

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday 20th June 2017, commencing at 2:00 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.00 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
Mr Lewis York	Town Planner

Apologies:

Mr Garry Tucker Manager Development Services

Leave of Absence:

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 **20th June 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 **20th June 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 **20th June 2017**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 16th May 2017

COUNCIL RECOMMENDATION

MIN 082/17 MOTION: Moved Cr. McNeil 2nd Cr. Leake

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 16th May 2017, be confirmed as a true and accurate record

CARRIED 7/0

7.2 Kellerberrin Swimming Pool Facility Redevelopment Steering Committee Minutes 29th May 2017

COUNCIL RECOMMENDATION

MIN 083/17 MOTION: Moved Cr. Reid 2nd Cr. McNeil

That the minutes of the Shire of Kellerberrin Swimming Pool Facility Redevelopment Steering Committee Meeting held on Monday 29th May 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 084/17 MOTION: Moved Cr. Steber 2nd Cr. McNeil

That the President's report for June 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:	2 nd June, 2017
Author:	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.

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

March 2017 Council Meeting

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

That Council notes:

1. ***The Kellerberrin Sport and Rec. Committee will fund the construction of the Toilet Block adjacent to the netball courts (ex-Caravan Park Ablutions); and the Council will fund the construction of the swapping over of the Tote and Cuolahan rooms, to combine the Cottle and Cuolahan rooms into one larger room, in the 17/18 Budget.***

2. The CEO on behalf of Council speaks with the Kellerberrin School students regarding closing the Skate Park as the new facility was vandalised last night.

CARRIED 6/0

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.

March 2017 – MIN 020/17

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

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 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

Agenda Reference:	11.1.2
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	8 th June 2017
Author:	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 086/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council receives the Status Report.

CARRIED 7/0

Agenda Reference:	11.1.3
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	Kellerberrin, Shire of Kellerberrin Council Chambers
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	8 th June 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 17th May 2017 via teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last CEACA Executive Council Meeting Minutes held on Wednesday 17th May 2017 held via teleconference.

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

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

Resolutions arising out of the 17th May 2017 CEACA Executive Council Meeting summarised hereunder,

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rachel Kirby**

That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 12 April 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths** **Seconded: Rachel Kirby**

That the Minutes of the Special Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 11 May 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Raymond Griffiths**

That the Executive Officer's report for May 2017 be received.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths** **Seconded: Ken Hooper**

That:

1. The Acting Chair's Report for April 2017 be received; and
2. The Executive Officer contact CEACA's Member Councils requesting that they begin work on updating their waiting lists for people wanting to live in the CEACA housing once constructed.

CARRIED

RESOLUTION: Moved: Raymond Griffiths Seconded: Rachel Kirby

That the Statement of Financial Position for the period ending 31 March 2017, as presented, be received.

CARRIED

It was also agreed that the Executive Officer would distribute to members of the CEACA Executive Committee a copy of the financial statement for the period to 30 April 2017 once completed.

RESOLUTION: Moved: Raymond Griffiths Seconded: Ken Hooper

That the Accounts Paid for the period 1 April 2017 to 5 May 2017 totalling \$20,645.15 be approved.

CARRIED

RESOLUTION: Moved: Rachel Griffiths Seconded: Ken Hooper

That the Executive Committee approve for payment following invoices from BHW Consulting for Executive Support Services and reimbursements:

- Invoice 261 – Professional Services April 2017 and various reimbursements
- Invoice 262 – Reimbursement Teleconference Facilities
- Invoice 263 – Professional Services March 2017 and various reimbursements

CARRIED

RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths

That arrangements regarding the appointment of AMD Chartered Accountants to undertake the CEACA audit for the 2016/2017 financial year be noted.

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Ken Hooper

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

CARRIED

RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths

That:

1. The updated Draft Budget for the year ending 30 June 2018 be used when the CEACA Committee considers the matter at the meeting scheduled for Wednesday 7 June 2017;
2. The CEACA Executive Committee authorise the Executive Officer to arrange for Market Creations to install Office 365 as per the draft CEACA Budget for 2017/2018 on the understanding that Market Creations will not invoice CEACA until the commencement of the 2017/2018 financial year.

CARRIED

RESOLUTION: Moved: Raymond Griffiths Seconded: Ken Hooper

That the Project Update (Financial) Report for April 2017 be received and the report distributed to all CEACA Member Councils.

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Ken Hooper

That the Project Manager's Report for May 2017 be noted and the report distributed to all CEACA Member Councils.

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Ken Hooper

That the matter lay on the table.

CARRIED

RESOLUTION: Moved: Raymond Griffiths Seconded: Ken Hooper

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 17th May 2017.

COUNCIL RECOMMENDATION

MIN 087/17 MOTION - Moved Cr. Reid 2nd Cr. White

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 17th May 2017.

CARRIED 7/0

Agenda Reference:	11.1.4
Subject:	Doodlakine Community Committee - Lease Agreement
Location:	Doodlakine Agricultural Hall
Applicant:	Shire of Kellerberrin
File Ref:	ORGL 21
Record Ref:	MIN 051/2017
Disclosure of Interest:	N/A
Date:	8 th June, 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's April 2017 Ordinary Meeting of Council – 19th April 2017

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

That Council;

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

CARRIED 7/0
BY ABSOLUTE MAJORITY

After reviewing the Draft Maintenance Agreement the Doodlakine Community Committee suggest that under the General Terms of Agreement that the following is changed to read six monthly meetings instead of quarterly:

“The DCC agrees to meet with the Chief Executive Officer of the Shire of Kellerberrin six monthly for the Doodlakine Agricultural Hall for maintenance requirements for inclusion in the next year’s budget and any DCC items”.

COMMENT

The agreement is amended to include the suggested change then a final Maintenance Agreement is sent to the Doodlakine Community Committee for signing. Agreement will commence on the 30th June 2017 running for a three (3) year period expiring on 30th June 2020.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (2) *Except as stated in this section, a local government can only dispose of property to;*
- a. the highest bidder at public auction; or
 - b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition
- i. describing the property concerned;
 - ii. giving details of the proposed disposition; and
 - iii. inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;
- and
- b. it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include;
- a. the names of all other parties concerned;
 - b. the consideration to be received by the local government for the disposition; and
 - c. the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

3.59. Commercial enterprises by local governments

- (1) In this section —

acquire has a meaning that accords with the meaning of “dispose”;

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

- (a) acquire or dispose of an interest in land; or
- (b) develop land;

major land transaction means a land transaction other than an exempt land transaction if the total value of —

- (a) the consideration under the transaction; and
- (b) anything done by the local government for achieving the purpose of the transaction,

is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of “land transaction”.

- (2) Before it —

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) *its expected effect on the provision of facilities and services by the local government;*
 - (b) *its expected effect on other persons providing facilities and services in the district;*
 - (c) *its expected financial effect on the local government;*
 - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
- (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) *prescribe any land transaction to be an exempt land transaction;*
 - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

Strategic Priority 2.1

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

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

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Doodlakine Community Committee
Council's Administration Staff

ABSOLUTE MAJORITY REQUIRED – Yes

STAFF RECOMMENDATION

That Council:

1. *adopts the Doodlakine Community Committee Maintenance Agreement with the following amendments:*
 - a. *Change meetings to be held from quarterly to six monthly in the General Terms of Agreement as requested by the Doodlakine Community Committee.*
2. *Issues a final maintenance agreement to the Doodlakine Community Committee for signing.*
3. *Authorises the Chief Executive Officer and President to execute the Maintenance Agreements between the Shire of Kellerberrin and the Doodlakine Community Committee*

COUNCIL RECOMMENDATION

MIN 088/17 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council:

1. *adopts the Doodlakine Community Committee Maintenance Agreement with the following amendments:*
 - a. *Change meetings to be held from quarterly to six monthly in the General Terms of Agreement as requested by the Doodlakine Community Committee.*
2. *Issues a final maintenance agreement to the Doodlakine Community Committee for signing.*
3. *Authorises the Chief Executive Officer and President to execute the Maintenance Agreements between the Shire of Kellerberrin and the Doodlakine Community Committee*

CARRIED 7/0
ABSOLUTE MAJORITY

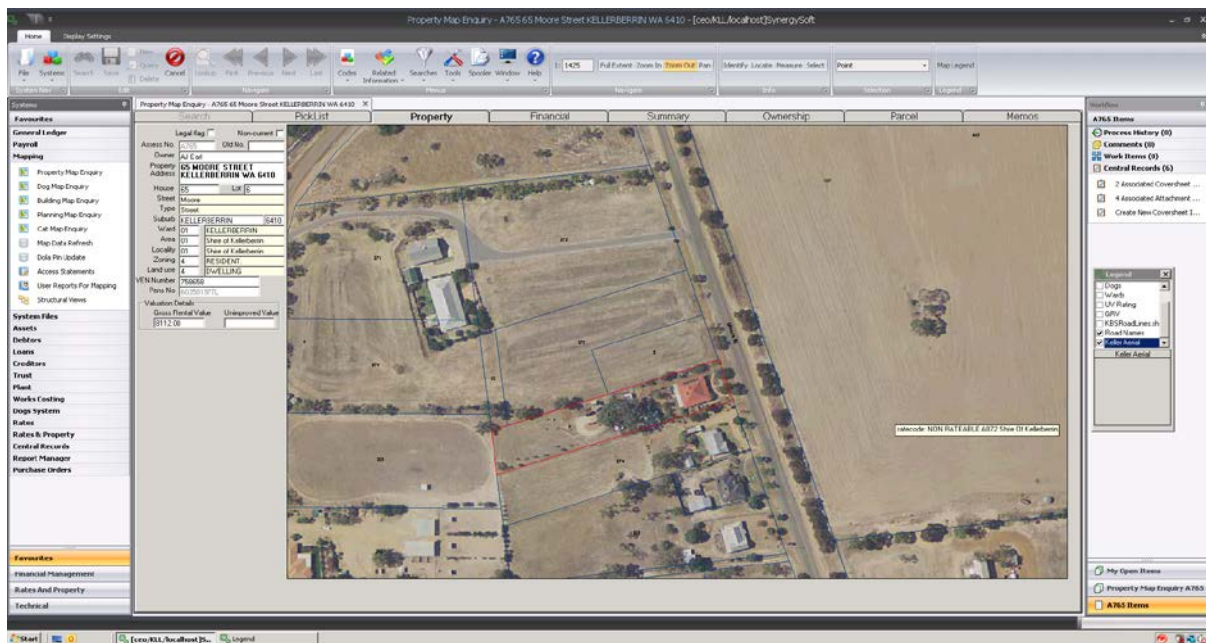
Agenda Reference:	11.1.5
Subject:	Approval to keep Three Dogs at a residence within the Kellerberrin Townsite
Location:	65 Moore Street, Kellerberrin
Applicant:	Cassandra Boes
File Ref:	LLAW 12 & A 765
Record Ref:	ICR171454
Disclosure of Interest:	Nil
Date:	6 th June 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 2nd June 2017 received correspondence from Cassandra Boes requesting permission to house three dogs at 65 Moore Street, Kellerberrin.

