

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 15th August 2017, commencing at 2:03 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.03 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 (Exited 4.37pm)
Mrs Natasha Giles	Personal Assistant (Exited at 2.50pm)

Apologies:

Nil

Leave of Absence:

Mr Garry Tucker Manager Development Services

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

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

6. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **15th August, 2017**.

Date	Name	Item No.	Reason
15 th August 2017	Mr Mick Jones	11.2.2	Owner of the property and applicant.

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 **15th August, 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 **15th August, 2017**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 26th July 2017

COUNCIL RECOMMENDATION

MIN 132/17 MOTION: Moved Cr. White 2nd Cr. O'Neill

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 26th July 2017, be confirmed as a true and accurate record

CARRIED 7/0

7.2 Shire of Kellerberrin Special Council Meeting Minutes, 31st July, 2017

COUNCIL RECOMMENDATION

MIN 133/17 MOTION: Moved Cr. Leake 2nd Cr. Steber

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Monday 31st July 2017, be confirmed as a true and accurate record

CARRIED 7/0

7.3 Shire of Kellerberrin Special Council Meeting Minutes, 3rd August, 2017

COUNCIL RECOMMENDATION

MIN 134/17 MOTION: Moved Cr. Leake 2nd Cr. O'Neill

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Thursday 3rd August 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:

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 135/17 MOTION: Moved Cr. Leake 2nd Cr. White

That the President's and Councillors Reports for August 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:	8 th August, 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.

July 2017 Council Meeting

MIN 111/17 MOTION - Moved Cr. Leake 2nd Cr. Steber

That Council note that the school is considering installing a cultural pathway and yarning circle and is looking to see if there is any funding to install a similar area between the new park and the Sydney Harbour Bridge.

CARRIED 7/0

June 2017 Council Meeting

MIN 085/17 MOTION - Moved Cr. White 2nd Cr. Leake

That Council;

- ***Approves the Doodlakine Community Committee's Community Budget request for \$2,000 for roadside clean-up.***
- ***Approves the installation of a plaque in Centenary Park thanking those who donated rocks for the construction of the park upgrade.***
- ***Approves the installation of a new phone system at the Kellerberrin doctors' surgery as per quotation.***

CARRIED 7/0

May 2017 Council Meeting

MIN 065/17 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council;

- ***Endorses the actions of the CEO in relation to a donation to the Scott family;***
- ***Provides contact information regarding WANDRRA funding/relief for those affected by the declared flood event 23rd April 2017;***
- ***Approves the rental of 2/29 Leake Street for the Kellerberrin Districts Club Managers residence in a Shire property at employee rates.***

CARRIED 7/0

July 2017 - MIN 111/17

1. Council notes that the school is considering installing a cultural pathway and yarning circle and is looking to see if there is any funding to install a similar area between the new park and the Sydney Harbour Bridge.

1. CEO advised the Doodlakine Community Committee that Council approves there Community Budget Submission request for \$2,000 for roadside clean-up.
2. Council will arrange the installation of a plaque in Centenary Park thanking those who donated rocks for the construction of the park upgrade.
3. CEO will advise the Doctor's Surgery that Council approves the installation of a new phone system as per quotation.

1. Noted
2. Contact information regarding WANDRRA funding/relief was made available for all those affected by the declared flood event 23rd April 2017
3. The Shire advised the Kellerberrin Districts Club that Council approves the rental of 2/29 Leake Street for the Kellerberrin Districts Club Managers residence in a Shire property at employee rates.

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.

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 any requests or ideas to be actioned.

COUNCIL RECOMMENDATION

MIN 136/17 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council note;

- 1. That the CEO has contacted the Main Roads Department of WA and officially reported the poor state of the Great Eastern Highway;***
- 2. Some regional caravan parks offer incentives for visitors to use at local businesses. The Shire of Kellerberrin is liaising with local businesses to consider offering visitors discounts to use local services;***
- 3. Request for road repairs on Old Yelbeni Road where the bitumen has been removed near drain;***
- 4. An inspection to take place for Grading on Beresford Road as it has been reported again, even after works have been completed, it doesn't seem to have been effective from the reports received to Councillors.***

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:	8 th July, 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 137/17 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council receives the Status Report.

CARRIED 7/0

Agenda Reference:	11.1.3
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	Via Teleconference
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	8 th August, 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) Executive held on Wednesday 5th July 2017 via teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive 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 CEACA Executive Council Meeting Minutes held on Wednesday 5th July 2017 held via teleconference.

The intent is to list minutes of each Executive 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 5th July, 2017 CEACA Executive Council Meeting summarised hereunder,

Nil resolutions where recorded in the Minutes.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 5th July 2017.

COUNCIL RECOMMENDATION

MIN 138/17 MOTION - Moved Cr. McNeil 2nd Cr. White

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 5th July 2017.

CARRIED 7/0

Agenda Reference:	11.1.4
Subject:	CEACA Executive Special Council Meeting Minutes and Resolutions
Location:	Via Teleconference
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	8 th August, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 6th July 2017 via teleconference are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive 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 Special CEACA Executive Council Meeting Minutes held on Thursday 6th July 2017 held via teleconference.

The intent is to list minutes of each Executive 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 6th July, 2017 Special CEACA Executive Council Meeting summarised hereunder,

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Rachel Kirby**

That the CEACA Executive Committee endorses the actions agreed to at the CEACA Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 5 July 2017.

CARRIED

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Raymond Griffiths**

That:

1. **The CEACA Executive Committee confirms its advice to the Shire of Merredin that it agrees with Access Housing Australia being awarded the contract for program management services as per Tender T2017122; and**
2. **The CEACA Executive Officer advise all CEACA Members of the decision to award the contract for program management services as per Tender T2017122 to Access Housing Australia.**

CARRIED

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Rachel Kirby**

That:

1. **The CEACA Executive Committee confirms its advice to the Shire of Merredin that it agrees with WALGA eQuote VP75802 – Client Architect and Superintendent Representative Services – Proposed Seniors Housing Development Central East Wheatbelt; and**

2. The CEACA Executive Officer advise all CEACA Members of the decision to award the contract for WALGA eQuote VP75802 – Client Architect and Superintendent Representative Services – Proposed Seniors Housing Development Central East Wheatbelt to Edgefield Projects.

CARRIED

RESOLUTION: **Moved:** Gary Shadbolt **Seconded:** Rachel Kirby

That the CEACA Executive Committee recommend to the working party established to review the CEACA constitution that Kott Gunning be engaged to review CEACA's current constitution, preparing a draft constitution for consideration by the working party when it meets on Thursday 3 August 2017.

