

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 19th December 2017, commencing at 2.10 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.10 pm – Mr Raymond Griffiths, Chief Executive Officer declared the meeting open.

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

Present:

Cr. Forsyth	President
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
Ms Karen Oborn	Deputy Chief Executive Officer – Minutes
Mr Brett Taylor	Finance Officer/CDO
Mr Lewis York	Town Planner

Apologies:

Nil

Leave of Absence:

Nil

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

Council's November 2017 Ordinary Meeting of Council Mr Robert Stevens stated.

The containers utilised for my business will be for temporary storage and then utilised again for transporting on truck and boat with the possible intention of exporting therefore the containers are licenced and can't be modified.

Council formally responded to Mr Robert Stevens advising that in this circumstance to utilize "Registered Sea Containers" for storage for temporary use to then re-use for transporting items on trucks and/or boats don't need to conform to Clause 5.2.1. Therefore the requirement of an internal door isn't required in this circumstance.

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 **19th December, 2017**.

Date	Name	Item No.	Reason

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

Date	Name	Item No.	Reason

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

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

COUNCIL RECOMMENDATION

MIN 218/17 MOTION: Moved Cr. O'Neill 2nd Cr. White

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 21st November 2017, be confirmed as a true and accurate record

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION:

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS: Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 219/17 MOTION: Moved Cr. McNeil 2nd Cr. White

That the Presidents Reports for November 2017 be received.

CARRIED 7/0

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:	1 st December, 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.

November 2017 Council Meeting

MIN 199/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council;

- 1. Relocate the Australia Day Awards Ceremony and Breakfast location to the Kellerberrin Districts Club to enable a full day of celebrations as requested by the Kellerberrin Districts Club.***
- 2. Contribute \$500 to the Chamber of Commerce as a contribution for the late night shopping event for a Skate Board demonstration and clinic.***
- 3. Note that funding has been announced for regional communities to fund sustainable child care facilities. The current business owner of the Kellerberrin Family Day Care would like to discuss with Council the possibility of establishing a community managed child care facility to expand the services to the community at the December Council Meeting.***
- 4. Request further conversation regarding the upgrade of the Kellerberrin Memorial Swimming Pool and associated costs to ensure that the upgrade is within the means of the Council should funding not be available.***

October 2017 Council Meeting

MIN 172 /17 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council;

- 1. Publicly refutes claims and allegations made by Mr Tony Downs in the Local Pipeline issued Monday 16th October 2017 as they incorrect claims and allegations.***
- 2. Continue with the Council Matters though request it become a one page monthly summary published in the Pipeline and posted on Facebook,***
- 3. Ensure that the road sweeper cleans the Main Street in Doodlakine when it undertakes the cleaning in Kellerberrin.***
- 4. Check condition of Maley Road and water erosion issues,***
- 5. Speak with United Fuels regarding the drain and issues around the new drainage dam for:***
 - a. Possible use as swimming pool, is this going to be fence or does the drainage need amending;***
 - b. mosquitos,***
- 6. Increases its royalty payment for the supply of gravel form \$0.55 to \$1.00 per cubic metre for gravel but no private works will be undertaken in addition to the payment, and***
- 7. Amend the 2017/2018 Road program as per the following;***
 - a. Remove the Bath Street upgrade at a cost of \$173,387 and***

- b. Replace with the reconstruction of a section of Kwoylin West Road, left out 270Lm from SLK 0.12 to 0.39 + the section from 2.05 to 2.95 (just past the southern end Turning Point of the S-bend) – total 1170 Lm. \$181,089 plus GST.**
- c. George Street will still be upgraded in 17/18 as the adopted budget for 17/18.**

CARRIED 7/0

September 2017 Council Meeting

MIN 152 /17 MOTION - Moved Cr. Reid 2nd Cr. White

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

CARRIED 7/0

COMMENTS

November 2017 - MIN 199/17

1. Letter sent to Kellerberrin District Club and an advert for the Pipeline has been placed in the edition due out 27/11/2017.
2. Letter sent to Chamber of Commerce advising of Council's contribution.
3. Request 3 – Noted
4. Request 4 - Noted

October 2017 - MIN 172/17

1. Noted
2. Council Matters are now a one page monthly summary published in the Pipeline and posted on Facebook.
3. The road sweeper has swept the main street of Doodlakine.
4. Maley Rd condition has been checked and the road graded.
5. United Fuels have been spoken with and 1.8m pool fencing will be erected around the new drainage dam.
6. Price increases have been implemented for the supply of gravel.
7. The amendment of the road program is being implemented . Job # C076

September 2017 - MIN 152/17

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
 - (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,
- whichever is less;

or

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.
- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers;
 - (b) an interest in the imposition of any rate, charge or fee by the local government;
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - [(e) deleted]*
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for any area in the district;
- (b) any proposed change to the zoning or use of land in the district; or
- (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
 - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
 - (c) the proposed development of that land or any land adjacent to that land,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or

- (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

Council
Community Members

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RECOMMENDATION

MIN 220/17 MOTION - Moved Cr. White 2nd Cr. Reid

That Council;

- Rectify the potholes in the back lane potholes behind the business; and***
- supports the concept of increased child care places in the Shire of Kellerberrin.***

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:	1 st December, 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 221/17 MOTION - Moved Cr. Steber 2nd Cr. McNeil

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:	1 st December 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 Tuesday 14th November, 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 Tuesday 14th November, 2017 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 14th November, 2017 Special CEACA Executive Council Meeting summarised hereunder,

RESOLUTION: **Moved: Ken Hooper** **Seconded: Gary Shadbolt**

That funds be allocated from Project and Consultancy (CEACA Funding Opportunities account 1842) within the CEACA Budget to fund the work required to respond to all issues raised by the Minister for Regional Development concerning funding for the CEACA Seniors Housing Project.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

Nil (not directly in regards to formalization 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 Tuesday 14th November, 2017.

COUNCIL RECOMMENDATION

MIN 222/17 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Tuesday 14th November, 2017.

CARRIED 7/0

Agenda Reference:	11.1.4
Subject:	CEACA Council Special Meeting Minutes and Resolutions
Location:	Kellerberrin
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	1 st December 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Monday 20th November 2017 in Kellerberrin, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last CEACA Council Meeting Minutes held on Monday 20th November 2017 in Kellerberrin.

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

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

Resolutions arising out of the 20th November 2017 CEACA Council Meeting summarised hereunder,

RESOLUTION: **Moved: Onida Truran** **Seconded: Louis Geier**

That, in providing the additional information requested by the Minister for Regional Development at a meeting with CEACA representatives on Wednesday 8 November 2017, CEACA advise the Minister that:

- 1. A contract has been finalised with the preferred tenderer, with the contract to be signed on Thursday 14 December 2017;**
- 2. The guaranteed local component of the build and construct phase of the project will be increased to approximately 50%;**
- 3. Savings to the project will be held within the Shire of Merredin/WA Treasury Corporation Account until the project's completion at which time the surplus funds will be returned to the State Government; and**
- 4. CEACA intends to work with the Minister for Regional Development to announce and complete a significant Wheatbelt aged housing project.**

CARRIED UNANIMOUSLY

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Special Committee meeting held on Monday 20th November 2017.

COUNCIL RECOMMENDATION

MIN 223/17 MOTION - Moved Cr. Leake 2nd Cr. White

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Special Committee meeting held on Monday 20th November 2017.

CARRIED 7/0

Agenda Reference:	11.1.5
Subject:	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
Location:	Merredin Regional Community Leisure Centre
Applicant:	Great Eastern Country Zone of WALGA
File Ref:	OLGOV-16
Disclosure of Interest:	Nil
Date:	8 th December, 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Meeting, held on Thursday 30th November, 2017 at the Merredin Recreation and Leisure Centre, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Thursday 30th November, 2017. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure that Council is;

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

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

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

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

That the Returning Officer be authorised to destroy all ballot papers used in the election process.

CARRIED

RESOLUTION **Moved: Cr Truran** **Seconded: Cr Brown**

That the Returning Officer be authorised to destroy all ballot papers used in the election process.

CARRIED

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

That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 24 August 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Mr Read** **Seconded: Cr Taylor**

That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 28 September 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: Moved: Cr Strange Seconded: Cr Truran

That:

1. The release of a Discussion Paper Phase One, on 8 November 2017, by Minister for Local Government, Hon David Templeman, be noted.
2. The Zone defer consideration of the Local Government Act Review issues outlined in the Minister's Discussion Paper, until the Zone Meeting on Thursday 1 March 2018, subject to the Minister granting the request from WALGA for an extension of time.
3. In the event the Minister does not grant an extension of time the Zone President be authorised to call a Special Zone Meeting to enable the Zone Submission to be submitted within the time frame.