Cassandra has advised that two dogs are her own dogs with the third dog being her sons who recently passed away and wishes to retain his dog.

COMMENT





A check of Councils Dog Register provided the following information:-

The dogs are described in Councils Register as per the following table:-

Tag No	Name of Dog	Description	Colour Marking	Sex	Sterilised	Owner Other Name	Owner Surname
LT029	NARLA	Red Staffy	Red	Female	No	Anthony	Earl
LT0030	PUMBER	Red Staffy	Red	Male	No	Anthony	Earl
190030	TYSON	Mastiff	Brindle	Male	No	Hnatyszyn	Davidson

FINANCIAL IMPLICATIONS

All adult dogs are required to be registered with the Council and an annual registration fee is payable, all four dogs are currently registered.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

- Dog Act 1976 as amended

Part V — The keeping of dogs

26. Limitation as to numbers

- (1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.
- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel

establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
 - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
 - (c) may be revoked or varied at any time.
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.

Penalty: \$1 000 and a daily penalty of \$100.

- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,

may apply to the State Administrative Tribunal for a review of the decision.

- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268.]

Shire of Kellerberrin Dogs Local Law 2012

EXTRACT from "Dogs Local Laws"

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
- (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) two dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) four dogs over the age of 3 months and the young of those dogs under that age if the premises is situated outside a townsite.

STRATEGIC PLAN IMPLICATIONS: Nil

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

LONG TERM PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

Chief Executive Officer
Senior Finance Officer
Deputy Chief Executive Officer
Shire Contract Ranger
Cassandra Boes

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council approves the keeping of three dogs at 65 Moore Street, Kellerberrin subject to the following conditions:-

1. Maintenance of suitable fencing to contain the dogs.
2. The dogs not causing a nuisance. This includes barking, odours emanating from the yard or house due to accumulated faeces and or urine etcetera, intimidation of lawful passers-by by the demonstration of aggressive behaviour by the dogs either singly or in concert.
3. The approval becomes **void** if any “condition” is breached and the approval is not transferable to another property or persons. Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals.

COUNCIL RECOMMENDATION

MIN 089/17 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council approves the keeping of three dogs at 65 Moore Street, Kellerberrin subject to the following conditions:-

1. ***Maintenance of suitable fencing to contain the dogs.***
2. ***The dogs not causing a nuisance. This includes barking, odours emanating from the yard or house due to accumulated faeces and or urine etcetera, intimidation of lawful passers-by by the demonstration of aggressive behaviour by the dogs either singly or in concert.***
3. ***The approval becomes void if any “condition” is breached and the approval is not transferable to another property or persons. Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals.***

CARRIED 7/0

Agenda Reference:	11.1.6
Subject:	Delegated Authority review to CEO
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Administration
File Ref:	Delegations File (SAFE)
Record Ref:	
Disclosure of Interest:	
Date:	2 nd June 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Local Government Act 1995 as amended, the associated Regulations and the Compliance Audit Return requires the Local Government to review its delegation of Powers/Authority to the Chief Executive Officer, at least once in every twelve (12) months and then for the Chief Executive Officer to review his Delegation of Authority to identified Senior Staff and Management Staff within the same review period.

July 2016 Council Meeting

MIN 118/16 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

1. ***That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
2. ***That all previous Delegations to the Chief Executive Officer be cancelled.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

June 2015 Council Meeting

MIN 97/15 MOTION - Moved Cr. McNeil 2nd Cr. O'Neill

1. ***That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
2. ***That all previous Delegations to the Chief Executive Officer be cancelled.***

CARRIED 6/0
BY ABSOLUTE MAJORITY

June 2014 Council Meeting

MIN 73/14 MOTION - Moved Cr. O'Neill 2nd Cr. Bee

1. ***That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.***
2. ***That all previous Delegations to the Chief Executive Officer be cancelled.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

MIN 101/13 MOTION - Moved Cr. Clarke 2nd Cr. O'Neill

- 1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.**
- 2. That all previous Delegations to the Chief Executive Officer be cancelled.**

CARRIED 5/0
BY ABSOLUTE MAJORITY

MIN 223/12 MOTION - Moved Cr. Bee 2nd Cr. Forsyth

- 1. That in accordance with section 5.42 of the Local Government Act 1995 as amended and in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954, the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.**
- 2. That all previous Delegations to the Chief Executive Officer be cancelled.**

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

The proposed delegations are summarised as per the enclosed Delegations Schedule and has been presented on the basis of;

1. Statutory Requirement to do so under the Local Government Act 1995 associated Regulations of the Local Government Act 1995, the Bush Fires Act 1954 and the Compulsory Annual Compliance Audit Return.
2. For continued and efficient Management of daily Functions of the Staff to completing Business and Administrative requirements of the Council.
3. The proposed Delegations are in accordance with Local Government Industry Standards of a Local Government Operation of this size.
4. The attached Delegations Schedule has been amended to include Local Government Act changes and associated Regulations changes to keep the list at a minimum standard for efficient and effective management of Councils daily business requirements and in accordance with the statutory functions of the Council and that of the Chief Executive Officer.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;

- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —

- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,
- are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
 - (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Bush Fires Act 1954

7. Interpretation

- (1) In this Act unless the context otherwise indicates or requires —
adjoining, when used with respect to 2 or more pieces of land, extends to pieces of land which are separated only by a road or roads or by a railway or by a water-course;
authorised CALM Act officer means a wildlife officer, forest officer, ranger or conservation and land management officer who is authorised for the purposes of section 45(3a) of the *Conservation and Land Management Act 1984*;
Authority means the Fire and Emergency Services Authority of Western Australia established by section 4 of the FESA Act;
bush includes trees, bushes, plants, stubble, scrub, and undergrowth of all kinds whatsoever whether alive or dead and whether standing or not standing and also a part of a tree, bush, plant, or undergrowth, and whether severed therefrom or not so severed. The term does not include sawdust, and other waste timber resulting from the sawmilling of timber in a sawmill whilst the sawdust and other waste timber remains upon the premises of the sawmill in which the sawmilling is carried on;

bush fire brigade means a bush fire brigade for the time being registered in a register kept pursuant to section 41;

CALM Act CEO has the meaning given to “CEO” by section 3 of the *Conservation and Land Management Act 1984*;

CALM Act Department has the meaning given to “Department” by section 3 of the *Conservation and Land Management Act 1984*;

Chief Executive Officer means the person holding, acting in, or otherwise discharging the duties of, the office of chief executive officer of the Authority, as referred to in section 19 of the FESA Act;

forest land means State forest and timber reserves within the meaning of the *Conservation and Land Management Act 1984* and any land to which section 131 of that Act applies;

member of the Authority means a member of the board of management referred to in section 6 of the FESA Act;

occupier of land means, subject to subsection (2), a person residing on the land or having charge or control of it, whether the person is the owner or tenant or a bailiff, servant, caretaker, or other person residing or having charge or control of the land and includes a person who as mortgagee in possession has possession of the land, while the land is unoccupied, and also a person who has the charge or control of 2 or more separate parcels of land, although the person resides on only one of the parcels;

prohibited burning times means the times of the year during which it is declared by the Minister under section 17 to be unlawful to set fire to the bush within a zone of the State and, in relation to any land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated or in respect of that land in particular;

restricted burning times means the times of the year during which it is declared by the Authority under section 18 to be unlawful to set fire to the bush within a zone of the State except in accordance with a permit obtained under that section and with the conditions prescribed for the purposes of that section and, in relation to land in such a zone —

- (a) includes any extension of those times made, or any further times imposed, under that section in respect of the whole of that zone or in respect of the part of that zone, or the district or part of a district, in which that land is situated; but
- (b) does not include any period by which those times are reduced, or for which those times are suspended, under that section in respect of the whole of that zone or in respect of that part of that zone, or the district or part of a district, in which that land is situated;

the FESA Act means the *Fire and Emergency Services Authority of Western Australia Act 1998*.

- (2) Subject to section 33(9), a reference in this Act to an owner or occupier of land does not include a reference to a department of the Public Service that occupies land or a State agency or instrumentality that owns or occupies land.

