

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Wednesday 27th July 2016, commencing at 2:05 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.05 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. Reid	Member
Cr. Steber	Member
Cr. McNeil	Member
Mr Raymond Griffiths	Chief Executive Officer
Mrs Karen Oborn	Deputy Chief Executive Officer - Minutes
Mr Garry Tucker	Manager Development Services
Mr Mick Jones	Manager Works and Services
Mrs Natasha Giles	Community Development Officer (exited 2.35 pm)

Apologies: Nil

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 **27th July 2016**.

Date	Name	Item No.	Reason
27.07.16	Cr. Reid	11.3.2	Financial Interest in Purchasing Dolly

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 **27th July 2016**.

Date	Name	Item No.	Reason
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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 **27th July 2016**.

Date	Name	Item No.	Reason
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7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 21st June 2016

COUNCIL RECOMMENDATION

MIN 106/16 MOTION: Moved Cr. Leake 2nd Cr. Steber

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 21st June 2016, be confirmed as a true and accurate record

CARRIED 7/0

7.2 Minutes of the Wheatbelt Communities Inc, 29th June 2016

COUNCIL RECOMMENDATION

MIN 107/16 MOTION: Moved Cr. O'Neill 2nd Cr. Reid

That the minutes of the Wheatbelt Communities Inc Meeting held on Wednesday 29th June 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 108/16 MOTION: Moved Cr. Steber 2nd Cr. White

That the President's reports for July 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:	3 rd July 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.

July 2016 Council Meeting

MIN 95/16 MOTION - Moved Cr. Steber 2nd Cr. White

That Council note that;

- 1. Glen Luce Road will be attended to when drier,*
- 2. There has been positive feedback on Shire intention to improve tidiness of town sites.*

CARRIED 7/0

June 2016 Council Meeting

MIN 70/16 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council:

- 1. issue a household letter requesting that town yards are kept tidy and car bodies in particular be removed to improve the aesthetics of the town.*
- 2. Officers and Councillors undertake a review of both town sites to compile a list of properties requiring further attention should the owners not adhere to the above request.*

CARRIED 7/0

April 2016 Council Meeting

MIN 37/16 MOTION - Moved Cr. Cr Leake 2nd Cr. Cr Steber

That Council note that there are no requests/ideas to be actioned for the March meeting.

CARRIED 7/0

COMMENT

April 2016 – MIN 37/16

No Action required.

June 2016 – MIN 70/16

- 1 – Household letter issues on the 20th May 2016
- 2 – Some Councillors have completed

1 – Road is currently to wet to start work. However Mick had arranged an onsite meeting with Wayne Youlie for Wednesday 20th July to organize a start time.

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.

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

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.

[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]

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 109/16 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council;

- 1. Requests that Peak Transport demonstrate their need for the requirement for the use of Hammond Street for network 3 between Scott Street and Mitchell Street;***
- 2. Review the RAV access for Scaddan Street for the purposes of DKT;***
- 3. Review the RAV access to Humpleby Road for the purposes of Moylan's Toll and Premium Grains; and***
- 4. Investigates its legal responsibilities and liabilities with regards to road side camping/parking that occurs during the B&S event.***

CARRIED 7/0

2.35pm - Mrs Natasha Giles exited Council Chambers

Agenda Reference:	11.1.2
Subject:	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
Location:	Held via Teleconference
Applicant:	Great Eastern Country Zone of WALGA
File Ref:	OLGOV-16
Disclosure of Interest:	Nil
Date:	18 th July 2016
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Meeting, held on Thursday 30th June 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 30th June 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).

BY CONSENSUS RESOLUTION:

That the Great Eastern Country Zone notes the:

1. State Councillor Report; and
2. WALGA Status Report.

CARRIED

BY CONSENSUS RESOLUTION:

That the Great Eastern Country Zone support the WALGA recommendation.

CARRIED

RESOLUTION: Moved: Mr Burton Seconded: Cr Truran

That the WALGA recommendation be amended to delete "endorsed" and insert "received".

CARRIED

RESOLUTION: Moved: Cr Strange Seconded: Cr O'Connell

That Great Eastern Country Zone supports the WALGA Recommendation on WALGA Governance Review.

CARRIED

RESOLUTION: Moved: Cr Strange Seconded: Cr Davies

That the Great Eastern Country Zone endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.

CARRIED

RESOLUTION: **Moved: Cr Davies** **Seconded: Cr Uphill**

That the Great Eastern Country Zone notes the following reports contained in the WALGA State Council Agenda:

- **Matters for noting/Information;**
- **Organisational reports;**
- **Policy Forum reports; and**
- **WALGA President’s Report.**

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 30th June 2016.

COUNCIL RECOMMENATION

MIN 110/16 MOTION - Moved Cr. O’Neill 2nd Cr. White

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 30th June 2016.

CARRIED 7/0

Agenda Reference:	11.1.3
Subject:	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
Location:	Merredin Regional Community and Leisure Centre
Applicant:	Great Eastern Country Zone of WALGA
File Ref:	OLGOV-16
Disclosure of Interest:	Nil
Date:	18 th July 2016
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Meeting, held on Friday 8th July 2016 at the Merredin Regional Community and Leisure Centre, 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 Friday 8th July 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;

- e. aware of decision making and proposals submitted
- f. opportunity to prepare agenda items
- g. forward planning to commitments made by the full Group and;
- h. 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 Forsyth Seconded: Cr Day
 That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 28 April 2016 be confirmed as a true and accurate record of the proceedings. **CARRIED**

RESOLUTION: Moved: Cr O'Connell Seconded: Cr Waters
 That the Minutes of a Meeting of the Great Eastern Country Zone Executive Committee held Thursday 16 June 2016 be received. **CARRIED**

RESOLUTION: Moved: Cr O'Connell Seconded: Cr Truran
 That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 30 June 2016 be confirmed as a true and accurate record of the proceedings. **CARRIED**

RESOLUTION: Moved: Cr Truran Seconded: Cr Tarr
 That the papers detailed in Item 6.6 be noted. **CARRIED**

RESOLUTION: Moved: Cr Waters Seconded: Cr Davies
 That the Wheatbelt Conference 2016 Evaluation Report be noted. **CARRIED**

RESOLUTION: Moved: Cr Truran Seconded: Cr Davies
 That the report be noted and individual Member Councils note the details of the training. **CARRIED**

RESOLUTION: **Moved: Cr Waters** **Seconded: Cr Tarr**

That the Minutes of the Minutes of the Healthy Wheatbelt Meeting held Tuesday 31 May 2016 be received.

CARRIED

RESOLUTION: **Moved: Cr Davies** **Seconded: Cr Shadbolt**

That the May Communique from the Wheatbelt District Emergency Management Committee meeting held Wednesday 18 May 2016 be noted.

CARRIED

RESOLUTION: **Moved: Cr O’Connell** **Seconded: Mr Jackson**

That the report from the Chair of the Wheatbelt North Regional Road Group and the Minutes of the Wheatbelt South Regional Road Group held Wednesday 13 April 2016 be received.

CARRIED

RESOLUTION: **Moved: Cr O’Connell** **Seconded: Cr Waters**

That the report submitted by RDA Wheatbelt be noted.

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 Friday 8th July 2016.

COUNCIL RECOMMENATION

MIN 111/16 MOTION - Moved Cr McNeil 2nd Cr Reid

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Friday 8th July 2016.

CARRIED 7/0

Agenda Reference:	11.1.4
Subject:	WE-ROC Council Meeting Minutes and Resolutions
Location:	Shire of Merredin, Council Chambers
Applicant:	WE-ROC Council
File Ref:	ORG-10
Record Ref:	TBA
Disclosure of Interest:	Nil
Date:	18 th July 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 29th June 2016 held at the Shire of Merredin Council Chambers, 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 29th June 2016 held at the Shire of Merredin, Council Chambers.

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 29th June 2016 WE-ROC Council Meeting summarised hereunder,

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

That the Minutes of the Council Meeting held Wednesday 27 April 2016 be confirmed as a true and correct record.

CARRIED

RESOLUTION: **Moved: Mr Griffiths** **Seconded: Mr Powell**

That the Minutes of the Executive Meeting held Wednesday 25 May 2016 be received.

CARRIED

RESOLUTION: **Moved: Cr Strange** **Seconded: Mr Criddle**

That the Status Report as presented be received.

CARRIED

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

That the matters/papers detailed in Item 4.4 be noted.

CARRIED

RESOLUTION: **Moved: Mr Powell** **Seconded: Mr Griffiths**

That the WE-ROC Financial Report for the period ending 30 April 2016 be received.
CARRIED

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

That the Accounts Paid for the period 1 April 2016 to 31 May 2016 totalling \$705,925.11 be approved.
CARRIED

RESOLUTION: **Moved: Mr Powell** **Seconded: Mr Criddle**

That WE-ROC notes the information on planned funding requests/expenditure of sporting and recreation facilities for 2016 provided by Member Councils.
CARRIED

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

That the revised Central Wheatbelt Visitor Centre (CWVC) Memorandum of Understanding be noted.
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 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 29th June 2016.

COUNCIL RECOMMENDATION

MIN 112/16 MOTION - Moved Cr. Steber 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 29th June 2016.

CARRIED 7/0

Agenda Reference:	11.1.5
Subject:	Procedure for making local laws – Cemeteries Local Law
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	LLAW-02
Record Number	MIN 48/16
Disclosure of Interest:	N/A
Date:	8 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The *Local Government Act 1995* (the Act), requires that the Council must every eight (8) years after adoption of any Local Law, or the last review, conduct a review of the Local Law to ensure that it still retains currency.

Generally and specifically the first part of the review was to establish whether there were any Local Laws that were considered obsolete and consequently requiring repeal without being replaced. The Department of Local Government Local Laws Register has been referred to.

There are two situations that may lead to the repeal of a Local Law;

1. Repealing a local law with the intent of making a new Local Law for substantially the same purpose, but reflecting contemporary practices ie new Standing Orders Local Law that reflects contemporary meeting procedure practices; or
2. A Local Law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation.

It is appropriate to point out that any outcomes from a review that result in amendments to a Local Law must then be processed as though it was a change to the Local Law and the amendments formally adopted using S3.12 of the Act.

Council's April 2016 Ordinary Meeting of Council

MIN 48/16 MOTION - Moved Cr. Steber 2nd Cr. Mc Neil

That Council:

1. **Proceed with the procedure for marking local laws for the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;**
 - **Cemetery Local Law**
2. **Give state wide public notice o the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:**

CARRIED 7/0

MIN 18/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

1. **Proceed with the procedure for making local laws for the following Local Laws as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;**
 - **Fencing Local Law**
 - **Cemetery Local Law**
 - **Activities on Thoroughfares and Trading in Thoroughfares an Public Places Local Law**
 - **Local Government (Council Meeting) Local Law**
 - **Parking and Parking Facilities Local Law**
2. **Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:**

COMMENT

Due to council not having completed the required review every eight (8) years on the adopted Local Laws, it is proposed that the shire start the procedure of making local laws in accordance with S3.12 of the Act of the Cemeteries local law.

S3.12 of the Act provides the process to be followed for making local laws.

This in effect means instead of two distinct processes to follow – the first being a review and the second being any amendments or new local laws, we will just be completing the second process of amending or creating new Local Laws.

To commence the procedure for marking locals laws Council is required to advertise state-wide public notice.

Council at the February 2016 Ordinary Council Meeting adopted to proceed in the marking of a Local Law as per section 3.12 of the Local Government Act 1995. State wide notification was published in The West Australian on the 17th February 2016. Council received an emailed submission from Department of Local Government and Communities regarding the Cemetery Local Law.

As these alterations will make the local law significantly different to that initially proposed, it was recommended to recommence the procedure of making a local law.

Council recommenced the process and at the April 2016 Ordinary Council Meeting adopted to proceed in making of a Local Law as per section 3.12 of the Local Government Act 1995. State wide public notice was published on the 11th May 2016 in the West Australian and published in the Pipeline on the 16th May 2016. A copy of the advert and draft local law was sent to the minister for Local Government on the 12th May 2016.

Submission closed on the 8th July 2016 at 4:00pm.

The next step is consideration of any submissions received. If any alterations are made to the local law that would cause the local law to be significantly different to that initially proposed the process will need to be recommenced.

If the Local law has no alterations that would classify as significantly different then the local law can be adopted but 'absolute majority' for council to make the local law.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Additional Advertising Costs and Gazettal cost

Year	G/L Number	Description	Budget	Actual	Difference
15/16	042001	Advertising	\$15,000	\$16,190.71	\$1,190.71
16/17	042001	Advertising	\$15,926	0.00	0.00

Advertising cost are expected to be around \$900.00 for one advert (this includes all proposed local laws) and Gazettal cost are expected to be around \$8000.00 for all local laws.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

Section 3.1. General function

Section 3.12 Adoption of a Local Law

Section 3.16 Periodic Review of Local laws

Local Government (Administration) Regulations 1996.

Local Government (Functions and General) Regulations 1996.

Interpretation Act 1984

Section 43(4) describes the requirements to amend subsidiary legislation S3.16 of the Act requires the Council to carry out a formal review of its Local Laws every 8 years.

Following the review of the Local Laws any amendments will be processed in accordance with S3.12 of the Act

STRATEGIC COMMUNITY PLAN IMPLICATIONS

3 Governance

Refers to the organisational leadership and the way we aspire to be led

To have community leaders and elected community representatives that protect and promote the interests, aspirations and desires of our community.

We acknowledge that Council's operations could improve by enhancing our planning capabilities and fostering an open, transparent and honest relationship between Council representatives and our community members.

We understand there is a concern that our present community is fragmented and we aspire to create a stronger and more unified community spirit.

Our Strategic Priorities and Goals

In recognition of our community's aspirations, we have identified seven key strategic priorities. These strategic priorities represent our ultimate community aspirations and, with Council's assistance, will strive to achieve to become a Shire that displays strength, unity, leadership and diversity.

Theme 3: Leadership

To be led by an open, honest and transparent government.

3.1	<i>Our Elected Representatives provide effective, respected and progressive leadership.</i>	3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.			✓		
		3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓		✓		
		3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓		✓		
		3.1.4	To actively pursue a positive community spirit and support.	✓		✓		

Our Stakeholders and Partners

The community recognises that whilst Council can lead and facilitate the delivery of many of these strategies and goals, the successful implementation of these initiatives will also be largely dependent on participation by other external parties, such as community groups, and State and Federal Government agencies. Listed below are the key stakeholders who may influence the successful delivery of each of Council's goals.

Theme 3: Leadership						
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.	✓				
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓	✓			
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓	✓			
3.1.4	To actively pursue a positive community spirit and support.	✓	✓			

An Overview	
<p>Our community has identified a desire to have a Council that is honest, transparent and open. An effective Council should:</p> <ul style="list-style-type: none"> Encourage and be open to community consultation; Encourage community participation and community involvement; Provide greater opportunities for community participation in activities and events; Actively pursue opportunities that will unify the community and develop a stronger community spirit. 	
Our Objective	
<ul style="list-style-type: none"> To provide the community with a strong and trusted Council, with members and representatives listening and responding to the needs of the community. 	
Our Desired Outcomes	
<ul style="list-style-type: none"> A strong and progressive and community focused government leading the community 	
Our Goals	
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.

3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
3.1.4	To actively pursue a positive community spirit and support.

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

LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Manager Development Services
Community Via statewide advertising in the West Australian and Community Notice Boards

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:-

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft cemeteries local law*
2. *Adopts the attached Shire of Kellerberrin Cemeteries Local Laws in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
 - *Stating the title of the Local Law*
 - *Summarizing the purpose and effect (specifying the day it comes into affect)*
 - *Advising that copies are available at the Council office for inspection.*

COUNCIL RECOMMENDATION

MIN 113/16 MOTION - Moved Cr. White 2nd Cr. Steber

That Council:-

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft cemeteries local law*
2. *Adopts the attached Shire of Kellerberrin Cemeteries Local Laws in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
 - *Stating the title of the Local Law*
 - *Summarizing the purpose and effect (specifying the day it comes into effect)*
 - *Advising that copies are available at the Council office for inspection.*

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.6
Subject:	Procedure for making local laws – Local Government (Council Meetings) Local Law
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	LLAW-10
Record Number	MIN 49/16
Disclosure of Interest:	N/A
Date:	8 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The *Local Government Act 1995* (the Act), requires that the Council must every eight (8) years after adoption of any Local Law, or the last review, conduct a review of the Local Law to ensure that it still retains currency.

Generally and specifically the first part of the review was to establish whether there were any Local Laws that were considered obsolete and consequently requiring repeal without being replaced. The Department of Local Government Local Laws Register has been referred to.

There are two situations that may lead to the repeal of a Local Law;

3. Repealing a local law with the intent of making a new Local Law for substantially the same purpose, but reflecting contemporary practices ie new Standing Orders Local Law that reflects contemporary meeting procedure practices; or
4. A Local Law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation.