CARRIED

RESOLUTION: Moved: Cr Strange Seconded: Cr Truran

That the Great Eastern Country Zone conduct meetings on the following dates during 2018:

- Thursday 1 March 2018 (Kellerberrin);
- Thursday 26 April 2018 (Merredin);
- Thursday 28 June 2018 (Kellerberrin);
- Thursday 23 August 2018 (Merredin); and
- Thursday 29 November (Kellerberrin).

CARRIED

RESOLUTION: Moved: Cr Sachse Seconded: Cr Forsyth

That:

1. The Great Eastern Country Zone write to WALGA expressing its support for its efforts in advocating the WALGA policy position that current local road funding arrangements remain in place, that is local road funding from the State be a fixed percentage of Vehicle Licence Fee revenue; and
2. Copies of the letter be forwarded to all the Zone's Parliamentary representatives.

CARRIED

RESOLUTION: Moved: Mr Read Seconded: Cr Truran

That the WALGA Great Eastern Country Zone recommends to the current Local Government Act review panel that "Unimproved Valuations" for the purpose of local government rating for both agricultural land and mining tenements be altered so as to have an Unimproved Valuation for Rural areas only, to be known as "*Agricultural Values*" and a separate value for mining tenement areas to be known as "*Mining Tenement Values*".

CARRIED

RESOLUTION: Moved: Cr Strange Seconded: Cr Waters

That the Zone President's Report be received.

CARRIED

RESOLUTION: Moved: Cr Truran Seconded: Cr Waters

That the Minutes of the Local Government Agricultural Freight Group Meeting held Monday 9 October 2017 be received.

CARRIED

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

That the Great Eastern Country Zone notes the:

1. State Councillor Report; and
2. WALGA Status Report and requests that WALGA express its disappointment to the Office of Emergency Management that there has been no progress on this important emergency management issue and in the event that the matter cannot be progressed WALGA be requested to take the issue up with the Minister for Emergency Management.

CARRIED

RESOLUTION: **Moved: Cr Truran** **Seconded: Cr Waters**

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

CARRIED

RESOLUTION: **Moved: Cr Hooper** **Seconded: Cr Brown**

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

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

CARRIED

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

POLICY IMPLICATIONS: Nil (not known at this time)

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

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

STRATEGIC PLAN IMPLICATIONS

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

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

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

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 30th November, 2017.

COUNCIL RECOMMENATION

MIN 224/17 MOTION - Moved Cr. White 2nd Cr. Reid

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 30th November, 2017.

CARRIED 7/0

Agenda Reference:	11.1.6
Subject:	Health Act Delegation from Council
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	
Disclosure of Interest:	N/A
Date:	1 st December, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Currently there is no delegation from the Shire of Kellerberrin Council to any of its executive staff that would allow them to act on behalf of Council in a timely manner in cases where a notice had to be issued under provisions of the Health (Miscellaneous Provisions) Act 1911.

COMMENT

The Local Authority (Council) is charged with implementing provisions of and pursuing compliance with the Health (Miscellaneous Provisions) Act 1911 within its municipal district. Section 26 of the Health (Miscellaneous Provisions) Act 1911, states as follows;

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

Section 26 of the Health (Miscellaneous Provisions) Act 1911 allows the Shire of Merredin Council to nominate as its deputy one or more of its senior officers enabling them to act on behalf of the Council in matters which require urgent action without the need for a formal decision to be made at a Council meeting. This means that the relevant officer is then authorised to issue any required notices under the Health (Miscellaneous Provisions) Act 1911 on behalf of Council in a timely manner.

Council has received a complaint from the Police in regards to a particular residence in the Kellerberrin community of which has been inspected by Council's consulting Healthy from Shire of Merredin. The property requires immediate attention due to lack of hygiene. The proposal firstly is to have this item dealt with by the owners being Department of Housing and their tenant however should this not be resolve Council needs to issue notices under the Health Act which currently can only be done by Council therefore the request to have Delegated Authority.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET) - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Health Act 1911

26. Powers of local government

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

[Section 26 amended by No. 17 of 1918 s. 5; No. 14 of 1996 s. 4.]

STRATEGIC PLAN IMPLICATIONS: - Nil

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

Nil

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

Nil

COMMUNITY CONSULTATION:

Council

Chief Executive Officer

Council's Consultant Health Officers – Shire of Merredin

STAFF RECOMMENDATION

That Council:

- 1. Appoints its Chief Executive Officer as its deputy in accordance with Section 26 of the Health (Miscellaneous Provisions) Act 1911 and in that capacity enable him/her to exercise and discharge all or any of the powers and functions of the Local Government.*
- 2. Updates the Delegations Register accordingly.*

COUNCIL RECOMMENDATION

MIN 225/17 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council:

- 1. Appoints its Chief Executive Officer as its deputy in accordance with Section 26 of the Health (Miscellaneous Provisions) Act 1911 and in that capacity enable him/her to exercise and discharge all or any of the powers and functions of the Local Government.*
- 2. Updates the Delegations Register accordingly.*

CARRIED 7/0

Agenda Reference:	11.1.7
Subject:	Common Seal Register and Reporting
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM-52
Disclosure of Interest:	N/A
Date:	1 st December, 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

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

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

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

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

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

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

Clause 19.1 The Council's Common Seal

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

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

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

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

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

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

COUNCIL RECOMMENDATION

MIN 226/17 MOTION - Moved Cr. White

2nd Cr. Leake

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

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 227/17 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council moves item 11.1.8 to the end of the Agenda.

CARRIED 7/0

Agenda Reference:	11.1.9
Subject:	Shire of Kellerberrin 2016/17 Annual Report Adoption
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN-01
Disclosure of Interest:	N/A
Date:	7th December, 2017
Author:	Ms Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

The Shire of Kellerberrin auditors have completed the Annual Audit for the financial year ending 30th June 2017 as per the Local Government Act 1995 as amended and the Local Government (Financial Management) Regulations 1996.

The auditors attended Council's offices on the 8th, 9th and 10th October 2017.

COMMENT

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

A number of points were raised in the Independent Auditor's Report regarding the financial ratios. In summary the auditors comment was: *"Overall, as a general comment, the Shire's ratio position appears to be consistent with last year exhibiting an improvement when the adjusted ratios are considered."*

We would like to take this opportunity to stress one off assessments of ratios at a particular point in time can only provide a snapshot of the financial position and operating situation of the Shire. As is the case with all ratios and indicators, their interpretation is much improved if they are calculated as an average over time with the relevant trends being considered. We will continue to monitor the financial position and ratios in future financial years and suggest it is prudent for Council and management to do so also as they strive to manage the scarce resources of the Shire." The recently adopted long term financial plan (15 year) from 17/18 to 31/32, addresses most of these issues. Although not the lack of road funding and the requirement to list FESA assets in Shire registers. These two factors distort the asset ratios.

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

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET) - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

5.27. Electors' general meetings

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

5.54. Acceptance of annual reports

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

** Absolute majority required.*

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

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

5.55. Notice of annual reports

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

Division 4 — General

7.12A. Duties of local government with respect to audits

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

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

[Section 7.12A inserted by No. 49 of 2004 s. 8.]

Local Government (Financial Management) Regulations 1996

51. Completion of financial report

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

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS – Nil

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

LONG TERM FINANCIAL PLAN IMPLICATIONS – Nil

COMMUNITY CONSULTATION

Auditors
Chief Executive Officer
Deputy Chief Executive Officer
Administration Staff

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council accepts the recommendation from the Audit Committee, therefore;

- 1. Adopts the Annual Financial Report for the Financial Year 2016/17;*
- 2. Adopts the Audit Report for 2016/17 Financial Year;*
- 3. Adopts the Management Report for the 2016/17 Financial Year;*
- 4. Adopts the Annual Report for the 2016/17 Financial Year inclusive of the above as presented; and*
- 5. Advertises Annual Elector’s Meeting be held on 12th February 2018 commencing at 5.30 pm in the Cuolahan Room at the Kellerberrin Recreation and Leisure Centre.*

COUNCIL RECOMMENDATION

MIN 228/17 MOTION - Moved Cr. Reid 2nd Cr. O’Neill

That Council accepts the recommendation from the Audit Committee, therefore;

- 1. Adopts the Annual Financial Report for the Financial Year 2016/17;***
- 2. Adopts the Audit Report for 2016/17 Financial Year;***
- 3. Adopts the Management Report for the 2016/17 Financial Year;***
- 4. Adopts the Annual Report for the 2016/17 Financial Year inclusive of the above as presented; and***
- 5. Advertises Annual Elector’s Meeting be held on 12th February 2018 commencing at 5.30 pm in the Cuolahan Room at the Kellerberrin Recreation and Leisure Centre.***

CARRIED 7/0

Agenda Reference:	11.1.10
Subject:	Review of Local Government Act 1995
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	
Disclosure of Interest:	N/A
Date:	8 th December, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minister for Local Government, Hon David Templeman MLA, has released the Local Government Act 1995 Review Phase 1: Consultation Paper (Minister's Consultation).