10. Powers of Authority

- (1) The Authority shall —
 - (a) report to the Minister as often as it thinks expedient so to do on the best means to be taken for preventing or extinguishing bush fires;

- (b) perform and undertake such powers and duties as may be entrusted to it by the Minister;
 - (c) subject to the general control of and direction by the Minister, be responsible for the administration of this Act;
 - (d) recommend to the Minister the prohibited burning times to be declared for the whole or any part of the State;
 - (e) carry out such fire prevention measures as it considers necessary;
 - (f) carry out research in connection with fire prevention and control and matters pertaining to fire prevention and control;
 - (g) conduct publicity campaigns for the purpose of improving fire prevention measures.
- (2) The Authority may —
- (a) recommend that the Chief Executive Officer appoint and employ such persons as the Authority considers necessary for carrying out the provisions of this Act;
 - (b) organise and conduct bush fire brigade demonstrations and competitions and provide prizes and certificates for presentation to bush fire brigades and competitors;
 - (c) pay the expenses of bush fire brigades attending bush fire brigade demonstrations.

[Section 10 amended by No. 65 of 1977 s. 7; No. 42 of 1998 s. 8 and 16.]

12. Appointment of bush fire liaison officers

- (1) The Chief Executive Officer may, on the recommendation of the Authority and with the approval of the Minister, appoint persons under section 20 of the FESA Act to be bush fire liaison officers for the purposes of this Act.
- (2) Any person who was a bush fire warden immediately before the coming into operation of section 9 of the *Bush Fires Act Amendment Act 1977*¹ shall be deemed to have been appointed to be a bush fire liaison officer under subsection (1).

[Section 12 inserted by No. 65 of 1977 s. 9; amended by No. 42 of 1998 s. 10.]

14. Members of the Authority and other persons may enter land or buildings for purposes of the Act

- (1) A member of the Authority, an officer who is authorised by the Authority so to do, a bush fire liaison officer and a bush fire control officer, appointed in accordance with the provisions of this Act, and, subject to the proviso to this section, a member of the Police Force, is empowered to enter any land or building at any time to —
 - (a) examine a fire which he has reason to believe has been lit, or maintained, or used in contravention of this Act;
 - (b) examine a fire which he believes is not under proper control;
 - (c) examine fire-breaks on the land;
 - (d) examine anything which he considers to be a fire hazard existing on the land;
 - (e) investigate the cause and origin of a fire which has been burning on the land or building;
 - (f) inspect fire precaution measures taken on the land;
 - (g) investigate and examine the equipment of a bush fire brigade;
 - (h) do all things necessary for the purpose of giving effect to this Act.

Provided that a member of the Police Force is not empowered under this section to enter any land or building for any purpose other than those specified in paragraphs (a), (b) and (e).

- (2) A bush fire liaison officer or a member of the Police Force exercising the power conferred by subsection (1)(e) may remove from the land or building, and keep possession of, anything which may tend to prove the origin of the fire.

[Section 14 amended by No. 11 of 1963 s. 5; No. 65 of 1977 s. 11 and 47; No. 60 of 1992 s. 8; No. 42 of 1998 s. 16; No. 38 of 2002 s. 20.]

[Divisions 3 and 4 (s. 15-16E) deleted by No. 42 of 1998 s. 11(1).]

Part III — Prevention of bush fires

[Division 1 deleted by No. 65 of 1977 s. 12.]

Division 2 — Prohibited burning times

17. Prohibited burning times may be declared by Minister

- (1) The Minister may, by declaration published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.
- (2) Where by declaration made under subsection (1) prohibited burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those prohibited burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (3) A copy of the *Gazette* containing a declaration published under subsection (1) shall be received in all courts as evidence of the matters set out in the declaration.
- (4) Where the Authority considers that burning should be carried out on any land, the Authority may suspend the operation of a declaration made under subsection (1), so far as the declaration extends to that land, for such period as it thinks fit and specifies and subject to such conditions as may be prescribed or as it thinks fit and specifies.
- (5) The Authority may authorise a person appointed by it to regulate, permit or define the class of burning that may be carried out, and the times when and conditions under which a fire may be lit, on the land referred to in subsection (4) during the period of suspension granted under that subsection.
- (6) In any year in which the Authority considers that seasonal conditions warrant a variation of the prohibited burning times in a zone of the State the Authority may, by notice published in the *Gazette*, vary the prohibited burning times in respect of that year in the zone or a part of the zone by —
 - (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (b) imposing a further period of prohibited burning times.
- (7)(a) Subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —
 - (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or
 - (ii) imposing a further period of prohibited burning times.
- (b) A variation of prohibited burning times shall not be made under this subsection if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.

- (8) Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —
- (a) the local government —
 - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
 - (ii) shall, by the quickest means available to it, give particulars of the variation to the Authority and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
 - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
 - (b) the Minister, on the recommendation of the Authority, may give notice in writing to the local government directing it —
 - (i) to rescind the variation; or
 - (ii) to modify the variation in such manner as is specified in the notice;
 - (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
 - (i) rescind or modify the variation as directed in the notice; and
 - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.
- (9) For the purposes of subsections (7) and (8) **publish** means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent positions in that district, or to publish by such other method as the Authority may specify in writing.
- (10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).
- (11) A local government may by resolution revoke a delegation it has given under subsection (10) and no delegation so given prevents the exercise and discharge by the local government of its powers and duties under subsections (7) and (8).
- (12) Subject to this Act a person who sets fire to the bush on land within a zone of the State during the prohibited burning times for that zone is guilty of an offence.

Penalty: \$10 000 or 12 months' imprisonment or both.

[Section 17 inserted by No. 65 of 1977 s. 13; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 21 and 40(1).]

Division 3 — Restricted burning times

18. Restricted burning times may be declared by Authority

- (1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.
- (2) The Authority may, by notice published in the *Gazette*, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.

- (3) Where by declaration made under subsection (2) restricted burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those restricted burning times shall have effect in respect of that zone in each year until that declaration is revoked.
- (4) A copy of the *Gazette* containing a declaration published under subsection (2) shall be received in all courts as evidence of the matters set out in the declaration.
- (4a) In any year in which the Authority considers that seasonal conditions warrant a variation of the restricted burning times in a zone, or part of a zone, of the State the Authority may, by notice published in the *Gazette*, vary the restricted burning times in respect of that year in the zone or part of the zone by —
 - (a) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (b) imposing a further period of restricted burning times.
- (5)(a) Subject to paragraph (b) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district —
 - (i) vary the restricted burning times in respect of that year in the district or a part of the district by —
 - (A) shortening, extending, suspending or reimposing a period of restricted burning times; or
 - (B) imposing a further period of restricted burning times;
 or
 - (ii) vary the prescribed conditions by modifying or suspending all or any of those conditions.
- (b) A variation shall not be made under this subsection if that variation would have the effect of —
 - (i) shortening the restricted burning times by; or
 - (ii) suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under this subsection, be part of the restricted burning times for that zone in that year.
- (c) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.
- (d) For the purposes of this subsection **prescribed condition** includes the requirement of subsection (6)(a).
- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
 - (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —

- (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.
- (8) The holder of a permit to burn under this section —
- (a) shall observe and carry out any requirement or direction incorporated therein pursuant to subsection (7)(a);
 - (b) shall, where any prescribed condition is modified pursuant to subsection (5) or subsection (7)(b), comply with that condition as so modified;
 - (c) need not comply with any prescribed condition that is suspended or dispensed with pursuant to subsection (5) or (7)(b).
- (9) A permit issued under this section may authorise the owner or occupier of land to burn the bush on a road reserve adjoining that land.
- (10)(a) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.
- (b) A person desiring to set fire to bush within the district of the local government that has so resolved shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.
 - (c) The burning shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.
- (11) Where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10 000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction.
- (12) A person who commits a breach of this section other than subsection (11) is guilty of an offence.
- Penalty: For a first offence \$4 500.
For a second or subsequent offence \$10 000.
- [Section 18 inserted by No. 65 of 1977 s. 14; amended by No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 22, 39 and 40(1).]*

Part V — Miscellaneous

48. Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to subdelegate.

- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

[Section 48 inserted by No. 38 of 2002 s. 35.]

50. Records to be maintained by local governments

- (1) A local government shall maintain records containing the following information —
- (a) the names, addresses, and usual occupations of all the bush fire control officers and bush fire brigade officers appointed by or holding office under the local government;
 - (b) where a bush fire control officer holds office in respect of part only of the district of the local government, descriptive particulars of that part of the district in respect of which the bush fire control officer holds office;
 - (c) particulars of the nature, quantity, and quality of the bush fire fighting equipment and appliances which are generally available within the district of the local government for use in controlling and extinguishing bush fires.
- (2) The Governor may make regulations —
- (a) requiring an owner or occupier of land to notify the local government in whose district the land is situated of the occurrence of any bush fire on the land;
 - (b) requiring a local government to send to the Authority particulars of losses caused by bush fires in its district;
 - (c) prescribing the times at or within which, and the manner in which, the requirements of the regulations shall be complied with;
 - (d) imposing a maximum penalty of \$1 000 for any breach of the regulations.

[Section 50 amended by No. 113 of 1965 s. 8(1); No. 65 of 1977 s. 39; No. 14 of 1996 s. 4; No. 42 of 1998 s. 16; No. 38 of 2002 s. 39.]

Compliance Audit Report

Annual endorsement and certification, that the process of Council and CEO has reviewed its delegated authority respectively.

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

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

COMMUNITY CONSULTATION: Nil (not required – a statutory function of the Council and of the Chief Executive Officer)

ABSOLUTE MAJORITY – YES

STAFF RECOMMENDATION

That Council:

1. *in accordance with section 5.42 of the Local Government Act 1995 as amended*
2. *in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954,*
3. *the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
4. *Cancel all previous Delegations to the Chief Executive Officer.*

COUNCIL RECOMMENDATION

MIN 090/17 MOTION - Moved Cr. O'Neil 2nd Cr. Leake

That Council:

1. *in accordance with section 5.42 of the Local Government Act 1995 as amended*
2. *in accordance with sections 10, 14, 17, 48 and 50 of the Bush Fires Act 1954,*
3. *adopts the defined delegations as per the attached Delegations Schedule to the Chief Executive Officer, be made to the Chief Executive Officer and remain in place until the next Delegations Review has been completed.*
4. *Cancel all previous Delegations to the Chief Executive Officer.*

CARRIED 7/0
ABSOLUTE MAJORITY

Agenda Reference:	11.1.7
Subject:	Authorised & Registration Officers
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ENG 01
Disclosure of Interest:	N/A
Date:	6 th June 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

To authorise employees to act on behalf of Council as an Authorised and/or Registration Officer of Council.