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 Executive Member Councils
Staff Information re Minutes and Agendas of CEACA

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 6th July 2017.

COUNCIL RECOMMENDATION

MIN 139/17 MOTION - Moved Cr. McNeill 2nd Cr. White

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 6th July 2017.

CARRIED 7/0

Agenda Reference:	11.1.5
Subject:	WE-ROC Council Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Merredin
Applicant:	WE-ROC Council
File Ref:	ORG-10
Disclosure of Interest:	Nil
Date:	8 th July 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 28th June, 2017 held at the Council Chambers, Shire of Merredin 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 28th June, 2017 held at the Council Chambers, Shire of Merredin.

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 28th June, 2017 WE-ROC Council Meeting summarised hereunder,

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

That the Minutes of the Council Meeting held Monday 15 May 2017 be confirmed as a true and correct record, subject to deleting Mr Brian Jones as being in attendance.

CARRIED

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

That the Minutes of the Executive Meeting held Wednesday 24 May 2017 be received.

CARRIED

EN BLOC RESOLUTION: **Moved: Cr Forsyth** **Seconded: Cr Truran**

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

CARRIED

EN BLOC RESOLUTION: **Moved: Cr Forsyth** **Seconded: Cr Truran**

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

CARRIED

RESOLUTION: **Moved: Mr Criddle** **Seconded: Mr Griffiths**
That the WE-ROC Financial Report for the period ending 30 April 2017 be received.
CARRIED

RESOLUTION: **Moved: Cr Truran** **Seconded: Mr Criddle**
That the Accounts Paid for the period 22 April 2017 to 16 June 2017 totalling \$13,322.20 be approved.
CARRIED

RESOLUTION: **Moved: Cr Hooper** **Seconded: Cr Forsyth**
That the report be noted.
CARRIED

RESOLUTION: **Moved: Cr Truran** **Seconded: Cr Forsyth**
That the Executive Officer hourly rate be set at \$70.70 for the 12 month period to 30 June 2018.
CARRIED

RESOLUTION: **Moved: Mr Griffiths** **Seconded: Mr Mollenoyux**
That the signing of the Central Wheatbelt Visitor Centre Visitor Servicing Memorandum of Understanding be noted.
CARRIED

RESOLUTION: **Moved: Mr Criddle** **Seconded: Cr Truran**
That WE-ROC note the:
1. Draft Minutes from the meeting of the Wheatbelt Medical Students Immersion Program Steering Group held Thursday 13 April 2017; and
2. Signing of the Letter of Agreement for the Wheatbelt Medical Student Immersion Program by the WE-ROC Chair, Cr Day.
CARRIED

RESOLUTION: **Moved: Mr Criddle** **Seconded: Cr Forsyth**
1. That WE-ROC accept the proposal and costing to complete work associated with the development of the WE-ROC App, with the funds totalling \$25,126 excl GST to be paid from its Consultancy and Project Reserve. The funds allowing for the completion of the development of the WEROCK app, WEROCK website and its associated booking platform will be made available subject to the following conditions:
a) That go2Guides provide definitive costings associated with:
▪ Annual Maintenance (Stage 2);
▪ Annual Domain Hosting (Stage 2);
▪ Booking Platform (Stage 3); and
▪ Membership/Access to the Australian Tourism Data Warehouse (Stage 3).
b) That go2Guides confirm maintenance fees associated with Stages 1 and 2 of the costing presented by the Shire of Merredin will not be applied until both Stages 1 and 2 are completed and fully operational.
c) Clarification on the figures provided in the agenda.
2. That WE-ROC review the take up of the WEROCK App and its financial performance after it has been fully operational for six months.
CARRIED

RESOLUTION: **Moved: Cr Hooper** **Seconded: Cr Truran**

That the WE-ROC Council adopt the amended Memorandum of Understanding for the 2017/2018 year, subject to the inclusion of the following addition to clause 7.5 – Election to Participate in Project:

For the purposes of this clause a Participant can also include any other local government that is not a member of WE-ROC that may wish to participate in a specific project. Such participation will be on the invitation of WE-ROC on a project by project basis with arrangements for the costs associated with the project being mutually agreed between the parties.

CARRIED

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

That WE-ROC Council:

1. Consider developing an advocacy role separate and distinct from that currently provided by WALGA to progress issues affecting the WE-ROC Member Councils;
2. Write to each WE-ROC Member Council seeking their opinion as to whether it would be happy, whilst still remaining a member of WALGA, to withdraw from attending meetings of the Great Eastern Country Zone and allow the WE-ROC Council to review the WALGA State Council Agenda on behalf of WE-ROC Member Councils;
3. Continue to meet as at present, however the WE-ROC Executive meet on an as needs basis; and
4. Consider whether it wishes to increase its membership.

CARRIED

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

That WE-ROC prepare a formal submission to the Productivity Commission as part of its study into its study “Transitioning Regional Economies”.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE 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 28th June, 2017.

COUNCIL RECOMMENDATION

MIN 140/17 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 28th June, 2017.

CARRIED 7/0

Agenda Reference:	11.1.6
Subject:	Group Dwelling Application – 14 Independent Living Units
Location:	49-53 Hammond Street, Kellerberrin
Applicant:	Central East Aged Care Alliance
File Ref:	IPA1733, Ass 480 & Ass 481
Disclosure of Interest:	Nil
Date:	9 th August 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's June 2017 Ordinary Meeting of Council – 20th June 2017

MIN 099/17 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council agrees to donate the Council received Building Permit Fees associated with the CEACA Aged Care Independent Living Units construction to CEACA subject to all other CEACA Council members agreeing to the same undertaking.

CARRIED 7/0

Central East Care Alliance Committee Meeting – 7th June 2017

RESOLUTION: *Moved: Ken Hooper Seconded: Gary Shadbolt*
That CEACA requests Member Councils not to include the revenue from building fees associated with the CEACA Seniors Housing Project in their 2017/2018 budgets, with all Member Councils refunding the cost of lodging its building applications by way of a donation for the amount involved to the Shire of Merredin for transfer back to the CEACA account.