On Wednesday 8 November 2017 the Minister for Local Government, Hon David Templeman MLA, launched the Government's review of the Local Government Act 1995 with the release of a consultation paper at the Local Government Professionals Australia Annual Conference. In releasing the consultation paper, the Minister called on local governments, residents, community organisations and businesses to make a submission.

A copy of the paper is attached to this Meeting Agenda.

The Government is seeking public comment on a range of issues including councillor conduct, local government transparency and accountability, and accessibility of public information through the use of technology.

The Department of Local Government, Sport and Cultural Industries will hold a workshop on the consultation paper in Merredin on Wednesday 29 November 2017. This is one of 14 workshops across the State to promote the paper and provide opportunities for people to have their say.

The consultation is open for public comment until February 9, 2018.

COMMENT

A framework for consideration of this paper is outlined below and is in the form of a categorisation of the 125 questions into 10 issues areas.

Each issue area contains the Minister's Discussion Paper titled Agile, Smart, Inclusive – Local governments for the future questions in respect to each area.

Council's Chief Executive Officer and Deputy Chief Executive Officer met with other officers with WEROC to discuss the 125 question and put a response forward.

Please find attached a copy of our responses to the questions raised by the Minister for Local Government.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS –

Associated Statutory implications from Policy.

STATUTORY IMPLICATIONS

Local Government Act 1995 as the entire document is being reviewed.

STRATEGIC PLAN IMPLICATIONS: -

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

LONG TERM PLAN IMPLICATIONS:

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer
WEROC Council Officers

STAFF RECOMMENDATION

That Council:

- 1. Endorses the answers to the Review of Local Government Act 1995 provided by Council's Chief Executive Officer.*
- 2. Provides this response to the Minister for Local Government.*
- 3. Provides this information to WEROC and the GECZ for information and sharing.*

COUNCIL RECOMMENDATION

MIN 229/17 MOTION - Moved Cr. O'Neill 2nd Cr. Mc'Neil

That Council:

- 1. Endorses the answers to the Review of Local Government Act 1995 provided by Council's Chief Executive Officer.***
- 2. Provides this response to the Minister for Local Government.***
- 3. Provides this information to WEROC and the GECZ for information and sharing.***

CARRIED 7/0

Agenda Reference:	11.1.11
Subject:	November 2017 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	12 th December, 2017
Author:	Miss Morgan Ware, Finance Officer

BACKGROUND

Accounts for payment from 1st November 2017 – 30th November 2017

Trust Fund

EFT & CHQ

TRUST TOTAL

\$ 9,644.00

Municipal Fund

Cheque Payments

34302 - 34313

\$ 24,345.83

EFT Payments

7730 - 7822

\$202,328.81

Direct Debit Payments

\$ 22,808.94

TOTAL MUNICIPAL

\$249,483.58

COMMENT

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

WCS Concrete Pty Ltd Supply delivery and laying of 32MPA concrete for a floodway to Mission rd. Sand, pipe and septic tanks	\$ 45,380.28
Western Australian Treasury Corporation Loan No. 119 & 116	\$ 19,311.58
Sam Williams Hire of truck & trailer throughout October 95.5hours	\$ 17,171.00
Beverley Transport Semi Hire for carting gravel in October 2017	\$ 13,442.00
Synergy Power Consumption 23/08/2017 to 01/11/2017	\$ 11,508.05
Builders Commission/ Department of Commerce REFUND BSL AUG 16 - JUNE 17	\$ 8,894.00
Shire of Narembeen Reimbursement /Transfer of LSL	\$ 8,867.76
R Munns Engineering Consulting Services Ongoing Consultancy work for flood damaged road. Baandee North Road Reconstruction Project, Kwolyin West Road Reconstruction Project & George Street Reconstruction Project.	\$ 6,478.12

WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 6,362.20
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 6,158.69
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 6,144.09
STS West Pty Ltd Jack, dismount 8 roller wheels from machine, dismount tyres from split rims, inspect, remount tyres - remount to machine	\$ 6,015.00
Brooks Hire Service Pty Ltd Hire of excavator for October 2017, damage waiver, environmental levy	\$ 5,494.50
Merredin Crane Hire Crane to locate huts, mob and de-mob Mdn - Kbn, crane 60t, crane 20t	\$ 5,192.00
PW & PM Graham Repair ceiling at Golf Club, Renovations for 29 Hammond Street	\$ 4,800.00
PW & PM Graham Renovations at 29 Hammond St KBN, Caravan Park, Pin up Boards, Caravan Park, Work on new units, Public Toilets, fix door lock, Renovations on Unit 2 Leake St, Recreation Centre, fix tap in kitchen	\$ 4,680.00
Kellerberrin & Districts Agricultural Society Catering for Ladies Day Out 2017	\$ 4,550.00
Baptistcare Overpayment of Rates	\$ 4,491.49

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 IMPLCATIONS - Nil

(Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council notes that during the month of November 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 **\$249,483.58** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$9,644.00** on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 230/17 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council notes that during the month of November 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 \$249,483.58 on vouchers EFT, CHQ, Direct payments.***
2. ***Trust Fund payments totalling \$9,644.00 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

Agenda Reference:	11.1.12
Subject:	Direct Debit List and Visa Card Transactions for the month November 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	11 th December 2017
Author:	Codi Mullen, Governance Officer

BACKGROUND

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

Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
1-Nov-17	Westnet	Monthly static IP address	\$	144.94
1-Nov-17	Shire of Kellerberrin	EFT Payment	\$	3,201.59
2-Nov-17	National Australia Bank	Visa Payment Oct 2017	\$	1,273.06
2-Nov-17	Shire of Kellerberrin	Payroll	\$	51,569.82
8-Nov-17	Shire of Kellerberrin	EFT Payment	\$	4,800.00
13-Nov-17	DLL Group	Monthly Photocopier Lease Payment	\$	265.21
14-Nov-17	Housing Authority	Fortnightly Rent	\$	420.00
15-Nov-17	Shire of Kellerberrin	EFT Payment	\$	56,962.08
16-Nov-17	Shire of Kellerberrin	Payroll	\$	47,884.73
17-Nov-17	Shire of Kellerberrin	EFT Payment	\$	2,144.15
17-Nov-17	Shire of Kellerberrin	EFT Payment	\$	30,613.00
24-Nov-17	Shire of Kellerberrin	EFT Payment	\$	4,680.00
24-Nov-17	Shire of Kellerberrin	EFT Payment	\$	99,474.04
28-Nov-17	National Australia Bank	NAB Connect Fee Nov 17	\$	60.74
28-Nov-17	Housing Authority	Fortnightly Rent	\$	420.00
30-Nov-17	National Australia Bank	Account Fees - Municipal	\$	48.80
30-Nov-17	National Australia Bank	Account Fees - Trust	\$	56.60
30-Nov-17	National Australia Bank	Account Fees - BPAY	\$	72.37
30-Nov-17	Shire of Kellerberrin	EFT Payment	\$	303.95
30-Nov-17	Shire of Kellerberrin	Payroll	\$	49,783.53
TOTAL			\$	354,178.61

Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
30-Nov-17	Department Transport	Direct Debit-Licensing Payments Nov 17	\$	54,174.65
TOTAL			\$	54,174.65

