

# SHIRE OF KELLERBERRIN

## MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday 21<sup>st</sup> February 2017, commencing at 2:00 pm.

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.00 pm – Deputy President, Cr. O'Neill declared the meeting open.

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

#### Present:

Cr. O'Neill	Deputy President/ Presiding Person
Cr. Leake	Member
Cr. White	Member
Cr. Steber	Member
Cr. Reid	Member
Cr. McNeil	Member
Mr Raymond Griffiths	Chief Executive Officer
Mrs Karen Oborn	Deputy Chief Executive Officer – Minutes
Mr Mick Jones	Manager Works and Services
Mr Garry Tucker	Manager Development Services
Mrs Natasha Giles	Personal Assistant.
Mr Simon Tighe	Community Member

#### Apologies:

Cr. Forsyth                      President

#### Leave of Absence:

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

Previous notice received a letter dated 7<sup>th</sup> February 2017 from Mr Tighe regarding the pending land transfer and advised he will in attendance at the February 2017 Council Meeting to discuss.

Council's Deputy President Cr. Scott O'Neill (Chairperson) provided the following responses to questions taken on notice:

#### 1. *Why have I not been paid?*

Council is very disappointed as are you that you haven't been paid, Council paid to the Settlement Agent in December 2013 all amounts owed for the purchase of land with respect to the new Shackleton Road Re-alignment.

Council has been following up on this regularly though with little success.

The information that is being provided to Council is that the banks are required to remove the Mortgage from the old titles and place on the new ones and this process can only be done by the banks and unfortunately they are not doing in a timely manner.

The transfer and settlement includes the Whitehouse section of land as well and can only be done together therefore there is more than one company that is being dealt with to finalise this process and payment.

**2. Has the surveying company (or whoever is at fault) been paid?**

The settlement agent hasn't been paid and they are only paid at the conclusion of the process. The surveyors and all other agencies have been paid as this is required to be done to enable the sub-division to be lodged with the Department.

**3. Am I still liable for the rates on this land?**

Currently you are paying rates on this land that the road is constructed on though upon finalisation and the land has been processed through Councils system the rates will be back rated and you will receive a credit on this land.

The other portions of land are all still available for your use as they have been used. The land was cropped the first year the road was through.

**4. Why has the future land use (revegetation) changed since the signed agreement?**

No, the use hasn't changed.

Council still fully intends to use this land for revegetation however we can't do this until there is a need for an offset as the government doesn't cover retrospective works therefore if we do now we won't get any credit for roadworks clearing.

Council is looking to provide the land for possible community cropping until the need for offsets are required.

**5. What is "Private Access Only" road**

Private Access Only road is for the access of people that need to use road to access property.

If you can please let us know the particulars of the road, I will have Councils staff investigate and get a proper answer to you once understanding.

**6. Could I have been consulted over the naming of Cuttening Road?**

Council initially wanted to keep the road as Nichols Road though unfortunately the Department of Lands wouldn't permit this.

There are very strict guidelines for the naming of roads; this road name was presented to Council by the Department of Lands of which Council agreed to.

**4. PUBLIC QUESTION TIME:**

Mr Simon Tighe attended, and also asked why a piece of Shackleton Road was closed off, as shown on the draft map supplied as remaining as open.

Cr. Scott O'Neill advised Council will take the question on notice.

Mr Tighe also referred to letter sent to Council on the 7<sup>th</sup> February 2017 of which contained the questions above, and then received a letter from Council on the 17<sup>th</sup> February 2017 which contained a form from Prompt Settlements for Mr Tighe to authorise. Mr Tighe indicated that Council's response was due to his letter being supplied to Council which prompted the response.

Council's Chief Executive Officer, Mr Raymond Griffiths assured Mr Tighe that there had been ongoing contact from the Shire to the settlement agents regarding this matter and that the issue of his letter was a coincidence and not lack of follow up from Council's behalf and this could be proven through correspondence issued to the Settlement Agent.

**5. APPLICATIONS FOR LEAVE OF ABSENCE:**

**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 **21<sup>st</sup> February 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 **21<sup>st</sup> February 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 **21<sup>st</sup> February 2017**.

Date	Name	Item No.	Reason

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 20<sup>th</sup> December 2016**

**COUNCIL RECOMMENDATION**

**MIN 001/17 MOTION:** Moved Cr. Steber 2<sup>nd</sup> Cr. Leake

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 20<sup>th</sup> December 2016, be confirmed as a true and accurate record*

CARRIED 6/0

**8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION:**

Nil

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:**

Nil

**10. REPORTS OF COMMITTEES/COUNCILLORS**

**COUNCIL RECOMMENDATION**

**MIN 002/17 MOTION:** Moved Cr. Reid 2<sup>nd</sup> Cr. McNeil

*That the President's reports for February 2017 be received*

CARRIED 6/0

## 11.1 CORPORATE SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.1.1
<b>Subject:</b>	Community Requests and Discussion Items
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	13 <sup>th</sup> February 2017
<b>Author:</b>	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.

December 2016 Council Meeting

**MIN 196/16 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. O'Neill

***That Council;***

- 1. Authorises Greyland's Dorset Stud permission to agist ~ 20 sheep on Council's lot 438 on Deposited Plan 195528 until 2017 cropping program and to assist in keeping vegetation low;***
- 2. Authorise the Kellerberrin Recreation and Leisure Centre Management Committee progress the Tote, Culohan and Cottle room relocation drawings and costings as presented;***
- 3. Request the Chief Executive Officer to arrange a meeting with CBH and Growers to discuss the upgrade of the CBH facilities in Kellerberrin that has been discussed since 2013, in March 2017; and***
- 4. Follow up with residents in Bath Street who are leaving green waste in the back lane.***

CARRIED 7/0

November 2016 Council Meeting

**MIN 183/16 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid

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

CARRIED 7/0

October 2016 Council Meeting

**MIN 164/16 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. Leake

***That Council;***

- 1. Look into the requirement for a bin at the Baandee Look Out on Bruce Rock Road and look to incorporate into the upgrade being undertaken for the Pipeline Trail;***
- 2. Approach the Bruce Rock Shire regarding installing a sign pointing to Kellerberrin from Kokerbin rock;***
- 3. Develop documented guidelines regarding the conditions for using Council land for fundraising purposes through community 'cropping', including an option for Council to lease the properties out commercially, if permissible, in the event there are no community groups wishing to use the land.***

CARRIED 6/0

## COMMENT

### December 2016 – MIN 196/16

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

### November 2016 – MIN 183/16

No action required.

### October 2016 – MIN 164/16

1. Council has obtained that the cost associated would outweigh the need to place a bin at this look out.
2. Council has contacted Bruce Rock Shire and got approval to install a sign at Kokerbin rock. MW&S is looking into ordering the sign.
3. CEO is currently investigating.

## 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**

**COUNCIL RECOMMENDATION**

**MIN 003/17 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. White

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

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	Shire of Kellerberrin Electors Meeting Minutes
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	FIN-01
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	14 <sup>th</sup> February 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Shire of Kellerberrin Annual Electors Meeting was held on Tuesday 2<sup>nd</sup> February 2017. The Local Government Act requires Council to consider the minutes of the Electors Meeting at the next practicable Ordinary Meeting date.

## COMMENT

Statutory and Compliance requirements for the Council to consider the minutes of its Electors' Meeting held on 2<sup>nd</sup> February 2017.

Council in adopting the Electors Meeting minutes are adopting the motions put forward within the Electors Meeting.

Should Council wish to accept the minutes the motions are then to be discussed and voted upon within General Business of Council separately and provide reasons to the decision of Council in relation to the motion/s of the Electors Meeting.

**FINANCIAL IMPLICATIONS** - Nil

**POLICY IMPLICATIONS** - Nil

## STATUTORY IMPLICATIONS

Local Government Act 1995 – section 5.32 – Minutes of Electors' Meetings

*The CEO is to-*

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

Local Government Act 1995 – section 5.33 – Decisions made at Electors' Meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable;*
  - (a) at the first ordinary council meeting after that meeting; or*
  - (b) at a special meeting called for that purpose,**whichever happens first.*

*(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

**FUTURE PLAN IMPLICATIONS** - Nil

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
Avon Valley Advocate  
Shire's Notice Board  
Shire's Webpage  
Shire President  
Councillors  
Shire's Administration Staff

**ABSOLUTE MAJORITY REQUIRED – NO**

**STAFF RECOMMENDATION**

*That the minutes of the Shire of Kellerberrin Electors Meeting held in the Cuolahan room at the Kellerberrin Recreation and Leisure Centre on Thursday 2<sup>nd</sup> February 2017, be adopted.*

**COUNCIL RECOMMENDATION**

**MIN 004/17 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. McNeil**

***That the minutes of the Shire of Kellerberrin Electors Meeting held in the Cuolahan room at the Kellerberrin Recreation and Leisure Centre on Thursday 2<sup>nd</sup> February 2017, be adopted.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	WE-ROC Executive Council Meeting Minutes and Resolutions
<b>Location:</b>	Council Chambers, Shire of Yilgarn
<b>Applicant:</b>	Executive Officer - WE-ROC Council
<b>File Ref:</b>	ORG-10
<b>Rec Ref:</b>	New Min Number
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	15 <sup>th</sup> February 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 8<sup>th</sup> February 2017 held in the Council Chambers, Shire of Yilgarn (Southern Cross), are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last WE-ROC Executive Council Meeting Minutes held on Wednesday 8<sup>th</sup> February 2017 held in Council Chambers, Shire of Yilgarn (Southern Cross).

