

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Wednesday, 26th July 2017, commencing at 2:10 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.10 pm – President, Cr. Forsyth declared the meeting open.

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

Present:

| | |
|----------------------|--|
| Cr. Forsyth | President / Presiding Person |
| Cr. O'Neill | Deputy President |
| Cr. Steber | Member |
| Cr. Leake | Member |
| Cr. White | Member |
| Cr. Reid | Member |
| Cr. McNeil | Member |
| Mr Raymond Griffiths | Chief Executive Officer |
| Mrs Karen Oborn | Deputy Chief Executive Officer – Minutes |
| Mr Mick Jones | Manager Works and Services |
| Mrs Natasha Giles | Personal Assistant (Exited 2.45pm) |
| Mr Lewis York | Town Planner (Entered 3.35pm) |

Apologies:

Nil

Leave of Absence:

Mr Garry Tucker Manager Development Services

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

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

6. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **26th July 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 **26th July 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 **26th July 2017**.

| Date | Name | Item No. | Reason |
|------|------|----------|--------|
| | | | |
| | | | |

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 20th June 2017

COUNCIL RECOMMENDATION

MIN 109/17 MOTION: Moved Cr. McNeil 2nd Cr. O'Neill

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 20th June 2017, be confirmed as a true and accurate record

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION: Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 110/17 MOTION: Moved Cr. Steber 2nd Cr. White

That the President's report for July 2017 be received

CARRIED 7/0

11.1 CORPORATE SERVICES – AGENDA ITEM

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.1 |
| Subject: | Community Requests and Discussion Items |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin - Council |
| File Ref: | Various |
| Disclosure of Interest: | N/A |
| Date: | 3 rd July, 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

Council during the Performance Appraisal process for the Chief Executive Officer requested time during the meeting to bring forward ideas, thoughts and points raised by the community.

June 2017 Council Meeting

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

That Council;

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

CARRIED 7/0

May 2017 Council Meeting

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

That Council;

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

CARRIED 7/0

April 2017 Council Meeting

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

That Council:

1. *Provide information flyers at the Caravan Park for visitors to include extra details regarding IGA operating hours, local dining facilities and other business operations within the Shire.*

2. *will fund any potential budget variances for the Doodlakine Bowling Club upgrade project on the condition the variances are within the agreed project scope specifications as stated in the funding agreement and pre-approved by Council's Chief Executive Officer.*
3. *Reiterate to the Milligan Unit's Committee they are entitled to become an affiliated member only currently of CEACA which doesn't involve any gifting of assets or a financial contribution, however provides access to the committee meetings and information base for the operations of CEACA for possible future full membership.*

CARRIED 7/0

June 2017 - MIN 085/17

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

May 2017 - MIN 065/17

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

April 2017 – MIN 037/17

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
 - (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or

- (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
- (ca) the person belongs to a class of persons that is prescribed; or
- (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,
 whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

(2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
 - (a) an interest common to a significant number of electors or ratepayers;
 - (b) an interest in the imposition of any rate, charge or fee by the local government;
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
 - (d) an interest relating to the pay, terms or conditions of an employee unless —

- (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
- [(e) deleted]*
- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.

- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

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

COMMUNITY CONSULTATION:

Council
Community Members

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RECOMMENDATION

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

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

CARRIED 7/0

2.45pm – Mrs Natasha Giles exited Council Chambers

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.2 |
| Subject: | Status Report of Action Sheet |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin - Council |
| File Ref: | Various |
| Disclosure of Interest: | N/A |
| Date: | 3 rd July, 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

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

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

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

COMMENT

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

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

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

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

- (1) The council —
 - (a) Directs and controls the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.

- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

- (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

(2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent

meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —

- (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

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

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RECOMMENDATION

MIN 112 /17 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council receives the Status Report.

CARRIED 7/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.3 |
| Subject: | CEACA Executive Council Meeting Minutes and Resolutions |
| Location: | Merredin Regional Community and Leisure Centre |
| Applicant: | CEACA Council |
| File Ref: | AGE - 03 |
| Disclosure of Interest: | Nil |
| Date: | 3 rd July, 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 7th June 2017 at the Merredin Regional Community and Leisure Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the Special CEACA Executive Council Meeting Minutes held on Wednesday 7th June 2017 held at the Merredin Regional Community and Leisure Centre.

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

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

Resolutions arising out of the 7th June, 2017 Special CEACA Executive Council Meeting summarised hereunder,

Nil resolutions where recorded in the Minutes.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 7th June 2017.

COUNCIL RECOMMENDATION

MIN 113 /17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 7th June 2017.

CARRIED 7/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.4 |
| Subject: | Wheatbelt Communities Inc Meeting Minutes and Resolutions |
| Location: | Kellerberrin Recreation and Leisure Centre |
| Applicant: | Wheatbelt Communities |
| File Ref: | |
| Disclosure of Interest: | Nil |
| Date: | 3 rd July, 2017 |
| Author: | Raymond Griffiths, Chief Executive Officer |

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 15th May, 2017 held at the Kellerberrin Recreation and Leisure Centre are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last Wheatbelt Communities Inc. Council Meeting Minutes held on Wednesday 15th May, 2017 held at the Kellerberrin Recreation and Leisure Centre.

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

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

Resolutions arising out of the 15th May, 2017 Wheatbelt Communities Inc. Council Meeting summarised hereunder,

RESOLUTION: **Moved: Rod Forsyth** **Seconded: Greg Powell**

That the Minutes of the Meeting of Wheatbelt Communities Inc held Wednesday 29 March 2017 be confirmed as a true and accurate record of the meeting.

CARRIED

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

That the Wheatbelt Communities Financial Report for the period ending 31 March 2017 be received.

CARRIED

RESOLUTION: **Moved: Karin Day** **Seconded: Stephen Strange**

That the Accounts Paid for the period 1 November 2016 to 30 April 2017 totalling \$1,585.53 be approved.

CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Rod Forsyth**

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

CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Darren Mollenoyux**
That the Wheatbelt Communities Inc Budget for the 2017/2018 financial be adopted following confirmation of support from all Member Councils.

CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Rod Forsyth**
1. That Wheatbelt Communities Inc engage AMD Chartered Accountants to undertake its annual audit for a three year term, commencing with the audit for the financial year ending 30 June 2017 at the costs provided by AMD Chartered Accountants, being:
▪ \$500 excluding GST (\$550 including GST) for the year ending 30 June 2017;
▪ \$550 excluding GST (\$605 including GST) for the year ending 30 June 2018; and
▪ \$600 excluding GST (\$650 including GST) for the year ended 30 June 2019.
2. That the Executive Officer advise all accounting firms who provided a quote to undertake the audit of Wheatbelt Communities Inc's finances of the decision to appoint AMD Chartered Accountants.

CARRIED

By consensus it was agreed that the Central Wheatbelt Visitors Centre would be approached to manage the content of the WE-ROC app.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 15th May, 2017.

COUNCIL RECOMMENDATION

MIN 114/17 MOTION - Moved Cr. McNeil 2nd Cr. O'Neill

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 15th May, 2017.

CARRIED 7/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.5 |
| Subject: | Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions |
| Location: | Merredin Regional Community and Leisure Centre |
| Applicant: | Great Eastern Country Zone of WALGA |
| File Ref: | OLGOV-16 |
| Disclosure of Interest: | Nil |
| Date: | 6 th July 2017 |
| Author: | Raymond Griffiths, Chief Executive Officer |

BACKGROUND

The Minutes of the recent Meeting, held on Thursday 29th June 2017 at the Merredin Regional Community and Leisure Centre, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Thursday 29th June 2017. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure that Council is;

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

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

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

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

That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 27 April 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

That the Minutes of a Meeting of the Great Eastern Country Zone Executive Committee held Friday 16 June 2017 be received.

CARRIED

RESOLUTION: Moved: Cr Harris Seconded: Cr Waters

That the matters listed in Item 6.4 be noted.

CARRIED

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

That the Great Eastern Country Zone:

1. Remain a member of Healthy Wheatbelt; and
2. Request that Healthy Wheatbelt convene a meeting as soon as practical to discuss ways to continue its advocacy for the continued delivery of health services that have resulted from the implementation of the Southern Inland Health Initiative.

CARRIED

RESOLUTION: Moved: Cr Day Seconded: Cr Hooper

That Great Eastern Country Zone through WALGA seek, as a matter of urgency, an exemption from the implementation of AASB 124 for local government in Western Australia.

CARRIED

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

That the Great Eastern Country Zone notes the:

- State Councillor Report; and
- WALGA Status Report.

CARRIED

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

1. That the WALGA Recommendation be supported; and
2. That the Great Eastern Country Zone Executive Committee monitor the consultation schedule and be authorised to call a Special Zone Meeting should that be the most appropriate way to ensure adequate input from the Zone into the WALGA consultation process.

CARRIED

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

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

CARRIED

RESOLUTION: Moved: Cr Day Seconded: Cr Hooper

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

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

CARRIED

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

That the Great Eastern Country Zone notes the report provided by RDA Wheatbelt.

CARRIED

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

POLICY IMPLICATIONS: Nil (not known at this time)

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

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

STRATEGIC PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLCATIONS: Nil (not know at this time)

(Including Workforce Plan and Asset Management Plan Implications)

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

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 29th June, 2017.

COUNCIL RECOMMENATION

MIN 115/17 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council;

- 1. Receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 29th June, 2017***
- 2. Advise the Executive Officer of the GECZ that Council will remain a member of the GECZ.***

CARRIED 7/0

| | |
|--------------------------------|--|
| Agenda Reference: | 11.1.6 |
| Subject: | Common Seal Register and Reporting |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin |
| File Ref: | ADM-52 |
| Disclosure of Interest: | N/A |
| Date: | 3 rd July 2017 |
| Author: | Raymond Griffiths, Chief Executive Officer |

BACKGROUND

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

COMMENT

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

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

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

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

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

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

Clause 19.1 The Council's Common Seal

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

(3) The common seal of the local government is to be affixed to any local law which is made by the local government.

(4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.
Penalty \$1,000

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

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

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

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

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

COUNCIL RECOMMENDATION

MIN 116/17 MOTION - Moved Cr. Reid 2nd Cr. Steber

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

CARRIED 7/0

| | |
|--------------------------------|--|
| Agenda Reference: | 11.1.7 |
| Subject: | Financial Management Review and interim Audit Report |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin |
| File Ref: | FIN-02 |
| Disclosure of Interest: | N/A |
| Date: | 3 rd July, 2017 |
| Author: | Karen Oborn, Deputy Chief Executive Officer |

BACKGROUND

As a requirement of the Local Government Act 1995 (as amended) Section 9.3 and the Local Government (Financial Management) Regulations 1996 5 (2) (c) the Chief Executive Officer is to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures ("a financial management review") at least once every four (4) financial years and report the results to Council.