CARRIED

Council's May Ordinary Meeting of Council – 16th May 2017

MIN 078/17 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council provides conditional approval for the proposed construction of fourteen (14) independent living units located at 49-53 Hammond Street including internals road infrastructure, paths and landscaping:

GENERAL CONDITIONS:

- 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.***
- ii. The development hereby permitted must substantially commence within two years from the date of this determination notice.***
- iii. The development hereby permitted taking place in accordance with the plans dated 10th May 2017.***

CARRIED 7/0

CEACA in preparing the Development Applications to Council didn't consider the Planning Fees and the payment thereof. It was though however never finalised or adopted that each Council would charge the fee and provide a donation back to CEACA for the fees to enable those funds to be spent on the project.

However there was some backlash in regards to the funds not staying with Council's, therefore a special Executive Committee meeting followed by a Committee meeting was held where this was adopted that all Council's receive the planning fees as Income and no donation was expected.

COMMENT

All Eleven Councils put this item to their respective Council's May Ordinary meetings with ten (10) Council's adopting the same as Kellerberrin agreeing to donate subject to all other Council's with the Shire of Trayning advising they wish to retain the income.

At the last Executive meeting this item was discussed and the proposed expenditure of the CEACA project is to be utilized from each budget, therefore for income to be received by Council we are effectively reducing the overall amount that could either finish or add to the project therefore it is suggested to rescind the motion and donate the building fees regardless.

Council has been made aware of a few other Councils undertaking the same process.

Please note the table below issued to Council by Access Housing as a guide for construction costs.

Site Address	Construction Value	Building Fees (Certified)
BRUCE ROCK		
Lots 26, 27 & 28 Butcher Street	\$1,732,828.54	\$4,410.00
Lots 56 and 57 Butcher Street	\$488,879.26	
KELLERBERRIN		
Lot 19 & 31, No 49-53 Hammond Street	\$3,428,369.45	\$6,513.90
KOORDA		
Lots 119 to 123 Greenham St, Koorda	\$1,199,439.12	\$2,278.93
MERREDIN		
Part Lot 165, No. 22 Coronation Street	\$6,856,738.91	\$13,027.80
MT MARSHALL		
Lot 152, 43 Brown Street Bencubbin	\$495,093.87	\$1,399.21
Lot 40 Rowlands St Beacon	\$241,332.33	
MUKINBUDIN		
200 & 217 Mallee Drive	\$962,753.39	\$1,829.93
NUNGARIN		
Lot 214 , No. 23 & Lot 217, No. 25 Second Ave	\$495,093.87	\$940.68
TRAYNING / KUNUNOPPIN		
158 – 165 Lamond St (adjoining at rear)	\$511,859.30	\$972.53
WESTONIA		
20 Quartz Street	\$495,093.87	\$940.68
WYALKATCHEM		
298 Wilson Street	\$990,187.74	\$1,881.36
YILGARN / SOUTHERN CROSS		
Lot 250-252 & Lot 650 Antares St.	\$495,093.87	\$940.68
TOTAL	\$18,392,763.52	\$35,135.70

FINANCIAL IMPLICATIONS

Council will receive the following Building Fees as Identified above based on the construction figures provided by Access Housing:

- 1. Building Permit Fees \$ 6,513.90
- 2. Building Services Levy \$ 4,696.87
- 3. BCITF \$ 6,856.74

Items two and three as indicated above are statutory therefore will be required to be paid by CEACA and handed over to the relevant state government agencies.

The Council orientated fee in item one is the only item Council is considering donating back to CEACA.

It could be said that there is no cost to Council as the funds will be coming in and then being paid back as a donation however there will be some consulting costs from Council's consulting Building Surveyor.

Being a Certified Application it would be suggested that this would be only a few hours to cross check and sign off on.

Should this be half a day it would come at a cost of \$400 to Council.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer
CEACA Executive
CEACA Committee

STAFF RECOMMENDATION

That Council rescinds MIN 099/17.

STAFF RECOMMENDATION

That Council agrees to donate the Council received Building Permit Fees associated with the CEACA project subject to these funds being allocated for expenditure on the Kellerberrin project.

COUNCIL RECOMMENDATION

MIN 141/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council agrees to donate the Council received Building Permit Fees associated with the CEACA project subject to these funds being allocated for expenditure on the Kellerberrin project.

CARRIED 7/0

Agenda Reference:	11.1.7
Subject:	Sale of Volvo Grader
Location:	Hammond Street (Depot), Kellerberrin
Applicant:	Mr Wayne Smith
File Ref:	
Disclosure of Interest:	Nil
Date:	7 th August 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council through its Plant Replacement Program and the 2017/2018 Budget have allocated funds for the replacement of Council's 2004 Volvo Grader.

Council has owned this machine since new and has done approximately 10,798 hours. Council through its advertising of its plans, received interest from Mr Wayne Smith of Smith Earthmoving regarding the Volvo Grader for expansion of his business.

COMMENT

Mr Smith contacted Council to ascertain if the vehicle was definitely being replaced and if so he would be interested in viewing the machine with the view to purchase should the machine suit his requirements.

Mr Smith inspected the machine and made an offer to Council of \$68,200 Including GST with the following conditions:

This offer is subject to the grader being in the condition it was inspected ie any mishap or breakdown between now and date of purchase (should the offer be accepted) will be remedied by the shire.

Mr Smith also noticed an oil leak as per the following question:

I also noticed an oil leak at the rear of the transmission and have been advised major repairs have been completed to this area. I was wondering if there was any warranty on this which may cover its repair bearing in mind warranty on repairs is not generally transferable when machinery is sold?

In discussion with Dave Fox (Mechanic) he advised that he has had conversations with Mr Smith regarding the leak. Mr Smith has been advised by Dave that he believes it is to do with the Park break that problems have been experienced with.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 Budget – Council has no funds allocated for proceeds on sale of assets for the Grader.

This will be corrected when undertaking the Budget Review as this funds received for the sale of the grader will go towards covering the 42% reduction of Council's Direct Grant.

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

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 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.

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

LONG TERM FINANCIAL PLAN IMPLCATIONS –

Year	Type	Project	Estimated Cost
16/17	Plant	Replace Leased Truck, Trailer, Dolly	\$250,000
16/17	Public Facilities	Centenary Park completion	\$405,190
17/18	Plant	Replace Leased Loader	\$70,000
17/18	Plant	Replace Community bus	\$72,690
18/19	Plant	Replace Grader	\$360,000
18/19	Public Facilities	Swimming Pool Upgrade	\$739,643
19/20	Plant	Replace Bobcat	\$70,000
19/20	Public Facilities	Swimming Pool Upgrade	\$2,036,271
20/21	Public Facilities	Swimming Pool Upgrade	\$274,623
21/22	Public Facilities	Caravan Park upgrade	\$481,919
22/23	Plant	Major upgrades	\$300,000
25/26	Public Facilities	Dam Stage 2	\$392,067
27/28	Plant	Replace Community bus	\$78,424

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Council.