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

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

Resolutions arising out of the 8<sup>th</sup> February 2017 WE-ROC Executive Meeting summarised hereunder;

**RESOLUTION:**                      **Moved: Greg Powell**                      **Seconded: Darren Mollenoyux**  
**That the Minutes of the Executive Meeting held Wednesday 25 May 2016 be confirmed as a true and correct record.** **CARRIED**

**RESOLUTION:**                      **Moved: Darren Mollenoyux**                      **Seconded: Brian Jones**  
**That the matters/papers detailed in Item 4.3 be noted.** **CARRIED**

**RESOLUTION:**                      **Moved: Greg Powell**                      **Seconded: Brian Jones**  
**That the Executive Officer's report be noted.** **CARRIED**

**RESOLUTION:**                      **Moved: Greg Powell**                      **Seconded: Brian Jones**  
**That the:**  
    **1 Executive Officer's attendance at the meeting being convened by Rural Health West on Wednesday 1 March 2017 be noted; and**  
    **2 Executive Officer prepare a report on the meeting for tabling at the WE-ROC Executive Meeting scheduled for Wednesday 29 March 2017.** **CARRIED**

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

That an invitation be extended to representatives from the Wheatbelt Business Network to meet with the WE-ROC Executive when it meets on Wednesday 29 March 2017.

CARRIED

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

That WE-ROC write to all WA Senators regarding Roads to Recovery funding beyond the 2018/2019 financial year, with a copy of the correspondence being sent to WALGA.

CARRIED

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

That the report be noted and the Executive Officer finalise arrangements for the meeting with representatives of the Central Regional TAFE at the WE-ROC Executive Meeting on Wednesday 29 March 2017.

CARRIED

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

That:

1. The Executive Officer engage a facilitator to assist in the WE-ROC “brainstorming” session on WE-ROC’s future directions and projects for it to undertake; and
2. A limit of \$3,000 be set for any costs associated with the engagement of a facilitator and it be funded from the Projects/Consultancy budget.

CARRIED

**RESOLUTION:**                      **Moved: Brian Jones**                      **Seconded: Greg Powell**

That WE-ROC Council meet on Wednesday 29 March 2017.

CARRIED

## **FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

## **POLICY IMPLICATIONS**

## **STATUTORY IMPLICATIONS:**

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

## **STRATEGIC PLAN IMPLICATIONS**

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

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

**(Including Workforce Plan and Asset Management Plan Implications)**

## **LONG TERM PLAN IMPLICATIONS**

## **COMMUNITY CONSULTATION**

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



**ABSOLUTE MAJORITY REQUIRED**

**STAFF RECOMMENDATION**

That Council receive the Minutes of the Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 8<sup>th</sup> February 2017.

**COUNCIL RECOMMENDATION**

**MIN 005/17 MOTION** - Moved Cr. White                      2<sup>nd</sup> Cr. Leake

*That Council receive the Minutes of the Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 8<sup>th</sup> February 2017.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.4
<b>Subject:</b>	Shire of Kellerberrin – 2016/2017 Budget Review
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	FIN 04
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	1 February 2017
<b>Author:</b>	Mrs Karen Oborn, Deputy Chief Executive Officer.

## BACKGROUND

Council is to, between the months of January and March of every year, undertake a full budget review.

Councils July 2016 Ordinary Meeting of Council

### **MIN 126/16 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. O'Neil**

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

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

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

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

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

CARRIED 7/0  
BY ABSOLUTE MAJORITY

## COMMENT

The notes below correspond to the notes in the note column in the appendix. A revised Operating Statement and Rate Setting Statement have been produced based on the recommended budget alterations below.

It is a requirement of Council to send a copy of the Revised Annual Budget to the Department of Local Government.

## 2016 / 2017 Budget Review Notes

### ***Operating Expenditure***

- 1. Employee costs slightly increased \$14,475 due to Road works demand.
- 2. An Increase in materials and contracts, is expected based on projections to the EOFY of \$323,686, this is due to increased road works, as well as parts and repairs.
- 3. Insurance costs have increased above the budget for the year by \$13,030.

### ***Capital Expenditure***

- 4. This review advocates for no further transfers to reserves this year and a transfer from Reserves back into Municipal funds of \$130,530 if required.
- 5. Expenditure for Land & Buildings has decreased by \$41,200.
- 6. Additional capital expenditure for plant and equipment is expected to increase by \$10,940.
- 7. Increased capital expenditure is expected for roads and paths of \$136,100.

### ***Operating Revenue***

- 8. Increase in Rates revenue is expected \$ 8,419 based on YTD.
- 9. Increase to fees and charges, is expected \$45,739 based of YTD.
- 10. Decrease to contributions is expected \$284,220 based on YTD, this is caused be different allocation methods.
- 11. As there is an increase in other revenue expected \$ 279,670 based on YTD.

## **Capital Revenue**

12. Increase revenue for grants is expected as 15/16 RRG revenue was carried into 16/17 \$61,500, and the NSRF application was successfully contributing another \$310,000 to the Park upgrade projects.
13. The budgeted surplus was \$ 162,000 more than the actual surplus as per the 2015/16 Financial Report of \$69,272, \$61,500 was the RRG revenue and the remainder was due to contractors not submitting 15/16 invoices until late Aug – Sept. 2016 for Road works, that required significant variations to the pending purchase orders.

## **Accounts Netted Out**

14. Allocations have not been amended in this Budget review as they are automatically generated by the accounting software, Synergy Soft, used by the Shire of Kellerberrin and will not affect cash or cash equivalents.

Combined these variations have resulted in a decrease of available cash by \$130,530. This amount will be retrieved from the Reserve funds. The decrease was caused by the need to reseal three degraded intersections. In addition, Kwolyn West Road had a number of previously unknown culverts that had to be replaced. The result of this amendment is a return to a budgeted nil surplus projection at the close of the 2016 / 2017 financial year.

For a full breakdown of the variations made, please refer to the attachment.

**FINANCIAL IMPLICATIONS** – Shire of Kellerberrin, 2016 / 2017 Adopted Budget.

**POLICY IMPLICATIONS** – Nil

## **STATUTORY IMPLICATIONS –**

Local Government (Financial Management) Regulations 1996

### **33A. Review of budget**

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
  - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) consider the local government’s financial position as at the date of the review; and
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.  
*\*Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

*[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]*

## STRATEGIC COMMUNITY PLAN IMPLICATIONS

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### 2 Infrastructure

*Refers to the public infrastructure, inclusive of parks, buildings, roads, drainage and footpath, that will be provided and maintained to encourage connectivity through the Shire and surrounds.*

To have adequate and well maintained infrastructure that supports a safe and prosperous community.

*Our civil infrastructure has been identified as in need of upgrade and ongoing maintenance. This includes roads, footpaths, drainage, public and recreational areas and ancillary assets, such as street lighting. Town and streetscape improvements have also been identified as in need of improvement to enhance the visual amenity of our Shire.*

*Infrastructure is a core service relevant to providing connectivity and promoting community safety and engagement. As a result, we recognise that this will be a focus area to achieving our long term vision.*

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### 3 Governance

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

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

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

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

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### 4 Economic Development

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

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

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

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## CORPORATE BUSINESS PLAN IMPLCATIONS

(Including Workforce Plan and Asset Management Plan Implications)

### Strategic Priority 1.3

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

#### Goals

1.3.1 To create visually appealing and inviting public and recreational places that complies with good planning and design principles.

1.3.2 To plan and design assets and facilities to address community needs and expectations.

## Asset Management Plan – Land and Buildings

### 1: Proposed Capital Works Projects

Project	Objective	Total Cost	Timeframe
Kellerberrin Recreational Centre and Central Wheatbelt Harness Racing Club	<ul style="list-style-type: none"> <li>Maintaining and developing assets that will encourage new people to the area as well as retain the existing population.</li> </ul>	\$6.3 Million	2010/2011 – 2014/2015
Staff Housing Program	<ul style="list-style-type: none"> <li>To provide high quality housing</li> </ul>	\$0.89 Million	2010/2011 – 2011/2012 2013/2014
Shire Depot Redevelopment	<ul style="list-style-type: none"> <li>To upgrade the existing depot to facilitate Council in delivering its services to the community</li> </ul>	\$0.6 Million	2011/2012 – 2012/2013

### Capital and Renewal Works Planning Process

Capital and renewal works programs are determined based on an understanding of community needs, the condition and adequacy of existing buildings and facilities in meeting current and future demands. To ensure that building assets continue to meet community needs, expectations and forecast future demands, Council will:

- Identify the current status of its assets from community surveys, customer service requests, building inspection records, anecdotal / performance evidence and condition assessment reports;
- Determine works required to be carried out on the current buildings to bring the condition up to satisfactory condition;
- Identify any new works to be carried out / constructed in order to meet community needs and expectations, as well as the objectives outlined in the 10 Year Strategic Community Plan;
- Prioritise the programs and projects according to high, medium and low where:
  - a high rating deems the project to be carried out as a matter of priority (within 1-2 years);
  - a medium rating deems the project to be carried in the medium-long term (2-5 years); and
  - low rating deems the project to be carried out in the long term (5+ years).
- Identify the estimated costs associated with building renewal and new capital works;
- Prioritise the works and develop a 10 year rolling capital and renewal works program;
- Identify funding sources to support the delivery of the works; and
- Incorporate the program in Council's long term financial plan and annual budget.

