\$ 26,230.00
Plus Demolition Costs	<u>\$ 10,000.00</u>
TOTAL	\$503,222.28

Therefore Council will have \$615,727.72 funds available for the Construction of Centenary Park through Tender 04/2016.

POLICY NUMBER	- 2.3
POLICY SUBJECT	- Tenders – Preparation/Advertisement of Tender Documents for existing contracts.
DATE OF ADOPTION	- November 2006
REVIEWED	- October 2016

Purpose

To ensure that Council has the opportunity to review the scope of works for tenders prior to advertising and that tenders are advertised and awarded prior to the current contract's expiration.

Policy

Three (3) months prior to the expiration of a Contract a tender shall be listed under the responsible officer's report in the Ordinary Meeting of Council Agenda and the Specifications appended.

Any review shall be completed so that a tender can be advertised two (2) months prior to expiration of the contract.

A tender shall be awarded one (1) month prior to expiration of the current Contract.

POLICY NUMBER	- 2.4
POLICY SUBJECT	- Purchasing Policy
DATE OF ADOPTION	- February 2007
REVIEWED	- October 2016

Purpose

To provide compliance with the Local Government Act 1995 (as amended) and the Local Government Act (Functions and General) Regulation 1996 (as amended in March 2007).

To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.

Policy

Why Do We Need A Purchasing Policy?

The Local Government is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy;

1. Provides the Local Government with a more effective way of purchasing goods and services.

2. Ensure that purchasing transactions are carried out in a fair and equitable manner
3. Strengthens integrity and confidence in the purchasing system
4. Ensure that the Local Government receives value for money in its purchasing
5. Ensures the Local Government is compliant with all regulatory obligations
6. Uphold respect from the public and industry for the Local Governments purchasing practices that withstand probity

2. ETHICS & INTEGRITY

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

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

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

3. VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Local Government. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks. An assessment of the best value for money outcome for any purchasing should consider:

1. 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.
2. 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.
3. 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).
4. 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 particable.

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

4. 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.

Local Government 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 Local Government's sustainability objectives.

Practically, sustainable procurement means the Local Government 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 may be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.

5. PURCHASING THRESHOLDS

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

Amount of Purchase	Model Policy
Up to \$2,000	Direct purchase from supplier requiring one or two verbal quotations.
\$2,001 - \$19,999	Obtain at least two verbal or written quotations.
\$20,000 - \$99,999	Obtain at least three written quotations
\$100,000 and above	Conduct a public tender process or WALGA preferred supplier listings

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in the Local Government Act 1995 (as amended) must be followed in full. Council may elect to utilise the preferred suppliers list through WALGA which doesn't require the tender process as WALGA has performed this duty of behalf of Local Government.

5.1 Up to \$2,000

Where the value of procurement of goods or services does not exceed \$2,000, purchase on the basis of at least one or two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk. Record keeping requirements must be maintained in accordance with record keeping policies.

5.2 \$2,001 to \$19,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$2,001 and \$19,999.

At least two verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Local Government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Written notes detailing each verbal quotation must be recorded on Form 2 of the Local Government Purchasing and Tender Guide and attached to the cheque, invoice and order

- Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

5.3 \$20,000 to \$99,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$99,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

NOTES: The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- Invitations to quote should be issued simultaneously (if possible) to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

6. REGULATORY COMPLIANCE

6.1 Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

6.2 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.

6.3 Anti-Avoidance

The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

The Chief Executive Officer is responsible for implementing this policy.

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

Section 3.57

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations No. 2 2005

Regulations 11 to 24 deals with tenders for providing goods and services in detail.

Annual Compliance Audit Return – certification of compliance relating to tender processes and accountability toward the advertising and consideration of tenders received and awarded.

STRATEGIC PLAN IMPLICATIONS - Nil

Shire of Kellerberrin Strategic Plan 2003 – 2006, Theme 2

QUALITY OF LIFESTYLE

1.2 Achieve consolidated sport and leisure facilities (including a hydrotherapy pool):

- a. Investigate and plan for the swimming pool (with the Community Steering Committee).
- b. Consult with all community groups and plan for a consolidated multi-purpose sport, recreation and leisure facility (including a seniors' centre).

