

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday 21st June 2016, commencing at 2:00 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.00 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 2.25pm)

Apologies:

Leave of Absence: Nil

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

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE: President away JULY meeting

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 **21st June 2016**.

Date	Name	Item No.	Reason
			NIL

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 **21st June 2016**.

Date	Name	Item No.	Reason
21.6.16	President	11.1.5	Impartiality

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 **21st June 2016**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 17th May 2016

COUNCIL RECOMMENDATION

MIN 93/16 MOTION: Moved Cr. Steber 2nd Cr. Leake

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 17th May 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 94/16 MOTION: Moved Cr. O'Neill 2nd Cr. Steber

That the President's reports for June 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 June 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.

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

March 2016 Council Meeting

MIN 23/16 MOTION - Moved Cr. White 2nd Cr. Steber

That Council request the Community Development Officer explore the availability of grants and partnerships with RAC/CBH and similar organisations to raise awareness of safe driving and possibility hold a defensive driving course in Kellerberrin.

CARRIED 5/0

COMMENT

March 2016 – MIN 23/16

CDO is currently looking into options.

April 2016 – MIN 37/16

No Action required.

- 1 – Householders letter issues on the 20th May 2016
- 2 – Some Councilors have completed

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 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

2.25pm - Mrs Natasha Giles exited Council Chambers.

Agenda Reference:	11.1.2
Subject:	WE-ROC Executive Council Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Bruce Rock
Applicant:	Executive Officer - WE-ROC Council
File Ref:	ORG-10
Rec Ref:	New Min Number
Disclosure of Interest:	Nil
Date:	02 nd June 2016
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 25th May 2016 held in the Council Chambers, Shire of Bruce Rock, 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 Executive Council Meeting Minutes held on Wednesday 25th May 2016 held in Council Chambers, Shire of Bruce Rock.

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 25th May 2016 WE-ROC Executive Meeting summarised hereunder;

RESOLUTION: **Moved: Raymond Griffiths Seconded: Greg Powell**

That the Minutes of the Council Meeting held Wednesday 13 April 2016 be confirmed as a true and correct record.

CARRIED

RESOLUTION: **Moved: Darren Mollenoyux Seconded: Greg Powell**

That:

1. **Arrangements for a meeting with the Wheatbelt Business Network be deferred until the outcome on the application for funding for its "buy local" project is known; and**
2. **Efforts to arrange a meeting with the Chair and Executive Officer of RDA Wheatbelt continue.**

CARRIED

RESOLUTION: **Moved: Greg Powell Seconded: Darren Mollenoyux**

That the matter lay on the table.

CARRIED

RESOLUTION: **Moved: Greg Powell Seconded: Raymond Griffiths**

That the Executive Officer write to the following agencies to seek support for the resumption of visits by First Year Medical Students from the University of Notre Dame Australia's Fremantle Campus to communities across the Wheatbelt:

- **The Wheatbelt Development Commission;**
- **Rural Health West;**
- **WA Country Health Service;**
- **The Primary Health Network; and**

- RDA Wheatbelt.

CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Raymond Griffiths**

That the WE-ROC Regional Sport and Recreation Facilities Plan be updated to show all projects Member Councils have listed for the 2016/2017 financial year, with a copy of the projects for 2016/2017 to be forwarded to Jenifer Collins Manager – Wheatbelt Department of Sport and Recreation.

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 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 PLAN IMPLICATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED

STAFF RECOMMENDATION

That Council receive the Minutes of the Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 25th May 2016.

COUNCIL RECOMMENDATION

MIN 96/16 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council receive the Minutes of the Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 25th May 2016.

CARRIED 7/0

Agenda Reference:	11.1.3
Subject:	CEACA Council Meeting Minutes and Resolutions
Location:	Merredin Regional Community Leisure Centre
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	13 th June 2016
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 8th June 2016 held at the Merredin Regional Community and Leisure Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last CEACA Council Meeting Minutes held on Wednesday 8th June 2016 held at the Merredin Regional Community Leisure Centre.

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 CEACA.

