

## SHIRE OF KELLERBERRIN

### MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday 21<sup>st</sup> March 2017, commencing at 2:10 pm.

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

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

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

##### Present:

Cr. Forsyth	President/Presiding Person
Cr. O'Neill	Deputy President
Cr. 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 Garry Tucker	Manager Development Services
Mrs Natasha Giles	Personal Assistant

##### Apologies:

Cr. Steber	Member
Mr Mick Jones	Manager Works and Services

##### Leave of Absence:

Nil

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

*Mr Simon Tighe attended Council meeting February 2017, and also asked why a piece of Shackleton Road was closed off, as shown on the draft map supplied as remaining as open.*

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

In response to Mr Simon Tighe's question, Council is currently researching the reason as to why the access from Shackleton Road to the Ex-Shackleton Road alignment was removed. Council's Engineer will be visiting Council Monday 20<sup>th</sup> March 2017 where a review will take place with respect to Mr Tighe's question.

#### 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 **21<sup>st</sup> March 2017**.

Date	Name	Item No.	Reason

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **21<sup>st</sup> March 2017**.

Date	Name	Item No.	Reason

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity** interest were made at the Council meeting held on **21<sup>st</sup> March 2017**.

Date	Name	Item No.	Reason

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 21<sup>st</sup> March 2017

## COUNCIL RECOMMENDATION

**MIN 017/17 MOTION:** Moved Cr. White 2<sup>nd</sup> Cr. McNeil

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 21<sup>st</sup> February 2017, be confirmed as a true and accurate record*

CARRIED 6/0

### 7.2 Bush Fire Advisory Committee Meeting Minutes, 13<sup>th</sup> March 2017

**MIN 018/17 MOTION:** Moved Cr. O'Neill 2<sup>nd</sup> Cr. McNeil

*That the minutes of the Shire of Kellerberrin Bush Fire Advisory Committee Meeting held on Monday 13<sup>th</sup> March 2017, be confirmed as a true and accurate record*

CARRIED 6/0

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

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

**10. REPORTS OF COMMITTEES/COUNCILLORS**

<b>10.1 Reports of Committees/Councillors</b>
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**MIN 019/17 MOTION:** Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

***That the President's report for March 2017 be received***

CARRIED 6/0

## 11.1 CORPORATE SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.1.1
<b>Subject:</b>	Community Requests and Discussion Items
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	7 <sup>th</sup> March 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

### BACKGROUND

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

February 2017 Council Meeting

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

*That Council;*

- 1. Requests a structural report be undertaken on the Shire of Kellerberrin Town Hall.*
- CARRIED 6/0

December 2016 Council Meeting

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

*That Council;*

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

CARRIED 7/0

November 2016 Council Meeting

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

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

CARRIED 7/0

February 2017 – MIN 003/17

1. Council has received two quotes for a Structural Report to be carried out on the Kellerberrin Memorial Hall. Details of the quote are as follows:

- Structerre Consulting Engineers \$2,549.80 inc GST
- Engenuity Consulting Engineers \$2,750.00 inc GST

<b>December 2016 – MIN 196/16</b>
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1. Council have written to Greyland's Dorset Stud advising permission has been granted to agist ~ 20 sheep on Council's lot 438 on Deposited Plan 195528 until 2017 cropping program and to assist in keeping vegetation low;
2. Email has been sent to the Manager of the Kellerberrin Recreation and Leisure Centre, Mr Brad Oborn advising Council has granted permission to the Kellerberrin Recreation and Leisure Centre Management Committee progress the Tote, Culohan and Cottle room relocation drawings and costings as previously presented;
3. The CEO has phoned CBH seeking to arrange a meeting in March 17 with CBH and Growers to discuss the upgrade of the CBH facilities in Kellerberrin that has been discussed since 2013.
4. The green waste in the back lane of Bath Street, Kellerberrin has been removed.

<b>November 2016 – MIN 183/16</b>
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No action required.

### **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 that no requests or ideas to be actioned.

### **COUNCIL RECOMMENDATION**

**MIN 020 /17 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> 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

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	Status Report of Action Sheet
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	7 <sup>th</sup> March 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## **BACKGROUND**

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

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

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

## **COMMENT**

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

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

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

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

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

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

## **POLICY IMPLICATIONS**

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

## **STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

### **Section 2.7. The role of the council**

(1) The council —

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

### **Section 2.8. The role of the mayor or president**

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

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

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

### **Section 2.10. The role of councillors**

A councillor —

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

### **5.60. When person has an interest**

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

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

has —

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

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

### **5.60A. Financial interest**

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

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

### **5.60B. Proximity interest**

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

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

### **5.61. Indirect financial interests**

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

### **5.62. Closely associated persons**

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

- (I) the prescribed amount; or
- (II) the prescribed percentage of the total value of the issued share capital of the company,

whichever is less;

or

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

or

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

or

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

- (2) In subsection (1) —

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

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

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

### **5.63. Some interests need not be disclosed**

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

*[(e) deleted]*



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

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

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

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

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

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

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

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

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

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

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —

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

#### **5.66. Meeting to be informed of disclosures**

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

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

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

#### **5.67. Disclosing members not to participate in meetings**

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

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

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

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

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

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

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

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

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

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

**5.69A. Minister may exempt committee members from disclosure requirements**

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

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

### **5.70. Employees to disclose interests relating to advice or reports**

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

### **5.71. Employees to disclose interests relating to delegated functions**

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

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

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

### **STRATEGIC PLAN IMPLICATIONS:**

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

### **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

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

### **COMMUNITY CONSULTATION:**

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

### **STAFF RECOMMENDATION**

That Council receives the Status Report.

## **COUNCIL RECOMMENDATION**

**MIN 021 /17 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid**

***That Council;***

- 1. Receives the Status Report, and***
- 2. Removes the items concerning Peak Transport due to lack of contact with Council.***

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	CEACA Council Meeting Minutes and Resolutions
<b>Location:</b>	Via Teleconference
<b>Applicant:</b>	CEACA Council
<b>File Ref:</b>	AGE - 03
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	7 <sup>th</sup> March 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 1<sup>st</sup> March 2017 held via teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last CEACA Council Meeting Minutes held on Wednesday 1<sup>st</sup> March 2017 held via teleconference.

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

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

Resolutions arising out of the 1<sup>st</sup> March 2017 CEACA Council Meeting summarised hereunder,

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

**That the CEACA Executive Committee authorise the Executive Officer to commence work on preparing an application for funding from the Communities Investment Stream of the Commonwealth Government's Building Better Regions Fund and in doing this arrange a meeting with RDA Wheatbelt to seek assistance in developing the funding application.**

**CARRIED**

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

**That:**

- 1. The CEACA Executive Committee accept KPMG's proposal to provide the CEACA with advisory assistance to prepare an addendum to support CEACA's application for funding through the Communities Investment Stream of the Commonwealth Government's Building Better Regions Fund;**
- 2. That funds to cover the costs associated with KPMG preparing an addendum to support CEACA's application for funding through the Communities**

Investment Stream of the Commonwealth Government's Building Better Regions Fund come from the "Business Case Consultancy" and "Funding Application" CEACA budget allocations, with each allocation meeting 50% of the fee payable to KPMG;

3. The CEACA Executive Committee authorise the CEACA Chair to finalise arrangements for KPMG's engagement;
4. The CEACA Executive Officer commence arrangements for the work to commence on the preparation of the addendum; and
5. As a consequence of the short timeframe of the Building Better Regions Fund grant round and the resolution passed at the December meeting of the Executive Committee authorising the Executive Officer to commence work on preparing an application for funding from the Communities Investment Stream of the Commonwealth Government's Building Better Regions Fund, the CEACA Executive Officer advise all CEACA's members of the decision.

**CARRIED**

The CEACA Executive Committee also agreed the following in relation arranging the workshop to define CEACA's vision for service delivery:

- The preferred date/time for the workshop is the afternoon (1.30-4.30pm) of Friday 10 March 2017;
- The preferred location for the workshop is Northam, with the Executive Officer to see whether the meeting facilities at the Northam office of the Department of Food and Agriculture are available that day;
- That an invitation be extended to Juliet Grist, Executive Officer RDA Wheatbelt, to participate in the workshop;
- That an invitation be extended to Wendy Newman, CEO Wheatbelt Development Commission, to participate in the workshop; and
- That an invitation be extended to a representative from Access Housing Australia to participate in the workshop.

## **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 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) held on Wednesday 1<sup>st</sup> March 2017.