It is appropriate to point out that any outcomes from a review that result in amendments to a Local Law must then be processed as though it was a change to the Local Law and the amendments formally adopted using S3.12 of the Act.

Council's April 2016 Ordinary Meeting of Council
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MIN 49/16 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council:

1. ***Proceed with the procedure for marking local laws for the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
 - ***Local Government (Council Meeting) Local Law***
2. ***Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:***

CARRIED 7/0

Council's February 2016 Ordinary Meeting of Council

MIN 18/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

1. ***Proceed with the procedure for making local laws for the following Local Laws as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
 - ***Fencing Local Law***

- **Cemetery Local Law**
- **Activities on Thoroughfares and Trading in Thoroughfares an Public Places Local Law**
- **Local Government (Council Meeting) Local Law**
- **Parking and Parking Facilities Local Law**

2. **Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:**

COMMENT

Due to council not having completed the required review every eight (8) years on the adopted Local Laws, it is proposed that the shire start the procedure of making local laws in accordance with S3.12 of the Act of the Local Government (Council Meetings) local law.

S3.12 of the Act provides the process to be followed for making local laws.

This in effect means instead of two distinct processes to follow – the first being a review and the second being any amendments or new local laws, we will just be completing the second process of amending or creating new Local Laws.

To commence the procedure for marking locals laws Council is required to advertise state-wide public notice.

Council at the February 2016 Ordinary Council Meeting adopted to proceed in the marking of a Local Law as per section 3.12 of the Local Government Act 1995. State wide notification was published in The West Australian on the 17th February 2016. Council received an emailed submission from Department of Local Government and Communities regarding the Local Government (Council Meetings) Local Law.

As these alterations will make the local law significantly different to that initially proposed, it was recommended to recommence the procedure of making a local law.

Council recommenced the process and at the April 2016 Ordinary Council Meeting adopted to proceed in making of a Local Law as per section 3.12 of the Local Government Act 1995. State wide public notice was published on the 11th May 2016 in the West Australian and published in the Pipeline on the 16th May 2016. A copy of the advert and draft local law was sent to the minister for Local Government on the 12th May 2016.

Submission closed on the 8th July 2016 at 4:00pm.

The next step is consideration of any submissions received. If any alterations are made to the local law that would cause the local law to be significantly different to that initially proposed the process will need to be recommenced.

If the Local law has no alterations that would classify as significantly different then the local law can be adopted but ‘absolute majority’ for council to make the local law.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Additional Advertising Costs and Gazettal cost

Year	G/L Number	Description	Budget	Actual	Difference
15/16	042001	Advertising	\$15,000	\$16,190.71	\$1,190.71
16/17	042001	Advertising	\$15,926	0.00	0.00

Advertising cost are expected to be around \$900.00 for one advert (this includes all proposed local laws) and Gazettal cost are expected to be around \$8000.00 for all local laws.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

- Section 2.7. The role of the council
- Section 3.1. General function
- Section 3.12 Adoption of a Local Law
- Section 3.16 Periodic Review of Local laws
- Local Government (Administration) Regulations 1996.
- Local Government (Functions and General) Regulations 1996.

Interpretation Act 1984

Section 43(4) describes the requirements to amend subsidiary legislation S3.16 of the Act requires the Council to carry out a formal review of its Local Laws every 8 years.

Following the review of the Local Laws any amendments will be processed in accordance with S3.12 of the Act

STRATEGIC COMMUNITY PLAN IMPLICATIONS

3	<p>Governance</p> <p><i>Refers to the organisational leadership and the way we aspire to be led</i></p>	<p>To have community leaders and elected community representatives that protect and promote the interests, aspirations and desires of our community.</p> <p><i>We acknowledge that Council's operations could improve by enhancing our planning capabilities and fostering an open, transparent and honest relationship between Council representatives and our community members.</i></p> <p><i>We understand there is a concern that our present community is fragmented and we aspire to create a stronger and more unified community spirit.</i></p>
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Our Strategic Priorities and Goals

In recognition of our community’s aspirations, we have identified seven key strategic priorities. These strategic priorities represent our ultimate community aspirations and, with Council’s assistance, will strive to achieve to become a Shire that displays strength, unity, leadership and diversity.

Theme 3: Leadership							
To be led by an open, honest and transparent government.							
3.1	Our Elected Representatives provide effective, respected and progressive leadership.	3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.			✓	
		3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓		✓	
		3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓		✓	

	3.1.4	To actively pursue a positive community spirit and support.	✓		✓		
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Our Stakeholders and Partners

The community recognises that whilst Council can lead and facilitate the delivery of many of these strategies and goals, the successful implementation of these initiatives will also be largely dependent on participation by other external parties, such as community groups, and State and Federal Government agencies. Listed below are the key stakeholders who may influence the successful delivery of each of Council's goals.

Theme 3: Leadership							
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.	✓					
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓	✓				
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓	✓				
3.1.4	To actively pursue a positive community spirit and support.	✓	✓				

An Overview

Our community has identified a desire to have a Council that is honest, transparent and open. An effective Council should:

- Encourage and be open to community consultation;
- Encourage community participation and community involvement;
- Provide greater opportunities for community participation in activities and events;
- Actively pursue opportunities that will unify the community and develop a stronger community spirit.

Our Objective

- To provide the community with a strong and trusted Council, with members and representatives listening and responding to the needs of the community.

Our Desired Outcomes

- A strong and progressive and community focused government leading the community

Our Goals

3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
3.1.4	To actively pursue a positive community spirit and support.

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

LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:-

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft Local Government (Council Meetings) local law*
2. *Adopts the attached Shire of Kellerberrin Local Government (Council Meetings) Local Laws in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
 - i. *Stating the title of the Local Law*
 - ii. *Summarizing the purpose and effect (specifying the day it comes into affect)*
 - iii. *Advising that copies are available at the Council office for inspection.*

COUNCIL RECOMMENDATION

MIN 114/16 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council:-

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft Local Government (Council Meetings) local law*
2. *Adopts the attached Shire of Kellerberrin Local Government (Council Meetings) Local Laws in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
 - i. *Stating the title of the Local Law*
 - ii. *Summarizing the purpose and effect (specifying the day it comes into effect)*
 - iii. *Advising that copies are available at the Council office for inspection.*

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.7
Subject:	Procedure for making local laws – Fencing Local Law
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	LLAW-05
Record Number	MIN 47/16
Disclosure of Interest:	N/A
Date:	8 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The *Local Government Act 1995* (the Act), requires that the Council must every eight (8) years after adoption of any Local Law, or the last review, conduct a review of the Local Law to ensure that it still retains currency.

Generally and specifically the first part of the review was to establish whether there were any Local Laws that were considered obsolete and consequently requiring repeal without being replaced. The Department of Local Government Local Laws Register has been referred to.

There are two situations that may lead to the repeal of a Local Law;

1. Repealing a local law with the intent of making a new Local Law for substantially the same purpose, but reflecting contemporary practices ie new Standing Orders Local Law that reflects contemporary meeting procedure practices; or
2. A Local Law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation.

It is appropriate to point out that any outcomes from a review that result in amendments to a Local Law must then be processed as though it was a change to the Local Law and the amendments formally adopted using S3.12 of the Act.

Council's April 2016 Ordinary Meeting of Council
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MIN 47/16 MOTION - Moved Cr. White 2nd Cr. Steber

That Council:

1. ***Proceed with the procedure for marking local laws for the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***

- ***Fencing Local Law***

2. ***Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:***

CARRIED 7/0

Council's February 2016 Ordinary Meeting of Council

MIN 18/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

1. ***Proceed with the procedure for making local laws for the following Local Laws as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***

- ***Fencing Local Law***
- ***Cemetery Local Law***
- ***Activities on Thoroughfares and Trading in Thoroughfares an Public Places Local Law***

- **Local Government (Council Meeting) Local Law**
- **Parking and Parking Facilities Local Law**

2. Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:

COMMENT

Due to council not having completed the required review every eight (8) years on the adopted Local Laws, it is proposed that the shire start the procedure of making local laws in accordance with S3.12 of the Act of the Fencing local law.

S3.12 of the Act provides the process to be followed for making local laws.

This in effect means instead of two distinct processes to follow – the first being a review and the second being any amendments or new local laws, we will just be completing the second process of amending or creating new Local Laws.

To commence the procedure for marking locals laws Council is required to advertise state-wide public notice.

Council at the February 2016 Ordinary Council Meeting adopted to proceed in the marking of a Local Law as per section 3.12 of the Local Government Act 1995. State wide notification was published in The West Australian on the 17th February 2016. Council received an emailed submission from Department of Local Government and Communities regarding the Fencing Local Law.

As these alterations will make the local law significantly different to that initially proposed, it is recommended to recommence the procedure of making a local law.

Council recommenced the process and at the April 2016 Ordinary Council Meeting adopted to proceed in making of a Local Law as per section 3.12 of the Local Government Act 1995. State wide public notice was published on the 11th May 2016 in the West Australian and published in the Pipeline on the 16th May 2016. A copy of the advert and draft local law was sent to the minister for Local Government on the 12th May 2016.

Submission closed on the 8th July 2016 at 4:00pm.

The next step is consideration of any submissions received. If any alterations are made to the local law that would cause the local law to be significantly different to that initially proposed the process will need to be recommenced.

If the Local law has no alterations that would classify as significantly different then the local law can be adopted but 'absolute majority' for council to make the local law.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Additional Advertising Costs and Gazettal cost

Year	G/L Number	Description	Budget	Actual	Difference
15/16	042001	Advertising	\$15,000	\$16,190.71	\$1,190.71
16/17	042001	Advertising	\$15,926	0.00	0.00

Advertising cost are expected to be around \$900.00 for one advert (this includes all proposed local laws) and Gazettal cost are expected to be around \$8000.00 for all local laws.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

- Section 2.7. The role of the council
- Section 3.1. General function
- Section 3.12 Adoption of a Local Law
- Section 3.16 Periodic Review of Local laws
- Local Government (Administration) Regulations 1996.
- Local Government (Functions and General) Regulations 1996.

Interpretation Act 1984

Section 43(4) describes the requirements to amend subsidiary legislation S3.16 of the Act requires the Council to carry out a formal review of its Local Laws every 8 years.

Following the review of the Local Laws any amendments will be processed in accordance with S3.12 of the Act

STRATEGIC COMMUNITY PLAN IMPLICATIONS

<p>3 Governance</p> <p><i>Refers to the organisational leadership and the way we aspire to be led</i></p>	<p>To have community leaders and elected community representatives that protect and promote the interests, aspirations and desires of our community.</p> <p><i>We acknowledge that Council's operations could improve by enhancing our planning capabilities and fostering an open, transparent and honest relationship between Council representatives and our community members.</i></p> <p><i>We understand there is a concern that our present community is fragmented and we aspire to create a stronger and more unified community spirit.</i></p>
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Our Strategic Priorities and Goals

In recognition of our community's aspirations, we have identified seven key strategic priorities. These strategic priorities represent our ultimate community aspirations and, with Council's assistance, will strive to achieve to become a Shire that displays strength, unity, leadership and diversity.

Theme 3: Leadership						
To be led by an open, honest and transparent government.						
<p>3.1 <i>Our Elected Representatives provide effective, respected and progressive leadership.</i></p>	<p>3.1.1 To lead and govern in a fair, transparent, ethical and responsive manner.</p>			✓		
	<p>3.1.2 To inform the community of activities and events that may have an impact on the way they live and/or where they live.</p>	✓		✓		
	<p>3.1.3 To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.</p>	✓		✓		

	3.1.4	To actively pursue a positive community spirit and support.	✓		✓		
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Our Stakeholders and Partners

The community recognises that whilst Council can lead and facilitate the delivery of many of these strategies and goals, the successful implementation of these initiatives will also be largely dependent on participation by other external parties, such as community groups, and State and Federal Government agencies. Listed below are the key stakeholders who may influence the successful delivery of each of Council's goals.

Theme 3: Leadership							
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.	✓					
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓	✓				
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓	✓				
3.1.4	To actively pursue a positive community spirit and support.	✓	✓				

An Overview	
<p>Our community has identified a desire to have a Council that is honest, transparent and open. An effective Council should:</p> <ul style="list-style-type: none"> Encourage and be open to community consultation; Encourage community participation and community involvement; Provide greater opportunities for community participation in activities and events; Actively pursue opportunities that will unify the community and develop a stronger community spirit. 	
Our Objective	
<ul style="list-style-type: none"> To provide the community with a strong and trusted Council, with members and representatives listening and responding to the needs of the community. 	
Our Desired Outcomes	
<ul style="list-style-type: none"> A strong and progressive and community focused government leading the community 	
Our Goals	
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
3.1.4	To actively pursue a positive community spirit and support.

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

LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:-

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft fencing local law*
2. *Adopts the attached Shire of Kellerberrin Fencing Local Laws in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
 - i. *Stating the title of the Local Law*
 - ii. *Summarizing the purpose and effect (specifying the day it comes into affect)*
 - iii. *Advising that copies are available at the Council office for inspection.*

COUNCIL RECOMMENDATION

MIN 115/16 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council:-

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft fencing local law*
2. *Adopts the attached Shire of Kellerberrin Fencing Local Laws in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
 - i. *Stating the title of the Local Law*
 - ii. *Summarizing the purpose and effect (specifying the day it comes into effect)*
 - iii. *Advising that copies are available at the Council office for inspection.*

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.8
Subject:	Procedure for making local laws – Parking Local Law
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	LLAW-08
Record Number	MIN 51/16
Disclosure of Interest:	N/A
Date:	8 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The *Local Government Act 195* (the Act), requires that the Council must every eight (8) years after adoption of any Local Law, or the last review, conduct a review of the Local Law to ensure that it still retains currency.

Generally and specifically the first part of the review was to establish whether there were any Local Laws that were considered obsolete and consequently requiring repeal without being replaced. The Department of Local Government Local Laws Register has been referred to.

There are two situations that may lead to the repeal of a Local Law;

1. Repealing a local law with the intent of making a new Local Law for substantially the same purpose, but reflecting contemporary practices ie new Standing Orders Local Law that reflects contemporary meeting procedure practices; or
2. A Local Law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation.

It is appropriate to point out that any outcomes from a review that result in amendments to a Local Law must then be processed as though it was a change to the Local Law and the amendments formally adopted using S3.12 of the Act.

Council's April 2016 Ordinary Meeting of Council
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MIN 51/16 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council:

1. ***Proceed with the procedure for marking local laws for the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
 - ***Parking and Parking Facilities Local Law***
2. ***Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:***

CARRIED 7/0

Council's February 2016 Ordinary Meeting of Council

MIN 18/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

1. ***Proceed with the procedure for making local laws for the following Local Laws as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
 - ***Fencing Local Law***
 - ***Cemetery Local Law***

- **Activities on Thoroughfares and Trading in Thoroughfares an Public Places Local Law**
- **Local Government (Council Meeting) Local Law**
- **Parking and Parking Facilities Local Law**

2. Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:

COMMENT

Due to council not having completed the required review every eight (8) years on the adopted Local Laws, it is proposed that the shire start the procedure of making local laws in accordance with S3.12 of the Act of the Parking and Parking Facilities local law.

S3.12 of the Act provides the process to be followed for making local laws.

This in effect means instead of two distinct processes to follow – the first being a review and the second being any amendments or new local laws, we will just be completing the second process of amending or creating new Local Laws.

To commence the procedure for marking locals laws Council is required to advertise state-wide public notice.

Council at the February 2016 Ordinary Council Meeting adopted to proceed in the marking of a Local Law as per section 3.12 of the Local Government Act 1995. State wide notification was published in The West Australian on the 17th February 2016. Council received an emailed submission from Department of Local Government and Communities regarding the Local Government (Council Meetings) Local Law.

As these alterations will make the local law significantly different to that initially proposed, it was recommended to recommence the procedure of making a local law.

Council recommenced the process and at the April 2016 Ordinary Council Meeting adopted to proceed in making of a Local Law as per section 3.12 of the Local Government Act 1995. State wide public notice was published on the 11th May 2016 in the West Australian and published in the Pipeline on the 16th May 2016. A copy of the advert and draft local law was sent to the minister for Local Government on the 12th May 2016.

Submission closed on the 8th July 2016 at 4:00pm.

The next step is consideration of any submissions received. If any alterations are made to the local law that would cause the local law to be significantly different to that initially proposed the process will need to be recommenced.

If the Local law has no alterations that would classify as significantly different then the local law can be adopted but ‘absolute majority’ for council to make the local law.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Additional Advertising Costs and Gazettal cost

Year	G/L Number	Description	Budget	Actual	Difference
15/16	042001	Advertising	\$15,000	\$16,190.71	\$1,190.71
16/17	042001	Advertising	\$15,926	0.00	0.00

Advertising cost are expected to be around \$900.00 for one advert (this includes all proposed local laws) and Gazettal cost are expected to be around \$8000.00 for all local laws.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

- Section 2.7. The role of the council
- Section 3.1. General function
- Section 3.12 Adoption of a Local Law
- Section 3.16 Periodic Review of Local laws
- Local Government (Administration) Regulations 1996.
- Local Government (Functions and General) Regulations 1996.