Visa Card Transactions

Date	Name	Details	\$	Amount
10-Nov-17	Apple Store	CEO (insurance claim) & C/Park iPhone	\$	2,277.95
13-Nov-17	Crown Promenade	CEO & DCEO Conference	\$	1,532.55
15-Nov-17	SMJ United	Bus Fuel - I.Doncon Funeral	\$	85.21
16-Nov-17	Kmart Mulgrave	Caravan Park - Dongas	\$	1,128.07
20-Nov-17	United Petroleum	KE1 Fuel	\$	124.73
22-Nov-17	BP Kellerberrin	KE1 Fuel	\$	74.66
22-Nov-17	United Petroleum	Council Meals - November Council Mtg	\$	240.40
28-Nov-17	National Australian Bank	Card Fee	\$	9.00
TOTAL - CEO			\$	5,472.57

Date	Name	Details	\$	Amount
------	------	---------	----	--------

30-Oct-17	BP Silver Sands	KE002 Fuel	\$	63.72
13-Nov-17	Crown Metropol	DCEO Conference Accommodation	\$	1,355.03
14-Nov-17	Caltex Star Mart	KE002 Fuel	\$	51.00
27-Nov-17	Coles Express	KE002 Fuel	\$	38.79
28-Nov-17	Bunnings	29 Hammond St Reno's Bathroom Tiles	\$	143.75
28-Nov-17	National Australian Bank	Card Fee	\$	9.00
TOTAL - DCEO			\$	1,661.29
TOTAL VISA TRANSACTIONS			\$	7,133.86

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 231/17 MOTIONS - Moved Cr. O'Neill 2nd Cr. Mc'Neil

- 1) *That the Direct Debit List for the month of November 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:	11.1.13
Subject:	Financial Management Report for the Month November 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	6 th December, 2017
Author:	Karen Oborn, DCEO

BACKGROUND

Enclosed is the Monthly Financial Report for the month of November 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

That the Financial Report for the month of November 2017 comprising;

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 9*

Be adopted.

COUNCIL RECOMMENDATION

MIN 232/17 MOTIONS - Moved Cr. White 2nd Cr. Reid

That the Financial Report for the month of November 2017 comprising;

- (a) Statement of Financial Activity***
- (b) Note 1 to Note 9***

Be adopted.

CARRIED 7/0

Agenda Reference:	11.2.1
Subject:	Building Returns: November 2017
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	1 st December, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

1. There were five (5) applications received for a "Building Permit" during the November 2017 period. A copy of the "Australian Bureau of Statistics appends.
2. There were two (2) "Building Permits" issued in the November 2017 period. See attached form "Return of Building Permits Issued".

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor

Owners

Building Contractors

ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

STAFF RECOMMENDATION

That Council

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

COUNCIL RECOMMENDATION

MIN 233/17 MOTION - Moved Cr.Leake 2nd Cr. O'Neill

That Council

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

CARRIED 7/0

Agenda Reference:	11.2.2
Subject:	Sea Container – 55 James Street, Kellerberrin
Location:	55 James Street
Applicant:	Mr Tony Scutter
File No:	A639
Record Ref:	IPA1748
Disclosure of Interest:	NIL
Date:	4 th December 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

A development application has been received from Mr. Neville Scutter for his son Mr Tony Scutter who occupies 55 James Street for the use of one (1) 12m (40ft) sea containers on a permanent basis. Existing on the lot is a single dwelling, along with one car garage, a shed and chook pens that are no longer in use.



COMMENT

The application and development falls within the parameters of the scheme as per following information.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Some provisions of the R-Codes are applicable to this policy.

Design principles

Development demonstrates compliance with the following **design principles** (P)

5.4.3 Outbuildings

P3 **Outbuildings** that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

Deemed-to-comply

Development satisfies the following **deemed-to-comply** requirements (C)

C3 **Outbuildings** that:

- i. are not attached to a **dwelling**;
- ii. are non-habitable;
- iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the **site area**, whichever is the lesser;
- iv. do not exceed a **wall height** of 2.4m;
- v. do not exceed ridge height of 4.2m;
- vi. are not within the **primary or secondary street setback area**;
- vii. do not reduce the amount of **open space** required in **Table 1**; and
- viii. are set back in accordance with **Tables 2a and 2b**.

5.4 Building design

Tables

Pa

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

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

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

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

Local Planning Policy- Sea Containers (approved at September Council Meeting)

4.0 POLICY OBJECTIVES

The objectives of this policy are:

- To provide guidelines for the placement, use, size and construction of sea containers and other similar structures;
- To maintain the rural character and landscape amenity of the Shire;
- To allow for the temporary controlled use of a sea container during building and construction; and
- To provide further clarity on the definition of a sea container.

5.0 POLICY STATEMENT

5.1 Exemptions from planning approval

Planning consent is not required for:

- a) the use of sea containers fully enclosed within a building.
- b) the loading or unloading of containers for shipping, provided that the container(s) does not remain on the lot for longer than seven (7) days.
- c) the use of up to two (2) containers on land in the General Agriculture or Industrial zones (per rate notice),
- d) the temporary storage of equipment and materials during construction works (maximum of 12 months), where:
 - i. building approval has been issued for the construction works and remains valid; and
 - ii. the sea container has been removed from the site within a month of completing construction works.

5.2 General Requirements for Sea Containers

5.2.1 Unless exempt from planning approval requirements specified in Clause 5.1 above, Approval by the Shire is required for use of all sea containers.

Sea containers shall:

- i. comply with the requirements of the Scheme;
- ii. comply with the criteria set out in Table 1 of this policy;
- iii. be used as detached outbuildings and not as ancillary accommodation;
- iv. be fitted with doors that can be opened from the inside to ensure safety of users;
- v. be painted to match either the existing dwelling or other outbuildings on the lot;
- vi. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- vii. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- viii. be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and
- ix. not be located on vacant land in the Residential, Rural Residential, Rural Townsite and Town Centre zones unless for the storage for building and construction purposes, as outlined in Clause 5.1 (d).

5.2.2 If a landowner wishes to exceed the acceptable standards in Table 1, the application will be formally referred to Council for determination.

5.2.3 Sea containers will not be permitted for habitable use or conversion for habitable use unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated. The use of sea containers as a dwelling is considered a repurposed dwelling under the Scheme and all applications should comply with the provisions of Scheme, Residential Design Codes (R-Codes) and Local Planning Policy 4.0 'Repurposed and Second Hand Dwellings'.

5.2.4 Sea containers are to be included in the gross total allowable area for outbuildings and are required satisfy open space requirements as set out in the R-Codes. Gross total area maximums are outlined in Local Planning Policy 1.0 'Outbuildings' (Section 7).

5.2.5 Sea containers that are not permanent are not required to conform with Clauses 5.2.1 (ii) and (v) or the special requirements in table 1).

5.2.6 All applicants will be required to gain a building permit from the Shire of Kellerberrin

Table 1.

Residential and Rural Townsite	In accordance with the R-Codes	1x 12m (40 ft)	The sea container shall be fitted with a pitched roof. The sea containers shall be used in association with the approved use of the property.
--------------------------------	--------------------------------	----------------	--

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

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

Planning comment:

The application received by Mr. Scutter satisfies the majority of the Shires Sea Container Policy provisions. However, some parts of the application have triggered the need for council approval.

R Code requirements

Allowable area: As stated in clause 5.2.4 of the Shire's policy sea containers are to be included in the total allowable area for outbuildings.

R-codes specify a maximum of 60m² for outbuildings.

Outbuilding 1(garage): 38m² + outbuilding 2(wash house): 21m² + proposed outbuilding 3 (sea container). Total outbuildings= 89m² allowable area. However, it is noted that in the past council has approved outbuildings that exceed this provision of the codes, therefore this issue raises no concern.

Setbacks: Table 2a of the codes stipulates a need for buildings to be setback 1.5m from any boundary (12m in length and under 3.5m high). The applicant has cited that the container will be located 3 foot (0.9m) from the laneway to the rear of the property, which is considered a lot boundary. It is noted that the applicant should not locate the container any closer than the r-code provision to ensure consistency when assessing applications. The addition of the sea container on the lot will not impact open space requirements set out in the codes.

