

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Wednesday 19th April 2017, 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. Steber	Member
Cr. Leake	Member
Cr. White	Member
Cr. Reid	Member
Cr. McNeil	Member
Mr Raymond Griffiths	Chief Executive Officer
Mrs Karen Oborn	Deputy Chief Executive Officer – Minutes
Mr Mick Jones	Manager Works and Services
Mrs Natasha Giles	Personal Assistant

Apologies:

Nil

Leave of Absence:

Mr Garry Tucker Manager Development Services

3. RESPONSE TO PREVIOUS PUBLIC QUESTION TAKEN ON NOTICE:

4. PUBLIC QUESTION TIME:

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 **19th April 2017**.

Date	Name	Item No.	Reason

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **19th April 2017**.

Date	Name	Item No.	Reason

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity** interest were made at the Council meeting held on **19th April 2017**.

Date	Name	Item No.	Reason
19.04.2017	Cr. Leake	11.2.4	Planning Application For Own Property
19.04.2017	Cr. Steber	11.2.5	Planning Application – Own Adjacent Property

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 21st March 2017

COUNCIL RECOMMENDATION

MIN 035/17 MOTION: Moved Cr. White 2nd Cr. Leake

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 21st March 2017, 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 036/17 MOTION: Moved Cr. Reid 2nd Cr. McNeil

That the President's report for April 2017 be received

CARRIED 7/0

11.1 CORPORATE SERVICES – 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:	7 th April 2017
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.

March 2017 Council Meeting

MIN 020 /17 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council notes:

- 1. The Kellerberrin Sport and Rec. Committee will fund the construction of the Toilet Block adjacent to the netball courts (ex-Caravan Park Ablutions); and the Council will fund the construction of the swapping over of the Tote and Cuolahan rooms, to combine the Cottle and Cuolahan rooms into one larger room, in the 17/18 Budget.***
- 2. The CEO on behalf of Council speaks with the Kellerberrin School students regarding closing the Skate Park as the new facility was vandalised last night.***

CARRIED 6/0

February 2017 Council Meeting

MIN 003/17 MOTION - Moved Cr. McNeil 2nd Cr. White

That Council;

- 1. Requests a structural report be undertaken on the Shire of Kellerberrin Town Hall.***

CARRIED 6/0

December 2016 Council Meeting

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

That Council;

- 1. Authorises Greyland's Dorset Stud permission to agist ~ 20 sheep on Council's lot 438 on Deposited Plan 195528 until 2017 cropping program and to assist in keeping vegetation low;***
- 2. Authorise the Kellerberrin Recreation and Leisure Centre Management Committee progress the Tote, Culohan and Cottle room relocation drawings and costings as presented;***

3. *Request the Chief Executive Officer to arrange a meeting with CBH and Growers to discuss the upgrade of the CBH facilities in Kellerberrin that has been discussed since 2013, in March 2017; and*
4. *Follow up with residents in Bath Street who are leaving green waste in the back lane.*

CARRIED 7/0

March 2017 – MIN 020/17

1. Funds have been allocated in the 2017/2018 budget for the project to combine the Cottle & Culohan Rooms into one larger room. The Shire Builder will also commence works shortly on converting the old Caravan Park ablutions to a single change room.
2. The CEO will arrange a time with KDHS to speak to the students about the recent spate of graffiti at the Skate Park as well as other areas around Kellerberrin.

February 2017 – MIN 003/17

1. Council has received two quotes for a Structural Report to be carried out on the Kellerberrin Memorial Hall. Details of the quote are as follows:
 - Structerre Consulting Engineers \$2,549.80 inc GST
 - Engenuity Consulting Engineers \$2,750.00 inc GST

December 2016 – MIN 196/16

1. Council have written to Greyland's Dorset Stud advising permission has been granted to agist ~ 20 sheep on Council's lot 438 on Deposited Plan 195528 until 2017 cropping program and to assist in keeping vegetation low;
2. Email has been sent to the Manager of the Kellerberrin Recreation and Leisure Centre, Mr Brad Oborn advising Council has granted permission to the Kellerberrin Recreation and Leisure Centre Management Committee progress the Tote, Culohan and Cottle room relocation drawings and costings as previously presented;
3. The CEO has phoned CBH seeking to arrange a meeting in March 17 with CBH and Growers to discuss the upgrade of the CBH facilities in Kellerberrin that has been discussed since 2013.
4. The green waste in the back lane of Bath Street, Kellerberrin has been removed.

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 there are no requests or ideas to be actioned.

COUNCIL RECOMMENDATION

MIN 037/17 MOTION - Moved Cr. Steber 2nd Cr. White

That Council:

- 1. Provide information flyers at the Caravan Park for visitors to include extra details regarding IGA operating hours, local dining facilities and other business operations within the Shire.***
- 2. will fund any potential budget variances for the Doodlakine Bowling Club upgrade project on the condition the variances are within the agreed project scope specifications as stated in the funding agreement and pre-approved by Council's Chief Executive Officer.***
- 3. Reiterate to the Milligan Unit's Committee they are entitled to become an affiliated member only currently of CEACA which doesn't involve any gifting of assets or a financial contribution, however provides access to the committee meetings and information base for the operations of CEACA for possible future full membership.***

CARRIED 7/0

Agenda Reference:	11.1.2
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	7 th April 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council at its February 2017 Ordinary Meeting of Council discussed the use of Council's status report and its reporting mechanisms.

Council therefore after discussing this matter agreed to have a monthly item presented to Council regarding the Status Report which provides Council with monthly updates on officers' actions regarding decisions made at Council.

It can also be utilised as a tool to track progress on Capital projects.

COMMENT

This report has been presented to provide an additional measure for Council to be kept up to date with progress on items presented to Council or that affect Council.

Council can add extra items to this report as they wish.

The concept of the report will be that every action from Council's Ordinary and Special Council Meetings will be placed into the Status Report and only when the action is fully complete can the item be removed from the register. However the item is to be presented to the next Council Meeting shading the item prior to its removal.

This provides Council with an explanation on what has occurred to complete the item and ensure they are happy prior to this being removed from the report.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

POLICY IMPLICATIONS

Policy Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

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:

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Manager Development Services
Council Staff
Council
Community Members.

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RECOMMENDATION

MIN 038/17 MOTION - Moved Cr. McNeil

2nd Cr. O'Neill

That Council receives the Status Report.

CARRIED 7/0

Agenda Reference:	11.1.3
Subject:	Wheatbelt Communities Inc Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Bruce Rock
Applicant:	Wheatbelt Communities
File Ref:	
Disclosure of Interest:	Nil
Date:	7 th April, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 29th March 2017 held at 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 Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last Wheatbelt Communities Inc. Council Meeting Minutes held on Wednesday 29th March 2017 held at the 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 the Wheatbelt Communities Inc.

Resolutions arising out of the 29th March 2017 Wheatbelt Communities Inc. Council Meeting summarised hereunder,

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

That the Minutes of the Meeting of Wheatbelt Communities Inc held Wednesday 31 August 2016 be confirmed as a true and accurate record of the meeting.

CARRIED

RESOLUTION: **Moved: Stephen Strange** **Seconded: Onida Truran**

That the Wheatbelt Communities Financial Report for the period ending 28 February 2017 be received.

CARRIED

RESOLUTION: **Moved: Onida Truran** **Seconded: Jamie Criddle**

That the Accounts Paid for the period 1 November 2016 to 28 February 2017 totalling \$1,268.73 be approved.

CARRIED

RESOLUTION: **Moved: Rod Forsyth** **Seconded: Darren Mollenoyux**

That the Wheatbelt Communities Inc Executive Officer Helen Westcott having declared an interest in this item be permitted to remain in the meeting.

CARRIED

RESOLUTION: **Moved: Stephen Strange** **Seconded: Onida Truran**

That:

- 1. The Wheatbelt Communities Inc. Budget for 2017/2018 be forwarded to each Member Organisation for comment, with responses on the Budget to be with the Executive Officer by close of business on Thursday 20 April 2017; and**
- 2. Following consideration of the proposed budget by Member Organisations the Wheatbelt Communities Inc Committee consider any comments and formally adopt the budget at a meeting to be held Wednesday 26 April 2017.**

CARRIED

RESOLUTION: **Moved: Jamie Criddle** **Seconded: Darren Mollenoyux**

That:

- **The report on the development of the WE-ROC mobile app be noted;**
- **Wheatbelt Communities' Member Councils have responsibility for the management of their "local" content for a period of six months at which time a review will be undertaken to determine whether or not the management of the app should be outsourced;**
- **Training on managing the app be arranged as soon as possible for those officers across Wheatbelt Communities given the responsibility of managing content within their respective communities;**
- **The Executive Officer approach both Go2EVENTS/Peacock Digital and the Wheatbelt Business Network for a costing for managing app content, listings etc on the app; and**
- **The Executive Officer prepare a draft charging policy for users of the app.**

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 29th March 2017.

COUNCIL RECOMMENDATION

MIN 039/17 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 29th March 2017.

CARRIED 7/0

Agenda Reference:	11.1.4
Subject:	Wheatbelt Communities Inc 2017/2018 Budget
Location:	Wheatbelt Communities Inc
Applicant:	Wheatbelt Communities Inc
File Ref:	ORG.13.1
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	6 th April 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Wheatbelt Communities Inc Committee Meeting – 29th March 2017

RESOLUTION: Moved: Stephen Strange Seconded: Onida Truran

That:

- 1. The Wheatbelt Communities Inc. Budget for 2017/2018 be forwarded to each Member Organisation for comment, with responses on the Budget to be with the Executive Officer by close of business on Thursday 20 April 2017; and*
- 2. Following consideration of the proposed budget by Member Organisations the Wheatbelt Communities Inc Committee consider any comments and formally adopt the budget at a meeting to be held Wednesday 26 April 2017.*

CARRIED

Please note that I require your comments no later than Thursday 20 April 2017. This means that the matter will need to be referred to your April Council Meetings.

COMMENT

Wheatbelt Communities is an incorporated body setup to enable projects/processes to be undertaken by members of the group without the compliance and regulation of Local Government.

One of the projects that is nearing completion undertaken by Wheatbelt Communities is the WEROC App which will provide a tourist app on your phone/IPAD for the WEROC regions. This provides places to eat, stay and tourist options. The app is ready to go live within the next few weeks.

Please note the below notes which refer to the note numbers within the 2017/2018 Budget for Councils reference.

In considering the draft budget, the following notes may assist Members:

- 1. It is proposed to continue the “care and maintenance” budget for the 2017/2018 year. As such, it is proposed that the annual subscription be set at \$2,000 per Member Organisation.*
- 2. The allocation relates to the Executive Officer services.*
- 3. The allocation relates to the meeting expenses.*

4. *The allocation relates to any expenses associated with the appointment of a Chair.*
5. *This allocation covers the cost of the outsourcing the financial management.*
6. *This allocation covers the anticipated cost of the annual audit.*

No allocation has been included for project and consultancy works as this stage as to date WE-ROC has assisted in relation to this form of expenditure through the allocation of funds from the WE-ROC project account.

FINANCIAL IMPLICATIONS

Wheatbelt Communities with the exception of the App is running in caretaker mode until a viable option/project is available to undertake.

Therefore they are seeking an Annual Subscription of \$2,000 per member to keep the Governance and operations going until such a time the organisation needs to kick into full gear for a project.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

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 - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Shire President.
Wheatbelt Communities Inc.

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council;

1. *accepts the membership fee to Wheatbelt Communities for the 2017/2018 financial year of \$2,000*
2. *request that upon the finalisation of a report on the “Brainstorming” for functionality of WEROC this be provided to Council for consideration of memberships to multiple Regional groups.*
3. *Inform Wheatbelt Communities of Council's decision.*

COUNCIL RECOMMENDATION

MIN 040/17 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council;

1. ***accepts the membership fee to Wheatbelt Communities for the 2017/2018 financial year of \$2,000***
2. ***request that upon the finalisation of a report on the “Brainstorming” for functionality of WEROC this be provided to Council for consideration of memberships to multiple Regional groups.***
3. ***Inform Wheatbelt Communities of Council's decision.***

CARRIED 7/0

Agenda Reference:	11.1.5
Subject:	CEACA Council Meeting Minutes and Resolutions
Location:	Nungarin Community Recreation Centre
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	11 th April 2017
Author:	Mr 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 22nd March 2017 held at the Nungarin Community Recreation 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 22nd March 2017 held at the Nungarin Community.

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 22nd March 2017 CEACA Council Meeting summarised hereunder,

RESOLUTION: **Moved: Onida Truran** **Seconded: Freda Tarr**

That the Minutes of the Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 2 November 2016 be confirmed as a true and accurate record of the proceedings subject to the amendment of Ms Truran's and Mr Jones' entrance into the meeting as both were in attendance from the commencement of the meeting.

CARRIED

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

That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Thursday 15 December 2016 be received.

CARRIED

RESOLUTION: **Moved: Louis Geier** **Seconded: Ricky Storer**

That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Thursday 16 February 2017 be received.

CARRIED

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

That the Minutes of a Special Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 1 March 2017 be received.
CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Ricky Storer
That the Status Report as presented be received. CARRIED

RESOLUTION: Moved: Stephen Strange Seconded: Quentin Davies
That the Chair's Report for March 2017 be received. CARRIED

RESOLUTION: Moved: Freda Tarr Seconded: Rachel Kirby
That the signing of the contract for project management services between CEACA and Access Housing Australia be noted. CARRIED

RESOLUTION: Moved: Ricky Storer Seconded: Freda Tarr
That the CEACA Chair Graham Lovelock and CEACA Executive Officer Helen Westcott having declared an interest in this item be permitted to remain in the meeting. CARRIED

RESOLUTION: Moved: Stephen Strange Seconded: Onida Truran
That:

1. The Central East Aged Care Alliance Inc Committee agree to make an exgratia payment of \$1,000 to Gary Shadbolt to recognise the time and effort he gave as CEACA's Interim Chair and that this additional expenditure be included within the additional expenditure required for the 2016/2017 financial year; and
2. The Central East Aged Care Alliance Inc Committee acknowledge the additional expenditure required and that the 2016/2017 Central East Aged Care Alliance Inc Budget be amended as follows (and include a line item for the exgratia payment outlined in Part 1 of the resolution):

Account No:	Account Description	Proposed Amendment
1716	Chair – Meeting Fees	Increase allocation from \$5,000 to \$14,000
1717	Chair - Travel and Accommodation	Increase allocation from \$0 to \$1,500
1715	Chair - Other	Increase allocation from \$0 to \$1,000
1719	Executive Officer - Professional Services	Increase allocation from \$20,000 to \$35,500
1720	Executive Officer - Travel and Accommodation	Increase allocation from \$3,500 to \$5,000
1721	Executive Officer - Office Expenses	Increase allocation from \$500 to \$650
1722	Executive Officer - Other	Increase allocation from \$0 to \$400
1725	Financial Services – Audit Fees	Decrease the allocation from \$1,500 to \$650
1726	Meeting Expenses – Catering and Venue	Increase allocation from \$1,500 to \$2,500

	Hire	
1840	Consultancy General	Increase allocation from \$0 to \$8,500
1843	Advocacy Consultancy	Decrease allocation from \$10,000 to \$5,000

CARRIED

RESOLUTION: Moved: Onida Truran Seconded: Freda Tarr
That the Project Update (Financial) for March 2017 provided by the Shire of Merredin be received.
CARRIED

RESOLUTION: Moved: Ricky Storer Seconded: Quentin Davies
That:

1. CEACA agree to Member Councils making contributions to the CEACA Seniors Housing Project based basis of the number of houses that will ultimately be constructed in each Member Council, recognising the contribution is comprised of two components – one for land assembly at ~\$7,000 per lot and a construction component of \$20,000 per house;
2. CEACA acknowledge that if adopted the proposed methodology will result in an equitable distribution of the contribution with the project funding accounting for any variance in actual costs, although this will be dependent on the actual costs of the entire project;
3. Following CEACA's acceptance of the proposed methodology, the Shire of Merredin issue fresh invoices based on the accepted methodology; and
4. CEACA seek variations to the Financial Assistance Agreements for both Stages One and Two of the CEACA Seniors Housing Project to reflect that contributions from Member Council will be on the basis of the number of houses that will ultimately be constructed in each Member Council.