Interpretation Act 1984

Section 43(4) describes the requirements to amend subsidiary legislation S3.16 of the Act requires the Council to carry out a formal review of its Local Laws every 8 years.

Following the review of the Local Laws any amendments will be processed in accordance with S3.12 of the Act

STRATEGIC COMMUNITY PLAN IMPLICATIONS

3	<p>Governance</p> <p><i>Refers to the organisational leadership and the way we aspire to be led</i></p>	<p>To have community leaders and elected community representatives that protect and promote the interests, aspirations and desires of our community.</p> <p><i>We acknowledge that Council's operations could improve by enhancing our planning capabilities and fostering an open, transparent and honest relationship between Council representatives and our community members.</i></p> <p><i>We understand there is a concern that our present community is fragmented and we aspire to create a stronger and more unified community spirit.</i></p>
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Our Strategic Priorities and Goals

In recognition of our community's aspirations, we have identified seven key strategic priorities. These strategic priorities represent our ultimate community aspirations and, with Council's assistance, will strive to achieve to become a Shire that displays strength, unity, leadership and diversity.

Theme 3: Leadership							
To be led by an open, honest and transparent government.							
3.1	<i>Our Elected Representatives provide effective, respected and progressive leadership.</i>	3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.			✓	
		3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓		✓	
		3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓		✓	

	3.1.4	To actively pursue a positive community spirit and support.	✓		✓		
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Our Stakeholders and Partners

The community recognises that whilst Council can lead and facilitate the delivery of many of these strategies and goals, the successful implementation of these initiatives will also be largely dependent on participation by other external parties, such as community groups, and State and Federal Government agencies. Listed below are the key stakeholders who may influence the successful delivery of each of Council's goals.

Theme 3: Leadership							
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.	✓					
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓	✓				
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓	✓				
3.1.4	To actively pursue a positive community spirit and support.	✓	✓				

An Overview

Our community has identified a desire to have a Council that is honest, transparent and open. An effective Council should:

- Encourage and be open to community consultation;
- Encourage community participation and community involvement;
- Provide greater opportunities for community participation in activities and events;
- Actively pursue opportunities that will unify the community and develop a stronger community spirit.

Our Objective

- To provide the community with a strong and trusted Council, with members and representatives listening and responding to the needs of the community.

Our Desired Outcomes

- A strong and progressive and community focused government leading the community

Our Goals

3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
3.1.4	To actively pursue a positive community spirit and support.

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

LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:-

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft Parking and Parking Facilities local law*
2. *Adopts the attached Shire of Kellerberrin Parking and Parking Facilities Local Laws in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
 - i. *Stating the title of the Local Law*
 - ii. *Summarizing the purpose and effect (specifying the day it comes into affect)*
 - iii. *Advising that copies are available at the Council office for inspection.*

COUNCIL RECOMMENDATION

MIN 116/16 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council:-

1. ***Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft Parking and Parking Facilities local law***
2. ***Adopts the attached Shire of Kellerberrin Parking and Parking Facilities Local Laws in accordance with the provisions of the Local Government Act 1995.***
3. ***Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995***
4. ***Gives Local Public Notice after the Local Law has been gazetted;***
 - i. ***Stating the title of the Local Law***
 - ii. ***Summarizing the purpose and effect (specifying the day it comes into affect)***
 - iii. ***Advising that copies are available at the Council office for inspection.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.9
Subject:	Procedure for making local laws – Thoroughfares Local Law
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	LLAW-06
Record Number	MIN 50/16
Disclosure of Interest:	N/A
Date:	8 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The *Local Government Act 1995* (the Act), requires that the Council must every eight (8) years after adoption of any Local Law, or the last review, conduct a review of the Local Law to ensure that it still retains currency.

Generally and specifically the first part of the review was to establish whether there were any Local Laws that were considered obsolete and consequently requiring repeal without being replaced. The Department of Local Government Local Laws Register has been referred to.

There are two situations that may lead to the repeal of a Local Law;

1. Repealing a local law with the intent of making a new Local Law for substantially the same purpose, but reflecting contemporary practices ie new Standing Orders Local Law that reflects contemporary meeting procedure practices; or
2. A Local Law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation.

It is appropriate to point out that any outcomes from a review that result in amendments to a Local Law must then be processed as though it was a change to the Local Law and the amendments formally adopted using S3.12 of the Act.

Council's April 2016 Ordinary Meeting of Council
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MIN 50/16 MOTION - Moved Cr. Steber 2nd Cr. O'Neil

That Council:

1. ***Proceed with the procedure for marking local laws for the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
 - ***Activities on Thoroughfares and Trading in Thoroughfares an Public Places Local Law***
2. ***Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:***

CARRIED 7/0

Council's February 2016 Ordinary Meeting of Council

MIN 18/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

1. ***Proceed with the procedure for making local laws for the following Local Laws as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
 - ***Fencing Local Law***

- **Cemetery Local Law**
- **Activities on Thoroughfares and Trading in Thoroughfares an Public Places Local Law**
- **Local Government (Council Meeting) Local Law**
- **Parking and Parking Facilities Local Law**

2. **Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:**

COMMENT

Due to council not having completed the required review every eight (8) years on the adopted Local Laws, it is proposed that the shire start the procedure of making local laws in accordance with S3.12 of the Act of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places local law.

S3.12 of the Act provides the process to be followed for making local laws.

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FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Additional Advertising Costs and Gazettal cost

Year	G/L Number	Description	Budget	Actual	Difference
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16/17	042001	Advertising	\$15,926	0.00	0.00

Advertising cost are expected to be around \$900.00 for one advert (this includes all proposed local laws) and Gazettal cost are expected to be around \$8000.00 for all local laws.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

- Section 2.7. The role of the council
- Section 3.1. General function
- Section 3.12 Adoption of a Local Law
- Section 3.16 Periodic Review of Local laws
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STRATEGIC COMMUNITY PLAN IMPLICATIONS

3	Governance <i>Refers to the organisational leadership and the way we aspire to be led</i>	<p>To have community leaders and elected community representatives that protect and promote the interests, aspirations and desires of our community.</p> <p><i>We acknowledge that Council's operations could improve by enhancing our planning capabilities and fostering an open, transparent and honest relationship between Council representatives and our community members.</i></p> <p><i>We understand there is a concern that our present community is fragmented and we aspire to create a stronger and more unified community spirit.</i></p>
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Our Strategic Priorities and Goals

In recognition of our community's aspirations, we have identified seven key strategic priorities. These strategic priorities represent our ultimate community aspirations and, with Council's assistance, will strive to achieve to become a Shire that displays strength, unity, leadership and diversity.

Theme 3: Leadership							
To be led by an open, honest and transparent government.							
3.1	Our Elected Representatives provide effective, respected and progressive leadership.	3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.			✓	
		3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓		✓	

	3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓		✓		
	3.1.4	To actively pursue a positive community spirit and support.	✓		✓		

Our Stakeholders and Partners

The community recognises that whilst Council can lead and facilitate the delivery of many of these strategies and goals, the successful implementation of these initiatives will also be largely dependent on participation by other external parties, such as community groups, and State and Federal Government agencies. Listed below are the key stakeholders who may influence the successful delivery of each of Council's goals.

Theme 3: Leadership							
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.	✓					
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓	✓				
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓	✓				
3.1.4	To actively pursue a positive community spirit and support.	✓	✓				

An Overview

Our community has identified a desire to have a Council that is honest, transparent and open. An effective Council should:

- Encourage and be open to community consultation;
- Encourage community participation and community involvement;
- Provide greater opportunities for community participation in activities and events;
- Actively pursue opportunities that will unify the community and develop a stronger community spirit.

Our Objective

- To provide the community with a strong and trusted Council, with members and representatives listening and responding to the needs of the community.

Our Desired Outcomes

- A strong and progressive and community focused government leading the community

Our Goals

3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
3.1.4	To actively pursue a positive community spirit and support.

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

LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Manager Development Services
Community Via statewide advertising in the West Australian and Community Notice Boards

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:-

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.*
2. *Adopts the attached Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
 - i. *Stating the title of the Local Law*
 - ii. *Summarizing the purpose and effect (specifying the day it comes into affect)*
 - iii. *Advising that copies are available at the Council office for inspection.*

COUNCIL RECOMMENDATION

MIN 117/16 MOTION - Moved Cr. White 2nd Cr. McNeil

That Council:-

1. ***Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.***
2. ***Adopts the attached Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law in accordance with the provisions of the Local Government Act 1995.***
3. ***Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995***
4. ***Gives Local Public Notice after the Local Law has been gazetted;***
 - i. ***Stating the title of the Local Law***
 - ii. ***Summarizing the purpose and effect (specifying the day it comes into affect)***
 - iii. ***Advising that copies are available at the Council office for inspection.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.10
Subject:	Delegated Authority review to CEO
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Administration
File Ref:	Delegations File (SAFE)
Record Ref:	TBA
Disclosure of Interest:	N/A
Date:	3 rd July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Local Government Act 1995 as amended, the associated Regulations and the Compliance Audit Return requires the Local Government to review its delegation of Powers/Authority to the Chief Executive Officer, at least once in every twelve (12) months and then for the Chief Executive Officer to review his Delegation of Authority to identified Senior Staff and Management Staff within the same review period.

June 2015 Council Meeting

MIN 97/15 MOTION - Moved Cr. McNeil 2nd Cr. O'Neill

1. *That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
2. *That all previous Delegations to the Chief Executive Officer be cancelled.*

CARRIED 6/0

BY ABSOLUTE MAJORIT

June 2014 Council Meeting

MIN 73/14 MOTION - Moved Cr. O'Neill 2nd Cr. Bee

1. *That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
2. *That all previous Delegations to the Chief Executive Officer be cancelled.*

CARRIED 7/0
BY ABSOLUTE MAJORITY

July 2013 Council Meeting

MIN 101/13 MOTION - Moved Cr. Clarke 2nd Cr. O'Neill

1. *That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
2. *That all previous Delegations to the Chief Executive Officer be cancelled.*

CARRIED 5/0
BY ABSOLUTE MAJORITY

MIN 223/12 MOTION - Moved Cr. Bee 2nd Cr. Forsyth

- 1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.**
- 2. That all previous Delegations to the Chief Executive Officer be cancelled.**

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

The proposed delegations are summarised as per the enclosed Delegations Schedule and has been presented on the basis of;

- 1. Statutory Requirement to do so under the Local Government Act 1995 associated Regulations of the Local Government Act 1995, the Bush Fires Act 1954 and the Compulsory Annual Compliance Audit Return.
- 2. For continued and efficient Management of daily Functions of the Staff to completing Business and Administrative requirements of the Council.
- 3. The proposed Delegations are in accordance with Local Government Industry Standards of a Local Government Operation of this size.
- 4. The attached Delegations Schedule has been amended to include Local Government Act changes and associated Regulations changes to keep the list at a minimum standard for efficient and effective management of Councils daily business requirements and in accordance with the statutory functions of the Council and that of the Chief Executive Officer.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and

- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —

- (a) the CEO’s power under this section to delegate the exercise of that power or the discharge of that duty; and
- (b) the exercise of that power or the discharge of that duty by the CEO’s delegate,

are subject to any conditions imposed by the local government on its delegation to the CEO.

- (4) Subsection (3)(b) does not limit the CEO’s power to impose conditions or further conditions on a delegation under this section.

- (5) In subsections (3) and (4) —

conditions includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Bush Fires Act 1954

7. Interpretation

- (1) In this Act unless the context otherwise indicates or requires —

adjoining, when used with respect to 2 or more pieces of land, extends to pieces of land which are separated only by a road or roads or by a railway or by a water-course;

authorised CALM Act officer means a wildlife officer, forest officer, ranger or conservation and land management officer who is authorised for the purposes of section 45(3a) of the *Conservation and Land Management Act 1984*;

Authority means the Fire and Emergency Services Authority of Western Australia established by section 4 of the FESA Act;

bush includes trees, bushes, plants, stubble, scrub, and undergrowth of all kinds whatsoever whether alive or dead and whether standing or not standing and also a part of a tree, bush, plant, or undergrowth, and whether severed therefrom or not so severed. The term does not include sawdust, and other waste timber resulting from the sawmilling of timber in a sawmill whilst the sawdust and other waste timber remains upon the premises of the sawmill in which the sawmilling is carried on;

bush fire brigade means a bush fire brigade for the time being registered in a register kept pursuant to section 41;

CALM Act CEO has the meaning given to “CEO” by section 3 of the *Conservation and Land Management Act 1984*;

CALM Act Department has the meaning given to “Department” by section 3 of the *Conservation and Land Management Act 1984*;

Chief Executive Officer means the person holding, acting in, or otherwise discharging the duties of, the office of chief executive officer of the Authority, as referred to in section 19 of the FESA Act;

forest land means State forest and timber reserves within the meaning of the *Conservation and Land Management Act 1984* and any land to which section 131 of that Act applies;

member of the Authority means a member of the board of management referred to in section 6 of the FESA Act;

occupier of land means, subject to subsection (2), a person residing on the land or having charge or control of it, whether the person is the owner or tenant or a bailiff, servant, caretaker, or other person residing or having charge or control of the land and includes a person who as mortgagee in possession has possession of the land, while the land is unoccupied, and also a person who has the charge or control of 2 or more separate parcels of land, although the person resides on only one of the parcels;

prohibited burning times means the times of the year during which it is declared by the Minister under section 17 to be unlawful to set fire to the bush within a zone of the State and, in relation to any land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated or in respect of that land in particular;

restricted burning times means the times of the year during which it is declared by the Authority under section 18 to be unlawful to set fire to the bush within a zone of the State except in accordance with a permit obtained under that section and with the conditions prescribed for the purposes of that section and, in relation to land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of that part of that zone, or the district or part of a district, in which that land is situated;

the FESA Act means the *Fire and Emergency Services Authority of Western Australia Act 1998*.

- (2) Subject to section 33(9), a reference in this Act to an owner or occupier of land does not include a reference to a department of the Public Service that occupies land or a State agency or instrumentality that owns or occupies land.

10. Powers of Authority

- (1) The Authority shall —
 - (a) report to the Minister as often as it thinks expedient so to do on the best means to be taken for preventing or extinguishing bush fires;
 - (b) perform and undertake such powers and duties as may be entrusted to it by the Minister;
 - (c) subject to the general control of and direction by the Minister, be responsible for the administration of this Act;
 - (d) recommend to the Minister the prohibited burning times to be declared for the whole or any part of the State;
 - (e) carry out such fire prevention measures as it considers necessary;
 - (f) carry out research in connection with fire prevention and control and matters pertaining to fire prevention and control;
 - (g) conduct publicity campaigns for the purpose of improving fire prevention measures.

- (2) The Authority may —
 - (a) recommend that the Chief Executive Officer appoint and employ such persons as the Authority considers necessary for carrying out the provisions of this Act;
 - (b) organise and conduct bush fire brigade demonstrations and competitions and provide prizes and certificates for presentation to bush fire brigades and competitors;
 - (c) pay the expenses of bush fire brigades attending bush fire brigade demonstrations.

[Section 10 amended by No. 65 of 1977 s. 7; No. 42 of 1998 s. 8 and 16.]

12. Appointment of bush fire liaison officers

- (1) The Chief Executive Officer may, on the recommendation of the Authority and with the approval of the Minister, appoint persons under section 20 of the FESA Act to be bush fire liaison officers for the purposes of this Act.
- (2) Any person who was a bush fire warden immediately before the coming into operation of section 9 of the *Bush Fires Act Amendment Act 1977*¹ shall be deemed to have been appointed to be a bush fire liaison officer under subsection (1).

[Section 12 inserted by No. 65 of 1977 s. 9; amended by No. 42 of 1998 s. 10.]

14. Members of the Authority and other persons may enter land or buildings for purposes of the Act

- (1) A member of the Authority, an officer who is authorised by the Authority so to do, a bush fire liaison officer and a bush fire control officer, appointed in accordance with the provisions of this Act, and, subject to the proviso to this section, a member of the Police Force, is empowered to enter any land or building at any time to —
 - (a) examine a fire which he has reason to believe has been lit, or maintained, or used in contravention of this Act;
 - (b) examine a fire which he believes is not under proper control;
 - (c) examine fire-breaks on the land;
 - (d) examine anything which he considers to be a fire hazard existing on the land;
 - (e) investigate the cause and origin of a fire which has been burning on the land or building;
 - (f) inspect fire precaution measures taken on the land;
 - (g) investigate and examine the equipment of a bush fire brigade;
 - (h) do all things necessary for the purpose of giving effect to this Act.

Provided that a member of the Police Force is not empowered under this section to enter any land or building for any purpose other than those specified in paragraphs (a), (b) and (e).

- (2) A bush fire liaison officer or a member of the Police Force exercising the power conferred by subsection (1)(e) may remove from the land or building, and keep possession of, anything which may tend to prove the origin of the fire.