Policy requirements: As stated in table.1 of the policy, a sea container in a residential zone is required to be fitted with a pitched roof. The plans provided by Mr. Scutter demonstrate that this provision will be met.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer

Lewis York – Town Planning Consultant

STAFF RECOMMENDATION

That Council grants development approval for the use of a single (1) Sea Containers on Lot 188 (55) James Street, Kellerberrin, with the following conditions;

- 1. The Sea Container shall be of a similar colour to the existing structures on the lot and shall be non- reflective;*
- 2. The Sea Container shall be setback 1.5 meters from the lot boundary in accordance with R-Code provision c3;*
- 3. The endorsed approved plans shall not be altered without the prior written approval of the Shire; and*
- 4. The Sea Container shall be fitted with doors that open from the inside for the safety of users in accordance with Council's sea container policy.*
- 5. The Sea Container shall be fitted with a pitched roof in accordance with Council's Sea Container Policy.*

Advice notes;

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.*
- 2. If the applicant wishes to utilize sea containers on a non-permanent basis for longer than a seven (7) day period, consent is required by the Shire.*

COUNCIL RECOMMENDATION

MIN 234/17 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council grants development approval for the use of a single (1) Sea Containers on Lot 188 (55) James Street, Kellerberrin, with the following conditions;

- 1. The Sea Container shall be of a similar colour to the existing structures on the lot and shall be non- reflective;***
- 2. The Sea Container shall be setback 1.5 meters from the lot boundary in accordance with R-Code provision c3;***
- 3. The endorsed approved plans shall not be altered without the prior written approval of the Shire; and***
- 4. The Sea Container shall be fitted with doors that open from the inside for the safety of users in accordance with Council's sea container policy.***
- 5. The Sea Container shall be fitted with a pitched roof in accordance with Council's Sea Container Policy.***

Advice notes;

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.***
- 2. If the applicant wishes to utilize sea containers on a non-permanent basis for longer than a seven (7) day period, consent is required by the Shire.***

CARRIED 7/0

Agenda Reference:	11.2.3
Subject:	Additional Dwelling – General Agricultural Zone.
Location:	Lot 47 Woolundra South Road, Kellerberrin
Applicant:	Wes & Vicki Hayward
File No:	A1501
Record Ref:	IPA1734
Disclosure of Interest:	NIL
Date:	8 th December 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

Council on the 16th March 2017 received a Development Application from Mrs Vicki Hayward for a Grouped Dwelling development on Lot 47 Woolundra South Road, Kellerberrin. However at the time of the original application the creation of an additional dwelling on general agriculture zoned land was an 'X' use.

Council deferred the application and initiated a scheme amendment (no.3). The Planning Minister approved amendment 3 in December, allowing Council to assess the application for an additional dwelling in the general agriculture zone. The use of a 'Grouped Dwelling' in the General Agriculture zone is now consider a Discretionary 'D' use in the Shires scheme.



The additional dwelling is to be located on Lot 47 Woolundra South Road, Kellerberrin. Existing on the lot is one dwelling and several sheds used for storage purposes.

The Shire's CEO Mr. Raymond Griffiths and I advised Mrs. Hayward that the additional dwelling should not exceed 110m² in floor area. This maximum was advised on the basis of the release of Council's draft policies relating to additional dwellings in the General Agriculture zone. Council in July discussed and initiated such policies, however the ability to advertise these policies has not been possible until the completion of amendment no.3. Council agreed on a 110m² maximum (floor area) for the additional dwelling, along with a maximum number of bedrooms (2), and a maximum distance from the main dwelling (300m). It is noted that this policy will likely be approved in March in its current form if no considerable submissions are made.

As it is important to create consistency when judging planning applications, this development will be considered against the Shire's scheme and the draft additional dwellings policy.

Development proposed:

1. A Development Application fee of \$880.00 was paid at the time of lodging the application.
2. A Building Permit Application fee of \$880.00 will be applicable at the time of lodging the application.
3. A Septic Tank Application will be required. Application Fee of \$221.00 and inspection fee of \$221.00

POLICY IMPLICATIONS

Draft Policy: ***Additional Dwellings in the General Agriculture Zone***

4.0 POLICY OBJECTIVES

The objectives of this policy are:

- *To provide further interpretation of the assessment of applications for additional dwellings within the general agriculture zone;*
- *To support rural enterprises within the Shire through the provision of flexibility in accommodation opportunities;*
- *To minimise the potential for inappropriate development which could lead to the fragmentation of lots in the general agriculture zone; and*
- *To ensure that additional dwellings are constructed and located in such ways to minimise impacts on the amenity of the locality by controlling building size, materials and location.*

6.0 POLICY MEASURES

6.1 Planning Approval is required for the construction of an additional dwelling in the general agriculture zone

6.2 Council may permit the construction and occupation of one additional dwelling on a rural lot providing:

- a) *the development complies with Part 5.18 of the Scheme (as seen below)*

5.18 - Additional dwellings

In the General Agriculture zone, the local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot provided that:

- a) *the total number of dwellings on the lot will not exceed three (3) dwellings;*
- b) *the additional dwelling(s) complies with the setback requirements not less than those specified for the Residential Design Code 'R2';*
- c) *the lot has an area of not less than 40 hectares;*
- d) *it can be demonstrated that the additional dwelling(s) is for workers or family members;*
- e) *adequate provision of potable water for and disposal of sewage from the additional dwelling(s) can be demonstrated;*
- f) *the additional dwelling(s) will not adversely detract from the rural character and amenity of the area or conflict with agricultural production on the subject lot or adjoining land;*
- g) *access to the existing road network is to be provided for any additional dwelling(s) and shared with any existing dwelling(s) where practicable;*
- h) *the existence of more than one dwelling on a lot in the General Agriculture zone shall not be considered by itself to be sufficient grounds for subdivision.*

- b) *a single house has already been established on the land or be intended to be established on the land at the same time as the additional dwelling; and*
- c) *the development supports the maximum standards outlined in **Table 1** (Clause 6.3).*

6.3 Maximum standards for an additional dwelling in the General Agriculture zone are as follows;

Table 1.

Minimum Lot Size (Area):	Maximum Plot ratio (floor) Area* (m ²):	Minimum allowable distance from main dwelling (m)**:	Maximum allowable distance from main dwelling (m)**:	Maximum number of dwellings allowed on a lot:	Living requirements maximums (bedrooms allowed):
40 ha	110m ²	15m	300m	3	2

* The maximum plot ratio (floor) area of an additional dwelling is calculated excluding verandahs, patios, carports, and garages and is measured to the external walls of the dwelling as defined in Clause 3.0.

** An additional dwelling shall be located no closer than 15 metres from the main dwelling on the lot to avoid the possibility of the dwelling being utilized as ancillary accommodation. An additional dwelling shall be located no further than 300 metres from the main dwelling on the lot to ensure joint utilization of services where possible.

6.4 Appearance and Design Elements

6.4.1 Additional dwellings where possible shall:

- i. be located behind the primary dwelling;
- ii. share the same services as the primary dwelling, including: road access, power and communication infrastructure;
- iii. consider the location of existing power transmission and distribution assets and ensure development is not under or within transition line easements and restriction zones*;
- iv. be located to minimise impact on the surrounding landscape and environment;
- v. be located in a location that minimises conflict with existing land uses (ie stables, intensive livestock operations and yards or chemical sheds); and
- vi. be complementary in style to the primary dwelling
- vii. Waste water systems are to be in accordance with the Department of Health Guidelines.

* Applications proposed in close proximity to network assets should be formally referred to Western Power prior to determination

STATUTORY IMPLICATIONS

The development is required to meet the provisions of the:

Local Planning Scheme No.4

Zoning:

Part 4 — Zones and the use of land

4.1. Zones

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

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

4.2. Objectives of the zones

The objectives of the zones are —

4.2.6 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.

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

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.*

Setbacks:

4.11 RURAL DEVELOPMENT

4.11.1 Buildings within the General Agriculture zone shall comply with the following minimum lot boundary setbacks:

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

4.11.2 The local government will only support further subdivision of existing lots in the General Agricultural zone where:

- (a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could similarly be subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- (b) the lots are for farm adjustment and the erection of dwellings is restricted by memorials on titles;
- (c) the lots are for specific uses such as recreation facilities and public utilities; or
- (d) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels); or
- (e) otherwise in accordance with the local government's policy for Homestead Lots.

1. Health Act 1911:
2. Health (Bacteriolytic Treatment of Sewage and Disposal of Liquid Wastes) Regulations 1972 as amended.

PLANNING COMMENT

Council under its current applicable Local Planning Scheme has the ability to use discretion when assessing the application for an additional dwelling in the GA zone. The development satisfies the provisions of the scheme, including use class permissibility (zoning), objectives and various development standards including setbacks. No issue is raised with the proposed carport and shed.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer

Vicki Hayward

Lewis York – Town Planning Consultant.