CARRIED

RESOLUTION: Moved: Rod Forsyth Seconded: Onida Truran
That the Project Manager's report be noted.
CARRIED

RESOLUTION: Moved: Onida Truran Seconded: Ricky Storer
That:

1. The Executive Officer's Report on CEACA's application for funding through the Building Better Regions Fund be noted; and
2. CEACA Councils provide timely assistance to KPMG during any work associated with the preparation of an addendum to support CEACA's application for funding through the Communities Investment Stream of the Commonwealth Government's Building Better Regions Fund or any other source of grant funding that may become available

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Rod Forsyth
That the Central East Aged Care Alliance Inc Committee in developing a management structure for the CEACA Seniors Housing Project adopt Option 3 as outlined in a discussion paper prepared by Access Housing Australia.
CARRIED

RESOLUTION: **Moved: Freda Tarr** **Seconded: Stephen Strange**

That the Central East Aged Care Alliance Inc (CEACA) adopt the option prepared by Access Housing Australia as the preferred means of developing a resolution to the issue of land tenure between CEACA, the Shire of Wyalkatchem and the Wyalkatchem Senior Citizens' Homes Trust (Inc).

CARRIED

RESOLUTION: **Moved: Ricky Storer** **Seconded: Ken Hooper**

That the signing of a Memorandum of Understanding (MoU) between the 11 Member Councils of CEACA to facilitate the drawdown of funds for Stage One of the CEACA Seniors Housing Project be noted.

CARRIED

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

That the signing of the Agreement between the Central East Aged Care Alliance Inc (CEACA) and the Shire of Merredin 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 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 MAJOURITY 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 22nd March 2017.

COUNCIL RECOMMENDATION

MIN 041/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council,

- 1. Receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 22nd March 2017.***
- 2. Approve the floorplans A1, A2, B1, B2, and D1 as presented by Edgefield Projects (as dated 20th March 2017 revision 0).***
- 3. Advise CEACA that the preferred construction method is Pre-Fabricated Transportable Dwellings.***

CARRIED 7/0

Agenda Reference:	11.1.6
Subject:	WE-ROC Council Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Bruce Rock
Applicant:	WE-ROC Council
File Ref:	ORG-10
Disclosure of Interest:	Nil
Date:	11 th April 2017
Author:	Mr 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 March, 2017 held at 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 Council Meeting Minutes held on Wednesday 29th March, 2017 held at the 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 29th March, 2017 WE-ROC Council Meeting summarised hereunder,

EN BLOC

RESOLUTION: **Moved: Mr Powell** **Seconded: Mr Jones**

That the Minutes of the Council Meeting held Wednesday 30 November 2016 be confirmed as a true and correct record.

CARRIED

EN BLOC

RESOLUTION: **Moved: Mr Powell** **Seconded: Mr Jones**

That the Minutes of the Executive Meeting held Wednesday 8 February 2017 be received.

CARRIED

EN BLOC

RESOLUTION: **Moved: Mr Powell** **Seconded: Mr Jones**

That the Status Report for March 2017 be received as presented.

CARRIED

EN BLOC

RESOLUTION: **Moved: Mr Powell** **Seconded: Mr Jones**

That the matters/papers detailed in Item 4.43 be noted.

CARRIED

RESOLUTION: **Moved: Mr Mollenoyux** **Seconded: Mr Criddle**

That the WE-ROC Financial Report for the period ending 28 February 2017 be received.

CARRIED

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

That the Accounts Paid for the period 19 November 2016 to 20 March 2017 totalling \$16,604.36 be approved.

CARRIED

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

That the WE-ROC Budget for 2017/2018 be adopted as presented with a Member Subscription of \$10,000 and Consultancy and Project Reserve contribution of \$2,000 per Member Council.

CARRIED

RESOLUTION: **Moved: Cr Forsyth** **Seconded: Cr Strange**

That WE-ROC:

- 1. Note the draft minutes from the meeting of the Wheatbelt Medical Students Immersion Program Steering Group held on Wednesday 1 March 2017; and**
- 2. Respond to correspondence received from the Chair of the Wheatbelt Medical Students Immersion Program Steering Group advising of its agreement to participate in the medical students immersion program, and offering to provide the following support to the program:**
 - Transport for students and staff participating in the program;**
 - Arranging accommodation (billeting with families) of staff and students across each of the WE-ROC communities participating in the program;**
 - Social activities for staff, students and others involved in the program; and**
 - Venue hire where required.**

CARRIED

RESOLUTION: **Moved: Cr Strange** **Seconded: Cr Hooper**

That the WE-ROC seek a meeting with the Minister for Transport, Hon Rita Saffioti MLA.

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 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 - 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 March, 2017.

COUNCIL RECOMMENDATION

MIN 042/17 MOTION - Moved Cr. Steber 2nd Cr. White

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 29th March, 2017.

CARRIED 7/0

Agenda Reference:	11.1.7
Subject:	Council Representatives at the 2017 Local Government Week Convention
Location:	Perth Convention & Exhibition Centre (PCEC)
Applicant:	Shire of Kellerberrin
File Ref:	ICR171410
Disclosure of Interest:	N/A
Date:	29 th March 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The 2017 Local Government Week Convention and Exhibition is to be held in the Perth Convention and Exhibition Centre from Wednesday 2nd – Friday 4th August 2016.

Council's policy automatically permits the President, Deputy President and Chief Executive Officer to attend Local Government Week, should any other member wish to attend Council will need to endorse their attendance.

COMMENT

Council is permitted two voting rights at the AGM, if the President or Deputy President are unable to attend Council may nominate other Councillors to attend.

Council has received additional information from WALGA seeking Council's Expressions of Interest for a "Speed Dating" session with various Departments of State Government during the conference on Wednesday 2nd August 2017 from 8.30am - 12.30pm.

WALGA are seeking Council's preferences in a numerical order for the various Departments, this is a prime time Council as deliberate access to bring up items of concerns or push for items.

The Departments are as follows:

- Department of Aboriginal Affairs
- Department of Ag and Food
- Department of Culture and the Arts
- Department of Environment Regulation
- Department of Housing
- Department of Lands
- Department of Local Government and Communities
- Department of Planning
- Department of Regional Development
- Department of State Development
- Department of Transport
- Department of Water / Water Corporation

As per the attached documentation the meetings are for ten minutes, therefore Council needs precise items to list for the Department's Director General to take on notice and get back to Council. Council needs to consider which of the above are priorities as we may only have the opportunity to speak to only one of the above mentioned.

In May Council will receive notification if the Expression of Interest is accepted and be requested to supply a short Brief of the identified issue/s so the Departments can explore the issue prior to the meeting should we request to meet any of the above Departments.

FINANCIAL IMPLICATIONS

Council normally budgets for two (2) attendees at the Local Government Week convention with the following breakdown.

	BUDGET
• Registration	\$3,000
• Meal Allowance	\$ 300
• Accommodation	\$ 650
TOTAL	<u>\$3,950</u>

Should additional Councillors wish to attend as they have not previously attended Council will budget sufficient funds to ensure the members can attend.

POLICY IMPLICATIONS

Western Australian Local Government Association Standing Orders for the conduct of the Annual General Meeting of the Western Australian Local Government Association 2009.

POLICY NUMBER	-	5.1
POLICY SUBJECT	-	Conference & Meeting Attendance & Expenses
DATE OF ADOPTION	-	January 2003
REVIEWED	-	October 2016

Purpose

To ensure Councillors are aware of opportunities to attend Local Government Week Conference and other conferences and meetings requiring/allowing the attendance of a representative of Council.

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 of 50 cents per kilometre of travel.

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: Nil (not known at this time)

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

COMMUNITY CONSULTATION: Nil (elected body to determine)

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council;

- 1) endorses the following Councillors _____ to attend the 2017 Local Government Week Convention and Exhibition in accordance with Councils Policy 5.1
- 2) appoints Cr. _____ and Cr _____ as voting delegates.
- 3) Nominates an Expression of Interest in the "Speed Dating" session on Wednesday 2nd August 2017 with the _____, _____ and _____ being Council's priorities.

COUNCIL RECOMMENATION

MIN 043/17 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council;

- 1) endorses the following Councillors Steber, Reid and the Shire President to attend the 2017 Local Government Week Convention and Exhibition in accordance with Councils Policy 5.1***
- 2) appoints the CEO and the Shire President as voting delegates.***

CARRIED 7/0

Agenda Reference:	11.1.8
Subject:	Integrated Planning – Asset Management
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM56
Disclosure of Interest:	Nil
Date:	7 th April 2017
Author:	Mrs Jennine Ashby, Senior Finance Officer

BACKGROUND

Council's October 2016 Ordinary Meeting of Council

MIN 172/16 MOTION - Moved Cr. White 2nd Cr. McNeil

That Council adopt the Asset Management Strategy – Review 2016 as presented.

CARRIED 6/0

Council's June 2013 Ordinary Meeting of Council

MIN 86/13 MOTIONS - Moved Cr. Forsyth 2nd Cr. Bee

That Council adopt:

- 1. Strategic Community Plan***
- 2. Corporate Business Plan***
- 3. Long Term Financial Plan***
- 4. Asset Management Strategy***
- 5. Furniture and Equipment Asset Management Plan***
- 6. Plant and Equipment Asset Management Plan***
- 7. Land and Buildings Asset Management Plan***
- 8. Infrastructure Asset Management Plan***
- 9. Workforce Plan;***

as presented.

CARRIED 6/0

COMMENT

In June 2013, Council adopted their Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, Asset Management Strategy, Furniture and Equipment Asset Management Plan, Plant and Equipment Asset Management Plan, Land and Buildings Asset Management Plan, Infrastructure Asset Management Plan, and Workforce Plan.

The Department of Local Government guidelines and legislation require these plans to be updated on a cyclic basis. As the ***Asset Management Strategy*** and associated ***Asset Management Plans*** are four years old, the Shire is required to undertake an extensive review of the ***Asset Management Strategy*** and ***Asset Management Plans*** and update accordingly. In addition, an ***Asset Management Policy*** has been developed.

Council staff have reviewed each of these plans and made necessary amendments.

Please find attached are copies of each of the following:

- Asset Management Policy
- Asset Management Strategy
- Furniture and Equipment Asset Management Plan
- Plant and Equipment Asset Management Plan
- Land and Buildings Asset Management Plan
- Infrastructure - Roads Asset Management Plan
- Infrastructure – Other Public Facilities Asset Management Plan

FINANCIAL IMPLICATIONS (ANNUAL BUDGET):

Budgets for financial years from 2016/17 to 2020/21.

POLICY IMPLICATIONS: Shire of Kellerberrin Policy Manual (October 2016) – Update document.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

[Section 5.56 inserted by No. 49 of 2004 s. 42(6).]

Local Government (Administration) Regulations 1996

Part 5 — Annual reports and planning

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

Division 1 — Preliminary

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

19BA. Terms used

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]

Division 3 — Planning for the future

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.

- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

19DB. Transitional provisions for plans for the future until 30 June 2013

- (1) In this regulation —

former regulation 19C means regulation 19C as in force immediately before 26 August 2011 and continued under subregulation (2);

former regulation 19D means regulation 19D as in force immediately before 26 August 2011;

plan for the future means a plan for the future of its district made by a local government in accordance with former regulation 19C.
- (2) Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under subregulation (7).
- (3) A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.
- (4) A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.
- (5) If, for the purposes of complying with subregulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.

- (6) If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with subregulation (3) or otherwise —
 - (a) the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and
 - (b) local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.
 - (7) This regulation expires at the end of 30 June 2013.
- [Regulation 19DB inserted in Gazette 26 Aug 2011 p. 3485-6.]*

19D. Adoption of plan, public notice of to be given

- (1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).
- (2) The local public notice is to contain —
 - (a) notification that —
 - (i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the plan may be inspected;
 or
 - (b) where a strategic community plan for the district has been modified —
 - (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the modified plan may be inspected.

[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]

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	<p>To implement asset management best practice principles into our day to day operations.</p> <p>To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal.</p> <p>To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.</p>

	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	<p>To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.</p> <p>To operate and maintain assets in the most economical and efficient manner possible.</p> <p>To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.</p>
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	<p>To facilitate discussions with Road Authorities and external parties to improve condition of state roads.</p> <p>To lobby government agencies to provide an improved road and transportation system to the Shire.</p> <p>To develop a program to improve and enhance local roads and footpaths.</p> <p>To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.</p>

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

The Asset Management Strategy will continue to act as an informing strategy to the Corporate Business Plan and will be delivered through the assistance and incorporation of each the Asset Management Plans.

LONG TERM FINANCIAL PLAN IMPLICATIONS:

The Asset Management Strategy will continue to act as an informing strategy to the Long Term Financial Plan and will be delivered through the assistance and incorporation of each the Asset Management Plans.

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works Services
Senior Finance Officer

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council adopts the:

1. Asset Management Policy
2. Asset Management Strategy
3. Furniture and Equipment Asset Management Plan
4. Plant and Equipment Asset Management Plan
5. Land and Buildings Asset Management Plan
6. Infrastructure - Roads Asset Management Plan
7. Infrastructure – Other Public Facilities Asset Management Plan;

as presented.

COUNCIL RECOMMENDATION

MIN 044/17 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council adopts the:

- 1. Asset Management Policy***
- 2. Asset Management Strategy***
- 3. Furniture and Equipment Asset Management Plan***
- 4. Plant and Equipment Asset Management Plan***
- 5. Land and Buildings Asset Management Plan***
- 6. Infrastructure - Roads Asset Management Plan***
- 7. Infrastructure – Other Public Facilities Asset Management Plan;***

as presented.

CARRIED 7/0

4.00 pm – Mr Raymond Griffiths, Chief Executive Officer exited Council Chambers.

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

Agenda Reference:	11.1.9
Subject:	Performance Appraisal - Chief Executive Officer Private and Confidential
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Personal File (CEO)
Record Ref	NHR16616
Disclosure of Interest:	N/A
Date:	31 st March 2017
Author:	Cr Rod Forsyth, Deputy President

COUNCIL RECOMMENDATION

MIN 045/17 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss item 11.1.9

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 047/17 MOTION - Moved Cr. Leake 2nd Cr. White

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves out from behind closed doors

CARRIED 7/0

4.23 pm – Mr Raymond Griffiths, Chief Executive Officer entered Council Chambers

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

Agenda Reference:	11.1.10
Subject:	Adoption of Additional Fees and Charges for 2017/18
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Record No.:	
Disclosure of Interest:	N/A
Date:	21 March 2017
Author:	Mrs Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

Council adopts fees and charges as part of its annual budget process. Fees and charges can be imposed at anytime during the financial year or amended from time to time during a financial year provided it advertises the proposed changes accordingly. (Absolute Majority Required)

Council has adopted the annual schedule of fees and charges separately from the budget document to enable more time to consider each proposed charge for the forthcoming year.

A list of the Draft 2017/18 Fees and Charges are attached for Council's information and review as part of the Draft Budget.

COMMENT

All statutory fees and charges have been adjusted to reflect current pricing and may appear to have increased substantially. Other fees and charges where compared to other Local Government agencies in the region and adjusted accordingly.

FINANCIAL IMPLICATIONS

- Shire of Kellerberrin 2017/18 Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.16. *Imposition of fees and charges*

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;

- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

STRATEGIC COMMUNITY PLAN IMPLICATIONS – Nil

CORPORATE BUSINESS PLAN IMPLCATIONS – Nil

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS – Projected Fees and Charges are included in the Shire of Kellerberrin Long Term Financial Plan.

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council revises the proposed fees and charge, in particular the per Km. charge for the bus hire with a view to ensure it remains viable for the community to hire it. And -

That Council adopts the fees and charges for 2017/18 as presented to be included in the 2017/18 Annual Budget.

COUNCIL RECOMMENDATION

MIN 048/17 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council:

- 1. adopts the fees and charges for 2017/18 as presented with the following modifications;***
 - a. Increase Community Bus Hire up to 0.65 cents per km***
 - b. Increase Community Bus Hire (Seniors) up to 0.50 cents per km***
 - c. Increased Monthly Gym membership up to \$50 per month***
 - d. Added Weekly Gym membership of \$25 per week***
 - e. Added Quarterly Gym membership of \$100 per quarter***
- 2. and includes the Fees and Charges in the 2017/18 Annual Budget.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

REASON: Council reviewed the Community Bus Hire Fee as with all Fees and Charges.

Agenda Reference:	11.1.11
Subject:	Salary Sacrifice Options
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record #:	
Disclosure of Interest:	Adoption of the proposal would provide personal benefit
Date:	24 th March 2017
Author:	Mrs Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

Currently the Shire of Kellerberrin, like most local government authorities, has a policy where if an employee chooses to contribute additional voluntary superannuation contributions, Council shall maintain a matching contribution rate equivalent to a maximum of 5% unless their Contract of Employment stipulates otherwise. However the sector standard is now appears to be a matching contribution rate equivalent to a maximum of 7.5% for executive staff.

If the whole staff body engaged in the 5% matching contributions, the cost to Council is as summarised in the following table;

If ALL staff decided to do 5% super extra	Super Guarantee 9.5% PA	Total Staff Wages PA	Total of extra 5% matching PA – Cost to Council
Current Policy:	\$152,000	\$1,600,000	\$80,000

Some staff have recently asked that instead of matching Council contributions, could they Salary Sacrifice the interest component on their home loans. In the interests of offering Council increased options to attract and retain staff, the matter was then referred to the WALGA Taxation Advisory service to determine if this was allowable and what the FBT implications would be for Council.