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:

1. *approves the sale of 2004, Volvo Grader by private agreement, to Mr Wayne Smith of Smith Earthmoving, Po Box 35, Doodlakine, WA 6411 for the sum of \$68,200.00 including GST subject to:*
 - a. *the Chief Executive Officer giving local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of Council's 2004, Volvo Grader by private agreement, to Mr Wayne Smith of Smith Earthmoving, Po Box 35, Doodlakine, WA 6411*
 - b. *If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of land documentation.*
 - c. *If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.*
 - d. *No submissions being received and a signed confirmation the machine is purchased in line with the original inspection.*

COUNCIL RECOMMENDATION

MIN 142/17 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council:

1. ***approves the sale of 2004, Volvo Grader by private agreement, to Mr Wayne Smith of Smith Earthmoving, Po Box 35, Doodlakine, WA 6411 for the sum of \$68,200.00 including GST subject to:***
 - a. ***the Chief Executive Officer giving local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of Council's 2004, Volvo Grader by private agreement, to Mr Wayne Smith of Smith Earthmoving, Po Box 35, Doodlakine, WA 6411***
 - b. ***If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of vehicle documentation.***
 - c. ***If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.***
 - d. ***No submissions being received and a signed confirmation the machine is purchased in line with the original inspection.***

CARRIED 7/0
ABSOLUTE MAJORITY

Agenda Reference:	11.1.8
Subject:	Supply & Deliver Articulated Grader
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record Ref:	
Disclosure of Interest:	N/A
Date:	10 th August 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council through its Plant Replacement Program and the 2017/2018 Budget have allocated funds for the replacement of Council's 2004 Volvo Grader for a new Grader

Council through its Budget consideration reviewed the Long Term Financial Plan and confirmed the requirement for a new Articulated Grader.

Council on the 1st August 2017 uploaded into EQuotes a Quotation request for the supply and delivery of Articulated Grader to close on Wednesday 9th August 2017 at 5pm.

Council requested the following to be included as specifications for the machine over and above the standard:

Transmission & Drive:

- Power-shift and Differential lock/unlock
- Six Wheel Drive Machine

Blade:

- 4 foot mould broad

Cab:

- Enclosed Cab with Rollover Protection Structure.
- Air-conditioning/Heating
- Sound System including Bluetooth capabilities
- Operators emergency warning system, Hour metre fitted.
- Window tint to all windows, wiper and washes to front and rear windows
- One 2kg fire extinguisher fitted to inside of cab.
- Canvas seat covers fitted. Slope meter fitted.
- Air Seat
- Joystick control or normal control systems

Communications Equipment:

- UHF TX 3440 complete with aerial – 40 channels
- Shire of Kellerberrin to supply radio 1-3 for grader VHF.
- Please ensure no antennas mounted on roof.

Scarifiers:

- Rear mounted scarifiers (nine shanks). 3 Ripper legs

Tyres:

- Goodyear/Bridgestone 17.5 x R25 multi directional 12ply rating.
- Spare Wheel

Others:

- Tool box fitted to frame, equipped with basic tool kit, tow hitch fitted (front and rear)
- Tyre inflation kit, socket to suit wheel nuts, extension bar and power bar.
- Two flashing amber beacons in protective cage, front and rear cab, roof mounted.
- Workshop Manual and Spare Parts Catalogue to be supplied
- DCT List with Diagnostic Procedure
- Sign writing “Shire of Kellerberrin”, Black lettering.
- Lock to doors, engine covers and tool box to match, Four (4) sets of keys
- Reversing light and alarm.
- Full filter number list

OPTIONS:

- Auto Grease system

The quote has been issued to the following providers that are Preferred Suppliers through the WALGA Panel:

1. CJD Equipment Pty Ltd via Plant Machinery Equipment
2. Hitachi Construction Machinery (Australia) Pty Ltd via Plant Machinery Equipment
3. Komatsu Australia Pty Ltd via Plant Machinery Equipment
4. WesTrac Pty Ltd via Plant Machinery Equipment

COMMENT

Council at the close of the quotation period received quotes from the following suppliers:

1. Hitachi Construction Machinery (Australia) Pty Ltd via Plant Machinery Equipment
2. Komatsu Australia Pty Ltd
3. Westrac Pty Ltd

Council’s Chief Executive Officer Mr Raymond Griffiths, Manager of Works and Services, Mr Mick Jones and Council’s Mechanic Mr Dave Fox have reviewed the quotations and provide the following commentary:

Grader Tender
Quote Evaluation – David Fox

	CAT 12M	Komatsu GD 655.5	John Deere 672 GP
Remote Monitoring	Laptop based (Direct link to Machine Required) Not specified if software is included. May be additional cost. Accesses Diagnostic Data	Web browser/mobile device based. GPS and machine information (see brochure) and Diagnostic Data.	Web/mobile based. GPS and machine information and diagnostic data.
6WD	No	No	Yes
Auto Grease	4kg	Not specified	8kg
Capacity and Cost	\$14,450	\$16,760	\$14,000
Weights (kg)	18,400	18,520	19,360
Blade Pull (kg)	10,810	11,835	19,105
Workshop Manuals	States “Supply Set of	Yes	Yes

	Manuals"		
Parts Manual	Yes (supplied on CD)	No	Yes
Controls	Joystick	Joystick	Dual (Joystick and Steering Wheel)
Mould Board	12'	14'	14'

Parts Availability

CAT

- Normally pretty good for availability
- If not in Western Australian, usually are sent from Eastern States and usually in a timely matter to arrive.
- If part comes from the USA they usually arrive in a timely manner

Komatsu

- Have had no issues so far in dealings with them
- Have not had to purchase much to date

John Deere

- Normally pretty good for availability
- If not in Western Australia, usually are sent from Eastern States and usually in a timely manner to arrive.

Machines Already Owned

- CAT 928G Loader
- Komatsu PC78US-6 Excavator
- John Deere 670D Grader and 6420 SC Tractor Loader

Parts and Service Department

All have been quite good to deal with via the phone for information and help.

Additional Comments

Having two (2) machines of same make, may have interchangeable common use/wear parts, making holding some items on hand more cost effective (ie. wear parts for circle/mouldboards etc).

In a quick review of the machines the only machine that is quoted with six wheel drive is the John Deere Machine. John Deere have provided two quotations for the following machines:

672G – Six Wheel Machine with a steering wheel operation.

