

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday 16th May 2017, commencing at 2:05 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

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

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

Present:

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

Apologies:

Nil

Leave of Absence:

Mr Garry Tucker Manager Development Services

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

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

6. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **16th May 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 **16th May 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 **16th May 2017**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 19th April 2017

COUNCIL RECOMMENDATION

MIN 063/17 MOTION: Moved Cr. Steber 2nd Cr. Leake

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Wednesday 19th April 2017, be confirmed as a true and accurate record

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION: Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

Council's Chief Executive Officer, Mr Raymond Griffiths read a letter requested to be presented to Council from Mr Eric Zumbo regarding suggestions that could benefit the town.

Council's Chief Executive Officer has provided a written response to Mr Zumbo of which was read and presented to Council.

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 064/17 MOTION: Moved Cr. White 2nd Cr. Reid

That the President's report for May 2017 be received

CARRIED 7/0

11.1 CORPORATE SERVICES – AGENDA ITEM

Agenda Reference:	11.1.1
Subject:	Community Requests and Discussion Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	4 th May, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

April 2017 Council Meeting

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

That Council:

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

CARRIED 7/0

March 2017 Council Meeting

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

That Council notes:

- 1. The Kellerberrin Sport and Rec. Committee will fund the construction of the Toilet Block adjacent to the netball courts (ex-Caravan Park Ablutions); and the Council will fund the construction of the swapping over of the Tote and Cuolahan rooms, to combine the Cottle and Cuolahan rooms into one larger room, in the 17/18 Budget.***
- 2. The CEO on behalf of Council speaks with the Kellerberrin School students regarding closing the Skate Park as the new facility was vandalised last night.***

CARRIED 6/0

February 2017 Council Meeting

MIN 003/17 MOTION - Moved Cr. McNeil 2nd Cr. White

That Council;

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

CARRIED 6/0

April 2017 – MIN 037/17

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

March 2017 – MIN 020/17

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

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

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

- *Endorses the actions of the CEO in relation to the donation to the Scott family;*
- *Approves rent relief for the Kellerberrin Districts Club Managers residence in a Shire property.*

COUNCIL RECOMMENDATION

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

That Council;

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

CARRIED 7/0

Agenda Reference:	11.1.2
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	4 th May 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

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

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

COMMENT

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

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

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

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
- (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,
 whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or

- (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

- (a) an interest common to a significant number of electors or ratepayers;
- (b) an interest in the imposition of any rate, charge or fee by the local government;
- (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
- (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;

[(e) deleted]

- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
- (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
- (h) a prescribed interest.

- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

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

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

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
- (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or

- (c) the proposed development of that land or any land adjacent to that land,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

- (a) preside at the part of the meeting relating to the matter; or

- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

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

COMMUNITY CONSULTATION:

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

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RECOMMENDATION

MIN 066/17 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council receives the Status Report.

CARRIED 7/0

Agenda Reference:	11.1.3
Subject:	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
Location:	Via Teleconference
Applicant:	Great Eastern Country Zone of WALGA
File Ref:	OLGOV-16
Disclosure of Interest:	Nil
Date:	4 th May 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Meeting, held on Thursday 27th April 2017 via teleconference, 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 27th April 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 23 February 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: Moved: Cr Davies Seconded: Cr Forsyth

That the response from the Office of Emergency Management be noted and the WA Local Government Association be asked to pursue this issue further with both Telstra and the Office of Emergency Management.

CARRIED

RESOLUTION: Moved: Cr Hooper Seconded: Cr Tarr

That the Minutes of a Meeting of the Great Eastern Country Zone Executive Committee held Thursday 6 April 2017 be received.

CARRIED

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

That the Great Eastern Country Zone adopt the Draft Budget for the year ending 30 June 2018, as circulated, with a general subscription for each Member Council set at \$4,250 (excluding GST).

CARRIED

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

That the Great Eastern Country Zone endorse the Zone Executive Committee's decision to hold a Ministerial Meeting Day.

CARRIED

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

That the Minutes of the Healthy Wheatbelt Meetings held Tuesday 28 March 2017 be received.

CARRIED

RESOLUTION: Moved: Cr Tarr Seconded: Cr Day

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 O'Connell Seconded: Cr Davies

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

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

CARRIED

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

POLICY IMPLICATIONS: Nil (not known at this time)

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

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

STRATEGIC PLAN IMPLICATIONS

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

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

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

COMMUNITY CONSULTATION

- Council and Councillors of the Shire of Kellerberrin
- Great Eastern Country Zone Member Councils

- Great Eastern Country Zone of WALGA
- Western Australian Local Government Association

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 27th April, 2017.