Resolutions arising out of the 8th June 2016 CEACA Council Meeting summarised hereunder,

RESOLUTION: **Moved: Louis Geier** **Seconded: Rod Forsyth**

That the Minutes of the Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 9 March 2016 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Louis Geier** **Seconded: Eileen O'Connell**

That the report on the meeting with Hon Sussan Ley, the Minister for Health Minister; Aged Care; Sport on Wednesday 13 April 2016 be noted.

CARRIED

RESOLUTION: **Moved: Andrew Woodfield** **Seconded: Rachel Kirby**

That the report on an Executive Committee Meeting of the Central East Aged Care Alliance Inc with the Wheatbelt Development Commission held Tuesday 26 April 2016 be noted.

CARRIED

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

That the 2016/2017 CEACA Budget as presented be adopted, providing for a general subscription of \$4,000 per member and a contribution to the Project and Consultancy Fund of \$4,000 per member.

CARRIED

RESOLUTION: **Moved: Stephen Strange** **Seconded: Rod Forsyth**

That the matter lie on the table.

CARRIED

RESOLUTION: **Moved: Louis Geier** **Seconded: Rachel Kirby**

That the update on Stage 1 of the CEACA Aged Housing Project be noted.

CARRIED

RESOLUTION: **Moved: Eileen O'Connell** **Seconded: Andre Woodfield**

That CEACA Committee endorse the Executive Committee's decision to not proceed with CEACA's application for Round 3 NSRF funding.

CARRIED

RESOLUTION: **Moved: Rod Forsyth** **Seconded: Stephen Strange**

That CEACA:

- 1. Endorse the revised Business Case for Stage 2 of the CEACA Aged Housing Project - the Construction of Aged Housing lodged with the Department of Regional Development on Friday 6 May 2016;**
- 2. Endorse the CEACA Chair's advice to the Wheatbelt Development Commission that CEACA would support the Shire of Merredin in establishing a Treasury Account on behalf of CEACA; and**
- 3. Write to the Wheatbelt Development Commission to thank them for its help in preparing the revised Business Case for Stage 2 of the CEACA Aged Housing Project - the Construction of Aged Housing.**

CARRIED

RESOLUTION: **Moved: Andrew Woodfield** **Seconded: Louis Geier**

That Councils be requested to allocate funding in their budgets for the purpose of providing a cash contribution towards the construction of aged housing within their communities as part of the CEACA Aged Housing Project.

CARRIED

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

That the matter of the transfer of Crown land to freehold for use in the CEACA Aged Housing Project be listed for discussion at the next meeting of the CEACA Committee.

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 8th June 2016.

COUNCIL RECOMMENDATION

MIN 97/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 8th June 2016.

CARRIED 7/0

Agenda Reference:	11.1.4
Subject:	Common Seal Register and Reporting
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM-52
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	2 nd June 2016
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

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

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

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

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

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

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

Clause 19.1 The Council's Common Seal

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

Penalty \$1,000

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

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

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

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

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

COUNCIL RECOMMENDATION

MIN 98/16 MOTION - Moved Cr. Steber 2nd Cr. White

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

CARRIED 7/0

2.30 pm - Cr. Rod Forsyth exited Chambers

2.30 pm - Cr. Scott O'Neill assumed the role of Chair in the absence of Cr. Forsyth

Agenda Reference:	11.1.5
Subject:	Approval to keep Six Dogs at a residence within the Rural area, Shire of Kellerberrin.
Location:	9022 Kellerberrin Bencubbin Rd
Applicant:	Rodney Forsyth
File Ref:	LLAW 12 & A1700
Record Ref:	ICR16953
Disclosure of Interest:	Cr Rodney Forsyth
Date:	10 th June 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 10th June 2016 received correspondence from Mr Rod Forsyth requesting Council permission to have six dogs reside at Location 9022, Kellerberrin Bencubbin Road, Kellerberrin.

COMMENT

Mr Rod Forsyth has advised that the six dogs are all Kelpies.

A check of Councils Dog Register indicated that the below dogs are currently registered to Mr Rod Forsyth.