### Asset Management Plan – Other Infrastructure

#### Capital and Renewal Works Planning Process

Capital and renewal works are determined based on an understanding of the current capacity and condition of the assets, as well as community needs and funding available to carry out the works.

In developing its long term capital and renewal works program, Council will:

- Review and analyse feedback and responses received from community consultations, community surveys and customer requests;
- Review forecast demands and population projections for the Shire and the region;
- Review and assess the current asset capacity, utilisation and condition to determine if the asset is operating effectively and efficiently, and if the asset requires renewal, replacement or expansion;
- Review the performance of the assets to determine if it complies with current levels of service and if it requires renewal, replacement or expansion;
- Develop a list of projects and programs to address future community needs and expectations as well as capacity and operational efficiency requirements;
- Prioritise the projects and programs according to a scale of high, medium and low and provide cost estimates for the project; and
- Assess financial and budgetary constraints and identify funding sources and develop a capital works program that is integrated with the long term financial plan.

## **TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil**

### **ABSOLUTE MAJORITY – Yes**

### **COMMUNITY CONSULTATION –**

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

### **STAFF RECOMMENDATION**

That Council adopts the 2016/2017 Budget Review attached, as presented to the February 2017 Ordinary Meeting of Council.

## **COUNCIL RECOMMENDATION**

**MIN 006/17 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake**

***That Council adopts the 2016/2017 Budget Review attached, as presented to the February 2017 Ordinary Meeting of Council.***

CARRIED 6/0

2.41pm – Cr. White exited Council Chambers.

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	Compliance Audit Return – 1 January 2016 to 31 December 2016
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Department of Local Government
<b>File Ref:</b>	OLGOV-01
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	14 <sup>th</sup> February 2017
<b>Author:</b>	Mrs Karen Oborn, Deputy Chief Executive Officer

## BACKGROUND

The Department of Local Government requires all local governments to complete an annual Compliance Audit Return (CAR) for each calendar year. As has been the case previously, a return is required for 2016.

The CAR is one of the tools that allows a Council to monitor how, as an organisation it is functioning. The return places an emphasis on the need to bring to Council's attention, cases of non-compliance, or where full compliance was not achieved. In addition to explaining or qualifying cases of non-compliance, the return also requires Council to endorse any remedial action taken or proposed to be taken in instances of non-compliance.

Each Local Government must complete a CAR for the period 1 January to 31 December 2016 against the checklist of statutory compliance issues included in the 2016 return. Once completed, the Compliance Audit Return is to be;

- (a) presented to Council at a meeting of the Council;
- (b) adopted by the Council; and
- (c) the adoption recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to the Council, a certified copy of the Return along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Director General, Department of Local Government by 31 March 2017.

Councils February 2016 Audit Committee Meeting

## COMMITTEE RECOMMENDATION

**MIN 007/17 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid

### *The Audit Committee*

- 1. *Receives the 2016 Compliance Audit Return as presented by staff, as the official Return of the Council for the period 1 January 2016 to 31 December 2016.***
- 2. *Recommends to Council that the 2016 Compliance Audit Return be adopted and authorise the Chief Executive Officer and Shire President to execute the Compliance Audit Return and forward to the Director General of the Department of Local Government.***

CARRIED 6/0

## COMMENT

The Compliance Audit Return has been a mandatory requirement since the Local Government (Audit) Regulations 1999, were amended and made applicable from 1 January 2000.



All senior staff have been involved in the completion of the Compliance Audit Return, certifying their actions and that of the Council, relating to the return covering the 2015 calendar year.

Staff involved and included in the process included;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Development Services
- Manager Works & Services

There is a requirement now for the Audit Committee to review the annual CAR prior to Council considering the return.

The annual Compliance Audit Return, once complete is to be;

- Presented to the Council at a meeting of the Council
- Adopted by the Council; and
- Recorded in the Minutes of the meeting at which it is adopted.

The Return is to be jointly certified by the Shire President and the Chief Executive Officer and the certification read aloud to the meeting.

**FINANCIAL IMPLICATIONS:** Nil

**POLICY IMPLICATIONS:** Nil

## **STATUTORY IMPLICATIONS**

### **Local Government (Audit) Regulations 1996 (as amended)**

#### **14. Compliance audits by local governments**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

*[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5; amended in Gazette 30 Dec 2011 p. 5580-1.]*

#### **15. Compliance audit return, certified copy of etc. to be given to Executive Director**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit,

is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

- (2) In this regulation —  
**certified** in relation to a compliance audit return means signed by —
- (a) the mayor or president; and
  - (b) the CEO.

*[Regulation 15 inserted in Gazette 23 Apr 1999 p. 1725.]*

## **16. Audit committee, functions of**

An audit committee —

- (a) is to provide guidance and assistance to the local government —
  - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
  - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- and
- (b) may provide guidance and assistance to the local government as to —
  - (i) matters to be audited; and
  - (ii) the scope of audits; and
  - (iii) its functions under Part 6 of the Act; and
  - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

*[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043.]*

## **Local Government Act 1995 (as amended)**

- section 3.57 relates to the tendering of goods and services
- section 3.59 relates to preparation of business plan for a commercial or trading enterprise
- sections 5.16, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46 relates to the delegation of power/duty
- sections 5.67, 5.68, 5.73, 5.75, 5.76, 5.77, 5.88, 5.103 relates to the Disclosure of Interest by Councillors and/or Staff
- sections 7.3 to 7.9 relates to the appointment of auditors
- section 9.4 to 9.29 relates to appeal provisions
- sections 3.58 to relates to disposal of property

## ***Subsidiary Statutory Acts and Regulations to achieve compliance***

- Local Government (Uniform Local Provisions) Regulations 1996 – regulation 9
- Local Government (Functions and General) Regulations 1997 (as amended) – tenders for the supply of goods and services
- Local Government (Administration) Regulations 1996 (as amended)
- Local Government (Financial Management) Regulations 1996 (as amended)
- Local Government (Audit) Regulations 1996
- Local Government Grants Act 1978 – section 12
- Local Government (Elections) Regulations 1997

**STRATEGIC PLAN IMPLICATIONS:** Nil

**FUTURE PLAN IMPLICATIONS:** Nil (good governance standards)

**COMMUNITY CONSULTATION:**

Management and Administration Staff

**STAFF RECOMMENDATION**

*That Council adopt the 2016 Compliance Audit Return and authorise the Chief Executive Officer and Shire President to execute the Compliance Audit Return and forward to the Director General of the Department of Local Government.*

Councillor White left the Chambers at 2.40pm

**COUNCIL RECOMMENDATION**

**MIN 007/17 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid

***That Council adopt the 2016 Compliance Audit Return and authorise the Chief Executive Officer and Shire President to execute the Compliance Audit Return and forward to the Director General of the Department of Local Government.***

CARRIED 5/0

2.45pm - Cr White entered Council Chambers

<b>Agenda Reference:</b>	11.1.6
<b>Subject:</b>	December 2016 Cheque List
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	7 <sup>th</sup> February 2017
<b>Author:</b>	Miss Codi Mullen, Administration Officer

## BACKGROUND

Accounts for payment from 1<sup>st</sup> December 2016 – 31st December 2016

### Trust Fund

EFT & CHQ

**TRUST TOTAL** \$ 500.00

### Municipal Fund

Cheque Payments

34156 - 34165 \$ 43,864.05

EFT Payments

6608 - 6759 \$ 682,750.68

Direct Debit Payments \$ 32,413.88

**TOTAL MUNICIPAL** \$ 759,028.61

## COMMENT

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

<b>Hanson Construction Materials Pty Ltd</b>	\$ 90,275.51
supply of 1000 tonne 14 mm 800t 7mm washed aggregate for Baandee north rd.	
<b>Merger Contracting Pty Ltd</b>	\$ 76,445.49
Asphalt intersections on Shackleton road - Smith / Kwolyin East	
<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	\$ 68,921.05
LICENSING PAYMENTS - DECEMBER 2016	
<b>Western Australian Treasury Corporation</b>	\$ 46,186.67
Loan No. 118 & 117 Repayments	
<b>WCS Concrete Pty Ltd</b>	\$ 29,986.00
Supply concrete for footpath, Form up foot path.	
<b>WCS Concrete Pty Ltd</b>	\$ 23,671.56
QUOTE: 101565 Laying of concrete for 300m/2 pad at Swimming Pool	
<b>Water Corporation</b>	\$ 21,898.57
Water Charges from October - December 16	
<b>Farmways Kellerberrin Pty Ltd</b>	\$ 20,506.44
2 x Fridges to replace broken fridge at Caravan Park, Pipe GAL, Wash truck chemtech, patio brackets & screws, Hitachi slide batteries. Various items under \$200.00	
<b>Fire And Emergency Services (WA)</b>	\$ 18,539.81
ESLB 2nd Qtr. Contribution 16/17	