The last financial management review undertaken for Council was carried out in the year ended 30 June 2013.

Council's Auditors, Moore Stephens, attended the Shire offices on 10th – 12th May 2017 to undertake both our interim audit as well as our Financial Management Review.

The objective of the review was to test the financial management system of the Shire of Kellerberrin and report on the appropriateness and effectiveness of the control environment within, as required by Local Government (Financial Management) Regulation 5(2)(c).

As agreed, this review covered the period July 2016 to March 2017. The examination included the following financial systems and procedures of Council:

- Bank Reconciliations and Petty Cash
- Trust Fund
- Receipts and Receivables
- Budget
- Rates
- Fees and Charges
- Purchases, Payments and Payables (Including Purchase Orders)
- Wages and Salaries
- Fixed Assets (Including Acquisition and Disposal of Assets)
- Financial Reports
- Credit Card Procedures
- Cost and Administration Overhead Allocations
- Minutes and Meetings
- Plan for the Future of the District
- Registers (Including Annual and Primary Returns)
- Audit Committee
- Insurance
- Storage of Documents/Record Keeping

Other Matters

The auditors did not necessarily examine compliance with provisions of the Act or Regulations, which were not financial in nature. That is, Parts 2, 4, 8 and 9 of the Act, some provisions of Parts 3 and 5 as well as most regulations (apart from the Financial Management Regulations), which did not impact on the areas examined above.

COMMENT

Please see below a summary of the matters raised with the recommendations provided by Haines Norton:

SUMMARY OF RECOMMENDATIONS / MATTERS NOTED

The following is a brief summary of the recommendations/matters requiring follow up action which were noted during the course of our review:

Rates

From our testing, the following matter was noted and raised for your consideration:

- Interim valuation changes as notified by Valuer General since November 2016 were not processed and updated in the rate system.

Comment: To help ensure valuations are correctly recorded in the system and the integrity of the rating system is regularly maintained with interim rates raised in a timely manner, Interim valuation changes should be promptly updated in the rates system following the advice of valuation changes are received from the Valuer General's office.

Purchases, Payments and Payables (Including Purchase Orders)

The Shire's purchases, payments and payables system was also examined to determine if adequate controls were in place in ensuring liabilities are properly recorded and payments are properly controlled. We are aware of many recent incidents of payment scams/frauds within the local government industry. As a consequence of this activity, we have had a specific focus on the controls around the changes to supplier details within the EFT payment system. In general controls and procedures relating to purchases, payments and payables are operating effectively and appropriate for the Shire's current scope of operations, with the following matters being noted and raised for your consideration:

- Noted two instances where the purchase orders were raised after the supplier invoices.

Comment: All authorised officers should be "reminded" of the need to ensure purchase orders are raised prior to the time of authorising works/services or ordering goods. This will help to ensure goods/services have been appropriately ordered and authorised and also helps ensure budget responsibility.

- Whilst we found the shire's current process of changing supplier banking details to be adequate, there was no formal documented procedures in place.

Comment: The process to assist officers with verifying changes of supplier details should be documented and provided to officers. This should be supported with training/direction to remind staff of the need to be ever vigilant, to exercise a level of skepticism for all requests presented and, most importantly, to raise a concern if there is any doubt about the veracity of a request for change.

Credit Card Procedures

A review of the Shire's credit card procedures was performed to determine if adequate controls were in place. Two credit cards are currently in use. We randomly selected four months of credit card transactions for testing, to determine whether these are legitimate and usual in the context of the Shire's operations. Overall testing was completed satisfactorily. Controls and procedures over credit card transactions are considered to be operating effectively and are appropriate for the Shire's current scope of operations except for the following matter:

- Whilst the Shire has established an appropriate credit card policy, there is no evidence the policy has been properly acknowledged by credit card holders.

Comment: To help ensure proper usage of credit cards and enhance accountability, the credit card policy should be signed and dated by the cardholders as evidence of acknowledgment of their responsibilities and legal obligations when using the credit cards.

Financial Reports

All were found to be of a satisfactory standard and in compliance with legislative requirements except for the following matters were noted and raised for your consideration:

Annual Report

- The report for the year ended 30 June 2016 did not include: - audit report for the financial year as required by Section 5.53(2)(h) of the Local Government Act; and
- Information on how those complaints received and recorded by the Shire was dealt with as required by Section 5.53(2)(hb)(ii) of the Local Government Act.

Comment: To help ensure compliance with statutory provisions, these requirements should be correctly addressed in the future.

Monthly Financial Reports

- The monthly statements of financial activity for July 2016 and November 2016 did not contain explanations for material variances between the year-to-date actual amount and budget estimates as required by Local Government (Financial Management) Regulation 34(2)(b).

Comment: To help ensure compliance with statutory provisions, this requirement should be correctly addressed in the future.

- The transfers in the Shire's Reserve funds for the months of March and April 2017 were incorrectly reflected in the monthly statements of financial activity.

Comment: To help ensure accurate financial information is presented to Council and proper compliance with statutory requirements, reserve fund transfers should be correctly reported and the monthly statements of financial activity should be reviewed by senior staff member independent of preparation prior to being presented to Council.

General Compliance Issues and Other Matters

Comment: To ensure access and security of Shire records and information is maintained, all critical passwords, and software user passwords should be updated at least every quarter.

Asset Management Plans

The Shire's asset management plans (AMPs) were reviewed to help ensure its adequacy and compliance with legislative requirements.

It was considered satisfactorily and appropriate for the Shire's needs except for the following matter was noted for your consideration:

- The plans did not have yearly totals of planned capital renewal expenditure covering the next 10 years from financial year ended 30 June 2017.

Comment: To enable proper calculation of the Asset Renewal Funding ratio for financial reporting purposes and to help identify gaps between planned and required capital expenditure, Council should consider updating the Shire's AMPs with sufficient yearly totals of the planned capital renewal expenditure forecasted.

Council Comment:

- *Council's FBT return was completed in April 2017.*
- *All employees are regularly "reminded" of the need to ensure purchase orders are raised prior to the time of authorising works/services or ordering goods. They have also been given a process map and guidance notes to ensure they understand how to ensure goods/services are appropriately ordered and authorised and how to ensure budget responsibility.*
- *The Shire has established an appropriate credit card policy, and adherence to the policy is acknowledged by credit card holders in their employment contract which is signed at commencement.*
- *The report for the year ended 30 June 2016 does include: - audit report for the financial year as required by Section 5.53(2)(h) of the Local Government Act; and*
- *There were no complaints received and recorded by the Shire was dealt with as required by Section 5.53(2)(hb)(ii) of the Local Government Act.*
- *The transfers in the Shire's Reserve funds for the months of March and April 2017 have been corrected and reflected in the monthly statements of financial activity for May and June 2017. Further, the monthly statements of financial activity are reviewed by a senior staff member independent of preparation prior to being presented to Council.*
- *The yearly totals of planned capital renewal expenditure covering the next 10 years from financial year ended 30 June 2017 are included in the LTFP. The Shire has elected not to repeat information contained elsewhere in the IP&R framework as it is duplication and inefficient.*

Overall Council Comment: *The attached Financial Management Review has illustrated items for Council consideration though all in all the Review was positive.*

Some items listed are very minor issues that Council has already completed or were already in place though due to current circumstances where unable to be completed at the time of the review.

The Financial Management Review will again need to be undertaken within four years of the 30th June 2017 therefore Council will need to undertake the review prior to 30th June 2021.

FINANCIAL IMPLICATIONS-NIL

POLICY IMPLICATIONS-NIL

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

5 (2) (c) - Undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

STRATEGIC PLAN IMPLICATIONS-NIL

FUTURE PLAN IMPLICATIONS - NIL

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Personal Assistant
Senior Finance Officer
Customer Service Officer

STAFF RECOMMENDATION

That Council:

1. Receives the Financial Management Review as the Interim Audit Report for the Shire of Kellerberrin.
2. Receives Managements Comments on the Financial Management Review;
3. Adopts the Financial Management Review.

COUNCIL RECOMMENATION

MIN 117/17 MOTION – Moved Cr. O'Neill 2nd Cr. McNeil

That Council:

1. ***Receives the Financial Management Review as the Interim Audit Report for the Shire of Kellerberrin.***
2. ***Receives Managements Comments on the Financial Management Review;***
3. ***Adopts the Financial Management Review.***

CARRIED 7/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.8 |
| Subject: | 2017/18 Budget |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin |
| File Ref: | FIN 04 |
| Reference Number: | |
| Disclosure of Interest: | N/A |
| Date: | 10 July 2017 |
| Author: | Karen Oborn, Deputy Chief Executive Officer |

BACKGROUND

Councils February 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 06/16 MOTION - Moved Cr. O'Neill 2nd Cr Reid

That Council adopt the Long Term Financial Plan – Review 2016 as presented with an average incremental Rates increase of 5.1% pa. for four years, followed by 4.9% pa. for four years, and then 4.5% pa.

CARRIED 5/0

Councils April 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 52/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council donates \$3,000 to the Doodlakine Bowling club for green keeping fees.

CARRIED 7/0

MIN 53/16 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council declines to donate \$2,870 to Community Resource Centre for an upgrade to the Kellerberrin Public Library computer, operational system and library software, until further quotes are received from other IT companies that can provide a solution based on “cloud” technology.

CARRIED 7/0

MIN 54/16 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council donates \$2,000 to Doodlakine Community Committee for Roadside rubbish clean-up collection alongside Great Eastern Highway in the locality of Doodlakine, should the MRDWA funding no longer be available for Roadside rubbish clean-up.

CARRIED 7/0

MIN 55/16 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council donates \$550 to Kellerberrin Men's Shed for Installation of an air conditioner unit in the front office area of the Men's Shed.

LOST 5/2

MIN 56/16 MOTION - Moved Cr. Steber 2nd Cr. Reid
That Council declines to donate \$550 to Kellerberrin Men's Shed for Installation of an air conditioner unit in the front office area of the Men's Shed, as Council already offers the use of land for cropping purposes free of charge to the Kellerberrin Men's Shed for fund raising purposes.