Tag No	Name of Dog	Description	Colour Marking	Sex	Sterilised	Owner Other Name	Owner Surname	Ass No	Property Address
180032	MILO	Kelpie	BROWN	Male	No	Rod	Forsyth	A1700	9022 Kellerberrin Bencubbin Rd, Kellerberrin
190061	CLARK	Kelpie	CREAM	Male	No	Rod	Forsyth	A1700	9022 Kellerberrin Bencubbin Rd, Kellerberrin
180030	AUSTEN	Kelpie	BLACK AND TAN	Male	No	Rod	Forsyth	A1700	9022 Kellerberrin Bencubbin Rd, Kellerberrin
180031	REECE	Kelpie	BROWN AND TAN	Male	No	Rod	Forsyth	A1700	9022 Kellerberrin Bencubbin Rd, Kellerberrin

Mr Forsyth in his letter indicated that one of the Dogs is currently registered with the Shire of Waroona. After discussions with the Ranger and reviewing the Dog Act 1976 the dog's registration cannot be transferred to as the owner does not reside in Kellerberrin.

However as the dog will only be located in Kellerberrin for a short time for training purposes, it is not required for a new registration to be completed. It is recommended that we hold proof of the Waroona registration for our record and details of the microchip number in case of any issues.

FINANCIAL IMPLICATIONS

All adult dogs are required to be registered with the Council and an annual registration fee is payable, all four dogs are currently registered.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

- Dog Act 1976 as amended

Part V — The keeping of dogs

26. Limitation as to numbers

- (1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.

- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
 - (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
 - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
 - (c) may be revoked or varied at any time.
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.

Penalty: \$1 000 and a daily penalty of \$100.

- (5) Any person who is aggrieved —
 - (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,

may apply to the State Administrative Tribunal for a review of the decision.

- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268.]

Shire of Kellerberrin Dogs Local Law 2012

EXTRACT from "Dogs Local Laws"

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or

occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been—

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) two dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) four dogs over the age of 3 months and the young of those dogs under that age if the premises is situated outside a townsite.

STRATEGIC PLAN IMPLICATIONS: Nil

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

LONG TERM PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

Chief Executive Officer
Senior Finance Officer
Finance Officer
Deputy Chief Executive Officer
Shire Contract Ranger

STAFF RECOMMENDATION

That Council approves the keeping of six dogs at Location 9022 Kellerberrin Bencubbin Road, Kellerberrin subject to the following conditions:-

1. *All dogs are registered including micro chipping and;*
2. *The Shire of Kellerberrin 2012 Dog Local Laws is adhered to.*
3. *The approval becomes **void** if any “condition” is breached and the approval is not transferable to another property or persons.*
4. *Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals or suitability for dog trialling.*
5. *The Shire Ranger undertakes regular visits.*

2.25pm Shire President left, Cr. O'Neill chaired

COUNCIL RECOMMENDATION

MIN 99/16 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council approves the keeping of six dogs at Location 9022 Kellerberrin Bencubbin Road, Kellerberrin subject to the following conditions:-

1. ***All dogs are registered including micro chipping and;***
2. ***The Shire of Kellerberrin 2012 Dog Local Laws is adhered to.***
3. ***The approval becomes void if any “condition” is breached and the approval is not transferable to another property or persons.***
4. ***Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals or suitability for dog trialling.***
5. ***The Shire Ranger undertakes regular visits.***

CARRIED 6/0

2.40pm Cr. Rod Forsyth returned to Chambers and resumed as Chairperson.