<b>Moore Stephens</b> Final billing audit 30/06/2016, travel & Accounting assistance	\$ 17,743.00
<b>Brooks Hire Service Pty Ltd</b> Hire of Excavator, Bomag Roller October	\$ 15,296.88
<b>Synergy</b> Power consumption from Oct - Dec 16 for various properties	\$ 14,930.65
<b>CE and H Smith</b> Pushing up and clearing of gravel in Nick Jones Gravel Pit.	\$ 14,891.25
<b>Avon Waste</b> Domestic & Commercial October & November 16	\$ 14,605.60
<b>Shaun's Mobile Mechanical Service</b> Mechanical Works in Depot throughout November - December 16	\$ 14,432.00
<b>Great Southern Fuel Supplies</b> Fuel Purchases for November 16	\$ 12,980.68
<b>Action Solution</b> Purchase of transportable for Depot yard.	\$ 12,100.00
<b>Sunbather WA</b> supply and install solar pool heater. Final Payment	\$ 11,756.25
<b>Westrac</b> Parts as per list attached. - Hose, clamp, gasket, seal, O-ring, regulator, lock bolt	\$ 9,524.95
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll Deductions & Superannuation Contributions	\$ 8,499.65
<b>DKT Rural Agencies</b> Plastic pipes for culvert replacement, VINIDEX DRAINCOIL, paint, plants Various items under \$100.00	\$ 8,404.60
<b>Kellerberrin &amp; Districts Club</b> Quarterly Payment - Manager KRLCMAC Salary	\$ 8,065.15
<b>GPR Truck Service &amp; Repairs</b> Repair clutch fault - Parts, extras & Labour	\$ 7,780.51
<b>R&amp;R Fencing</b> Rails, post, panels, brackets.	\$ 6,815.00
<b>Claremont Stone and Synthetic Turf</b> New Turf at the Recreation Centre	\$ 6,759.06
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll Deductions & Superannuation Contributions	\$ 6,712.82
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll Deductions & Superannuation Contributions	\$ 6,587.30
<b>Ryan Kippin Mechanical Pty Ltd</b> Repairs to CAT Loader throughout December 2016	\$ 6,542.80
<b>Cutting Edges Equipment Parts</b> Grader blade	\$ 6,461.58
<b>Merredin Panel and Paint</b> Freightliner Bonnet Remove, Refit Paint & labour	\$ 6,277.11

<b>EnLocus Pty Ltd</b> Professional Fees for Skate Park. Project Inception, Design Development - Stages 1 & 2	<b>\$ 5,967.50</b>
<b>STS West Pty Ltd</b> Various Tyre repairs & Water 12Lt	<b>\$ 5,610.50</b>
<b>Farmways Kellerberrin Pty Ltd</b> Hydraulic hoses & fittings, reverse alarm, activating switch, various items under \$100	<b>\$ 5,484.84</b>
<b>Kellerberrin Community Resource Centre</b> Library Payment Oct - Nov 16 Forklift Course	<b>\$ 4,976.00</b>
<b>Key2creative</b> Website design and development - 50% commencement	<b>\$ 4,922.50</b>
<b>Tuss Group Pty Ltd</b> Link lids, 450 pipe, Double headwalls	<b>\$ 4,659.13</b>
<b>Kellerberrin &amp; Districts Agricultural Society</b> Catering for LHAG October 16	<b>\$ 4,530.00</b>

## **FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

Shire of Kellerberrin 2016/2017 Operating Budget

### **POLICY IMPLICATIONS - Nil**

### **STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

#### **11. Payment of accounts**

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

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

#### **12. Payments from municipal fund or trust fund**

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.

- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

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

### **13. Lists of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
- (a) The payee's name;
  - (b) The amount of the payment;
  - (c) The date of the payment; and
  - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) For each account which requires council authorisation in that month —
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) Sufficient information to identify the transaction;And
  - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) Recorded in the minutes of that meeting.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil**

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

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION - Nil**

**ABSOLUTE MAJORITY REQUIRED – NO**

### **STAFF RECOMMENDATION**

*That Council notes that during the month of December 2016, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.*

1. *Municipal Fund payments totalling \$759,028.61 on vouchers EFT , CHQ, Direct payments; and*
2. *Trust Fund payments totalling \$500.00 on vouchers EFT, CHQ, Direct payments.*

# COUNCIL RECOMMENDATION

**MIN 008 /17 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake**

***That Council notes that during the month of December 2016, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.***

- 1. Municipal Fund payments totalling \$759,028.61 on vouchers EFT , CHQ, Direct payments; and***
- 2. Trust Fund payments totalling \$500.00 on vouchers EFT, CHQ, Direct payments.***

CARRIED 6/0



<b>Agenda Reference:</b>	11.1.7
<b>Subject:</b>	January 2017 Cheque List
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	9 <sup>th</sup> February 2017
<b>Author:</b>	Miss Codi Mullen, Finance/Administration Officer

## BACKGROUND

Accounts for payment from 1<sup>st</sup> January 2017 – 31st January 2017

### Trust Fund

EFT & CHQ

**TRUST TOTAL** \$ 0.00

### Municipal Fund

Cheque Payments

34166 - 34173 \$ 13,256.84

EFT Payments

6760 - 6829 \$ 282,820.04

Direct Debit Payments

\$ 51,898.11

### **TOTAL MUNICIPAL**

**\$ 347,974.99**

## COMMENT

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

**Carving Concrete Construction Pty Ltd** \$ 66,111.94

Tender Contract 03/2016 - Kellerberrin Skate park Progress Claim 1

**Colas WA Pty Ltd** \$ 47,260.05

To supply 2 Coat Cutback Bitumen Primer sealing at \$3.03/m2 + GST

**Deputy Commissioner Of Taxation** \$ 22,250.00

BAS Statement - December 2015

**Auspray Industries Pty Ltd** \$ 21,600.97

Supply of 2x foldable light towers & cage Quote# 1504

**Great Southern Fuel Supplies** \$ 18,303.75

Fuel Purchase throughout December 16

**Western Stabilisers** \$ 17,540.86

To supply Wet Mixing at \$0.85/m2 and Mobilisation for Kwolyin West Road

**Western Australian Treasury Corporation** \$ 13,150.20

Loan No. Payments & GFEE

\$ 11,331.55

**DKT Rural Agencies**

2700 Water Tanks & 9 x 300 mm pipes for car park cross over, Plus various items under \$100

**Shaun's Mobile Mechanical Service** \$ 9,854.90

Mechanical Works in Depot throughout December 16 & January 17

<b>Alleasing Pty Ltd</b> Lease Gym Equipment	\$ 7,610.77
<b>Westrac</b> 44 part numbers for transmission rebuild	\$ 7,371.38
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll deductions & Superannuation contributions	\$ 7,293.54
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll deductions & Superannuation contributions	\$ 7,167.15
<b>Tom's Tree Service</b> Removal of trees in Park where new Infrastructure is being located	\$ 6,600.00
<b>LGIS Insurance Broking</b> 15/16 Motor Vehicle Premium Adjustment 30/06/2015 - 30/06/2016	\$ 6,494.42
<b>Brooks Hire Service Pty Ltd</b> Hire of Bomag Smooth Roller November 16 & December 16	\$ 6,324.62
<b>Telstra</b> Telstra usage December 16	\$ 5,018.24
<b>Great Eastern Country Zone of WALGA</b> Annual Subscription 16/17	\$ 4,675.00
<b>STS West Pty Ltd</b> Grader tyre, Tyres, puncture repairs & Bottled Water	\$ 4,314.00

## **FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

Shire of Kellerberrin 2016/2017 Operating Budget

## **POLICY IMPLICATIONS - Nil**

## **STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

### **11. Payment of accounts**

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

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

**12. Payments from municipal fund or trust fund**

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

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

**13. Lists of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) The payee's name;
  - (b) The amount of the payment;
  - (c) The date of the payment; and
  - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) For each account which requires council authorisation in that month —
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) Sufficient information to identify the transaction;And
  - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
  - (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) Recorded in the minutes of that meeting.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN 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 January 2016, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.*

- 1. *Municipal Fund payments totalling \$374,974.99 on vouchers EFT , CHQ, Direct payments; and*
- 2. *Trust Fund payments totalling \$0.00 on vouchers EFT, CHQ, Direct payments.*

# COUNCIL RECOMMENDATION

MIN 009 /17 MOTION - Moved Cr. McNeil

2<sup>nd</sup> Cr. Reid

*That Council notes that during the month of January 2016, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.*

- 1. Municipal Fund payments totalling \$374,974.99 on vouchers EFT, CHQ, Direct payments;  
and*
- 2. Trust Fund payments totalling \$0.00 on vouchers EFT, CHQ, Direct payments.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.8
<b>Subject:</b>	Financial Management Report, Direct Debit List and Visa Card Transactions for the month December 2016
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	3 February 2017
<b>Author:</b>	Mrs Jennine Ashby, Senior Finance Officer