**COUNCIL RECOMMENDATION**

**MIN 022/17 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. White

***That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 1<sup>st</sup> March 2017.***

CARRIED 6/0



<b>Agenda Reference:</b>	11.1.4
<b>Subject:</b>	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
<b>Location:</b>	Merredin Regional Community and Leisure Centre
<b>Applicant:</b>	Great Eastern Country Zone of WALGA
<b>File Ref:</b>	OLGOV-16
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	8 <sup>th</sup> March 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Meeting, held on Thursday 23<sup>rd</sup> February 2017 at the Merredin Regional Community and Leisure Centre, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

## COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Thursday 23<sup>rd</sup> February, 2017. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure that Council is;

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

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

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

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

*That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 1 December 2016 be confirmed as a true and accurate record of the proceedings.*

**CARRIED**

**RESOLUTION:**                      *Moved: Mr Read*                      *Seconded: Mr Mollenoyux*

*That a representative from the Government Regional Officers' Housing be invited to attend the next meeting of the Great Eastern Country Zone to discuss the provision of adequate government housing in rural and regional areas.*

**CARRIED**

**RESOLUTION:**                      *Moved: Cr Strange*                      *Seconded: Cr Hooper*

*That:*

1. *The Zone President's decision to invite the Department of Regional Development to the Great Eastern Country Zone Meeting on Thursday 23 February 2017 be endorsed;*

2. *The Great Eastern Country Zone decline any requests from the NBN Co to attend meetings held during 2017 unless new or significantly updated information on the rollout of the national broadband network has become available since the last occasion it met with representatives from the NBN Co;*
3. *WALGA be invited to make a short presentation to the Great Eastern Country Zone Meeting on Thursday 23 February 2017 on the regional subsidiaries model and its potential use following the release of regulations covering regional subsidiaries;*
4. *An invitation be extended to Pascal Felix, Executive Director, Heavy Vehicle Services at Main Roads Western Australia, to attend the Great Eastern Country Zone Meeting on Thursday 23 February 2017 to discuss the changes to the RAV assessment process; and*
5. *Arrangements for presentations/meetings with Office of Bushfire Management and Government Regional Officers' Housing continue, with the view that the presentations will take place at the Great Eastern Country Zone Meeting scheduled to be held in Kellerberrin on Thursday 27 April 2017.*

CARRIED

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

*That the Minutes of a Meeting of the Great Eastern Country Zone Executive Committee held Thursday 9 February 2017 be received.*

CARRIED

RESOLUTION:            Moved: Cr Shadbolt            Seconded: Cr Day

*That the matters listed in Item 6.4 be noted.*

CARRIED

RESOLUTION:            Moved: Cr Shadbolt            Seconded: Mr Read

*That the Great Eastern Country Zone (GECZ) initiates the following actions in relation to the Flooding in Western Australia (January and February 2017) event and current WANDRRA natural disasters claims:*

1. *That the GECZ write to the Federal Minister for Finance and the Federal Minister for Transport and Infrastructure to request that where a claim is lodged for payment they be settled within 60 days of lodgement so that affected local government does not carry the cost burden;*
2. *That the GECZ request the Federal Minister for Finance and the Federal Minister for Transport and Infrastructure undertake an urgent review of the prohibition of local governments undertake disaster recovery work using their own resources during normal working hours; and*
3. *That the GECZ issue a media release highlighting the damage recent flooding events have caused Member Councils and the difficulties they are experiencing in obtaining authority to undertake repair works.*

CARRIED

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

*That the Minutes of the Healthy Wheatbelt Meetings held Tuesday 29 November 2016 and Tuesday 31 January 2017 be received.*

CARRIED

*RESOLUTION:                      Moved: Cr Kirby                      Seconded: Cr Waters*

*That the Minutes of the Local Government Grain Freight Group Meeting held Monday 6 February 2017 be received.*

*CARRIED*

*RESOLUTION:                      Moved: Cr Blight                      Seconded: Cr Caporn*

*That the Central Country Zone write to both the Local Government Grain Freight Group and WALGA in respect to its Freight Policy Forum to enquire whether both groups could review their role and terms of reference, to determine what synergies may exist between the two groups.*

*CARRIED*

*RESOLUTION:                      Moved: Cr Blight                      Seconded: Cr Caporn*

*That the Central Country Zone write to both the Local Government Grain Freight Group and WALGA in respect to its Freight Policy Forum to enquire whether both groups could review their role and terms of reference, to determine what synergies may exist between the two groups.*

*CARRIED*

*The CCZ's letter was discussed at the Group's Meeting on 6 February. The following is an extract from the Group's Minutes relating to general discussion and members' comments:*

- Seen as frustrating that a number of Groups were working to the same end but were doing so independently of each other.*
- The different Groups were not collaborating very well and efficiencies need to be achieved.*
- WA Farmers Federation's position developed without any consultation with local government.*
- Group can get bogged down in process.*
- A better engagement strategy required with member local governments rather than just the Group's Minutes to Zone meetings.*
- Need to get local governments working with the Group.*
- Some local governments nervous to raise issues with the Group as it is seen to have on emphasise on rail rather than road.*
- Broaden the Group's charter to allow it to advocate on behalf of local governments an all freight, transport and related infrastructure issues. Rename the Group to reflect the broader charter.*
- Groups' working on the grain freight issue are too fragmented.*

*Following discussion the Group resolved as shown below:*

*Resolution*

*Cr K House moved and Cr K Crute seconded –*

- (a) That a review of the Group's future direction, including its role and terms of reference, be undertaken;*
- (b) That the review include –*
  - a focus on the freight task for the agricultural industry as a whole;*
  - consideration of the Group's membership base;*
  - broadening of the Group's terms of reference to include the freight task for the agricultural area;*
  - consideration of a requirement for a budget for the Group.*

(c) That a written report be communicated to the Group's member Zones.

CARRIED

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

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*That the Great Eastern Country Zone:*

1.                    *Note the non-payment by the South West Country Zone of the membership fees for its membership to the Local Government Grain Freight Group;*
2.                    *Write to the South West Country Zone expressing its disappointment at the non-payment of the account; and*
3.                    *In the event payment is not received from the South West Country Zone the Great Eastern Country Zone approve payment of its additional share of the costs up to an amount of \$110.*

CARRIED

RESOLUTION:            Moved: Cr Day            Seconded: Cr DeLuis

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*That the report be received.*

CARRIED

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

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*That the Great Eastern Country Zone notes the WALGA Status Report.*

CARRIED

RESOLUTION:            Moved: Cr O'Connell            Seconded: Mr Burton

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

CARRIED

RESOLUTION:            Moved: Cr Strange            Seconded: Mr Read

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

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

CARRIED

RESOLUTION:            Moved: Cr Strange            Seconded: Mr Burton

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*That the Great Eastern Country Zone write to the Office of Emergency Management requesting that the issue of mobile phone tower battery back-up failure during power outages be listed for urgent action by the State Emergency Management Committee.*

CARRIED

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

**POLICY IMPLICATIONS:** Nil (not known at this time)

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

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

### **STRATEGIC PLAN IMPLICATIONS**

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

**CORPORATE BUSINESS PLAN IMPLICATIONS:** Nil (not known at this time)  
**(Including Workforce Plan and Asset Management Plan Implications)**

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

### **COMMUNITY CONSULTATION**

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

**ABSOLUTE MAJORITY REQUIRED - NO**

### **STAFF RECOMMENDATION**

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 23<sup>rd</sup> February, 2017.

### **COUNCIL RECOMMENDATION**

**MIN 023/17 MOTION - Moved Cr. White 2<sup>nd</sup> Cr. McNeil**

***That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 23<sup>rd</sup> February, 2017.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	Common Seal Register and Reporting
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	ADM-52
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	8 <sup>th</sup> March 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

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

## COMMENT

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

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

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

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

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

**FINANCIAL IMPLICATIONS:** Nil (not known at this time)

**POLICY IMPLICATIONS:** Nil (not known at this time)

## STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

### Clause 19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.

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

(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

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

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

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

**ABSOLUTE MAJORITY REQUIRED – NO**

#### **STAFF RECOMMENDATION**

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

### **COUNCIL RECOMMENDATION**

**MIN 024/17 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

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

CARRIED 6/0



<b>Agenda Reference:</b>	11.1.6
<b>Subject:</b>	Integrated Planning – SCP Review
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	ADM-56
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	2 <sup>nd</sup> March, 2017
<b>Author:</b>	Mrs Karen Oborn, Deputy Chief Executive Officer

## BACKGROUND

In June 2013 Council adopted their Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, Asset Management Strategy, Furniture and Equipment Asset Management Plan, Plant and Equipment Asset Management Plan, Land and Buildings Asset Management Plan, Infrastructure Asset Management Plan, and Workforce Plan.

The Department of Local Government guidelines and legislation require these plans to be updated on a cyclic basis. As the **Strategic Community Plan** is four years old, the Shire is required to undertake an extensive review of the **Strategic Community Plan** and undertake community consultation, to prepare an updated **Strategic Community Plan**.

Council's April 2016 Ordinary Meeting of Council

## COUNCIL RECOMMENDATION

**MIN 40/16 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. White

***That Council adopts:***

- 1. the updated 2012 Strategic Community Plan and;***
- 2. adopt the 2016 Corporate Business Plan.***

CARRIED 7/0

Council's June 2013 Ordinary Meeting of Council

**MIN 86/13 MOTIONS** - Moved Cr. Forsyth 2<sup>nd</sup> Cr. Bee

***That Council adopt:***

- 1. Strategic Community Plan***
- 2. Corporate Business Plan***
- 3. Long Term Financial Plan***
- 4. Asset Management Strategy***
- 5. Furniture and Equipment Asset Management Plan***
- 6. Plant and Equipment Asset Management Plan***
- 7. Land and Buildings Asset Management Plan***
- 8. Infrastructure Asset Management Plan***
- 9. Workforce Plan;***  
***as presented.***

CARRIED 6/0



Council's February 2013 Ordinary Meeting of Council

**MIN 22/13 MOTION** - Moved Cr. Bee 2<sup>nd</sup> Cr. Daley

***That Council adopts the Draft Strategic Community Plan as its Final Strategic Community Plan for the Shire of Kellerberrin without modification.***

CARRIED 5/0

Council's December 2012 Ordinary Meeting of Council

**MIN 243/12 MOTION** - Moved Cr. Clarke 2<sup>nd</sup> Cr. Daley

***That Council***

- 1. Adopts the Draft Strategic Community Plan as presented for advertising***
- 2. Advertise the Draft Strategic Community Plan with comments/suggestions to close Monday 11<sup>th</sup> February 2012 at 4pm.***

CARRIED 5/0

Council's June 2012 Ordinary Meeting of Council

**MIN 113/12 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Bee

**That Council adopt the following as its Vision Statement for its Strategic Community Plan:-**

***"To welcome diversity, culture and industry; promote a safe and prosperous community with a rich, vibrant and sustainable lifestyle for all to enjoy."***

CARRIED 6/0

**COMMENT**

Following the recent service review workshops, it became apparent that some of the Strategic Community Plan Strategic Priorities required modifications to accurately reflect the aspirations of the Community of Kellerberrin. The changes have been made in response to previous public consultation and community sentiment expressed both informally and formally to the Council.