Agenda Reference:	11.1.6
Subject:	Sale of Industrial Land Lot 302 Tiller Drive
Location:	Lot 302 Tiller Drive, Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Ass 1730
Record Ref:	ICR16899
Disclosure of Interest:	N/A
Date:	30 th May 2016
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Councils February 2016 Ordinary Council Meeting

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

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

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

CARRIED 5/0

Councils December 2015 Ordinary Council Meeting

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

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

CARRIED 7/0

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

Councils October 2013 Ordinary Council Meeting

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

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

- ***Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.***

- **No submissions being received Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.**

CARRIED 6/0

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

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

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

CARRIED 6/0

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

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

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

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

Councils April 2010 Ordinary Council Meeting
--

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

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

Councils March 2010 Ordinary Council Meeting
--

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

- 1. That Council approves the sale of Council owned Part Lot 103 and Part 104 known as New Lot 28 Mather Road Kellerberrin as per subdivision plan, to Mr Michael Joseph Moylan and Mrs Helen Moylan of 69 Moore Street, Kellerberrin, as per subdivision guide plan by private agreement for the sum of \$48,186.45.***
- 2. That Council approves the sale of Council owned Part Lot 103 known as New Lot 7 Mather Road Kellerberrin as per subdivision plan, to Eastern Districts Seed Cleaning***

Company of Po Box 21, Kellerberrin, as per subdivision guide plan by private agreement for the sum of \$30,023.86.

3. *That Council approves the sale of Council owned Part Lot 103 known as New Lot 9 Mather Road Kellerberrin as per subdivision plan, to Mr Mark Walter Harrison and Ms Lynette June Mealey of 10 Bedford Street, Kellerberrin, as per subdivision guide plan by private agreement for the sum of \$11,152.35.*
4. *That Council approves the sale of Council owned Part Lot 103 and Part 104 known as New Lot 13 Mather Road Kellerberrin as per subdivision plan, to Premium Grain Handlers of Po Box 1311, Fremantle, as per subdivision guide plan by private agreement for the sum of \$28,912.87.*

CARRIED 7/0
BY ABSOLUTE MAJORITY

COMMENT

Council has been working with its Lawyers McLeods to finalise an agreement for the sale of land as per the above.

Council has since received documentation from Mr Carmelo Fondacaro that the property is too big for his requirements and therefore would like to withdraw his offer.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

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

and

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

3.59. Commercial enterprises by local governments

- (1) *In this section —*
acquire *has a meaning that accords with the meaning of “dispose”;*

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

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

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

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

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

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

major trading undertaking means a trading undertaking that —

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

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

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

(2) Before it —

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services in the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government’s current plan prepared under section 5.56;
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

(iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

(b) *make a copy of the business plan available for public inspection in accordance with the notice.*

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

(5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*

(6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*

(7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*

(8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*

(9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*

(10) *For the purposes of this section, regulations may —*

(a) *prescribe any land transaction to be an exempt land transaction;*

(b) *prescribe any trading undertaking to be an exempt trading undertaking.*

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Our Vision

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

Our Vision is:

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

Our Focus Areas

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

4 Economic Development

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

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

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

Theme 4: Prosperity

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

4.1	<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
Councillors

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

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

COUNCIL RECOMMENDATION

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

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

CARRIED 7/0

Agenda Reference:	11.1.7
Subject:	May 2016 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	1 st June 2016
Author:	Miss Codi Mullen, Administration Officer

BACKGROUND

Accounts for payment from 1st May 2016 – 31st May 2016

Trust Fund

CHQ 3018 - 3019

EFT 5997 - 5998

TRUST TOTAL

\$ 600.00

Municipal Fund

Cheque Payments

34054 – 34064

\$ 49,878.50

EFT Payments

5963 - 6038

\$ 123,222.90

Direct Debit Payments

\$ 27,448.21

TOTAL MUNICIPAL

\$ 173,101.40

COMMENT

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

Avon Waste	\$ 17,705.92
Domestic & Commercial Refuse Collection February & April 2016	
Great Southern Fuel Supplies	\$ 14,175.64
Fuel Purchases April 2016	
Woodstock Electrical Services	\$ 12,641.64
Repair lights at Hockey & Football Field	
SG Fleet	\$ 11,423.12
Monthly Lease Payment	
Innes & Co	\$ 8,800.00
Semi trailer hire for gravel haulage	
Tuss Group Pty Ltd	\$ 7,552.07
Head walls, pipes, base slabs and box culverts.	
WA Local Government Superannuation Plan Pty Ltd	\$ 6,428.12
Payroll Deductions & Superannuation Contributions	
WA Local Government Superannuation Plan Pty Ltd	\$ 6,367.13
Payroll Deductions & Superannuation Contributions	
Landgate	\$ 6,053.50
Rural UV General Revaluation 15/16	
Fulton Hogan	\$ 5,632.00
Bulker bag cold mix	
Synergy	\$ 4,661.75
Streetlight tariffs =257 25/03/2016 - 24/04/2016	
Perth Energy	\$ 4,558.52
Power consumption 10/04/2016 - 09/05/2016	
Shire of Northam	\$ 4,361.50
Old Quarry Rd Tipping Fees March & April 1	
Kellerberrin Tyre Service	\$ 4,124.00
Full set of tyres for truck, batteries & bottled Water 15L	