STRATEGIC PLAN IMPLICATIONS:

Strategic Priority 2.1

Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.

Goal 2.1.1	To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
Council's Role	<ul style="list-style-type: none">■ To implement asset management best practice principles into our day to day operations.■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal.■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.■ To source funding and grants to contribute to the renewal and replacement works.
Goal 2.1.2	To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.
Council's Role	<ul style="list-style-type: none">■ To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.■ To operate and maintain assets in the most economical and efficient manner possible.■ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.

Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with Road Authorities and external parties to improve condition of state roads. ■ To lobby government agencies to provide an improved road and transportation system to the Shire. ■ To develop a program to improve and enhance local roads and footpaths. ■ To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Strategic Priority 2.1

Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.

Goals

2.1.1 To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.

2.1.2 To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.

2.1.3 To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.

Council's key actions

The following key actions have been identified to help Council achieve this strategic priority.

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
Infrastructure (Council Focus Area)				
Council to implement asset management best practice principles into our day to day operations	<ul style="list-style-type: none"> ○ Asset management principles adopted and applied throughout all of Council's operations 	MWS	Goal 2.1.1	Ongoing
Council to manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal	<ul style="list-style-type: none"> ○ Assets operated and maintained to deliver services at the required standards. 	CEO, MWS	Goal 2.1.1	Ongoing

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
	<ul style="list-style-type: none"> Conditions of assets are understood. 			
Council to develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.	<ul style="list-style-type: none"> Progress of implementation of renewal and replacement works program. 	CEO, MWS	Goal 2.1.1	Reviewed Annually
Council to source funding and grants to contribute to the renewal and replacement works.	<ul style="list-style-type: none"> Level of funding / grants received. 	CEO, MWS	Goal 2.1.1	Annually
<p>Council to implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.</p> <p>To operate and maintain assets in the most economical and efficient manner possible.</p> <p>To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout their entire life cycle.</p>	<ul style="list-style-type: none"> Asset management strategies and plans adopted and implemented across the organisation. Documented operations and maintenance strategies developed for asset classes. 	DCEO	2.1.2	Annually
Council to continue discussions with Road Authorities and external parties to ensure the condition of state roads are adequate and appropriate.	<ul style="list-style-type: none"> Established relationship with key parties to discuss road related issues, programs and initiatives. 	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to continue to lobby government agencies to provide an improved road and transportation system to the Shire.	<ul style="list-style-type: none"> Increased support in road renewal / replacement works. 	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to develop a program to improve and enhance local roads and footpaths.	<ul style="list-style-type: none"> Status of road and footpath renewal / replacement works programs. Development of a long term program for road and footpath renewal / replacement works. 	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to seek funding and grants from government and non-	<ul style="list-style-type: none"> Level of grants / funding received 	CEO, MWS,	Goal 2.1.3	June 2014

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
government sources to undertake road and footpath improvement works.	for road and network improvement works.	MDS		
Prepare report on Council's performance against levels of service for Council's built facilities. Annually review and assess performance against levels of service and update following community consultation.	<ul style="list-style-type: none"> Annually review report 	CEO, MDS	Goal 2.1.1	Annually
Council will develop and manage its assets in accordance with its asset management plans.	<ul style="list-style-type: none"> Review and update of asset management plans 	CEO, MDS, MWS	Goal 2.1.2	Annual
Undertake an assessment of current utilisation and capacity of infrastructure assets and identifying expected future utilisation rates and capacity required to cater for population / visitor growth. -	<ul style="list-style-type: none"> Draft findings report 	MDS, MWS, DCEO	Goal 2.1.3	Dec 2014 then reviewed annually
Governance (Council Focus Area)				
Council will undertake a programme of capital work on its assets to ensure they remain appropriate for the community.	<ul style="list-style-type: none"> Regularly review current capital works programs and budgets. 	CEO	Goal 2.1.1	Annually
Council will continue to provide a high level of service at the facilities, ensuring that they are operated and maintained to a good standard.	<ul style="list-style-type: none"> Develop, review and/or update asset sustainability ratios for each asset type. 	CEO, DCEO		Ongoing
	<ul style="list-style-type: none"> Identify a list of capital, renewal and replacement works programs. Prioritise the projects and develop 10-year capital works programs. 			Annually
Council elected members and staff will ensure asset management fundamentals are applied to new and existing assets to ensure the assets are as cost effective as possible.	<ul style="list-style-type: none"> Review current operations and maintenance tasks undertaken on infrastructure assets. Develop formal O&M procedures, including actions to be undertaken, 	lead by CEO supported by appropriate business unit manager	Goal 2.1.2	Ongoing