COUNCIL RECOMMENATION

MIN 067/17 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 27th April, 2017.

CARRIED 7/0

Agenda Reference:	11.1.4
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	Kellerberrin, Shire of Kellerberrin Council Chambers
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	4 th May 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 12th April 2017 at the Shire of Kellerberrin Council Chambers, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last CEACA Executive Council Meeting Minutes held on Wednesday 12th April 2017 held at the Shire of Kellerberrin Council Chambers.

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

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

Resolutions arising out of the 12th May 2017 CEACA Executive Council Meeting summarised hereunder,

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

That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Thursday 16 February 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

That the Minutes of a Special Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 1 March 2107 be confirmed as a true and accurate record of the proceedings.

CARRIED

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

That the Statement of Financial Position for the period ending 28 February 2017, as presented, be received.

CARRIED

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

That the Accounts Paid for the period 26 January 2017 to 31 March 2017 totalling \$20,305.67 be approved.

CARRIED

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

That the account from Access Housing for \$7,018 (including GST) be approved for payment.

CARRIED

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

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

CARRIED

RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths

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

- Invoice 251 - Professional Services January 2017 as per attached time sheet and reimbursements - \$3,664.13; and
- Invoice 252 - Professional Services February 2017 as per the attached timesheet and reimbursements - \$3,369.04.

CARRIED

RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths

That Agenda Item 7.5 be considered in conjunction with Agenda Item 7.6.

CARRIED

RESOLUTION: Moved: Raymond Griffiths Seconded: Rachel Kirby

1. That the CEACA Executive Committee endorse the performance appraisal process developed by the Chair for the Executive Officer's position.
2. That the Executive Officer will report to the CEACA Executive Committee and CEACA Committee by preparing:
 - a) An Action Sheet that will outline actions undertaken following decisions taken at CEACA Executive Committee or full CEACA Committee meetings.
 - b) A Monthly Report, adopting a format similar to that used by Access Housing in its monthly reports to CEACA.
3. That the Key Performance Indicators used to measure the Executive Officer's performance be replaced by the Executive Officer assisting in CEACA fulfilling the following objectives:
 - a) Rewriting of the CEACA Constitution;
 - b) Ensuring CEACA understands and fulfils its commitments as defined in the Financial Assistance Agreements for the CEACA Seniors Housing Project;
 - c) Development of a Strategic Plan;
 - d) Development of policies relating to the future membership of CEACA and the rating of and rental income for CEACA housing;
 - e) Assisting in the fulfilling other recommendations contained within the "Central East Wheatbelt Aged Care Needs Study" prepared by Verso Consulting for CEACA;
 - f) Attracting funding; and
 - g) Advocacy.

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Ken Hooper

That AMD Chartered Accountants be appointed the CEACA Auditor for the 2016/2017 Audit at a fee of \$750 (excl GST).

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Ken Hooper

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

CARRIED

RESOLUTION: Moved: Raymond Griffiths Seconded: Ken Hooper

That:

1. The Central East Aged Care Alliance Executive Committee recommend to the Central East Aged Care Alliance Committee that the Draft Budget for the year ending 30 June 2018, be adopted with a general subscription for each Member Council set at \$10,000 (excluding GST) and a Project and Consultancy subscription of \$4,000 (excluding GST) per member Council;
2. The CEACA Draft Budget for the year ending 30 June 2018, as agreed to by the CEACA Executive Committee, be circulated to all Member Councils for

comment prior to its presentation for adoption at the CEACA Committee Meeting to be held in Merredin on Wednesday 7 June 2017.

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Ken Hooper

That the Project Update (Financial) Report for April 2017 be received.

CARRIED

RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths

1. That the Executive Officer seek comment on the draft methodology prepared by the KPMG Health, Ageing and Human Services Team for CEACA from the following agencies:
 - Access Housing;
 - RDA Wheatbelt;
 - WACH Wheatbelt; and
 - Wheatbelt Development Commission.
2. That all comments be collated and sent to KPMG for incorporation into a final version of its report for CEACA.
3. That the completed report be circulated to all CEACA Member Councils.

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Ken Hooper

That the CEACA Executive Committee recommend to the CEACA that:

1. In rewriting the CEACA Constitution a new membership category, that of “affiliate member” be included; and
2. That the fee for affiliate membership be determined at the CEACA AGM to be held on Wednesday 1 November 2017.