COMMENT

The advice received from the WALGA taxation services is attached to this agenda. Council also needs to give consideration to the no disadvantage requirements when reviewing salary options. In addition, the State Tribunal sets the band levels for CEO's packages. As well executive employees seek to be remunerated at a level that is competitive in the region. In February 2016 Council adopted the Long Term Financial Plan which recommended annual wage increases of 2.10% each year, to be reviewed when preparing the annual budget.

In summary, employees Salary Sacrificing the interest component on their home loans for Houses they reside in, located in Kellerberrin, would receive a 50% FBT concession. Employees Salary Sacrificing the interest component on their home loans, for houses located elsewhere that would otherwise be deductible, e.g. investment properties, would not attract FBT. Employees Salary Sacrificing the interest component on their home loans, for houses located elsewhere that are not otherwise be deductible, e.g. residential properties in metropolitan areas, would attract FBT at the full rate.

The following tables provide examples of potential costs to Council currently and potentially if this policy as proposed was adopted.

A) Potential cost Implications of allowing rental costs on Kellerberrin residential properties to be salary sacrifices. e.g:

If <u>all</u> eligible staff decided to Sal Sac HL interest	Super Guarantee 9.5% PA	Total Staff Wages PA	Total of <u>FBT</u> at CONCESSIONAL RATE – Cost to Council
New Policy (A):			NIL NO CHANGE

NB:

- this excludes Senior Staff as they are supplied rent free housing.
- this would exclude employees in subsidised Shire rentals.
- this attracts NO FBT as Kellerberrin is regional and has NO impact on Council expenses.

B) Potential cost Implications of allowing loan interest on Shire of Kellerberrin residential properties to be salary sacrificed instead of receiving matching superannuation contributions, e.g:

If <u>all</u> eligible staff decided to Sal Sac HL interest	Super Guarantee 9.5% PA	Total Staff Wages PA	Total of <u>FBT</u> at CONCESSIONAL RATE – Cost to Council
New Policy (B):	\$121,447	\$1,278,385	\$64,063

NB:

- this is **LESS** cost than if ALL staff engaged in 5% matching contributions (\$80,000pa).
- this is based on an average HL of \$250k with 50/50 ownership at 5% interest pa
- this attracts concessional FBT as Kellerberrin is regional.

C) Potential Policy and Cost Implications of allowing staff members who are provided with Shire housing, to purchase an investment property, *being an otherwise deductible expense*** e.g:**

If <u>all</u> eligible staff decided to Sal Sac HL interest on INVESTMENT HOUSES	Super Guarantee 9.5% PA	Total Staff Wages PA	Total of <u>FBT</u> at CONCESSIONAL RATE – Cost to Council
New Policy (C):			NIL NO CHANGE

NB:

- this attracts NO FBT as it is an otherwise deductible expense and has NO impact on Council expenses.

D) Potential cost Implications of allowing SNR staff members who are provided with Shire housing, to purchase a residential property, NOT *being an otherwise deductible expense*** e.g:**

If <u>all</u> SNR STAFF (3 max) decided to Sal Sac HL interest on HOMES not in Kellerberrin	Current Super Guarantee 9.5% PA	SNR Staff Wages PA	Total of <u>FBT</u> at FULL RATE – Cost to Council for ALL 3
New Policy (D):	\$29,925	\$315,000	\$18,750
Compared to extra 5% Matching Contribution			\$16,080
Compared to extra 7% Matching Contribution			\$22,513
Compared to extra 7.5% Matching Contribution			\$23,625

NB:

- this is based on an average HL of \$250k with 50/50 ownership at 5% interest pa.
- this is only applicable to the CEO, DCEO, & MWS (MDS has been excluded) as the currently designated SENIOR STAFF roles as Policy 4.25.

FINANCIAL IMPLICATIONS

The Shire of Kellerberrin includes provision of wages and salaries in its annual budgets.

POLICY IMPLICATIONS –

- 4.10 Superannuation Contributions
- 4.25 Designated Senior Employees

STATUTORY IMPLICATIONS - Nil

STRATEGIC PLAN IMPLICATIONS - Nil

LONG TERM FINANCIAL PLAN IMPLCATIONS

In February 2016 Council adopted the Long Term Financial Plan which recommended annual wage increases of 2.10% each year, to be reviewed when preparing the annual budget.

COMMUNITY CONSULTATION

Chief Executive Officer
WALGA Taxation Advisory Service
Shire Staff Members

ABSOLUTE MAJORITY REQUIRED – YES

Cr. McNeil left chambers at 4.33pm

Cr. McNeil returned to chambers at 4.45pm

STAFF RECOMMENDATION

That Council adopts the attached Interest Salary Sacrifice policy 4.32, to allow employees to salary sacrifice interest on their home loans or rental costs as presented.

COUNCIL RECOMMENDATION

MIN 049/17 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council adopts the attached Interest Salary Sacrifice policy 4.32 with the exception of policy scenario 'D', which will not be included in the policy. This will allow employees to salary sacrifice interest on their home loans or rental costs as stated in policy scenarios A, B and C.

CARRIED 7/0



4.32 Salary Sacrifice of Home Loan Interest

Policy Name: Staff Home Loan Interest Salary Sacrifice	To be read in conjunction with Policy Numbers: 4.10, 4.25 & 4.31
Date Adopted: April 2017	Review Date: October 2018

Purpose

To provide Staff with the ability to salary sacrifice interest on their homes loans, instead of receiving matching superannuation contributions as policy 4.10, as well as salary sacrifice rental costs when Shire housing is not available.

Policy

- a) That where a staff member is not provided with Shire housing, and rents a Kellerberrin residence, Council will allow the employee to salary sacrifice the amount paid in rent and the Shire will transfer the sum to the landlord. This scenario has no FBT implications for Council. A copy of the rental agreement must be supplied to the Shire of Kellerberrin.
- b) That where a staff member is not provided with Shire housing, and purchases a Kellerberrin residence, Council will allow the employee to salary sacrifice the amount paid in interest only, and only the proportion allocated to their employee. No principal can be salary sacrificed. The Shire will transfer the sacrificed sum to the employees home loan account. Further instead of the employee being eligible matching superannuation contributions as policy 4.10, Council will pay for the associated FBT implications. This deduction attracts a 50% FBT concession;

Subject to the following criteria:-

- i. The property must be owned in the employee's name
- ii. The employee must reside in that property as their usual place of residence
- iii. The property must be located within the boundaries of the Shire of Kellerberrin.
- iv. The property must be owned by the employee as at 1 July each year
- v. Only the proportion of interest applicable to the Shire employee, and not that of other parties listed as property owners, can be salary scarified

- vi. A pro-rata subsidy applies to an employee working less than 38 hours per week
- vii. A copy of the loan agreement must be supplied to the Shire of Kellerberrin.

c) That where a staff member is provided with Shire housing, and purchases an investment property, being an otherwise deductible expense, Council will allow the employee to salary sacrifice amount paid in interest only, and only in proportion of ownership allocated to their employee. No principal can be salary sacrificed. The Shire will transfer the sacrificed sum to the employees home loan account. This scenario has no FBT implications for Council. A copy of the loan agreement must be supplied to the Shire of Kellerberrin.

If future government policy causes the property to become *not otherwise deductible*, clause d) shall apply.

Agenda Reference:	11.1.12
Subject:	Kellerberrin Riding & Pony Club - Lease Agreement
Location:	Kellerberrin Recreation & Leisure Centre
Applicant:	Shire of Kellerberrin
File Ref:	SPREC 31
Record Ref:	
Disclosure of Interest:	N/A
Date:	5 th April, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council in reviewing the lease agreement for the Central Wheatbelt Harness Racing Club realised that with the relocation/co-location of the sporting clubs to the Recreation Centre there was no new or created agreements between the Sporting Clubs and Council outlining each party's responsibilities.

The agreements have been prepared internally and presented to the administration staff for review prior to issuing out to the respective sporting bodies for review.

The clubs were requested to provide feedback to the proposed lease agreements with any amendments they believed needed to occur for our consideration.

If the clubs believed the lease didn't require any amendments they were requested to endorse the lease for Council adoption and execution.

COMMENT

The Kellerberrin Riding and Pony Club reviewed the lease agreement at its Committee Meeting and provided the following amendment to the lease agreement.

Lessor Responsibilities:

7. *Responsible for the cleaning of the ablution facilities at the Pony Club*
8. *Supply all consumables such as toilet rolls and hand towels for the ablution facilities at the Pony Club grounds.*

Lessee Responsibilities:

13. *Regional Events i.e. (ODE) Pony Club to maintain the cleanliness of all the ablutions external to the Recreation Centre during the operation of the event. On completion the Shire of Kellerberrin undertake a final clean of facilities.*

The lease is being offered for three years so that the expiration of the lease falls in line with other clubs and sporting groups leases that are currently in place with Council. A longer period will be offered on renewal

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 - Nil

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.

	<ul style="list-style-type: none"> ■ To operate and maintain assets in the most economical and efficient manner possible. ■ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.
Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with Road Authorities and external parties to improve condition of state roads. ■ To lobby government agencies to provide an improved road and transportation system to the Shire. ■ To develop a program to improve and enhance local roads and footpaths. ■ To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

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

LONG TERM FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Kellerberrin Recreation and Leisure Centre Management Committee
Kellerberrin Riding and Pony Club
Council's Administration Staff

ABSOLUTE MAJORITY REQUIRED – Yes

STAFF RECOMMENDATION

That Council;

- 1. Offers a three year lease to the Kellerberrin Riding and Pony Club for the use of the Pony Club Grounds and associated facilities at the Kellerberrin Recreation and Leisure Centre commencing 1st January 2017 as presented.*
- 2. Offers the lease for \$1 per year for the duration of the lease agreement.*
- 3. 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.*
- 4. No submissions being received Council authorises the Chief Executive Officer and Shire President to execute the Lease Agreement.*

COUNCIL RECOMMENDATION

MIN 050/17 MOTION - Moved Cr. McNeil 2nd Cr. O'Neill

That Council;

- 1. Offers a three year lease to the Kellerberrin Riding and Pony Club for the use of the Pony Club Grounds and associated facilities at the Kellerberrin Recreation and Leisure Centre commencing 1st January 2017 as presented.***
- 2. Offers the lease for \$1 per year for the duration of the lease agreement.***
- 3. 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.***
- 4. No submissions being received Council authorises the Chief Executive Officer and Shire President to execute the Lease Agreement.***

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.1.13
Subject:	Doodlakine Community Committee - Lease Agreement
Location:	Doodlakine Agricultural Hall
Applicant:	Shire of Kellerberrin
File Ref:	ORGL 21
Record Ref:	
Disclosure of Interest:	N/A
Date:	5 th April, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Whilst preparing a grant for the Doodlakine Bowling Club it was noted that the current lease in place for the Doodlakine Community Committee for use of the Doodlakine Agricultural Hall had expired in June 2016.

The agreement has been prepared internally and presented to the administration staff for review prior to issuing out to the respective sporting bodies for review.

COMMENT

That a draft lease agreement be forwarded to the Doodlakine Community Committee for review at its next committee meeting. If the draft lease provided is acceptable to the Doodlakine Community Committee, Council intends to renew the lease for a further ten year period.

FINANCIAL IMPLICATIONS - Nil

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 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.
- (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 - Nil

Strategic Priority 2.1

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

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

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

LONG TERM FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Doodlakine Community Committee
Council's Administration Staff

ABSOLUTE MAJORITY REQUIRED – Yes

STAFF RECOMMENDATION

That Council;

- 1. Presents a draft Maintenance Agreement renewal to the Doodlakine Community Committee for review.*
- 2. offer the Doodlakine Community Committee a ten year Maintenance Agreement commencing 30th June, 2017 for the Doodlakine Agricultural Hall.*
- 3. Subject to no amendments being received Council authorises the Chief Executive Officer and Shire President to execute the Maintenance Agreement*
- 4. Should the Doodlakine Community Committee return the draft lease with amendments, re-present the lease to the next Ordinary Meeting of Council for consideration and discussion.*

COUNCIL RECOMMENDATION

MIN 051/17 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council;

- 1. Presents a draft Maintenance Agreement renewal to the Doodlakine Community Committee for review.***
- 2. offer the Doodlakine Community Committee a ten year Maintenance Agreement commencing 30th June, 2017 for the Doodlakine Agricultural Hall.***
- 3. Subject to no amendments being received Council authorises the Chief Executive Officer and Shire President to execute the Maintenance Agreement***
- 4. Should the Doodlakine Community Committee return the draft lease with amendments, re-present the lease to the next Ordinary Meeting of Council for consideration and discussion.***

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.1.14
Subject:	Lease of Doodlakine Quarry
Location:	Reserve #30607 - Mather Road, Doodlakine
Applicant:	Georgiou Group Pty Ltd
File Ref:	ASS-5
Record Ref:	
Disclosure of Interest:	Nil
Date:	5 th April 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's February 2017 Ordinary Meeting of Council

MIN 15/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

- 1. advertises the proposed lease of Reserve #30607 – Mather Road, Doodlakine (Doodlakine Quarry) to Drill Maintenance Australia Pty Ltd in the “Pipeline” in accordance with Section 3.58 of the Local Government Act 1995*
- 2. writes to adjoining land owners seeking their submissions into the proposal*
- 3. authorise the Chief Executive Officer to have McCleods Lawyers draft a Lease Agreement for the Doodlakine Quarry, ensuring appropriate coverage for Council regarding quarries.*
- 4. subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement prepared by McCleods Lawyers with Drill Maintenance Australia Pty Ltd for Reserve #30607 – Mather Road, Doodlakine at an annual lease fee of \$11,000 (Incl. GST); and*
- 5. advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.*

CARRIED 5 /0
BY ABSOLUTE MAJORITY

Council over the past few months have been working with its Lawyers and a liquidator over east to have the Quarry returned to Council's ownership due to the previous Lessee Drill Maintenance Australia Pty Ltd going into receivership.

Council has been successful in this process and as of February 2017, now have the lease revoked and back to Council.

COMMENT

Council has received interest from several parties regarding the Quarry and opportunities to lease for projects within the region.

Council on the 29th March 2017 received a phone call from Georgiou Group advising that they have been successful in obtaining the contract for the Baandee pump station upgrade and would like to lease the Quarry to service this contract.

The works would be from the middle of April to June 2017. Therefore the lease is a short term lease from April 2017 to June 2017 to enable Georgiou Pty Ltd to fulfil their contract requirements.

Council has spoken with the other interested party for the Quarry and they have advised that they do not require the Quarry until July as they are looking to obtain for the Cunderdin Airport project which is yet to be finalised.

Therefore an advert in accordance with section 3.58 of the Local Government Act 1995 has been placed in the Local Pipeline advising of the proposed lease and requesting submissions, with submissions closing Tuesday 18th April 2017.

This date will be after the agenda items have been received from Council; therefore any submissions to the advert will be presented to Council at the meeting on Wednesday 19th April 2017.

FINANCIAL IMPLICATIONS

The Georgiou Group have advised that they will pay a royalty per tonne for the product removed from the Quarry as per below:

Product Type	Tonnes	Rate	Total
Base Course	24,000	\$7.75	\$186,000
Rip Rap	15,000	\$4.00 - \$5.00	\$60,000 - \$75,000
TOTAL	39,000		\$246,000 - \$261,000

POLICY IMPLICATIONS

There are no policy implications.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (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 —
 - (a) it 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 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.
- (5) This section does not apply to —
 - (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

STRATEGIC PLAN IMPLICATIONS: Nil

FUTURE PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

Chief Executive Officer
 Manager Works and Services
 Community through Local Advertising in Pipeline.

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council:

- 1. Acknowledge the advertisement of the Lease to Georgiou Group Pty Ltd in the local Pipeline Newsletter dated 3rd April 2017 in accordance with Section 3.58 Local Government Act 1995.*
- 2. Acknowledge no submissions where received within the 14 day advertising period.*
- 3. Therefore authorise the Chief Executive Officer the power to dispose of Reserve #30607 – Mather Road, Doodlakine (Doodlakine Quarry) to Georgiou Group Pty Ltd Pty Ltd.*
- 4. Authorise the Chief Executive Officer and Shire President to execute the Lease Agreement Drafted by McCleods Lawyers.*
- 5. Advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.*

BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 052/17 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council:

- 1. Acknowledge the advertisement of the Lease to Georgiou Group Pty Ltd in the local Pipeline Newsletter dated 3rd April 2017 in accordance with Section 3.58 Local Government Act 1995.*
- 2. Acknowledge no submissions where received within the 14 day advertising period.*
- 3. Therefore authorise the Chief Executive Officer the power to dispose of Reserve #30607 – Mather Road, Doodlakine (Doodlakine Quarry) to Georgiou Group Pty Ltd Pty Ltd.*
- 4. Authorise the Chief Executive Officer and Shire President to execute the Lease Agreement Drafted by McCleods Lawyers.*
- 5. Advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.*

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.15
Subject:	Kellerberrin Memorial Hall – Structural Report
Location:	110 Massingham Street, Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Disclosure of Interest:	Nil
Date:	29 th March 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Councils' February 2017 Ordinary Meeting of Council – 21st February 2017

MIN 003/17 MOTION - Moved Cr. McNeil 2nd Cr. White

That Council requests a structural report be undertaken on the Shire of Kellerberrin Town Hall.