COMMENT

Council annually reviews the Authorised and Registration Officers for Council to act on behalf of Council under the provision of the provided Legislation.

FINANCIAL IMPLICATIONS

- Cost of advertising within the Government Gazette

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS –

The following legislation is referred to for Council's Authorised and Registration Officers;

- Caravan Park and Camping Ground Act 1995
- Shire of Kellerberrin Cemetery Local Law 2003
- Local Government Property Local Law 2006
- Local Government Act 1995
- Litter Act 1979
- Control of Vehicles (Off-Road Areas) Act 1978
- Bush Fires Act 1954
- Cat Act 2011
- Dog Act 1976
- Local Government (Miscellaneous Provisions) Act 1960
- Food Act 2008
- Building Act 2011

STRATEGIC PLAN IMPLICATIONS – Nil

STRATEGIC PLAN IMPLICATIONS:

Shire of Kellerberrin Strategic Plan

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
Personal Assistant

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council:

- 1. adopts the Authorised Officers Schedule as presented*
- 2. adopts the Registration Officers Schedule as presented*

BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 091/17 MOTION - Moved Cr. Steber 2nd Cr. White

That Council:

- 1. adopts the Authorised Officers Schedule as presented*
- 2. adopts the Registration Officers Schedule as presented*

**CARRIED 7/0
ABSOLUTE MAJORITY**

Agenda Reference:	11.1.8
Subject:	2017/18 – Salaries and Wages Budget PRIVATE AND CONFIDENTIAL
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Record No.:	
Disclosure of Interest:	N/A
Date:	6 th June 2017
Author:	Karen Oborn, Deputy Chief Executive Officer

COUNCIL RECOMMENDATION

MIN 092/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council moves behind closed doors to deal with Private and Confidential items 11.1.8, 11.1.9 & 11.1.10

CARRIED 7/0

Agenda Reference:	11.1.9
Subject:	Outstanding Rates – Recoverable on Sale PRIVATE & CONFIDENTIAL
Location:	
Applicant:	Shire of Kellerberrin
File Ref:	A324
Record No.:	
Disclosure of Interest:	N/A
Date:	29 th May 2017
Author:	Karen Oborn, Deputy Chief Executive Officer

Agenda Reference:	11.1.10
Subject:	Outstanding Rates – Recoverable on Sale PRIVATE AND CONFIDENTIAL
Location:	
Applicant:	Shire of Kellerberrin
File Ref:	A360
Record No.:	
Disclosure of Interest:	N/A
Date:	29 th May 2017
Author:	Karen Oborn, Deputy Chief Executive Officer

COUNCIL RECOMMENDATION

MIN 096/17 MOTION - Moved Cr. White 2nd Cr. McNeil

That Council moves back from behind closed doors.

CARRIED 7/0

Agenda Reference:	11.1.11
Subject:	Vacant Land – Watt/Massingham Street
Location:	Lot 367 Watt Street & 140 Massingham Street, Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	A326 & A339
Disclosure of Interest:	Nil
Date:	1 st June 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's June 2007 Ordinary Meeting of Council – 19th June 2007

MIN 146/07 MOTION - Moved Cr. Doncon 2nd Cr. Ranger

1. *That Council offers the sale of Council owned Freehold Lot 18 Watt Street (cnr Watt and Massingham Streets) Kellerberrin, to Mr Glenn Bangay & Chris Puttick, by private agreement for the sum of \$5,000.00. subject to;*
 - *Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.*
 - *Council authorizes the Chief Executive Officer to complete the required Land Transfer procedures for Sale of Property*
 - *The residence is constructed to plate height within 18 months of purchase.*
 - *In the event of the plate height not being reached in the specified period then the block and any subsequent improvements be transferred to the Shire for the Land purchase cost less transfer fees.*

2. *That Council approves the sale of Council owned Freehold Lot 367 Watt Street Kellerberrin, to Brad and Sue Westphal of Ellenbrook by private agreement for the sum of \$5,000.00. subject to;*
 - *Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.*
 - *Council authorizes the Chief Executive Officer to complete the required Land Transfer procedures for Sale of Property*
 - *The residence is constructed to plate height within 18 months of purchase.*
 - *In the event of the plate height not being reached in the specified period then the block and any subsequent improvements be transferred to the Shire for the Land purchase cost less transfer fees.*

CARRIED 6/0

COMMENT

On reviewing Council's vacant lots it was recognised that the lots shown below are under dealings with no action nor any paperwork being signed.

The title is still in the Shire of Kellerberrin's name though to ensure correct process is followed it is recommended that Council rescind the original motions to provide a clear audit trail of decision making processes.



The lot on the Western side of Watt Street is Lot 367 Watt Street and Lot 18 is the property facing the highway which is known also as 140 Massingham Street.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

There is no budget implications.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (5) *Except as stated in this section, a local government can only dispose of property to;*
 - a. the highest bidder at public auction; or
 - b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (6) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
 - i. *describing the property concerned;*
 - ii. *giving details of the proposed disposition; and*

- iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*

and

- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (7) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. *the names of all other parties concerned;*
 - b. *the consideration to be received by the local government for the disposition; and*
 - c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

3.59. Commercial enterprises by local governments

- (1) *In this section —*

acquire *has a meaning that accords with the meaning of “dispose”;*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

land transaction *means an agreement, or several agreements for a common purpose, under which a local government is to —*

- (a) *acquire or dispose of an interest in land; or*
- (b) *develop land;*

major land transaction *means a land transaction other than an exempt land transaction if the total value of —*

- (a) *the consideration under the transaction; and*
- (b) *anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking *means a trading undertaking that —*

- (a) *in the last completed financial year, involved; or*
- (b) *in the current financial year or the financial year after the current financial year, is likely to involve,*

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking *means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of “land transaction”.*

- (2) *Before it —*

- (a) *commences a major trading undertaking;*
- (b) *enters into a major land transaction; or*
- (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*

a local government is to prepare a business plan.

- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*

- (a) *its expected effect on the provision of facilities and services by the local government;*

- (b) *its expected effect on other persons providing facilities and services in the district;*
 - (c) *its expected financial effect on the local government;*
 - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
- (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) *prescribe any land transaction to be an exempt land transaction;*
 - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 1.2

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

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

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

Goal 4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.
Council's Role	<ul style="list-style-type: none"> ▪ To identify opportunities to enhance the local economy. ▪ To collaborate and facilitate discussions with external / private parties on business, commercial and industrial ventures in the Shire. ▪ To undertake long term economic development and marketing planning for the Shire, focussing on the local and regional economy and opportunities. ▪ Work with external government and non-government agencies to develop programs and initiatives to promote economic development in the region and identify new ventures / opportunities to create economic opportunities.
Goal 4.1.2	To work with local businesses to improve and enhance the quality of service provided.
Council's Role	<ul style="list-style-type: none"> ▪ To establish relationships with local business providers to identify and understand key issues and opportunities to assist in the promotion of services. ▪ To facilitate discussions with external agencies and government departments to identify opportunities to enhance and assist local business providers within the community. ▪ To develop initiatives with external parties to educate and improve the welfare of local businesses.

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

LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Community via the 'Pipeline'

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council rescinds Minute 146/07 adopted at the June 2007 Ordinary Meeting of Council.

COUNCIL RECOMMENDATION

MIN 097/17 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council rescinds Minute 146/07 adopted at the June 2007 Ordinary Meeting of Council.

**CARRIED 7/0
ABSOLUTE MAJORITY**

STAFF RECOMMENDATION

That Council advertise the vacant lots for sale.

COUNCIL RECOMMENDATION

MIN 098/17 MOTION - Moved Cr. Leake 2nd Cr. White

That Council advertise the vacant lots for sale.

**CARRIED 7/0
ABSOLUTE MAJORITY**

Agenda Reference:	11.1.12
Subject:	CEACA Building Fees
Location:	49-53 Hammond Street, Kellerberrin
Applicant:	Central East Aged Care Alliance
File Ref:	IPA1733, Ass 480 & Ass 481
Disclosure of Interest:	Nil
Date:	10 th May 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Central East Care Alliance Committee Meeting – 7th June 2017

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

CARRIED

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

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

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

GENERAL CONDITIONS:

- i. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.***
- ii. The development hereby permitted must substantially commence within two years from the date of this determination notice.***
- iii. The development hereby permitted taking place in accordance with the plans dated 10th May 2017.***

CARRIED 7/0

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

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

COMMENT

During the discussion of the Planning Fees the Executive Committee recognised that there could be a similar issue with the Building Permit Fees.

There is three types of Building Fees of which two are statutory are not negotiable. Please find below the list.

1. Building Permit Fees - COUNCIL
2. Building Services Levy - STATUTORY
3. BCITF – STATUTORY

It has been suggested that the fees for Council (1) be receipted to each Council and then a donation of that fee back to CEACA to enable the funds to be expended on the project instead of being an income to individual Council's.

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

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

The Building Permit Application will come from CEACA in the form of a Certified Application. With a certified application Council receives lessor fees and with majority of the compliance and certification taking place, Council's Building Surveyor time in reviewing the application is reduced as they need to ensure all paperwork is in place, it cross checks and an overview of the application to ensure it meets the Building Code as the certified application will indicate.