## BACKGROUND

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

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

### Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
1-Dec-16	Westnet	Monthly Static IP Address	\$	4.99
1-Dec-16	Shire of Kellerberrin	Payroll	\$	52,825.20
1-Dec-16	Shire of Kellerberrin	EFT Payment	\$	310,850.05
2-Dec-16	Shire of Kellerberrin	Payroll - Click Super	\$	7,500.68
2-Dec-16	Shire of Kellerberrin	EFT Payment	\$	11,756.25
5-Dec-16	National Australia Bank	VISA Transactions	\$	2,899.94
8-Dec-16	Shire of Kellerberrin	EFT Payment	\$	1,350.00
9-Dec-16	Shire of Kellerberrin	EFT Payment	\$	378,465.78
13-Dec-16	DLL Group	Monthly Photocopier Lease	\$	265.21
14-Dec-16	National Australia Bank	Transfer New Reserve Term Deposit	\$	732,224.27
15-Dec-16	SG Fleet	Monthly Lease Payment	\$	3,752.07
15-Dec-16	Shire of Kellerberrin	Payroll	\$	64,563.84
16-Dec-16	Shire of Kellerberrin	Payroll - Click Super	\$	10,143.14
21-Dec-16	National Australia Bank	Connect Fee Access and Usage	\$	63.73
21-Dec-16	Shire of Kellerberrin	EFT Payment	\$	202,839.78
22-Dec-16	Shire of Kellerberrin	EFT Payment	\$	3,308.77
22-Dec-16	Shire of Kellerberrin	EFT Payment	\$	20,191.93
29-Dec-16	Shire of Kellerberrin	Payroll	\$	49,430.45
29-Dec-16	Shire of Kellerberrin	Payroll - Click Super	\$	7,582.64
30-Dec-16	National Australia Bank	Merchant Fees	\$	112.55
30-Dec-16	National Australia Bank	Merchant Fees	\$	130.66
30-Dec-16	National Australia Bank	BPAY Charges	\$	27.60
30-Dec-16	National Australia Bank	Account Fees - Municipal	\$	47.60
30-Dec-16	National Australia Bank	Account Fees - Trust	\$	59.00
<b>TOTAL</b>			<b>\$</b>	<b><u>1,860,396.13</u></b>

### Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
31-Dec-16	Department Transport	Direct Debit-Licensing Payments Dec 16	\$	69,421.05
<b>TOTAL</b>			<b>\$</b>	<b><u>69,421.05</u></b>

**Visa Card Transactions**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
05-Dec-16	Succulent Foods	Staff Consumables	\$	84.00
16-Dec-16	City of Vincent	Parking Charges	\$	2.00
16-Dec-16	Food Group WA Pty Ltd	Staff Consumables	\$	138.20
28-Dec-16	Jurien Bay Service	Fuel Purchases - KE1	\$	184.58
28-Dec-16	Succulent Foods	Staff Consumables	\$	124.50
28-Dec-16	National Australia Bank	Card Fee	\$	9.00
		<b>TOTAL - CEO</b>	<b>\$</b>	<b>542.28</b>
01-Dec-16	Officeworks Online	External Hard Drive	\$	141.95
05-Dec-16	Woolworths Petrol Bunbury	Unleaded Fuel - KE002	\$	63.00
06-Dec-16	Puma Mindarie	Unleaded Fuel - KE002	\$	47.00
12-Dec-16	Kellerberrin & Districts Club	LGMA District Meeting	\$	179.50
19-Dec-16	Puma Bunbury Parks	Unleaded Fuel - KE002	\$	49.50
20-Dec-16	Kellerberrin Shire - CRC	Plate Change - KE1	\$	25.30
20-Dec-16	Kellerberrin Shire - CRC	Vehicle Registration - KE1	\$	231.40
28-Dec-16	Wilson Parking	Parking Charges	\$	9.90
28-Dec-16	Puma Mindarie	Unleaded Fuel - KE002	\$	42.00
28-Dec-16	National Australia Bank	Card Fee	\$	9.00
		<b>TOTAL - DCEO</b>	<b>\$</b>	<b>798.55</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b>1,340.83</b>

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

➤ Financial Management of 2016/2017

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

**34. Financial activity statement report — s. 6.4**

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and

- (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

- 1) That the Financial Report for the month of December 2016 comprising;
  - (a) Statement of Financial Activity
  - (b) Note 1 to Note 9
- 2) That the Direct Debit List for the month of December 2016 comprising;
  - (a) Municipal Fund – Direct Debit List
  - (b) Trust Fund – Direct Debit List
  - (c) Visa Card Transactions

Be adopted.

**COUNCIL RECOMMENDATION**

**MIN 010/17 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. McNeil**

- 1) That the Financial Report for the month of December 2016 comprising;**
  - (a) Statement of Financial Activity**
  - (b) Note 1 to Note 9**
- 2) That the Direct Debit List for the month of December 2016 comprising;**
  - (a) Municipal Fund – Direct Debit List**
  - (b) Trust Fund – Direct Debit List**
  - (c) Visa Card Transactions**

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.9
<b>Subject:</b>	Financial Management Report, Direct Debit List and Visa Card Transactions for the month January 2017
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	3 February 2017
<b>Author:</b>	Mrs Jennine Ashby, Senior Finance Officer

## BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of January 2017. Enclosed is the Monthly Financial Report for the month of January 2017.

### Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
3-Jan-17	Westnet	Monthly static IP address	\$	4.99
3-Jan-17	Alleasing	Gym Equipment Lease Payment	\$	1,340.83
3-Jan-17	National Australia Bank	VISA Transactions	\$	1,340.83
5-Jan-17	Shire of Kellerberrin	EFT Payment	\$	25,355.83
11-Jan-17	Australian Taxation Office	BAS December 2016	\$	22,250.00
12-Jan-17	Shire of Kellerberrin	Payroll	\$	54,102.08
13-Jan-17	DLL Group	Monthly Photocopier Lease Payment	\$	265.21
16-Jan-17	SG Fleet	Monthly Lease Payment	\$	3,752.07
19-Jan-17	Shire of Kellerberrin	EFT Payment	\$	260,214.22
25-Jan-17	Shire of Kellerberrin	Payroll	\$	52,799.64
25-Jan-17	Shire of Kellerberrin	Payroll - Click Super	\$	16,674.24
27-Jan-17	National Australia Bank	Connect Fee Access and Usage	\$	85.73
31-Jan-17	National Australia Bank	BPAY Charges	\$	61.16
31-Jan-17	National Australia Bank	Account Fees - Municipal	\$	50.60
31-Jan-17	National Australia Bank	Account Fees - Trust	\$	52.40
<b>TOTAL</b>			<b>\$</b>	<b>438,349.83</b>

### Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
31-Jan-17	Department Transport	Direct Debit-Licensing Payments Jan 17	\$	47,145.65
<b>TOTAL</b>			<b>\$</b>	<b>47,145.65</b>

### Visa Card Transactions

Date	Name	Details	\$	Amount
04-Jan-17	Kellerberrin & Districts Club	Refreshments - LGMA Meeting	\$	243.00
20-Jan-17	DKT Rural Agencies	Hardware Purchases	\$	80.40
27-Jan-17	Coles Express South Perth	Fuel Purchases - KE1	\$	171.29
27-Jan-17	National Australia Bank	Card Fee	\$	9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>503.69</b>
29-Dec-16	Puma Bunbury Parks	Unleaded Fuel - KE002	\$	76.50
10-Jan-17	Puma Mindarie	Unleaded Fuel - KE002	\$	68.00
16-Jan-17	Puma Bunbury Parks	Unleaded Fuel - KE002	\$	80.50
27-Jan-17	The Urinal Shop	Service Kit	\$	407.04
27-Jan-17	National Australia Bank	Card Fee	\$	9.00
<b>TOTAL - DCEO</b>			<b>\$</b>	<b>641.04</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$</b>	<b>1,144.73</b>



## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2016/2017

**POLICY IMPLICATIONS - Nil**

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

### 34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

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

Be adopted.

**COUNCIL RECOMMENDATION**

**MIN 011 /17 MOTIONS - Moved Cr. McNeil** **2<sup>nd</sup> Cr. Reid**

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

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.10
<b>Subject:</b>	Doodlakine Bowling Club – DSR Small Grant Application
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Doodlakine Bowling Club
<b>File Ref:</b>	FIN-21, SPREC14
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	14 <sup>th</sup> February 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Doodlakine Bowling Club and Council have been discussing over the previous 12 months the possibilities of a synthetic green for the Doodlakine Bowling Club and the benefits/costs savings this will provide.

## COMMENT

The Doodlakine Bowling Club and delegates from the Shire of Kellerberrin held an onsite meeting in December 2016 with representatives from Department of Sport and Recreation to discuss the project and its merits as well as Council's intention to have a grant application placed in the February 2017 Small Grants Round.

Department of Sport and Recreation have CSRFF Small Grants open now and due at the end of March 2017. These grants can fund projects up to \$200,000 with a maximum grant amount payable of \$66,666. The Doodlakine Bowling Club is seeking funds to the value of approximately \$60,000 for their bowling green upgrade project.

The Doodlakine Bowling Club is seeking Council support with their application to Department of Sport and Recreation (DSR) funding through the Community Sporting and Recreation Facilities Fund (CSRFF) for their synthetic surface project

Attached to this agenda are three quotes the Doodlakine Bowling Club has received for their project and a copy of the grant application.