CARRIED 6/0

COMMENT

Council contacted Structural Engineers to undertake an assessment of the Structural integrity of the Kellerberrin Memorial Hall to ensure patrons safety.

The following Engineers responded and provided quotations:

1. Structerre
2. Engenuity Engineering

Council elected to utilise Engenuity Engineering and engaged them to provide the Structural Report.

Within the engagement of the Engineers the previous Engineer report from Verlindens was presented to them for history and some photos that officers have taken over the years.

Engenuity Engineering attended the site and undertook the Structural Assessment and have provided the attached report which includes recommendations for repairs/remedial works.

In their assessment they have advised that the hall is structurally sound to continue with its current use however recommends that work be undertaken.

Council is currently building Centenary Park and within the construction is stone work with mortaring. Council is going to contact them to see if they can review the recommendations and provide a quotation to undertake the works recommended.

FINANCIAL IMPLICATIONS

Costs associated within the recommendations for the upcoming 2017/2018 Budget.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer
Manager Development Services
Council.

STAFF RECOMMENDATION

That Council:

- 1. Accept the Structural Inspection Report produced by Engenuity Engineering.*
- 2. Request that quotations be sought to have the recommended works/remedial works undertaken for incorporation into the 2017/2018 Budget.*

COUNCIL RECOMMENDATION

MIN 053/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council:

- 1. Accept the Structural Inspection Report produced by Engenuity Engineering.***
- 2. Request that quotations be sought to have the recommended works/remedial works undertaken for incorporation into the 2017/2018 Budget.***

CARRIED 7/0

Agenda Reference:	11.1.16
Subject:	2017/2018 Community Budget Submissions
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 24
Record Ref:	
Disclosure of Interest:	N/A
Date:	10 th April, 2017
Author:	Mr Raymond Griffiths - Chief Executive Officer

BACKGROUND

In March 2017, Council advertised for Community Budget Submissions for all sporting, community or welfare groups/organisations requiring financial assistance from Council in the 2017/2018 financial year.

Applications were to be received by Friday, 4.00pm 7th of April 2017 which were to include audited financial statements and a most recent Bank Statement.

Councils April 2016 ordinary meeting – 19 th April 2016
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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

COMMENT

Council received 4 Budget Submission applications this year:

1. Sean Conway
2. Kellerberrin Seniors Group Inc
3. Kellerberrin Children's Centre (Kellerberrin Playgroup & Kellerberrin Family Day Care)
4. Ngardarrep Kiitj Aboriginal Corporation

Discussions between Council Staff and Carol and Carrie Yarran of the Ngardarrep Kiitj Aboriginal Corporation suggest they would like support from the Shire with future grant applications, auspicing of grant funds and access to a computer to record information and to carry out other administrative works. Our recommendation for this project would be to assist with future funding applications, auspicing the grant funds on their behalf (this also has been requested by the Yarrans) as well as providing an old shire computer (cleared and wiped) as an in-kind gesture for the use of recording information and carrying out other administrative tasks.

Please see the following table for a full list of application requests including project specifications and amounts requested.

No	Organisation	Project	Total Project Cost	Amount Requested
1	Sean Conway	Series of positive/uplifting messages in a series of colourful cards	Unknown	\$3,000.00
2	Kellerberrin Seniors Group	Installation of a wall mounted instantaneous hot water urn and vertical blinds	\$2,790.00	\$2,000.00
3	Kellerberrin Children's Centre (Kellerberrin Playgroup & Kellerberrin Family Day Care)	Replace old wooden playground with new age appropriate playground (suit ages 0-4yrs)	\$24,500.00	\$2,000.00
4	Ngardarrep Kiti Aboriginal Corporation	Assistance in setting up an office at the Old Court House so they can commence recording the History of Kellerberrin. They also will be running a school based program at KDHS teaching students the language, songs and dreamtime stories and dances. <i>Discussions with Carrie Yarran suggest they would like support from the Shire with future grant applications, auspicing of grant funds and access to a computer to record information and to carry out other administrative works.</i>	Unknown	Unspecified
TOTAL			\$27,290.00	\$7,000

Please see attached the full Community Grants Application forms for Council reference. Please also note the additional comments provided by each organisation as background for the grant application to Council.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2017/2018 Budget

041019	-	Donations and Gifts
\$20,000.00	-	Community Donations and Grants
\$ 3,000.00	-	Public Relations, Sponsorship, Donations and Waivers
\$ 7,000.00	-	Donations and Gifts (provide services or programs to residents of the Shire of an ongoing basis)

POLICY IMPLICATIONS

POLICY NUMBER	-	1.9
POLICY SUBJECT	-	Community Grants Allocation
DATE OF ADOPTION	-	November 2008
REVIEWED	-	October 2013

Purpose

To provide guidance to Council and Staff on the allocation of Grants and Donations to Community Groups and to assist with the preparation of Council's Annual Budget

Policy

No later than 31st March each year the CEO will have advertisements placed in the local community newspaper "The Pipeline" inviting community groups within the Shire of Kellerberrin to submit applications to Council for a Council Donation or Grant to assist with the funding of projects, programs and activities for the benefit of the residents of the Shire. These applications will be considered by Council for inclusion in the forthcoming annual Budget. The application period must be open for a minimum of one month.

Applications for a Council Donation should be made by completing the adopted Donation Application Form. If the application form is not used applicants must address all criteria within the Donation Application Form. Applicants must demonstrate that they have contacted Council's Community Development Officer to research alternative funding sources before applying for funds from Council. Funding will not be provided to political organisations or events nor to commercial enterprises.

Any funding provided by Council for a specific project must be expended and claimed prior to the end of the financial year in which the request is made. An application for an extension of time may be considered by Council provided that it received no later than the end of April in the financial year in which the funds are granted. If the funds are not spent, they cannot be claimed at a later period.

Maximum total funding by Council for Community Donations and Grants will be \$20,000 annually.

Maximum funding per application will be \$2,000.

Funding recipients must comply with any acquittal requirements determined by Council.

Examples of eligible projects and programs include a new initiative or significant one-off project, capital project and repairs, maintenance or improvement to Council owned/managed facilities.

Applications for community projects seeking Council funding of more than \$2,000 will be received and considered on their merit separate from the Community Donations projects.

\$3,000 is to be budgeted annually for public relations promotions through donations, sponsorships and waivers of fees and charges. The CEO is delegated authority to determine how these funds will be allocated. Examples of how these funds will be allocated include sporting event sponsorship, trophy donations and waivers of Council's fees and charges for the use of Council owned/managed facilities. Maximum funding per applicant is \$300.

Council will provide a minimum annual Budget allocation of \$3,000 for the Kellerberrin & Districts Agricultural Society as sponsorship to assist in the running of their annual show each September.

Council will make an annual Budget provision of \$7,000 for Donations and Grants to organisations that provide services or programs to residents of the Shire on an ongoing basis. These organisations can be based outside of the boundary of the Shire of Kellerberrin. Maximum funding per application is \$3,000. The continuance of financial support to organisations included in this category will be reviewed by Council annually. Examples of organisations currently receiving support under this category include Wheatbelt Agcare Counselling Services and the Eastern Districts Royal Show Display.

STATUTORY IMPLICATIONS - Nil

STRATEGIC PLAN IMPLICATIONS

Strategic Priority 1.1

We are a vibrant and viable, culturally diverse and engaging and unified community with strong links to history, culture and the creative arts.

Goal 1.1.1	To foster an environment that celebrates the diversity of the community.
Council's Role	<ul style="list-style-type: none"> ■ To lead and promote community programs and initiatives ■ To facilitate discussion with community / stakeholder groups ■ To participate in programs and initiatives as a key member of the community
Goal 1.1.2	To provide residents and visitors with access to historical knowledge, places and spaces and a range of community and cultural events.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate provision of information on our community to the public ■ To collaborate with groups to develop community historical and cultural information ■ To lead, promote and participate in community cultural events and programs ■ To identify, advocate and lobby for recognition of key areas of significance within the community and grant funding
Goal 1.1.3	To encourage the growth of local regional and indigenous arts, culture and history.

Council's Role	<ul style="list-style-type: none"> ■ To facilitate and lead discussions with local community groups on heritage and culture ■ To collaborate with regional parties and neighbouring government agencies to promote local, regional and indigenous art and culture ■ To lobby for grants and funds from external agencies to support the development and promotion of local, regional and indigenous art and culture
Goal 1.1.4	To create opportunities to enhance community connection, belonging and encourage sharing of cultures, history and knowledge.
Council's Role	<ul style="list-style-type: none"> ■ To promote communication between Council and community members ■ To encourage open dialogue between community members and elected representatives ■ To collaborate with external parties to identify opportunities to promote local culture and history across the region

Strategic Priority 1.2

Our residents feel supported and cared for through the provision of a range of quality community services.

Goal 1.2.1	To create and activate cultural places that will draw community involvement.
Council's Role	<ul style="list-style-type: none"> ■ To collaborate with community members, groups, and external parties to create an inviting space for the enjoyment of all community members ■ To develop a public space strategy that will activate streetscapes and provide an environment for all members of the community and visitors to enjoy. ■ To lobby state and federal government for funding support to develop community and public facilities and provide improved services for the community and visitors.
Goal 1.2.2	To establish relationships to develop and deliver essential health and education services to the region.
Council's Role	<ul style="list-style-type: none"> ■ To create and foster relationships with state and federal agencies and external parties to provide additional essential services to the region ■ To lobby for the provision of increased and improved essential health and education services to the region ■ To lobby for additional grants and monetary support to fund the provision of essential services
Goal 1.2.3	To collaborate with partners to provide activities and events that will educate and enrich the lives of our residents and visitors of all ages.
Council's Role	<ul style="list-style-type: none"> ■ To establish relationships with external agencies / parties / government departments and identify programs and initiatives to enhance the lifestyle and wellbeing of community members and residents ■ To lobby for funding and grants to support the implementation of community lifestyle and wellbeing programs and initiatives

Strategic Priority 1.3

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

Goal 1.3.1	To create visually appealing and inviting public and recreational places that complies with good planning and design principles.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with community members to identify priority community infrastructure upgrades ■ To develop and implement a program of visual improvements throughout the Shire.

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

Strategic Priority 2.1

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

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

Strategic Priority 2.2

We are a Shire that respects and aims to preserve the quality of the natural environment and rural landscape and promote environmental sustainable initiatives.

Goal 2.2.1	To raise awareness and interest of the natural environment and key factors
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	affecting the environment.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with government and non-government agencies on environmental initiatives and programs. ■ To implement initiatives and programs that raise community awareness on environmental principles and sustainability practices. ■ To assess environmental risks and factors that could potentially affect the local environment and develop strategies and programs to mitigate. ■ To work with local environmental groups, community groups, external parties on the development and implementation of environmental based programs and initiatives. ■ To lobby for and seek funding and grant support for the development and implementation of environmental programs and initiatives. ■ To facilitate the development and provision of information relating to the maintenance of the natural environment and promotion of sustainability practices.
Goal 2.2.2	To work with organisations to promote actions to enhance the environment.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions and establish relationships with community groups, government and non-government agencies on environmental initiatives and programs which may be applied throughout the Shire. ■ To facilitate the development of environmental initiatives and programs and implement these across the community. ■ To encourage community participation in environmental initiatives and programs.
Goal 2.2.3	To promote opportunities to encourage sustainable environmental practices across the Shire.
Council's Role	<ul style="list-style-type: none"> ■ To identify initiatives with other government and non-government agencies on programs to raise awareness in environmental sustainability practices. ■ To make information and educational packages on the principles of environmental sustainability accessible to the community. ■ To review Council policies and practices in relation to environmental sustainability initiatives and make these available to the public. ■ To seek information and feedback from the community on environmental awareness initiatives and programs. ■ To facilitate and host community based environmental awareness initiatives and programs.

Strategic Priority 3.1

Our Elected Representatives provide effective, respected and progressive leadership

Goal 3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
Council's Role	<ul style="list-style-type: none"> ■ To provide up to date information on Council services, operations, activities and decisions to the community. ■ To ensure Council information is accurate and easily accessible by the community. ■ To provide responses and encourage feedback from the community.
Goal 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.
Council's Role	<ul style="list-style-type: none"> ■ To provide up to date information on Council and community activities and events to community residents. ■ To encourage responses and feedback from the community on Council initiatives and programs. ■ To provide open dialogue between the community and Council members and to listen to the responses provided by the community.

	<ul style="list-style-type: none"> ■ To facilitate and initiate community based programs, activities and events to promote community pride and participation.
Goal 3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
Council's Role	<ul style="list-style-type: none"> ■ To create and implement an effective communication strategy that encourages and promotes community feedback and contribution. ■ To initiate open dialogue with the community and provide opportunity to be involved in decision making processes. ■ To provide access to up to date information on Council and Council services. ■ To encourage participation in community consultation events.
Goal 3.1.4	To actively pursue a positive community spirit and support.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate programs and initiatives that will improve the community spirit and pride. ■ To provide open, honest and friendly discussions between Council and community members. ■ To assist and be responsive to community requests and needs.

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

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.
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.
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.

FUTURE PLAN IMPLICATIONS – Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Community Development Officer
Pipeline advertisement
Radio

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council donates or declines to donate as per the following;

1. _____
2. _____
3. _____
4. _____

COUNCIL RECOMMENDATION

MIN 054/17 MOTION - Moved Cr. Leake 2nd Cr. White

That Council;

- 1. Declines to fund the submission from Sean Conway as it doesn't meet the criteria set by Council's Community Budget Submission guidelines.***
- 2. Donates \$2,000 to the Kellerberrin Seniors Group for the purchase and installation of an Instantaneous Urn and Vertical Blinds at the Ex-Golf Club house.***
- 3. Declines to fund the submission from Kellerberrin Play Group and Kellerberrin Family Day Care at this point in time as Council wishes to have the outcome for the proposed grant applications that are being lodged with other agencies.***
- 4. Donates the CEO's ex-PC following the purchase of a new CEO PC, for the use of the proposed Kellerberrin Cultural Centre and purchases a printer to donate to them.***
- 5. Request that the Local Health Advisory Committee provide a costed Budget to Council upon finalising their program for the upcoming Ladies Day's Out for Council's further consideration of a donation.***

CARRIED 7/0

Agenda Reference:	11.1.17
Subject:	March 2017 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	6 th April 2017
Author:	Miss Ashlee Hughes, Finance/Administration Officer

BACKGROUND

Accounts for payment from 1st March 2017 – 31st March 2017

Trust Fund

EFT & CHQ

TRUST TOTAL \$ 0.00

Municipal Fund

Cheque Payments

34183 - 34198 \$ 56,454.80

EFT Payments

6898 - 7023 \$ 698,746.09

Direct Debit Payments \$ 164,192.76

TOTAL MUNICIPAL \$ 755,200.89

COMMENT

During the month of March 2017, the Shire of Kellerberrin made the following significant purchases:

Carving Concrete Construction Pty Ltd	\$ 152,647.34
Tender Contract – Skate Park Progress Claim 3	
Department of Transport - Trust Direct Debits Licensing CRC	\$ 141,855.85
Licencing Payments – March 2017	
Shire Of Merredin	\$ 110,880.00
Council Contribution Site Works CEACA Stage 1 & 2	
Carving Concrete Construction Pty Ltd	\$ 100,672.64
Tender Contract – Skate Park Final Claim	
Total Eden Pty Ltd	\$ 52,580.00
New Reticulation at Hockey Oval	
Western Australian Treasury Corporation	\$ 33,504.08
Loan No. 118 Interest payment - Rec Centre Redevelopment	
CE and H Smith	\$ 33,093.50
Hire truck and grader - October	
Water Corporation	\$ 19,302.54
Water Charges for December to February	
Fire And Emergency Services (WA)	\$ 18,539.82
ESLB 3rd Qtr Contribution 16/17	