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
	reporting procedures, resources required and frequency <ul style="list-style-type: none"> Develop a rolling O&M program, detailing tasks, frequency, resources required and estimated cost to complete 	MDS, MWS, DCEO s		annually
Continue to foster an environment that supports the engagement of the community on transport issues facing the Shire.	<ul style="list-style-type: none"> Ensure community consultation regarding transport before the next revision of the Infrastructure Asset Management Plan 	CEO, MWS	Goal 2.1.3	Annually

LONG TERM PLAN IMPLICATIONS:

Council has allocated funds in the 2016/2017 Financial Year within the plan to construct Centenary Park as per financial implications.

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Community Development Officer

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council accepts Carving Concrete Construction Pty Ltd “Alternative Tender” totalling \$451,872.28 plus GST as the successful tender for Tender 03/2016 – Construction of Kellerberrin Skate Park.

COUNCIL RECOMMENDATION

MIN 215/16 MOTION - Moved Cr. White 2nd Cr. Leake

That Council accepts Carving Concrete Construction Pty Ltd “Alternative Tender” totalling \$451,872.28 plus GST as the successful tender for Tender 03/2016 – Construction of Kellerberrin Skate Park.

CARRIED 7/0

11.3 WORKS & SERVICES – AGENDA ITEMS
Nil Items

COUNCIL RECOMMENDATION

MIN /16 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council receive Late Items

CARRIED 7/0

Agenda Reference:	13.1
Subject:	Centenary Park Construction Tender
Location:	Centenary Park
Applicant:	Shire of Kellerberrin
File Ref:	TEND.16.1
Record Ref:	TEND 04/2016
Disclosure of Interest:	N/A
Date:	19 th December 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council over the past three years has been progressing plans for the upgrade of Centenary Park.

Centenary Park has been designed by Josh Byrne and Associates in consultation with the Shire of Kellerberrin and its Community.

The concept of Centenary Park was originally presented to Council by Community Members of Kellerberrin as the current park facilities where dated.

An application for funding was then presented to Lotterywest for the upgrade of the Park which resulted in Council receiving \$498,212 from Lotterywest for the Park upgrade.

Tenders for the Construction of the Skate Park where advertised in The West Australian on the following dates:

- Saturday 19th November 2016
- Saturday 26th November 2016

Council as a result of the abovementioned advertising issued out twelve (12) Tender Packs to prospective Tenderers.

COMMENT

Council had issues two addendums to the Tender for further clarification on items within the Tender for Centenary Park. Due to the magnitude of the addendum Council extended the Tender closing date from Wednesday 14th December 2016 to Monday 19th December 2016.

Council at the Tender closing on Monday 19th December 2016, 12 noon received tenders from the following;

- Ligna Construction
- Environmental Industries

Council's Chief Executive Officer Mr Raymond Griffiths, Deputy Chief Executive Officer, Mrs Karen Oborn, Community Development Officer Mrs Natasha Giles and Manager Works and Services, Mr Mick Jones undertook the evaluation process utilising an Evaluation pro-forma for the abovementioned Tender which has been provided as an attachment including a summary of all Evaluations for consideration.

See attached schedule of tenders received. Full documentation of tenders submitted will be available for perusal in Council Chambers.

Please find attached a summarised evaluation of all the Tenders that where eligible for evaluation.

Council doesn't have to accept a tender, should Council elect to adopt the Staff Recommendation Council can approach the market to have the work completed as it has firstly tendered the works.