STAFF RECOMMENDATION

That Council in reference to MIN 107/17:

- 1. Acknowledges receipt of approval for Town Planning Scheme 4 Amendment 3, enabling Group Dwelling Accommodation in General Agricultural zoned land.*
- 2. declines Mrs Vicki Hayward's Development Application (IPA1734) as the application as Rural Building have cancelled the application.*

That Council approves the application for the development of one (1) additional dwelling, carport and shed on Lot 47 Woolundra South Road, Kellerberrin with the following conditions:

- 1. The endorsed approved plans shall not be altered without the prior written approval of the Shire;*
- 2. Planning approval will expire if development is not substantially commenced within two years of the approval date;*
- 3. An Approved Septic system shall be installed in accordance with the appropriate regulations;*
- 4. No additions shall be made to the approved dwelling as it would exceed the Shires Additional dwelling policy floor area maximum as it currently meets the maximum standard of 110m²; and*
- 5. The external finish of the shed and carport shall be of similar nature to existing structures and dwellings on the lot.*

Advice notes:

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.*

COUNCIL RECOMMENDATION

MIN 235/17 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council in reference to MIN 107/17:

- 1. Acknowledges receipt of approval for Town Planning Scheme 4 Amendment 3, enabling Group Dwelling Accommodation in General Agricultural zoned land.***
- 2. Declines Mrs Vicki Hayward's Development Application (IPA1734) as they are no longer progressing with this specific development.***

CARRIED 7/0

MIN 236/17 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council approves the application for the development of one (1) additional dwelling, carport and shed on Lot 47 Woolundra South Road, Kellerberrin with the following conditions:

- 1. The endorsed approved plans shall not be altered without the prior written approval of the Shire;***
- 2. Planning approval will expire if development is not substantially commenced within two years of the approval date;***
- 3. An Approved Septic system shall be installed in accordance with the appropriate regulations;***
- 4. No additions shall be made to the approved dwelling as it would exceed the Shires Additional dwelling policy floor area maximum as it currently meets the maximum standard of 110m²; and***
- 5. The external finish of the shed and carport shall be of similar nature to existing structures and dwellings on the lot.***

Advice notes:

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.***

CARRIED 7/0

Agenda Reference:	11.2.4
Subject:	Development Application: Allan Borwick
Location:	52 Forrest Street, Kellerberrin
Applicant:	Mr Allan Borwick
File Ref:	A565
Record Ref:	IPA1751
Disclosure of Interest:	N/A
Date:	10 th December 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

A development application has been received from Mr. Allan Borwick for a shed and lean-to on his residential lot, 5 (52) Forrest street, Kellerberrin. The applicant is intending to construct a 35m² shed and a 28m² lean-to. The lot is currently cleared and contains no dwelling or any manmade structures. As the outbuilding will exceed deemed-to-comply requirements of the R-Codes it is required to be formally assessed by Council. The shed will be made of new materials.



*The Shires approved Local Planning Policy relating to Outbuildings is awaiting WAPC approval, therefore it will not apply to this application.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The applicant paid a standard planning application fee of \$147.

POLICY IMPLICATIONS

State Planning Policy 3.1- Residential Design Codes (r codes)

The subject land is coded R10-40, therefore some provisions of the R-Codes are applicable. Requirements for both the proposed shed and lean-to are outlined below.

Part 2- Judging proposals

2.4 Judging merit of proposals

Where a proposal does not meet **deemed-to-comply** provision(s) of the R-Codes and addresses **design principle(s)**, the **decision-maker** is required to exercise judgement to determine the proposal.

Judgement of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

2.5 Exercise of judgement

2.5.1

Subject to clauses 2.5.2 and 2.5.3, the **decision-maker** is to exercise its judgement to consider the merits of proposals having regard to objectives and balancing these with the consideration of **design principles** provided in the R-Codes.

The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding **deemed-to-comply** provision(s).

2.5.2

In making a determination on the suitability of a proposal, the **decision-maker** shall exercise its judgement, having regard to the following:

- (a) any relevant purpose, objectives and provisions of the **scheme**;
- (b) any relevant objectives and provisions of the R-Codes;
- (c) a provision of a **local planning policy** adopted by the decision-maker consistent with and pursuant to the R-Codes; and
- (d) orderly and proper planning.

Part 5- Design Elements

5.1.2 Street setback

P2.1 **Buildings** set back from **street boundaries** an appropriate distance to ensure they:

- contribute to, and are consistent with, an established streetscape;
- provide adequate privacy and **open space** for dwellings;
- accommodate site planning requirements such as parking, **landscape** and utilities; and
- allow safety clearances for easements for essential service corridors.

P2.2 **Buildings** mass and form that:

- uses design features to affect the size and scale of the building;
- uses appropriate minor projections that do not detract from the character of the streetscape;
- minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank **walls**, servicing infrastructure access and meters and the like; and
- positively contributes to the prevailing **development** context and streetscape.

C2.1 **Buildings** set back from the **primary street** boundary:

- i. In accordance with **Table 1**;
- ii. corresponding to the average of the **setback** of existing **dwellings** on each adjacent property fronting the same **street**;
- iii. reduced by up to 50 per cent provided that the area of any building, including a **carport** or **garage**, intruding into the setback area is compensated for by at least an equal area of **open space** between the setback line and line drawn parallel to it at twice the setback distance (refer **Figure 2a, 2b** and **2c**);
- iv. In the case of areas coded R15 or higher, where:
 - a **grouped dwelling** has its main **frontage** to a **secondary street**;
 - a **single house** results from subdivision of an original corner lot and has its frontage to the original secondary street; or
 - a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a **communal street, right-of-way** or shared pedestrian or vehicle access way;

Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>
	<p>the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent (refer Figure 2b and 2d); and</p> <p>v. to provide for registered easements for essential services.</p> <p>C2.2 Buildings set back from the secondary street boundary in accordance with Table 1.</p> <p>C2.3 Buildings set back from the corner truncation boundary in accordance with the secondary street setback in Table 1.</p> <p>C2.4 A porch, balcony, verandah, chimney or the equivalent may project not more than 1m into the street setback area, and this projection is not subject to a compensating open area under clause 5.1.2 C2.1iii, provided that the total of such projections does not exceed 20 per cent of the frontage at any level (refer Figure 2b).</p>
<p>5.1.3 Lot boundary setback</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce Impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and 	<p>C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <ol style="list-style-type: none"> i. buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b (refer to Figure Series 3 and 4); ii. unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, set back as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level; iii. separate single house, grouped or multiple dwelling buildings on the same site, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them; iv. minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a setback area; and v. the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or
<p>5.1.4 Open space</p> <p>P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> • reflect the existing and/or desired streetscape character or as outlined under the local planning framework; • provide access to natural sunlight for the dwelling; • reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; • provide an attractive setting for the buildings, landscape, vegetation and streetscape; • provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and • provide space for external fixtures and essential facilities. 	<p>C4 Open space provided in accordance with Table 1 (refer Figure Series 6). The site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of that dwelling and the proportionate share of any associated common property.</p>
<p>5.2.1 Setback of garages and carports</p> <p>P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.</p>	<p>C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced:</p> <ol style="list-style-type: none"> i. in accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony); or. ii. to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings. <p>C1.2 Carports set back from the primary street in accordance with clause 5.1.2 C2.1.</p> <p>C1.3 Garages and carports built up to the boundary abutting a private street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.</p> <p>C1.4 Garages and carports set back 1.5m from a secondary street.</p> <p>C1.5 Carports within the street setback area in accordance with clause 5.1.2 C2.1iii provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent (refer to Figure 8a).</p>

Design principles	Deemed-to-comply
<i>Development demonstrates compliance with the following design principles (P)</i>	<i>Development satisfies the following deemed-to-comply requirements (C)</i>
5.4.3 Outbuildings P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	C3 Outbuildings that: <ol style="list-style-type: none"> are not attached to a dwelling; are non-habitable; collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; do not exceed a wall height of 2.4m; do not exceed ridge height of 4.2m; are not within the primary or secondary street setback area; do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b.

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

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

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

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to **single houses**

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

- indicated not applicable

* see **Tables 2a** and **2b** and clause 5.1.3

Av. average **site area**

Tables

Page 60

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

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

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

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

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

Zoning: The subject lot is zoned 'Residential' under the Shires Scheme.

Coded: 10/40

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

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

4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.2. RESIDENTIAL DESIGN CODES

- 4.2.1. A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.
- 4.2.2. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.
- 4.2.3. The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

Planning Comment

The proposal will not exceed total allowable size for floor area.