Great Southern Fuel Supplies Fuel Purchases for January 17	\$ 15,234.81
Synergy Power consumption December to February	\$ 14,352.70
R Munns Engineering Consulting Services Supervision of contractors to reinstate x2 damaged floodways on Deepwell Rd & floodways on Nanyanine Rd & Wallatin Rd, Set out work levels for car park, site survey for north end of Kellerberrin Cemetery & a new road counter	\$ 11,229.94
WA Local Government Superannuation Plan Pty Ltd Payroll deductions	\$ 10,662.41
R Munns Engineering Consulting Services Project Management 16/17 year Kwloyin West Road	\$ 9,824.41
Great Southern Fuel Supplies Fuel Purchases for February 2017	\$ 9,325.86
Avon Waste Domestic & Commercial Refuse Collection January 17	\$ 8,261.38
Kellerberrin & Districts Club Quarterly Payment - Centre Managers Salary & Solar Panel Monthly Repayment	\$ 8,242.15
Avon Waste Domestic Refuse Collection - 478@1.64x4wks	\$ 7,309.36
ITR Western Australia Track group, 39L x 450mm 3GR *Shoes drilled for rubber pads	\$ 6,826.60
WA Local Government Superannuation Plan Pty Ltd Payroll deductions	\$ 6,561.92
Synergy Streetlights Tariff Charge & Consumption for Lot 9001 Kellerberrin-Yoting Road	\$ 5,619.80
Farmways Kellerberrin Pty Ltd Mossie Killer - David Grays, Plus various items under \$300	\$ 5,163.73
CHUBB Insurance Australia Limited Emson Nyoni Law Suite Excess	\$ 5,000.00
Brooks Hire Service Pty Ltd Excavator hire for floodways - January 2017	\$ 4,999.50
Woodstock Electrical Services Contracted works throughout February	\$ 4,843.03
Shire of Northam Old Quarry Tipping Fees - January & February 2017	\$ 4,823.00
Brooks Hire Service Pty Ltd Excavator	\$ 4,820.91
Major Motors Pty Ltd Diagnose check engine light staying on & engine de-rated to 80km/h. Replace turbo as advised	\$ 4,566.97
Westline Plumbing & Drainage Pty Ltd Connect Water Tank to pump for irrigating Bowling Greens	\$ 4,016.69

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2017 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and
 - (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

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

12. Payments from municipal fund or trust fund

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

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

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) The payee's name;

- (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;
 - And
 - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN 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 notes that during the month of March 2017, 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 **\$755,200.89** on vouchers EFT, CHQ, Direct payments
2. Trust Fund payments totalling **\$0.00** on vouchers EFT, CHQ, Direct payments

COUNCIL RECOMMENDATION

MIN 055/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council notes that during the month of March 2017, 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 \$755,200.89 on vouchers EFT, CHQ, Direct payments***
2. ***Trust Fund payments totalling \$0.00 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

Agenda Reference:	11.1.18
Subject:	Financial Management Report, Direct Debit List and Visa Card Transactions for the month March 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	6 th April 2017
Author:	Mrs Jennine Ashby, Senior Finance Officer

BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of March 2017.

Enclosed is the Monthly Financial Report for the month of March 2017.

Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
1-Mar-17	Westnet	Monthly static IP address	\$	103.99
1-Mar-17	National Australia Bank	Merchant Fees	\$	1.73
1-Mar-17	National Australia Bank	Merchant Fees	\$	111.70
1-Mar-17	National Australia Bank	Merchant Fees	\$	407.27
2-Mar-17	Shire of Kellerberrin	EFT Payment	\$	412,232.05
6-Mar-17	National Australia Bank	VISA Transactions	\$	2,022.81
9-Mar-17	Shire of Kellerberrin	Payroll	\$	48,012.49
10-Mar-17	Shire of Kellerberrin	Payroll - Click Super	\$	9,182.87
13-Mar-17	DLL Group	Monthly Photocopier Lease Payment	\$	265.21
15-Mar-17	SG Fleet	Monthly Lease Payment	\$	3,752.07
16-Mar-17	Shire of Kellerberrin	EFT Payment	\$	197,428.75
16-Mar-17	Shire of Kellerberrin	New Reserve Term Deposit	\$	606,953.86
23-Mar-17	Shire of Kellerberrin	Payroll	\$	55,920.23
30-Mar-17	Shire of Kellerberrin	EFT Payment	\$	89,511.54
31-Mar-17	National Australia Bank	Merchant Fees	\$	1.06
31-Mar-17	National Australia Bank	BPAY Charges	\$	58.40
31-Mar-17	National Australia Bank	Account Fees - Municipal	\$	51.50
31-Mar-17	National Australia Bank	Merchant Fees	\$	120.05
31-Mar-17	National Australia Bank	Merchant Fees	\$	339.71
31-Mar-17	National Australia Bank	Account Fees - Trust	\$	63.20
TOTAL			\$	1,426,540.49

Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
31-Mar-17	Department Transport	Direct Debit-Licensing Payments Mar 17	\$	141,855.85
TOTAL			\$	141,855.85

Visa Card Transactions

15-Mar-17	Subway Merredin	WALGA Catering	\$	114.00
28-Mar-17	National Australia Bank	Card Fee	\$	9.00
TOTAL - CEO			\$	123.00
02-Mar-17	Apple Online Store	Ipad	\$	1,199.00
06-Mar-17	Puma Mindarie	Unleaded Fuel - KE002	\$	48.04
14-Mar-17	Puma Energy El Caballo	Unleaded Fuel - KE002	\$	56.50
15-Mar-17	Gull Tammin Roadhouse	Unleaded Fuel - KE002	\$	72.00
16-Mar-17	Gull Tammin Roadhouse	Catering LGMA event in Kellerberrin	\$	230.00

20-Mar-17	BP Hall Head	Unleaded Fuel - KE002	\$	40.00
27-Mar-17	Puma Mindarie	Unleaded Fuel - KE002	\$	55.00
28-Mar-17	National Australia Bank	Card Fee	\$	9.00
TOTAL - DCEO			\$	1,709.54
TOTAL VISA TRANSACTIONS			\$	1,832.54

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2016/2017

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity December be shown —

- (a) according to nature and type classification; or
- (b) by program; or
- (c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

- 1) That the Financial Report for the month of March 2017 comprising;
 - (a) Statement of Financial Activity
 - (b) Note 1 to Note 9
- 2) That the Direct Debit List for the month of March 2017 comprising;
 - (a) Municipal Fund – Direct Debit List
 - (b) Trust Fund – Direct Debit List
 - (c) Visa Card Transactions

Be adopted.

COUNCIL RECOMMENDATION

MIN 056/17 MOTIONS - Moved Cr. O'Neill 2nd Cr. Reid

- 1) ***That the Financial Report for the month of March 2017 comprising;***
 - (a) Statement of Financial Activity***
 - (b) Note 1 to Note 9***
- 2) ***That the Direct Debit List for the month of March 2017 comprising;***
 - (a) Municipal Fund – Direct Debit List***
 - (b) Trust Fund – Direct Debit List***
 - (c) Visa Card Transactions***

Be adopted.

CARRIED 7/0

DEVELOPMENT SERVICES – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: March 2017
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	6 th April 2017.
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

1. There were nil applications received for a "Building Permit" during the March 2017 period. A copy of the "Australian Bureau of Statistics appends.
2. There were two "Building Permits" issued in the March 2017 period. See attached form "Return of Building Permits Issued".

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED –NO

STAFF RECOMMENDATION

That Council

- 1. Acknowledge the "Return of Proposed Building Operations" for the March 2017 period.*
- 2. Acknowledge the "Return of Building Permits Issued" for the March 2017 period.*

COUNCIL RECOMMENDATION

MIN 057/17 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council

- 1. Acknowledge the "Return of Proposed Building Operations" for the March 2017 period.*
- 2. Acknowledge the "Return of Building Permits Issued" for the March 2017 period.*

CARRIED 7/0

Agenda Reference:	11.2.2
Subject:	Oversize Shed / Outbuilding
Location:	Lot 500, House No. 4 David Court, Kellerberrin.
Applicant:	Mr Chris Ball
File Ref:	IPA1728, A365 & A357
Disclosure of Interest:	Nil
Date:	29 th March 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

An application has been received from Mr. Chris Ball to erect an oversize barn style SHED on his property being Lot 500, 4 David Court, Kellerberrin. The shed is needed to house a caravan and various Workshop tools and equipment will require a greater clearance than normal.

There an existing two car bay shed situated to the rear of the house with an approximate floor area of 40m².

The proposed shed is 14m x 10m (140m²) with a central gabled roof section with side wings on each side.

Mr Ball is also seeking permission to install an over standard height Colorbond Trimdek type metal fences to enclose the entire property. He has already been given approval for the type of fence sought as it is currently installed at the front section of the block where the house is.

See ATTACHMENT 1 & ATTACHMENT 4

Mr Ball now seeks to replace the fibro-cement fencing around the rear and sides of the house and enclose the rear and sides of the newly created lot with new colorbond fencing matching the existing which is 1.5m high with 2.1m fencing. As with the previous approval Councils permission is required to increase the heights 300mm all round by using the decorative lattice type top on the fences.

Council's February Ordinary Meeting of Council – 21st February 2012

MIN 29/12 MOTION - Moved Cr. Clarke 2nd Cr. Bee

That Council resolve: -

- 1. To accept the proposal to allow the erection of a 1.2 metre front fence with a 300mm high perforated steel section on top of it at Lot 4 (No. 4) David Court Kellerberrin.***
- 2. To ensure the driveway access point fence on the Northern side is to be angled into the lot for a distance of not less than 1500mm appropriate splayed lines of vision as per Councils Fencing Local Laws.***

CARRIED 5/0

Note: Council's Fencing Local Laws allow for "over height" fencing forward of the building line subject to the lines of vision not being impaired.



COMMENT

PLANNING ASSESSMENT

The subject lot is zoned Residential (R10/R40) under Local Planning Scheme 4, the objectives of which are:

4.2.1 Residential Zone

- (a) To retain the single dwelling as the predominant form of residential development in the Shire's townsites.
- (b) To provide for lifestyle choice in and around the townsites with a range of residential densities.
- (c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

Part 5 — General development requirements

5.2. Residential Design Codes

Clause 5.2.2 states:

Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

Therefore for the application needs to comply with the R-Codes.

Compliance with the R-Codes

SETBACKS

Please find below the table for the relevant setbacks indicating what is permitted, as noticed in the table the Shed will be classified under Table 2b and with the wall height classification of 3.6m and Length 14m the setbacks need to be 2.7m.

As illustrated in the diagram (Appendix 4) provided by Mr Ball the setbacks have been allowed for 5m from each side therefore the proposal is complies with the R-Codes

Table 2a: Boundary setbacks - Walls with no major openings

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.7	1.7	1.8
4.5	1.1	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.7	1.7	1.7	1.7	1.8	2.0
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8

Take the nearest higher value for all intermediate **height** and length values.

* Possible nil **setback** in accordance with clause 5.1.3.

Table 2b: Boundary setbacks - Walls with major openings

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	5.1	5.7
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	4.0	4.2	4.5	4.7	4.9	5.7	6.3
6.5	3.0	3.2	3.4	3.6	3.8	4.0	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	5.2	5.5	6.4	7.0
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3
8.0	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	7.0	7.7
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	6.1	6.3	7.3	8.0
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	6.0	6.2	6.4	6.6	6.9	8.0	8.7
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0

Take the nearest higher value for all intermediate **height** and length values.

Residential Design Codes – State Planning Policy 3.1

Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>	5.4 Building design
5.4.3 Outbuildings		
P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	C3 Outbuildings that: <ul style="list-style-type: none"> i. are not attached to a dwelling; ii. are non-habitable; iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; iv. do not exceed a wall height of 2.4m; v. do not exceed ridge height of 4.2m; vi. are not within the primary or secondary street setback area; vii. do not reduce the amount of open space required in Table 1; and viii. are set back in accordance with Tables 2a and 2b. 	
5.4.4 External fixtures		
P4.1 Solar collectors , aerials, antennas, satellite dishes, pipes and external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties.	C4.1 Solar collectors installed on the roof or other parts of buildings . C4.2 Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes. C4.3 Other external fixtures provided they are: <ul style="list-style-type: none"> i. not visible from the primary street; ii. are designed to integrate with the building; or iii. are located so as not to be visually obtrusive. C4.4 Antennas, satellite dishes and the like not visible from any primary and secondary street .	

The application needs to comply with the Design Principles of the code as illustrated above which then has the Deemed-to-comply table. The proposal in this case complies with the following items:

Items i, ii, vi, vii, viii

However the proposed Outbuilding does not comply with the following Deemed-to-comply rules:

iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;

The area of the proposed shed is 140m² plus the original shed of 40m², therefore totally an area of 180m² in total.

The area of 180m² meets the Residential Codes and leaving appropriate open area within the block.

Council is looking to approve an area of some 120m² more than the abovementioned Deemed-to-comply provisions within the R-Code legislation.

However the shed is being placed on a newly amalgamated block which now has an area of 1,450m². This being the case it is the opinion of the officers that this shed won't look out of place nor take up all or majority of the land parcel.

iv. do not exceed a wall height of 2.4m;

The proposed shed has a wall height of 3.6m though should Council approve the shed application as the fence application below extends the fence from 1.8m with a lattice type of 300mm topping to 2.1m which will provide a screen for the newly proposed shed with only 1.4m of the wall being visible above the shed.

v. do not exceed ridge height of 4.2m;

The proposed shed has a ridge height of 4.41 which is 190mm over the prescribed ridge height as per the R-Codes. It is the opinion of the officers that the location of the shed included with the setbacks and new fencing the extended ridge height won't create any aesthetic issues or provide a nuisance to any of the adjacent owners.

The adjacent vacant blocks of land are owned by the Shire of Kellerberrin.

ADVICE NOTES

Should Council approve this application, the following advice note will be included in the Development Approval:

- i. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the *Building Regulations 2012* which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.

FENCING

Council's Local Law with respect to the fencing states (as below) that a fence of this nature is permitted to 1.8m in height on the side and rear aspects of the property. However section 2.1(6) says "Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained to such a fence".

Therefore Council has the flexibility to permit the use of a 2.1m fence as requested by the owner.

With respect to the Residential Codes as illustrated below the fence within the application doesn't meet the two forms of assessment as it isn't a front fence for sightlines. Therefore no R-codes ramifications are implied as per the information in the below table.

FINANCIAL IMPLICATIONS

The cost of this Development Application is \$147.00.

The cost of the Building Permit: to be determined on cost of construction.

Payment of the Builders Services Levy of \$61.65

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

The provisions of the Residential Design Codes and the Building Regulations 2012 are applicable.

Residential Design Codes – State Planning Policy 3.1

2.4 Judging merit of proposals Where a proposal does not meet deemed-to comply provision(s) of the R-Codes and addresses design principle(s), the decision-maker is required to exercise judgment to determine the proposal. Judgment of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

2.5 Exercise of judgment

2.5.1 Subject to clauses 2.5.2 and 2.5.3, the decision-maker is to exercise its judgment to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes. The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).

2.5.2 In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgment, having regard to the following: (a) any relevant purpose,

The screenshot displays the 'R-Codes' website interface. At the top, there is a search bar with the word 'fence' entered. Below the search bar, the text 'State Planning Policy 3.1 Residential Design Codes' is visible. The main content area is titled 'Part 6 – Design elements for multiple dwellings in areas coded R40 or greater; within mixed use development and activity centres'. The page number 'Page 42' is shown in the top right corner. The section '6.2 Streetscape' is highlighted, with sub-sections 'Objectives', 'Design principles', and 'Deemed-to-comply' listed. The 'Design principles' section includes '6.2.1 Street surveillance' and '6.2.2 Street walls and fences'. The 'Deemed-to-comply' section includes 'C1.1', 'C1.2', 'C1.3', 'C2', and 'C3'. The 'Objectives' section includes '(a) To respond and reinforce the existing character of the street and locality. Development should contribute towards attractive streetscapes.'