It would be the intention of Management to work with Josh Byrne and Associates to reduce the cost associated with the project by Managing the project in house and changing out some play equipment to ensure the project stays within the budgeted funds.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2016/2017 Capital Budget – Centenary Park Construction

General Ledger	Expenditure/Income	Budget	Actual	Difference
C113J1	Expenditure	\$808,268	\$0	\$0
113332	Income	\$628,000	\$938,682	\$310,682

The Capital Income that has been budgeted is Grants for the entire Centenary Park precinct which incorporates both the Centenary Park and Skate Park which have been confirmed as per the following:

• Lotterywest	\$498,212
• Department of Sport and Recreation	\$ 95,000
• Community Chest Funding	\$ 20,000
• Wheatbelt Development Commission	<u>\$ 15,000</u>
	\$628,212

Council since this time has also received advice that it has been successful in its National Stronger Regions Funding for Construction of both the Skate Park and Centenary Park to the value of \$310,470.

Therefore the total funds received towards both projects equates to \$938,682. With the extra funds being received Council will need to increase the Expenditure by the same amount of extra funding therefore equating to \$1,118,950 being allocated in the Budget.

Council with the above Budgeted figures have allocated to expend \$180,268 of its own expenditure to complete the construction of both Centenary Park and Skate Park.

Below is a Summary of the Expenditure for full Skate Park and Centenary Park construction.

LIGNA CONSTRUCTION - Costing

Construction of the Kellerberrin Skate Park	\$ 451,872.28
Plus Accommodation Costs	\$ 15,120.00
Plus Council Material Costs	\$ 26,230.00
Plus Demolition Costs	\$ 10,000.00
Plus Construction of Centenary Park	<u>\$ 995,696.12</u>
TOTAL	\$1,498,918.40

Therefore the project exceeds the \$1,118,950 funds available for the Construction of Centenary Park and Skate Park by \$379,968.40 utilising Ligna Construction and Carving Concrete costings.

ENVIRONMENTAL INDUSTRIES - Costing

Construction of the Kellerberrin Skate Park	\$ 451,872.28
Plus Accommodation Costs	\$ 15,120.00
Plus Council Material Costs	\$ 26,230.00
Plus Demolition Costs	\$ 10,000.00
Plus Construction of Centenary Park	<u>\$1,287,284.73</u>
TOTAL	\$1,790,507.01

Therefore the project exceeds the \$1,118,950 funds available for the Construction of Centenary Park and Skate Park by \$671,557.01 utilising Environment Industries and Carving Concrete costings.

POLICY NUMBER	-	2.3
POLICY SUBJECT	-	Tenders – Preparation/Advertisement of Tender Documents for existing contracts.
DATE OF ADOPTION	-	November 2006
REVIEWED	-	October 2016

Purpose

To ensure that Council has the opportunity to review the scope of works for tenders prior to advertising and that tenders are advertised and awarded prior to the current contract's expiration.

Policy

Three (3) months prior to the expiration of a Contract a tender shall be listed under the responsible officer's report in the Ordinary Meeting of Council Agenda and the Specifications appended.

Any review shall be completed so that a tender can be advertised two (2) months prior to expiration of the contract.

A tender shall be awarded one (1) month prior to expiration of the current Contract.

POLICY NUMBER	-	2.4
POLICY SUBJECT	-	Purchasing Policy
DATE OF ADOPTION	-	February 2007
REVIEWED	-	October 2016

Purpose

To provide compliance with the Local Government Act 1995 (as amended) and the Local Government Act (Functions and General) Regulation 1996 (as amended in March 2007).

To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.

Policy

Why Do We Need A Purchasing Policy?

The Local Government is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy;

1. Provides the Local Government with a more effective way of purchasing goods and services.
2. Ensure that purchasing transactions are carried out in a fair and equitable manner
3. Strengthens integrity and confidence in the purchasing system
4. Ensure that the Local Government receives value for money in its purchasing
5. Ensures the Local Government is compliant with all regulatory obligations
6. Uphold respect from the public and industry for the Local Governments purchasing practices that withstand probity

2. ETHICS & INTEGRITY

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

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

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

3. VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Local Government. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks. An assessment of the best value for money outcome for any purchasing should consider:

1. 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.
2. 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.
3. 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).
4. 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 particable.

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

4. 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.

Local Government 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 Local Government's sustainability objectives.

Practically, sustainable procurement means the Local Government 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 may be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.