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 IMPLICATIONS - Nil
(Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council:

1. *accepts the Municipal Fund expenditure submitted from 1st May 2016 – 31st May 2016 totalling \$173,101.40*
2. *accepts the Trust Fund expenditure submitted from 1st May 2016 – 31st May 2016 totalling \$600.00*

COUNCIL RECOMMENDATION

MIN 101/16 MOTION - Moved Cr White 2nd Cr. Reid

That Council:

1. *accepts the Municipal Fund expenditure submitted from 1st May 2016 – 31st May 2016 totalling \$173,101.40*
2. *accepts the Trust Fund expenditure submitted from 1st May 2016 – 31st May 2016 totalling \$600.00*

CARRIED 7/0

Agenda Reference:	11.1.8
Subject:	Financial Management Report, Direct Debit List and Visa Card Transactions for the month May 2016
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	3 June 2016
Author:	Jennine Ashby, Senior Finance Officer

BACKGROUND

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

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

Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
2-May-16	Westnet	Monthly Charge Static IP address	\$	4.99
4-May-16	National Australia Bank	VISA Transactions	\$	526.00
5-May-16	Shire of Kellerberrin	Payroll - Click Super	\$	7,705.81
5-May-16	Shire of Kellerberrin	Payroll	\$	50,215.77
12-May-16	Shire of Kellerberrin	EFT Payment	\$	2,750.00
16-May-16	SG Fleet	Monthly Lease Payment	\$	11,423.12
17-May-16	Shire of Kellerberrin	EFT Payment	\$	63,358.55
18-May-16	National Australia Bank	NAB Connect Access Fees	\$	65.48
19-May-16	Shire of Kellerberrin	Payroll - Click Super	\$	7,788.29
19-May-16	Shire of Kellerberrin	Payroll	\$	48,377.13
26-May-16	Shire of Kellerberrin	EFT Payment	\$	1,075.00
27-May-16	Shire of Kellerberrin	EFT Payment	\$	56,039.35
31-May-16	National Australia Bank	BPAY Charges	\$	7.36
31-May-16	National Australia Bank	Account Fees - Municipal	\$	41.00
31-May-16	National Australia Bank	Account Fees - Trust	\$	62.00
TOTAL			\$	249,439.85

Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
31-May-16	Department Transport	Direct Debit - Licensing Payments May 16	\$	50,208.35
TOTAL			\$	50,208.35

Visa Card Transactions

Date	Name	Details	\$	Amount
02-May-16	Crown Groove Bar	Refreshments - Corporate Day	\$	67.00
23-May-16	Farmways	R Griffiths - Boots	\$	130.00
27-May-16	National Australia Bank	Card Fee	\$	9.00
TOTAL - CEO			\$	206.00
03-May-16	Uni Co-op Bookshop	J Cairns - TAFE Books	\$	429.90
09-May-16	Puma Parks	Unleaded Fuel - KE 002	\$	57.00
13-May-16	Gull Tammin	Unleaded Fuel - KE 002	\$	48.14
16-May-16	WW Petrol	Unleaded Fuel - KE 002	\$	65.32
27-May-16	National Australia Bank	Card Fee	\$	9.00
TOTAL - DCEO			\$	609.36
TOTAL VISA TRANSACTIONS			\$	815.36

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 102/16 MOTIONS - Moved Cr. Reid 2nd Cr. Leake