Design principles	Deemed-to-comply
Development demonstrates compliance with the following design principles (P)	Development satisfies the following deemed-to-comply requirements (C)
6.2.1 Street surveillance	
P1.1 Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.	C1.1 The street elevation(s) of the building to address the street, with facades generally parallel to the street and with clearly definable entry points visible and accessed from the street.
P1.2 In mixed use development, in addition to the above: <ul style="list-style-type: none">blank walls minimised at street level, and where practical active frontages incorporated into the development to ensure a suitable level of casual surveillance of the public domain; andlengths of street frontage at ground level dedicated to each tenancy limited to discourage large scale uses that reduce the level of activity along the building frontage.	C1.2 The building has habitable room windows or balconies that face the street.
	C1.3 Basement parking structures between a street frontage and the main front elevation are no more than 1m above natural ground level at any point.
6.2.2 Street walls and fences	
P2 Front fences to enable surveillance and enhance streetscape.	C2 Front fences within the primary street setback area that are visually permeable to 1.2m above natural ground level.
6.2.3 Sight lines	
P3 Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.	C3 Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer to Figure Series 9).

objectives and provisions of the scheme; (b) any relevant objectives and provisions

Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ◆	4 Minimum lot area/rear battleaxe (m ²) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*6
	Multiple dwelling	1000	-	-	60	-	7.5	3	*6
R12.5	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	*6
	Multiple dwelling	800	-	-	55	-	7.5	2	*6
R15	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	*6
	Multiple dwelling	666	-	-	50	-	6	1.5	*
R17.5	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
	Multiple dwelling	571	-	-	-	-	6	1.5	*
R20	Single house or grouped dwelling	Min 350 Av 450	450	10	50	30	6	1.5	*
	Multiple dwelling	450	-	-	50	-	6	1.5	*
R25	Single house or grouped dwelling	Min 300 Av 350	425	8	50	30	6	1.5	*
	Multiple dwelling	350	-	-	50	-	6	1.5	*
R30	Single house or grouped dwelling	Min 260 Av 300	410	-	45	24	4	1.5	*
	Multiple dwelling	300	-	-	45	-	4	1.5	*
R35	Single house or grouped dwelling	Min 220 Av 260	395	-	45	24	4	1.5	*
	Multiple dwelling	260	-	-	45	-	4	1.5	*
R40	Single house or grouped dwelling	Min 180 Av 220	380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	380	-	40	16	2	1	*
R60	Single house or grouped dwelling	Min 120 Av 150	380	-	40	16	2	1	*
R80	Single house or grouped dwelling	Min 100 Av 120	380	-	30	16	1	1	*

All standards for single house or grouped dwellings within R100, R160 and R-AC areas are as for the R80 Code

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

● secondary street: includes communal street, private street, right-of-way as street

- indicated not applicable

* see Tables 2a and 2b and clause 5.1.3

Av. average site area

of the R-Codes; (c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and (d) orderly and proper planning.

- 2.5.3 The decision-maker shall not vary the minimum or average site area per dwelling requirements set out in Table 1 (except as provided in the R-Codes or the scheme).
- 2.5.4 The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes and the relevant provisions of the scheme and any relevant local planning policy.
- 2.5.5 For the purpose of the R-Codes, a local structure plan, local development plan or local planning policy, will only be a relevant consideration in the exercise of judgment where it is: (a) specifically sanctioned by a provision of the R-Codes; (b) consistent with the design principles of the R-Codes; and (c) consistent with the objectives of the R-Codes.

4.1 Consultation requirement

- 4.1.1 Where a development proposal is deemed-to-comply, it will not require advertising to adjoining owners and occupiers.
- 4.1.2 Where an application is made for planning approval, or other approval process as used by the decision-maker, which presents: (a) a proposal against one or more design principles of the R-Codes; and (b) a possible impact on the amenity of adjoining owners and occupiers; then there may be grounds for the decision-maker to advertise the proposal to these owners and occupiers.
- 4.1.3 Where the decision-maker is to judge the merits of a proposal and: (a) the merits of the proposal are a matter of technical opinion; and (b) the decision-maker is satisfied

it will not adversely impact the adjoining residential property or the street, it is not necessary to seek comment from adjoining owners and occupiers about the proposal, except where specifically required by the scheme or relevant local planning policy.

- 4.1.4 The provisions of clauses 4.2 and 4.3 apply to provide for adjoining owners and occupiers, who in the opinion of the decision-maker are likely to be affected, to view and comment on the proposal.
- 4.1.5 Where a matter is advertised for comment the notification should direct adjoining owners and occupiers to focus their comments to the particular design principle(s) that the proposal is addressing.
- 4.1.6 The decision-maker, upon receipt of any comment(s) from adjoining owners and occupiers, is required to consider and balance comment(s) with its technical opinion when it exercises its judgement to determine the proposal.

SHIRE OF KELLERBERRIN - FENCING LOCAL LAW 2016

PART 2—FENCES

Division 1—Sufficient fences

2.1 Sufficient Fences

- (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.
- (2) Pursuant to section 24 of the *Dividing Fences Act 1961* and subject to subclauses (3), (4) and (5), a sufficient fence—
 - (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
 - (b) on a town centre lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
 - (c) on an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3A;
 - (d) on a general agriculture lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4; and
 - (e) on a rural residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A.
- (3) Where a fence is erected on or near the boundary between a residential lot and a town centre lot, industrial lot, general agriculture lot or a rural residential lot a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2.

- (4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.
- (5) Notwithstanding any other provisions in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design where—
 - (a) it is greater than 1,800 millimetres in height; or
 - (b) the Building Survey or so requires.
- (6) ***Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained to such a fence.***

Schedule 2

RESIDENTIAL LOT

[Clause 2.1(2)(a)]

Specifications for a sufficient fence on a residential lot

1. Categories A,B,C,D,E & Fin this Schedule, with minimum and maximum specifications as stated, is a sufficient fence on a residential lot.
2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.
 - (1) Height: 1,800 millimetres except with respect to the front or rear setbacks; Minimum height: subject to requirements and standards of local planning scheme;
 - (A) Timber fence
A fully enclosed timber fence is to be built to manufacturer's specifications or in accordance with established construction techniques.
 - (B) Corrugated fence
A fence constructed of corrugated fibre-reinforced pressed cement or steel-sheeting constructed to manufacturer's specifications or which otherwise satisfies the following specifications—
 - (a) length: minimum in-ground length of 25 per cent of the total length of the sheet; depth: minimum in-ground depth of 600 millimetres;
 - (b) total height and depth of fence to consist of a single continuous fibre-reinforced cement steel sheet;
 - (c) corrugated sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and
 - (d) height: 1,800 millimetres except with respect to the front setback area; minimum height: subject to requirements and standards of local planning schemes.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

There is a requirement for community consultation. In this case there are no neighbours as all sounding lots are vacant and owned by the Shire of Kellerberrin. See ATTACHMENT 2.
Manager Development Services
Chief Executive Officer
WA Planning Commission

STAFF RECOMMENDATION

That Council

1. *Provide conditional approval for the proposed construction of a shed that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:*
 - a. *120m² for collective outbuildings, with the R-Code specification being 60m²*
 - b. *1.2m for wall height, with the R-Code specification of 2.4m*
 - c. *210mm ridge heights, with the R-Code specification being 4.2m*

GENERAL CONDITIONS:

- i. *The proposed shed be in colour schemes to suit the current dwelling or fencing to ensure the outbuildings fit aesthetically with the area.*
 - ii. *Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.*
 - iii. *The development hereby permitted must substantially commence within two years from the date of this determination notice.*
 - iv. *The development hereby permitted taking place in accordance with the plans dated 21st December 2016*
 - v. *Use of the building shall be for domestic purposes only.*
 - vi. *The outbuilding shall not be used for human habitation at any given time.*
2. *In accordance with section 2.1(6) of Council's Fencing Local Law 2016 permit the erection of boundary fencing as proposed by the applicant. That is too allow for all standard height Colorbond fences to be topped with a 300mm high visual permeable of matching Colorbond lattice type panels.*

COUNCIL RECOMMENDATION

MIN 058/17 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council

- 1. Provide conditional approval for the proposed construction of a shed that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:***
 - a. 120m² for collective outbuildings, with the R-Code specification being 60m²***
 - b. 1.2m for wall height, with the R-Code specification of 2.4m***
 - c. 210mm ridge heights, with the R-Code specification being 4.2m***

GENERAL CONDITIONS:

- vii. The proposed shed be in colour schemes to suit the current dwelling or fencing to ensure the outbuildings fit aesthetically with the area.***
 - viii. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.***
 - ix. The development hereby permitted must substantially commence within two years from the date of this determination notice.***
 - x. The development hereby permitted taking place in accordance with the plans dated 21st December 2016***
 - xi. Use of the building shall be for domestic purposes only.***
 - xii. The outbuilding shall not be used for human habitation at any given time.***
-
- 2. In accordance with section 2.1(6) of Council's Fencing Local Law 2016 permit the erection of boundary fencing as proposed by the applicant. That is too allow for all standard height Colorbond fences to be topped with a 300mm high visual permeable of matching Colorbond lattice type panels.***

CARRIED 7/0

Agenda Reference:	11.2.3
Subject:	HOME OCCUPATION - Cake Cooking & Decoration for sale.
Location:	31 Moore Street Kellerberrin.
Applicant:	Mrs Judy Silver
File No:	A717
Record Ref:	IPA 1726
Disclosure of Interest:	NIL
Date:	29 th March 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

An application has been received from Mrs Judy Silver to establish and operate a "Cake Cooking & Decoration" business in her home at 31 Moore Street Kellerberrin.



COMMENT



The activity of preparing foods for sale to the public that are defined under the provisions of the "Food Act 2008" as being "Low Risk" fall within the "Shire of Kellerberrin Town Planning

Scheme No 4" definition of "Home Occupation" and it is therefore considered to be a suitable enterprise to be conducted at a residential house.

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

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

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

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

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

General Development Requirements (Extract from Scheme Text)

Home Occupation: An approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.

FINANCIAL IMPLICATIONS

1. A Development Application fee of \$147.00. was paid at the time of lodging the application.
2. Food Act 2008: An initial Registration Fee of \$110.00 is payable to the local Government when the applicant lodges with the local government the Food Act prescribed form that has been duly completed.

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Mrs Judy Silver
Manager Development Services
Chief Executive Officer

STAFF RECOMMENDATION

That Council exercise its discretionary power and grant "Development Approval" for the establishment of a "Home Occupation" for the purpose of "Cake Cooking & Decoration" in a section of the house / premises to be approved by the Environmental Health Officer as being suitable with the following conditions:-

1. *The Applicant must make application to the Shire of Kellerberrin in the prescribed format. The form titled "Food Act 2008 - Notice/Registration Form" is available for this purpose.*
2. *The approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.*

COUNCIL RECOMMENDATION

MIN 059/17 MOTION - Moved Cr. White 2nd Cr. O'Neill

That Council exercise its discretionary power and grant "Development Approval" for the establishment of a "Home Occupation" for the purpose of "Cake Cooking & Decoration" in a section of the house / premises to be approved by the Environmental Health Officer as being suitable with the following conditions:-

1. ***The Applicant must make application to the Shire of Kellerberrin in the prescribed format. The form titled "Food Act 2008 - Notice/Registration Form" is available for this purpose.***
2. ***The approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land. It shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted. Should there be a change of occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.***

CARRIED 7/0

5.48 pm - Cr. Leake Exited Council Chambers

Agenda Reference:	11.2.4
Subject:	Transportable Dwelling.
Location:	Avon Location No: 3674 Woolundra Road North.
Applicant:	Mr David Leake
File No:	A35
Record Ref:	IPA1729
Disclosure of Interest:	NIL
Date:	29 th March 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

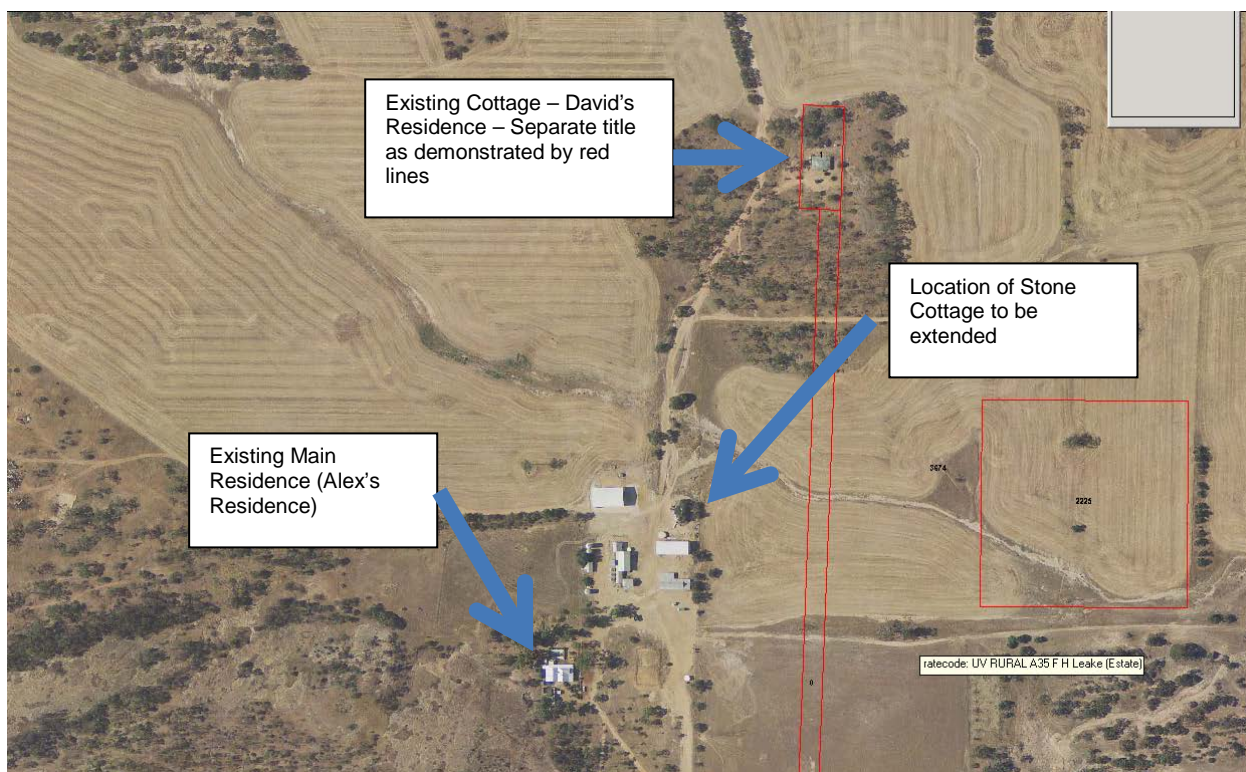
Council on the 16th March 2017 received a Development Application from Mr David Leake for an extension to the existing two bedroom cottage with a transportable donga unit that has the Kitchen, Bathroom and Ablution facilities to cater for the existing building instead of being reliant on the Main Residence on his farm at Woolundra North Road Kellerberrin.

COMMENT

The current existing Stone Cottage is a two bedroom cottage being 8m x 4m in full dimension. The proposed donga extension is 12m x 3m supply the cottage with the Bathroom, Kitchen and Ablution facilities to ensure the cottage is self-sufficient. Included in the transportable donga as per the plans is an additional bedroom making the development a Three Bedroom proposal.

Therefore the total occupied floor space for the building will be 68m².

A new septic tank system and effluent disposal system be required to service the unit in accordance with the Health Act requirements of which will be certified at time of Building Permit Application.



Council in determining this application utilises its Town Planning Scheme 4 and the relevant zoning tables as illustrated in the Statutory Implications listed below.

Within the Zone General Agriculture as highlighted below a Transportable Dwelling is a discretionary use under Council's current Town Planning Scheme.

Mr Leake's application is to use a Transportable to extend the current stone cottage to ensure it is self-sufficient classifying the development as a Transportable Dwelling under the scheme.

The important item to note out of this application is the fact the transportable is an extension to an existing building.

FINANCIAL IMPLICATIONS

1. A Development Application fee of \$147.00 was paid at the time of lodging the application.
2. A Building Permit Application fee of \$157.65 will be applicable at the time of lodging the application.
3. A Septic Tank Application will be required.

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	X	D	X
Home business	D	D	X	D	D	D
Home occupation	D	D	X	D	D	D
Home office	P	D	X	D	D	P
Home store	A	D	X	A	D	A
Multiple Dwelling	D	X	X	X	X	X
Park home park	X	A	X	X	A	X
Residential building	A	X	X	X	A	X
Rural home business	X	X	X	D	X	D
Single Dwelling	P	A	X	P	P	P
Transportable Dwelling	D	A	X	D	D	D

Part 4 — Zones and the use of land

4.1. Zones

4.1.1. *The Scheme area is classified into the zones shown on the Scheme Map.*

4.1.2. *The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.*

4.2. Objectives of the zones

The objectives of the zones are —

4.2.1 Residential Zone

- (a) *To retain the single dwelling as the predominant form of residential development in the Shire's townsites.*
- (b) *To provide for lifestyle choice in and around the townsites with a range of residential densities.*
- (c) *To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.*

4.2.2 Town Centre Zone

- (a) *To ensure the town centre remains the principal place for business and administration within the District.*
- (b) *To encourage a high standard of development including buildings, landscaping and car parking.*

4.2.3 Rural Townsite Zone

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

4.2.4 Industrial Zone

- (a) *To encourage industrial development with diverse employment opportunities.*
- (b) *To provide for industry to support development in the District.*

4.2.5 Rural Residential Zone

- (a) *To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.*
- (b) *To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.*

4.2.6 General Agriculture Zone

- (a) *To ensure the continuation of broad-hectare farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities.*
- (b) *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*
- (c) *To allow for facilities for tourists and travellers, and for recreation uses.*

4.2.7 Special Use Zone

- (a) *To provide for special categories of land use which are not fully compatible with other zones in the Scheme.*

4.3. Zoning Table

4.3.1. *The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.*

4.3.2. *The symbols used in the cross reference in the Zoning Table have the following meanings*

—
‘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;

‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;

‘X’ means a use that is not permitted by the Scheme.