5. PURCHASING THRESHOLDS

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

Amount of Model Policy Purchase	
Up to \$2,000	Direct purchase from supplier requiring one or two verbal quotations.
\$2,001 - \$19,999	Obtain at least two verbal or written quotations.
\$20,000 - \$99,999	Obtain at least three written quotations
\$100,000 and above	Conduct a public tender process or WALGA preferred supplier listings

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in the Local Government Act 1995 (as amended) must be followed in full. Council may elect to utilise the preferred suppliers list through WALGA which doesn't require the tender process as WALGA has performed this duty of behalf of Local Government.

5.1 Up to \$2,000

Where the value of procurement of goods or services does not exceed \$2,000, purchase on the basis of at least one or two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk. Record keeping requirements must be maintained in accordance with record keeping policies.

5.2 \$2,001 to \$19,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$2,001 and \$19,999.

At least two verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Local Government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Written notes detailing each verbal quotation must be recorded on Form 2 of the Local Government Purchasing and Tender Guide and attached to the cheque, invoice and order

- Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

5.3 \$20,000 to \$99,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$99,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

NOTES: The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- Invitations to quote should be issued simultaneously (if possible) to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

6. REGULATORY COMPLIANCE

6.1 Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

6.2 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.

6.3 Anti-Avoidance

The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

The Chief Executive Officer is responsible for implementing this policy.

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

Section 3.57

- (3) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (4) Regulations may make provision about tenders.

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
 - [(ba) deleted]*
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;or
 - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
 - (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;or
 - (f) the local government 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; or
 - (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;

or

- (h) the following apply —
 - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the *Small Business Development Corporation Act 1983*; and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;
 or
 - (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
 - (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;
 or
 - (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6.]

12. Anti-avoidance provision for r. 11(1)

- (1) This regulation applies if a local government intends to enter into 2 or more contracts (the **contracts**) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.
- (2) If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the local government enters into any of the contracts regardless of the consideration.

[Regulation 12 inserted in Gazette 18 Sep 2015 p. 3806.]

13. Requirements when local government invites tenders though not required to do so

If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.

[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]

14. Publicly inviting tenders, requirements for

- (1) When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.

(2a) If a local government —

- (a) is required to invite a tender; or
- (b) not being required to invite a tender, decides to invite a tender,

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

(3) The notice, whether under subregulation (1) or (2), is required to include —

- (a) a brief description of the goods or services required; and
- (b) particulars identifying a person from whom more detailed information as to tendering may be obtained; and
- (c) information as to where and how tenders may be submitted; and
- (d) the date and time after which tenders cannot be submitted.

(4) In subregulation (3)(b) a reference to detailed information includes a reference to —

- (a) such information as the local government decides should be disclosed to those interested in submitting a tender; and
- (b) detailed specifications of the goods or services required; and
- (c) the criteria for deciding which tender should be accepted; and
- (d) whether the local government has decided to submit a tender.

[(e) deleted]

(5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130; 18 Sep 2015 p. 3806.]

15. Minimum time to be allowed for submitting tenders

- (1) If a notice under regulation 14(1) is given, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is first published in the newspaper circulating generally throughout the State.
- (2) If a notice under regulation 14(2) is given to a person listed as an acceptable tenderer, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is given.

[Regulation 15 inserted in Gazette 18 Sep 2015 p. 3806-7.]

16. Receiving and opening tenders, procedure for

- (1) The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.
- (2) Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.
- (3) When tenders are opened —
 - (a) there must be present —
 - (i) at least 2 employees of the local government; or
 - (ii) one employee of the local government and at least one person authorised by the CEO to open tenders;
 - and
 - (b) members of the public are entitled to be present; and

- (c) details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

[Regulation 16 amended in Gazette 29 Jun 2001 p. 3131; 31 Mar 2005 p. 1055; 18 Sep 2015 p. 3807.]

17. Tenders register

- (1) The CEO is responsible for keeping the tenders register and making it available for public inspection.
- (2) The tenders register is to include, for each invitation to tender —
 - (a) a brief description of the goods or services required; and
 - [(b) deleted]*
 - (c) particulars of —
 - (i) any notice by which expressions of interests from prospective tenderers was sought; and
 - (ii) any person who submitted an expression of interest; and
 - (iii) any list of acceptable tenderers that was prepared under regulation 23(4); and
 - (d) a copy of the notice of the invitation to tender; and
 - (e) the name of each tenderer whose tender has been opened; and
 - (f) the name of any successful tenderer.
- (3) The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.