CARRIED 5/2

Councils May 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 78/16 MOTION - Moved Cr. White 2nd Cr. O'Neill

That Council donates \$550 to Kellerberrin Men's Shed for Installation of an air conditioner unit in the front office area of the Men's Shed.

CARRIED 4/3

Councils May 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 79/16 MOTION - Moved Cr. Reid 2nd Cr. White

That Council;

- 1. Adopts the amended Policy 5.8 (President/Councillors Sitting and Attendance Fee) as presented and;*
- 2. Insert the amended policy into Councils Policy Manual to be implemented on 1 July 2016.*

CARRIED 7/0

Councils May 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 82/16 MOTION - Moved Cr. Reid 2nd Cr. White

That Council adopts the Salaries and Wages schedule as listed and be incorporated into Council's 2016/17 Draft Budget.

CARRIED 7/0

Councils May 2016 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 84/16 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council adopts the fees and charges for 2016/17 as presented to be included in the 2016/17 Annual Budget.

CARRIED 7/0

ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 85/16 MOTION - Moved Cr. Leake 2nd Cr. Steber

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

- 1. *Council offers to ratepayers the following payment options for 2016/17;***

Option

Due By

Option A - One Payment

31st August 2016

***Option B – 2 Instalment Option 50% due 31st August 2016
50% due 9th January 2017***

***Option C – 4 Instalment Option 25% due 31st August 2016
25% due 26th September 2016
25% due 9th January 2017
25% due 13th March 2016***

Option D – Special Arrangement Arrangements made prior to 31st August 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.

- 2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.***
- 3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)***
- 4. *Instalment interest to be levied at 5.5%***
- 5. *That Council offer ratepayers a 2% early payment discount.***
- 6. *Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date.***
- 7. *That rate incentives be offered to ratepayers for early payment of rates within 35 days at no cost to Council.***
- 8. *That Council recommends a 5.21% increase of the rates revenue for its 2016/17 Draft Budget.***

CARRIED 6/1

REASON: Council altered point 5 as Council would prefer to phase out the discount over one more year and enable all ratepayers to receive a discount rather than five ratepayers winning \$1,000 each in a draw.

COMMENT

Budget Information

The budget as presented has a 5.95% rate increase. The increase is largely due to revaluations on GRV properties undertaken by the Valuer Generals Office in 2017. In addition the shire is introducing a differential rating for commercial and industrial properties. The early payment discount has been reduced from 2% to 0%. The following information has been sourced from neighbouring Councils to gain an insight into regional increases they are predicted for 2017 /2018;

1. Shire of Tammin 5%
2. Shire of Dowerin 4%
3. Shire of Wyalkatchem 6%
4. Shire of Koorda 5%
5. Shire of Trayning 4.5 % – 5%
6. Shire of Merredin 3% at present
7. Shire of Westonia 5%
8. Shire of Cunderdin 5%
9. Shire of Nungarin 4%

Comparisons from 16/17-17/18

| | 2016/17 Budget | 2016/17 Budget | Difference |
|---------------------------|-------------------|-------------------|-------------------|
| EXPENDITURE | | | |
| Capital (Inc Roads) | 4,187,462 | 5,284,607 | -1,097,145 |
| Road works | 460,790 | 470,470 | -9,680 |
| General Jobs Consolidated | 1,313,818 | 1,329,584 | -15,766 |
| Plant Budget | 477,567 | 550,000 | -72,433 |
| Salary & Wages | 1,629,405 | 1,612,321 | 17,084 |
| Utilities | 289,377 | 347,606 | -58,229 |
| Other Expenditure | 1,247,310 | 464,606 | 782,704 |
| Insurance | 203,432 | 203,432 | 0 |
| TOTAL EXPENDITURE | 9,765,180 | 10,262,626 | -453,465 |
| INCOME | | | |
| Disposal of Assets | 172,256 | 10,000 | 162,256 |
| Grants Operating | 2,054,297 | 2,074,777 | -20,480 |
| Rates (Proposed Net) | 1,855,536 | 1,985,063 | -129,527 |
| Other Income | 692,322 | 1,081,815 | -389,493 |
| Grants Non-Operating | 2,067,500 | 3,250,549 | -1,183,049 |
| TOTAL INCOME | 6,841,911 | 8,402,204 | -1,560,293 |

Reserve Account Movements

The following movements are proposed within Councils Reserve Accounts from general funding;

1. Special Projects Reserve - Transfer \$70,000 in the 2017/18 financial year
2. Swimming Pool Reserve - Transfer \$100,000 to the swimming pool reserve
3. Long Service Leave Reserve - Transfer \$20,000 to LSL reserve if employees do not take their entitled LSL due in 2017/2018.

Significant Projects

The following projects have been included in the budget and have been funded from through a range of sources including Grants, General Revenue and Reserve funds.

1. Completion of Centenary Park \$395,936 Grant Funding still to be claimed \$527,765 at completion.
2. Town site Housing Project \$700,000 funded from self-supporting loan of \$700,000 with GEHA lease back argument in place over 10 years.
3. Roads Capital works of \$3,571,991
4. Building Improvements \$300,500 full details provided in the budget
5. Caravan Park renewal \$52,100.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin - 2017/2018 Budget

POLICY IMPLICATIONS -NIL

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
 - (a) 4 equal or nearly equal instalments; or
 - (b) Such other method of payment by instalments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
 - (a) by a single payment; or
 - (b) by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —

- (a) provide for the manner of making an election to pay by instalments under subsection (1) or (2);
- (b) prescribe circumstances in which payments may or may not be made by instalments;
- (c) prohibit or regulate any matters relating to payments by instalments;
- (d) provide for the time when, and manner in which, instalments are to be paid;
- (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
- (f) provide for any other matter relating to the payment of rates or service charges.

6.46. Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve* to grant a discount or other incentive for the early payment of any rate or service charge.

** Absolute majority required*

Local Government Act 1995

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be

- entered into by the local government;
- (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 2.1

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

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

| Service | Business unit responsible | Enabling assets |
|--|----------------------------------|--|
| Manage resources efficiently and effectively to deliver services, programs, and infrastructure to the community. | Corporate Services | Council Offices, Vehicles Council Owned Dwellings |

LONG TERM FINANCIAL PLAN IMPLICATIONS

Previously the 10 year financial model as adopted showed an increase in rates from the year 15/16 to 20/21 of 6.2%; The current adopted 10 year financial model as adopted showed an increase in rates from the year 16/17 to 20/21 of 5.25% per annum, this was used as the starting point for the development of the 2017/18 budget as presented.

COMMUNITY CONSULTATION

Chief Executive Officer Senior
Finance Officer Manager
Works & Services

Manager Development Services **ABSOLUTE**

MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

Council adopts the following for the 2017/18 Financial Year;

1. *The 17/18 budget as presented; and
Council offers to ratepayers the following payment options for 2017/18;*

| <i>Option</i> | <i>Due By</i> |
|--|--|
| <i>Option A - One Payment</i> | <i>5th September 2017</i> |
| <i>Option B – 2 Instalment Option</i> | <i>50% due 15th September 2017 50% due 19th January 2018</i> |
| <i>Option C – 4 Instalment Option</i> | <i>25% due 15th September 2017 25% due 17th November 2017 25% due 19th January 2018 25% due 23rd March 2018</i> |
| <i>Option D – Special Arrangement off being no</i> | <i>Arrangements made prior to 31st August 2017 as per approved payment arrangement ensuring rates are paid in full as soon as possible with the final payment later than 30 June 2018.</i> |
2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.*
3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*
4. *Instalment interest to be levied at 5.5%*
5. *Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date.*
6. *That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.*
7. *That Council adopts the rates revenue for its 2017/18 Budget, inclusive of the revaluations received from VGO 08.05.17 effective 01.07.17, which increased values: RID being;*

| | |
|---------------------------------------|---|
| <i>GRV - Kellerberrin Residential</i> | <i>Remains at 0.127237c minimum \$678 to \$712</i> |
| <i>GRV - Other Residential</i> | <i>Remains at 0.127237c minimum \$678 to \$712</i> |
| <i>GRV – Commercial</i> | <i>From 0.127237c to 0.139961c minimum \$678 to \$783</i> |

GRV – Industrial From 0.127237c to 0.139961c minimum \$678 to \$783
UV - Mining Tenements From 0.022133c down to 0.020584c minimum \$678 to \$712
UV – Rural From 0.022133c down to 0.020584c minimum \$678 to \$712

8. That Council adopts differential Rating for GRV Industrial and Commercial properties and the DLG is informed of this following budget adoption for 17/18.

*** Absolute majority required**

COUNCIL RECOMMENDATION

MIN 118/17 MOTION - Moved Cr. White 2nd Cr. McNeil

Council adopts the following for the 2017/18 Financial Year;

1. ***The 17/18 budget as presented; and
Council offers to ratepayers the following payment options for 2017/18;***

| <i>Option</i> | <i>Due By</i> |
|--|--|
| <i>Option A - One Payment</i> | <i>15th September 2017</i> |
| <i>Option B – 2 Instalment Option</i> | <i>50% due 15th September 2017 50% due 19th January 2018</i> |
| <i>Option C – 4 Instalment Option</i> | <i>25% due 15th September 2017 25% due 17th November 2017 25% due 19th January 2018 25% due 23rd March 2018</i> |
| <i>Option D – Special Arrangement Arrangements made prior to 31st August 2017 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 2018.</i> | |
2. ***Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.***
3. ***Administration fee of \$5.00 per reminder rate notice (Options B and C)***
4. ***Instalment interest to be levied at 5.5%***
5. ***Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date.***
6. ***That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.***
7. ***That Council adopts the rates revenue for its 2017/18 Budget, inclusive of the revaluations received from VGO 08.05.17 effective 01.07.17, which decreased UV values and increased GRV values: RID being;***

| | |
|--|--|
| <i>GRV - Kellerberrin Residential</i> | <i>Remains at 0.127237c minimum \$678 to \$712</i> |
| <i>GRV - Other Residential</i> | <i>Remains at 0.127237c minimum \$678 to \$712</i> |
| <i>GRV – Commercial</i> | <i>0.127237c up to 0.139961c minimum \$678 to \$783</i> |
| <i>GRV – Industrial</i> | <i>0.127237c up to 0.139961c minimum \$678 to \$783</i> |
| <i>UV - Mining Tenements</i> | <i>0.022133c down to 0.020584c minimum \$678 to \$712</i> |
| <i>UV – Rural</i> | <i>0.022133c down to 0.020584c minimum \$678 to \$712</i> |
8. ***That Council adopts differential Rating for GRV Industrial and Commercial properties and the DLG is informed of this following budget adoption for 17/18.***

**** Absolute majority required***

CARRIED 7/0

ABSOLUTE MAJORITY REQUIRED

| | |
|--------------------------------|--|
| Agenda Reference: | 11.1.9 |
| Subject: | Doodlakine Bowling Club – Synthetic Bowling Green Construction |
| Location: | Doodlakine Bowling Green |
| Applicant: | Shire of Kellerberrin/Doodlakine Bowling Club |
| File Ref: | SPREC 14 |
| Record Ref: | TEND 01/2017 |
| Disclosure of Interest: | N/A |
| Date: | 18 th July 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

Council over the past eight to twelve months have been working with the Doodlakine Bowling Club regarding an application for funding through Department of Sport and Recreation – Small Grants to assist with the Construction of one synthetic Bowling Green in Doodlakine to replace the current grass green facility.