Please find attached a copy of:

- The 2016 Strategic Community Plan to be adopted by Council with edits page 38 to 41 in line with the service review and community aspirations.

**FINANCIAL IMPLICATIONS**

Budgets for financial years from 2016/17 to 2020/21.

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

Local Government Act 1995

## **5.56. Planning for the future**

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

*[Section 5.56 inserted by No. 49 of 2004 s. 42(6).]*

## **Local Government (Administration) Regulations 1996**

### **Part 5 — Annual reports and planning**

*[Heading inserted in Gazette 26 Aug 2011 p. 3482.]*

#### **Division 1 — Preliminary**

*[Heading inserted in Gazette 26 Aug 2011 p. 3482.]*

#### **19BA. Terms used**

In this Part —

**corporate business plan** means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

**strategic community plan** means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

*[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]*

#### **Division 3 — Planning for the future**

*[Heading inserted in Gazette 26 Aug 2011 p. 3483.]*

#### **19C. Strategic community plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
  - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
  - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
  - (c) demographic trends.

- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.  
\*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

*[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]*

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.  
\*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

*[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]*

## **19DB. Transitional provisions for plans for the future until 30 June 2013**

- (1) In this regulation —  
**former regulation 19C** means regulation 19C as in force immediately before 26 August 2011 and continued under subregulation (2);  
**former regulation 19D** means regulation 19D as in force immediately before 26 August 2011;  
**plan for the future** means a plan for the future of its district made by a local government in accordance with former regulation 19C.
- (2) Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under subregulation (7).
- (3) A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.
- (4) A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.
- (5) If, for the purposes of complying with subregulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.
- (6) If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with subregulation (3) or otherwise —
  - (a) the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and
  - (b) local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.
- (7) This regulation expires at the end of 30 June 2013.

*[Regulation 19DB inserted in Gazette 26 Aug 2011 p. 3485-6.]*

## **19D. Adoption of plan, public notice of to be given**

- (1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).
- (2) The local public notice is to contain —
  - (a) notification that —
    - (i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
    - (ii) details of where and when the plan may be inspected;
  - or
  - (b) where a strategic community plan for the district has been modified —
    - (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and
    - (ii) details of where and when the modified plan may be inspected.

*[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]*

## **STRATEGIC PLAN IMPLICATIONS**

The Strategic Community Plan will be delivered through the assistance and incorporation of the Long Term Financial Plan - Review 2016.

## **FUTURE PLAN IMPLICATIONS**

When adopted, the revised Strategic Community Plan will replace Council's current Strategic Community Plan.

## **CONSULTATION**

CEO

Senior Staff

Administration Staff

Councillors

Members of the Community

**ABSOLUTE MAJORITY REQUIRED – Yes**

## **STAFF RECOMMENDATION**

That Council adopts the revised 2016 Strategic Community Plan.

## **COUNCIL RECOMMENDATION**

**MIN 025/17 MOTION – Moved Cr. O'Neill 2<sup>nd</sup> Cr. Leake**

***That Council adopts the revised 2016 Strategic Community Plan.***

CARRIED 6/0

***BY ABSOLUTE MAJORITY***

<b>Agenda Reference:</b>	11.1.7
<b>Subject:</b>	Salary Sacrifice Options
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	
<b>Record #:</b>	
<b>Disclosure of Interest:</b>	Adoption of the proposal would provide personal benefit
<b>Date:</b>	10 <sup>th</sup> March 2017
<b>Author:</b>	Mrs Karen Oborn, Deputy Chief Executive Officer

## BACKGROUND

Currently the Shire of Kellerberrin, like most local government authorities, has a policy where if an employee chooses to contribute additional voluntary superannuation contributions, Council shall maintain a matching contribution rate equivalent to a maximum of 5% unless Contract of Employment stipulates otherwise. However the sector standard is now a matching contribution rate equivalent to a maximum of 7.5%.

The potential cost at 5% matching contributions to Council is summarised in the following table;

Annual Cash Salary	9.5% Super	5%	Matching 5 % additional cost to Council PA
		Employees Salary Sacrifice	
\$40,000	\$3,800	\$2,000	\$2,000
\$50,000	\$4,750	\$2,500	\$2,500
\$60,000	\$5,700	\$3,000	\$3,000
\$70,000	\$6,650	\$3,500	\$3,500
\$80,000	\$7,600	\$4,000	\$4,000
\$90,000	\$8,550	\$4,500	\$4,500
\$100,000	\$9,500	\$5,000	\$5,000
\$110,000	\$10,450	\$5,500	\$5,500
\$120,000	\$11,400	\$6,000	\$6,000
\$130,000	\$12,350	\$6,500	\$6,500

Some staff have recently asked that instead of matching Council contributions, could they Salary Sacrifice the interest component on their home loans.

In the interests of offering Council increased options to attract and retain staff, the matter was then referred to the WALGA Taxation Advisory service to determine if this was allowable and what the FBT implications would be for Council.

## COMMENT

The advice received from the WALGA taxation services is attached to this agenda. Council also needs to give consideration to the no disadvantage requirements when reviewing salary options. In addition, the State Tribunal sets the band levels for CEO's packages. As well executive employees seek to be remunerated at a level that is competitive in the region. In February 2016 Council adopted the Long Term Financial Plan which recommended annual wage increases of 2.10% each year, to be reviewed when preparing the annual budget.

In summary, employees Salary Sacrificing the interest component on their home loans for Houses they reside in, located in Kellerberrin, would receive a 50% FBT concession. Employees Salary Sacrificing the interest component on their home loans, for houses located elsewhere that would otherwise be deductible, e.g. investment properties, would not attract FBT. Employees Salary Sacrificing the interest component on their home loans, for houses located elsewhere that are not otherwise be deductible, e.g. residential properties in metropolitan areas, would attract FBT at the full rate.

The following tables provide examples of potential costs to Council currently and potentially if this policy was adopted;

Current Policy Implications e.g:

Annual Cash Salary	Annual Cash Salary 2.1% pa increase (LTFP)	Previous 9.5% Super	New 9.5% Super	Increase in 9.5% Super	5% Employees Super Contribution	Matching 5% additional cost to Council PA	Annual Salary increase	Current Potential Cost to Council
\$75,000	\$76,575	\$7,125	\$7,275	\$150	\$3,829	\$3,829	\$1,575	\$5,553
\$87,500	\$89,338	\$8,313	\$8,487	\$175	\$4,467	\$4,467	\$1,838	\$6,479
\$97,500	\$99,548	\$9,263	\$9,457	\$195	\$4,977	\$4,977	\$2,048	\$7,219
\$135,000	\$137,835	\$12,825	\$13,094	\$269	\$6,892	\$6,892	\$2,835	\$9,996
								<b>\$29,248</b>

Potential Policy Implications of increasing matching superannuation contributions to 7.5% which has become an industry standard e.g:

Annual Cash Salary	Annual Cash Salary 2.1% pa increase (LTFP)	Previous 9.5% Super	New 9.5% Super	Increase in 9.5% Super	7.5% Employees Super Contribution	Matching 7.5% additional cost to Council PA	Annual Salary increase	Proposed Potential Cost to Council
\$75,000	\$76,575	\$7,125	\$7,275	\$150	\$5,743	\$5,743	\$1,575	\$7,468
\$87,500	\$89,338	\$8,313	\$8,487	\$175	\$6,700	\$6,700	\$1,838	\$8,712
\$97,500	\$99,548	\$9,263	\$9,457	\$195	\$7,466	\$7,466	\$2,048	\$9,708
\$135,000	\$137,835	\$12,825	\$13,094	\$269	\$10,338	\$10,338	\$2,835	\$13,442
								<b>\$39,330</b>

Potential Policy Implications of allowing loan interest on Kellerberrin residential properties to be salary sacrificed instead of receiving matching superannuation contributions, e.g:

Annual Cash Salary	Annual Cash Salary 2.1% pa increase (LTFP)	Previous 9.5% Super	New 9.5% Super	Increase in 9.5% Super	Est. Interest Employees Salary Sacrifice	FBT cost to Council PA	Annual Salary increase	Proposed Potential Cost to Council
\$75,000	\$76,575	\$7,125	\$7,275	\$150	\$10,800	\$5,188	\$1,575	\$6,913
\$87,500	\$89,338	\$8,313	\$8,487	\$175	\$10,800	\$5,188	\$1,838	\$7,200
\$97,500	\$99,548	\$9,263	\$9,457	\$195	\$10,800	\$5,188	\$2,048	\$7,430
\$135,000	\$137,835	\$12,825	\$13,094	\$269	\$10,800	\$5,188	\$2,835	\$8,293
								<b>\$29,836</b>

Potential Policy Implications of allowing loan interest on investment properties to be salary sacrificed instead of receiving matching superannuation contributions, has no FBT cost implication for Council.

Potential Policy Implications of allowing loan interest on residential properties located outside of the Shire to be salary sacrificed instead of receiving matching superannuation contributions (executive staff members) e.g:

Annual Cash Salary	Annual Cash Salary 1.6% pa increase (being 2.1% less 0.5%)	Previous 9.5% Super	New 9.5% Super	Increase in 9.5% Super	Est. Interest Employees Salary Sacrifice	FBT cost to Council PA	Annual Salary increase	Proposed Potential Cost to Council
\$75,000	\$76,200	\$7,125	\$7,239	\$114	\$10,800	\$10,377	\$1,200	\$11,691
\$87,500	\$88,900	\$8,313	\$8,446	\$133	\$10,800	\$10,377	\$1,400	\$11,910
\$97,500	\$99,060	\$9,263	\$9,411	\$148	\$10,800	\$10,377	\$1,560	\$12,085
\$135,000	\$137,160	\$12,825	\$13,030	\$205	\$10,800	\$10,377	\$2,160	\$12,742
								<b>\$36,736</b>

## FINANCIAL IMPLICATIONS

The Shire of Kellerberrin includes provision of wages and salaries in its annual budgets.