[Section 14 amended by No. 11 of 1963 s. 5; No. 65 of 1977 s. 11 and 47; No. 60 of 1992 s. 8; No. 42 of 1998 s. 16; No. 38 of 2002 s. 20.]

[Divisions 3 and 4 (s. 15-16E) deleted by No. 42 of 1998 s. 11(1).]

Part III — Prevention of bush fires

[Division 1 deleted by No. 65 of 1977 s. 12.]

Division 2 — Prohibited burning times

17. Prohibited burning times may be declared by Minister

- (1) The Minister may, by declaration published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.
- (2) Where by declaration made under subsection (1) prohibited burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those prohibited burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (3) A copy of the *Gazette* containing a declaration published under subsection (1) shall be received in all courts as evidence of the matters set out in the declaration.
- (4) Where the Authority considers that burning should be carried out on any land, the Authority may suspend the operation of a declaration made under subsection (1), so far as the declaration extends to that land, for such period as it thinks fit and specifies and subject to such conditions as may be prescribed or as it thinks fit and specifies.
- (5) The Authority may authorise a person appointed by it to regulate, permit or define the class of burning that may be carried out, and the times when and conditions under which a fire may be lit, on the land referred to in subsection (4) during the period of suspension granted under that subsection.
- (6) In any year in which the Authority considers that seasonal conditions warrant a variation of the prohibited burning times in a zone of the State the Authority may, by notice published in the *Gazette*, vary the prohibited burning times in respect of that year in the zone or a part of the zone by —
 - (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (b) imposing a further period of prohibited burning times.
- (7)(a) Subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —
 - (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (ii) imposing a further period of prohibited burning times.
- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.
- (8) Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —
 - (a) the local government —
 - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
 - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations

made from time to time by the local government under this section or section 18;

- (iii) shall, as soon as is practicable publish particulars of the variation in that district;
 - (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
 - (i) to rescind the variation; or
 - (ii) to modify the variation in such manner as is specified in the notice;
 - (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
 - (i) rescind or modify the variation as directed in the notice; and
 - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.
- (9) For the purposes of subsections (7) and (8) **publish** means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent positions in that district, or to publish by such other method as the Authority may specify in writing.
- (10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).
- (11) A local government may by resolution revoke a delegation it has given under subsection (10) and no delegation so given prevents the exercise and discharge by the local government of its powers and duties under subsections (7) and (8).
- (12) Subject to this Act a person who sets fire to the bush on land within a zone of the State during the prohibited burning times for that zone is guilty of an offence.
Penalty: \$10 000 or 12 months' imprisonment or both.

[Section 17 inserted by No. 65 of 1977 s. 13; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 21 and 40(1).]

Division 3 — Restricted burning times

18. Restricted burning times may be declared by Authority

- (1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.
- (2) The Authority may, by notice published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.
- (3) Where by declaration made under subsection (2) restricted burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those restricted burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (4) A copy of the *Gazette* containing a declaration published under subsection (2) shall be received in all courts as evidence of the matters set out in the declaration.
- (4a) In any year in which the Authority considers that seasonal conditions warrant a variation of the restricted burning times in a zone, or part of a zone, of the State the Authority may, by notice published in the *Gazette*, vary the restricted burning times in respect of that year in the zone or part of the zone by —

- (a) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (b) imposing a further period of restricted burning times.
- (5)(a) Subject to paragraph (b) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —
- (i) vary the restricted burning times in respect of that year in the district or a part of the district by —
 - (A) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (B) imposing a further period of restricted burning times;
 or
 - (ii) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- (b) A variation shall not be made under this subsection if that variation would have the effect of —
- (i) shortening the restricted burning times by; or
 - (ii) suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under this subsection, be part of the restricted burning times for that zone in that year.
- (c) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.
- (d) For the purposes of this subsection **prescribed condition** includes the requirement of subsection (6)(a).
- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
- (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
- (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
- (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
 - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
 - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).

- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10)(a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
- (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.
- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.

Penalty: For a first offence \$4 500.

For a second or subsequent offence \$10 000.

[Section 18 inserted by No. 65 of 1977 s. 14; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 22, 39 and 40(1).]

Part V — Miscellaneous

48. Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to subdelegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

[Section 48 inserted by No. 38 of 2002 s. 35.]

50. Records to be maintained by local governments

- (1) A local government shall maintain records containing the following information —
 - (a) the names, addresses, and usual occupations of all the bush fire control officers and bush fire brigade officers appointed by or holding office under the local government;
 - (b) where a bush fire control officer holds office in respect of part only of the district of the local government, descriptive particulars of that part of the district in respect of which the bush fire control officer holds office;

- (c) particulars of the nature, quantity, and quality of the bush fire fighting equipment and appliances which are generally available within the district of the local government for use in controlling and extinguishing bush fires.
- (2) The Governor may make regulations —
- (a) requiring an owner or occupier of land to notify the local government in whose district the land is situated of the occurrence of any bush fire on the land;
 - (b) requiring a local government to send to the Authority particulars of losses caused by bush fires in its district;
 - (c) prescribing the times at or within which, and the manner in which, the requirements of the regulations shall be complied with;
 - (d) imposing a maximum penalty of \$1 000 for any breach of the regulations.

[Section 50 amended by No. 113 of 1965 s. 8(1); No. 65 of 1977 s. 39; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 39.]

Compliance Audit Report

Annual endorsement and certification, that the process of Council and CEO has reviewed its delegated authority respectively.

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

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

COMMUNITY CONSULTATION: Nil (not required – a statutory function of the Council and of the Chief Executive Officer)

ABSOLUTE MAJORITY – YES

STAFF RECOMMENDATION

1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.
2. That all previous Delegations to the Chief Executive Officer be cancelled.

COUNCIL RECOMMENDATION

MIN 118/16 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

- 1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.**
- 2. That all previous Delegations to the Chief Executive Officer be cancelled.**

CARRIED 7/0
BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 119/16 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss item 11.1.11.

CARRIED 7/0

2.40pm - Mr Mick Jones, Manager Works and Services exited Council Chambers

2.40pm - Mr Garry Tucker, Manager Development Services exited Council Chambers

COUNCIL RECOMMENDATION

MIN 121/16 MOTION - Moved Cr. Steber 2nd Cr. White

Council moves back from behind closed doors

CARRIED 7/0

2.55pm - Mr Mick Jones, Manager Works and Services entered Council Chambers

2.55pm - Mr Garry Tucker, Manager Development Services entered Council Chambers

Agenda Reference:	11.1.12
Subject:	Townscape, Road Verge & POS Plan (TVPMP).
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	TBA
Record Ref:	TBA
Disclosure of Interest:	Nil
Date:	13 th July 2016
Author:	Karen Oborn, Deputy CEO

BACKGROUND

The Shire of Kellerberrin Townscape, Road Verge, and Public Open Space Management Plan (TVPMP) outlines the strategies and actions required to meet the Community of Kellerberrin's aspirations outlined in the Shire of Kellerberrin 'Strategic Community Plan 2012 -2022' (SCP).

As a result of the consultation process, the Community of Kellerberrin identified a number of strategic priorities appropriate to the management of the Shire's amenity and services. These included the delivery of effective services critical to maintaining the Shire as one that will continue to attract residents, businesses and tourists.

In addition an action item in the Corporate Business Plan was for the Shire of Kellerberrin to develop a Public Open Space Plan, this has also been addressed in the Shire of Kellerberrin Townscape, Road Verge, and Public Open Space Management Plan (TVPMP).

COMMENT

The delivery of Shire services have evolved from the traditional role of roads, storm water management, waste management, building maintenance and streetscape maintenance, to now also start venturing into the provision of services that benefit the community socially, economically, environmentally and culturally. This includes ensuring the provision of appropriate management strategies to ensure the Shire's facilities and amenity continues to attract residents, businesses and tourists. There are a number of issues and challenges for the Shire in facilitating and delivering sustainable community management and services.

This TVPMP is underpinned by the new policy 9.11 Townscape, Verge and Property Amenity, refer to appendix one of the TVPMP. This policy is designed to ensure amenity of the Shire of Kellerberrin is kept at an appropriate standard, in accordance with the Community of Kellerberrin goals and aspirations outlined in the Shire of Kellerberrin 'Strategic Community Plan 2012 -2022'. In keeping with Schedule 3.1 of the Local Government Act of WA 1995 (LG Act), the Shire of Kellerberrin requires all households, rural properties, business premises, road verges and laneways, to be maintained in a manner that supports the general health safety and amenity of the district, ensuring that overgrown vegetation, rubbish, or disused material as specified, is removed from land that the local government considers to be untidy.

In keeping with the LG Act the Shire of Kellerberrin will also issue notices against land that is considered 'unsightly' as well as 'untidy' against a property which "does not conform with the general appearance of other land in the locality".

Additionally, a ruling from the supreme court in *Saliba v Town of Bassendean* [2013] WASC 93, also found that a local government can issue a notice for items to be removed irrespective of whether or not those items can be viewed from the street, as untidiness also accounts for potential dangers and ill effects caused to neighbours and the public such as for example, unpleasant odors, potential fire risks, the need for pest and vermin control. (T. Beckett, McLeods Barristers and Solicitors).

Enforcement and Infringements: Under section 3.25 of the LG Act, notices generally, a local government may issue notice to an owner or occupier of land, requiring specified works or actions

to be carried out, including the removal of items that the local government considers 'unsightly' and / or 'untidy'. Where a local government issues under section 3.25 of the LG Act to an owner or occupier of land, failure to comply with that notice will constitute an offence which carries a maximum penalty of \$5,000 and a maximum daily penalty of \$500 for each day during which the offence continues. (T. Beckett, McLeods Barristers and Solicitors).

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Advertising the TVPMP - \$100

Shire of Kellerberrin's Operational and Capital Budgets 2016/2017 include works that will conform with this management plan.

POLICY IMPLICATIONS

The TVPMP strategies are underpinned by the policy 9.11 Townscape, Verge and Property Amenity.

STATUTORY IMPLICATIONS

- Schedule 3.1 of the Local Government Act of WA 1995 (LG Act) and section 3.25 of the LG Act.
- The Waste Avoidance and Resource Recovery Act 2007;
- The WA Waste Strategy 'Creating the Right Environment';
- Environment Health regulations and the Building Act 2011.
- Shire of Kellerberrin Town Planning Scheme 4.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

The TVPMP strategies align with the community's desired outcomes in the Strategic Community Plan.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

The TVPMP strategies align with action items in the Corporate Business Plan.

TEN YEAR FINANCIAL PLAN IMPLICATIONS

There may be financial implications associated with the implementation of the TVPMP.

COMMUNITY CONSULTATION – YES

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

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council

1. *Adopt the 2016 Townscape, Road Verge, and Public Open Space Management Plan (TVPMP);*
2. *Adopt policy 9.11 Townscape, Verge and Property Amenity;*
3. *Advertise the 2016 Townscape, Road Verge, and Public Open Space Management Plan (TVPMP), which includes policy 9.11 as an appendix and seek community submissions;*
4. *And delegates authority to the Chief Executive Officer to implement the plan and policy should no submissions be received within the advertising period.*

COUNCIL RECOMMENDATION

MIN 122/16 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council

1. ***Adopt the 2016 Townscape, Road Verge, and Public Open Space Management Plan (TVPMP);***
2. ***Adopt policy 9.11 Townscape, Verge and Property Amenity;***
3. ***Advertise the 2016 Townscape, Road Verge, and Public Open Space Management Plan (TVPMP), which includes policy 9.11 as an appendix and seek community submissions;***
4. ***And delegates authority to the Chief Executive Officer to implement the plan and policy should no submissions be received within the advertising period.***

CARRIED 7/0

Agenda Reference:	11.1.13
Subject:	WA Local Government Association Member Motions for Consideration
Location:	2016 Annual General Meeting of WALGA
Applicant:	Member Local Governments of WALGA
File Ref:	OLGOV-12
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	12 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council will be represented by Shire President Cr Forsyth, Cr White, Cr Leake and Cr McNeil at the 2016 Local Government Week convention to be held at the Perth Convention and Exhibition Centre (PCEC) from 3rd to 5th August 2016 with Cr Forsyth and Cr White being Councils authorised voting delegates at the AGM.

The Annual General Meeting of WALGA is scheduled for the Wednesday afternoon session of the convention (3rd August). There are eleven member motions to be presented as part of the agenda for the 2016 AGM of the Western Australian Local Government Association (WALGA).

Council's voting delegates at the AGM are the Shire President and Deputy President in accordance with Council Policy 5.1 however, Cr White has nominated in lieu of the Deputy President as Council's second delegate to this year's convention.

COMMENT

The following motions are summarised for Council to consider. Council appointed Delegates attending the Annual General Meeting of the WA Local Government Association are required to vote according to the indicative determinations from the Council in regards to the following summary motions presented in the mentioned Agenda and Meeting.

A full copy of the Motions have been attached to this Agenda Item for detailed Council reading and direction to appointed Delegates;

AGENDA ITEM	LOCAL GOVERNMENT PROPONENT	MOTION TITLE
4.1	WALGA	Amendments to the WALGA Constitution
4.2	Shire of Dardanup	Natural Disaster Recovery Support Funding
4.3	Shire of Bridgetown-Greenbushes	Non-Operational Rail Corridors
4.4	City of South Perth	Planning Systems Review
4.5	City of Subiaco	Abolitions of DAPS
4.6	Shire of Dandaragan	Introduction of Container Deposit Scheme
4.7	Shire of Dardanup	Declared Pest Plant C3 Review By DAFWA
4.8	City of Bunbury	Renewable Energy
4.9	Shire of Toodyay	Reducing Regulatory Burden on Local Government
4.10	City of Bunbury	Most Accessible Regional City in Australia Awards
4.11	Shire of Bridgetown-Greenbushes	Discussion Paper Excessive Force

The following comments are provided for Council's information and to assist in the decision making process.

Item 4.1

Executive Member Delegate to move:

That the WALGA Constitution be amended as follows:

1. In Clause 5(7)(b) of the Constitution for “sub-clause 5(9)” read “sub-clause 5(11)”.
2. Clause 10(2) of the Constitution be amended with the last sentence to read:
“The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16.”
3. Clause 10 of the Constitution be amended by inserting as sub-clause (9):
“(9) State Council shall adopt Standing Orders that will apply to all meetings.”
4. Clause 14(4a) and Clause 20 of the Constitution be amended by inserting as sub-clause (h) and sub-clause (j) respectively:
“is a Councillor of an Ordinary Member that has been peremptorily suspended under Section 8.15C (2)(c) of the Local Government Act 1995”
5. Clause 16(2)(b) of the Constitution be amended to read:
“(b) representatives are to vote on the matter by secret ballot.”
6. Clause 17 of the Constitution be amended by inserting as sub-clause (5):
“(5) Where the incumbent President seeks and is re-elected for a consecutive term that person shall not hold office beyond two (2) full consecutive terms.”

Notes

- Amendments to the WALGA Constitution that were resolved by State Council in March 2016
- Finalisation of WALGA’s periodic governance review that focused on consistency among governance documents.

Item 4.2

Shire of Dardanup Delegate to move:

Request that WALGA State Council investigates the development and implementation of Natural Disaster Recovery Support Funding that will provide advice and financial support for Local Governments affected by the impacts of natural disasters that meet the Western Australian Natural Disaster and Recovery Arrangements (WANDRRA) criteria.

Notes

- Process to receive funding is difficult
- Government response is slow
- New source of funding is required.

Item 4.3

City of Bridgetwon-Greenbushes Delegate to move:

That the Public Transport Authority and Brookfield Rail work with WALGA and any interested Local Government in developing a policy and/or procedures in order to facilitate third party use of non-operation rail corridors, in particular uses that demonstrate a clear community benefit.

Notes

- Brookfield Rail has a lease over an extensive network of rail infrastructure in WA.
- This lease includes non-operational rail corridors, where in some cases rail use hasn’t occurred for 20 years or more.
- There is potential for the non-operational rail corridors to be used by local governments or third parties for a community benefit however to date it has proven difficult to get Brookfield Rail and the Public Transport Authority to recognise this potential.
- A policy to facilitate such uses should be developed with input from interested local governments.

Item 4.4

City of South Perth Delegate to move:

1. **Request the Western Australian Local Government Association to advocate for an independent review of decision making in the Western Australian Planning System, including the roles of local government, delegated authorities, Joint Development Assessment Panels and State Administrative Tribunal appeal processes that gives consideration to:**
 - i. **How the aspiration or values to the community are incorporated into the decision making framework'**
 - ii. **Improvements to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;**
 - iii. **Ensure that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;**
 - iv. **Ensure that Local Government have a third party right to present local community views to the State Administrative Tribunal;**
 - v. **The erosion of the roles of Local Government in planning for their communities.**
2. **In the event that the State Government is unwilling to pursue an independent review of the decision-making process, request the Western Australian Local Government Association to engage with members and advocate for practical reforms that will ensure greater accountability, transparency and procedural fairness for ratepayers through the Joint Development Assessment Panel's decision making processes.**

Notes

- Issues arising from decision of Joint Development Assessment Panels needs to be addressed
- Issues arising from State Administrative Tribunal need to be addressed.
- Local Government Planning Policies are being disregarded in decision making.
- The Planning System is no longer providing for the voice of communities to be effectively heard.
- The State Government continues to support and protect its reforms leaving the LG sector to deal with community dissatisfaction.
- An independent review will seek to provide a strong basis for improved advocacy in the lead up to a State Election.