Council in January/February 2017 submitted the grant and in June 2017 was notified it was successful in its funding, however the amount of funds approved was only half of the value requested being \$60,000.

The Shire of Kellerberrin contacted the Doodlakine Bowling Club advising them of the shortfall in funding. The Doodlakine Bowling Club advised that they would like to continue with the reduction of funding.

Council advertised the Tender in the Saturday West on Saturday, 24th June 2017 with tenders closing Monday 17th July 2017.

COMMENT

Council had issued one addendum to the Tender for further clarification on green size as the tender documentation specified 34m x 34m though the green was already this size. The addendum increased to the size to 36.5m x 34.7m to provide additional length North/South in the green.

Council at the Tender closing on Monday 17th July 2017, 12 noon received tenders from the following;

- Evergreen Synthetic Grass – 10mm Synthetic
- Evergreen Synthetic Grass – 12mm Synthetic
- Green Planet Grass
- Artificial Turf Direct
- JJ Civil Remedial & Constructions
- Synthetic Bowling Solutions – (Conforming Tender)
- Synthetic Bowling Solutions – (Alternative Tender)
- Sports Base Constructions Pty Ltd
- Berry Bowling Systems.

Council's Chief Executive Officer Mr Raymond Griffiths, undertook the evaluation process utilising an Evaluation pro-forma for the abovementioned Tender which has been provided as an attachment including a summary of all Evaluations for consideration.

The Doodlakine Bowling Club also completed an evaluation sheet which is attached for Council's Consideration. The representatives from the Doodlakine Bowling Club were Mr Wayne Smith, Mr Gavin Morgan and Mr Geoff Ryan.

See attached schedule of tenders received. Full documentation of tenders submitted will be available for perusal in Council Chambers.

Please find attached a summarised evaluation of all the Tenders that were eligible for evaluation.

Council as stated in the Tender does not have to elect the cheapest Tender.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2017/2018 Capital Budget – Doodlakine Bowling Club Synthetic Green Installation

| General Ledger | Expenditure/Income | Budget | Actual | Difference |
|----------------|--------------------|-----------|--------|------------|
| C113J21 | Expenditure | \$187,880 | \$0 | \$0 |
| 113332 | Income | \$160,000 | \$0 | \$0 |

The Capital Income that has been budgeted is Grants for the Doodlakine Bowling Club upgrade which has been confirmed as per the following:

- Doodlakine Bowling Club \$ 50,000
 - Doodlakine Community Committee \$ 50,000
 - Shire of Kellerberrin \$ 30,000
 - Department of Sport and Recreation \$ 30,000
- \$160,000

Therefore the current project is underfunded by \$27,880 from the budget due to the shortfall in funding from Department of Sport and Recreation.

In discussion with the Doodlakine Bowling Club regarding the shortfall they believe they have the capacity to fund the shortfall into the future with cropping.

The Doodlakine Bowling Club however doesn't have access to these funds immediately and request the opportunity for a self-supporting loan.

| | | |
|-------------------------|---|---|
| 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.

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

Purpose

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

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

Policy

Why Do We Need A Purchasing Policy?

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

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

2. ETHICS & INTEGRITY

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

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

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;

- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Local Government policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- 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 practicable.

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 sub regulation (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, State-wide 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 State-wide 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 sub regulation (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 sub regulation (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 sub regulation (1) or (2), a local government may vary the information referred to in sub regulation (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 sub regulation (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 sub regulation (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, State-wide 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.

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

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

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

Strategic Priority 2.1

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

Goals

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

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

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

Council's key actions

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

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

| Action / Project Description | Deliverables | Responsible Unit | Link to SCP | Target/ Review Date |
|---|---|------------------|-------------|---------------------|
| 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"> Progress of implementation of renewal and replacement works program. | 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"> Level of funding / grants received. | CEO, MWS | Goal 2.1.1 | Annually |
| <p>Council to implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.</p> <p>To operate and maintain assets in the most economical and efficient manner possible.</p> <p>To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout their entire life cycle.</p> | <ul style="list-style-type: none"> Asset management strategies and plans adopted and implemented across the organisation. Documented operations and maintenance strategies developed for asset classes. | DCEO | 2.1.2 | Annually |
| Council to continue discussions with Road Authorities and external parties to ensure the condition of state roads are adequate and appropriate. | <ul style="list-style-type: none"> Established relationship with key parties to discuss road related issues, programs and initiatives. | CEO, MWS, MDS | Goal 2.1.3 | Ongoing |
| Council to continue to lobby government agencies to provide an improved road and transportation system to the Shire. | <ul style="list-style-type: none"> Increased support in road renewal / replacement works. | CEO, MWS, MDS | Goal 2.1.3 | Ongoing |
| Council to develop a program to improve and enhance local roads and footpaths. | <ul style="list-style-type: none"> Status of road and footpath renewal / replacement works programs. Development of a long term program for road and footpath renewal / replacement works. | CEO, MWS, MDS | Goal 2.1.3 | Ongoing |
| Council to seek funding and grants from government and non-government sources to undertake road and footpath improvement works. | <ul style="list-style-type: none"> Level of grants / funding received for road and network improvement works. | CEO, MWS, MDS | Goal 2.1.3 | June 2014 |
| Prepare report on Council's performance against levels of service for Council's built facilities. Annually review and assess performance against levels of service and update following community consultation. | <ul style="list-style-type: none"> Annually review report | CEO, MDS | Goal 2.1.1 | Annually |

| Action / Project Description | Deliverables | Responsible Unit | Link to SCP | Target/ Review Date |
|--|--|--|-------------|---------------------------------|
| Council will develop and manage its assets in accordance with its asset management plans. | <ul style="list-style-type: none"> Review and update of asset management plans | CEO, MDS, MWS | Goal 2.1.2 | Annual |
| Undertake an assessment of current utilisation and capacity of infrastructure assets and identifying expected future utilisation rates and capacity required to cater for population / visitor growth. - | <ul style="list-style-type: none"> Draft findings report | MDS, MWS, DCEO | Goal 2.1.3 | Dec 2014 then reviewed annually |
| Governance (Council Focus Area) | | | | |
| Council will undertake a programme of capital work on its assets to ensure they remain appropriate for the community. | <ul style="list-style-type: none"> Regularly review current capital works programs and budgets. | CEO | Goal 2.1.1 | Annually |
| Council will continue to provide a high level of service at the facilities, ensuring that they are operated and maintained to a good standard. | <ul style="list-style-type: none"> Develop, review and/or update asset sustainability ratios for each asset type. Identify a list of capital, renewal and replacement works programs. Prioritise the projects and develop 10-year capital works programs. | CEO, DCEO | | Ongoing |
| | | | | Annually |
| Council elected members and staff will ensure asset management fundamentals are applied to new and existing assets to ensure the assets are as cost effective as possible. | <ul style="list-style-type: none"> Review current operations and maintenance tasks undertaken on infrastructure assets. Develop formal O&M procedures, including actions to be undertaken, reporting procedures, resources required and frequency Develop a rolling O&M program, detailing tasks, frequency, resources required and estimated cost to complete | lead by CEO supported by appropriate business unit manager MDS, MWS, DCEO s | Goal 2.1.2 | Ongoing |
| | | | | annually |
| Continue to foster an environment that supports the engagement of the community on transport issues facing the Shire. | <ul style="list-style-type: none"> Ensure community consultation regarding transport before the next revision of the Infrastructure Asset Management Plan | CEO, MWS | Goal 2.1.3 | Annually |

LONG TERM PLAN IMPLICATIONS:

Council 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:

1. accepts Evergreen Synthetic Grass tender totalling \$195,283.00 plus GST as the successful tender for Tender 01/2017 – Construction of Synthetic Bowling Green, Doodlakine Bowling Club.
2. Approves a Self Supporting loan for up to \$36,000 to the Doodlakine Bowling Club to complete the Construction of Synthetic Bowling Green project with the debt to be cleared by 30th June 2018.

** Absolute majority required*

COUNCIL RECOMMENDATION

MIN 119/17 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council:

1. *accepts Evergreen Synthetic Grass tender totalling \$195,283.00 plus GST as the successful tender for Tender 01/2017 – Construction of Synthetic Bowling Green, Doodlakine Bowling Club.*
2. *Approves a Self Supporting loan for up to \$36,000 to the Doodlakine Bowling Club to complete the Construction of Synthetic Bowling Green project with the debt to be cleared by 30th June 2018.*

CARRIED 7/0

ABSOLUTE MAJORITY REQUIRED

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.10 |
| Subject: | Staff Disciplinary Policy |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin - Council |
| File Ref: | Policy Manual |
| Disclosure of Interest: | N/A |
| Date: | 19 th July 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

Council in reviewing the Drug and Alcohol Policy utilized the WALGA proforma Policy which pointed to Disciplinary Policies and Procedures of the Shire of Kellerberrin of which Council didn't have.

COMMENT

Council has researched other Council's and found a suitable policy to be adopted regarding Staff Discipline.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The is a small Financial Impact of advertising the Policy.

POLICY IMPLICATIONS -

Including the Staff Disciplinary Policy as a new Policy into the Manual.

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

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

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

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Western Australian Local Government Association

STAFF RECOMMENDATION

That Council;

- 1. Adopts the Staff Disciplinary Policy (4.33) as presented.*
- 2. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy update and provide copies if requested.*

COUNCIL RECOMMENDATION

MIN 120/17 MOTION - Moved Cr. Steber 2nd Cr. White

That Council;

- 1. Adopts the Staff Disciplinary Policy (4.33) as presented.*
- 2. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy update and provide copies if requested.*

CARRIED 7/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.11 |
| Subject: | Staff Drug and Alcohol Policy Manual Review |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin - Council |
| File Ref: | Policy Manual |
| Disclosure of Interest: | N/A |
| Date: | 19 th July, 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

Council undertakes an annual review of its policies and determines new or updated Policies to guide its day to day operations and responsibilities in regards to its adopted structure and legislative requirements.