672GP – Has the following extras:

- Has the Joy Stick operation with fingertip joystick controls for grader.
- Built-in cross slope meter in dash
- Button for articulation back to straight
- Blade Float
- Ripper Float
- GPS fit-up cheaper as the machine is setup ready for it.

All documentation relating to all three quotations being Photos, Specifications, Costing's etc will be made available at Council meeting again for Council information to assist with the decision making process.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2017/2018 Capital Budget – Grader Purchase

General Ledger	Expenditure/Income	Budget	Actual	Difference
122901	Expenditure	\$410,000	\$0	\$0

POLICY IMPLICATIONS –

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

Purpose

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

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

Policy

Why Do We Need A Purchasing Policy?

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

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

2. ETHICS & INTEGRITY

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

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

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Local Government policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;

DATED: **PRESIDENT SIGNATURE:**

- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Local Government by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

3. VALUE FOR MONEY

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

1. All relevant whole-of-life costs and benefits whole-of-life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
2. The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality.
3. Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
4. A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever particable.

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

4. SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

Local Government is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Local Government’s sustainability objectives.

Practically, sustainable procurement means the Local Government shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;

Products that can be refurbished, reused, recycled, or reclaimed may be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.

5. PURCHASING THRESHOLDS

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

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

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

5.1 Up to \$2,000

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

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

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

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

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

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Local Government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Written notes detailing each verbal quotation must be recorded on Form 2 of the Local Government Purchasing and Tender Guide and attached to the cheque, invoice and order
- Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

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

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

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

NOTES: The general principles relating to written quotations are;

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

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

6. REGULATORY COMPLIANCE

6.1 Tender Exemption

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

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

6.2 Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

6.3 Anti-Avoidance

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

The Chief Executive Officer is responsible for implementing this policy.

STATUTORY IMPLICATIONS

Council in June 2017 updated its Delegated Authority which provides the CEO delegated authority to purchase up to \$100,000. Therefore this purchase is over the delegated authority and requires Council Approval as per the below delegation.

1.2.2	Tenders/Quotation	
Legislative Power:	Local Govt Act 1995 (Section 5.42 & 5.43 (b))	
Delegate:	CHIEF EXECUTIVE OFFICER	
Function:	The Chief Executive Officer be delegated authority to accept a quotation or tender when the consideration involved does not exceed \$100,000 provided that appropriate provision is made in Council's Budget and it is in accordance with Council's Purchasing Policy 2.4	
Adopted:		
Next Review Date:	June 2018	

1.2.3	Property - Acquisition and Disposal	
Legislative Power:	Local Govt Act 1995 (Section 5.42 & 5.43 (d))	
Delegate:	CHIEF EXECUTIVE OFFICER	
Function:	The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$100,000 provide that appropriate provision is made in Council's Budget. This delegation extends to the disposal of abandoned vehicles subject to disposal procedures being undertaken in accordance with the Local Government Act 1995.	
Adopted:		
Next Review Date:	June 2018	

STRATEGIC PLAN IMPLICATIONS:

Strategic Priority 2.1

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

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

	<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 (Including Workforce Plan and Asset Management Plan Implications)

Strategic Priority 2.1

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

Goals

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

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

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

Council's key actions

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

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

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
are maintained at the most optimum condition possible.	replacement works program.			
Council to source funding and grants to contribute to the renewal and replacement works.	<ul style="list-style-type: none"> Level of funding / grants received. 	CEO, MWS	Goal 2.1.1	Annually
<p>Council to implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.</p> <p>To operate and maintain assets in the most economical and efficient manner possible.</p> <p>To implement operation and Maintenance strategies to ensure assets remain in its most optimum condition possible, throughout their entire life cycle.</p>	<ul style="list-style-type: none"> 890' \ 	DCEO	2.1.2	Annually
Council to continue discussions with Road Authorities and external parties to ensure the condition of state roads are adequate and appropriate.	<ul style="list-style-type: none"> Established relationship with key parties to discuss road related issues, programs and initiatives. 	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to continue to lobby government agencies to provide an improved road and transportation system to the Shire.	<ul style="list-style-type: none"> Increased support in road renewal / replacement works. 	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to develop a program to improve and enhance local roads and footpaths.	<ul style="list-style-type: none"> Status of road and footpath renewal / replacement works programs. Development of a long term program for road and footpath renewal / replacement works. 	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to seek funding and grants from government and non-government sources to undertake road and footpath improvement works.	<ul style="list-style-type: none"> Level of grants / funding received for road and network improvement works. 	CEO, MWS, MDS	Goal 2.1.3	June 2014
Prepare report on Council's performance against levels of service for Council's built facilities. Annually review and assess performance against levels of service and update following community consultation.	<ul style="list-style-type: none"> Annually review report 	CEO, MDS	Goal 2.1.1	Annually
Council will develop and manage its assets in accordance with its asset management plans.	<ul style="list-style-type: none"> Review and update of asset management plans 	CEO, MDS, MWS	Goal 2.1.2	Annual
Undertake an assessment of current utilisation and capacity of infrastructure assets and identifying expected future utilisation rates and capacity required to cater for	<ul style="list-style-type: none"> Draft findings report 	MDS, MWS, DCEO	Goal 2.1.3	Dec 2014 then reviewed annually

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
population / visitor growth. -				
Governance (Council Focus Area)				
Council will undertake a programme of capital work on its assets to ensure they remain appropriate for the community.	<ul style="list-style-type: none"> Regularly review current capital works programs and budgets. 	CEO	Goal 2.1.1	Annually
Council will continue to provide a high level of service at the facilities, ensuring that they are operated and maintained to a good standard.	<ul style="list-style-type: none"> Develop, review and/or update asset sustainability ratios for each asset type. Identify a list of capital, renewal and replacement works programs. Prioritise the projects and develop 10-year capital works programs. 	CEO, DCEO		Ongoing
				Annually
Council elected members and staff will ensure asset management fundamentals are applied to new and existing assets to ensure the assets are as cost effective as possible.	<ul style="list-style-type: none"> Review current operations and maintenance tasks undertaken on infrastructure assets. Develop formal O&M procedures, including actions to be undertaken, reporting procedures, resources required and frequency Develop a rolling O&M program, detailing tasks, frequency, resources required and estimated cost to complete 	lead by CEO supported by appropriate business unit manager MDS, MWS, DCEO s	Goal 2.1.2	Ongoing
				annually
Continue to foster an environment that supports the engagement of the community on transport issues facing the Shire.	<ul style="list-style-type: none"> Ensure community consultation regarding transport before the next revision of the Infrastructure Asset Management Plan 	CEO, MWS	Goal 2.1.3	Annually

LONG TERM PLAN IMPLICATIONS:

Council as per the below table allocated \$360,000 in the Long Term Financial Plan for the purchase of a new Grader.