[Regulation 17 amended in Gazette 29 Jun 2001 p. 3131; 18 Sep 2015 p. 3807.]

18. Rejecting and accepting tenders

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.
- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.
- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- (5) The local government may decline to accept any tender.
- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

- (7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

[Regulation 18 amended in Gazette 29 Jun 2001 p. 3131-2; 18 Sep 2015 p. 3807.]

19. Tenderers to be notified of outcome

The CEO is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.

[Regulation 19 amended in Gazette 29 Jun 2001 p. 3132.]

20. Variation of requirements before entry into contract

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.

- (2) If —

- (a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or
- (b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,

that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.

- (3) In subregulation (1) —

minor variation means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

21A. Varying a contract for the supply of goods or services

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

- (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).

[Regulation 21A inserted in Gazette 18 Sep 2015 p. 3807.]

21. Limiting who can tender, procedure for

- (1) If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.

[(2) deleted]

- (3) If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.

- (4) The notice is required to include —

- (a) a brief description of the goods or services required; and
- (b) particulars identifying a person from whom more detailed information may be obtained; and

- (c) information as to where and how expressions of interest may be submitted; and
- (d) the date and time after which expressions of interest cannot be submitted.

[Regulation 21 amended in Gazette 18 Sep 2015 p. 3808.]

Annual Compliance Audit Return – certification of compliance relating to tender processes and accountability toward the advertising and consideration of tenders received and awarded.

STRATEGIC PLAN IMPLICATIONS - Nil

Shire of Kellerberrin Strategic Plan 2003 – 2006, Theme 2

QUALITY OF LIFESTYLE

1.2 Achieve consolidated sport and leisure facilities (including a hydrotherapy pool):

- c. Investigate and plan for the swimming pool (with the Community Steering Committee).
- d. Consult with all community groups and plan for a consolidated multi-purpose sport, recreation and leisure facility (including a seniors' centre).

STRATEGIC PLAN IMPLICATIONS:

Strategic Priority 2.1

Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.

Goal 2.1.1	To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
Council's Role	<ul style="list-style-type: none"> ■ To implement asset management best practice principles into our day to day operations. ■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal. ■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible. ■ To source funding and grants to contribute to the renewal and replacement works.
Goal 2.1.2	To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.
Council's Role	<ul style="list-style-type: none"> ■ To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs. ■ To operate and maintain assets in the most economical and efficient manner possible. ■ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.
Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with Road Authorities and external parties to improve condition of state roads. ■ To lobby government agencies to provide an improved road and transportation system to the Shire. ■ To develop a program to improve and enhance local roads and footpaths. ■ To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Strategic Priority 2.1

Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.

Goals

2.1.1 To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.

2.1.2 To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.

2.1.3 To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.

Council's key actions

The following key actions have been identified to help Council achieve this strategic priority.

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
Infrastructure (Council Focus Area)				
Council to implement asset management best practice principles into our day to day operations	<ul style="list-style-type: none"> Asset management principles adopted and applied throughout all of Council's operations 	MWS	Goal 2.1.1	Ongoing
Council to manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal	<ul style="list-style-type: none"> Assets operated and maintained to deliver services at the required standards. Conditions of assets are understood. 	CEO, MWS	Goal 2.1.1	Ongoing
Council to develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.	<ul style="list-style-type: none"> Progress of implementation of renewal and replacement works program. 	CEO, MWS	Goal 2.1.1	Reviewed Annually
Council to source funding and grants to contribute to the renewal and replacement works.	<ul style="list-style-type: none"> Level of funding / grants received. 	CEO, MWS	Goal 2.1.1	Annually
<p>Council to implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.</p> <p>To operate and maintain assets in the most economical and efficient manner possible.</p> <p>To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout their entire life cycle.</p>	<ul style="list-style-type: none"> Asset management strategies and plans adopted and implemented across the organisation. Documented operations and maintenance strategies developed for asset classes. 	DCEO	2.1.2	Annually