Item 4.5

City of Subiaco Delegate to move:

That WALGA:

1. **Advocates for the abolition of Development Assessment Panels (DAPs) on the basis that:**
 - 1.1. **DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;**
 - 1.2. **DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions; and**
 - 1.3. **Previous decisions made by the Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Scheme and Policies adopted by each local council; and**
2. **Advocates for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:**
 - 2.1. **Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker in favour of a**

- Ministerial call-in power for projects of state or regional significance, with a minimal value of \$20 million, as has been adopted in the eastern states;
- 2.2. Requiring equal membership on the DAP between Local Government and Appointed Specialist members with an independent chair approved by both State and Local Governments;
- 2.3. Requiring the DAP to set the meeting date for consideration of the development applications no later than five working days after the application being received to enable inclusion within the community consultation process;
- 2.4. Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;
- 2.5. Requiring a minimum of five business days between publishing the DAP agenda and the date by which ratepayers can make public presentations to the DAP, to provide more time to prepare a formal response;
- 2.6. Mandating that respondents to the development application can nominate e-mail or Australia Post as their preferred contact method for information and requiring the local government to contact registered respondents throughout the process as deadlines are reached;
- 2.7. Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;
- 2.8. Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government's website and to notify all respondents to the original community consultation of those changes;
- 2.9. Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a DAP meeting for determination; and
- 2.10. Providing a Local Government aggrieved by a DAP decision a right of review at the State Administrative Tribunal.
- 3. Advise the Minister for Planning of its concerns with the actions and decisions of the Development Assessment Panels.

Notes

- That WALGA advocate for the abolition of Development Assessment Panel (DAPs).

Item 4.6

Shire of Dandaragan Delegate to move:

That WALGA:

1. Continue to actively advocate for the implementation of a Container Deposit Scheme in Western Australia; and
2. Include the implementation of a Container Deposit Scheme in the Association's Election Platform.

Notes

- WALGA has advocated for a CDS over a number of years
- In 2008 WALGA established a Policy Statement in support of Container Deposit Legislation
- A CDS will assist in litter reduction and improve resource recovery

Item 4.7

Shire of Dardanup Delegate to move:

Request that WALGA lobby the Minister for Agriculture and Food WA to ensure that the Biosecurity and Agriculture Management Act 2007 (BAM Act) review results in the Act giving the Department of Agriculture and Food WA the responsibility to control, manage and facilitate the eradication of pest plants and weeds, including Cotton Bush, and that the Department be adequately funded to undertake eradication programs for all species that have the potential to negatively impact on the production of agriculture in Western Australia, including but not limited to Cotton Bush, wild dogs, cane toads, skeleton weed, Blackberry and Patterson's Curse.

Notes

- Request for WALGA to lobby the Minister for Agriculture and Food WA to ensure that the BAM Act review results in the Act giving the DAFWA the responsibility to control, manage and facilitate the eradication of pest plants and weeds, including Cotton Bush
- Department be adequately funded to undertake eradication programs

Item 4.8

City of Bunbury Delegate to move:

That the Western Australian Local Government Association advocates for reforms to the parameters applied by the WA Government regarding generation of energy through renewable sources by local governments, either individually or in partnership with private sector specifically seeking a fixed feed in tariff for extended periods to enable effective business planning and funding arrangements.

Notes

- WALGA to advocate for changes to the rules and regulations governing feed in tariffs for renewable energy, providing for a guaranteed fixed feed in tariffs over an extended period.

Item 4.9

Shire of Toodyay Delegate to move:

That all new legislation, regulation or quasi regulation imposed on Local Government be accompanied by an independent regulatory impact assessment including the opportunity for input from the Local Government sector.

Notes

- The State Government is committed to red tape reduction.
- Increased Local Government compliance requirements have not been subject to the same level of scrutiny.
- All new legislation, regulation or quasi-regulation should be subject to a regulatory impact assessment.

Item 4.10

City of Bunbury Delegate to move:

That the Western Australian Local Government Association:

1. **Develop assessment criteria to formally recognise the contribution that Western Australian local governments are taking to promote and improve accessibility within their jurisdictions.**
2. **Conduct an annual awards process coinciding with Local Government Week to recognise local governments nominated for work undertaken in no. 1 above based on metropolitan, Regional and remote categories.**
3. **Nominate the winning local government from each category for the National Awards for Local Government – Disability Access and Inclusion Awards conducted by the Department of Infrastructure and Regional Development.**

Notes

- Introduce an annual awards program coinciding with LG Week to acknowledge local governments promoting and improving accessibility in Western Australia

Item 4.11

Shire of Bridgetown-Greenbushes Delegate to move:

That WALGA, recognising that a significant role of local government is to lobby and advocate to higher levels of government on matters of concern to local constituents, advocate to the State Government for a discussion paper to be prepared on the issue of decriminalising the use of excessive force by members of the public when such force is effected in the course of defending family and property from intruders.

Notes

- There have, in recent years, been some well publicised incidents of property owners being charged for causing injury to intruders in the course of defending family and property.
- This is an issue of concern to the broader community and it has been raised at many community forums across the State.
- Local Government has an advocacy role to take on matters of concern raised by the community even when they are not directly related to local government service provision.
- The Motion is merely seeking the development of a discussion paper in order to allow widespread debate of this issue in the community.

Policy

Notices inviting Council to nominate delegates or observers to conferences, meetings and similar occasions be circulated to all Councillors. Any Councillors who wish to represent Council at such an event shall request nomination at a Council Meeting. Council shall decide by resolution to nominate such representatives as Council may consider are appropriate.

Councillors receiving authorisation to attend are required to provide a written report on attendance of meeting.

Council will pay the conference/meeting registration fees, accommodation expenses as deemed appropriate by Council and travelling expenses for the delegate if using their private vehicle, at a rate prescribed in the Local Government Industrial Award 2010.

Conference – Local Government Week

The Council President, Deputy President and the Chief Executive Officer will be the nominated delegates for Council. In the event of these delegates not being able to attend, Council may decide by resolution, to choose other Councillors to replace them.

Councillors wishing to attend the Annual Conference in addition to the nominated delegates should advise when registrations are requested or when notice of Conference is presented to Council.

Council shall determine by resolution all matters pertaining to representatives, numbers of Councillors attending and payment of expenses, but the following shall be used as a guide;

1. Council shall pay the expenses of Annual Conference delegates.
2. Council shall pay the cost of conference registration for the delegate and the annual dinner fee for both the delegate and delegate's partner.
3. Council shall pay the accommodation expenses, which includes bed and breakfast for the delegate and delegate's partner.

Other Conferences, Meetings and Occasions

All proposals for attendance at other conferences and meetings shall firstly be subject to an assessment by Council with advice from the Chief Executive Officer based on the following criteria –

Whether the proposal relates to an objective identified within the current or future strategic direction of Council.

The current relevance of the proposal to the Shire.

Historic or expected attendance.

The relationship of the proposal to the outcomes to be delivered and how these relate to the Councillor's role as either a Presiding Member, Committee Member or Councillor.

Equity of opportunity and the remaining period of office of the Councillor concerned including recognition of the number of opportunities previously provided to the Councillor.

Whether there are more cost effective options to acquire the relevant knowledge and information.

Whether it is appropriate that more than one Councillor attend.

The total cost of travel, accommodation, registration, meals and other expenses and the potential impact of these on the Shire's budget allocation including the future impact on conference attendance by other Councillors during the current financial year.

Administration Process

Registration for all approved conferences and meetings including travel and accommodation must be organised through the Chief Executive Officer. Where possible, all airfares and other travel arrangements including registration, accommodation and associated fees and charges shall be paid direct by the Shire.

Reimbursement of Expenses

Authorised expenditure shall be reimbursed to the Councillor delegate upon presentation of receipts. Councillor delegates will be personally liable for any outstanding amounts not properly authorised.

The Chief Executive Officer is responsible for implementing this policy.

STATUTORY IMPLICATIONS: Nil (not known at this time – decision making processes)

STRATEGIC PLAN IMPLICATIONS

WALGA Strategic Plan 2010-2015

Our Vision for Local Government – "Local Governments in Western Australia will be built on good governance, local leadership, democracy, community engagement and diversity."

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DATED: **PRESIDENT SIGNATURE:**

Local Government will also have the capacity to provide economically, socially and environmentally sustainable services and infrastructure that meet the needs of their community”.

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

COMMUNITY CONSULTATION: Nil (elected body to determine)

ABSOLUTE MAJORITY REQUIRED: Yes

STAFF RECOMMENDATION

That Council directs its appointed delegates to vote as follows;

AGENDA ITEM	MOTION TITLE	Support/Oppose
4.1	<i>Amendments to the WALGA Constitution</i>	<i>Support/Oppose</i>
4.2	<i>Natural Disaster Recovery Support Funding</i>	<i>Support/Oppose</i>
4.3	<i>Non-Operational Rail Corridors</i>	<i>Support/Oppose</i>
4.4	<i>Planning Systems Review</i>	<i>Support/Oppose</i>
4.5	<i>Abolitions of DAPS</i>	<i>Support/Oppose</i>
4.6	<i>Introduction of Container Deposit Scheme</i>	<i>Support/Oppose</i>
4.7	<i>Declared Pest Plant C3 Review By DAFWA</i>	<i>Support/Oppose</i>
4.8	<i>Renewable Energy</i>	<i>Support/Oppose</i>
4.9	<i>Reducing Regulatory Burden on Local Government</i>	<i>Support/Oppose</i>
4.10	<i>Most Accessible Regional City in Australia Awards</i>	<i>Support/Oppose</i>
4.11	<i>Discussion Paper Excessive Force</i>	<i>Support/Oppose</i>

COUNCIL RECOMMENDATION

MIN 123/16 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council directs its appointed delegates to vote as follows;

AGENDA ITEM	MOTION TITLE	Support/Oppose
4.1	<i>Amendments to the WALGA Constitution</i>	<i>Support</i>
4.2	<i>Natural Disaster Recovery Support Funding</i>	<i>Support</i>
4.3	<i>Non-Operational Rail Corridors</i>	<i>Support</i>
4.4	<i>Planning Systems Review</i>	<i>Support</i>
4.5	<i>Abolitions of DAPS</i>	<i>Support</i>
4.6	<i>Introduction of Container Deposit Scheme</i>	<i>Support</i>
4.7	<i>Declared Pest Plant C3 Review By DAFWA</i>	<i>Support</i>
4.8	<i>Renewable Energy</i>	<i>Support</i>
4.9	<i>Reducing Regulatory Burden on Local Government</i>	<i>Support</i>
4.10	<i>Most Accessible Regional City in Australia Awards</i>	<i>Support</i>
4.11	<i>Discussion Paper Excessive Force</i>	<i>Support</i>

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.14
Subject:	CEACA Stage Two Funding Commitment.
Location:	Hammond Street, Kellerberrin
Applicant:	CEACA - Shire of Kellerberrin
File Ref:	AGE-03
Record Ref:	
Disclosure of Interest:	N/A
Date:	21 st July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Central East Aged Care Alliance (CEACA) is a partnership of eleven Wheatbelt Shires (Bruce Rock, Kellerberrin, Koorda, Merredin, Mt Marshall, Mukinbudin, Nungarin, Trayning, Westonia, Wyalkatchem and Yilgarn) formed in 2012 and formalised as an Incorporated Association in mid-2015. CEACA has the purpose of capturing economic benefit in the Wheatbelt by providing older people with the necessary services and infrastructure to remain living in their community of interest. CEACA's key area of activity is in the provision of appropriate housing options and public infrastructure that meets the needs of seniors.

CEACA has formulated a staged 6 year program to construct 187 Independent Living Units (ILUs) across those eleven Shires to address market failure to meet increasing demand for age appropriate accommodation and services.

In Stage 1 of the project, CEACA was successful in obtaining funding of \$2,075,800 from Royalties for Regions' Southern Investment Initiative, managed by the Shire of Merredin on CEACA's behalf, for the land assembly and servicing of 54 lots across the eleven Shires for the construction of ILU's. Work on Stage 1 has commenced with a Project Manager appointed to progress the works.

CEACA has since been successful in obtaining a further \$19,986,439 in funding from Royalties for Regions' Growing our South program, which will again be managed by the Shire of Merredin on CEACA's behalf. The funding is for the preparation and servicing of 21 lots for construction of ILUs by June 2019, and the construction of 75 ILUs by June 2020 across the eleven Shires. One of the conditions of receiving Progress Payment 1 in the Financial Assistance Agreement (FAA) for Stage 2 is a minuted commitment from each CEACA Council verifying their financial commitment to the construction of Stage Two which incorporates the Land Assembly and Construction of houses.

The purpose of this agenda item is therefore to comply with that condition.

COMMENT

The site for CEACA in Kellerberrin is the Ex-Cole Engineering site which has the capacity to host 26 units.



Stage 1 on the project will incorporate the Land Assembly for eight (8) units at this site with Stage 2 of the project involves the construction of 14 ILUs and the Land Assembly for the balance of (6) sites in Kellerberrin.

Therefore Council’s commitment to Stage Two is as follows;

- \$20,000 per ILU - \$280,000;
 - \$ 7,200 per Land Assembly - \$ 43,200
- \$323,200

This commitment is on top of the \$57,600 commitment for Stage one funding being the Land Assembly for eight (8) lots.

As the scheduling of the construction of the ILUs is yet to occur, the timeframe for when the funding is to be made available and therefore included in Council’s Budget is not yet known.

For the purpose of this item, Council should be making the commitment now so that when the time comes for the ILUs to be constructed the contribution is available. This could come from Municipal funds, a loan or other source. Should the funds not be utilised in the 2016/2017 year the funds could be re-vested into Council’s Housing Reserve to ensure appropriate funding is available when required.

FINANCIAL IMPLICATIONS (2016/2017 Annual Budget)

- 14 Units @ \$20,000 per ILU - \$280,000;
 - 14 Blocks @ \$ 7,200 per Land Assembly - \$100,800
- \$380,800

To ensure that this has no effect on the current year’s budget it is proposed to loan the entire \$380,800 over a period of 10 year period at a total cost to Council of \$434,902.88 as per attached Schedule.

This total cost represents an approximate contribution from Council of 10% towards the project without including the supply of Land.

Council has met with Milligan Units to discuss a financial contribution towards the project. Council has verbally been advised that a recommendation has been put that \$35,000 be given to Council as a contribution to works.

POLICY IMPLICATIONS –

Policy 1.2 - Accounting Principles

- (p) Borrowing Costs
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

STATUTORY IMPLICATIONS –

Local Government Act 1995 – Part 6 Financial Management

Financing local government activities
Subdivision 3 — Borrowings

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
- (a) borrow or re-borrow money; or
 - (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —
- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.
- (3) Where a local government has exercised a power to borrow and —
- (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
 - (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized, the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose. * Absolute majority required.
- (4) A local government is not required to give local public notice under subsection (3)
- (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
 - (b) in such other circumstances as are prescribed.
- (5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

6.21. Restrictions on borrowing

- (1) Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —

- (a) by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or
- (b) by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or
- (c) by a participant giving security over its general funds to the extent agreed by the participant.

- (1a) Despite subsection (1)(a) and (c), security cannot be given over —
 - (a) the financial contributions of a particular participant to the regional local government's funds; or
 - (b) the general funds of a particular participant, if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.
- (2) Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.
- (3) The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.
- (4) In this section and in section 6.23 —
 - general funds** means the revenue or income from —
 - (a) general rates; and
 - (b) Government grants which were not given to the local government for a specific purpose; and
 - (c) such other sources as are prescribed.

[Section 6.21 amended by No. 49 of 2004 s. 59.]

Local Government (Financial Management) Regulations 1996

Part 2 General financial management — s. 6.10r. 6

20. When local public notice not required for exercise of power to borrow (Act s. 6.20(2)(a))

- (1) A local government is not required to give local public notice of a proposal to exercise a power to borrow when the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution) except where the re-financing or continuation is a major variation.
- (2) In this regulation —
 - major variation** means a variation in the terms of a loan or other financial accommodation which is —
 - (a) a capitalisation of interest accruals; or
 - (b) an increase in the term of the loan or other financial accommodation;

re-finance in relation to a loan or other financial accommodation (the **existing loan**), means to borrow an amount (the **new loan**) which is, at the date of the new loan —

- (a) equal to the principal amount owing on the existing loan; or
- (b) not more than \$5 000 more or less than the principal amount owing on the existing loan,

for the principal purpose of paying out the existing loan or preserving the credit originally provided by the existing loan.