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

- 2) *That the Direct Debit List for the month of May 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: May 2016
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Record Ref	BP 9-2016 & BP 10-2016
Disclosure of Interest:	Nil
Date:	10 th May 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. Two applications were received for a "Building Permit" during the May 2016 period. A copy of the "Australian Bureau of Statistics appends.
2. No "Building Permits" were issued in the May 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 May 2016 period.*
2. *Acknowledge the "Return of Building Permits Issued " for the May 2016 period.*

COUNCIL RECOMMENDATION

MIN 103/16 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council

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

CARRIED 7/0

Agenda Reference:	11.2.2
Subject:	Waste Management Strategy & Business Plan 2016 - 2026
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ENVH 16 & ENVH 48
Record #:	N/A
Disclosure of Interest:	N/A
Date:	30 th May 2016
Author:	Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

In 2007 all local government were advised that it must prepare Zero Waste Plans. These later became "Towards Zero Waste Plans" and officially became Strategic Waste Management Plans pursuant to the Waste Avoidance and Resource Recovery Act 2007. The Shires of Merredin, Bruce Rock, Kellerberrin, Merredin, Nungarin, Tammin, Westonia and Yilgarn, developed a Strategic Waste Plan 2009-2013 through We-Roc with a \$20,000 grant. This plan has now expired.

Current regulations require Local Government agencies to have a Waste Management Strategy.

COMMENT

The draft Waste Management Strategy & Business Plan 2016 - 2026 (WMSBP) is a condensed document outlining the Shire of Kellerberrin services and programs undertaken to deliver appropriate affordable levels of waste management in the Shire. The plan also provides a summary of the costs and revenue linked to the provision of waste management services.

The document includes an action plan designed to deliver some new community initiatives, explore different business models to improve efficiency and review Shire policy to deliver improved waste management outcomes.

Prior to advertising, the document is presented to Council for endorsement. At the Completion of the advertising period the matter will be presented to Council for further comment, discussion of public document and final adoption.

FINANCIAL IMPLICATIONS

The Shire of Kellerberrin includes expenditure and revenue in its annual budgets. The 2016 / 2017 budget will include provision of \$2000 for community waste programs.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

The Act requires that Council prepare and implement a plan. The procedures include a public submission period as determined by the Local Government, but sufficient and suitable for the region.

STRATEGIC PLAN IMPLICATIONS - Nil

LONG TERM FINANCIAL PLAN IMPLCATIONS

In February 2016 Council adopted the Long Term Financial Plan which recommended fees and charges increase 1.5% each year, to be reviewed when preparing the annual budget.

COMMUNITY CONSULTATION

Strategic Community Plan - Public Consultation 2016
Chief Executive Officer
Manager Works and Services
Manager Development Services
Senior Finance Officer
Community Development Officer

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council;

- 1. Adopts the Waste Management Strategy & Business Plan 2016 - 2026 including its appendices.*
- 2. Advertise the document for 28 days seeking public comment*
- 3. At the closure of the submission period the WMSBP be presented to Council for final adoption with or without modification.*

COUNCIL RECOMMENDATION

MIN 104/16 MOTION - Moved Cr. Steber 2nd Cr. White

That Council;

- 1. Adopts the Waste Management Strategy & Business Plan 2016 - 2026 including its appendices.*
- 2. Advertise the document for 28 days seeking public comment*
- 3. At the closure of the submission period the WMSBP be presented to Council for final adoption with or without modification.*

CARRIED 7/0

agenda Reference:	11.2.3
Subject:	Mt Stirling Telecommunication Facility
Location:	Kellerberrin - Yoting Road, Kellerberrin.
Applicant:	Telstra Corporation.
File Ref:	ADM32
Record Ref:	TBA
Disclosure of Interest:	NIL
Date:	9 th June 2016
Author:	Garry Tucker: Manager Development Services

BACKGROUND

An application has been received from Telstra to erect a second transmission mast within their existing Telecommunications facility at Mt Stirling. The proposed new antenna mast will be 9m high; the existing mast is 5 metres high. The existing unit will be removed once the new unit is operational.