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin

- Up to \$30,000 – both in-kind and cash contribution

Doodlakine Community Committee

- \$50,000 cash contribution
- \$66,000 Department of Sport and Recreation (maximum amount we can apply for)
- Doodlakine Bowling Club – balance of cash as well as in-kind contributions

**POLICY IMPLICATIONS** - Nil

**STATUTORY IMPLICATIONS** - Nil

**STRATEGIC PLAN IMPLICATIONS** - Nil

**FUTURE PLAN IMPLICATIONS** - Nil

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
Department Sport and Recreation (Jennifer Collins)  
Community Development Officer/Personal Assistant  
Doodlakine Bowling Club  
Bowls WA

**ABSOLUTE MAJORITY REQUIRED – NO**

**STAFF RECOMMENDATION**

*That Council;*

- 1. *endorse the CSRFF Small Grant Application for the Doodlakine Bowling Club – Resurfacing Project;*
- 2. *allocates \$30,000 cash as its contribution to the Doodlakine Bowling Club Resurfacing Project and includes in the 2017/2018 Budget; and*
- 3. *authorizes the lodgement of Doodlakine Bowling Club CSRFF Application with the Department of Sport and Recreation by the 31<sup>st</sup> March 2017.*
- 4. *reviews the project should the funding be declined.*

**COUNCIL RECOMMENDATION**

**MIN 012/17 MOTION - Moved Cr. Leake 2<sup>nd</sup> Cr. McNeil**

*That Council;*

- 1. *endorse the CSRFF Small Grant Application for the Doodlakine Bowling Club – Resurfacing Project;*
- 2. *allocates \$30,000 cash as its contribution to the Doodlakine Bowling Club Resurfacing Project and includes in the 2017/2018 Budget; and*
- 3. *authorizes the lodgement of Doodlakine Bowling Club CSRFF Application with the Department of Sport and Recreation by the 31<sup>st</sup> March 2017.*
- 4. *reviews the project should the funding be declined.*

CARRIED 5/1

## DEVELOPMENT SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Building Returns: December 2016 & January 2017
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Various
<b>File Ref:</b>	BUILD06
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	10 <sup>th</sup> February 2017
<b>Author:</b>	Mr Garry Tucker, Manager Development Services

### BACKGROUND

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

### COMMENT (December 2016)

1. There was one application received for a "Building Permit" during the December 2016 period. A copy of the "Australian Bureau of Statistics appends.
2. There were No "Building Permits" issued in the December 2016 period. See attached form "Return of Building Permits Issued.

### COMMENT (January 2017)

1. There were no applications received for a "Building Permit" during the January 2017 period. A copy of the "Australian Bureau of Statistics appends.
2. There were No "Building Permits" issued in the January 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 December 2016 and January 2017 periods;  
and
- 2. Acknowledge the "Return of Building Permits Issued" for the December 2016 and January 2017 periods.

**COUNCIL RECOMMENDATION**

**MIN 013/17 MOTION - Moved Cr. White**

**2<sup>nd</sup> Cr. Steber**

***That Council***

- 1. Acknowledge the "Return of Proposed Building Operations" for the December 2016 and January 2017 periods;  
and***
- 2. Acknowledge the "Return of Building Permits Issued" for the December 2016 and January 2017 periods.***

CARRIED 6/0

3.38pm – Council adjourned for afternoon tea and citizenship ceremony.

4.12pm – Council resumed Council Meeting with all members present prior to the adjournment

<b>Agenda Reference:</b>	11.2.2
<b>Subject:</b>	51 Forrest Street, Kellerberrin
<b>Location:</b>	51 Forrest Street, Kellerberrin
<b>Applicant:</b>	Melinda Marchesano
<b>File Ref:</b>	A555
<b>Record Ref:</b>	ICR161237
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	14 <sup>th</sup> February 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council's November Ordinary Meeting of Council – 15<sup>th</sup> November 2017

**MIN 190/16 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Leake

***That Council in accordance with Caravan Parks and Camping Grounds Regulations 1997***

***Section 2 (11)(a) grants three months approval for camping at 51 Forrest Street with the following conditions:***

- 1. Any power connections are to be RCD protected.***
- 2. Working smoke alarms***
- 3. A Licenced plumber connection to the sewer***
- 4. Water Connection***
- 5. Building Permit Application submitted by 10<sup>th</sup> February 2017.***
- 6. Expires 14<sup>th</sup> February 2017***

CARRIED 7/0

## COMMENT

Council on the 17<sup>th</sup> November wrote to Ms Marchesano advising of Council's decision and the conditions of her camping approval.

Council as of the 14<sup>th</sup> February 2017 (the expiry of the permission) hasn't received any correspondence or confirmation that the above conditions have been met.

Therefore an additional letter has been issued to Ms Marchesano advising that due to the conditions not being met the permission will be revisited and if any of the conditions have been met to ensure that Council is advised prior to the 21<sup>st</sup> February 2017 when a decision on the camping will be made.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS –**

***Caravan Parks and Camping Grounds Regulations 1997***

## Section 2

### 8. This Part subject to other written law

If there is a conflict or inconsistency between this Part and any other written law other than a local law, the other written law prevails to the extent of the conflict or inconsistency.

#### 8A. Definition of “camp” in this Part

In this Part —

**camp** when used as a verb, includes to camp in a vehicle.

[Regulation 8A inserted in Gazette 16 Jul 1999 p. 3202.]

### 9. Park homes may only be occupied in caravan parks

Despite anything else in this Part, a person may occupy a park home only in a caravan park licensed under the Act.

Penalty: \$3 000.

### 10. Where a person may camp

A person may camp only —

- (a) at a site in a caravan park or camping ground, as appropriate, licensed under the Act; or
- (b) in accordance with regulation 11.

Penalty: \$1 000.

### 11. Camping other than at a caravan park or camping ground

(1) A person may camp —

- (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;
- (b) for up to 24 consecutive hours in a caravan or other vehicle on a road side rest area;
- (c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve;
- (d) on any land which is —
  - (i) held by a State instrumentality in freehold or leasehold; or
  - (ii) dedicated, reserved, or set apart under the *Land Administration Act 1997* or any other written law, and placed under the care, control or management of a State instrumentality,in accordance with the permission of that instrumentality; or
- (e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the *Land Administration Act 1997*, or a person authorised by the Minister to give permission under this paragraph.

(2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —

- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;
- (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or



- (c) despite paragraph (b), by the local government of the district where the land is situated —
  - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
  - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.

(3) In this regulation —

building licence means a building licence under section 374 of the *Local Government (Miscellaneous Provisions) Act 1960*;

emergency means a situation where to move the caravan or other vehicle to a more suitable area would constitute an immediate and serious hazard due to the condition of the caravan or other vehicle, or a vehicle towing the caravan, or of the driver, or passengers, of any such vehicle;

road side rest area means an area designated by a traffic sign erected in accordance with a written law, as an area which may be used for 24 hours for —

- (a) resting;
- (b) stopping; or
- (c) camping,

in a vehicle;

State instrumentality has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

unallocated Crown land has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

unmanaged reserve has the same meaning as it has for the purposes of the *Land Administration Act 1997*.

[Regulation 11 amended in Gazette 16 Jul 1999 p. 3202-4; 25 Aug 2000 p. 4911.]

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS – Nil**

## **TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

### **COMMUNITY CONSULTATION**

Chief Executive Officer  
 Deputy Chief Executive Officer  
 Manager of Development Services  
 Ranger

## **ABSOLUTE MAJORITY REQUIRED – NO**

### **STAFF RECOMMENDATION**

*That Council rescinds Motion 190/16.*

### **STAFF RECOMMENDATION**

*That Council:*

1. *Advise Ms Melinda Marchesano that camping at 51 Forrest Street, Kellerberrin is not permitted;*

2. *Inform Ms Melinda Marchesano that the property of 51 Forrest Street, Kellerberrin is to be vacated by Friday 10<sup>th</sup> March 2017 as the conditions for approval to camp at 51 Forrest Street, Kellerberrin have not been met;  
and*
3. *Advise Ms Melinda Marchesano that should she have complied with the conditions and provided a Building Permit Application a further 12 months camping would have been granted.*

## **COUNCIL RECOMMENDATION**

**MIN 014/17 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid

***That Council:***

1. ***Advise Ms Melinda Marchesano that camping at 51 Forrest Street, Kellerberrin is not permitted;***
2. ***Inform Ms Melinda Marchesano that the property of 51 Forrest Street, Kellerberrin is to be vacated by Friday 10<sup>th</sup> March 2017 as the conditions for approval to camp at 51 Forrest Street, Kellerberrin have not been met;  
and***
3. ***Advise Ms Melinda Marchesano that should she have complied with the conditions and provided a Building Permit Application a further 12 months camping would have been granted.***

CARRIED 6/0

**11.3 WORKS & SERVICES – AGENDA ITEMS**

Nil Items

**12 ELECTED MEMBERS OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil Items

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**COUNCIL RECOMMENDATION**

**MIN 015/17 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid**

*That Council receive Late Items*

CARRIED 6/0

<b>Agenda Reference:</b>	13.1
<b>Subject:</b>	Centenary Park Construction Tender
<b>Location:</b>	Centenary Park
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	
<b>Record Ref:</b>	TEND 04/2016
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	20 <sup>th</sup> February 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council's December 2016 Ordinary Meeting of Council

**MIN 217/16 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid

***That Council;***

- 1. Rejects all Tenders as pricing for Tender 04/2016 exceeds Council budget allocation for the Project; and***
- 2. Authorises the Chief Executive Officer consult with a Contractor/s regarding the construction of the Centenary Park Upgrade within Council's allocated funds, and present alternatives to a Council Meeting.***

CARRIED 7/0

Council over the past three years has been progressing plans for the upgrade of Centenary Park. Centenary Park has been designed by Josh Byrne and Associates in consultation with the Shire of Kellerberrin and its Community. The concept of Centenary Park was originally presented to Council by Community Members of Kellerberrin as the current park facilities where dated.