21. When local public notice not required for change of use of borrowed money (Act s. 6.20(4)(b))

A local government is not required to give local public notice of a proposed change of use of money borrowed where the amount to be used for a purpose other than the purpose for which it was borrowed —

- (a) does not exceed \$5 000 in a financial year; or
- (b) where the money proposed to be borrowed by the local government is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c).

STRATEGIC COMMUNITY 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.

TEN YEAR FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

Chief Executive Officer
 WEROC Council
 WEROC Executive
 WEROC Executive Officers

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council;

- 1. *Commit to an allocation of \$20,000 per Independent Living Unit constructed in Kellerberrin as part of CEACA’s Stage 2 project.*
- 2. *Commit to an allocation of \$7,200 per each Land Assembly as part of CEACA’s Stage 1 Project*
- 3. *Commit to an allocation of \$7,200 per each Land Assembly as part of CEACA’s Stage 2 Project*
- 4. *Allocate a total of \$380,800 in its 2016/2017 Annual Budget to cover the commitments to CEACA for Land Assembly and Independent Living Units Construction through Stage 1 and Stage 2.*
- 5. *Fund the \$380,800 through the raising of a loan over a ten year period.*

COUNCIL RECOMMENDATION

MIN 124/16 MOTION - Moved Cr. White 2nd Cr. Reid

That Council;

- 1. ***Commit to an allocation of \$20,000 per Independent Living Unit constructed in Kellerberrin as part of CEACA’s Stage 2 project.***
- 2. ***Commit to an allocation of \$7,200 per each Land Assembly as part of CEACA’s Stage 1 Project***
- 3. ***Commit to an allocation of \$7,200 per each Land Assembly as part of CEACA’s Stage 2 Project***
- 4. ***Allocate a total of \$380,800 in its 2016/2017 Annual Budget to cover the commitments to CEACA for Land Assembly and Independent Living Units Construction through Stage 1 and Stage 2.***
- 5. ***Fund the \$380,800 through the raising of a loan over a ten year period.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.15
Subject:	Kellerberrin Recreation and Leisure Centre Management Advisory Committee - Self Supporting Loan Application
Location:	Shire of Kellerberrin
Applicant:	Kellerberrin Recreation and Leisure Centre Management Advisory Committee
File Ref:	SPREC41
Record Ref:	TBA
Disclosure of Interest:	N/A
Date:	20 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council has received a letter from the Kellerberrin Recreation and Leisure Centre Management Advisory Committee (KRLMAC) seeking a Self Supporting Loan of \$100,000 over a five year period to enable the committee to construct a 42m x 42m shed to house an Indoor Sporting Facility which will include Basketball/Netball courts and Squash courts.

COMMENT

The KRLMAC have been fundraising for many years to assist with the construction of the Recreation Centre. The committee has been committed to ensuring that the facility is complete to the extent as per the original plan as much as possible.

The next construction proposal is to construct the abovementioned 42 x 42 Shed over the existing courts with some power works being completed.

The committee has set aside the following items to be completed in their opinion to finish the Recreation Centre Precinct;

- Indoor Arena facility (Basketball/Netball and other sports)
- Squash Courts within the Arena
- Ladies Changerooms
- Relocating the TOTE into Cuolahan Room
- Relocating Cuolahan to TOTE and removing middle wall creating a large meeting/function area.

The committee has a new three year lease of the 200ha block south of the Great Eastern Highway at the Shire of Kellerberrin/Tammin boundary. The funds from this cropping will be utilised to reimburse Council for the loan funds.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shed supply and Install as per attached quotation \$385,900 (Exc GST)

The KRLMAC has the following funds available:

- | | |
|------------------------------|---|
| • Bank Balance | \$152,000 |
| • 2016 Cropping | \$ 90,000 |
| • District Club Contribution | \$100,000 (Awaiting Confirmation from Club) |
| • Self-Supporting Loan | <u>\$100,000</u> |

TOTAL \$442,000

This leaves the committee with \$56,100 for the committee to place lighting in the facility and also to leave funds in the account for the committee to utilise for the 2017 cropping program.

Please find attached a proposed loan repayment schedule on a \$100,000 loan over a five year period. The interest repayable over the term of the loan would be \$6,007.31.

Therefore for the provision of the new facility over a five year period it is costing the committee \$1,200 a year. This figure should be considered as a cheaper option as if the committee left for a further twelve months with steel prices increasing the construction costs would increase by more than the interest repayments over the term.

POLICY IMPLICATIONS

Policy 1.2 - Accounting Principles

- (p) Borrowing Costs
Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 6 Financial Management

Financing local government activities

Subdivision 3 — Borrowings

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
 - (a) borrow or re-borrow money; or
 - (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —
 - (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.
- (3) Where a local government has exercised a power to borrow and —
 - (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
 - (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized, the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose. * Absolute majority required.
- (4) A local government is not required to give local public notice under subsection (3)
 - (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
 - (b) in such other circumstances as are prescribed.
- (5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

6.21. Restrictions on borrowing

- (1) Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —
 - (a) by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or
 - (b) by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or
 - (c) by a participant giving security over its general funds to the extent agreed by the participant.
- (1a) Despite subsection (1)(a) and (c), security cannot be given over —
 - (a) the financial contributions of a particular participant to the regional local government's funds; or
 - (b) the general funds of a particular participant, if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.
- (2) Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.
- (3) The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.
- (4) In this section and in section 6.23 —

general funds means the revenue or income from —

 - (a) general rates; and
 - (b) Government grants which were not given to the local government for a specific purpose; and
 - (c) such other sources as are prescribed.

[Section 6.21 amended by No. 49 of 2004 s. 59.]

Local Government (Financial Management) Regulations 1996

Part 2 General financial management — s. 6.10r. 6

20. When local public notice not required for exercise of power to borrow (Act s. 6.20(2)(a))

- (1) A local government is not required to give local public notice of a proposal to exercise a power to borrow when the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution) except where the re-financing or continuation is a major variation.

- (2) In this regulation —

major variation means a variation in the terms of a loan or other financial accommodation which is —

 - (a) a capitalisation of interest accruals; or
 - (b) an increase in the term of the loan or other financial accommodation;

re-finance in relation to a loan or other financial accommodation (the **existing loan**), means to borrow an amount (the **new loan**) which is, at the date of the new loan —

- (a) equal to the principal amount owing on the existing loan; or
- (b) not more than \$5 000 more or less than the principal amount owing on the existing loan,

for the principal purpose of paying out the existing loan or preserving the credit originally provided by the existing loan.

21. When local public notice not required for change of use of borrowed money (Act s. 6.20(4)(b))

A local government is not required to give local public notice of a proposed change of use of money borrowed where the amount to be used for a purpose other than the purpose for which it was borrowed —

- (a) does not exceed \$5 000 in a financial year; or
- (b) where the money proposed to be borrowed by the local government is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c).

STRATEGIC PLAN IMPLICATIONS - Nil

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

Corporate Business Plan

Link to SCP	Council Focus Area	Project Description	2014	2015	2016	2017	2018	2019
1.1.2	Lifestyle	Kellerberrin Recreational Centre and Central Wheatbelt Harness Racing Club development	✓				✓	✓
2.1.1	Sustainability	New Footpaths Program	✓	✓	✓	✓	✓	✓
1.1.2	Lifestyle	Centenary Park Upgrade and skate park redevelopment		✓	✓	✓		
1.3.2	Lifestyle	Staff Housing Program	✓	✓	✓		✓	
2.1.1	Sustainability	Shire Depot Redevelopment					✓	✓
1.1.2	Lifestyle	Swimming Pool Renewal and Expansion Development					✓	✓
1.2.2	Lifestyle	CEACA Housing Program (WEROOC)	✓	✓	✓	✓	✓	✓

TEN YEAR FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION –

Kellerberrin Recreation and Leisure Centre Committee
 Chief Executive Officer
 Deputy Chief Executive Officer
 Kellerberrin & Districts Club Manager

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council

- 1. *approves the Self Supporting Loan Application of \$100,000 over five years by the Kellerberrin Recreation and Leisure Centre Advisory Committee*
- 2. *Incorporates the loan into the 2016/2017 and subsequent Budgets as per payment schedule.*
- 3. *Seek full reimbursement of set-up, interest and principal repayments associated with the loan.*

COUNCIL RECOMMENDATION

MIN 125/16 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council -

- 1. ***approves the Self Supporting Loan Application of \$100,000 over five years by the Kellerberrin Recreation and Leisure Centre Advisory Committee;***
- 2. ***Incorporates the loan into the 2016/2017 and subsequent Budgets as per payment schedule; and***
- 3. ***Seek full reimbursement of set-up, interest and principal repayments associated with the loan.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.16
Subject:	2016/17 Budget
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Reference Number:	TBA
Disclosure of Interest:	N/A
Date:	6 July 2016
Author:	Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

Councils February 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 06/16 MOTION - Moved Cr. O'Neill 2nd Cr Reid

That Council adopt the Long Term Financial Plan – Review 2016 as presented with an average incremental Rates increase of 5.1% pa. for four years, followed by 4.9% pa. for four years, and then 4.5% pa.

CARRIED 5/0

Councils April 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 52/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council donates \$3,000 to the Doodlakine Bowling club for green keeping fees.

CARRIED 7/0

MIN 53/16 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council declines to donate \$2,870 to Community Resource Centre for an upgrade to the Kellerberrin Public Library computer, operational system and library software, until further quotes are received from other IT companies that can provide a solution based on “cloud” technology.

CARRIED 7/0

MIN 54/16 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council donates \$2,000 to Doodlakine Community Committee for Roadside rubbish cleanup collection alongside Great Eastern Highway in the locality of Doodlakine, should the MRDWA funding no longer be available for Roadside rubbish cleanup.

CARRIED 7/0

MIN 55/16 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council donates \$550 to Kellerberrin Mens Shed for Installation of an air conditioner unit in the front office area of the Men’s Shed.

LOST 5/2

MIN 56/16 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council declines to donate \$550 to Kellerberrin Mens Shed for Installation of an air conditioner unit in the front office area of the Men’s Shed, as Council already offers the use of land for cropping purposes free of charge to the Kellerberrin Mens Shed for fund raising purposes.

CARRIED 5/2

Councils May 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 78/16 MOTION - Moved Cr. White 2nd Cr. O’Neill

That Council donates \$550 to Kellerberrin Mens Shed for Installation of an air conditioner unit in the front office area of the Men’s Shed.

CARRIED 4/3

Councils May 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 79/16 MOTION - Moved Cr. Reid 2nd Cr. White

That Council;

- 1. Adopts the amended Policy 5.8 (President/Councillors Sitting and Attendance Fee) as presented and;***
- 2. Insert the amended policy into Councils Policy Manual to be implemented on 1 July 2016.***

CARRIED 7/0

Councils May 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 82/16 MOTION - Moved Cr. Reid 2nd Cr. White

That Council adopts the Salaries and Wages schedule as listed and be incorporated into Council’s 2016/17 Draft Budget.

CARRIED 7/0

Councils May 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 84/16 MOTION - Moved Cr. Steber 2nd Cr. O’Neill

That Council adopts the fees and charges for 2016/17 as presented to be included in the 2016/17 Annual Budget.

CARRIED 7/0
ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 85/16 MOTION - Moved Cr. Leake 2nd Cr. Steber

Council adopts the following for the 2016/17 Financial Year;

1. *Council offers to ratepayers the following payment options for 2016/17;*

<u>Option</u>	<u>Due By</u>
<i>Option A - One Payment</i>	<i>31st August 2016</i>
<i>Option B – 2 Installment Option</i>	<i>50% due 31st August 2016 50% due 9th January 2017</i>
<i>Option C – 4 Installment Option</i>	<i>25% due 31st August 2016 25% due 26th September 2016 25% due 9th January 2017 25% due 13th March 2016</i>
<i>Option D – Special Arrangement</i>	<i>Arrangements made prior to 31st August 2016 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2017.</i>

2. *Installment option is offered for rubbish charges - no installment interest or penalty interest to apply.*

3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*

4. *Installment interest to be levied at 5.5%*

5. *That Council offer ratepayers a 2% early payment discount.*

6. *Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date.*

7. *That rate incentives be offered to ratepayers for early payment of rates within 35 days at no cost to Council.*

8. *That Council recommends a 5.21% increase of the rates revenue for its 2016/17 Draft Budget.*

CARRIED 6/1

REASON: *Council altered point 5 as Council would prefer to phase out the discount over one more year and enable all ratepayers to receive a discount rather than five ratepayers winning \$1,000 each in a draw.*

COMMENT

Budget Information

The budget as presented has a 5.21% rate increase, in addition the early payment discount has been reduced from 4% to 2%. The following information has been sourced from neighbouring Councils to gain an insight into regional increases they are predicted for 2016 /2017;

1. Shire of Tammin 7%
2. Shire of Dowerin 4%
3. Shire of Wyalkatchem 6%
4. Shire of Koorda 5%
5. Shire of Trayning 4.5 % – 5%
6. Shire of Merredin 3% at present
7. Shire of Westonia 5%
8. Shire of Cunderdin 5%
9. Shire of Nugarin 4%

Comparisons from 15/16-16/17

	2015/16 Budget	2016/17 Budget	Difference
EXPENDITURE			
Capital (Inc Roads)	3,540,527	4,187,462	646,935
Road works	627,537	460,790	-166,747
General Jobs Consolidated	1,475,944	1,313,818	-162,126
Plant Budget	356,397	477,567	121,170
Salary & Wages	1,550,874	1,585,424	34,550
Utilities	294,311	289,377	-4,934
Other Expenditure	1,038,913	1,247,310	208,397
Insurance	197,602	203,432	5,830
TOTAL EXPENDITURE	9,082,105	9,765,180	683,075
INCOME			
Disposal of Assets	114,674	172,256	57,582
Grants Operating	1,124,161	2,054,297	930,136
Rates (Proposed Net)	1,742,587	1,855,536	112,949
Other Income	825,926	692,322	-133,604
Grants Non-Operating	2,219,031	2,067,500	-151,531
TOTAL INCOME	6,026,379	6,841,911	815,532

Reserve Account Movements

The following movements are proposed within Councils Reserve Accounts from general funding;

1. Plant Replacement Reserve - Transfer \$65,000 for grader &/or loader replacement in the 2017/18 financial year
2. Swimming Pool Reserve - Transfer \$90,000 to the swimming pool reserve

3. Long Service Leave Reserve - Transfer \$20,000 to LSL reserve if employees do not take their entitled LSL due in 2016/2017.

Significant Projects

The following projects have been included in the draft budget that have been funded from through a range of sources including Grants, General Revenue and Reserve funds.

1. Centenary Park \$808,000, Grant Funding secured of \$498,212, additional grant funding currently being sought of \$350,788
2. CEACA Housing Project \$4,200,000 funded allocated from RFR of \$3,819,200 with the additional \$380,800 being funded by Council with a new loan over 10 years
3. Roads Capital works of \$1,777,569
4. Building Improvements \$90,000 full details provided in the budget
5. Connecting Footpath as part of the Creating Aged friendly Communities program, funding \$20,000, Council in-kind and cash contribution \$42,218.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin - 2016/2017 Budget

POLICY IMPLICATIONS –NIL

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
 - (a) 4 equal or nearly equal installments; or
 - (b) Such other method of payment by installments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
 - (a) by a single payment; or
 - (b) by such installments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
 - (a) provide for the manner of making an election to pay by installments under subsection (1) or (2);
 - (b) prescribe circumstances in which payments may or may not be made by installments;
 - (c) prohibit or regulate any matters relating to payments by installments;
 - (d) provide for the time when, and manner in which, installments are to be paid;

- (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
- (f) provide for any other matter relating to the payment of rates or service charges.

6.46. Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve* to grant a discount or other incentive for the early payment of any rate or service charge.

** Absolute majority required*

Local Government Act 1995

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
 - (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

STRATEGIC COMMUNITY 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.