The annual review process ensures Council has current and applicable policies. This process takes place no later than October each year.

COMMENT

Council however since the October 2016 meeting has found inadequacies in the Drug and Alcohol Policy due to the new drugs that are available that are not recognized within our policy and nor is the policy sufficient to deal with situations of a positive result test.

Council therefore has been in contact with WALGA and obtained a pro-forma policy to review and amend to suit Council and its requirements.

Council will note from the below policy that it doesn't have the capacity to terminate employment should a case warrant this due to the three (3) strikes ruling within the policy.

Additionally it talks about saliva testing and currently we (majority of the time) undertake urine tests.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

There is a small Financial Impact of advertising the Policy.

POLICY IMPLICATIONS

| | | |
|-------------------------|---|------------------------|
| POLICY NUMBER | - | 4.29 |
| POLICY SUBJECT | - | Drugs & Alcohol Policy |
| DATE OF ADOPTION | - | December 2009 |
| REVIEWED | - | October 2014 |

Purpose

The aim of this policy is to ensure a safe workplace free from the effects of drugs and alcohol. The policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

Policy:

The use of drugs or alcohol in the workplace is forbidden. An employee being under the influence of alcohol, drugs or illegal substances is not acceptable.

In general, intoxication is the temporary loss of control, due to alcohol or drug abuse, over psychological or physical faculties. The Chief Executive Officer may waive this requirement where circumstances warrant (for example, during a social event). However, even in circumstances where approval has been given, Council staff may not operate vehicles or equipment on Council property contrary to law.

Employees are personally responsible for any civil or criminal penalty which results from being under the influence of drugs or alcohol in the workplace.

Nothing in this policy prevents a Manager or Supervisor who has justifiable cause to doubt an employee's fitness for duty, to advise the Chief Executive Officer (or appropriate Senior Officer) and have the employee removed from the workplace and initiate any reasonable action considered necessary.

PROCEDURE

Testing individuals for presence of drugs or alcohol

Council is aware that drug testing in the workplace raises issues of privacy, and therefore should be carried out with sensitivity to the employees involved.

Council and employees have agreed to the introduction of random testing for the presence of drugs or alcohol in the workplace. Such testing shall normally relate to entire workgroups or crews and not individuals unless certain justifiable circumstances exist including:

- where an employee's impairment by drugs or alcohol poses a substantial and demonstrable safety risk to the employee or to other people.
- where there is reasonable cause to believe that the employee to be tested may be impaired by drugs or alcohol.
- where the type of drug test to be used can identify the presence of a drug or alcohol at concentrations which may cause impairment.
- where there has been a lost time injury or serious incident in the workplace
- Where the employee has, within the past six months failed a test, so as to ensure that substance misuse has been eliminated.

Procedure for Dealing with Drug and Alcohol Use

Alcohol Use:

Council has testing equipment that is to be used to detect Blood Alcohol Concentration (BAC) and may in the future have equipment to detect illicit drugs.

Procedure for BAC Testing:

- only an authorised person trained to use the equipment and approved to do so by the Chief Executive Officer shall perform testing.
- The testing unit must be checked prior to use to ensure that it is within its calibration limit or time period.
- The person conducting the test must test themselves first and the reading must be zero and confirmed by another person. This test shall be repeated in the presence of the person being tested if they desire it.
- Where an employee records a positive BAC (Above 0.00%) they must be retested after 20 minutes. The person shall remain in the area of the testing officer and may not smoke, eat or drink anything other than a glass of water to remove any residual mouth alcohol.
- A supervisor or other responsible person should witness the second BAC test.
- The appropriate forms should be used to record a positive test result and any other information relative to the test.

Disciplinary Action following misuse of alcohol

Range zero to less than 0.02%

Where an individual, after the 20 minute break, records a BAC greater than zero and up to and including 0.02% they will be stood down and provided with safe transport off site. Time off is to be taken as annual/unpaid leave. For the first offence of a positive recording between zero and 0.02% the employee will be given a verbal warning by their supervisor. Any subsequent positive test will result in formal disciplinary action being taken and a letter of warning issued.

Range 0.02% to 0.10%

Where an individual, after the 20 minute break, records a BAC greater than 0.02% and up to and including 0.10% they will be stood down and provided with safe transport off site. Time off is to be taken as annual/unpaid leave.
A formal written warning will be issued.

Range greater than 0.10%.

A positive result greater than 0.10% will be stood down for 24 hours immediately with a view to termination of their employment at the discretion of the Chief Executive Officer.

Three strike Rule:

Any employee that is issued with two written warnings and fails any subsequent test within a six month period will be stood down for 24 hours immediately with a view to termination of their employment at the discretion of the Chief Executive Officer.

Drug Use:

If a supervisor believes that an employee may be affected by drugs he may request that the employee be directed to undertake a test to determine the presence of drugs by way of saliva or urine sample. Such testing is to be conducted at Council's expense by an authorised person trained to undertake such test.

A first positive saliva test shall result in the employee being stood down and provided with safe transport off site. Time off is to be taken as annual/unpaid leave. A verbal warning will be issued by their supervisor.

Where a second saliva test is positive within any six month period the employee will be stood down and requested to undergo a urine or blood test at Council's expense. A formal written disciplinary warning will be issued.

Refusal to undergo the test will result in further disciplinary action including possible termination of employment. Time off is to be taken as annual/unpaid leave.

A positive blood or urine test shall then be recorded when the test return a result equal to or above the cut off levels shown:

SUBSTANCE CUT OFF LIMIT

milligrams per litre

Amphetamines 300

Cannabis metabolites 50

Opiates 300

Barbiturates 200

Benzodiazepines 200

Cocaine metabolites 300

Methadone 300

Three strike Rule:

Any employee that is issued with two written warnings and fails any subsequent test within a six month period will be stood down for 24 hours immediately with a view to termination of their employment at the discretion of the Chief Executive Officer.

Responsibilities

Directors, Managers and Supervisors are responsible for ensuring compliance with this procedure. It is the employee's responsibility to comply with the procedures and advise their Supervisor if they are taking any prescribed drug or medication which may affect their fitness for duty or work performance.

The employee should also find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

3. Social Occasions

The Chief Executive Officer may approve the consumption of alcohol on Council premises under some circumstances, i.e. social functions. The Council has a 'responsible host' attitude and on such social occasions, a range of drinks including low and non-alcoholic drinks will be provided along with a proportionate level of snack type foods. Employees are encouraged to organise alternative transport prior to the function to avoid the possibility of their driving under the influence.

4. Prescription or Over the Counter Drugs

4.1 Prescription or over the counter drugs can be used for a wide range of reasons however it is also known that use of prescription or 'over the counter' drugs may impair a person's ability to perform safely or efficiently.

4.2 There are several types of drugs that may impair performance, including:

- a) Hypnotics and sedatives;
- b) Antidepressants;
- c) Antihistamines;
- d) Stimulants and appetite suppressants; and
- e) Analgesics/Codeine.

4.3 Employees taking prescribed drugs should obtain written advice from their doctor as to the effects of the drug that may be relevant to their job performance. They should also advise their Supervisor/Manager that they are taking a medication which, on the advice of their medical practitioner, is likely to affect their job performance.

4.4 It is important to note that the employee has a responsibility to perform at a safe standard while at work. If prescription medication is impairing an employee's safe standard of work, the employee has a responsibility to take time off work. If a work accident occurs due to the actions of an employee on prescribed medication, that employee will be asked to take sick leave (if available) or leave without pay until they are fit to return to work.

4.5 All matters pertaining to this policy will be treated with the utmost confidentiality and any employee of the Shire of Kellerberrin who is interested in receiving counselling services should seek approval from their Supervisor.

The Chief Executive Officer, together with Senior Managers is responsible for implementing this policy.

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

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

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

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Western Australian Local Government Association

STAFF RECOMMENDATION

That Council;

- 1. Adopts the Drug and Alcohol Policy as presented.*
- 2. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy update and provide copies if requested.*

COUNCIL RECOMMENDATION

MIN 121/17 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council;

- 1. Adopts the Drug and Alcohol Policy as presented.*
- 2. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy update and provide copies if requested*

CARRIED 7/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.12 |
| Subject: | June 2017 Cheque List |
| Location: | Shire of Kellerberrin |
| Applicant: | N/A |
| File Ref: | N/A |
| Record Ref: | N/A |
| Disclosure of Interest: | N/A |
| Date: | 5 th July 2017 |
| Author: | Ashlee Hughes, Finance/Administration Officer |

BACKGROUND

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

Municipal Fund

Cheque Payments

34226 - 34239 \$ 100,621.38

EFT Payments

7177 – 7259 \$ 502,200.25

Direct Debit Payments

\$ 37,849.35

TOTAL MUNICIPAL \$ 640,670.98

COMMENT

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

| | |
|---|---------------|
| Ligna Construction | \$ 148,252.94 |
| Construction of Centenary Park Tender 04/2016 (1) Progress Claim #2 | |
| SG Fleet | \$ 50,000.01 |
| Payment for Purchase of Liugong Wheel Loader | |
| Western Stabilisers | \$ 45,372.29 |
| Stabilisation with 2% hydrated lime - Mitchell Street | |
| Colas WA Pty Ltd | \$ 41,400.26 |
| Coat Cutback Bitumen Primer Sealing - Mitchell St | |
| T-Quip | \$ 35,660.00 |
| Purchase of new mower | |
| Western Australian Treasury Corporation | \$ 33,504.08 |
| Loan No. 118 Interest payment - Rec Centre Redevelopment | |
| Great Southern Fuel Supplies | \$ 20,391.18 |
| Fuel Purchase May 2017 | |
| Water Corporation | \$ 19,073.31 |
| Water Consumption for properties April - June 2017 | |
| Moore Stephens | \$ 18,986.46 |
| 2016/2017 Annual Audit Interim Billing in respect of Audit for year ended 30/06/17 - 50% fee. Inc Travel Costs & out of pocket expenses. Set up templates for EOM processes. Monthly Fee for Rates processing & assistance. | |
| Synergy | \$ 13,740.15 |
| Power Consumption for properties April - June 2017 | |
| Brooks Hire Service Pty Ltd | \$ 13,233.11 |
| Replacement bucket for Loader | |
| Western Australian Treasury Corporation | \$ 12,682.59 |
| Loan No. L117 Interest payment | |
| Ross's Auctioneers & Valuers | \$ 12,100.00 |
| Purchase of x2 Accommodation Units - 14.4m x 3.3m units | |