## POLICY IMPLICATIONS –

- 4.10 Superannuation Contributions
- 4.25 Designated Senior Employees

## STATUTORY IMPLICATIONS - Nil

## STRATEGIC PLAN IMPLICATIONS - Nil

## LONG TERM FINANCIAL PLAN IMPLCATIONS



In February 2016 Council adopted the Long Term Financial Plan which recommended annual wage increases of 2.10% each year, to be reviewed when preparing the annual budget.

## **COMMUNITY CONSULTATION**

Chief Executive Officer  
WALGA Taxation Advisory Service  
Shire Staff Members

## **ABSOLUTE MAJORITY REQUIRED – YES**

## **STAFF RECOMMENDATION**

That Council adopts the attached Salary Sacrifice policy, to allow employees to salary sacrifice interest on their home loans, and rental costs as presented.

## **COUNCIL RECOMMENDATION**

**MIN 026/17 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

*That the matter lay on the table until the Ordinary Council Meeting in April 2017.*

CARRIED 6/0

**REASON:** Council request staff prepare 'real life' scenario for Council to review based on 100% of current staff.

## 4.32 Salary Sacrifice of Home Loan Interest

<b>Policy Name:</b> Staff Home Loan Interest Salary Sacrifice	<b>To be read in conjunction with Policy Numbers:</b> 4.10, 4.25 & 4.31
<b>Date Adopted:</b> March 2017	<b>Review Date:</b> October 2018

### Purpose

To provide Staff with the ability to salary sacrifice interest on their homes loans, instead of receiving matching superannuation contributions as policy 4.10, as well as salary sacrifice rental costs when Shire housing is not available.

### Policy

- a) That where a staff member is not provided with Shire housing, and rents a Kellerberrin residence, Council will allow the employee to salary sacrifice the amount paid in rent and the Shire will transfer the sum to the landlord. This scenario has no FBT implications for Council. A copy of the rental agreement must be supplied to the Shire of Kellerberrin.
- b) That where a staff member is not provided with Shire housing, and purchases a Kellerberrin residence, Council will allow the employee to salary sacrifice the amount paid in interest only, and only the proportion allocated to their employee. No principal can be salary sacrificed. The Shire will transfer the sacrificed sum to the employees home loan account. Further instead of the employee being eligible matching superannuation contributions as policy 4.10, Council will pay for the associated FBT implications up to a maximum of \$6992 pa per employee as shown in the table below. This deduction attracts a 50% FBT concession;

Subject to the following criteria:-

- i. The property must be owned in the employee's name
- ii. The employee must reside in that property as their usual place of residence
- iii. The property must be located within the boundaries of the Shire of Kellerberrin.
- iv. The property must be owned by the employee as at 1 July each year
- v. Only the proportion of interest applicable to the Shire employee, and not that of other parties listed as property owners, can be salary sacrificed
- vi. A pro-rata subsidy applies to an employee working less than 38 hours per week
- vii. A copy of the loan agreement must be supplied to the Shire of Kellerberrin.

**For Houses located in Kellerberrin - if Shire Housing NOT provided to the employee; FBT Limitations**

Interest Employees Salary Sacrifice	FBT cost to Council PA
\$7,200	\$3,580
\$9,000	\$4,475
\$11,250	\$5,594
\$14,063	\$6,992

- c) That where a staff member is provided with Shire housing, and purchases an investment property, being an otherwise deductible expense, Council will allow the employee to salary sacrifice amount paid in interest only, and only the proportion allocated to their employee. No principal can be salary sacrificed. The Shire will transfer the sacrificed sum to the employees home loan account. This scenario has no FBT implications for Council. A copy of the loan agreement must be supplied to the Shire of Kellerberrin. If future government policy causes the property to become not otherwise deductible, only clause d) shall apply.

<b>Agenda Reference:</b>	11.1.8
<b>Subject:</b>	Dual Fire Control Officers
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Trayning
<b>File Ref:</b>	BUSH 00
<b>Record #:</b>	ICR161323
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	7 <sup>th</sup> March, 2017
<b>Author:</b>	Mrs Karen Oborn, Deputy Chief Executive Officer

## BACKGROUND

Council has received correspondence from the Shire of Trayning nominating the following Fire Control Officer for Dual Appointment as Fire Control Officer with the Shire of Kellerberrin and Shire of Trayning.

- Mr Dylan Tarr (Chief Bush Fire Control Officer)
- Mr Marlon Hudson (Deputy Bush Fire Control Officer)
- Mr Peter Barnes (Bush Fire Control Officer)
- Mr Murray Leahy (Bush Fire Control Officer)

## COMMENT

Council has been working with surrounding Local Governments to have Dual Registration of Fire Control Officers.

## FINANCIAL IMPLICATIONS - NIL

## POLICY IMPLICATIONS

<b>BUSH FIRE CONTROL OFFICERS</b>		<b>POLICY 3.1</b>
<b>PURPOSE</b>	<b>To have guidelines to follow for the appointment and actions of Fire Brigade Officers &amp; Bush Fire Advisory Committee.</b>	
<b>POLICY</b>	<p><u>Appointment:</u></p> <p>1. In accordance with relevant provisions of the Bush Fires Act 1954 (as amended), Council shall appoint required Fire Control Officers, including the positions of Chief Bushfire Control Officer and Deputy Chief Bush Fire Control Officer. The adopted procedure for these appointments will be as follows;</p> <p>The Shire appointed Bushfire Advisory Committee shall at their March Annual Advisory Meeting consider and recommend to Council, the appointment of required Fire Control Officers including the Chief Bushfire Control Officer and the Deputy Chief Bushfire Control Officer.</p> <p>The Shire Bush Fire Advisory Committee shall undertake the following tasks at their two (2) annual Advisory Meetings in March and September of each year as follows;</p> <p>Fire Control Officer Appointments and recommendation - March</p> <p>Firebreak Order Review and recommendation - March</p> <p>Capital Equipment/Vehicle Replacement Budget (ESL) Planning and recommendation - March</p> <p>Prohibited and Restricted Burning periods review and recommendation - March</p> <p>Communications Strategies including radios and repeater network review and recommendation – March or September</p> <p>Bushfire Policy Review and recommend to the Council for consideration – March or September</p> <p>Other Business – not included above and of a substantive nature – March or September</p>	

	<p>It should be noted that all business considered at a Bushfire Advisory Meeting is presented to the Council with recommendations for Council consideration and/or adoption. The Shire agrees to provide Administrative support to the Shire of Kellerberrin Bushfire Advisory Meetings only.</p> <p>2. Fire Control Officers are not permitted to issue permits to burn, for their own purposes. Fire Control Officers wishing to burn must obtain a permit from another authorised Fire Control Officer.</p> <p>Authority to Act at a Bushfire Emergency – that the Chief Executive Officer be authorised to release/allocate Council operated vehicles, plant and machinery to a Bushfire Emergency, in consultation with or upon request from the Fire Control Officer in charge at the Bushfire Scene.</p> <p>Recovery of Costs from a Bushfire Emergency - costs incurred by Council vehicle/s, plant and machinery attending to an extreme/out of control Bushfire Emergency, is to be recouped from the ESL Scheme (DFES).</p> <p>Bush Fire Courses - It be Council's policy that every encouragement be given to the Bush Fire Brigade Members and Fire Control Officers to attend Bush Fire and Fire Control Officer Courses run by DFES.</p> <p>That Fire Control Officers be authorised to expend up to \$200 without authorisation. Expenditure above \$200 is to be authorised by the Chief Executive Officer in the course of management of control of a bushfire and that DFES be notified of the expense required to assist with controlling a fire.</p>
<b>DATE OF ADOPTION: January 2003</b>	<b>REVIEWED: October 2016</b>

## STATUTORY IMPLICATIONS

Bush Fires Act 1954

### **38. Local government may appoint bush fire control officer**

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2)(a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- [(b) deleted]*
- (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
- (e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same

powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.

- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —

(a) carrying out normal brigade activities;

*[(b) and (c) deleted]*

(d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;

(e) procuring the due observance by all persons of the provision of Part III.

- (5)(a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.

(b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.

(c) The provisions of this subsection are not in derogation of those of subsection (4).

- (6)(a) In this section —

**“approved local government”** means a local government approved under paragraph (b) by the Authority.

(b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —

(i) may approve the local government as one to which this subsection applies; and

(ii) may from time to time cancel or vary any previous approval given under this paragraph.

(c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

(ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).

(cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.

(cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.

(cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.

(d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.

- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

*[Section 38 amended by No. 35 of 1957 s. 7; No. 20 of 1958 s. 2; No. 11 of 1963 s. 18; No. 67 of 1970 s. 4; No. 65 of 1977 s. 36; No. 51 of 1979 s. 4; No. 60 of 1992 s. 21; No. 14 of 1996 s. 4; No. 10 of 1998 s. 20(2); No. 42 of 1998 s. 16; No. 38 of 2002 s. 29.]*

### **38A. Authority may appoint Chief Bush Fire Control Officer**

- (1) At the request of a local government the Authority may appoint a member of staff (as defined in the FESA Act) to be the Chief Bush Fire Control Officer for the district of that local government.
- (2) Where a Chief Bush Fire Control Officer has been appointed under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).
- (3) The provisions of this Act, other than section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government.
- (4) Section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if —
  - (a) he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government; and
  - (b) the references in those subsections to the local government were references to the Authority.