CORPORATE BUSINESS PLAN IMPLCATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Service	Business unit responsible	Enabling assets
Manage resources efficiently and effectively to deliver services, programs, and infrastructure to the community.	Corporate Services	Council Offices, Vehicles Council Owned Dwellings

LONG TERM FINANCIAL PLAN IMPLCATIONS

Previously the 10 year financial model as adopted showed an increase in rates from the year 15/16 to 20/21 of 6.2% per annum and total rates needed to be raised for the 2016/17 financial year of 1,913,375; The current adopted 10 year financial model as adopted showed an increase in rates from the year 16/17 to 20/21 of 5.25% per annum, this was used as the starting point for the development of the 2016/17 budget as presented. As there is a variation between the LTPF and the budget, the LTFP will need to be amended and readopted;

Rate Income 2016/17 - 2020/21				
2016/2017	2017/2018	2018/2019	2019/2020	2020/21
Forecast	Forecast	Forecast	Forecast	Forecast
\$	\$	\$	\$	\$
1,930,400	2,031,549	2,157,989	2,291,784	2,433,874

COMMUNITY CONSULTATION

Chief Executive Officer
Senior Finance Officer
Manager Works &
Services

Manager Development Services

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

Council adopts the following for the 2016/17 Financial Year;

- 1. The GRV Rate in the Dollar of \$0.127237 be adopted ;*
- 2. The UV Rate of \$0.022133 to be adopted;*
- 3. A minimum rates of \$678.00 per property for all Gross Rental Value Residential and Unimproved Value for rateable property within the district be adopted;*
- 4. The rating Valuations for Gross Rental Value of \$3,067,259 as set by the valuer generals office, be adopted;*
- 5. The rating Valuations for Unimproved Value of \$61,612,060 as set by the valuer generals office, be adopted;*
- 6. That the Rubbish Removal Service Charge of \$175.00 per service, per annum be adopted;*
- 7. The Fees and Charges as presented for 2016/17 be adopted;*
- 8. That Council elects a Material Variance of 10% of Budget or \$25,000 reporting by Program as the Material Variance under FM Reg 4;*
- 9. The Accounting Policies contained within the 2016/17 Budget Document be adopted as Council’s Accounting Policies and the Policy Manual be updated accordingly;*
- 10. The 2016/17 Budget as presented, including the above items be adopted;*
- 11. The Council offers to ratepayers the following payment options for 2016/17;*

<u>Option</u>	<u>Due By</u>
Option A - One Payment	2 nd September 2016
Option B – 2 Installment Option	50% due 2 nd September 2016 50% due 11th November 2016
Option C – 4 Installment Option	25% due 2 nd September 2016 25% due 11th November 2016 25% due 13th January 2017 25% due 17th March 2017

Option D – Special Arrangement Arrangements made prior to 2nd September 2016 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2017.

- a) Installment option is offered for rubbish charges - no installment interest or penalty interest to apply.*
- b) Administration fee of \$5.00 per reminder rate notice (Options B and C)*
- c) Installment interest to be levied at 5.5%*
- d) That Council offer ratepayers a 2% early payment discount.*
- e) Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date.*
- f) That rate incentives be offered to ratepayers for early payment of rates within 35 days at no cost to Council.*

COUNCIL RECOMMENDATION

MIN 126/16 MOTION - Moved Cr. Reid 2nd Cr. O'Neil

Council adopts the following for the 2016/17 Financial Year;

1. **The GRV Rate in the Dollar of \$0.127237 be adopted ;**
2. **The UV Rate of \$0.022133 to be adopted;**
3. **A minimum rates of \$678.00 per property for all Gross Rental Value Residential and Unimproved Value for rateable property within the district be adopted;**
4. **The rating Valuations for Gross Rental Value of \$3,067,259 as set by the valuer generals office, be adopted;**
5. **The rating Valuations for Unimproved Value of \$61,612,060 as set by the valuer generals office, be adopted;**
6. **That the Rubbish Removal Service Charge of \$175.00 per service, per annum be adopted;**
7. **The Fees and Charges as presented for 2016/17 be adopted;**
8. **That Council elects a Material Variance of 10% of Budget or \$25,000 reporting by Program as the Material Variance under FM Reg 4;**
9. **The Accounting Policies contained within the 2016/17 Budget Document be adopted as Council's Accounting Policies and the Policy Manual be updated accordingly;**
10. **The 2016/17 Budget as presented, including the above items be adopted;**
11. **The Council offers to ratepayers the following payment options for 2016/17;**

<u>Option</u>	<u>Due By</u>
Option A - One Payment	2 nd September 2016
Option B – 2 Instalment Option	50% due 2 nd September 2016 50% due 11th November 2016
Option C – 4 Instalment Option	25% due 2 nd September 2016 25% due 11th November 2016 25% due 13th January 2017 25% due 17th March 2017
Option D – Special Arrangement	Arrangements made prior to 2 nd September 2016 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2017.
g) Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.	
h) Administration fee of \$5.00 per reminder rate notice (Options B and C)	
i) Instalment interest to be levied at 5.5%	
j) That Council offer ratepayers a 2% early payment discount.	
k) Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date.	
l) That rate incentives be offered to ratepayers for early payment of rates within 35 days at no cost to Council.	

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.17
Subject:	June 2016 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	11 th June 2016
Author:	Miss Codi Mullen, Administration Officer

BACKGROUND

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

Trust Fund

CHQ 3020- 3025

EFT 6092 – 6094, 6097

TRUST TOTAL \$ 5,634.28

Municipal Fund

Cheque Payments

34065 - 34078

\$ 46,688.61

EFT Payments

6039 - 6096

\$ 327,266.99

Direct Debit Payments

\$ 40,383.88

TOTAL MUNICIPAL

\$ 419,973.76

COMMENT

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

Wongan Concrete Services	\$ 71,128.00
AGRN 673 event date 30&31 July 2015 N068 Johns Rd Reinstatement	
CE and H Smith	\$ 62,108.00
truck and trailer hire May 2016	
Western Australian Treasury Corporation	\$ 33,504.08
Loan No. 118 Rec Centre Redevelopment	
Western Stabilisers	\$ 25,400.07
Mobilisation #1 – Start Mon 9th May, Mobilisation / Demobilisation	
Deputy Commissioner Of Taxation	\$ 18,674.00
BAS MAY 2016	
Great Southern Fuel Supplies	\$ 17,736.32
Fuel Purchases May 2016	
Western Australian Treasury Corporation	\$ 12,682.59
Loan No. L117	
SG Fleet	\$ 11,423.13
Monthly Lease Payment	
Moore Stephens	\$ 11,363.00
Interim billing Audit for end of year 30/06/2016. Travel Costs	
Water Corporation	\$ 10,266.09
Water Charges for various properties April - June 16	
GPR Truck Service & Repairs	\$ 9,892.95
repair engine sump, parts & Labour	
WA Local Government Superannuation Plan Pty Ltd	\$ 8,256.96
Payroll Deductions & Superannuation Contributions	
Kellerberrin Tyre Service	\$ 7,776.10
Tyres, Batteries, puncture repairs, car services & Water	

Farmways Kellerberrin Pty Ltd 1200mm Bull float & handle: Kneeling boards: concrete rake, 20lt David Grays ULV Mosquito Chemical, Plazma cutter & fridge freezer for work shop plus various items under \$100.00	\$ 7,642.15
Synergy Street lighting & Power consumption from April - June 16	\$ 7,420.40
Kellerberrin & Districts Club Quarterly Payment Rec Centre Manager April - June 2016, drinks & Part cost of LED lights	\$ 6,615.50
R Munns Engineering Consulting Services Setting up and Supervising AGRN673 event date 30/31 July 2015	\$ 6,477.33
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions & Superannuation Contributions	\$ 6,465.88
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions & Superannuation Contributions	\$ 6,369.74
Drill Maintenance Australia Pty Ltd 199 Tonne - 14mm, 100 Tonne - 7mm	\$ 6,151.20
Fire And Emergency Services (WA) 15/16 ESL 4th Qtr. Contribution	\$ 5,895.18
Dylan Copeland Natural Resource Management Services - Kellerberrin April & May 16	\$ 5,313.00
Kellerberrin Community Resource Centre Library Payment, Information Bay Contribution May 2016 Licensing Commission - April 2016	\$ 5,181.78
Telstra Telephone & Internet usage April - June 16	\$ 4,544.81
Woodstock Electrical Services Replacement of emergency lights	\$ 4,518.27

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2015/2016 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 June 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 **\$373,955.60** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$5,634.85** on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 127/16 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council notes that during the month of June 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 \$373,955.60 on vouchers EFT, CHQ, Direct payments; and***
- 2. Trust Fund payments totalling \$5,634.85 on vouchers EFT, CHQ, Direct payments.***

CARRIED 7/0

Agenda Reference:	11.1.18
Subject:	Financial Management Report, Direct Debit List and Visa Card Transactions for the month June 2016
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	12 July 2016
Author:	Jennine Ashby, Senior Finance Officer

BACKGROUND

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

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

Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
1-Jun-16	Westnet	Monthly Charge Static IP address	\$	4.99
1-Jun-16	National Australia Bank	Merchant Fees	\$	114.64
1-Jun-16	National Australia Bank	Merchant Fees	\$	194.88
2-Jun-16	National Australia Bank	VISA Transactions	\$	815.36
2-Jun-16	Shire of Kellerberrin	Payroll - Click Super	\$	7,745.96
2-Jun-16	Shire of Kellerberrin	Payroll	\$	47,184.66
14-Jun-16	Shire of Kellerberrin	Payroll - Click Super	\$	20.00
15-Jun-16	SG Fleet	Monthly Lease Payment	\$	11,423.12
16-Jun-16	Shire of Kellerberrin	Payroll - Click Super	\$	7,828.07
16-Jun-16	Shire of Kellerberrin	Payroll	\$	47,800.18
23-Jun-16	Shire of Kellerberrin	EFT Payment	\$	1,100.00
24-Jun-16	National Australia Bank	NAB Connect Access Fees	\$	54.74
24-Jun-16	Shire of Kellerberrin	EFT Payment	\$	215,057.58
27-Jun-16	Shire of Kellerberrin	EFT Payment	\$	33,504.08
29-Jun-16	Shire of Kellerberrin	EFT Payment	\$	77,605.33
30-Jun-16	Shire of Kellerberrin	Payroll - Click Super	\$	12,366.37
30-Jun-16	Shire of Kellerberrin	Payroll	\$	56,931.25
30-Jun-16	National Australia Bank	BPAY Charges	\$	9.20
30-Jun-16	National Australia Bank	Account Fees - Municipal	\$	45.20
30-Jun-16	National Australia Bank	Account Fees - Trust	\$	54.80
		TOTAL	\$	519,860.41

Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
30-Jun-16	Department Transport	Direct Debit-Licensing Payments June 16	\$	49,743.10
		TOTAL	\$	49,743.10

Visa Card Transactions

Date	Name	Details	\$	Amount
20-Jun-16	Badgingarra Roadhouse	Fuel - KE002	\$	153.63
24-Jun-16	Succulent Foods	Meals	\$	26.50
28-Jun-16	National Australia Bank	Card Fee	\$	9.00
		TOTAL - CEO	\$	189.13
30-June-16	Puma Parks	Unleaded Fuel - KE 002	\$	43.00
30-June-16	Puma Parks	Unleaded Fuel - KE 002	\$	50.19
02-Jun-16	Netregistry	Domain renewal	\$	47.85
13-Jun-16	Puma Parks	Unleaded Fuel - KE 002	\$	48.05

20-Jun-16	Caltex Gelorup	Unleaded Fuel - KE 002	\$	62.50
21-Jun-16	Gull Mindarie	Unleaded Fuel - KE 002	\$	69.00
28-Jun-16	National Australia Bank	Card Fee	\$	9.00
		TOTAL - DCEO	\$	329.59
		TOTAL VISA TRANSACTIONS	\$	518.72

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2015/2016

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 June 2016 comprising;
 - (a) Statement of Financial Activity
 - (b) Note 1 to Note 9

- 2) That the Direct Debit List for the month of June 2016 comprising;
 - (a) Municipal Fund – Direct Debit List
 - (b) Trust Fund – Direct Debit List
 - (c) Visa Card Transactions

Be adopted.

COUNCIL RECOMMENDATION

MIN 128/16 MOTIONS - Moved Cr. White 2nd Cr. Reid

- 1) *That the Financial Report for the month of June 2016 comprising;*
 - (a) Statement of Financial Activity*
 - (b) Note 1 to Note 9*

- 2) *That the Direct Debit List for the month of June 2016 comprising;*
 - (a) Municipal Fund – Direct Debit List*
 - (b) Trust Fund – Direct Debit List*
 - (c) Visa Card Transactions*

Be adopted.

CARRIED 7/0

11.2 DEVELOPMENT SERVICES – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: June 2016
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Record Ref	BP 11-2016
Disclosure of Interest:	Nil
Date:	14 th July 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. One application was received for a "Building Permit" during the June 2016 period. A copy of the "Australian Bureau of Statistics appends.
2. One No "Building Permit" was issued in the June 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. le: "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 June 2016 period.
2. Acknowledge the "Return of Building Permits Issued" for the June 2016 period.

COUNCIL RECOMMENDATION

MIN 129/16 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council -

- 1. Acknowledge the "Return of Proposed Building Operations" for the June 2016 period; and*
- 2. Acknowledge the "Return of Building Permits Issued" for the June 2016 period.*

CARRIED 7/0

Agenda Reference:	11.2.2
Subject:	Ancillary Accommodation
Location:	18 Hammond Street, Kellerberrin
Applicant:	Mr Quenten Tiller.
File Ref:	A424
Record Ref	TBA
Disclosure of Interest:	NIL
Date:	14 th July 2016
Author:	Mr Garry Tucker: Manager Development Services

BACKGROUND

An application has been received from Mr Quenten Tiller to install a demountable building on his premises to be used as accommodation units to house CBH workers during the summer harvest periods. The donga type building (14.4m x 3.4m) will feature a full length verandah.

COMMENT

I have been dealing with this matter for about two months. When initially contacted by Mr Tiller about the proposal I had envisaged a typical granny flat arrangement which was made possible circa 18 months ago when the State Government changed the law on such structures and relaxed the provisions that limited such buildings as only being available to house close relatives of the family; thus the colloquial term "Granny Flats" that evolved.

With the adoption of the latest revisions to the "R-Codes" the term used for such structures is now "Ancillary Accommodation" and they are limited in size to 70m². There is no requirement for the buildings to rely on the main house for anything, for example a laundry facility, nor is there a requirement for the inhabitants to be related to the house dwellers.

This proposal however is different to what is normally proposed as it's comprised of four SOU's (Single Occupancy Units) as they are typically made for housing mine-site workers.

As I was concerned about the ancillary accommodation being comprised of four SOU's and furthermore the fact that it was intended as accommodation for transient workers I sought expert opinion from the West Australian Planning Commission via Senior Planner Mrs Jackie Stone. She told me that whilst not being the norm such a use was permitted provided the proposal met R-Codes provisions.

The "R-Codes" require that the subject property, with a zoning of "Residential R10/40" must retain 60% of the site as "Open Space" in accordance with the definition provided in the Code. This proposal satisfies the requirement. See ATTACHMENT 1.

In terms of Council's local Planning scheme the Use Class Table the proposed use is a "P" use provided the requirements of the R-Codes are satisfied: in this case they are.

FINANCIAL IMPLICATIONS

The stated estimate of the cost of the project is \$24,500.
Therefore the following will apply:-

- Development Application of \$147.00 has been paid.
- Building Permit will be \$96.00.
- Builders Registration Board Levy of \$61.65.
- BCITF of \$50.00

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No 4
State Planning Policy 3.1 - "R-Codes"

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

CEO
MDS

STAFF RECOMMENDATION

That council endorse the issue of a Development Approval for the proposed Ancillary Accommodation at Lot 34, 19 Hammond Street as shown on the submitted Plans accompanying the application subject to the following conditions:-

1. Development is to be undertaken in accordance with the endorsed plans.
2. The approval will expire if the development is not substantially commenced within two years of the approval date.

COUNCIL RECOMMENDATION

MIN 130/16 MOTION - Moved Cr. Steber 2nd Cr. Reid

That council endorse the issue of a Development Approval for the proposed Ancillary Accommodation at Lot 34, 19 Hammond Street as shown on the submitted Plans accompanying the application subject to the following conditions:-

1. *Development is to be undertaken in accordance with the endorsed plans;*
2. *That the accommodation is only for own private business use as seasonal workers accommodation; and*
3. *The approval will expire if the development is not substantially commenced within two years of the approval date.*

CARRIED 7/0

Reason: That should the ancillary accommodation be used for commercial purposes additional licenses and permits must be applied for.

Agenda Reference:	11.1.3
Subject:	Proposed Hairdresser Shop.
Location:	Lot 134: 84 Massingham Street Kellerberrin.
Applicant:	Mr Phillip John. Harvey.
File Ref:	Ass454
Record Ref:	
Disclosure of Interest:	NIL
Date:	19 th July 2016
Author:	Garry Tucker: Manager Development Services

BACKGROUND

An application has been received from Mr Phillip Harvey to set-up a hairdresser/ Beauty shop in the front portion of the existing old building where he lives. See ATTACHMENT 1. Miss McWhirter will be operating the business.

The history of the building is described on a Brass Plaque positioned in front of the building that states the following:-

"Built by the Commonwealth Bank in 1912, Massingham House served as a bank or business premises until 1979 when it became a private dwelling. It was renamed in 1976 after one of the earliest settlers in the district, Mr C. Massingham who established an outstation at Milligan, 7 miles north of Kellerberrin."

An Australian Bicentennial project with financial assistance from the State & Commonwealth governments.

COMMENT

I have not been able establish with any certainty the true status of the subject building. The evidence is there to say it was built and used for sixty four years as a business premises and then it appears to have become a dwelling from 1979.

Notwithstanding the current Zoning for the Lot is "Town Centre" and that mandates what use can be made of it regardless of what the building looks like.