CARRIED

RESOLUTION: Moved: Raymond Griffiths Seconded: Ken Hooper

That:

1. CEACA seek a meeting with the Minister for Regional Development, Hon Alannah MacTiernan MLC, as soon as possible to outline the importance of the CEACA Seniors Housing Project to the Central East Wheatbelt in terms potential for population stabilisation, job creation and increased wellness through being able to age in place; and
2. A meeting of the CEACA CEOs be arranged for the morning of Wednesday 19 April 2017 to work through any issues that will impede CEACA from meeting all future project milestones.

CARRIED

RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths

That the CEACA Executive Committee recommend to the CEACA that:

1. All land transfers from CEACA’s Member Councils to CEACA for the purpose of the CEACA Seniors Housing Project be unconditional; and
2. That Executive Officer prepare correspondence to the Shire of Kellerberrin explaining the requirements of the *Associations Incorporation Act 2015* with respect to the transfer of assets following the dissolution of an incorporated body.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 12th April 2017.

COUNCIL RECOMMENDATION

MIN 068/17 MOTION - Moved Cr. White 2nd Cr. McNeil

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 12th April 2017.

CARRIED 7/0

Agenda Reference:	11.1.5
Subject:	CEACA, Sale of lots 1 ended 31 Hammond Street
Location:	1 & 31 Hammond Street, Kellerberrin
Applicant:	CEACA - Shire of Kellerberrin
File Ref:	AGE-03
Record Ref:	
Disclosure of Interest:	N/A
Date:	1 st May 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's October Ordinary Meeting of Council – 18th October 2016

MIN 170/16 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council:

1. *Authorise the Chief Executive Officer to give local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of lots 1 and 31 Hammond Street Kellerberrin to the Central East Aged Care Alliance Inc. (CEACA) on the following terms:*
 - a. *At no cost, as the land is Councils in-kind contribution to the CEACA senior housing project;*
 - b. *A clause is inserted in the CEACA constitution that should CEACA no longer be viable the asset is transferred back to the Shire of Kellerberrin at no cost to Council;*
 - c. *All outgoings including rates, insurance and utilities to be paid by CEACA.*
2. *If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of land documentation.*
3. *If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.*

CARRIED 6/0

Council's July Ordinary Meeting of Council – 27th July 2016

MIN 124/16 MOTION - Moved Cr. White 2nd Cr. Reid

That Council:

1. *Commit to an allocation of \$20,000 per Independent Living Unit constructed in Kellerberrin as part of CEACA's Stage 2 project.*
2. *Commit to an allocation of \$7,200 per each Land Assembly as part of CEACA's Stage 1 Project*
3. *Commit to an allocation of \$7,200 per each Land Assembly as part of CEACA's Stage 2 Project*
4. *Allocate a total of \$380,800 in its 2016/2017 Annual Budget to cover the commitments to CEACA for Land Assembly and Independent Living Units Construction through Stage 1 and Stage 2.*
5. *Fund the \$380,800 through the raising of a loan over a ten year period.*

CARRIED 7/0
BY ABSOLUTE MAJORITY

Council's November Ordinary Meeting of Council – 18th November 2014

MIN 156/14 MOTION - Moved Cr. Bee 2nd Cr. Leake

That Council:

- 1. Endorse the Heads of Agreement between Access Housing and Central East Aged Care Alliance;**
- 2. Authorise the Committee to execute the agreement;**
- 3. Request the document be presented to the December WEROC Council meeting for final adoption.**

CARRIED 6/0

COMMENT

Council has held further discussions with the CEACA Executive Committee regarding the transfer of free title land to CEACA and the conditions the Shire of Kellerberrin incorporated into the transfer being:

“A clause is inserted in the CEACA constitution that should CEACA no longer be viable the asset is transferred back to the Shire of Kellerberrin at no cost to Council”

The CEACA Executive have advised that as CEACA is incorporated should the incorporation decide to dissolve the assets under the Incorporations Act can only transfer the asset to a likeminded body.

Therefore Council needs to reconsider the conditions listed in Minute 170/16

Council within the community has Milligan Units Inc operating currently that undertakes a “likeminded” operation and therefore should CEACA dissolve, the assets could be transferred to that organisation.

Ultimately as a community the assets are located within the Community of Kellerberrin and this is the main aim.

FINANCIAL IMPLICATIONS (2016/2017 Annual Budget)

Council currently in its asset register has the two blocks listed within written down value of \$90,000.

The sale of the land will have no financial impact on the annual budget as it will be in in-kind contribution to the project.