4.3.3. *A change in the use of land from one use to another is permitted if —*

(a) the local government has exercised its discretion by granting planning approval;

(b) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

(c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or

(d) the change is to an incidental use that does not change the predominant use of the land.

Note: 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.

2. The local government will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.

3. In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 10.2.

4. The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.

1. Health Act 1911:

2. Health (Bacteriolytic Treatment of Sewage and Disposal of Liquid Wastes) Regulations 1972 as amended.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Not Required

STAFF RECOMMENDATION

That Council exercise its discretionary power under the Town Planning Scheme 4 grant Development Approval for the erection of a transportable dwelling in accordance with the Plans submitted with this application with the following conditions:-

1. The Applicant must lodge a Building Permit with the Shire of Kellerberrin for the Development.
2. The applicant is to provide at the same time as lodging the application for a Building permit an application for permission to install or alter an existing septic system.

COUNCIL RECOMMENDATION

MIN 060/17 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council exercise its discretionary power under the Town Planning Scheme 4 grant Development Approval for the erection of a transportable dwelling in accordance with the Plans submitted with this application with the following conditions: -

- 1. The Applicant must lodge a Building Permit with the Shire of Kellerberrin for the Development.***
- 2. The applicant is to provide at the same time as lodging the application for a Building permit an application for permission to install or alter an existing septic system.***

CARRIED 6/0

6.00 pm - Cr. Leake returned to Council Chambers

6.02 pm – Cr Steber exited Council Chambers

Agenda Reference:	11.2.5
Subject:	Development Application, Location No 28210, Kellerberrin – Telstra Tower
Location:	Location No 28210, Kellerberrin
Applicant:	Telstra & Department of Agriculture and Food
File Ref:	TPLAN09.1, Ass 1746
Disclosure of Interest:	N/A
Records Reference:	IPA1730
Date:	10 th April 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

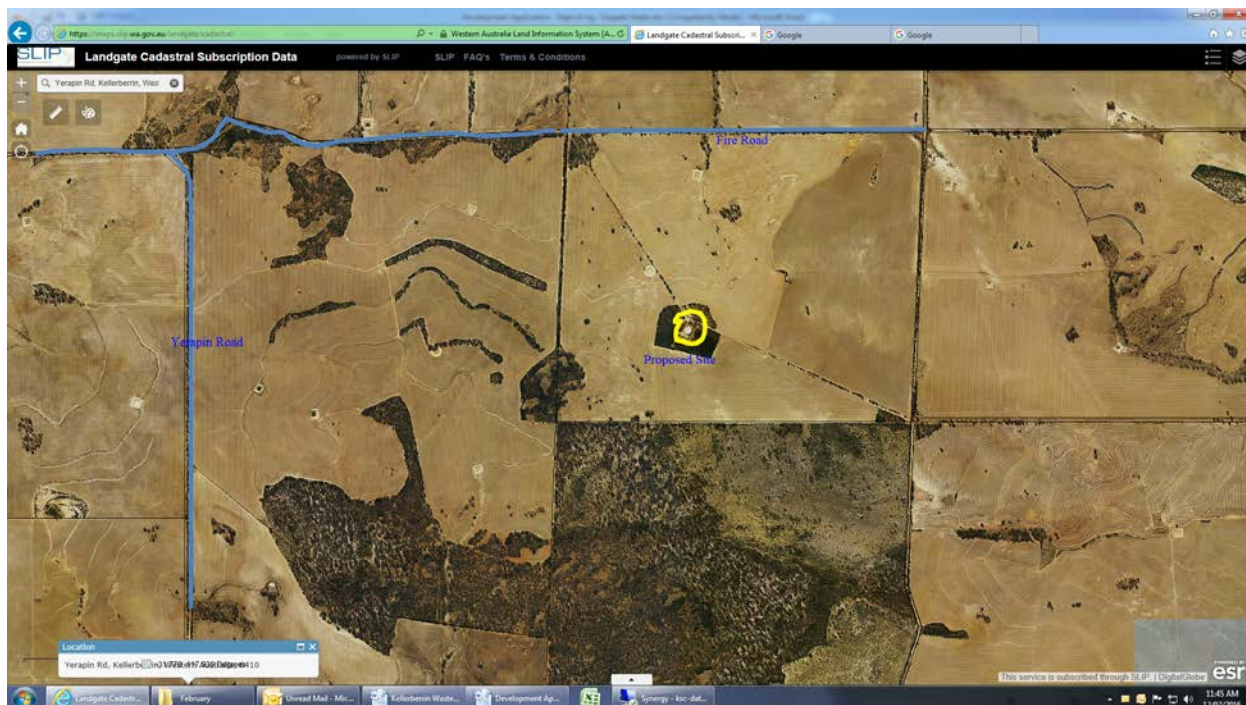
Council in February where contacted from Telstra regarding a radio connection for the Bureau of Meteorology and the Development Application and Building Permit requirements of Council.

Since this time the Department of Agriculture have also contacted Council regarding the proposal and what we require to progress the Development Application.

The proposal is to install the following:

- Telstra tower being 22.5m in height
- Two small dishes at 17m & 20.5m

to be located within the BOM equipment Shelter as per below diagram.



The Development application is to approve a new tower with dish antennas.

COMMENT

Council in reviewing the Development Application against Council Town Planning Scheme 4

4.3. Zoning Table

- 4.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross

reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings —

- ‘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;
- ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
- ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- ‘X’ means a use that is not permitted by the Scheme.

4.3.3. A change in the use of land from one use to another is permitted if —

- (a) the local government has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

- Note:
- 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
 - 2. The local government will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
 - 3. In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 10.2.
 - 4. The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme.

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	X	D	X
Home business	D	D	X	D	D	D
Home occupation	D	D	X	D	D	D
Home office	P	D	X	D	D	P
Home store	A	D	X	A	D	A
Multiple Dwelling	D	X	X	X	X	X
Park home park	X	A	X	X	A	X
Residential building	A	X	X	X	A	X
Rural home business	X	X	X	D	X	D
Single Dwelling	P	A	X	P	P	P
Transportable Dwelling	D	A	X	D	D	D
TOURIST AND ENTERTAINMENT						
Amusement parlour	X	D	A	X	D	X
Bed and breakfast	A	D	X	D	D	D
Caravan park	X	X	X	X	D	X
Hotel	X	P	X	X	A	X
Motel	X	D	X	X	A	X
Tavern	X	P	X	X	A	X
COMMERCE						
Betting agency	X	P	X	X	A	X
Cinema/theatre	X	P	X	X	A	X
Consulting rooms	X	D	X	X	A	X
Convenience store	A	P	X	X	A	X
Fast food outlet	X	D	X	X	A	X
Lunch bar	X	P	P	X	A	X
Market	X	D	D	X	A	X
Medical centre	X	D	X	X	A	X
Motor vehicle wash	X	D	P	X	A	X
Motor vehicle, boat or caravan sales	X	P	D	X	A	X
Nightclub	X	D	X	X	A	X
Office	X	P	X	X	A	X
Reception centre	X	P	X	X	A	X
Restaurant	X	P	X	A	A	X
Restricted premises	X	D	X	X	A	X
Service station	X	D	P	X	A	X
Shop	X	P	X	X	A	X
Showroom	X	D	P	X	A	X
Trade display	X	D	P	X	A	X
OTHER						
Corrective institution	X	X	X	X	X	X
Essential service utility	D	D	D	D	D	D
Funeral parlour	X	A	P	X	A	X
Telecommunications infrastructure	D	D	P	D	A	D
Veterinary centre	X	A	P	A	A	A
INDUSTRY						

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
Fuel depot	X	X	A	X	X	X
Industry	X	X	P	X	X	X
Industry - cottage	A	D	P	A	D	A
Industry - extractive	X	X	X	D	X	X
Industry - general	X	X	D	X	X	X
Industry - light	X	X	P	X	A	X
Industry – Mining	X	X	X	D	X	X
Industry - rural	X	X	P	D	A	A
Industry - service	X	D	P	X	A	X
Motor vehicle repair	X	D	P	X	A	X
Storage	X	D	P	D	A	X
Warehouse	X	D	P	X	A	X
CIVIC AND COMMUNITY						
Child care premises	A	A	X	X	A	X
Civic use	D	D	D	X	A	X
Club premises	D	P	D	X	A	X
Community purpose	A	P	A	X	A	X
Educational establishment	X	P	A	X	A	X
Exhibition centre	X	D	X	X	A	X
Family day care	D	D	X	A	A	D
Hospital	X	X	X	X	A	X
Place of worship	A	A	X	X	A	X
Recreation - private	D	D	D	D	A	D
RURAL						
Agriculture - extensive	X	X	X	P	X	X
Agriculture - intensive	X	X	X	D	X	X
Agroforestry	X	X	X	A	X	X
Animal establishment	X	X	A	A	A	X
Animal husbandry - intensive	X	X	X	A	X	X
Plantation	X	X	X	D	X	X
Rural pursuit	D	X	X	D	X	D
Winery	X	X	X	D	X	D

4.4. Interpretation of the Zoning Table

- 4.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —
- determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or

- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Currently under the Kellerberrin Town Planning Scheme 4 “Telecommunications infrastructure” is a “D” use in the General Agriculture zone, so approval is definitely required. Therefore Council has discretionary power to grant planning approval.

Council received correspondence from the Department of Agriculture and Food WA regarding a buffer zone for any future developments in the area. A copy of this letter is attached.

Contact was made with the Department regarding this and they have advised this project will not affect the weather radar. Please find attached the email confirming they have no issue.

FINANCIAL IMPLICATIONS

The cost of this Development Application is to be determined on receipt of Council's application form. The Department is waiting on a signature for our application form; however all other documents have been provided. This will be provided on the day.

G/L Number	Description	Budget	Actual	Difference
104369	Planning Fees	\$1,000	\$2,329	\$1,329

The cost of the Building Permit: to be determined on cost of construction.

Payment of the Builders Registration Board Levy of \$40.50.

POLICY IMPLICATIONS - NA

STATUTORY IMPLICATIONS

The subject land is the Shire of Kellerberrin's Town Planning Scheme No 4.

Planning and Development (Local Planning Schemes) Regulations 2015

3.4. Use and development of Local Reserves

3.4.1. A person must not —

- (a) use a Local Reserve; or*
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.*

3.4.2. In determining an application for planning approval the local government is to have due regard to —

- (a) the matters set out in clause 10.2; and*
- b) the ultimate purpose intended for the Reserve.*

3.4.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed provisions for local planning schemes

Part 9 Procedure for dealing with applications for development approval

Part 8 — Applications for development approval

62. Form of application

- (1) An application for development approval must be —
 - (a) made in the form of the “Application for development approval” set out in clause 86(1); and
 - (b) signed by the owner of the land on which the proposed development is to be located; and
 - (c) accompanied by any fee for an application of that type set out in the *Planning and Development Regulations 2009* or prescribed under the *Local Government Act 1995*; and
 - (d) accompanied by the plans and information specified in clause 63.

- (2) For the purposes of subclause (1)(b), a person or body may sign an application for development approval as the owner of freehold land if the person or body is one of the following —
 - (a) a person who is referred to in the definition of **owner** in respect of freehold land in clause 1;
 - (b) a strata company that is authorised by a management statement registered under the *Strata Titles Act 1985* section 5C to make an application for development approval in respect of the land;
 - (c) a person who is authorised under another written law to make an application for development approval in respect of the land;
 - (d) an agent of a person referred to in paragraph (a).

Note: The *Planning and Development Act 2005* section 267A makes provision for the signing of documents by the owner of Crown land.

- (3) An application for development approval for the erection, placement or display of an advertisement must be accompanied by sufficient information to determine the application in the form of the “Additional information for development approval for advertisements” set out in clause 86(2).

Note: The *Interpretation Act 1984* section 74 provides for circumstances in which deviations from a prescribed form do not invalidate the form used.

63. Accompanying material

- (1) An application for development approval must be accompanied by —
 - (a) a plan or plans in a form approved by the local government showing the following —
 - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the subject of the

- application;
 - (iii) the location, height and type of all existing structures and environmental features, including watercourses, wetlands and native vegetation on the site;
 - (iv) the structures and environmental features that are proposed to be removed;
 - (v) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (vi) the existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (vii) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (viii) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
 - (ix) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the open storage or trade display area;
 - (x) the nature and extent of any open space and landscaping proposed for the site;
- and
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building that is intended to be retained; and
 - (c) a report on any specialist studies in respect of the development that the local government requires the applicant to undertake such as site surveys or traffic, heritage, environmental, engineering or urban design studies; and
 - (d) any other plan or information that the local government reasonably requires.
- (2) The local government may waive or vary a requirement set out in subclause (1).
- (3) Where an application relates to a place entered on a heritage list prepared in accordance with this Scheme or within an area designated under this Scheme as a heritage area, the local government may require the application to be accompanied by one or more of the following —
- (a) street elevations drawn as one continuous elevation to a scale not smaller than 1:100 showing the proposed

development and the whole of the existing development on each lot immediately adjoining the land the subject of the application;

- (b) a detailed schedule of all finishes, including materials and colours of the proposed development;
- (c) a description of the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

64. Advertising applications

- (1) An application for development approval must be advertised under this clause if the proposed development —
 - (a) relates to the extension of a non-conforming use; or
 - (b) relates to a use if —
 - (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and
 - (ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;or
 - (c) does not comply with a requirement of this Scheme; or
 - (d) is a development for which the local government requires a heritage assessment to be carried out under clause 11(1); or
 - (e) is of a type that this Scheme requires to be advertised.
- (2) The local government may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(c) if the local government is satisfied that the departure from the requirements of this Scheme is of a minor nature.
- (3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —
 - (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be

made to the local

government by a specified day being a day not less than 14 days from the day on which the notice is published;

- (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (d) by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (4) Notice referred to in subclause (3) must be in the form of the “Notice of public advertisement of planning proposal” set out in clause 86(3) unless the local government specifies otherwise.
- (5) If an application for development approval is advertised under this clause, the local government —
- (a) must make the application and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the application and the material accompanying it on the website of the local government.

65. Subsequent approval of development

The procedures relating to applications for development approval set out in Part 7, Part 9 and this Part apply, with any modifications necessary, to an application for development approval for development already commenced or carried out.

Note: The *Planning and Development Act 2005* section 164 sets out the effect of approval for development already commenced or carried out.

Part 9 — Procedure for dealing with applications for development approval

66. Consultation with other authorities

- (1) When, in the opinion of the local government, an application for development approval may affect any other statutory, public or planning authority, the local government is to provide a copy of the application to the authority for objections and recommendations.
- (2) If an application for development approval relates to proposed development on land that is reserved under this Scheme for a public purpose and vested in a public authority, the local government must provide a copy of the application to that authority for objections and recommendations before making a decision on the application.
- (3) A statutory, public or planning authority receiving a copy of an application may, within 42 days of receiving the application or within such longer period as the local government allows, provide to the local government a memorandum in writing containing any objections to, or recommendations in respect of the whole or part of the proposed development.
- (4) If a statutory, public or planning authority does not provide a memorandum within the time allowed under subclause (3), the local government may determine that the authority is to be taken to have no objections or recommendations to make.

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;

- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development; (ii) the character of the locality;
 - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services; (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;

(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;

(w) the history of the site where the development is to be located;

(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

(y) any submissions received on the application;

(za) the comments or submissions received from any authority consulted under clause 66;

(zb) any other planning consideration the local government considers appropriate.

68. Determination of applications

- (1) The local government must not determine an application for development approval until the later of —
 - (a) if the application is advertised under clause 64 — the end of each period for making submissions to the local government specified in a notice referred to in clause 64(3); and
 - (b) if a copy of the application has been provided to a statutory, public or planning authority under clause 66 — the end of each period for providing a memorandum to the local government referred to in clause 66(3).
- (2) The local government may determine an application for development approval by —
 - (a) granting development approval without conditions; or
 - (b) granting development approval with conditions; or
 - (c) refusing to grant development approval.