The "Zoning Table" in Council's "Local Planning Scheme No 4" lists a "Shop" as a "P" Use and the definition of a "Shop" is as follows:-

"shop" means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

A "P" use In terms of the "Zoning Table" is defined as follows:-

"P" means the use is permitted by the scheme providing the use complies with the relevant development standards and the requirements of the scheme.

For the relevant development standards and the requirements of the scheme we refer to the following section of the Scheme text:

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.7 Commercial Development

5.7.1 Commercial development shall not exceed two (2) storeys in height except where the Council considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.

5.7.2 In considering an application for planning approval for a proposed commercial development (including additions and alterations to existing development) in the town centre the Council shall have regard to the following—

- (a) the colour and texture of external building materials; the Council may require the building façade and side walls to a building depth of 3m to be constructed of masonry;

- (b) building size, height, bulk, roof pitch;
- (c) setback and location of the building on its lot;
- (d) architectural style and design details of the building;
- (e) function of the building;
- (f) relationship to surrounding development; and
- (g) other characteristics considered by the Council to be relevant.

5.7.3 Landscaping should complement the appearance of the proposed development and town centre.

5.7.4 The layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.

5.7.5 All other development standards for development in the Town Centre zone are at Council's discretion.

FINANCIAL IMPLICATIONS

A Development Application fee of \$147.00. is payable.

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No 4

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 grants Development Approval for the building to be used for the purpose of a Hairdresser / Beauty Shop at Lot 134, 84 Massingham Street Kellerberrin as shown on the submitted Plans accompanying the application with the following conditions:-

1. Development is to be undertaken in accordance with the endorsed plans.
2. The approval will expire if the development is not substantially commenced within two years of the approval date.

COUNCIL RECOMMENDATION

MIN 131/16 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That council grants Development Approval for the building to be used for the purpose of a Hairdresser / Beauty Shop at Lot 134, 84 Massingham Street Kellerberrin as shown on the submitted Plans accompanying the application with the following conditions:-

- 1. Development is to be undertaken in accordance with the endorsed plans.***
- 2. The approval will expire if the development is not substantially commenced within two years of the approval date.***

CARRIED 7/0

Agenda Reference:	11.2.4
Subject:	Proposed shed for garden and carports
Location:	Lot 15614: 254 Gt Eastern High Way Baandee.
Applicant:	Mr N. Malaspina.
File Ref:	A1588
Disclosure of Interest:	NIL
Date:	18 th July 2016
Author:	Garry Tucker: Manager Development Services

BACKGROUND

An application has been received from Mr Nicolas Malaspina to install a large Sea Container with 3.6m wide lean-to type carport structures along each side. The applicant has described the proposed construction as being a "Garden and vehicle Shed". See ATTACHMENT 2. Mr Malaspina has told me that he will not use the shed to live in.

COMMENT

The Zoning for the Lot is "General Agriculture " and that mandates what use can be made of it. It is a small parcel of land (Area 7.12 Ha) that abuts the Highway. It is about 2.8 Km from eastern boundary of the Shire. See ATTACHMENT 1.

I have had difficulty in determining what category can be assigned to the proposed activity. After much research and after discussing the matter with the Council's consultant Planner Mr Paul Bashall the consensus of opinion is that a Use termed "Recreation - Private" is appropriate.

The "Zoning Table" in Council's "Local Planning Scheme No 4" lists "Recreation - Private" as a "D" Use and the definition of "Recreation - Private" is as follows:-

"recreation - private" means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

A "D" use In terms of the "Zoning Table" is defined as follows:-

"D" means the use is not permitted unless the local government has exercised its discretion by granting planning approval.

For the relevant development standards and the requirements of the scheme we refer to the following section of the Scheme text:

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.11 Rural Development

5.11.1 Buildings within the General Agriculture zone shall comply with the following minimum lot boundary setbacks—

- Front: 20.0 metres
- Rear: 15.0 metres
- Side: 5.0 metres

5.11.2 The Council will only support further subdivision of existing lots in the General Agricultural zone where—

- (a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could similarly be subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- (b) the lots are for farm adjustment and the erection of dwellings is restricted by memorials on titles;
- (c) the lots are for specific uses such as recreation facilities and public utilities; or

- (d) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels); or
- (e) otherwise in accordance with the Council's policy for Homestead Lots.

FINANCIAL IMPLICATIONS

The Development Application fee of \$147.00. is payable

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No 4
State Planning Policy 3.1 - "R-Codes"

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Community consultation is not required.

STAFF RECOMMENDATION

That council exercise its discretion and grant "Development Approval" for the proposed erection of a Shed (sea container) with attached carports on each side at Lot 15614, 254 Gt Eastern Highway Baandee as shown on the submitted Plans accompanying the application with the following conditions:-

- 1. Development is to be undertaken in accordance with the endorsed plans.
- 2. The approval will expire if the development is not substantially commenced within two years of the approval date.

COUNCIL RECOMMENDATION

MIN 132/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That council exercise its discretion and grant "Development Approval" for the proposed erection of a Shed (sea container) with attached carports on each side at Lot 15614, 254 Gt Eastern Highway Baandee as shown on the submitted Plans accompanying the application with the following conditions:-

- 1. Development is to be undertaken in accordance with the endorsed plans.***
- 2. The approval will expire if the development is not substantially commenced within two years of the approval date.***

CARRIED 7/0

Agenda Reference:	11.2.5
Subject:	Proposed Erection of Bulk Heads
Location:	Lot 306 Tiller Drive Kellerberrin.
Applicant:	Premium Grain Handlers
File Ref:	TP 03, Ass 1706
Disclosure of Interest:	N/A
Records Ref:	NPA1613
Date:	5 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council has received a Development Application from Premium Grain Handlers Pty Ltd to install three bulk head on land owned by *Premium Grain Handlers* at Lot 306, Tiller Drive Kellerberrin.

The Bulk Heads will consist of an asphalt base, concrete "T" bar walls and a tarp over the top once they have grain in them.

The use of the bulkheads is for the grain supply as per previous application with the installation of four silos.



COMMENT

The application seeks permission to erect the following size bulk heads:

1. Two - 100m x 15m Bulkheads
2. One - 80m x 15m Bulkhead (as per attached diagram)

To be located in the North Western corner of the property.

The estimated cost of for the works is stated as \$80,000.

The application states that the new units will be constructed by the end of September 2016 to enable the facility to receive grain at Harvest..

In terms of the current Planning Scheme No 4 the land /Lot is zoned "Industrial" and the proposed use is commensurate with the definition given to "Industry-Rural": viz "*an industry handling, treating, processing, or packaging primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality*".

"Industry-Rural" is listed in the "ZONING TABLE" as a "P" use in the "INDUSTRIAL" zone. A "P" use means the activity is a permitted use.

In terms of the scheme's development requirements for the various zones the following is applicable to the "Industrial" areas.

Extract from text of Town Planning Scheme No 4

Part 5 — General development requirements

5.1. Compliance with development standards and requirements

Any development of land is to comply with the provisions of the Scheme.

5.8 Industrial Development

5.8.1 Buildings within the Industrial zone shall comply with the following minimum lot boundary setbacks:

Front: 7.5 metres

Rear: 7.5 metres

Side: 5.0 metres (on one side)

5.8.2 The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

5.8.3 All other development standards for development in the Industrial zone are at Council's discretion.

The Application demonstrates that the structures will be 12 meter from the Side Boundary and 24m from the front boundary.

FINANCIAL IMPLICATIONS

1. Development Application Fees are applicable. - on lodgment of a duly completed application the applicant must pay the prescribed fees. I.e. \$256.00.
2. Building Permit fees maybe be applicable to some buildings should the project go to construction.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

1. Planning & Development Act 2005
2. Planning & Development Regulations 2009
2. Building Act & Regulations 2011
3. Building Code of Australia.

STRATEGIC 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 <i>We are a sustainable, economically diverse and strong community.</i>	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	<i>To identify economic trends and create employment and business opportunities for the local community.</i>	✓		✓	✓	

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 Areas	<ul style="list-style-type: none"> Social 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

FUTURE PLAN IMPLICATIONS - N/A

COMMUNITY CONSULTATION

Premium Grain Handlers
 Chief Executive Officer
 Manager Development Services.

STAFF RECOMMENDATION

That Council:-

- 1. Grants Planning Approval for 'Premium Grain Handlers' to erect;*
 - i. Two - 100m x 15m Bulkheads*
 - ii. One - 80m x 15m Bulkhead**At Lot 306 Tiller Drive; and*
- 2. No works are to be commenced before a Building Permit is issued.*

COUNCIL RECOMMENDATION

MIN 133/16 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council:-

- 1. Grants Planning Approval for 'Premium Grain Handlers' to erect;***
 - i. Two - 100m x 15m Bulkheads***
 - ii. One - 80m x 15m Bulkhead******At Lot 306 Tiller Drive; and***
- 2. No works are to be commenced before a Building Permit is issued.***

CARRIED 7/0

11.3 WORKS & SERVICES – AGENDA ITEMS

Agenda Reference:	11.3.1
Subject:	Sale of Plant - Roller
Location:	Kellerberrin
Applicant:	Mr Richard Cosgrove
File Ref:	ENG 30
Record Ref:	ICR161009
Disclosure of Interest:	N/A
Date:	19 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 19th July 2016 received a written offer from Mr Richard Cosgrove to purchase Council's 13 tonne light roller previously utilised by Council's outside staff,

Mr Cosgrove offered \$2,750 inclusive of GST for the outright purchase of the above vehicle.

COMMENT

Council has been looking to on sell this machine for some time as the roller in question no longer gets used by councils outside staff on a regular basis.

Details of the roller are:

- Pacific
- 1990
- 4 cyl diesel.
- Fair working order.
- No A/C.
- 12 tonne.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2016/2017 Budget

Council hasn't allocated any income or expenditure associated with the sale of 13 Tonne Light roller.

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.

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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 <i>We are a sustainable, economically diverse and strong community.</i>	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	<i>To identify economic trends and create employment and business opportunities for the local community.</i>	✓		✓	✓	

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 Areas	<ul style="list-style-type: none"> Social 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
Manager Works and Services

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That:

1. *Council authorise the Chief Executive Officer (CEO) to give local public notice of its intention to dispose of 13 Tonne light roller to Mr Richard Cosgrove on the following terms.*
 - a. *Purchase Price: \$2,750 inclusive of GST*
 - b. *Market Price: \$4,000**Inviting submissions on the proposal;*
2. *If no submissions are received Council authorize the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the sale agreement;*
3. *If any submissions are received, these are to be referred to Council to consider before making a decision on the proposal.*

COUNCIL RECOMMENDATION

MIN 134/16 MOTION - Moved Cr. White 2nd Cr. Steber

That:

1. *Council authorise the Chief Executive Officer (CEO) to give local public notice of its intention to dispose of 13 Tonne light roller to Mr Richard Cosgrove on the following terms.*
 - a. *Purchase Price: \$2,750 inclusive of GST*
 - b. *Market Price: \$4,000**Inviting submissions on the proposal;*
2. *If no submissions are received Council authorize the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the sale agreement;*
3. *If any submissions are received, these are to be referred to Council to consider before making a decision on the proposal.*

CARRIED 7/0
BY ABSOLUTE MAJORITY

4.25 pm – Cr Reid exited Council Chambers

Agenda Reference:	11.3.2
Subject:	Sale of Plant – Tandem Dolly (KE2509)
Location:	Kellerberrin
Applicant:	Mr Dennis Reid
File Ref:	ENG 30
Record Ref:	ICR161008
Disclosure of Interest:	Cr Dennis Reid
Date:	19 th July 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 20th July 2016 received a written offer by Mr Dennis Reid, Jareky Farms to purchase Council's SFM tandem Dolly 2003 build, previously utilised by Council's outside staff.

Mr Reid offered \$5,000 exclusive for the outright purchase of the above vehicle.

COMMENT

Council has been looking to on sell this machine for some time as the Dolly in question no longer gets used by councils outside staff on a regular basis.

The dolly for sale is:

- SFM engineering.
- 2003
- Current rego – KE2509
- VIN – 6T9T23WA131AEG021
- 10,437 km showing (total 146,466 km)
- Bogie.
- 4 spring suspension.
- 11R22.5 tyres @ 90% tread
- LED lighting
- Non ball race turn table.
- 3" pin.
- BPW axles.
- ADR 38 brake system.
- Spider hubs.
- 50 mm tow eye.
- Twin Hydraulic hoses fitted (for return hydraulics)
- ¼" auxiliary air lines fitted (eg. For side tipper operation)

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2016/2017 Budget

Council hasn't allocated any income or expenditure associated with the sale of tandem dolly.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (5) *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 he local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (6) *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.*
- (7) *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	<i>We are a sustainable, economically diverse and strong community.</i>	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	<i>To identify economic trends and create employment and business opportunities for the local community.</i>	✓		✓	✓	

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 Areas	<ul style="list-style-type: none"> Social 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
Manager Works and Services

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That:

1. *Council authorise the Chief Executive Officer (CEO) to give local public notice of its intention to dispose of SFM tandem dolly 2003 build to Mr Dennis Reid, Jareky Farms on the following terms.*
 - c. *Purchase Price: \$5,000 exclusive*
 - d. *Market Price:*
Inviting submissions on the proposal;
2. *If no submissions are received Council authorize the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the sale agreement;*
3. *If any submissions are received, these are to be referred to Council to consider before making a decision on the proposal.*

Cr. Reid left chambers 4.30pm

COUNCIL RECOMMENDATION

MIN 135/16 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council offer the 2003 SFM tandem dolly for sale by private tender.

CARRIED 6/0
BY ABSOLUTE MAJORITY

Reason: Mr Dennis Reid advised that he wished to withdraw the offer to purchase the item and the plant item is surplus to Council's requirements.

4.35 pm - Cr. Reid entered Council Chambers

COUNCIL RECOMMENDATION

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

That Council receive Late Items

CARRIED 7/0

Agenda Reference:	13.1
Subject:	Proposed construction of a Storage Shed.
Location:	Lot 304: 2 Mill Street, Kellerberrin.
Applicant:	Eastern District Seed Cleaning Company.
File Ref:	Ass 491
Disclosure of Interest:	NIL
Date:	25 th July 2016
Author:	Garry Tucker: Manager Development Services

BACKGROUND

An application has been received from "Eastern District Seed Cleaning Company" to erect a large Storage shed on their Industrial site situated at Lot 304, 2 Mill Street Kellerberrin. The building will be a typical gable roof design, steel framed and steel clad structure that is 42m long x 22m wide with a wall height of 4.5m. The height to the apex of the gable will be 6.4m as the pitch of the roof is 10 degrees. See ATTACHMENT 1.

COMMENT

The land is zoned "Industrial" and the proposed use of the shed is commensurate with the permitted uses for the land.

This shed is stated as being required for "Storage". Under the provisions of Council's "Planning Scheme No 4" the definition of "Storage" is as follows:-

"Storage" - Means premises used for the storage of goods, equipment, plant or materials.

In terms of the Use Class Table the use is a "P" use.

A "P" use In terms of the "Zoning Table" is defined as follows:-

"P" means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

For the relevant development standards and the requirements of the scheme we refer to the following section of the Scheme text:

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.9 Industrial Development

5.9.1 Buildings within the Industrial zone shall comply with the following minimum lot boundary setbacks—

- Front: 7.5 metres
- Rear: 7.5 metres
- Side: 5.0 metres (on one side)

5.9.2 The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

5.9.3 All other development standards for development in the Industrial zone are at Council's discretion.

FINANCIAL IMPLICATIONS

The stated estimate of the cost of the project is \$120,000.
Therefore the following fees will apply:-

- Development Application of \$384.00 is payable.
- Building Permit will be \$384.00.
- BCITF of \$240.00.
- Building Services Levy of \$164.00

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No 4
Town Planning Regulations 1967.
Planning & Development Act 2005
Planning & Development (Local Planning Schemes) Regulations 2015.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Community Consultation not required.

STAFF RECOMMENDATION

That council grant "Development Approval" for the proposed Storage Shed at Lot 304, 2 Mill Street Kellerberrin as shown on the submitted Plans accompanying the application with the following conditions:-

1. Development is to be undertaken in accordance with the endorsed plans.
2. The building to be constructed in strict accordance with the requirements of the BCA 21016.
3. The approval will expire if the development is not substantially commenced within two years of the approval date.

COUNCIL RECOMMENDATION

MIN 137/16 MOTION - Moved Cr. White 2nd Cr. McNeil

That council grant "Development Approval" for the proposed Storage Shed at Lot 304, 2 Mill Street Kellerberrin as shown on the submitted Plans accompanying the application with the following conditions:-

1. ***Development is to be undertaken in accordance with the endorsed plans.***
2. ***The building to be constructed in strict accordance with the requirements of the BCA 21016.***
3. ***The approval will expire if the development is not substantially commenced within two years of the approval date.***

CARRIED 7/0

CLOSURE OF MEETING AT 4.40pm

NEXT MEETING DATES

Ordinary Council Meeting, 16th August 2016