| | |
|--|---------------------|
| Moylan Grain Silos | \$ 12,000.00 |
| Safety Barrier MESH at Speedway Track | |
| McLeods Barristers And Solicitors | \$ 10,442.51 |
| Robert C, Health Act Prosecution, Basketball Court Dispute & Doodlakine Quarry Lease | |
| Landgate | \$ 10,348.65 |
| Gross Rental Values Revaluation Programme for Country Towns 2016/2017 | |
| WA Local Government Superannuation Plan Pty Ltd | \$ 10,176.42 |
| Payroll deductions | |
| Avon Waste | \$ 9,876.63 |
| Domestic Refuse Collection & hire of Skip Bin for Centenary Park | |
| Kellerberrin & Districts Club | \$ 8,837.95 |
| Quarterly Payment Managers Salary Contribution, Solar Panels Monthly Repayment | |
| WA Local Government Superannuation Plan Pty Ltd | \$ 8,469.44 |
| Payroll deductions | |
| WA Local Government Superannuation Plan Pty Ltd | \$ 8,299.95 |
| Payroll deductions | |
| Fire And Emergency Services (WA) | \$ 6,179.95 |
| ESLB 4th Quarter Contribution | |
| Brooks Hire Service Pty Ltd | \$ 5,585.58 |
| Hire of excavator for storm damage repairs | |
| Shire of Kellerberrin Licencing | \$ 4,746.60 |
| Licence & Motor Injury Insurance Policy | |
| Merredin Glazing Service | \$ 4,725.60 |
| Repairs to CRC window due to vandal damage | |
| CE and H Smith | \$ 4,180.00 |
| Earthworks for safety fence & ablution block | |

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 June 2017, the Chief Executive Officer has made the following payments under council’s delegated authority as listed in appendix A to the minutes.

- 1. Municipal Fund payments totalling **\$640,670.98** on vouchers EFT , CHQ, Direct payments*
- 2. Trust Fund payments totalling **\$0.00** on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 122/17 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council notes that during the month of June 2017, the Chief Executive Officer has made the following payments under council’s delegated authority as listed in appendix A to the minutes.

- 1. Municipal Fund payments totalling \$640,670.98 on vouchers EFT , CHQ, Direct payments***
- 2. Trust Fund payments totalling \$0.00 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

| | |
|--------------------------------|--|
| Agenda Reference: | 11.1.13 |
| Subject: | Direct Debit List and Visa Card Transactions for the month June 2017 |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin |
| File Ref: | N/A |
| Record Ref: | N/A |
| Disclosure of Interest: | N/A |
| Date: | 5 th July 2017 |
| Author: | Codi Mullen, Payroll Officer |

BACKGROUND

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

Municipal Fund – Direct Debit List

| Date | Name | Details | \$ | Amount |
|--------------|-------------------------|---|-----------|-------------------|
| 1-Jun-17 | Westnet | Monthly static IP address | \$ | 4.99 |
| 1-Jun-17 | National Australia Bank | Merchant Fees - Interest Charged May 17 | \$ | 4.81 |
| 1-Jun-17 | National Australia Bank | Account Fees - Caravan Park May 17 | \$ | 133.24 |
| 1-Jun-17 | National Australia Bank | Account Fees - Municipal May 17 | \$ | 198.22 |
| 1-Jun-17 | Shire of Kellerberrin | Payroll | \$ | 44,243.39 |
| 2-Jun-17 | Shire of Kellerberrin | Payroll - Click Super | \$ | 10,699.83 |
| 5-Jun-17 | National Australia Bank | Visa Payment April 2017 | \$ | 857.32 |
| 8-Jun-17 | Shire of Kellerberrin | EFT Payment | \$ | 247,261.23 |
| 13-Jun-17 | DLL Group | Monthly Photocopier Lease Payment | \$ | 265.21 |
| 13-Jun-17 | Housing Authority | Fortnightly Rent | \$ | 420.00 |
| 15-Jun-17 | Shire of Kellerberrin | Payroll | \$ | 338.38 |
| 16-Jun-17 | Shire of Kellerberrin | EFT Payment | \$ | 33,504.08 |
| 22-Jun-17 | Shire of Kellerberrin | EFT Payment | \$ | 196,652.35 |
| 27-Jun-17 | Shire of Kellerberrin | EFT Payment | \$ | 12,100.00 |
| 27-Jun-17 | Housing Authority | Fortnightly Rent | \$ | 420.00 |
| 28-Jun-17 | National Australia Bank | Connect Fee Access and Usage May 17 | \$ | 56.49 |
| 29-Jun-17 | Shire of Kellerberrin | Payroll | \$ | 49,690.35 |
| 30-Jun-17 | National Australia Bank | Account Fees - BPAY | \$ | 9.20 |
| 30-Jun-17 | National Australia Bank | Account Fees - Municipal | \$ | 47.60 |
| 30-Jun-17 | National Australia Bank | Account Fees - Trust | \$ | 62.00 |
| 30-Jun-17 | National Australia Bank | Merchant Fees - Interest Charged | \$ | 6.77 |
| 30-Jun-17 | National Australia Bank | Account Fees - Caravan Park June 17 | \$ | 118.76 |
| TOTAL | | | \$ | 596,975.46 |

Trust Fund – Direct Debit List

| | | | | |
|--------------|----------------------|---|-----------|------------------|
| 30-Jun-17 | Department Transport | Direct Debit-Licensing Payments June 17 | \$ | 66,540.25 |
| TOTAL | | | \$ | 66,540.25 |

Visa Card Transactions

| Date | Name | Details | \$ | Amount |
|-----------|--------------------------|------------------------------------|----|--------|
| 01-Jun-17 | Dept. of Health | Poison Permit | \$ | 125.00 |
| 01-Jun-17 | Housing Authority | 2 weeks rent Gregory Street | \$ | 420.00 |
| 02-Jun-17 | Landgate | Title - Massingham Street | \$ | 24.85 |
| 05-Jun-17 | K&D Club | Staff Lunches | \$ | 60.00 |
| 21-Jun-17 | CV Check | Police Clearance – R Griffiths | \$ | 89.80 |
| 26-Jun-17 | CV Check | REIMB Police Clearance – R Forsyth | \$ | -44.90 |
| 28-Jun-17 | National Australian Bank | Card Fee | \$ | 9.00 |

| | | | | |
|-----------|---------------------------|--------------------------|--------------------------------|--------------------|
| | | | TOTAL - CEO | \$ 683.75 |
| 12-Jun-17 | BP Halls Head | Fuel KE002 | \$ | 35.00 |
| 15-Jun-17 | IPAA | FOI Course x2 | \$ | 198.00 |
| 16-Jun-17 | Community Resource Centre | Plates Remake/Retain KE2 | \$ | 29.20 |
| 26-Jun-17 | Gull Tammin Roadhouse | Fuel KE002 | \$ | 72.42 |
| 27-Jun-17 | BP Baldivis | Fuel KE002 | \$ | 53.64 |
| 28-Jun-17 | Ross Diesel Service | Bus Inspection KE01 | \$ | 154.25 |
| 28-Jun-17 | National Australian Bank | Card Fee | \$ | 9.00 |
| | | | TOTAL - DCEO | \$ 551.51 |
| | | | TOTAL VISA TRANSACTIONS | \$ 1,235.26 |

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2016/2017

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 123/17 MOTIONS - Moved Cr. White 2nd Cr. Steber

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

Be adopted.

CARRIED 7/0

| | |
|--------------------------------|---|
| Agenda Reference: | 11.1.14 |
| Subject: | Financial Management Report for the month June 2017 |
| Location: | Shire of Kellerberrin |
| Applicant: | Shire of Kellerberrin |
| File Ref: | N/A |
| Record Ref: | N/A |
| Disclosure of Interest: | N/A |
| Date: | 7 th July 2017 |
| Author: | Karen Oborn, DCEO |

BACKGROUND

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

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 124/17 MOTIONS - Moved Cr. Leake 2nd Cr. McNeil

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

Be adopted.

CARRIED 7/0

DEVELOPMENT SERVICES – AGENDA ITEM

| | |
|--------------------------------|---|
| Agenda Reference: | 11.2.1 |
| Subject: | Building Returns: June 2017 |
| Location: | Shire of Kellerberrin |
| Applicant: | Various |
| File Ref: | BUILD06 |
| Disclosure of Interest: | Nil |
| Date: | 3 rd July, 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

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

COMMENT

1. There was three application received for a "Building Permit" during the June 2017 period. A copy of the "Australian Bureau of Statistics appends.
2. There were two "Building Permits" issued in the June 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 June 2017 period.*
- 2. Acknowledge the "Return of Building Permits Issued" for the June 2017 period.*

COUNCIL RECOMMENDATION

MIN 125/17 MOTION - Moved Cr. McNeil 2nd Cr. O'Neill

That Council;

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

CARRIED 7/0

3.00 pm – Council adjourned for the Citizenship Ceremony and afternoon tea.

3.35pm – Council resumed Council Meeting

3.35pm – Mr Lewis York, Town Planner entered the meeting.

| | |
|--------------------------------|---|
| Agenda Reference: | 11.2.2 |
| Subject: | Local Planning Policies |
| Location: | Shire of Kellerberrin |
| Applicant: | Lewis York, Town Planning Consultant |
| File Ref: | Local Planning Policy Manual |
| Disclosure of Interest: | N/A |
| Date: | 3 rd July 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

Council over the past twelve months have been presented with a number of development applications that have challenged the planning structures of the Shire. Issues such as additional dwellings in the General Agricultural Zone, oversized sheds, transportable dwellings and sea containers have created a need for greater flexibility. While it has also been the desire for council to restrict some forms of development through more stringent planning measures.

Council has been working closely with the WA Planning Commission in relation to Scheme No.4, its contents and workability to accommodate current development trends.

The scheme doesn't allow for the provision of worker or family member accommodation in the General Agriculture Zone, therefore Amendment 3 was initiated by the Shire and is currently being processed.

Additionally, the scheme has a number of generic parameters and with the creation of Local Planning Policies it enables Council to set more relevant development measures.