It was discussed at the CEACA Committee meeting that each Council should consider this item and that this should be a one in all in approach.

FINANCIAL IMPLICATIONS

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

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

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

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

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

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

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

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer
CEACA Executive
CEACA Committee

STAFF RECOMMENDATION

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

COUNCIL RECOMMENDATION

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

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

CARRIED 7/0

Agenda Reference:	11.1.13
Subject:	Milligan Units Committee – Rate Exemption
Location:	Cornell Close & Gregory Street, Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	A904 & A1754
Disclosure of Interest:	Nil
Date:	1 st June 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's September 2007 Ordinary Meeting of Council – 18th September 2007

MIN 197/07 MOTION - Moved Cr. Doncon 2nd Cr. Lamplugh

That Council approves to invoke section 6.26 (2) (g) of the Local Government Act and exempt 78-80 Gregory Street, Cuolahan Cottages only from rates upon the provision of proof that Milligan Units Inc. is classified as a charitable or not for profit organization.

CARRIED 5/0

REASON

Council wish to ensure that Cuolahan Cottages are correctly classified to receive a rate exemption.

COMMENT

Council has being providing rate relief to the Milligan Units for both the Cuolahan Cottages and Milligan Units since their construction.

The rate exemption needs to be reviewed in light of the proposed construction of the new CEACA units which will be operated by a not for profit organisation. However it has been recommended that these units be rateable. This is currently being reviewed by the CEACA Council though it is Management's opinion that this will be adopted.

Council has also been recently informed the under the joint agreement between the Housing Authority and the Milligan Units Committee rates are a payment that is to be paid by the Committee.

Should Milligan Units become a member of CEACA a level of consistency will also need to be maintained on the rateable status of each residence.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

2017/2018 Budget.

Council under the new GRV Revaluations only have a listing for the 12 units on Cornell Close which is \$66,114. This would equate to approximately \$8,412.14 in additional rates.

Synergy has an old GRV listing for the Gregory Street (Cuolahan Cottages) unit bock of \$39,312. This would equate to approximately \$5,001.94 in additional rates.

Therefore having both the complexes rateable the Shire of Kellerberrin has the capacity of raising an additional \$13,414 (approximately).

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Local Government Act 1995 (as amended) (LGA)

LGA - 6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land-
 - (a) land which is the property of the Crown and-
 - (i) is being used or held for a public purpose; or
 - (ii) is unoccupied, except-
 - I. where any person is, under paragraph (e) of the definition of “owner” in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or
 - II. where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of “owner” in section 1.4 occupies or makes use of the land;
 - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;
 - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;
 - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;
 - (e) land used exclusively by a religious body as a school for the religious instruction of children;
 - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*;
 - (g) land used exclusively for charitable purposes;
 - (h) land vested in trustees for agricultural or horticultural show purposes;
 - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Administration and Audit Act 1985*) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;
 - (j) land which is exempt from rates under any other written law; and
 - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

- (5) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247.]

LGA : s6.47 – Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 1.2

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

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

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

Goal 4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.
Council's Role	<ul style="list-style-type: none"> ▪ To identify opportunities to enhance the local economy. ▪ To collaborate and facilitate discussions with external / private parties on business, commercial and industrial ventures in the Shire. ▪ To undertake long term economic development and marketing planning for the Shire, focussing on the local and regional economy and opportunities. ▪ Work with external government and non-government agencies to develop programs and initiatives to promote economic development in the region and

	identify new ventures / opportunities to create economic opportunities.
Goal 4.1.2	To work with local businesses to improve and enhance the quality of service provided.
Council's Role	<ul style="list-style-type: none"> ▪ To establish relationships with local business providers to identify and understand key issues and opportunities to assist in the promotion of services. ▪ To facilitate discussions with external agencies and government departments to identify opportunities to enhance and assist local business providers within the community. ▪ To develop initiatives with external parties to educate and improve the welfare of local businesses.

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

LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council Rescinds Minute 197/07 adopted at the September 2007 Ordinary Meeting of Council.

BY ABSOLUTE MAJORITY

STAFF RECOMMENDATION

That Council:

1. *Apply a rateable status to Assessments 904 & 1754 for Milligan Units to ensure:*
 - a. *Uniform approach to Independent Living Units with CEACA units being rateable;*
 - and*
 - b. *Compliance with the Joint Venture Agreement for Cuolahan Cottages.*

BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 100/17 MOTION - Moved Cr. Leake 2nd Cr. Steber

That Council Rescinds Minute 197/07 adopted at the September 2007 Ordinary Meeting of Council.

**CARRIED 7/0
ABSOLUTE MAJORITY**

COUNCIL RECOMMENDATION

MIN 101/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council apply a rateable status to Assessments 904 & 1754 for Milligan Units to ensure:

- a. Uniform approach to Independent Living Units with CEACA units being rateable; and***
- b. Compliance with the Joint Venture Agreement for Cuolahan Cottages.***

**CARRIED 7/0
ABSOLUTE MAJORITY**

Agenda Reference:	11.1.14
Subject:	2017/18 Rating Provisions
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Reference Number:	
Disclosure of Interest:	N/A
Date:	6 June 2017
Author:	Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

Council, Under the Local Government Act 1995 (as amended) Section 6.45, may elect to review and consider for adoption the following:

Rate Instalments

Council can offer to their ratepayers the option to pay their rates by 4 equal or nearly equal, instalments or such other method of payment by instalments as is set in Council's Budget.

The first instalment of any instalment plan becomes due and payable on the same date those rates paid by a single payment become due and payable. Council is still able to offer incentives to ratepayers who pay their rates in full early (by the first instalment date).

Rubbish Charges

Ratepayers will not be entitled to pay rubbish charges by instalments, but if Council wished to extend the facility by using its general powers, it could do so.

Interest and Administration Charges

Interest on Instalments

Council is able to charge an interest and administration charge to offset the loss of investment opportunity and the cost of new administrative requirements. This is not to be confused with penalty interest, which can be applied to any instalment not paid by the due date. The maximum rate of interest under the Local Government Act Section 6.45 (3) noted in Financial Management Regulation 68 is 5.5%.

Interest Penalties

Interest on late payments will accrue after the date the payment falls due on the rate notice if no election is made to pay by instalments. Where an election has been made to pay by instalments, interest will accrue from the day after an instalment is due and payable until the day before the instalment is paid but will apply only to the amount of the overdue instalment.

The maximum rate of interest under Local Government Act Section 6.51 noted in Financial Management Regulation 70 is 11%.

Council has over the past two (2) financial years:

Administration Charge

In determining the administration recovery related to instalment plans the local government is;

- to have regard to the cost of providing the additional administration and Installment reminder notices;
- to consider the administration charge as a full or partial reimbursement of the costs involved;
- Without intent to profit from the administration charges adopted.

Instalments Not Available if Payment in Arrears

Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

Instalments Not Available for Small Amounts

Payment may not be made by instalments if the total amount shown in the rate notice as being payable to the local government for rates, service charges or minimum payments, other than amounts remaining unpaid from a previous financial year, is less than the minimum rate.

Discounts

Council under section 6.46 of the Local Government Act 1995 (as amended) when imposing a rate or service charge, may resolve by absolute majority to grant a discount or other incentive for the early payment of any rate or service charge.

2016/2017 Rates Review

In 2016/2017 Council offered the following incentives for early payment of rates within the discount period.

1. Discount

A discount of 2% on rates paid - \$24,600 in total compared to Council’s original budget of \$37,400 being \$12,800 under budget.

Amount of rates received within the discount period;

2006/07	79.81%	(5%)
2007/08	75.00%	(5%)
2008/09	80.24%	(5%)
2009/10	71.52%	(5%)
2010/11	74.00%	(5%)
2011/12	69.50%	(5%)
2012/13	68.18%	(5%)
2013/14	64.76%	(5%)
2014/15	62.22%	(5%)
2015/16	65.57%	(4%)

2016/17 65.39% (2%)

2. Prizes for early payment of rates

Ratepayers paying their rates within the discount period went into a draw to win various prizes being donated to Council including accommodation packages and passes.
Cost to Council - \$0.00

3. Instalments Revenue

	16/17 YTD ACTUAL	16/17 BUDGET
Instalment interest -	\$ 6125.00	\$6150.00
Administration Fee -	\$1,905.00	\$1,910.00

4. Non-payment Penalty

Non-payment penalty interest received during the 2016/17 year was \$8,020.07 year to date compared to \$7,828.08 during the 2015/16 financial year.

COMMENT

Rate Instalments

Council in previous years elected to offer electors the opportunity of paying via 3 options:

- Payment in Full or
- Payment via 2 equal instalments or
- Payment via 4 equal instalments.

Interest of Instalments

Council in previous years elected to charge 5.5% Interest on Instalments when electors choose to pay via the above instalments with the limit set at 5.5% as per the Act.

Interest Penalties

Council in previous years elected to charge 11% penalty interest on rates that remain outstanding past the due date (35 days).

Proposed Payment Options:

1. Pay in full prior to the due date and be eligible for the discount (if applicable) and incentive prize draw
2. Pay by 2 equal instalments
3. Pay by 4 equal instalments or
4. Enter into a formal 'Special Payment Arrangement'

All other properties that remain unpaid or have not opted to do any of the above would incur interest at 11% after the due date.

Administration Charges

Council last year elected to charge \$5 per instalment as an administration charge in offering the instalment option. There is no minimum or maximum for the administration charge though it states that the charges are for reimbursement of expenses not for raising of profits.

- o Payment via 2 instalments - \$ 5.00
- o Payment via 4 instalments - \$15.00

Discount / Prizes

Last year Council elected to offer electors a 2% discount on payment of rates in full within 35 days of issuing rate notices. Additionally, Council has incentive prizes at no cost to Council to provide an incentive for people to pay rates in full within the discount period.