*[Section 38A inserted by No. 38 of 2002 s. 30.]*

### **39. Special powers of bush fire control officers**

- (1) Subject to the provisions of this Act a bush fire control officer appointed under this Act by a local government may, in the exercise of his functions and the performance of his duties under this Act, do all or any of the following things —
  - (a) exercise any of the appropriate powers of the Director of Operations under the *Fire Brigades Act 1942*, in so far as the same may be necessary or expedient, for extinguishing a bush fire or for preventing the spread or extension of the fire;
  - (b) enter any land or building, whether private property or not;
  - (c) pull down, cut, and remove fences on land, whether private property or not, if in his opinion it is necessary or expedient so to do for the purpose of taking effective

measures for extinguishing a bush fire, or for preventing the spread or extension of the fire;

- (d) cause fire-breaks to be ploughed or cleared on land, whether private land or not, and take such other appropriate measures on the land as he may deem necessary for the purpose of controlling or extinguishing a bush fire or for preventing the spread or extension of the fire;
  - (e) take and use water, other than that for use at a school or the domestic supply of an occupier contained in a tank at his dwelling-house, and other fire extinguishing material from any source whatever on land, whether private property or not;
  - (f) take charge of and give directions to any bush fire brigade present at a bush fire with respect to its operations or activities in connection with the extinguishment or control of the bush fire, or the prevention of the spread or extension of the fire;
  - (g) any other thing which in his opinion is incidental to the exercise of any of the foregoing powers;
  - (h) employ a person or use the voluntary services of a person to assist him, subject to his directions in the exercise of any of the foregoing powers; and
  - (i) either alone or with others under his command or direction enter a building which he believes to be on fire and take such steps as he considers necessary to extinguish the fire or prevent it from spreading, but except as arranged with or requested by an officer in charge of a fire brigade under the *Fire Brigades Act 1942*, this power shall not be exercised in a townsite in an area which has been declared a fire district under that Act or in a townsite in which there is a fire brigade or volunteer fire brigade formed under the provisions of that Act.
- (2)(a) Where a bush fire is burning in or on forest land, or in or on Crown lands, if an authorised CALM Act officer is present at the fire, the powers and authorities conferred by this Act upon a bush fire control officer appointed under this Act by a local government are vested in and are exercisable by the authorised CALM Act officer.

[(b) *deleted*]

*[Section 39 amended by No. 11 of 1963 s. 19; No. 51 of 1979 s. 5; No. 8 of 1987 s. 4; No. 14 of 1996 s. 4; No. 38 of 2002 s. 31 and 40.]*

### **39A. Duties of bush fire authorities on outbreak of fire**

- (1) On the outbreak of a bush fire at a place within or adjacent to the district of a local government, the bush fire control officers, bush fire brigade officers, or bush fire brigade members, of the local government, or as many of them as may be available may, subject to this Act, take charge of the operations for controlling and extinguishing the bush fire or for preventing the spread or extension of the fire.
- (2) Where a bush fire to which this section applies occurs, if a bush fire control officer, bush fire brigade officer, or member of a bush fire brigade, of the local government in whose district the bush fire is burning is not present at the fire, a bush fire control officer, a bush fire brigade officer, or member of a bush fire brigade, of a local government whose district is adjoining or adjacent, may exercise in respect of the bush fire, all powers and authorities of a bush fire control officer of the local government in whose district the fire is burning.
- (3) This section applies only to bush fires which —
  - (a) have been lit or are maintained unlawfully;
  - (b) have occurred accidentally;
  - (c) have ceased to be under control or are not adequately controlled; or
  - (d) are declared in the regulations to be bush fires to which this section applies.

*[Section 39A inserted by No. 35 of 1957 s. 8; amended by No. 51 of 1979 s. 5; No. 14 of 1996 s. 4.]*



#### **40. Local governments may join in appointing and employing bush fire control officers**

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

*[Section 40 amended by No. 14 of 1996 s. 4.]*

#### **STRATEGIC PLAN IMPLICATIONS - Nil**

#### **FUTURE PLAN IMPLICATIONS - Nil**

#### **COMMUNITY CONSULTATION**

Manager Corporate Services  
Fire Control Officers  
Shire of Trayning

#### **STAFF RECOMMENDATION**

1. That Council appoints the following Shire of Trayning Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Trayning:
  - i. Mr Dylan Tarr (Chief Bush Fire Control Officer)
  - ii. Mr Marlon Hudson (Deputy Bush Fire Control Officer)
  - iii. Mr Peter Barnes (Bush Fire Control Officer)
  - iv. Mr Murray Leahy (Bush Fire Control Officer)
2. That the appointment of the above officers excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.
3. Accept a reciprocal arrangement with the Shire of Trayning to nominate any Bush Fire Control Officers from the Shire of Kellerberrin to act in a similar role with the Shire of Trayning.

### **COUNCIL RECOMMENDATION**

**MIN 027/17 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. White

- 1. That Council appoints the following Shire of Trayning Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Trayning:**
  - i. Mr Dylan Tarr (Chief Bush Fire Control Officer)**
  - ii. Mr Marlon Hudson (Deputy Bush Fire Control Officer)**
  - iii. Mr Peter Barnes (Bush Fire Control Officer)**
  - iv. Mr Murray Leahy (Bush Fire Control Officer)**
- 2. That the appointment of the above officers excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.**
- 3. Accept a reciprocal arrangement with the Shire of Trayning to nominate any Bush Fire Control Officers from the Shire of Kellerberrin to act in a similar role with the Shire of Trayning**

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.9
<b>Subject:</b>	Waste Management Strategy & Business Plan 2016 - 2026
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	
<b>Record #:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	7 <sup>th</sup> March, 2017
<b>Author:</b>	Mrs Karen Oborn, Deputy Chief Executive Officer

## BACKGROUND

In 2007 all local government were advised that it must prepare Zero Waste Plans. These later became "Towards Zero Waste Plans" and officially became Strategic Waste Management Plans pursuant to the Waste Avoidance and Resource Recovery Act 2007. The Shires of Merredin, Bruce Rock, Kellerberrin, Merredin, Nungarin, Tammin, Westonia and Yilgarn, developed a Strategic Waste Plan 2009-2013 through We-Roc with a \$20,000 grant. This plan has now expired.

Current regulations require Local Government agencies to have a Waste Management Strategy.

## COMMENT

The draft Waste Management Strategy & Business Plan 2016 - 2026 (WMSBP) is a condensed document outlining the Shire of Kellerberrin services and programs undertaken to deliver appropriate affordable levels of waste management in the Shire. The plan also provides a summary of the costs and revenue linked to the provision of waste management services.

The document includes an action plan designed to deliver some new community initiatives, explore different business models to improve efficiency and review Shire policy to deliver improved waste management outcomes.

Prior to advertising, the document was presented to Council for endorsement. At the Completion of the advertising period the matter no submissions were received. It is now being presented to Council for further comment and final adoption.

## Council Meeting June 2016

### COUNCIL RECOMMENDATION

**MIN 104/16 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. White

*That Council;*

- 1. Adopts the Waste Management Strategy & Business Plan 2016 - 2026 including its appendices.*
- 2. Advertise the document for 28 days seeking public comment*
- 3. At the closure of the submission period the WMSBP be presented to Council for final adoption with or without modification.*

CARRIED 7/0

## FINANCIAL IMPLICATIONS

The Shire of Kellerberrin includes expenditure and revenue in its annual budgets. The 2016 / 2017 budget includes provision of \$2000 for community waste programs.

## POLICY IMPLICATIONS - Nil

## **STATUTORY IMPLICATIONS**

The Act requires that Council prepare and implement a plan. The procedures include a public submission period as determined by the Local Government, but sufficient and suitable for the region.

## **STRATEGIC PLAN IMPLICATIONS - Nil**

## **LONG TERM FINANCIAL PLAN IMPLCATIONS**

In February 2016 Council adopted the Long Term Financial Plan which recommended fees and charges increase 1.5% each year, to be reviewed when preparing the annual budget.

## **COMMUNITY CONSULTATION**

Strategic Community Plan - call for public submissions 2016  
Chief Executive Officer  
Manager Works and Services  
Manager Development Services  
Senior Finance Officer  
Community Development Officer

## **ABSOLUTE MAJORITY REQUIRED – YES**

## **STAFF RECOMMENDATION**

That Council adopts the Waste Management Strategy & Business Plan 2016 - 2026 including its appendices, as presented.

## **COUNCIL RECOMMENDATION**

**MIN 028/17 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid

***That Council adopts the Waste Management Strategy & Business Plan 2016 - 2026 including its appendices, as presented.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.10
<b>Subject:</b>	Quarterly Risk Report
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	
<b>Records Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	07 March 2017
<b>Author:</b>	Mrs Karen Oborn, Deputy Chief Executive Officer

## BACKGROUND

The Shire has undertaken a review of its risk profile and established a set of strategic and operational risks for review by the Audit and Risk Management Committee.

The attached reports detail all strategic risks and those operational risks that are rated high with progress comments for the current period.

Staff reviewed the existing controls for the risks identified and provided comment on their appropriateness and effectiveness.

The Inherent status recognised those inbuilt and unlikely to change elements of each risk, the revised status details an assessment of controls in place to mitigate those risks.

In instances where determined controls have not been deemed appropriate, comment on progress on improvement plans are provided.

Both areas of risk are subject to change and modification during the year on the authorisation of the Chief Executive Officer and Audit & Risk Management Committee.