Council has been successful in obtaining the following funds for the Centenary Park upgrade project:

• Lotterywest	\$498,212
• Department of Sport and Recreation	\$ 95,000
• Community Chest Funding	\$ 20,000
• National Stronger Regions Fund	\$310,470
• Wheatbelt Development Commission	<u>\$ 15,000</u>
	\$938,682

## COMMENT

Council's Chief Executive Officer since the December 2016 Ordinary Meeting of Council has met with contractors to discuss possible cost savings within the scope of works provided by Josh Byrne and Associates.

Some saving opportunities were found though not to the level that would bring the project within Council's Budget.

In addition to the above meetings Council's Chief Executive Officer reviewed the plans, materials being utilised and considered alternatives to the current designed park. This included replacing Nature Play and Custom made play items with Play equipment that can be purchased through playground suppliers.

Unfortunately through this process Council as a majority couldn't find common ground to progress discussions or costings further, therefore the project was re-tendered as it was the opinion of Josh Byrne and Associates that the high prices were due to the extras that Council had placed in the tender that wasn't accounted for their costings.

Therefore the Tender was re-advertised as per the drawings and specifications listed by Josh Byrne and Associates.

Council advertised the Re-Tender on Saturday 7<sup>th</sup> January 2017.

Council issued out 26 Tender packs to prospective contractors and received four tenders in return.

1. Horizon West
2. Nature Play Solutions
3. Ligna Constructions
4. Ligna Constructions (Alternative Tender)

Council on receipt of the Alternative Tender contacted Ligna Constructions to seek clarifications on the pricing differences as per comparison attached.

Please find below the responses received to the variation in pricing:

1.07	No accommodation and Council supplying Site office
1.08	Reduced Provisional Figure
2.07	Increase due to the Handrails on re quoting.
2.08	Still as per Tender though different Contractor quoted
2.09	as above
2.12	as above
2.14	1 BBQ.
2.23	Individually itemised everything in the play equipment. Basically pulled all items out and quoted that way and removed toilet from building
2.25	Revised price on the tank itself
2.27	Pulled all aspects out, gone through with carpenter, brick and masonry guys and quoted individually. Included the purchase of tunnel (Council maybe to supply)
2.33	Going through a different playground supplier. Miracle Recreation
2.34	Going to a separate Carpenter and buy net separately
2.36	Mixture of using Miracle parts and own carpenter constructing
2.37	as above
2.38	Using Miracle Recreation instead of what was nominated.
2.41	Removed as don't believe it is required.
3.13	Not a separate item in tender though was on drawings. Didn't require this as it forms part of other parts in Tender

In addition to this the costing provided includes the supply of rock. Therefore the price submitted is all inclusive.

Council also clarified that this price still has the wooden construction items as Jarrah as originally specified.

**FINANCIAL IMPLICATIONS**

Shire of Kellerberrin 2016/2017 Capital Budget – Centenary Park Construction

General Ledger	Expenditure/Income	Budget	Actual	Difference
C113J1	Expenditure	\$808,268	\$0	\$0
113332	Income	\$628,000	\$938,682	\$310,682

The Capital Income that has been budgeted is Grants for the entire Centenary Park precinct which incorporates both the Centenary Park and Skate Park which have been confirmed as per the following:

- Lotterywest \$498,212
  - Department of Sport and Recreation \$ 95,000
  - Community Chest Funding \$ 20,000
  - National Stronger Regions Fund \$310,470
  - Wheatbelt Development Commission \$ 15,000
- \$938,682

Therefore the total funds received towards both projects equates to \$938,682. With the extra funds being received Council will need to increase the Expenditure by the same amount of extra funding therefore equating to \$1,118,950 being allocated in the Budget.

Council with the above Budgeted figures have allocated to expend \$180,268 of its own expenditure to complete the construction of both Centenary Park and Skate Park.

Below is a Summary of the Expenditure for full Skate Park and Centenary Park construction.

**LIGNA CONSTRUCTION (Alternative Tender) - Costing**

Construction of the Kellerberrin Skate Park	\$ 410,022.89
Plus Construction of Centenary Park	\$ <u>680,813.77</u>
TOTAL	\$1,090,336.66

Therefore the project currently is lower than the \$1,118,950 funds available for the Construction of Centenary Park and Skate Park by \$28,613.34 utilising Ligna Construction (Alternative Tender) and Carving Concrete costings.

- POLICY NUMBER** - 2.3
- POLICY SUBJECT** - Tenders – Preparation/Advertisement of Tender Documents for existing contracts.
- DATE OF ADOPTION** - November 2006
- REVIEWED** - October 2016

**Purpose**

To ensure that Council has the opportunity to review the scope of works for tenders prior to advertising and that tenders are advertised and awarded prior to the current contract's expiration.

## Policy

Three (3) months prior to the expiration of a Contract a tender shall be listed under the responsible officer's report in the Ordinary Meeting of Council Agenda and the Specifications appended.

Any review shall be completed so that a tender can be advertised two (2) months prior to expiration of the contract.

A tender shall be awarded one (1) month prior to expiration of the current Contract.

<b>POLICY NUMBER</b>	-	2.4
<b>POLICY SUBJECT</b>	-	Purchasing Policy
<b>DATE OF ADOPTION</b>	-	February 2007
<b>REVIEWED</b>	-	October 2016

## Purpose

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

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

## Policy

### Why Do We Need A Purchasing Policy?

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

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

## 2. ETHICS & INTEGRITY

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

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

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Local Government policies and code of conduct;

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

**3. VALUE FOR MONEY**

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

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

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

**4. SUSTAINABLE PROCUREMENT**

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

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

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

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.



- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;

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

## 5. PURCHASING THRESHOLDS

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

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

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

### 5.1 Up to \$2,000

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

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

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

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

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

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Local Government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.

- Written notes detailing each verbal quotation must be recorded on Form 2 of the Local Government Purchasing and Tender Guide and attached to the cheque, invoice and order
- Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

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

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

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

**NOTES:** The general principles relating to written quotations are;

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

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

## 6. REGULATORY COMPLIANCE

### 6.1 Tender Exemption

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

An emergency situation as defined by the Local Government Act 1995;

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

### 6.2 Sole Source of Supply (Monopoly Suppliers)

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

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

### 6.3 Anti-Avoidance

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

The Chief Executive Officer is responsible for implementing this policy.

### STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

#### Section 3.57

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

#### 11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.
  - (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
    - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
    - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
    - [(ba) deleted]*
    - (c) within the last 6 months —
      - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
      - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;or
    - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
    - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or  - (ea) the goods or services are to be supplied —
    - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
    - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- or

- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
  - (i) petrol or oil; or
  - (ii) any other liquid, or any gas, used for internal combustion engines;
 or
- (h) the following apply —
  - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the *Small Business Development Corporation Act 1983*; and
  - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
  - (iii) the local government is satisfied that the contract represents value for money;
 or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
  - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
  - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
  - (iii) the original contract contains an option to renew or extend its term; and
  - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;
 or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

*[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6.]*

## **12. Anti-avoidance provision for r. 11(1)**

- (1) This regulation applies if a local government intends to enter into 2 or more contracts (the **contracts**) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.
- (2) If this regulation applies, tenders are to be publicly invited according to the requirements of this Division before the local government enters into any of the contracts regardless of the consideration.

*[Regulation 12 inserted in Gazette 18 Sep 2015 p. 3806.]*

## **13. Requirements when local government invites tenders though not required to do so**

If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.

*[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]*

**14. Publicly inviting tenders, requirements for**

- (1) When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.
- (2a) If a local government —
  - (a) is required to invite a tender; or
  - (b) not being required to invite a tender, decides to invite a tender,the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under subregulation (1) or (2), is required to include —
  - (a) a brief description of the goods or services required; and
  - (b) particulars identifying a person from whom more detailed information as to tendering may be obtained; and
  - (c) information as to where and how tenders may be submitted; and
  - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —
  - (a) such information as the local government decides should be disclosed to those interested in submitting a tender; and
  - (b) detailed specifications of the goods or services required; and
  - (c) the criteria for deciding which tender should be accepted; and
  - (d) whether the local government has decided to submit a tender.
  - [(e) deleted]*
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

*[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130; 18 Sep 2015 p. 3806.]*

**15. Minimum time to be allowed for submitting tenders**

- (1) If a notice under regulation 14(1) is given, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is first published in the newspaper circulating generally throughout the State.
- (2) If a notice under regulation 14(2) is given to a person listed as an acceptable tenderer, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is given.