COMMENT

I have been dealing with this matter for about two months. When initially contacted via email by Telstra seeking advice as to whether I would be requiring a "Development Application" for the installation of another mast at their Mt Stirling Telecommunications Facility I was unable to give them a Yes or No answer. Furthermore when I asked if they could provide evidence of legislation that Telstra was exempt from having to gain "Development Approval" for the proposed works they were not sure.

Insomuch as I was aware that there has been several new pieces of Planning legislation introduced in recent times I began to research the subject but quickly concluded that there were several grey areas in the interpretation so I sought expert comment from the West Australian Planning Commission via Senior Planner Mrs Jacquie Stone.

I subsequently received the following email:-

"Hi Garry

I have had a look at SPP 5.2 – Telecommunications Infrastructure. I cannot see where it provides an exemption for the extension of existing towers. There are suggested exemptions in part 5.1.1 (iii) of the policy, but this requires the local governments either amend their scheme to grant the exemption or adopt a local planning policy under Clause 61(1)(i) of the deemed provisions (schedule 2 in the new planning regulations). It should be noted that the policy was recently reviewed, with the current version being the one dated September 2015 (link below).

<http://www.planning.wa.gov.au/publications/884.asp>

See ATTACHMENT No 1

There are now provisions under the deemed provisions in Clause 77 to allow for the Shire to amend a development approval. So if the Shire issued a DA for the current tower, Telstra could make application to amend the DA for the additional height they are requesting. It would be up to the Shire to determine if an amendment was acceptable or if a new DA should be required.

Under the Kellerberrin Scheme telecommunications infrastructure is a D use in the General Agriculture zone, so approval is definitely required. There are also exemptions that apply under the federal telecommunications Act, which override the need for planning approval for the local government. I have not looked at what these exemptions are or how they relate to the proposal that you are dealing with.

I am happy for you to provide this email, and my contact details to Rachel at Telstra is she wants to contact me to discuss.

Please note that I do not work Fridays but will be available next week if you require any further assistance with this matter."

There is no requirement for advertising of the proposal. Notwithstanding because of the peculiar location/ position of the Telecommunication Facility, being only about 2 km north of the Shire boundary of Quairading on the Kellerberrin-Yoting Road and only as far as the other side of the Road to the boundary with Tammin Shire I decided to telephone the CEO's of each Shire and told them of the proposal and sought their opinion as to whether they wished to make comment. Both CEO's thanked me for the advice and both said they had no concerns about the proposal.

Later discussions that took place between Jacquie Stone and Telstra resulted in Telstra lodging this application for Development Approval.

For details of Telstra's proposal see ATTACHMENT No 1.

FINANCIAL IMPLICATIONS

The stated estimate of the cost of the project is \$24,500.

Therefore the following will apply:-

- Development Application is \$147.00.
- Building Permit will be \$95.00.
- Builders Registration Board Levy of \$61.65.
- BCITF of \$49.00

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No 4

State Planning Policy 5.2 - See ATTACHMENT No 2

Commonwealth: "Telecommunications Act 1997" & subsidiary Codes.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

CEO

MDS

CEO - Shire of Quairading

CEO - Shire of Tammin

STAFF RECOMMENDATION

That council exercise its discretionary power pursuant to the "D" Use provisions and grant development approval for the proposed installation of a new nine (9) metre high transmission mast at the existing Mt Stirling Telecommunications Facility 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 105/16 MOTION - Moved Cr. Leake 2nd Cr. Reid

That council exercise its discretionary power pursuant to the "D" Use provisions and grant development approval for the proposed installation of a new nine (9) metre high transmission mast at the existing Mt Stirling Telecommunications Facility 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***

CARRIED 7/0

11.3 WORKS & SERVICES – AGENDA ITEMS
Nil Items

CLOSURE OF MEETING

3.20 pm- The Presiding person thanked everyone for their attendance and closed the meeting.

NEXT MEETING DATES

19th July 2016, Shire of Kellerberrin - Ordinary Council Meeting – moved to the following week;
19th July 2016, Shire of Kellerberrin – Audit Committee and Ordinary Council Meeting.