Council's March 2016 Ordinary Meeting of Council
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**MIN 42/16 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid  
***That Council receives;***

- 1. The Strategic Risk – December 2015 Report and;***
- 2. The Operational Risk – December 2015 Report***

CARRIED 7/0

Council's September 2015 Ordinary Meeting of Council
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**MIN 153/15 MOTION** - Moved Cr. Steber 2nd Cr. Leake

- 1. That Council adopt the Operational Risk Report and the Strategic Risk Report as presented.***
- 2. That the Audit Committee consider on a quarterly basis the Risk Executive Report detailing all strategic risks and those operational risks with a high rating.***

CARRIED 6/0

Council's April 2015 Audit Committee Meeting
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**MIN 02/15 MOTION** - Moved Cr. Steber 2nd Cr. Leake

***That the Audit Committee:***

- 1. Receives the Operational Risk Report and the Strategic Risk Report as presented.***
- 2 Recommends to Council that the Operational Risk Report and the Strategic Risk Report be endorsed and adopted.***

3. ***Consider on a quarterly basis the Risk Executive Report detailing all strategic risks and those operational risks with a high rating.***

CARRIED 4/0

Council's November 2014 Audit Committee Meeting
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**MIN 03/14 MOTION** - Moved Cr. Bee 2nd Cr. Daley

***That Committee:***

- 1. Notes the Draft Strategic Risks and Controls***
- 2. Notes the Draft Operational Risks and controls***

CARRIED 7/0

## **COMMENT**

The Audit & Risk Management Committee is to receive a quarterly report on high and moderate strategic risks and high operational risks

The Internal audit activity focuses on areas of risk including financial and non-financial systems and compliance with legislation, regulations, policies and best practice. Recommendation Action Plans are developed and agreed with management for audit recommendations and follow-ups conducted to ensure that they are implemented as agreed.

It is recommended that the Audit Committee NOTES:

1. The Strategic Risk – December 2015 Report
2. The Operational Risk – December 2015 Report

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

Allocation was made in the 2015/2016 annual budget for the internal audit and risk function

## **POLICY IMPLICATIONS**

The Risk Management Policy outlines the Shire's commitment and approach to managing risks that may impact on its day-to-day operations and threaten the achievement of its objectives

## **STATUTORY IMPLICATIONS**

The Local Government (Audit) Regulations 1996 prescribe the requirements for local government authorities in relation to the engagement of auditors, the annual compliance audit return and the functions of the audit committee. The Department of Local Government released circulars in February 2013 detailing amendments to the Audit Regulations.

These amendments relate to extending regulation 16, functions of an audit committee, and inserting a new regulation 17, review of certain systems and procedures by a CEO. The amendments are detailed as follows:

*Regulation 16 – Functions of Audit Committee*

Regulations 16(a) and 16(b) in relation to the Audit Committee providing assistance to the local government remain unchanged. A new section 16(c) has been inserted and states as follows:

16                      *Audit committee, functions of An audit committee –*

(c)    *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to –*

- (i) report to the council the results of that review; and
- (ii) give a copy of the CEO's report to the council.

#### **Regulation 17 – CEO to review certain systems and procedures**

A new regulation 17 has been inserted and states as follows:

- 17 CEO to review certain systems and procedures
- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
    - (a) risk management; and
    - (b) internal controls; and
    - (c) legislative compliance.
  - (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
  - (3) The CEO is to report to the audit committee the results of that review.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

#### **3 Governance**

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

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

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

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

### **Our Strategic Priorities and Goals**

In recognition of our community's aspirations, we have identified seven key strategic priorities. These strategic priorities represent our ultimate community aspirations and, with Council's assistance, will strive to achieve to become a Shire that displays strength, unity, leadership and diversity.

#### **Theme 3: Leadership**

**To be led by an open, honest and transparent government.**

3.1	Our Elected Representatives provide effective, respected and	3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.			✓		
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<i>progressive leadership.</i>	3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓		✓		
	3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓		✓		
	3.1.4	To actively pursue a positive community spirit and support.	✓		✓		

### Our Stakeholders and Partners

The community recognises that whilst Council can lead and facilitate the delivery of many of these strategies and goals, the successful implementation of these initiatives will also be largely dependent on participation by other external parties, such as community groups, and State and Federal Government agencies. Listed below are the key stakeholders who may influence the successful delivery of each of Council's goals.

<b>Theme 3: Leadership</b>							
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.	✓					
3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.	✓	✓				
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓	✓				
3.1.4	To actively pursue a positive community spirit and support.	✓	✓				

### An Overview

Our community has identified a desire to have a Council that is honest, transparent and open. An effective Council should:

- Encourage and be open to community consultation;
- Encourage community participation and community involvement;
- Provide greater opportunities for community participation in activities and events;
- Actively pursue opportunities that will unify the community and develop a stronger community spirit.

### Our Objective

- To provide the community with a strong and trusted Council, with members and representatives listening and responding to the needs of the community.

### Our Desired Outcomes

- A strong and progressive and community focused government leading the community

### Our Goals

3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
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3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
3.1.4	To actively pursue a positive community spirit and support.

The Chief Executive Officer should play a key role in the establishment and development of an effective risk management framework, as it ultimately sets the operational tone of the Council, and should reflect the ethics, integrity and values espoused by the Council.

An effective and transparent risk management environment would focus on the following key areas:

- Integrity and ethical values
- Management's philosophy and operating style
- Organisation structure
- Performance measures
- Policies and procedures
- Human resources policy
- Internal Audit function
- The Audit Committee.

The role of the audit committee is to govern the integrity of the entity's financial information, systems of internal control, and the legal and ethical conduct of management and employees. The key role of internal audit is to provide assistance to the Council's audit committee in discharging its governance responsibilities. It does this by:

- Providing an objective assessment of existing risks and the internal control framework
- Performing reviews of the compliance framework and specific compliance issues
- Conducting regular analysis of business processes and associated controls.
- Performing ad hoc reviews for specific areas of concern, including unacceptable levels of risk

Internal audit is an independent appraisal service, and audit activity is an important element of risk management and a contributor to the mitigation of risk.

Monitoring and reviewing activities will provide evidence of the appropriateness and effectiveness of systems and procedures in regard to risk management, internal control and legislative compliance, as required by the Local Government (Audit) Regulations 1996

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

**LONG TERM FINANCIAL PLAN IMPLICATIONS – Nil**

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
Senior Shire Staff Member's  
Public Advertising

**ABSOLUTE MAJORITY REQUIRED – NO**



## **STAFF RECOMMENDATION**

That Council receives;

1. The Strategic Risk – December 2016 Report and;
2. The Operational Risk – December 2016 Report.

## **COUNCIL RECOMMENDATION**

**MIN 029/17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. O'Neill

***That Council receives;***

- 1. The Strategic Risk – December 2016 Report and;***
- 2. The Operational Risk – December 2016 Report.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.11
<b>Subject:</b>	Public Service Day – Easter Tuesday
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	PUB-02
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	10 <sup>th</sup> March 2017
<b>Author:</b>	Mrs Karen Oborn, Deputy Chief Executive Officer

## BACKGROUND

In accordance with the Local Government Officers Award 2011, Local Government Officers are entitled to two extra public holidays a year. Usually, one is taken over the Christmas period and the second is taken on the Tuesday, following Easter Monday. This year that will be Tuesday the 18<sup>th</sup> April 2017.

## COMMENT

The Easter period gazetted Public Holidays are as follows;

- Good Friday Friday, 14<sup>th</sup> April 2017
- Easter Monday Monday, 17<sup>th</sup> April 2017
- “Public Service” Day Tuesday, 18<sup>th</sup> April 2017

However Councils scheduled Ordinary Meeting of Council is also on Tuesday, 18<sup>th</sup> April 2017. Council are now being asked to kindly consider deferring the Ordinary Meeting of Council to Wednesday the 19<sup>th</sup> April 2017. The following Tuesday is also a public holiday being Tuesday the 25<sup>th</sup> April 2017, Anzac Day. Alternatively the Ordinary Meeting of Council could be brought forward to Tuesday, 11<sup>th</sup> April 2017.

In addition, should Council approve this request, advertising in local newsletters and notices on the public notice board will provide sufficient notice of the office closure and rescheduling of the Ordinary Meeting of Council. Emergency contacts for Council staff will be provided for inclusion in all notices of local advertising.

## FINANCIAL IMPLICATION (ANNUAL BUDGET)

Nil - against Council's Budget, other than normal entitlements for staff, in reference to Annual Leave and Rostered Days Off, debits and a small cost for local advertising.

## POLICY IMPLICATIONS

ADVERTISING OF PUBLIC NOTICES		POLICY 2.11
<b>PURPOSE</b>	<b>To provide guidance to staff to the approved advertising mediums for Local Public Notices and State wide Public Notices as required by the Local Government Act 1995.</b>	
<b>POLICY</b>	<p>That the following media be recognised and approved as advertising mediums appropriate for the following classifications of Public Notices:</p> <p><b>Local Public Notices</b>  Wheatbelt Mercury – being a registered newspaper circulating generally throughout the District.  Council's Public Notice board – for exhibition of a local public notice.  Pipeline Newsletter – for local Advertising to district residents.</p>	

	<p>Public Notices are to be advertised on as many occasions as the Local Government Act stipulates or at least once in each of the approved media.</p> <p><b>State wide Public Notice</b> West Australian Newspaper – being a registered newspaper circulating generally throughout the State.</p> <p>Public Notices are to be advertised on as many occasions as the Local Government Act stipulates or at least once.</p> <p><b>General</b> All advertising notices to be authorised by the Chief Executive Officer or in his/her absences the authorised Officer as delegated by the Chief Executive Officer.</p> <p>Thought is to be given as to the days in which advertisements are to be run to minimise costs.</p> <p>The Chief Executive Officer is responsible for implementing this policy.</p>
<b>DATE OF ADOPTION: November 2006      REVIEWED OCTOBER 2014</b>	

<b>OFFICE HOURS</b>		<b>POLICY 2.16</b>						
<b>PURPOSE</b>	<b>To detail the hours of operation for the Councils Office.</b>							
<b>POLICY</b>	<p>The Office of the Shire of Kellerberrin is to be open to the public on normal working days as follows:</p> <table> <tr> <td>Monday to Friday</td><td>8:30am to 4:30pm</td><td>General Receipting</td></tr> <tr> <td>Monday to Friday</td><td>8:30pm to 5:00pm</td><td>General Office</td></tr> </table> <p>The Chief Executive Officer is responsible for ensuring that the Office of the Shire of Kellerberrin is open to the public in accordance with this policy.</p>		Monday to Friday	8:30am to 4:30pm	General Receipting	Monday to Friday	8:30pm to 5:00pm	General Office
Monday to Friday	8:30am to 4:30pm	General Receipting						
Monday to Friday	8:30pm to 5:00pm	General Office						
<b>DATE OF ADOPTION: November 2006</b>		<b>REVIEWED OCTOBER 2015</b>						

<b>Public Service Days</b>		<b>POLICY 4.30</b>
<b>PURPOSE</b>	<b>To allow Council employees the entitlement to two Public Service Days per year.</b>	
<b>POLICY</b>	<p>Those Council employees are entitled to two Public Service Days per year. These days will be incorporated into the Christmas/New Year and Easter breaks.</p> <p>Public Service Days should be taken during the Christmas/New Year and Easter breaks. Subject to work rosters the day in lieu must be taken within a fortnight of it falling due.</p> <p>The Chief Executive Officer is responsible for implementing this policy.</p>	
<b>DATE OF ADOPTION: December 2010</b>		<b>AMENDED: October 2014</b>

## STATUTORY IMPLICATIONS

Nil, other than to, advertise the closure of normal Council business during the described period.