Allowed: 60m²

Proposed: 35m²

As the lean to is not enclosed it is not considered as part of the outbuilding area.

The proposal exceeds wall height requirements of the R-codes.

Wall height requirements: 2.4m

Wall height proposed: 2.7m

exceeds wall height maximum by 0.3m

The proposal satisfies open space, setback, ridge height and open space requirements.

Other than exceeding the maximum wall height outlined in the r-codes, the proposal raises no other statutory issues. However, it is important to make the applicant aware that the use of the shed as a temporary dwelling will require prior approval. A shed can be used as a habitable dwelling for up to 12 months while construction is taking place on the lot. While further regulations allow the applicant to use the shed as accommodation for up to the months under the Caravan and Camping Act. If the applicant has a desire to live in the shed for a period of time, the Shire should be informed of the change in use. This would require Councils approval.

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

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:

Not required.

STAFF RECOMMENDATION

That Council grants development approval for the construction of a shed and lean-to on Lot 5 (52) Forrest street, Kellerberrin, with the following conditions:-

- 1. The approval will expire if the development is not substantially commenced within two years of the approval date;*
- 2. Development is to be undertaken in accordance with the endorsed plans; and*
- 3. The shed shall not be used as a habitable dwelling unless approval has been gained by the Shire.*

Advice notes

- 1. the provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.*
- 2. Any change of use relating to the shed shall be submitted to the Shire for approval.*

COUNCIL RECOMMENDATION

MIN 237/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council grants development approval for the construction of a shed and lean-to on Lot 5 (52) Forrest street, Kellerberrin, with the following conditions:-

- 1. The approval will expire if the development is not substantially commenced within two years of the approval date;***
- 2. Development is to be undertaken in accordance with the endorsed plans; and***
- 3. The shed shall not be used as a habitable dwelling unless approval has been gained by the Shire.***

Advice notes

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.***
- 2. Any change of use relating to the shed shall be submitted to the Shire for approval.***

CARRIED 7/0

Agenda Reference:	11.2.5
Subject:	Sea Containers – Innes's Family
Location:	189 Smith Road Kellerberrin
Applicant:	Mr Phil & Eric Innes
File No:	A108 & A206
Record Ref:	IPA1752
Disclosure of Interest:	NIL
Date:	4 th December 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

A development application has been received from Mr. Phil and Eric Innes for the use of sea containers on their rural properties on a permanent basis. Proposed is the use of six (6) sea containers, three of which are currently contained in sheds. As the proposal is does not trigger an exemption for planning approval under the Shire's Sea Container Policy it is necessary that Council assess the application. The Shire's policy allows for two containers in the general agriculture zone to be kept without planning approval, however as this application is for six containers planning approval is required.

For the purpose of this application, Mr. Phil Innes's property will be considered as property 1, with Mr. Eric Inness's as property 2.

Existing on property 1 and 2 are single dwellings along with machinery sheds and various other storage related structures.

Property 1



Property 2



FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Local Planning Policy- Sea Containers (approved at September Council Meeting)

4.0 POLICY OBJECTIVES

The objectives of this policy are:

- To provide guidelines for the placement, use, size and construction of sea containers and other similar structures;
- To maintain the rural character and landscape amenity of the Shire;
- To allow for the temporary controlled use of a sea container during building and construction; and
- To provide further clarity on the definition of a sea container.

5.0 POLICY STATEMENT

5.1 Exemptions from planning approval

Planning consent is not required for:

- a) the use of sea containers fully enclosed within a building.
- b) the loading or unloading of containers for shipping, provided that the container(s) does not remain on the lot for longer than seven (7) days.
- c) the use of up to two (2) containers on land in the General Agriculture or Industrial zones (per rate notice),
- d) the temporary storage of equipment and materials during construction works (maximum of 12 months), where:
 - iii. building approval has been issued for the construction works and remains valid; and

iv. the sea container has been removed from the site within a month of completing construction works.

5.2 General Requirements for Sea Containers

5.2.1 Unless exempt from planning approval requirements specified in Clause 5.1 above, Approval by the Shire is required for use of all sea containers.

Sea containers shall:

- viii. comply with the requirements of the Scheme;
- ix. comply with the criteria set out in Table 1 of this policy;
- III. be used as detached outbuildings and not as ancillary accommodation;
- IV. be fitted with doors that can be opened from the inside to ensure safety of users;
- x. be painted to match either the existing dwelling or other outbuildings on the lot;
- xi. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- xii. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- xiii. be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and
- xiv. not be located on vacant land in the Residential, Rural Residential, Rural Townsite and Town Centre zones unless for the storage for building and construction purposes, as outlined in Clause 5.1 (d).

5.2.2 If a landowner wishes to exceed the acceptable standards in Table 1, the application will be formally referred to Council for determination.

5.2.3 Sea containers will not be permitted for habitable use or conversion for habitable use unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated. The use of sea containers as a dwelling is considered a repurposed dwelling under the Scheme and all applications should comply with the provisions of Scheme, Residential Design Codes (R-Codes) and Local Planning Policy 4.0 'Repurposed and Second Hand Dwellings'. 5.2.4 Sea containers are to be included in the gross total allowable area for outbuildings and are required satisfy open space requirements as set out in the R-Codes. Gross total area maximums are outlined in Local Planning Policy 1.0 'Outbuildings' (Section 7).

5.2.4 Sea containers are to be included in the gross total allowable area for outbuildings and are required satisfy open space requirements as set out in the R-Codes. Gross total area maximums are outlined in Local Planning Policy 1.0 'Outbuildings' (Section 7).

5.2.5 Sea containers that are not permanent are not required to conform with Clauses 5.2.1 (ii) and (v) or the special requirements in table 1).

5.2.6 All applicants will be required to gain a building permit from the Shire of Kellerberrin

Table 1.

General Agriculture	In accordance with the setbacks outlined in the Scheme (Clause 4.11.1)	2x 12m (40ft)* (per rate notice)	The sea container shall only be used for storage purposes. * Where more than two (2) containers are proposed, the application will be considered on its merits.
----------------------------	--	-------------------------------------	--

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

Zone Objectives:

3.2.6 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.

Zoning: The use of sea containers as storage is considered a discretionary 'D' use in the Shires scheme.

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
Shop	X	P	X	X	A	X
Showroom	X	D	P	X	A	X
Trade display	X	D	P	X	A	X
OTHER						
Corrective institution	X	X	X	X	X	X
Essential service utility	D	D	D	D	D	D
Funeral parlour	X	A	P	X	A	X
Telecommunications infrastructure	D	D	P	D	A	D
Veterinary centre	X	A	P	A	A	A
INDUSTRY						
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	DELETED BY AMD 2 GG 12/09/17					
Industry - light	X	X	P	X	A	X
Industry – primary production	AMD 2 GG 12/09/17	X	P	D	A	A
Industry - service	X	D	P	X	A	X
Mining operations	AMD 2 GG 12/09/17	X	X	D	X	X
Motor vehicle repair	X	D	P	X	A	X
Storage	X	D	P	D	A	X
Warehouse	X	D	P	X	A	X

Setbacks: The proposal satisfies the setback requirements outlined in the Scheme.

4.11 RURAL DEVELOPMENT

4.11.1 Buildings within the General Agriculture zone shall comply with the following minimum lot boundary setbacks:

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

Planning comment:

The application received by Phil and Eric Inness satisfies the requirements of the Scheme along with the Shire's sea container policy.

The application will have no impact on amenity.

Furthermore the use of the containers is consistent with the objectives for the general agriculture zone.