Council has previously through the Policy Manual adopted Planning Policies with respect to Sea Containers and oversized structures, though on advice from the WA Planning Commission due process wasn't followed, therefore such policies are unenforceable.

Additionally Council last year adopted an Ancillary Accommodation Policy, however Scheme No.4 doesn't include Ancillary Accommodation as a use in its Zoning table, therefore the policy has no relevance.

COMMENT

Council in consultation with Mr Lewis York its Town Planning Consultant have reviewed the scheme, the current policies within Council's Policy Manual and policies of other Shire's in the regions and recommend the following Local Planning Policies be developed (to replace current policy numbers 9.2, 9.3, 9.5, 9.9 and 9.10 in the Shires Manual);

1. Outbuildings (varies deemed-to-comply and will require WAPC approval)
2. Additional Dwellings – General Agricultural Zone
3. Sea Containers
4. Transportable Dwellings

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

New Local Planning Policies to be read in conjunction with Council's Local Planning Scheme, State Planning Policies and the R-Codes deemed-to-comply provisions.

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 – Deemed provisions for local planning schemes

Part 2 – Local Planning framework.

4. Procedure for making local planning policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
 - a. publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —
 - i. the subject and nature of the proposed policy; and
 - ii. the objectives of the proposed policy; and
 - iii. where the proposed policy may be inspected; and
 - iv. to whom, in what form and during what period submissions in relation to the proposed policy may be made;
 - b. if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
 - c. give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).
- (3) After the expiry of the period within which submissions may be made, the local government must —
 - a. review the proposed policy in the light of any submissions made; and
 - b. resolve to —
 - i. proceed with the policy without modification; or
 - ii. proceed with the policy with modification; or
 - iii. not to proceed with the policy.
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.
- (5) A policy has effect on publication of a notice under subclause (4).
- (6) The local government —

- a. must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
- b. may publish a copy of each of those local planning policies on the website of the local government.

5. Procedure for amending local planning policy

(1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.

(2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

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

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

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

COMMUNITY CONSULTATION:

Council has a legislative requirement to consider and determine its Policies.

STAFF RECOMMENDATION

That Council;

1. *Resolves to prepare local planning policies:*
 - a. *Outbuildings (varies deemed-to-comply and will require WAPC approval)*
 - b. *Additional Dwellings – General Agricultural Zone*
 - c. *Sea Containers*
 - d. *Transportable Dwellings*
2. *Upon completing local planning policies advertise in accordance with Schedule 2 of the Deemed Provisions, Clause 4(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.*

COUNCIL RECOMMENDATION

MIN 126/17 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council;

1. *Endorse the modifications from the Department of Planning and Infrastructure to amendment two,*
2. *Resolves to prepare local planning policies:*
 - a. *Outbuildings (varies deemed-to-comply and will require WAPC approval)*
 - b. *Additional Dwellings – General Agricultural Zone*
 - c. *Sea Containers*
 - d. *Re-purposed Dwellings*
 - e. *Second hand Dwellings*
3. *Upon completing local planning policies advertise in accordance with Schedule 2 of the Deemed Provisions, Clause 4(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.*

CARRIED 7/0

| | |
|--------------------------------|--|
| Agenda Reference: | 11.2.3 |
| Subject: | Town Planning Scheme 4, Amendment 2 Modifications. |
| Location: | Shire of Kellerberrin |
| Applicant: | Lewis York, Town Planning Consultant |
| File Ref: | Town Planning Scheme |
| Disclosure of Interest: | N/A |
| Date: | 3 rd July 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

Council over the past twelve months have been progressing amendment No.2, to align the Shire's Local Planning Scheme with the Planning and Development (Local Planning Schemes Regulations) 2015

COMMENT

The below schedule of modifications were provided to the Shire by the WAPC and relate to the creation of new uses for the Shires zoning table, definitions and minor changes to wording in the Scheme provisions.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

New Local Planning Policies to be read in conjunction with Council's Local Planning Scheme, State Planning Policies and the R-Codes deemed-to-comply provisions.

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 – Deemed provisions for local planning schemes

Part 2 – Local Planning framework.

1. Inserting reference to the deemed provisions in the preamble to the Scheme as follows:

First paragraph: "This Local Planning Scheme of the Shire of Kellerberrin consists of this Scheme Text, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) and the Scheme Maps. The Scheme should be read with the Local Planning Strategy for the Shire.

Second paragraph, first sentence: "Part 2 of the deemed provisions...". Final paragraph, last sentence: Replace "scheme text" with "scheme".

2. Inserting reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting sub-clauses (b) and (c) and renumbering the sub-clauses accordingly:

- 1.4 (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
- 1.4 (c) the supplemental provisions contained in Schedule A; and
- 1.4 (d) the Scheme Map (sheets 1 - 8).

3. Inserting reference to the Regulations accordingly:

- 1.7.1 (b)(ii) in Schedule 1 Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations)

4. Correcting Schedule references as follows:

- Clause 5.6.1: Schedule 10
- Clause 5.10.3: Schedule 11

5. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2:

- Parts 2, 7, 8, 9, 10 and 11 in their entirety
- Clauses 5.15.2, 5.16.1, 5.16.2, 5.16.4 and 5.17 in its entirety;
- Schedules 6, 7, 8 and 9 in their entirety.

6. Delete the following text from Clause 5.14.1, "Notwithstanding anything elsewhere appearing in the Scheme, planning approval is required for development of land abutting an unconstructed road, or a lot which does not have frontage to a constructed road", and include within Schedule A - Supplemental provisions.

7. Removing Clause 5.16.5 from the Scheme Text, as it has been inserted into Schedule A - Supplemental Provisions.

8. Inserting Schedule A and the following provisions into Schedule A – Supplemental Provisions:

Clause 61(1):

- (k) any of the exempt classes of advertisements listed in Schedule 5 except in respect of advertisements located in a place that is —
- i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - iii) included on a heritage list prepared in accordance with this Scheme; or
 - iv) within an area designated under the Scheme as a heritage area; or
 - v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29

- (l) the erection or extension of a single house on a lot if a single house is permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
 - (a) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (c) included on a heritage list prepared in accordance with this Scheme; or
 - (d) within an area designated under the Scheme as a heritage area; or
 - (e) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (f) on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.
 - (m) the erection or extension of an ancillary dwelling, outbuilding, external figure, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
 - (a) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (b) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (c) included on a heritage list prepared in accordance with this Scheme; or
 - (d) within an area designated under the Scheme as a heritage area; or
 - (e) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (f) on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.
9. Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2

Clause 3.4.1: Part 7 of the deemed provisions Clause 3.4.2:
 Clause 67 of the deemed provisions Clause 4.4.2: Clause 64 of
 the deemed provisions Clause 4.8(c): Clause 80 of the deemed
 provisions Clause 4.9.2: Clause 64 of the deemed provisions
 Clause 5.4.2: Clause 64 of the deemed provisions Clause
 5.5.2(a): Clause 64 of the deemed provisions Clause 5.5.3(a):

Clause 67 of the deemed provisions Clause 5.10.2: Part 4 of
the deemed provisions Clause 5.16.2: Clause 86 of the deemed
provisions

10. Delete reference to the following terms and replace them with the corresponding term throughout the scheme:
 - 'planning approval' replaced with 'development approval'
 - 'council' replaced with 'local government'
 - 'outline development plan' with 'structure plan'
11. Insert as clause 3.4.3, clause 18(7) of the model provisions, to provide clarity to the interpretation of the zoning table.
12. Move clause 8.5 and insert as clause 4.17.
13. Modify the zoning table to update the following Use Class names to correspond with the appropriate definition within the Schedule 1 Part 6 Model Provisions for Local Planning Schemes:
 - Restaurant to Restaurant/cafe
 - Industry-Mining to Mining operations
 - Industry-rural to Industry-primary production
 - Agroforestry to Tree Farm
 - Rural pursuit to Rural pursuit/hobby farm
14. Delete the following use classes and their permissibility from the zoning table as they are covered by other use classes:
 - Transportable Dwelling
 - Industry-general
 - Plantation
15. Amend Schedule 1 as follows: Insert the following definitions:
 - **'Industry - cottage'**- means a trade or light industry producing arts and craft which does not fall within the definition of a home occupation which:
 - (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
 - (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
 - (c) is conducted in an out-building which is compatible with the principle uses to which land in the zone which it is located may be put;
 - (d) does not occupy an area in excess of 50 square metres; and
 - (e) does not display a sign exceeding 0.2 square metres in area.
 - **'Industry - service'**- means
 - (a) an industry-light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or

- (b) premises which have a retail shop front and used as a depot for receiving goods to be serviced.
- **'Showroom'**- means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, household appliances, party supplies, swimming pools or goods of a bulky nature.
 - **'Storage'**- means premises used for the storage of goods, equipment, plant or materials.
 - **'Warehouse'**- means premises used to store or display goods and may include sale by wholesale.
 - **'Repurposed dwelling'** – means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.
 - **'Second hand dwelling'** – means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.
 - **'Fast food outlet'** – means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –
 - (a) Without further preparation; and
 - (b) Primarily off the premises;
 - **'Lunch bar'** – means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

Delete the following definitions:

- Transportable dwelling

16. Insert the following land use classes and permissibility into Table 1 – Zoning Table:

| Use Classes | Zones | | | | | |
|----------------------|-------------|-------------|------------|---------------------|----------------|-------------------|
| | Residential | Town Centre | Industrial | General Agriculture | Rural Townsite | Rural Residential |
| Repurposed dwelling | D | A | X | D | D | D |
| Second-hand dwelling | D | A | X | D | D | D |

To replace transportable dwelling.

17. Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

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

COMMUNITY CONSULTATION:

STAFF RECOMMENDATION

That Council;

- 1) resolves to adopt Local Planning Scheme Amendment No.2 with modifications

COUNCIL RECOMMENDATION

MIN 127/17 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council:-

- 1. pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Kellerberrin Planning Scheme No. 4, Amendment 2 by:***

- 1.1 Inserting reference to the deemed provisions, deletion of Transportable Dwelling from the Zoning table and inclusion of Repurposed dwelling and Second-hand dwelling in the preamble to the Scheme as follows:***

- 1. Inserting reference to the deemed provisions in the preamble to the Scheme as follows:***

First paragraph: "This Local Planning Scheme of the Shire of Kellerberrin consists of this Scheme Text, the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2) and the Scheme Maps. The Scheme should be read with the Local Planning Strategy for the Shire.