## STRATEGIC COMMUNITY PLAN IMPLICATIONS – Nil

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

**LONG TERM PLAN IMPLICATIONS – Nil**

**COMMUNITY CONSULTATION - Nil**

**ABSOLUTE MAJORITY REQUIRED - Yes**

**STAFF RECOMMENDATION**

That Council approve the closure of the Administration Office on Tuesday 18<sup>th</sup> April 2017 and defer the Ordinary Meeting of Council to Wednesday the 19<sup>th</sup> April 2017 and that local advertising be completed.

**COUNCIL RECOMMENDATION**

**MIN 030/17 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake**

***That Council approve the closure of the Administration Office on Tuesday 18<sup>th</sup> April 2017 and defer the Ordinary Meeting of Council to Wednesday the 19<sup>th</sup> April 2017 and that local advertising be completed.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.12
<b>Subject:</b>	February 2016 Cheque List
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	9 <sup>th</sup> March 2017
<b>Author:</b>	Miss Ashlee Hughes, Finance Officer

## BACKGROUND

Accounts for payment from 1<sup>st</sup> February 2016 – 28th February 2016

### Trust Fund

EFT & CHQ

**TRUST TOTAL**

**7,622.89**

\$

### Municipal Fund

Cheque Payments

34174 - 34182

**19,425.43**

\$

EFT Payments

6830 - 6897

**257,190.95**

\$

Direct Debit Payments

**90,847.72**

\$

### **TOTAL MUNICIPAL**

**367,464.41**

\$

### COMMENT

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

<b>Carving Concrete Construction Pty Ltd</b>	\$	<b>131,593.26</b>
Tender Contract 03/2016 Progress Claim 2		
<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	\$	<b>64,604.60</b>
LICENSING PAYMENTS - FEBRUARY 2017		
<b>Farmways Kellerberrin Pty Ltd</b>	\$	<b>19,216.43</b>
20 l drum syn 75w90, 20 l drum pump, Airline fittings, VRL voltage converter, 5m Ladder as quoted, Hitachi 3 way cordless tool set for work shop, Pool Chemicals - Water Polisher, Drum Engine Oil, multi stage pump and equipment to water bowl green complex, replacement dish washer, 354120 - 205 l drum pump, fittings, dwv pipe, 3 x 25 angle, 2 x 8mm ply, 20kg grease, box grease cartridges, manufacture scraper for drum roller, Grease hoses (hydraulic hose & fittings), Screws & tape measure blue, Bulkhead male & run tees. Misc. items under \$200.00		
<b>Twinkarri Tree Pruning Services</b>	\$	<b>13,051.50</b>
Mulcher hire , Tree Pruning & Mobilisation for Maley Road		
<b>Woodstock Electrical Services</b>	\$	<b>11,165.89</b>
Repairs to lights & pump & replace HWS at Caravan Park, disconnect electrics at Skate Park, check fault at Waste Transfer Station, Install power outlets in office, Repair office front door, Wiring of Donga A/C at Skate Park, Replace lights at Rec Centre		
<b>CE and H Smith</b>	\$	<b>10,571.00</b>
Hire of Equipment for Sept - Nov 16		

<b>Synergy</b> Streetlights Tariff Charge from 24/01/2017 - 07/02/2017 & Power Consumption 20/12/2016 - 17/01/17	<b>\$ 9,547.90</b>
<b>Avon Waste</b> Domestic & Commercial Rubbish Collection December 16	<b>\$ 9,479.98</b>
<b>Shaun's Mobile Mechanical Service</b> Mechanical works throughout Depot for January 17	<b>\$ 8,036.00</b>
<b>Shire Of Kellerberrin</b> KELLERBERRIN-TAMMIN FOOTBALL FUNDS FOR SCOREBOARD (TRUST) & licencing	<b>\$ 7,172.89</b>
<b>Kellerberrin Community Resource Centre</b> Licencing Commission November 2016, Licencing Commission December 2016, Electricity usage 12/10/16 - 09/12/16	<b>\$ 7,026.95</b>
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll Deductions & Superannuation Contribution	<b>\$ 6,999.37</b>
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll deductions	<b>\$ 6,536.37</b>

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

Shire of Kellerberrin 2016/2017 Operating Budget

## **POLICY IMPLICATIONS - Nil**

## **STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

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

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

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

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

- (1) A payment may only be made from the municipal fund or the trust fund —
  - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

- (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

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

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

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLCATIONS - Nil**

(Including Workforce Plan and Asset Management Plan Implications)

**TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil**

**COMMUNITY CONSULTATION - Nil**

**ABSOLUTE MAJORITY REQUIRED – NO**

### **STAFF RECOMMENDATION**

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

1. Municipal Fund payments totalling **\$367,464.41** on vouchers EFT , CHQ, Direct payments
2. Trust Fund payments totalling **\$7,622.89** on vouchers EFT, CHQ, Direct payments

## COUNCIL RECOMMENDATION

**MIN 031/17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. McNeil

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

- 1. Municipal Fund payments totalling \$367,464.41 on vouchers EFT, CHQ, Direct payments;***
- 2. Trust Fund payments totalling \$7,622.89 on vouchers EFT, CHQ, Direct payments.***

CARRIED 6/0



<b>Agenda Reference:</b>	11.1.13
<b>Subject:</b>	Financial Management Report, Direct Debit List and Visa Card Transactions for the month February 2017
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	9 March 2017
<b>Author:</b>	Mrs Jennine Ashby, Senior Finance Officer

## BACKGROUND

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

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

### Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
1-Feb-17	Westnet	Monthly static IP address	\$	4.99
1-Feb-17	National Australia Bank	Merchant Fees	\$	1.42
1-Feb-17	National Australia Bank	Merchant Fees	\$	124.59
1-Feb-17	National Australia Bank	Merchant Fees	\$	154.74
2-Feb-17	National Australia Bank	VISA Transactions	\$	1,144.73
9-Feb-17	Shire of Kellerberrin	Payroll	\$	50,298.08
10-Feb-17	Shire of Kellerberrin	Payroll	\$	2,543.32
13-Feb-17	DLL Group	Monthly Photocopier Lease Payment	\$	265.21
14-Feb-17	Shire of Kellerberrin	Payroll - Click Super	\$	18,305.25
15-Feb-17	SG Fleet	Monthly Lease Payment	\$	3,752.07
16-Feb-17	Shire of Kellerberrin	EFT Payment	\$	1,300.00
17-Feb-17	Shire of Kellerberrin	EFT Payment	\$	255,087.95
20-Feb-17	Shire of Kellerberrin	EFT Payment	\$	803.00
20-Feb-17	Australian Taxation Office	BAS January 2017	\$	2,896.00
23-Feb-17	National Australia Bank	Connect Fee Access and Usage	\$	52.99
23-Feb-17	Shire of Kellerberrin	Payroll	\$	46,717.96
28-Feb-17	Shire of Kellerberrin	Payroll - Click Super	\$	9,050.08
28-Feb-17	National Australia Bank	BPAY Charges	\$	19.08
28-Feb-17	National Australia Bank	Account Fees - Municipal	\$	41.00
28-Feb-17	National Australia Bank	Account Fees - Trust	\$	57.80
<b>TOTAL</b>			<b>\$</b>	<b>392,620.26</b>

### Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
28-Feb-17	Department Transport	Direct Debit-Licensing Payments Feb 17	\$	64,604.60
<b>TOTAL</b>			<b>\$</b>	<b>64,604.60</b>

### Visa Card Transactions

Date	Name	Details	\$	Amount
06-Feb-17	Kellerberrin & Districts Club	Refreshments - Electors Meeting	\$	80.10
21-Feb-17	BP Kellerberrin	Fuel Purchases - KE1	\$	87.00
28-Feb-17	National Australia Bank	Card Fee	\$	9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>176.10</b>
06-Feb-17	BP Halls Head	Unleaded Fuel - KE002	\$	54.76
13-Feb-17	Tammin Roadhouse	Unleaded Fuel - KE002	\$	49.00
13-Feb-17	Kmart	Evacuation Centre Kit	\$	64.25

14-Feb-17	BP Westgate	Unleaded Fuel - KE002	\$	66.00
15-Feb-17	Quality Inn	Accommodation - K Oborn LGMA Conf.	\$	410.00
15-Feb-17	Quality Inn	Accommodation - N Giles LGMA Conf	\$	450.00
20-Feb-17	Puma El Caballo	Unleaded Fuel - KE002	\$	80.00
20-Feb-17	Northey Corp Pty Ltd	Vacuum Cleaner - Recreation Centre	\$	360.00
21-Feb-17	Kellerberrin Shire (CRC)	HC Learners Permit - M Tomlinson	\$	40.70
23-Feb-17	The York Palace Hotel	Accommodation - J Ashby Budget Wshop	\$	155.00
24-Feb-17	The York Palace Hotel	Meals - J Ashby Budget Workshop	\$	51.00
28-Feb-17	Puma El Caballo	Unleaded Fuel - KE002	\$	57.00
28-Feb-17	National Australia Bank	Card Fee	\$	9.00
<b>TOTAL - DCEO</b>			<b>\$</b>	<b>1,846.71</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$</b>	<b>2,022.81</b>

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2016/2017

**POLICY IMPLICATIONS** - Nil

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

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

Be adopted.