Year	Type	Project	Estimated Cost
16/17	Plant	Replace Leased Truck, Trailer, Dolly	\$250,000
16/17	Public Facilities	Centenary Park completion	\$405,190
17/18	Plant	Replace Leased Loader	\$70,000
17/18	Plant	Replace Community bus	\$72,690
18/19	Plant	Replace Grader	\$360,000
18/19	Public Facilities	Swimming Pool Upgrade	\$739,643
19/20	Plant	Replace Bobcat	\$70,000
19/20	Public Facilities	Swimming Pool Upgrade	\$2,036,271
20/21	Public Facilities	Swimming Pool Upgrade	\$274,623
21/22	Public Facilities	Caravan Park upgrade	\$481,919
22/23	Plant	Major upgrades	\$300,000
25/26	Public Facilities	Dam Stage 2	\$392,067
27/28	Plant	Replace Community bus	\$78,424

COMMUNITY CONSULTATION:

Chief Executive Officer
 Deputy Chief Executive Officer
 Manager Works and Services

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council adopts to purchase the John Deere 672GP Grader as per quotation supplied of \$404,000 Excluding GST.

COUNCIL RECOMMENDATION

MIN 143/17 MOTION - Moved Cr. O’Neill 2nd Cr. Reid

That Council adopts to purchase the John Deere 672GP Grader as per quotation supplied excluding after-market options, purchase totalling \$390,000 Excluding GST.

**CARRIED 7/0
 ABSOLUTE MAJORITY**

REASON: Council will look to have the auto-greaser fitted by the supplier of the unit at a cheaper price then provided by Hitachi.

DATED: PRESIDENT SIGNATURE:

Agenda Reference:	11.1.9
Subject:	Lease of Doodlakine Quarry
Location:	Reserve #30607 - Mather Road, Doodlakine
Applicant:	Shire of Kellerberrin
File Ref:	ASS-5
Record Ref:	
Disclosure of Interest:	Nil
Date:	11 th August 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's May 2017 Ordinary Meeting of Council – 16th May 2017

COUNCIL RECOMMENDATION

MIN 081/17 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council:

- 1. Rescinds motion 052/17.***
- 2. Advertises the Doodlakine Quarry for Expressions of Interest.***

CARRIED 7/0

Council's April 2017 Ordinary Meeting of Council

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

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

COMMENT

Council since rescinding the motion, advertised the Doodlakine Quarry for Expressions of Interests.

Council received twelve (12) Expressions of Interest to Lease the Doodlakine Quarry, therefore with so much interest a Tender was drawn and sent to the twelve (12) businesses that expressed an interest in the Quarry to assess and submit a tender by Friday 4th August 2017.

Council at the closing date only received one (1) tender for the Quarry. In addition Council did receive an email from one of the other companies advising that he was awaiting a report from an environmental consultant regarding the quarry prior to submitting a tender, though unfortunately this wasn't received in time to submit a tender by the due date.

Council on Thursday 10th August 2017 received a phone call, which was followed up by an email from another company (that previously provided an expression of interest) that they unfortunately missed the deadline through their own fault due to circumstances that made them unavailable last week. However they have advised they are still interested in the Quarry.

The tender that Council received was from Mineral Crushing Services WA Pty Ltd, a copy of their tender is attached to this agenda for reference. In summary they wish to lease the Quarry with a Royalty payment of \$0.60 per tonne of sales or \$12,000 per annum in advance.

FINANCIAL IMPLICATIONS

2017/2018 Budget

Royalty Payment as listed above.

It would be the officer's recommendation that with the Royalty Fee that the fee be a minimum of \$12,000 and should the tonnage Royalty exceed that then it be \$0.60 per tonne for every tonne over the \$12,000 threshold.

Council needs to consider if it is happy with the one tender or due to email and phone messages received, extends the timeframe for tender submissions.

Should Council elect to do this it has to be fair across the board and provide this extension to all members that expressed an interest in the Doodlakine Quarry.

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 - NO
STAFF RECOMMENDATION**

That Council:

- 1. advertises the proposed lease of Reserve #30607 – Mather Road, Doodlakine (Doodlakine Quarry) to Mineral Crushing Services WA 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 Mineral Crushing Services WA for Reserve #30607 – Mather Road, Doodlakine with a Royalty fee of \$0.60 cents per tonne of sales; and*
- 5. advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.*

COUNCIL RECOMMENDATION

MIN 144/17 MOTION - Moved Cr. White 2nd Cr. Leake

That Council:

- 1. advertises the proposed lease of Reserve #30607 – Mather Road, Doodlakine (Doodlakine Quarry) to Mineral Crushing Services WA 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 Mineral Crushing Services WA for Reserve #30607 – Mather Road, Doodlakine with a Royalty fee of \$12,000 pa. and \$0.60 cents per tonne for sales over 20,000 tonne pa; and*
- 5. advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.*

CARRIED 7/0

REASON: Council believed the Royalty fee should be a combination and not one or the other.

Agenda Reference:	11.1.10
Subject:	July 2017 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	8 th August 2017
Author:	Miss Ashlee Hughes, Finance/Administration Officer

BACKGROUND

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

Municipal Fund

Cheque Payments

34240 - 34255

29,652.85

\$

EFT Payments

7260 – 7369

713,686.24

\$

Direct Debit Payments

85,630.16

\$

TOTAL MUNICIPAL

\$

828,969.25

COMMENT

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

Ligna Construction	\$	170,937.65
Construction of Centenary Park - Claim #3 Tender 04/2016 (1)		
WCS Concrete Pty Ltd	\$	73,079.60
Concrete & stabilised sand for flood damage work		
WCS Concrete Pty Ltd	\$	68,694.89
Concrete & stabilised sand for Mitchell Street		
Department of Transport - TRUST DIRECT DEBITS Licensing CRC	\$	55,623.70
Licencing payment July 2017		
CE and H Smith	\$	49,984.00
Hire of prime mover & trailer for flood damage work & push up gravel for July 2017		
Midway Ford	\$	39,411.09
Purchase Ranger Crew Cab ute 4x4 XL		
It Vision Australia Pty Ltd	\$	33,861.30
Renew Synergy Soft & Universe Annual Licence Fees 01/07/2017 - 30/06/2018		
Youlie and Son Spreading Services	\$	29,251.20
Grader & roller hire for flood damage work		
Western Australian Local Government Association	\$	19,124.89
2017/2018 Subscriptions		