*[Regulation 15 inserted in Gazette 18 Sep 2015 p. 3806-7.]*

**16. Receiving and opening tenders, procedure for**

- (1) The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.
- (2) Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.
- (3) When tenders are opened —
  - (a) there must be present —

- (i) at least 2 employees of the local government; or
- (ii) one employee of the local government and at least one person authorised by the CEO to open tenders;

and

- (b) members of the public are entitled to be present; and
- (c) details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

*[Regulation 16 amended in Gazette 29 Jun 2001 p. 3131; 31 Mar 2005 p. 1055; 18 Sep 2015 p. 3807.]*

### **17. Tenders register**

- (1) The CEO is responsible for keeping the tenders register and making it available for public inspection.
- (2) The tenders register is to include, for each invitation to tender —
  - (a) a brief description of the goods or services required; and
  - [(b) deleted]*
  - (c) particulars of —
    - (i) any notice by which expressions of interests from prospective tenderers was sought; and
    - (ii) any person who submitted an expression of interest; and
    - (iii) any list of acceptable tenderers that was prepared under regulation 23(4);
  - and
  - (d) a copy of the notice of the invitation to tender; and
  - (e) the name of each tenderer whose tender has been opened; and
  - (f) the name of any successful tenderer.
- (3) The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.

*[Regulation 17 amended in Gazette 29 Jun 2001 p. 3131; 18 Sep 2015 p. 3807.]*

### **18. Rejecting and accepting tenders**

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.
- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.
- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- (5) The local government may decline to accept any tender.

- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.
- (7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

*[Regulation 18 amended in Gazette 29 Jun 2001 p. 3131-2; 18 Sep 2015 p. 3807.]*

**19. Tenderers to be notified of outcome**

The CEO is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.

*[Regulation 19 amended in Gazette 29 Jun 2001 p. 3132.]*

**20. Variation of requirements before entry into contract**

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.
- (2) If —
  - (a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or
  - (b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,

that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.

- (3) In subregulation (1) —  
**minor variation** means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

**21A. Varying a contract for the supply of goods or services**

If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless —

- (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).

*[Regulation 21A inserted in Gazette 18 Sep 2015 p. 3807.]*

**21. Limiting who can tender, procedure for**

- (1) If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.
- [(2) deleted]*
- (3) If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.

- (4) The notice is required to include —
- (a) a brief description of the goods or services required; and
  - (b) particulars identifying a person from whom more detailed information may be obtained; and
  - (c) information as to where and how expressions of interest may be submitted; and
  - (d) the date and time after which expressions of interest cannot be submitted.

*[Regulation 21 amended in Gazette 18 Sep 2015 p. 3808.]*

Annual Compliance Audit Return – certification of compliance relating to tender processes and accountability toward the advertising and consideration of tenders received and awarded.

**STRATEGIC PLAN IMPLICATIONS - Nil**

Shire of Kellerberrin Strategic Plan 2003 – 2006, Theme 2

**QUALITY OF LIFESTYLE**

1.2 Achieve consolidated sport and leisure facilities (including a hydrotherapy pool):

- a. Investigate and plan for the swimming pool (with the Community Steering Committee).
- b. Consult with all community groups and plan for a consolidated multi-purpose sport, recreation and leisure facility (including a seniors' centre).

**STRATEGIC PLAN IMPLICATIONS:**

**Strategic Priority 2.1**

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

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



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

**Strategic Priority 2.1**

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

**Goals**

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

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

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

**Council’s key actions**

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

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
<b>Infrastructure (Council Focus Area)</b>				
Council to implement asset management best practice principles into our day to day operations	<ul style="list-style-type: none"> <li>Asset management principles adopted and applied throughout all of Council’s operations</li> </ul>	MWS	Goal 2.1.1	Ongoing
Council to manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal	<ul style="list-style-type: none"> <li>Assets operated and maintained to deliver services at the required standards.</li> <li>Conditions of assets are understood.</li> </ul>	CEO, MWS	Goal 2.1.1	Ongoing
Council to develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.	<ul style="list-style-type: none"> <li>Progress of implementation of renewal and replacement works program.</li> </ul>	CEO, MWS	Goal 2.1.1	Reviewed Annually
Council to source funding and grants to contribute to the renewal and replacement works.	<ul style="list-style-type: none"> <li>Level of funding / grants received.</li> </ul>	CEO, MWS	Goal 2.1.1	Annually
<p>Council to implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.</p> <p>To operate and maintain assets in the most economical and efficient manner possible.</p> <p>To implement operation and maintenance strategies to ensure</p>	<ul style="list-style-type: none"> <li>Asset management strategies and plans adopted and implemented across the organisation.</li> <li>Documented operations and maintenance strategies developed for asset classes.</li> </ul>	DCEO	2.1.2	Annually

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
assets remain in its most optimum condition possible, throughout their entire life cycle.				
Council to continue discussions with Road Authorities and external parties to ensure the condition of state roads are adequate and appropriate.	<ul style="list-style-type: none"> <li>Established relationship with key parties to discuss road related issues, programs and initiatives.</li> </ul>	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to continue to lobby government agencies to provide an improved road and transportation system to the Shire.	<ul style="list-style-type: none"> <li>Increased support in road renewal / replacement works.</li> </ul>	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to develop a program to improve and enhance local roads and footpaths.	<ul style="list-style-type: none"> <li>Status of road and footpath renewal / replacement works programs.</li> <li>Development of a long term program for road and footpath renewal / replacement works.</li> </ul>	CEO, MWS, MDS	Goal 2.1.3	Ongoing
Council to seek funding and grants from government and non-government sources to undertake road and footpath improvement works.	<ul style="list-style-type: none"> <li>Level of grants / funding received for road and network improvement works.</li> </ul>	CEO, MWS, MDS	Goal 2.1.3	June 2014
Prepare report on Council's performance against levels of service for Council's built facilities. Annually review and assess performance against levels of service and update following community consultation.	<ul style="list-style-type: none"> <li>Annually review report</li> </ul>	CEO, MDS	Goal 2.1.1	Annually
Council will develop and manage its assets in accordance with its asset management plans.	<ul style="list-style-type: none"> <li>Review and update of asset management plans</li> </ul>	CEO, MDS, MWS	Goal 2.1.2	Annual
Undertake an assessment of current utilisation and capacity of infrastructure assets and identifying expected future utilisation rates and capacity required to cater for population / visitor growth. -	<ul style="list-style-type: none"> <li>Draft findings report</li> </ul>	MDS, MWS, DCEO	Goal 2.1.3	Dec 2014 then reviewed annually
<b>Governance (Council Focus Area)</b>				
Council will undertake a programme of capital work on its assets to ensure they remain appropriate for the community.	<ul style="list-style-type: none"> <li>Regularly review current capital works programs and budgets.</li> </ul>	CEO	Goal 2.1.1	Annually
Council will continue to provide a high level of service at the facilities, ensuring that they are operated and maintained to a good standard.	<ul style="list-style-type: none"> <li>Develop, review and/or update asset sustainability ratios for each asset type.</li> <li>Identify a list of capital, renewal and replacement works programs. Prioritise the projects and</li> </ul>	CEO, DCEO		Ongoing  Annually

Action / Project Description	Deliverables	Responsible Unit	Link to SCP	Target/ Review Date
	develop 10-year capital works programs.			
Council elected members and staff will ensure asset management fundamentals are applied to new and existing assets to ensure the assets are as cost effective as possible.	<ul style="list-style-type: none"> <li>Review current operations and maintenance tasks undertaken on infrastructure assets. Develop formal O&amp;M procedures, including actions to be undertaken, reporting procedures, resources required and frequency</li> <li>Develop a rolling O&amp;M program, detailing tasks, frequency, resources required and estimated cost to complete</li> </ul>	<p>lead by CEO supported by appropriate business unit manager</p> <p>MDS, MWS, DCEO s</p>	Goal 2.1.2	<p>Ongoing</p> <p>annually</p>
Continue to foster an environment that supports the engagement of the community on transport issues facing the Shire.	<ul style="list-style-type: none"> <li>Ensure community consultation regarding transport before the next revision of the Infrastructure Asset Management Plan</li> </ul>	CEO, MWS	Goal 2.1.3	Annually

**LONG TERM PLAN IMPLICATIONS:**

Council has allocated funds in the 2016/2017 Financial Year within the plan to construct Centenary Park as per financial implications.

**COMMUNITY CONSULTATION:**

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

**ABSOLUTE MAJORITY REQUIRED – YES**

**STAFF RECOMMENDATION**

That Council accepts Ligna Construction’s “Alternative Tender” totalling \$680,813.77 plus GST as the successful tender for Tender 04/2016(1) – Construction of Centenary Park.

*BY ABSOLUTE MAJORITY*

## **COUNCIL RECOMMENDATION**

**MIN 016 /17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. Leake

***That Council accepts Ligna Construction's "Alternative Tender" totalling \$680,813.77 plus GST as the successful tender for Tender 04/2016 (1) – Construction of Centenary Park.***

CARRIED 6/0  
BY ABSOLUTE MAJORITY

## **CLOSURE OF MEETING**

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

## **CLOSURE OF MEETING**

Tuesday, 21<sup>st</sup> March 2017 @ 2.00pm, Kellerberrin Council Chambers.