**COUNCIL RECOMMENDATION**

**MIN 032/17 MOTION - Moved Cr. O'Neill 2<sup>nd</sup> Cr. McNeil**

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

**Be adopted.**

CARRIED 6/0

## DEVELOPMENT SERVICES – AGENDA ITEM

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

### BACKGROUND

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

### COMMENT

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

### FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

### POLICY IMPLICATIONS

NIL

### STATUTORY IMPLICATIONS

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

### STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

### TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

### COMMUNITY CONSULTATION

Building Surveyor  
Owners  
Building Contractors

### ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

### STAFF RECOMMENDATION

That Council

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

**COUNCIL RECOMMENDATION**

**MIN 033/17 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. White

***That Council***

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

CARRIED 6/0

3.30 pm - Meeting adjourned for Citizenship Ceremony

4.00 pm - Meeting resumed with all members present.

<b>Agenda Reference:</b>	11.2.2
<b>Subject:</b>	Proposed erection of 4 x 1000 tonne grain silos.
<b>Location:</b>	Lot 306, 2 Tiller Drive Kellerberrin.
<b>Applicant:</b>	Premium Grain Handlers
<b>File Ref:</b>	TP 03
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	8 <sup>th</sup> March 2017
<b>Author:</b>	Mr Garry Tucker, Manager Development Services

## BACKGROUND

An application has been received for permission to erect four silos on land owned by *Premium Grain Handlers* at Lot 306, 2 Tiller Drive Kellerberrin. See ATTACHMENTS 1, 2 and 3.

## COMMENT

- (1) The application seeks permission to erect four (4) 1000 tonne cylindrical steel grain storage silos that will be positioned immediately to the east of the existing (4) 1000 tonne cylindrical steel grain storage silos that were erected mid-year in 2015.

The estimated cost of for the works is stated as \$380,000.

The application states that the new units will be constructed in four months.

- (2) In terms of the current Planning Scheme No 4 the land /Lot is zoned "Industrial" and the proposed use is commensurate with the definition given to "Industry-Rural": viz "an industry handling, treating, processing, or packaging primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality".

"Industry-Rural" is listed in the "ZONING TABLE" as a "P" use in the "INDUSTRIAL" zone. A "P" use means the activity is a permitted use.

In terms of the scheme's development requirements for the various zones the following is applicable to the "Industrial" areas.

- (3) The application plan does not include landscaping at the front of the property which is a requirement outlined in the General Development provisions of Planning Scheme.

### Extract from text of Town Planning Scheme No 4

#### **Part 5 — General development requirements**

##### **5.1. Compliance with development standards and requirements**

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

##### **5.8 Industrial Development**

- 5.8.1 Buildings within the Industrial zone shall comply with the following minimum lot boundary setbacks:

Front: 7.5 metres

Rear: 7.5 metres

Side: 5.0 metres (on one side)

- 5.8.2 The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the Council. Where a lot has frontage to two streets the Council may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the Council.

- 5.8.3 All other development standards for development in the Industrial zone are at Council's discretion.

## FINANCIAL IMPLICATIONS

1. Development Application Fee: the prescribed fee is \$1,216.00.
2. Building Permit application fee, Construction Industry Training Fund (CITF) fee & Building Services Levy maybe be applicable to some buildings should the project go to construction.

## POLICY IMPLICATIONS

NIL

## STATUTORY IMPLICATIONS

1. Shire of Kellerberrin: Planning Scheme No 4.
2. Planning & Development Act 2005
3. Planning & Development Regulations 2009
4. Planning & Development (Local Planning Schemes) Regulations 2015
5. Building Act & Regulations 2011
6. Building Code of Australia / National Construction Codes

ZONES						
USE CLASSES	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
<b>RESIDENTIAL</b>						
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
<b>TOURIST AND ENTERTAINMENT</b>						
Amusement parlour	X	D	A	X	D	X
Bed and breakfast	A	D	X	D	D	D
Caravan park	X	X	X	X	D	X
Hotel	X	P	X	X	A	X
Motel	X	D	X	X	A	X
Tavern	X	P	X	X	A	X
<b>COMMERCE</b>						
Betting agency	X	P	X	X	A	X
Cinema/theatre	X	P	X	X	A	X
Consulting rooms	X	D	X	X	A	X
Convenience store	A	P	X	X	A	X



ZONES						
USE CLASSES	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
Fast food outlet	X	D	X	X	A	X
Lunch bar	X	P	P	X	A	X
Market	X	D	D	X	A	X
Medical centre	X	D	X	X	A	X
Motor vehicle wash	X	D	P	X	A	X
Motor vehicle, boat or caravan sales	X	P	D	X	A	X
Nightclub	X	D	X	X	A	X
Office	X	P	X	X	A	X
Reception centre	X	P	X	X	A	X
Restaurant	X	P	X	A	A	X
Restricted premises	X	D	X	X	A	X
Service station	X	D	P	X	A	X
Shop	X	P	X	X	A	X
Showroom	X	D	P	X	A	X
Trade display	X	D	P	X	A	X
<b>OTHER</b>						
Corrective institution	X	X	X	X	X	X
Essential service utility	D	D	D	D	D	D
Funeral parlour	X	A	P	X	A	X
Telecommunications infrastructure	D	D	P	D	A	D
Veterinary centre	X	A	P	A	A	A
<b>INDUSTRY</b>						
Fuel depot	X	X	A	X	X	X
<b>Industry</b>	X	X	P	X	X	X
Industry - cottage	A	D	P	A	D	A
Industry - extractive	X	X	X	X	X	X
Industry - general	X	X	D	X	X	X
Industry - light	X	X	P	X	A	X
Industry - rural	X	X	P	D	A	A
Industry - service	X	D	P	X	A	X
Motor vehicle repair	X	D	P	X	A	X
Storage	X	D	P	D	A	X
Warehouse	X	D	P	X	A	X
<b>CIVIC AND COMMUNITY</b>						
Child care premises	A	A	X	X	A	X
Civic use	D	D	D	X	A	X
Club premises	D	P	D	X	A	X
Community purpose	A	P	A	X	A	X
Educational establishment	X	P	A	X	A	X
Exhibition centre	X	D	X	X	A	X
Family day care	D	D	X	A	A	D
Hospital	X	X	X	X	A	X
Place of worship	A	A	X	X	A	X
Recreation - private	D	D	D	D	A	D
<b>RURAL</b>						
Agriculture - extensive	X	X	X	P	X	X
Agriculture - intensive	X	X	X	D	X	X
Agroforestry	X	X	X	A	X	X

ZONES						
USE CLASSES	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
Animal establishment	X	X	A	A	A	X
Animal husbandry - intensive	X	X	X	A	X	X
Plantation	X	X	X	D	X	X
Rural pursuit	X	X	X	D	X	D
Winery	X	X	X	D	X	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

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

#### 4.2.2 Town Centre Zone

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

#### 4.2.3 Rural Townsite Zone

- 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

- To encourage industrial development with diverse employment opportunities.
- To provide for industry to support development in the District.

#### 4.2.5 Rural Residential Zone

- To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats.
- 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.

#### **4.4. Interpretation of the Zoning Table**

- 4.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.
- 4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
  - (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
  - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

#### **4.5. Additional uses**

There are no additional uses which apply to the Scheme.

#### **4.6. Restricted uses**

There are no restricted uses which apply to the Scheme.

#### **4.7. Special use zones**

- 4.7.1. Special use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.
- 4.7.2. A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

#### **4.8. Non-conforming uses**

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent —

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: “Land” has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.

#### **4.9. Extensions and changes to a non-conforming use**

- 4.9.1. A person must not —
- (a) alter or extend a non-conforming use;
  - (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or

(c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained planning approval under the Scheme.

4.9.2. An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

#### **4.10. Discontinuance of non-conforming use**

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

#### **4.11. Termination of a non-conforming use**

The local government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: Section 190 and 191 of the Planning and Development Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the *Land Administration Act 1997*, that section and the Scheme.

#### **4.12. Destruction of non-conforming use buildings**

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the local government.

### **STRATEGIC PLAN IMPLICATIONS NIL**

### **FUTURE PLAN IMPLICATIONS NIL**

### **COMMUNITY CONSULTATION NIL**

### **STAFF RECOMMENDATION**

That Council:-

1. Grant Development Approval to 'Premium Grain Handlers' to erect four (4) 1000 tonne silos in accordance with the Plan submitted. And;
2. No works are to be commenced before a Building Permit is issued.

### **COUNCIL RECOMMENDATION**

**MIN 034/17 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

***That Council:-***

1. ***Grant Development Approval to 'Premium Grain Handlers' to erect four (4) 1000 tonne silos in accordance with the Plan submitted. And***
2. ***No works are to be commenced before a Building Permit is issued.***

CARRIED 6/0

**CLOSURE OF MEETING**

The President thanked all members for the attendance and closed the meeting at 4.45pm.

**NEXT MEETING DATES**

19<sup>th</sup> April 2017, Shire of Kellerberrin - Ordinary Council Meeting