Sam Williams Hire of prime mover and trailer for flood damage works	\$	17,303.00
Innes & Co Hire of semi-trailer @ 130 / hr for flood damage works	\$	16,516.50
Great Southern Fuel Supplies Fuel purchases for June 2017	\$	15,486.20
Youlie and Son Spreading Services Hire of grader, roller & labour for month of July 2017 for flood damage work	\$	15,463.80
R Munns Engineering Consulting Services Consulting work on flood damage roads	\$	12,891.30
GPR Truck Service & Repairs Remove, repair, replace gear box & engine mounts for Freightliner Prime Mover	\$	10,901.61
Avon Waste Domestic & Commercial Refuse Collection - July 2017	\$	8,944.29
WA Local Government Superannuation Plan Pty Ltd Payroll deductions	\$	8,640.34
Synergy Streetlights for June 2017 & Power Consumption for various properties from June - July 2017	\$	8,591.45
WA Local Government Superannuation Plan Pty Ltd Payroll deductions	\$	8,567.82
Western Australian Treasury Corporation Loan Payment	\$	8,171.09
Synergy Power consumption for various properties from April - June 2017	\$	7,697.95
Alleasing Pty Ltd Gym Equipment Quarterly Lease Payment	\$	7,610.77
Moore Stephens 2017 FMR as quoted	\$	6,859.75
RAMM Software Pty Ltd RAMM Annual Support & Maintenance Fee for 1 July 2017 - 30 June 2018	\$	6,537.61
Kellerberrin Community Resource Centre April & May 2017 Licensing Commission inc GST	\$	6,394.14
DKT Rural Agencies Vinidex Corrugated Pipe, Turf & miscellaneous items under \$100	\$	6,017.15
Western Australian Treasury Corporation 2017-2018 Guarantee Fee for Loans	\$	5,697.35
Brooks Hire Service Pty Ltd Hire excavator for July 2017	\$	5,494.50
Griffin Valuation Advisory Professional Valuation Services - Final 50% of 2017 Land & Building Assets	\$	4,572.14
Fulton Hogan Cold Mix for Patching of Roads	\$	4,224.00

Bellburrow Farms Extract Gravel for July 2017	\$ 4,206.95
Farmways Kellerberrin Pty Ltd Light Bars, Brackets, Grease Fittings, Vacuum Cleaner, Algerside, Toilet Roll Holders, Genset Parts & Miscellaneous items under \$100	\$ 4,088.41

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 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 July 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 **\$828,969.25** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$0.00** on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 145/17 MOTION - Moved Cr. White 2nd Cr. McNeil

That Council notes that during the month of July 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 **\$828,969.25** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$0.00** on vouchers EFT, CHQ, Direct payments*

CARRIED 7/0

Agenda Reference:	11.1.11
Subject:	Direct Debit List and Visa Card Transactions for the month July 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	8 th August 2017
Author:	Codi Mullen, Payroll Officer

BACKGROUND

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

Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
3-Jul-17	Westnet	Monthly static IP address	\$	4.99
3-Jul-17	Alleasing	Quarterly Gym Equipment Lease	\$	7,610.77
4-Jul-17	National Australia Bank	Visa Payment June 2017	\$	1,235.26
6-Jul-17	Shire of Kellerberrin	EFT Payment	\$	389,630.93
11-Jul-17	Housing Authority	Fortnightly Rent	\$	420.00
13-Jul-17	DLL Group	Monthly Photocopier Lease Payment	\$	265.21
13-Jul-17	Shire of Kellerberrin	Payroll	\$	49,526.24
14-Jul-17	National Australia Bank	NAB Connect Fee June 2017	\$	66.98
21-Jul-17	National Australia Bank	Audit Fee	\$	70.00
21-Jul-17	Shire of Kellerberrin	EFT Payment	\$	5,697.35
25-Jul-17	Housing Authority	Fortnightly Rent	\$	420.00
27-Jul-17	Shire of Kellerberrin	Payroll	\$	51,861.69
31-Jul-17	National Australia Bank	Account Fees - BPAY	\$	10.12
31-Jul-17	National Australia Bank	Account Fees - Municipal	\$	44.60
31-Jul-17	National Australia Bank	Account Fees - Trust	\$	52.40
3-Jul-08	Shire of Kellerberrin	EFT Payment	\$	8,171.09
		TOTAL	\$	<u>515,087.63</u>

Trust Fund – Direct Debit List

31-Jul-17	Department Transport	Direct Debit-Licensing Payments July 17	\$	<u>58,026.10</u>
		TOTAL	\$	<u>58,026.10</u>

Visa Card Transactions

Date	Name	Details	\$	Amount
03-Jul-17	Kellerberrin Districts Club	Meals - Staff shortage	\$	96.00
06-Jul-17	Gull Tammin Roadhouse	Fuel KE1	\$	99.00
17-Jul-17	Betts	Uniforms Shoes - CEO	\$	134.99
21-Jul-17	Kellerberrin Shire		\$	148.00
27-Jul-17	Floral Posies	Flowers - L.Cole, Baby Arrival	\$	75.00
28-Jul-17	National Australian Bank	Card Fee	\$	9.00
		TOTAL - CEO	\$	<u>561.99</u>
03-Jul-17	Gull Tammin Roadhouse	Fuel KE002	\$	39.16
04-Jul-17	Puma El-Caballo	Fuel KE002	\$	46.88
17-Jul-17	Puma Meadowsprings	Fuel KE002	\$	59.00
21-Jul-17	Kellerberrin Shire	Registration vehicles due	\$	1,310.20
31-Jul-17	Coles Express	Fuel KE002	\$	38.59
28-Jul-17	National Australian Bank	Card Fee	\$	9.00
		TOTAL - DCEO	\$	<u>1,502.83</u>
		TOTAL VISA TRANSACTIONS	\$	<u>2,064.82</u>

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 Direct Debit List for the month of July 2017 comprising;
 - (a) Municipal Fund – Direct Debit List
 - (b) Trust Fund – Direct Debit List
 - (c) Visa Card Transactions

Be adopted.