May 2016 Council Meeting

MIN 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;*

<u>Option</u>	<u>Due By</u>
Option A - One Payment	31 st August 2016
Option B – 2 Instalment Option	50% due 31 st August 2016 50% due 9 th January 2017
Option C – 4 Instalment Option	25% due 31 st August 2016 25% due 26 th September 2016 25% due 9 th January 2017 25% due 13 th March 2016
Option D – Special Arrangement	Arrangements made prior to 31 st 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
ABSOLUTE MAJORITY

REASON: Council altered point 5 as Council would prefer to phase out the discount over one more year (16/17) and enable all ratepayers to receive a discount rather than five ratepayers winning \$1,000 each in a draw.

Recommendation

Management are recommending that the discount is no longer offered after considering the following factors;

1. Many low income householders in the community are disadvantaged when it comes to realizing this benefit.
2. The 2% \$39,226 discount offered is the equivalent to an additional 1.98% rate increase that would be required to meet the current expenditure in the 2017/18 LTFP budget as adopted.
3. The percentage of rate payers receiving the discount continues to fall as presented above.
4. The discount is over inflating the amount of rate revenue required per annum.
5. The 11% interest payable per annum on overdue rates is a good incentive to pay rates on time.
6. Council can still encourage the early payment of rates by offering 5 ratepayers the change to win their rates back capped at a maximum of \$1,000.00 per rate payer.

Rate Increase

Based on the adopted LTFP please find attached various Rate Models (effective % increase) for Council review as listed below;

- o 5.04% increase to Rate Revenue to achieve 5.0%
- o 7.02% increase to Rate Revenue to achieve 5.0% with 2% discounts

October 2016 Council Meeting

MIN 173/16 MOTION – Moved Cr. McNeil 2nd Cr. Leake

That Council adopts;

1. *Rate increases of:*
 - a. 2017/2018 at 5%
 - b. 2018/2019 at 5%
 - c. 2019/2020 at 4.5%
 - d. 2020/2021 at 4.5%
 - e. 2021/2022 at 4.5%
 - f. 2022/2023 at 4.5%
 - g. 2023/2024 at 3.0%
 - h. 2024/2025 at 3.0%
 - i. 2025/2026 at 3.0%
 - j. 2026/2027 at 3.0%
 - k. 2027/2028 at 3.0%
 - l. 2028/2029 at 2.5%
 - m. 2029/2030 at 2.5%
 - n. 2030/2031 at 2.5%.

2. *The Long Term Financial Plan v1 – Review 2016 as presented.*

CARRIED 6/0

Valuation and Rate Model Summary

The total Valuation for the Shire of Kellerberrin for the 2017/18 financial year is \$65,560,308 Compared to the 2016/17 financial year is \$65,575,623 indicating there will be no significant changes. Council's last year's Annual Rural Revaluation Roll Total Valuations came to \$65,575,623 and with this years predicted to remain about the same.

Over the last four years Council has increased rates as follows;

2016/17	5.11%
2015/16	4.42%
2014/15	4.22%
2013/14	6.73%

Please note Council's administration has provided what they believe is the preferred option though Council can modify the recommendation what they desire.

FINANCIAL IMPLICATIONS

➤ Shire of Kellerberrin 2016/17 Budget

POLICY IMPLICATIONS –

POLICY NUMBER	-	1.1.2
POLICY SUBJECT	-	Debt Recovery Procedures Rates
DATE OF ADOPTION	-	January 2003
REVIEWED	-	October 2016

Purpose

Provide guidance and regulate the process to recover outstanding rates in an appropriate and timely manner.

Policy

1. As soon as possible after the Council Budget meeting, rate notices will be sent out to ratepayers giving them 35 days, from date of issue of rate notice, to either;
 - (b) Pay the rates in full, or
 - (c) Elect to go onto an instalment option
2. Final notices are forwarded for all unpaid accounts with the exception of those electing to pay by instalments.
3. Prior to any further action a letter of intention to take legal action will be sent to the ratepayer giving 7 days' notice.
4. Formal recovery action is to be taken (use of a Debt Collector) for recovery of outstanding rates 14 days after the date of the final notice. This includes the issue of summons and warrants of execution.
5. Application for extensions from ratepayers for reason of hardship or similar circumstances are to be considered by the Chief Executive Officer and approval or rejections of extension is at the Chief Executive Officers discretion.
6. Notices returned unclaimed are to be checked by the Senior Finance Officer for possible change of address or sale of property and details changed accordingly.
7. Executors of Deceased Estates are to be contacted by the Senior Finance Officer as necessary for particulars in winding up the estate in relation to payment and rates.
8. Unpaid assessments are to be reviewed on a monthly basis by the Deputy Chief Executive Officer where special arrangements have been made, or formal recovery action is undertaken to ensure recovery of outstanding amounts.
9. Where the Shire of Kellerberrin has adopted the provisions of the Act relating to interest charges, such amounts should be levied on all outstanding rates.
10. The Chief Executive Officer is responsible for the collection of all rates levied.
11. At the end of the financial year, any amount under \$50.00 is to be written off.

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*

6.50. Rates or service charges due and payable

- (1) Subject to —
 - (a) subsections (2) and (3);
 - (b) any concession granted under section 6.47; and
 - (c) the *Rates and Charges (Rebates and Deferments) Act 1992*,a rate or service charge becomes due and payable on such date as is determined by the local government.
- (2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.
- (3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

6.51. Accrual of interest on overdue rates or service charges

- (1) A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —
 - (a) a rate or service charge (or any instalment of a rate or service charge); and
 - (b) any costs of proceedings to recover any such charge,
 that remains unpaid after becoming due and payable.

** Absolute majority required.*
- (2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.
- (3) Accrued interest 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) If a person is entitled under the *Rates and Charges (Rebates and Deferments) Act 1992* or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —
 - (a) no interest is to accrue in respect of that rate or service charge payable by that person; and
 - (b) no additional charge is to be imposed under section 6.45(3) on that person.
- (5) Regulations may provide for the method of calculation of interest.

[Section 6.51 amended by No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]

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

The current LTFP - 15 year financial model as adopted shows the total rates needed to be raised for the 2017/18 financial year is \$1,963,544.

	1 2016/17	2 2017/18	3 2018/19
OPERATING			
Revenues			
Rates	5.25%	5.00%	5.00%

GL #	DESCRIPTION	ANNUAL BUDGET 2016/17	ACTUAL 2015/16	2017/18
		30/06/17	30/06/2016	
	RATE REVENUE			
031352	Rates Levied	1,870,042	1,776,640	1,963,544
031016	Discount Allowed	(37,400)	(49,069)	-
031357	Rounding Account	-	-	
	TOTAL AMOUNT FROM RATES	1,832,642	1,727,571	1,963,544

COMMUNITY CONSULTATION - Nil

STAFF RECOMMENDATION

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

1. Council offers to ratepayers the following payment options for 2017/18;

Option

Due By

Option A - One Payment

31st August 2017

Option B – 2 Instalment Option

*50% due 31st August 2017
50% due 9th January 2018*

Option C – 4 Instalment Option

*25% due 31st August 2017
25% due 26th September 2017
25% due 9th January 2018
25% due 13th March 2018*

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.

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 recommends an overall 5.95% increase of the rates revenue for its 2017/18 Draft 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;*

- | | |
|--|---|
| a. <i>GRV - Kellerberrin Residential</i> | <i>Remains at 0.127237c minimum \$678 to \$712</i> |
| b. <i>GRV - Other Residential</i> | <i>Remains at 0.127237c minimum \$678 to \$712</i> |
| c. <i>GRV – Commercial</i> | <i>From 0.127237c to 0.139961c minimum \$678 to \$783</i> |
| d. <i>GRV – Industrial</i> | <i>From 0.127237c to 0.139961c minimum \$678 to \$783</i> |
| e. <i>UV - Mining Tenements</i> | <i>From 0.022133c to 0.023239c minimum \$678 to \$712</i> |
| f. <i>UV – Rural</i> | <i>From 0.022133c to 0.023239c minimum \$678 to \$712</i> |

8. *That Council adopts differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 17/18.*

*** Absolute majority required**

COUNCIL RECOMMENDATION

MIN 102/17 MOTION - Moved Cr. White 2nd Cr. Reid

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

1. *Council offers to ratepayers the following payment options for 2017/18;*

<u>Option</u>	<u>Due By</u>
<i>Option A - One Payment</i>	<i>31st August 2017</i>
<i>Option B – 2 Instalment Option</i>	<i>50% due 31st August 2017 50% due 9th January 2018</i>
<i>Option C – 4 Instalment Option</i>	<i>25% due 31st August 2017 25% due 26th September 2017 25% due 9th January 2018 25% due 13th March 2018</i>
<i>Option D – Special Arrangement</i>	<i>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 recommends an overall 5.95% increase of the rates revenue for its 2017/18 Draft Budget, inclusive of the revaluations received from VGO 08.05.17 effective 01.07.17, which decreased UV values and increased GRV values: Rate In the Dollar being;*

- a. GRV - Kellerberrin Residential -Remains at 0.127237c minimum \$678 to \$712*
- b. GRV - Other Residential -Remains at 0.127237c minimum \$678 to \$712*
- c. GRV – Commercial - From 0.127237c to 0.139961c minimum \$678 to \$783*
- d. GRV – Industrial - From 0.127237c to 0.139961c minimum \$678 to \$783*
- e. UV - Mining Tenements - From 0.022133c to 0.023239c minimum \$678 to \$712*
- f. UV – Rural - From 0.022133c to 0.023239c minimum \$678 to \$712*

8. *That Council adopts differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 17/18.*