It is recommended this proposal be approved with general conditions that have been applied to similar applications in the Shire.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer

Lewis York – Town Planning Consultant

STAFF RECOMMENDATION

That Council grants development approval for the use of six (6) Sea Containers on the properties of Mr. Phil Innes (Smith road) and Mr. Eric Innes (Innes Road), Kellerberrin, with the following conditions;

- 1. The endorsed approved plans shall not be altered without the prior written approval of the Shire; and*
- 2. The Sea Container shall be fitted with doors that open from the inside for the safety of users in accordance with Council's sea container policy.*

COUNCIL RECOMMENDATION

MIN 238/17 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council grants development approval for the use of six (6) Sea Containers on the properties of Mr. Phil Innes (Smith road) and Mr. Eric Innes (Innes Road), Kellerberrin, with the following conditions;

- 1. The endorsed approved plans shall not be altered without the prior written approval of the Shire; and***
- 2. The Sea Container shall be fitted with doors that open from the inside for the safety of users in accordance with Council's sea container policy.***

CARRIED 7/0

MIN 239/17 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council moves behind closed doors

CARRIED 7/0

Agenda Reference:	11.1.8
Subject:	Shire of Kellerberrin/Australia Day Awards Nominations
Location:	Australia Day Awards
Applicant:	Shire of Kellerberrin
File Ref:	ORG:00, PUB:08
Record Ref :	ICR171575
Disclosure of Interest:	N/A
Date:	8 th December 2017
Author:	Brett Taylor, Community Development Officer

BACKGROUND

Council recently advertised for nominations to the Australia Day Awards sponsored by the Shire of Kellerberrin and the Australia Day Council. Advertising was completed in the local Pipeline Newsletter for multiple editions and placed on community pin-up boards at the Shire Offices, Kellerberrin Memorial Pool and Kellerberrin Recreation and Leisure Centre, Shire's website and face book page.

COMMENT

This is a major Community Event and also celebrates volunteers within our Community and District, in true Australian style with a cooked breakfast and Australia theme throughout the morning.

Award winners will need to be determined by the Council. Council will need to maintain confidentiality to preserve the "prestige" of these awards.

Three (3) nominations were received this year for the various categories. Full details of nominations received are an attachment to this item.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2017/2018 Budget
- allocation has been made for the hosting of this annual function/event

POLICY IMPLICATIONS

Shire of Kellerberrin 2008 Policy Manual – Policy 2.13 reads;

AUSTRALIA DAY AWARDS		POLICY 2.13
PURPOSE	To ensure that awards are awarded consistently under the appropriate guidelines.	
POLICY	Achiever Award <ol style="list-style-type: none"> The selection criteria for a "Shire of Kellerberrin Achiever" Award are as follows; <ol style="list-style-type: none"> Persons who have made a noteworthy contribution during the current year. Persons who raise funds for a community charity/ event / project Persons who bring credit/recognition to the community through their achievements A nominee for a "Shire of Kellerberrin Achiever" Award will only be considered for a "Citizen of the year Award" or "Young Citizen of the year award" if shown on the nomination form. 	

	<p>Community Service Award</p> <ol style="list-style-type: none"> The selection criteria for a “Shire of Kellerberrin Community Service” Award are as follows; <ul style="list-style-type: none"> (i) Persons who have made a noteworthy contribution and / or given outstanding service to the local community over a number of years (ii) Persons who perform voluntary service within the community (iii) Persons who raise funds for community/ charity/ event / project. A nominee for a “Shire of Kellerberrin Community Service” Award will only be considered for a “Citizen of the Year Award” or “Young Citizen of the year Award” if shown on the nomination form. <p>Community Event of the Year Award</p> <ol style="list-style-type: none"> The “ Community Event of the Year” Award is awarded to a community group of four or more people who; <ul style="list-style-type: none"> (i) Perform a service to the community (ii) Raise funds for a community charity/ event / project (iii) Conduct a successful project, event or activity (iv) Bring credit/ recognition to the community through a cultural, environmental or sporting achievement. The contribution can occur in the year prior to the award being presented or as recognition of a long-standing commitment/ service to the community.
POLICY Cont.	<p>Citizen of the Year Award</p> <ol style="list-style-type: none"> The “Citizen of the Year” is awarded to a person who has made a noteworthy contribution to the Shire during the current year, or given outstanding service to the local community over a number of years. To be eligible, the person must be an Australian Citizen. All nominees for “Citizen of the Year” will automatically be considered for a “Shire of Kellerberrin Achiever or “Community Service” Award and separate nominations are not required. A nominee for a “Shire of Kellerberrin Achiever or Community Service” Award will only be considered for a “Citizen of the Year Award” or “Young Citizen of the Year Award” if shown on the nomination form. <p>Young Citizen of the Year Award</p> <ol style="list-style-type: none"> The “Young Citizen of the Year” is awarded to a young person, who has made a noteworthy contribution to the Shire during the current year, or given outstanding service to the local community over a number of years. To be eligible, the person must not be more than 27 years of age in the following year. All nominees for “Young Citizen of the Year” will automatically be considered for a “Shire of Kellerberrin Achiever or community Service “Award and separate nominations are not required. A nominee for a “Shire of Kellerberrin Achiever or Community Service” Award will only be considered for a “Citizen of the Year Award” or “Young Citizen of the year Award” if shown on the nomination form. <p>ADDITIONAL TERMS</p> <ul style="list-style-type: none"> Nominations may be made by individuals, community organisations, clubs or associations. The nomination must be made on the attached form

	<ul style="list-style-type: none"> ▪ The closing date for nominations is stated on all advertising. ▪ That the Corporate Services Committee are the selection committee who have the authority to award the Achiever Award and Community Services award as determined by the Committee. ▪ Only one recipient to be awarded for each category. Nomination forms are to be sent to: "Australia Day Awards" Chief Executive Officer Shire of Kellerberrin P.O. Box 145 KELLERBERRIN WA 6410 <p>Presentations will be made on Australia Day each year.</p>
<p>DATE OF ADOPTION: 19 October 2004</p>	<p>REVIEWED NOVEMBER 2006</p>

STATUTORY IMPLICATIONS: Nil

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE PLAN IMPLICATIONS- Nil

COMMUNITY CONSULTATION

Community advertising in local newsletter "The Pipeline" and on Community Notice Boards at the Shire Offices, Kellerberrin Memorial Hall, Kellerberrin Community Resource Centre and Kellerberrin Recreation and Leisure Centre.

STAFF RECOMMENDATION

That Council determines Australia Day Award Winners by secret ballot and maintains confidentiality of the nominated Australia Day Awards for 2017 until after 26 January 2018

That Council declares _____ as the Citizen of the Year for 2017

That Council declares _____ as the Young Citizen of the Year for 2017

That Council declares _____ as the Community Event of the Year for 2017

That Council declares _____ the winner of a Community Service Award for 2017

MIN 240/17 MOTION - Moved Cr. White 2nd Cr. Leake

That Council

- 1. Determines Australia Day Award Winners and maintains confidentiality of the nominated Australia Day Awards for 2017 until after 26 January 2018***
- 2. declares Paul Brown as the Citizen of the Year for 2017***
- 3. declares the Speedway Twilight event as the Community Event of the Year for 2017***
- 4. declares Teresa Beech the winner of a Community Service Award for 2017***

****due to no nominations declares that there is no Young Citizen of the Year for 2017****

CARRIED 7/0

MIN 241/17 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council returns from behind closed doors.

CARRIED 7/0

MIN 242/17 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council receives late items.

CARRIED 7/0

Agenda Reference:	13.1.1
Subject:	Sale of Cherry Picker
Location:	Hammond Street (Depot), Kellerberrin
Applicant:	Mr Mark Silver
File Ref:	N/A
Record Ref:	ICR171546
Disclosure of Interest:	Nil
Date:	19 th December 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's November Ordinary Meeting of Council – 21st November 2017

MIN 211/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council:

- 1. approves the sale of approves the sale of Cherry Picker by private agreement, as parts only, to Mr Mark Silver, of 48 Wilson Street, Kellerberrin for the sum of \$100 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 Cherry Picker by private agreement, to Mr Mark Silver of 48 Wilson Street, Kellerberrin.***
 - 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.***

CARRIED 7/0

COMMENT

Council advertised the Purchase of the Cherry Picker locally in the Kellerberrin Pipeline.

Council since that advert have had three community members inspect the Cherry Picker with the view to providing a submission.

Council out of the three inspections received one (1) submission to the Purchase of the Cherry Picker from Mr Darryl Taylor for \$1,100.00

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

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
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
Manager Works and Services
Kellerberrin Community via Kellerberrin Pipeline

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

For Council Consideration.

COUNCIL RECOMMENDATION

MIN 243/17 MOTION - Moved Cr. Leake 2nd Cr. O’Neil

That Council:

- 1. Approves the sale of Cherry Picker by private agreement, as parts only, to Darryl Taylor, of Great Eastern Highway, Kellerberrin for the sum of \$1,100 including GST.***
- 2. authorises the CEO the power to decide to dispose of the property and for the CEO to execute the transfer documentation.***

CARRIED 7/0

CLOSURE OF MEETING

Shire President Cr. Forsyth wished everyone a Merry Christmas and a safe and prosperous new year and closed the meeting at 4.25pm

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 20th February, 2018