Second paragraph, first sentence: "Part 2 of the deemed provisions...". Final paragraph, last sentence: Replace "scheme text" with "scheme".

- 2. Inserting reference to the deemed provisions and supplemental provisions in Part 1.4 by inserting sub-clauses (b) and (c) and renumbering the sub-clauses accordingly:***

1.4 (b) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2;

1.4 (c) the supplemental provisions contained in Schedule A; and

1.4 (d) the Scheme Map (sheets 1 - 8).

- 3. Inserting reference to the Regulations accordingly:***

- 1.7.1 (b)(ii) in Schedule 1 Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)***

- 4. Correcting Schedule references as follows:***

- **Clause 5.6.1: Schedule 10**
 - **Clause 5.10.3: Schedule 11**
5. ***Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2:***
 - ***Parts 2, 7, 8, 9, 10 and 11 in their entirety***
 - ***Clauses 5.15.2, 5.16.1, 5.16.2, 5.16.4 and 5.17 in its entirety;***
 - ***Schedules 6, 7, 8 and 9 in their entirety.***
 6. ***Delete the following text from Clause 5.14.1, "Notwithstanding anything elsewhere appearing in the Scheme, planning approval is required for development of land abutting an unconstructed road, or a lot which does not have frontage to a constructed road", and include within Schedule A - Supplemental provisions.***
 7. ***Removing Clause 5.16.5 from the Scheme Text, as it has been inserted into Schedule A - Supplemental Provisions.***
 8. ***Inserting Schedule A and the following provisions into Schedule A – Supplemental Provisions:***

Clause 61(1):

- (k) ***any of the exempt classes of advertisements listed in Schedule 5 except in respect of advertisements located in a place that is —***
 - vi) ***entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or***
 - vii) ***the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or***
 - viii) ***included on a heritage list prepared in accordance with this Scheme; or***
 - ix) ***within an area designated under the Scheme as a heritage area; or***
 - x) ***the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29***
- (l) ***the erection or extension of a single house on a lot if a single house is permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:***
 - (g) ***entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or***
 - (h) ***the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or***
 - (i) ***included on a heritage list prepared in accordance with this Scheme; or***
 - (j) ***within an area designated under the Scheme as a heritage area; or***
 - (k) ***the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29; or***
 - (l) ***on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.***

- (m) the erection or extension of an ancillary dwelling, outbuilding, external figure, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (g) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (h) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or
 - (i) included on a heritage list prepared in accordance with this Scheme; or
 - (j) within an area designated under the Scheme as a heritage area; or
 - (k) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29; or
 - (l) on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.

9. Amend the following clauses by removing the cross reference to the clause deleted by the amendment and replace them with cross reference to deemed provisions set out in the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2

Clause 3.4.1: Part 7 of the deemed provisions Clause 3.4.2: Clause 67 of the deemed provisions Clause 4.4.2: Clause 64 of the deemed provisions Clause 4.8(c): Clause 80 of the deemed provisions Clause 4.9.2: Clause 64 of the deemed provisions Clause 5.4.2: Clause 64 of the deemed provisions Clause 5.5.2(a): Clause 64 of the deemed provisions Clause 5.5.3(a): Clause 67 of the deemed provisions Clause 5.10.2: Part 4 of the deemed provisions Clause 5.16.2: Clause 86 of the deemed provisions

10. Delete reference to the following terms and replace them with the corresponding term throughout the scheme:

- 'planning approval' replaced with 'development approval'
- 'council' replaced with 'local government'
- 'outline development plan' with 'structure plan'

11. Insert as clause 3.4.3, clause 18(7) of the model provisions, to provide clarity to the interpretation of the zoning table.

12. Move clause 8.5 and insert as clause 4.17.

13. Modify the zoning table to update the following Use Class names to correspond with the appropriate definition within the Schedule 1 Part 6 Model Provisions for Local Planning Schemes:

- Restaurant to Restaurant/cafe
- Industry-Mining to Mining operations
- Industry-rural to Industry-primary production
- Agroforestry to Tree Farm

- *Rural pursuit to Rural pursuit/hobby farm*
14. *Delete the following use classes and their permissibility from the zoning table as they are covered by other use classes:*
- *Transportable Dwelling*
 - *Industry-general*
 - *Plantation*
15. *Amend Schedule 1 as follows: Insert the following definitions:*
- *'Industry - cottage'- means a trade or light industry producing arts and craft which does not fall within the definition of a home occupation which:*
 - (f) does not cause injury to or adversely affect the amenity of the neighbourhood;*
 - (g) where operated in a residential zone, does not employ any person other than a member of the occupier's household;*
 - (h) is conducted in an out-building which is compatible with the principle uses to which land in the zone which it is located may be put;*
 - (i) does not occupy an area in excess of 50 square metres; and*
 - (j) does not display a sign exceeding 0.2 square metres in area.*
 - *'Industry - service'- means*
 - (c) an industry-light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or*
 - (d) premises which have a retail shop front and used as a depot for receiving goods to be serviced.*
 - *'Showroom'- means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, household appliances, party supplies, swimming pools or goods of a bulky nature.*
 - *'Storage'- means premises used for the storage of goods, equipment, plant or materials.*
 - *'Warehouse'- means premises used to store or display goods and may include sale by wholesale.*
 - *'Repurposed dwelling' – means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.*
 - *'Second hand dwelling' – means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.*
 - *'Fast food outlet' – means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten –*
 - (c) Without further preparation; and*
 - (d) Primarily off the premises;*
 - *Lunch bar – means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.*

Delete the following definitions:

- *Transportable dwelling*

16. *Insert the following land use classes and permissibility into Table 1 – Zoning Table:*

| <i>Use Classes</i> | <i>Zones</i> | | | | | |
|-----------------------------|--------------------|--------------------|-------------------|----------------------------|-----------------------|--------------------------|
| | <i>Residential</i> | <i>Town Centre</i> | <i>Industrial</i> | <i>General Agriculture</i> | <i>Rural Townsite</i> | <i>Rural Residential</i> |
| <i>Repurposed dwelling</i> | <i>D</i> | <i>A</i> | <i>X</i> | <i>D</i> | <i>D</i> | <i>D</i> |
| <i>Second-hand dwelling</i> | <i>D</i> | <i>A</i> | <i>X</i> | <i>D</i> | <i>D</i> | <i>D</i> |

To replace transportable dwelling.

17. Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers as required.

CARRIED 7/0

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 128/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council accepts late item 13.1.1

CARRIED 7/0

| | |
|--------------------------------|---|
| Agenda Reference: | 13.1.1 |
| Subject: | Caravan Park – Additional Accommodation |
| Location: | Lot 404, George Street, Kellerberrin |
| Applicant: | Shire of Kellerberrin |
| File No: | |
| Record Ref: | |
| Disclosure of Interest: | NIL |
| Date: | 25 th July 2017 |
| Author: | Mr Raymond Griffiths, Chief Executive Officer |

BACKGROUND

Council has been considering additional accommodation units at the Caravan Park Facility for further accommodation.

COMMENT

Council under the Special Use Zone for the Caravan Park have the capacity to approve such applications.

Schedule 4 — Special use zones

| No. | Description of land | Special use | Conditions |
|-----|---|---|--|
| 1 | Lots 404 and 405 George/Moore/Bedford Streets, Kellerberrin | Tourist Accommodation | As determined by Council |
| 2 | Lots 1, 2, 75, 18-22 Massingham Street Kellerberrin | Industry Light and Private Recreation | As determined by Council |
| 3 | Lot 2 corner Massingham and Chambers Street, Kellerberrin | Service station, Motel, Caretaker's dwelling | As determined by Council |
| 4 | Lot 316 Scadden Street, Kellerberrin | Farming supplies | As determined by Council |
| 5 | Lots 432-435 Scadden Street, Kellerberrin | Farming supplies | As determined by Council |
| 6 | Lots 265, 266, 267 George Street, Kellerberrin | Tourist Accommodation and Function Centre | <ol style="list-style-type: none"> 1. No more than two tourist accommodation units or one tourist accommodation unit and the existing dwelling can be constructed on each of the Lots 265 and 266 (total of no more than four units / dwellings on the combined lots). 2. The operations of the function centre shall be limited to Lot 267. 3. All other conditions of operation as determined by Council. |

The expectation is that the process will be complete by the middle of September 2017, though Council will need to ensure they continually progress the application to reach this target date.

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

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

FINANCIAL IMPLICATIONS

1. A Development Application fee
2. A Building Permit Application fee

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

Schedule 4 — Special use zones

| No. | Description of land | Special use | Conditions |
|-----|---|--|--|
| 1 | Lots 404 and 405 George/Moore/Bedford Streets, Kellerberrin | Tourist Accommodation | As determined by Council |
| 2 | Lots 1, 2, 75, 18-22 Massingham Street Kellerberrin | Industry Light and Private Recreation | As determined by Council |
| 3 | Lot 2 corner Massingham and Chambers Street, Kellerberrin | Service station, Motel, Caretaker's dwelling | As determined by Council |
| 4 | Lot 316 Scadden Street, Kellerberrin | Farming supplies | As determined by Council |
| 5 | Lots 432-435 Scadden Street, Kellerberrin | Farming supplies | As determined by Council |
| 6 | Lots 265, 266, 267 George Street, Kellerberrin | Tourist Accommodation and Function Centre | <ol style="list-style-type: none">4. No more than two tourist accommodation units or one tourist accommodation unit and the existing dwelling can be constructed on each of the Lots 265 and 266 (total of no more than four units / dwellings on the combined lots).5. The operations of the function centre shall be limited to Lot 267.6. All other conditions of operation as determined by Council. |

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

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Manager for Works and Services
Caravan Park Caretaker
Lewis York – Town Planning Consultant.

STAFF RECOMMENDATION

That Council approves the Development on Lot 404 George Street, Kellerberrin for additional accommodation as per plan presented.

COUNCIL RECOMMENDATION

MIN 129/17 MOTION - Moved Cr. Steber 2nd Cr. White

That Council approves the development on Lot 404 George Street, Kellerberrin for additional accommodation as per the plan presented with the following conditions;

- 1. Adequate car parking is made available***
- 2. That the accommodation units aesthetics are in line with the other facilities at the Caravan Park***

CARRIED 7/0

CLOSURE OF MEETING

The President thanked all members for the attendance and closed the meeting at 4.10pm.

NEXT MEETING DATES

Tuesday, 15th August, 2017, Shire of Kellerberrin - Ordinary Council Meeting.