**CARRIED 7/0
ABSOLUTE MAJORITY**

Agenda Reference:	11.1.15
Subject:	May 2017 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th May 2017
Author:	Ashlee Hughes, Finance/Administration Officer

BACKGROUND

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

Municipal Fund

Cheque Payments
34209 - 34225

\$ 79,181.43

EFT Payments
7095 - 7176

\$ 536,531.53

Direct Debit Payments

\$ 30,688.59

TOTAL MUNICIPAL

\$ 646,401.55

COMMENT

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

WCS Concrete Pty Ltd Durokoppin Rd, Nanyanine Rd & Wallatin Rd Reinstatements	\$ 180,521.68
WCS Concrete Pty Ltd Deep Well Rd Reinstatement	\$ 97,421.04
Ligna Construction Construction of Centenary Park Tender 04/2016 Progress Claim (1)	\$ 79,980.07
Deputy Commissioner Of Taxation GST Debtors	\$ 39,988.00
Woodstock Electrical Services Proceed with quote to install & supply power for the hockey light upgrade	\$ 16,230.21
R Munns Engineering Consulting Services Carry out onsite assessment of flood damage & Assist Talis with information on road condition data for Secondary Freight Network	\$ 13,146.80
CE and H Smith Hire of dozer to remove trees and level old sand pit	\$ 12,226.50
Synergy Power consumption for properties February - April 2017	\$ 11,452.90
Western Australian Treasury Corporation Loan No. 119 Interest payment - Construct CEACA Senior Units - Hammond St	\$ 11,140.49
Great Southern Fuel Supplies Fuel Purchases for April 2017 & 1000Litres of Diesel for Golf Club	\$ 10,461.43
WA Local Government Superannuation Plan Pty Ltd Superannuation Contributions	\$ 8,985.31

WA Local Government Superannuation Plan Pty Ltd Superannuation Contributions	\$ 8,768.88
Australian Taxation Office FBT Balance 2016/2017	\$ 8,646.89
Western Australian Treasury Corporation Loan No. 116A Interest payment	\$ 8,171.09
Avon Waste Domestic & Commercial Refuse Collection	\$ 7,309.36
West Coast Commercial Industries Toilet & Shower Cubicles 13mm solid compact laminate & Shower Seats & Splash Nibs for shower cubicles for Ladies Change Rooms	\$ 6,485.60
Landgate Rural UV Valuations	\$ 6,128.90
Octave Holdings Pty Ltd t/a Great Southern Toyota Purchase New Toyota Klugger	\$ 5,750.00
Kellerberrin Community Resource Centre Licencing Commissions March 2017, Library Payment, Information Bay Contribution, Electricity Use April 2017	\$ 5,427.06
Synergy Power Consumption for properties February - April 2017 & Streetlight Charges for April 2017	\$ 5,373.95
Kellerberrin Community Resource Centre Licencing Commissions January & February 2017	\$ 5,330.31
Farmways Kellerberrin Pty Ltd New Compressor, HWS for Golf Club, Suction Pipe for Town Dam & Light Bar & Misc Items under \$200	\$ 5,120.17
Brooks Hire Service Pty Ltd Hire Brooks excavator April	\$ 4,999.50
Farmways Kellerberrin Pty Ltd Tail & Reverse Lights, Grease Hose & Spiral Guard, Butterfly Valve, Bird Neck Wire, Hydraulic Hoses & Misc Items under \$200	\$ 4,749.56
R Munns Engineering Consulting Services Engineering Services throughout May – Floodworks & Mitchell St	\$ 4,675.35
Midway Ford Purchase of new Ranger 2017	\$ 4,600.39

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2016/2017 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

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

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

12. Payments from municipal fund or trust fund

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

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

13. Lists of accounts

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil
ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council notes that during the month of May 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 \$646,601.55 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$0.00 on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 103/17 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council notes that during the month of May 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 \$646,601.55 on vouchers EFT , CHQ, Direct payments; and***
2. ***Trust Fund payments totalling \$0.00 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

Agenda Reference:	11.1.16
Subject:	Direct Debit List and Visa Card Transactions for the month May 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th June 2017
Author:	Codi Mullen, Payroll Officer

BACKGROUND

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

Municipal Fund – Direct Debit List

1-May-17	Westnet	Monthly static IP address	\$	4.99
1-May-17	ACMA	Yearly Licence Renewal	\$	359.00
1-May-17	Shire of Kellerberrin	EFT Payment	\$	8,171.09
		Connect Fee Access and Usage March 17	\$	66.48
2-May-17	National Australia Bank	EFT Payment	\$	102,096.39
2-May-17	Shire of Kellerberrin	Payroll	\$	47,372.23
4-May-17	Shire of Kellerberrin	Payroll - Click Super	\$	21,533.08
10-May-17	Shire of Kellerberrin	EFT Payment	\$	51,690.66
11-May-17	Shire of Kellerberrin	Monthly Photocopier Lease Payment	\$	265.21
12-May-17	DLL Group	Monthly Lease Payment	\$	3,752.07
16-May-17	SG Fleet	Fortnightly Rent	\$	420.00
17-May-17	Housing Authority	EFT Payment	\$	198,971.53
17-May-17	Shire of Kellerberrin	Payroll - Click Super	\$	11,835.07
18-May-17	Shire of Kellerberrin	Payroll	\$	47,249.32
18-May-17	Shire of Kellerberrin	Payroll - Termination Pay	\$	14,034.01
19-May-17	Shire of Kellerberrin	EFT Payment	\$	177,965.85
25-May-17	Shire of Kellerberrin	Connect Fee Access and Usage April 17	\$	53.99
30-May-17	National Australia Bank	Fortnightly Rent	\$	420.00
30-May-17	Housing Authority	Account Fees - BPAY	\$	17.00
31-May-17	National Australia Bank	Account Fees - Municipal	\$	47.00
28-Apr-17	National Australia Bank	Account Fees - Trust	\$	61.40
28-Apr-17	National Australia Bank	Merchant Fees - Interest Charged	\$	684.49
		TOTAL	\$	687,070.86

Trust Fund – Direct Debit List

30-May-17	Department Transport	Direct Debit-Licensing Payments April 17	\$	64,245.25
		TOTAL	\$	64,245.25

Visa Card Transactions

03-May-17	BP Kellerberrin	Fuel KE1	\$	75.00
29-May-17	National Australian Bank	Card Fee	\$	9.00
		TOTAL - CEO	\$	84.00
01-May-17	Puma Merriwa	Fuel KE002	\$	58.23
01-May-17	Gull Tammin Roadhouse	Fuel KE002	\$	40.19
04-May-17	WW Petrol MIA	Fuel KE002	\$	31.00
05-May-17	NortheryCorp Pty Ltd	Vaccuum Cleaner Bags - Rec Centre	\$	45.90
08-May-17	BP Baldavis	Fuel KE002	\$	49.00
15-May-17	BP Halls Head	Fuel KE002	\$	31.00
25-May-17	Kellerberrin Shire	CEO Car changeover	\$	455.00
29-May-17	BP Halls Head	Fuel KE002	\$	54.00

29-May-17	National Australia Bank	Card Fee	\$	9.00
		TOTAL - DCEO	\$	773.32
		TOTAL VISA TRANSACTIONS	\$	857.32

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 May 2017 comprising;
 - (a) Municipal Fund – Direct Debit List
 - (b) Trust Fund – Direct Debit List
 - (c) Visa Card Transactions

Be adopted.

COUNCIL RECOMMENDATION

MIN 104/17 MOTIONS - Moved Cr. O’Neil 2nd Cr. White

- 1) *That the Direct Debit List for the month of May 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:	11.1.17
Subject:	Financial Management Report for the month May 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 June 2017
Author:	Karen Oborn, DCEO

BACKGROUND

Enclosed is the Monthly Financial Report for the month of May 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 May 2017 comprising;*
 - (a) *Statement of Financial Activity*
 - (b) *Note 1 to Note 9*

Be adopted.

COUNCIL RECOMMENDATION

MIN 105/17 MOTIONS - Moved Cr. Reid 2nd Cr. Steber

- 1) *That the Financial Report for the month of May 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: May 2017
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	6 th June 2017.
Author:	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 one application received for a "Building Permit" during the May 2017 period. A copy of the "Australian Bureau of Statistics appends.
2. There were five "Building Permits" issued in the May 2017 period. See attached form "Return of Building Permits Issued".