69. Application not to be refused if development contribution plan not in place

- (1) The local government must not refuse an application for development approval only because there is not a development contribution plan in place in relation to the development.
- (2) The local government must not grant development approval subject to a condition that future contributions to the provision of infrastructure related to the development may be required under a development contribution plan that is not in place at the time the application is determined.

70. Form and date of determination

- (1) As soon as practicable after determining an application for development approval, the local government must give the applicant

written notice of the determination in the form of the “Notice of determination on application for development approval” set out in clause 86(4).

- (2) The determination has effect on the day on which the notice of determination is given to the applicant.

71. Commencement of development under development approval

If development approval is granted under clause 68 —

- (a) the development must be substantially commenced —
- (i) if no period is specified in the approval — within the period of 2 years commencing on the date on which the determination is made; or
 - (ii) if a period is specified in the approval — within that period; or
 - (iii) in either case — within a longer period approved by the local government on an application made under clause 77(1)(a);
- and
- (b) the approval lapses if the development has not substantially commenced within the period determined under paragraph (a).

STRATEGIC PLAN IMPLICATIONS:

Strategic Priority 1.3

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

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

Strategic Priority 2.1

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

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

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

COMMUNITY CONSULTATION

Chief Executive Officer

Manager Development Services

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council exercises its discretionary power under the Town Planning Scheme 4 to grant Development Approval for the erection of Telstra tower , located at Lot 28210 on Diagram 29127, Daadenning Creek in accordance with the Plans submitted with this application with the following conditions:-

- 1. The Applicant must lodge a Building Permit with the Shire of Kellerberrin for the Development.*

BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 061/17 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council exercises its discretionary power under the Town Planning Scheme 4 to grant Development Approval for the erection of Telstra tower , located at Lot 28210 on Diagram 29127, Daadenning Creek in accordance with the Plans submitted with this application with the following conditions:-

- 1. The Applicant must lodge a Building Permit with the Shire of Kellerberrin for the Development.***

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

6.05 pm – Cr. Steber returned to Council Chambers

Agenda Reference:	11.2.6
Subject:	Oversize Shed / Outbuilding
Location:	Lot 72, 73 Forrest David Court, Kellerberrin.
Applicant:	Mr David Morrell
File Ref:	A527
Recorded Ref:	
Disclosure of Interest:	Nil
Date:	11 th April 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's Ordinary Council Meeting in 2002

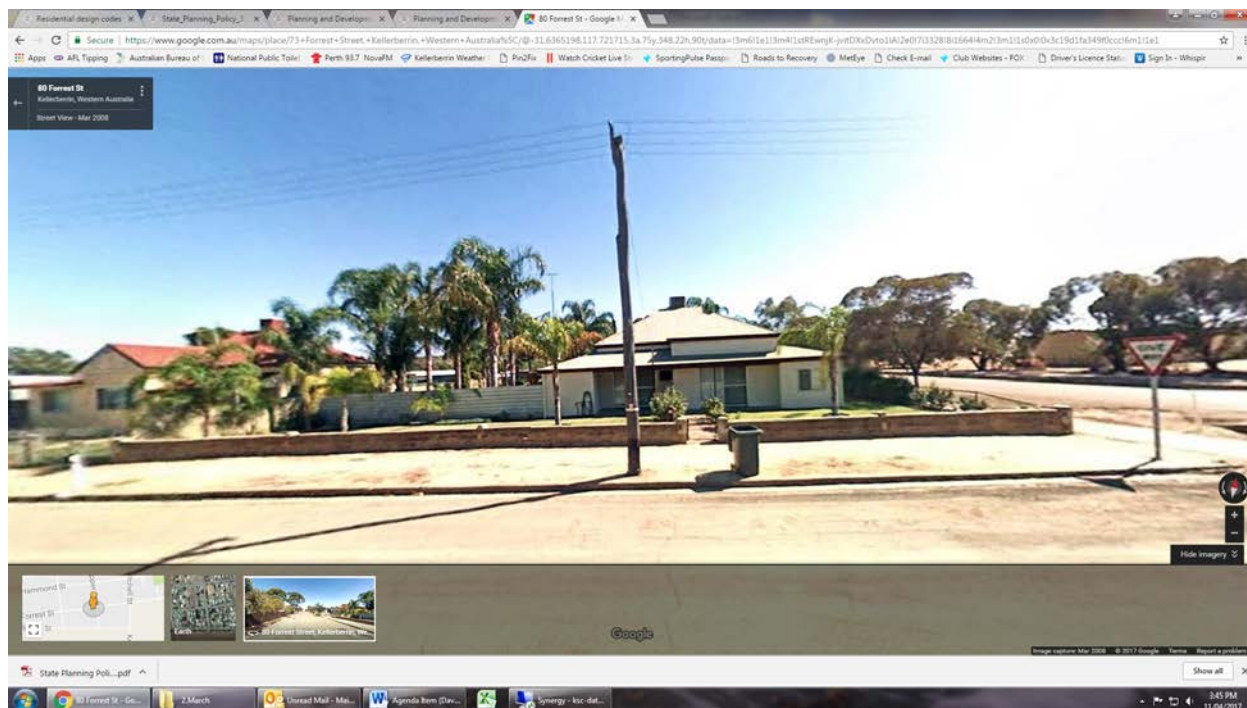
MIN 2831/02 MOTION – Moved Cr. McDonnell 2nd Cr. Nagel

Council approve the combined outbuilding size on Lot 72, 73 Forrest Street, Kellerberrin to exceed 80m² and the new shed to meet the requirements of the Building Code of Australia.

CARRIED 6/0

An application has been presented to Council from Mr. David Morrell to extend onto his existing approved abovementioned oversize SHED at 73 Forrest Street, Kellerberrin.

The proposed shed is 15.25m x 5.3m (80.83m²) as a skillion roof structure off the existing oversized shed.





COMMENT

PLANNING ASSESSMENT

The subject lot is zoned Residential (R10/R40) under Local Planning Scheme 4, the objecties of which are:

4.2.1 Residential Zone

(d) To retain the single dwelling as the predominant form of residential development in the Shire's townsites.

(e) To provide for lifestyle choice in and around the townsites with a range of residential densities.

(f) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

Part 5 — General development requirements

5.2. Residential Design Codes

Clause 5.2.2 states:

Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

Therefore for the application needs to comply with the R-Codes.

Table 2a: Boundary setbacks - Walls with no major openings

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.7	1.7	1.8
4.5	1.1	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.7	1.7	1.7	1.7	1.8	2.0
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8

Take the nearest higher value for all intermediate **height** and length values.

* Possible nil **setback** in accordance with clause 5.1.3.

Table 2b: Boundary setbacks - Walls with major openings

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	5.1	5.7
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	4.0	4.2	4.5	4.7	4.9	5.7	6.3
6.5	3.0	3.2	3.4	3.6	3.8	4.0	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	5.2	5.5	6.4	7.0
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3
8.0	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	7.0	7.7
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	6.1	6.3	7.3	8.0
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	6.0	6.2	6.4	6.6	6.9	8.0	8.7
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0

Take the nearest higher value for all intermediate **height** and length values.

Compliance with the R-Codes

SETBACKS

Please find above the table for the relevant setbacks indicating what is permitted, as noticed in the table the Shed will be classified under Table 2b and with the wall height classification of 3.3m and Length 16m the setbacks need to be 1.5m.

As illustrated in the diagram (Appendix 4) provided by Mr Ball the setbacks have been allowed for 11.2m from the Western Boundary fence therefore the proposal is complies with the R-Codes

Residential Design Codes – State Planning Policy 3.1

Design principles	Deemed-to-comply
Development demonstrates compliance with the following design principles (P)	Development satisfies the following deemed-to-comply requirements (C)
5.4.3 Outbuildings P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	C3 Outbuildings that: <ol style="list-style-type: none"> are not attached to a dwelling; are non-habitable; collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; do not exceed a wall height of 2.4m; do not exceed ridge height of 4.2m; are not within the primary or secondary street setback area; do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b.
5.4.4 External fixtures P4.1 Solar collectors , aerials, antennas, satellite dishes, pipes and external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties.	C4.1 Solar collectors installed on the roof or other parts of buildings . C4.2 Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes. C4.3 Other external fixtures provided they are: <ol style="list-style-type: none"> not visible from the primary street; are designed to integrate with the building; or are located so as not to be visually obtrusive. C4.4 Antennas, satellite dishes and the like not visible from any primary and secondary street .

The application needs to comply with the Design Principles of the code as illustrated above which then has the Deemed-to-comply table. The proposal in this case complies with the following items:

Items i, ii, v, vi, vii, viii

However the proposed Outbuilding does not comply with the following Deemed-to-comply rules:

iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;

The area of the proposed shed is 80.825m² plus the original Outbuildings as per the following:

Existing Structures

House: 14.2 x 16.3 = 231.46m²

Shed: 9.2 x 15.25 = 140.3m²

Granny Flat: 6.3 x 4.5 = 28.35m²

Wood Shed: 2.1 x 3 = 6.3m²

Existing Structures Total m² = 406.41m²

Existing Structures and Proposed Structures = Combines Site Coverage: 487.235m²

OPEN SPACE CALCULATIONS: (As per the R-Codes)

Lot Area 2,023m² x 60% = 1,213.8m² minimum open space required.

Maximum permitted building site coverage: 2,023m² – 1,213.8m² = 809.2m²

Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ◆	4 Minimum lot area/rear battleaxe (m ²) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street ●	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*/6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*/6
	Multiple dwelling	1000	-	-	60	-	7.5	3	*/6
R12.5	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	*/6
	Multiple dwelling	800	-	-	55	-	7.5	2	*/6

OUTCOME OF SITE COVERAGE CALCULATIONS:

Maximum permitted building site coverage: 2,023m² – 1,213.80 = **809.2m²**

Existing and Proposed Structures Combined Site Coverage: **487.235m²**

Remaining Permissible Site Coverage: 809.2m² – 487.235m² = **321.965m²**

Therefore the area of the total buildings etc on the lot comply with the total area and ensuring that there is sufficient area for open space.

it is the opinion of the officers that this shed won't look out of place nor take up all or majority of the land parcel.

iv. do not exceed a wall height of 2.4m;

The proposed shed has a wall height of 3.3m though should Council approve the oversized shed application as the shed is an extension off the current approved oversized shed as a skillion roof. The Shed only extends an additional 5.3m from the existing shed towards the boundary, however it still has a setback of 11.2m providing a good clearance from the neighbours.

ADVICE NOTES

Should Council approve this application, the following advice note will be included in the Development Approval:

- ii. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the *Building Regulations 2012* which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.
- iii. In Accordance with Clause 4.1.3 of the R-Codes the proposal won't adversely impact the adjoining residential property or the street, it is not necessary to seek comment from adjoining owners and occupiers about the proposal.

Council however did contact the neighbor to the West of Mr Dave Morrell and they have advised they have no concerns with the proposal.

FINANCIAL IMPLICATIONS

The cost of this Development Application is \$147.00.
The cost of the Building Permit: to be determined on cost of construction.
Payment of the Builders Services Levy of \$61.65

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

The provisions of the Residential Design Codes and the Building Regulations 2012 are applicable.

Residential Design Codes – State Planning Policy 3.1

2.4 Judging merit of proposals Where a proposal does not meet deemed-to comply provision(s) of the R-Codes and addresses design principle(s), the decision-maker is required to exercise judgment to determine the proposal. Judgment of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

2.5 Exercise of judgment

2.5.1 Subject to clauses 2.5.2 and 2.5.3, the decision-maker is to exercise its judgment to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes. The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).

- 2.5.2 In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgment, having regard to the following: (a) any relevant purpose, objectives and provisions of the scheme; (b) any relevant objectives and provisions of the R-Codes; (c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and (d) orderly and proper planning.
- 2.5.3 The decision-maker shall not vary the minimum or average site area per dwelling requirements set out in Table 1 (except as provided in the R-Codes or the scheme).
- 2.5.4 The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes and the relevant provisions of the scheme and any relevant local planning policy.
- 2.5.5 For the purpose of the R-Codes, a local structure plan, local development plan or local planning policy, will only be a relevant consideration in the exercise of judgment where it is: (a) specifically sanctioned by a provision of the R-Codes; (b) consistent with the design principles of the R-Codes; and (c) consistent with the objectives of the R-Codes.

4.1 Consultation requirement

- 4.1.1 Where a development proposal is deemed-to comply, it will not require advertising to adjoining owners and occupiers.
- 4.1.2 Where an application is made for planning approval, or other approval process as used by the decision-maker, which presents: (a) a proposal against one or more design principles of the R-Codes; and (b) a possible impact on the amenity of adjoining owners and occupiers; then there may be grounds for the decision-maker to advertise the proposal to these owners and occupiers.
- 4.1.3 Where the decision-maker is to judge the merits of a proposal and: (a) the merits of the proposal are a matter of technical opinion; and (b) the decision-maker is satisfied it will not adversely impact the adjoining residential property or the street, it is not necessary to seek comment from adjoining owners and occupiers about the proposal, except where specifically required by the scheme or relevant local planning policy.
- 4.1.4 The provisions of clauses 4.2 and 4.3 apply to provide for adjoining owners and occupiers, who in the opinion of the decision-maker are likely to be affected, to view and comment on the proposal.
- 4.1.5 Where a matter is advertised for comment the notification should direct adjoining owners and occupiers to focus their comments to the particular design principle(s) that the proposal is addressing.
- 4.1.6 The decision-maker, upon receipt of any comment(s) from adjoining owners and occupiers, is required to consider and balance comment(s) with its technical opinion when it exercises its judgement to determine the proposal.

4.2 Consultation procedure

- 4.2.1 In the circumstances prescribed in clause 4.1, any owner and occupier of adjoining properties, as identified by the decision-maker, shall be notified of the:
- a) site and general nature of the proposal(s);
 - b) nature of the proposal involved;
 - c) availability to view details of the proposals; and
 - d) due date by which any comments are to be lodged with the decision-maker, being at least fourteen (14) days after date of posting of notification, or as specified within the scheme, and invited to comment

on that part of the proposed development that does not meet the deemed-to-comply provisions of the R-Codes.

4.2.2 Where no response is received within the time specified from the date of notification, the decision-maker may determine the proposal on its merits and issue its decision.

4.2.3 Where a notification has been satisfactorily carried out (in the opinion of the decision-maker) by the proponent, and comments are provided which accompany the proposal, the decision-maker may consider and determine the proposal without further notification.

The decision-maker shall be satisfied the information provided and comments tendered are accurate and verified subject to the notification of the information in clause 4.2.1 and proof of posting by registered post provided to the decision-maker.

4.2.4 Where the decision-maker considers a proposal to be unacceptable it may determine to refuse the proposal without undertaking neighbor consultation.

4.3 Opportunity to respond

4.3.1 A summary of all comments received in response to an invitation under clause 4.2 shall be provided to the proponent on request and, if so requested, a period of not more than 10 days should be allowed within which the proponent may submit a response to the comments prior to the decision-maker considering the proposal. In making a determination, the decision-maker shall consider the comments made and the proponent's response to the comments made on the proposal.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

There is a requirement for community consultation.

Manager Development Services

Chief Executive Officer

WA Planning Commission

STAFF RECOMMENDATION

That Council

1. *Provide conditional approval for the proposed construction of a shed that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:*
 - a. *427.24m² for collective outbuildings, with the R-Code specification being 60m²*
 - b. *900mm for wall height, with the R-Code specification of 2.4m*

GENERAL CONDITIONS:

- i. *Consultation with the Neighbours is not required as per Clause 4.1.3 as it is the opinion of Council that this proposal will not adversely affect the neighbour or the Street.*
- ii. *The proposed shed be in colour schemes to suit the current dwelling or fencing to ensure the outbuildings fit aesthetically with the area.*

- iii. *Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.*
- iv. *The development hereby permitted must substantially commence within two years from the date of this determination notice.*
- v. *The development hereby permitted taking place in accordance with the plans dated 10th April 2017*
- vi. *Use of the building shall be for domestic purposes only.*
- vii. *The outbuilding shall not be used for human habitation at any given time.*

COUNCIL RECOMMENDATION

MIN 062/17 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council

- 1. Provide conditional approval for the proposed construction of a shed that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:***
 - a. 427.24m² for collective outbuildings, with the R-Code specification being 60m²***
 - b. 900mm for wall height, with the R-Code specification of 2.4m***

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- iv. The development hereby permitted must substantially commence within two years from the date of this determination notice.***
- v. The development hereby permitted taking place in accordance with the plans dated 10th April 2017***
- vi. Use of the building shall be for domestic purposes only.***

The outbuilding shall not be used for human habitation at any given time.

CARRIED 7/0

CLOSURE OF MEETING

The President thanked all members for the attendance and closed the meeting at 6.20pm.

NEXT MEETING DATES

Tuesday, 16th May 2017, Shire of Kellerberrin - Ordinary Council Meeting