COUNCIL RECOMMENDATION

MIN 146/17 MOTIONS - Moved Cr. McNeil 2nd Cr. Leake

- 1) *That the Direct Debit List for the month of July 2017 comprising;*
 - (a) Municipal Fund – Direct Debit List*
 - (b) Trust Fund – Direct Debit List*
 - (c) Visa Card Transactions*

Be adopted.

CARRIED 7/0

Agenda Reference:	11.1.12
Subject:	Financial Management Report for the month July 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	7 th August 2017
Author:	Karen Oborn, DCEO

BACKGROUND

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

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 July 2017 comprising;
- (a) Statement of Financial Activity
 - (b) Note 1 to Note 9

Be adopted.

COUNCIL RECOMMENDATION

MIN 147/17 MOTIONS - Moved Cr. Steber 2nd Cr. Reid

- 1) *That the Financial Report for the month of July 2017 comprising;***
- (a) Statement of Financial Activity***
 - (b) Note 1 to Note 9***

Be adopted.

CARRIED 7/0

DEVELOPMENT SERVICES – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: July 2017
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	8 th August, 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 was four application received for a "Building Permit" during the July 2017 period. A copy of the "Australian Bureau of Statistics appends.
2. There were three "Building Permits" issued in the July 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. le: "Building Services Levy" and "Construction Industry Training Fund" (when construction cost exceeds \$20,000)

POLICY IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

STAFF RECOMMENDATION

That Council

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

COUNCIL RECOMMENDATION

MIN 148/17 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council

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

CARRIED 7/0

4.37 pm – Mr Mick Jones, exited Council Chambers.

Agenda Reference:	11.2.2
Subject:	Off Road Vehicle and Motorcycle Park
Location:	Lot 31 Great Eastern Highway, Kellerberrin
Applicant:	Mr Mick Jones
File No:	A1578
Record Ref:	IPA1736
Disclosure of Interest:	NIL
Date:	8 th August 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 25th July 2017 received a Development Application from Mr Mick Jones for an Off Road Vehicle and Motorcycle Park development on Lot 31, (highlighted in yellow) Great Eastern Highway, Kellerberrin.



The Off Road Vehicle and Motorcycle Park is already constructed on Lot 31 Great Eastern Highway as depicted in the above screen shots, consequently the applicant is applying for

retrospective planning approval which is permitted under Clause 164 of the *Planning and Development Act 2005*.

The Motorcycle track is in the North Western corner of the block closest to the access point from Great Eastern Highway.

COMMENT

The applicant is applying for planning approval of the existing off road motorcycle track, however also intends to further develop the site through the provision of further amenity in the form of car parking spaces. The existing track covers an area of roughly 12 ha's, which consists of a dirt track and a number of constructed dirt jumps. Currently existing on the lot is one 150m² shed, along with some existing natural vegetation, however it is noted that the majority of the site is cleared of vegetation. The applicant has advised the Shire that the track will be for personal use, while guests will also be invited to use the track, thus the requirement to ensure the development fits within the Shire's planning parameters. The site is accessed from Great Eastern Highway and will include two car parking areas. The primary car parking space will be located in the North West corner of the site, adjacent to the Great Eastern Highway access point. The secondary car parking space will be located near the existing shed on the site, which is located on the eastern side of the lot.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4:

The proposed development is located in the General Agriculture zone, the objectives of the zone are outlined in the schemes as follows:

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.

4.3. 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
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						
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

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
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

5.12 Car Parking Requirements

5.12.1 A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces specified by the Council are provided and such spaces are constructed and maintained in accordance with the requirements of the Council.

The Planning and Development (Local Planning Schemes) Regulations 2015:

Outline the matters to be considered in regard to development applications, highlighted are the matters relevant to the proposed motor-cycle track:

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.

OFFICERS COMMENT

The development satisfies two of the three objectives of the General Agriculture zone, which allows for non rural uses, along with uses that can facilitate tourists and travelers for recreation which this development intends to achieve.

The proposal is considered as a “**Recreation – private**” use under the Shire's Local Planning Scheme.

"**Recreation- Private** means premises that are -

- a) used for indoor or outdoor leisure, recreation or sport; and
- b) not usually open to the public without charge

As seen in the zoning table above, Recreation- private is a “D” use in the Shire's zoning table, which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. Therefore Council can use its discretion to either approve (with or without conditions), refuse or defer the application.

To satisfy the Scheme requirements the site will need to provide car parking spaces in accordance with Part 5.12 of the Scheme.

In reference to *Clause 67 (m) of the deemed provisions* it is the opinion of the planning officer that the development will not adversely impact the amenity of the locality as the development is not in close proximity to nearby residential land uses or in a town site area. Furthermore it is noted that the development will not adversely impact the existing environment of the lot, as the site is predominantly cleared of vegetation. As the development is in close proximity to Great Eastern Highway it is unlikely that the development will cause any noise disturbance to nearby residents, whom reside at least 1200m from the track. However the proposal has been sent to nearby landowners for immediate comment.

The granting of development approval for the abovementioned motor-cycle park should not be considered as development approval for future developments on the site. Any extension or new track should be proposed through the development application process.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer

Mick Jones

Lewis York – Town Planning Consultant.

STAFF RECOMMENDATION

That Council provides conditional approval for the proposed Off Road Vehicle and Motorcycle Park located at Lot 31 Great Eastern Highway, Kellerberrin:

GENERAL CONDITIONS:

- i. A gravel hardstand parking facility is to be constructed in one of the specified parking locations outlined on the development plan.*
- ii. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.*
- iii. The use of the lot as an off road vehicle and motorcycle park shall not commence until the Shire has received referral responses from nearby landowners.*

COUNCIL RECOMMENDATION

MIN 149/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council provides conditional approval for the proposed Off Road Vehicle and Motorcycle Park located at Lot 31 Great Eastern Highway, Kellerberrin:

GENERAL CONDITIONS:

- i. A gravel hardstand parking facility is to be constructed in one of the specified parking locations outlined on the development plan.*
- ii. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.*
- iii. The use of the lot as an off road vehicle and motorcycle park shall not commence until the Shire has received referral responses from nearby landowners.*
- iv. Appropriate ablution facilities are incorporated into the project as per legislated requirements.*

CARRIED 7/0

REASON: Council wanted to ensure that appropriate ablutions are provided for users of the Park.

CLOSURE OF MEETING

The President thanked all members for the attendance and closed the meeting at 5 pm.

NEXT MEETING DATES

Tuesday, 19th September, 2017, Shire of Kellerberrin - Ordinary Council Meeting.