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
Council to continue discussions with Road Authorities and external parties to ensure the condition of state roads are adequate and appropriate.	<ul style="list-style-type: none"> Established relationship with key parties to discuss road related issues, programs and initiatives. 	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to continue to lobby government agencies to provide an improved road and transportation system to the Shire.	<ul style="list-style-type: none"> Increased support in road renewal / replacement works. 	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to develop a program to improve and enhance local roads and footpaths.	<ul style="list-style-type: none"> Status of road and footpath renewal / replacement works programs. Development of a long term program for road and footpath renewal / replacement works. 	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to seek funding and grants from government and non-government sources to undertake road and footpath improvement works.	<ul style="list-style-type: none"> Level of grants / funding received for road and network improvement works. 	CEO, MWS, MDS	Goal 2.1.3	June 2014
Prepare report on Council's performance against levels of service for Council's built facilities. Annually review and assess performance against levels of service and update following community consultation.	<ul style="list-style-type: none"> Annually review report 	CEO, MDS	Goal 2.1.1	Annually
Council will develop and manage its assets in accordance with its asset management plans.	<ul style="list-style-type: none"> Review and update of asset management plans 	CEO, MDS, MWS	Goal 2.1.2	Annual
Undertake an assessment of current utilisation and capacity of infrastructure assets and identifying expected future utilisation rates and capacity required to cater for population / visitor growth. -	<ul style="list-style-type: none"> Draft findings report 	MDS, MWS, DCEO	Goal 2.1.3	Dec 2014 then reviewed annually
Governance (Council Focus Area)				
Council will undertake a programme of capital work on its assets to ensure they remain appropriate for the community.	<ul style="list-style-type: none"> Regularly review current capital works programs and budgets. 	CEO	Goal 2.1.1	Annually
Council will continue to provide a high level of service at the facilities, ensuring that they are operated and maintained to a good standard.	<ul style="list-style-type: none"> Develop, review and/or update asset sustainability ratios for each asset type. Identify a list of capital, renewal and replacement works programs. Prioritise the projects and develop 10-year capital works programs. 	CEO, DCEO		Ongoing Annually

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
Council elected members and staff will ensure asset management fundamentals are applied to new and existing assets to ensure the assets are as cost effective as possible.	<ul style="list-style-type: none"> Review current operations and maintenance tasks undertaken on infrastructure assets. Develop formal O&M procedures, including actions to be undertaken, reporting procedures, resources required and frequency Develop a rolling O&M program, detailing tasks, frequency, resources required and estimated cost to complete 	<p>lead by CEO supported by appropriate business unit manager</p> <p>MDS, MWS, DCEO s</p>	Goal 2.1.2	<p>Ongoing</p> <p>annually</p>
Continue to foster an environment that supports the engagement of the community on transport issues facing the Shire.	<ul style="list-style-type: none"> Ensure community consultation regarding transport before the next revision of the Infrastructure Asset Management Plan 	CEO, MWS	Goal 2.1.3	Annually

LONG TERM PLAN IMPLICATIONS:

Council has allocated funds in the 2016/2017 Financial Year within the plan to construct Centenary Park as per financial implications.

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Community Development Officer

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council;

1. Rejects all Tenders as pricing for Tender 04/2016 exceeds Council budget allocation for the Project.
2. Delegates authority to the Chief Executive Officer to engage with a Contractor/s to construct the Centenary Park Upgrade within Council's allocated funds.

COUNCIL RECOMMENDATION

MIN 217/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council;

- 1. *Rejects all Tenders as pricing for Tender 04/2016 exceeds Council budget allocation for the Project; and*
- 2. *Authorises the Chief Executive Officer consult with a Contractor/s regarding the construction of the Centenary Park Upgrade within Council's allocated funds, and present alternatives to a Council Meeting.*

CARRIED 7/0

Reason

Council wished to know what changes would be made to the Centenary Park Upgrade plans in order to accommodate the budget restrictions and to ensure the integrity of the park hasn't changed dramatically prior to the works commencing.

CLOSURE OF MEETING

The President thanked all members for the attendance, wished everyone a Safe, Merry Christmas and a Happy New Year and closed the meeting at 5pm.

NEXT MEETING

Tuesday, 21st February 2016 @ 2pm, Kellerberrin Council Chambers.