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council

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

COUNCIL RECOMMENDATION

MIN 106/17 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council

- 1. Acknowledge the "Return of Proposed Building Operations" for the May 2017 period.***

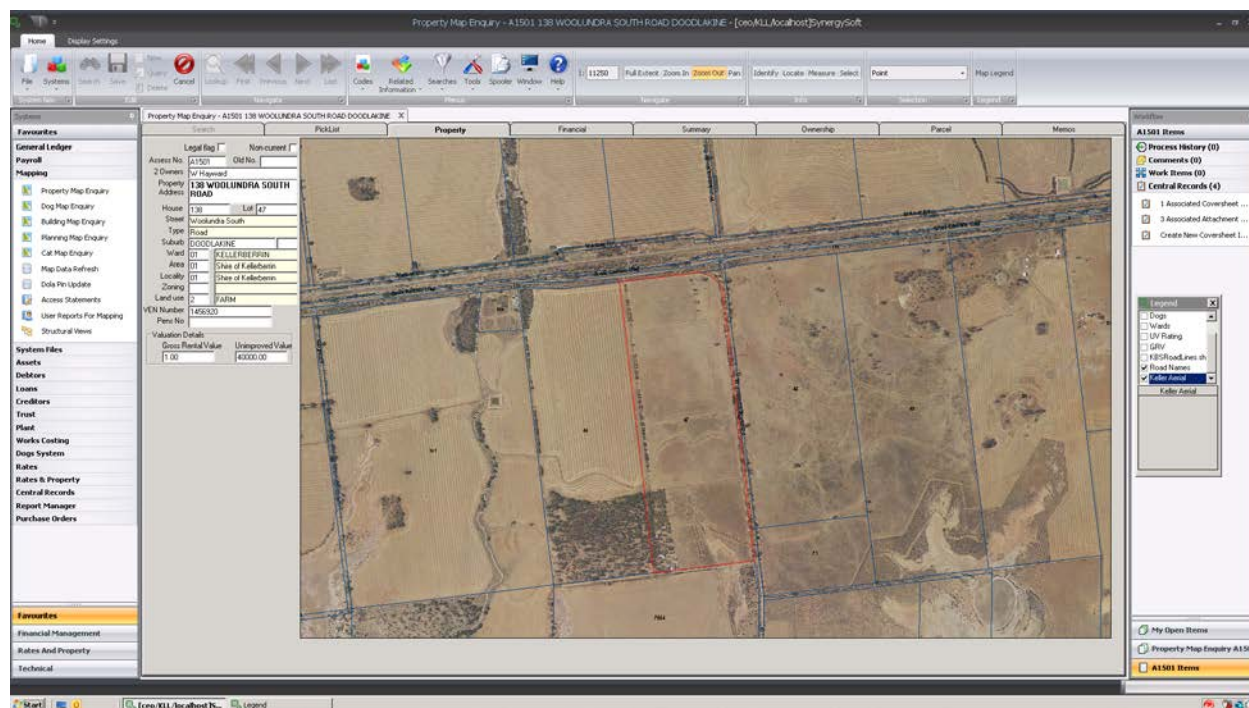
- 2. Acknowledge the "Return of Building Permits Issued" for the May 2017 period.***

CARRIED 7/0

Agenda Reference:	11.2.2
Subject:	Group Dwelling Application – General Agricultural Zone.
Location:	Lot 47 Woolundra South Road, Kellerberrin
Applicant:	Wes & Vicki Hayward
File No:	A1501
Record Ref:	IPA1734
Disclosure of Interest:	NIL
Date:	6 th June 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 16th March 2017 received a Development Application from Mrs Vicki Hayward for a Group Dwelling development at Lot 47 Woolundra South Road, Kellerberrin.



The additional dwelling is to be located on Lot 47 Woolundra South Road, Kellerberrin.

COMMENT

Council under its current applicable Town Planning Scheme 4 doesn't have the ability to approve such a development as it is listed as an "X" use in the General Agriculture zone. The applicant unfortunately doesn't have the scope to utilise other use classes of "Aged or Dependent persons dwelling", Multiple Dwelling as all are "X" use which as per information below is a not permitted use.

4.3. Zoning Table

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

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

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

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

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

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

Council is however in the process of a Scheme modification to have "Grouped Dwelling" modified to a "D" use in the General Agriculture zone. When approved by the WAPC, Council will have the ability to exercise its discretion by granting planning approval. The current modification is set to be advertised within the coming weeks enabling the amendment to be presented to the July Ordinary Council Meeting, during this time the utility providers will also be contacted for comment on the amendment.

Council will then review all comments from utility providers and associated agencies. Council then has the ability to approve the Amendment with or without modification at its July Ordinary Meeting. The amendment is then issued to the WA Planning Commission for adoption and a recommendation sent to the Minister for final sign off.

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

POLICY IMPLICATIONS

There are no Policy implications.

STATUTORY IMPLICATIONS

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

Part 4 — Zones and the use of land

4.1. Zones

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

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

4.2. Objectives of the zones

The objectives of the zones are —

4.2.1 Residential Zone

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

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

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

4.2.2 *Town Centre Zone*

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

4.2.3 *Rural Townsite Zone*

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

4.2.4 *Industrial Zone*

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

4.2.5 *Rural Residential Zone*

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

4.2.6 *General Agriculture Zone*

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

4.2.7 *Special Use Zone*

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

4.3. **Zoning Table**

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

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

- 'P'** *means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;*
- 'D'** *means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;*
- 'A'** *means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;*
- 'X'** *means a use that is not permitted by the Scheme.*

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

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

- (b) *the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;*
- (c) *the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or*
- (d) *the change is to an incidental use that does not change the predominant use of the land.*

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

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

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer
 Vicki Hayward
 Lewis York – Town Planning Consultant.

STAFF RECOMMENDATION

That Council defers this Development Application until Ministerial sign off on the new Town Planning Scheme 4 Amendment 3, which enables Group Dwelling Accommodation on General Agricultural zoned land.

COUNCIL RECOMMENDATION

MIN 107/17 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council defers this Development Application until Ministerial sign off on the new Town Planning Scheme 4 Amendment 3, which enables Group Dwelling Accommodation on General Agricultural zoned land.

CARRIED 7/0

Agenda Reference:	11.2.3
Subject:	Request for Minister to change property valuation from GRV to UV for portion of Lot 21, Mooranoppin Road.
Location:	Lot 21 Mooranoppin Road, Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	A1767
Disclosure of Interest:	Nil
Date:	1 st June 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Councils Ordinary Meeting – 20th April 2010

MIN 66/10 MOTION - Moved Cr. Forsyth 2nd Cr. O'Neill

1. That Council, in pursuance of section 75 of the Planning and Development Act 2005, resolves to ADOPT WITH MODIFICATIONS Amendment No 3 to the Town Planning Scheme No. 2 as follows:

- **Portion of Lot 103 Humpleby Road, Kellerberrin from "Farming" zone to "Industrial" zone**
- **Lot 104 Bedford Street, Kellerberrin from "Residential" and "Farming" zone to "Industrial" zone**
- **Lot 112 Mather Road, Kellerberrin from "Farming" Zone to "Industrial" Zone**
- **Portion of Lot 7 Mather Road, Kellerberrin from "Farming" Zone to "Industrial" Zone**
- **Portion of Lot 10 Mather Road, Kellerberrin from "Farming" Zone to "Industrial" Zone**
- **Portion of Lot 105 Bedford Street, Kellerberrin from "Residential" - R2 zone to "Industrial" Zone**
- **Portion of Lot 66 Bedford Street, Kellerberrin from "Residential" - R2 zone to "Industrial" Zone**
- **Portion of Lot 102 Bedford Street, Kellerberrin from "Residential" - R2 zone to "Industrial" Zone**
- **Portion of Lot 13 Bedford Street, Kellerberrin from "Residential" - R2 zone to "Industrial" Zone**
- **Portion of Lot 14 Bedford Street, Kellerberrin from "Residential" - R2 zone to "Industrial" Zone**
- **Modifying the scheme maps accordingly.**

2. Acknowledges the submissions received from service authorities and government agencies and determines each submission in accordance with the Officers' recommendations.

3. Endorses the amendments made to its Town Planning Scheme No 2 – Amendment 3 and submits the Amendment to the WA Planning Commission for final approval.

CARRIED 6/0

Properties listed above as Lots 103, 104 and 112 were reallocated new lot numbers when Industrial Subdivision was approved.

COMMENT

Following the finalization of the amalgamation for part of Avon Location 7173 and Lot 301 Dowding Street it was recognised that Lot 301 is rated GRV and Avon Location 7173 is rated UV.

Therefore Council's Management is seeking to have this small portion rated as UV instead of GRV.

In order to have this amended to Unimproved Value, in pursuance of section 6.28 of the Local Government Act 1995, must seek approval from the Minister of Local Government to determine the method of valuation.

It is unfortunate that when undertaking the land swap to construct Dowding Street the Zoning or the rating value wasn't a consideration.

FINANCIAL IMPLICATIONS

The cost of this Development Application is \$9,221.

The cost of the Building Permit: Approximately \$10,970.78

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6 - Financial Management

Division 6 – Rates and service charges

6.28 Basis of Rates

- (1) The Minister is to -
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
 - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regards to the general principle that the basis of land is to be —
 - (a) where the land is predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for rural purposes, the gross rental of the land
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.
- (5) Where during a financial year –
 - (a) an interim valuation is made under the Valuation of Land Act 1978; or
 - (b) a valuation comes into force under the Valuation Act 1978 as a result of the amendment of a variation under that Act; or
 - (c) a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force,

The interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section

STRATEGIC PLAN IMPLICATIONS

Strategic Priority 4.1 – We are a sustainable, economically diverse and strong community

An Overview	
<p>The key issues currently faced by our community are the decline in employment and population, and the need to improve the status of our local economy.</p> <p>There is a strong desire to retain the population and demographics in the region and to boost our local economy through the creation of commercial, retail and industrial opportunities.</p>	
Council's Objective	
<ul style="list-style-type: none"> To create an environment that will encourage economic growth and employment opportunities. 	
Our Desired Outcomes	
<ul style="list-style-type: none"> A community that is economically sustainable, able to offer a range of diverse opportunities to local residents, commercial, retail and industrial operators. 	
Our Goals	
4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.
4.1.2	To work with local businesses to improve and enhance the quality of service provided.
4.1.3	To identify economic trends and create employment and business opportunities for the local community.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer

STAFF RECOMMENDATION

That Council adopts to submit a request to the Minister for Local Government and Communities to review the method of valuation for portion of Lot 21 Mooranoppin Road, Kellerberrin as per Deposited Plan 76356.

COUNCIL RECOMMENDATION

MIN 108/17 MOTION - Moved Cr. White 2nd Cr. O'Neill

That Council adopts to submit a request to the Minister for Local Government and Communities to review the method of valuation for portion of Lot 21 Mooranoppin Road, Kellerberrin as per Deposited Plan 76356.

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
CLOSURE OF MEETING**

The President thanked all members for the attendance and closed the meeting at 5.15pm.

NEXT MEETING DATES

Tuesday, 18th July 2017, Shire of Kellerberrin - Ordinary Council Meeting.