POLICY IMPLICATIONS –

STATUTORY IMPLICATIONS –

Local Government Act 1995 – Part 3, Division 3

Section 3.58 - Disposing of property

- (1) In this section —

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

“**Property**” includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) *Except as stated in this section, a local government can only dispose of property to;*

a. the highest bidder at public auction; or

b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition
- i. describing the property concerned;
 - ii. giving details of the proposed disposition; and
 - iii. inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;

and

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

3.59. Commercial enterprises by local governments

- (1) In this section —

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

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

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

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

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

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

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

major trading undertaking means a trading undertaking that —

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

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

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

- (2) Before it —

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

a local government is to prepare a business plan.

- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
 - (a) *its expected effect on the provision of facilities and services by the local government;*
 - (b) *its expected effect on other persons providing facilities and services in the district;*
 - (c) *its expected financial effect on the local government;*
 - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;**and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*

- (a) *prescribe any land transaction to be an exempt land transaction;*
 (b) *prescribe any trading undertaking to be an exempt trading undertaking.*
 [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 2.1

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

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

Chief Executive Officer
 WEROC Council
 WEROC Executive
 WEROC Executive Officers

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council removes the following terms as a condition of sale as adopted in MIN 170/16:

- A clause is inserted in the CEACA constitution that should CEACA no longer is viable the asset is transferred back to the Shire of Kellerberrin at no cost to Council.*
- All outgoings including rates, insurance and utilities to be paid by CEACA.*

COUNCIL RECOMMENDATION

MIN 069/17 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

- That Council removes the following terms as a condition of sale as adopted in MIN 170/16:*
- a. A clause is inserted in the CEACA constitution that should CEACA no longer is viable the asset is transferred back to the Shire of Kellerberrin at no cost to Council.*
 - b. All outgoings including rates, insurance and utilities to be paid by CEACA.*

CARRIED 7/0

Agenda Reference:	11.1.6
Subject:	2017/18 Rating Provisions
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Reference Number:	
Disclosure of Interest:	N/A
Date:	4 May 2017
Author:	Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

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

Rate Instalments

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

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

Rubbish Charges

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

Interest and Administration Charges

Interest on Instalments

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

Interest Penalties

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

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

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

Administration Charge

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

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

Instalments Not Available if Payment in Arrears

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

Instalments Not Available for Small Amounts

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

Discounts

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

2016/2017 Rates Review

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

1. Discount

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

Amount of rates received within the discount period;

2006/07	79.81%	(5%)
2007/08	75.00%	(5%)
2008/09	80.24%	(5%)
2009/10	71.52%	(5%)
2010/11	74.00%	(5%)
2011/12	69.50%	(5%)
2012/13	68.18%	(5%)
2013/14	64.76%	(5%)
2014/15	62.22%	(5%)
2015/16	65.57%	(4%)
2016/17	65.39%	(2%)

2. Prizes for early payment of rates

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

3. Instalments Revenue

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

4. Non-payment Penalty

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

COMMENT

Rate Instalments

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

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

Interest of Instalments

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

Interest Penalties

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

Proposed Payment Options:

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

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

Administration Charges

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

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

Discount / Prizes

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

May 2016 Council Meeting

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

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

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

<u>Option</u>	<u>Due By</u>
Option A - One Payment	31 st August 2016
Option B – 2 Instalment Option	50% due 31 st August 2016 50% due 9 th January 2017
Option C – 4 Instalment Option	25% due 31 st August 2016 25% due 26 th September 2016 25% due 9 th January 2017 25% due 13 th March 2016
Option D – Special Arrangement	Arrangements made prior to 31 st August 2016 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2017.

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

CARRIED 6/1
ABSOLUTE MAJORITY

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

Recommendation

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

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

Rate Increase

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

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

October 2016 Council Meeting

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

That Council adopts;

1. *Rate increases of:*

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

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

CARRIED 6/0

Valuation and Rate Model Summary

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

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

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

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

FINANCIAL IMPLICATIONS

- Shire of Kellerberrin 2017/18 Budget

POLICY IMPLICATIONS –

POLICY NUMBER - 1.1.2

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

Purpose

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

Policy

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

STATUTORY IMPLICATIONS –

Local Government Act 1995 (as amended)

6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
 - (a) 4 equal or nearly equal instalments; or
 - (b) Such other method of payment by instalments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
 - (a) By a single payment; or
 - (b) By such instalments as are remaining under subsection (1) (a) or (b) for the remainder of that financial year.

- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
 - (a) Provide for the manner of making an election to pay by instalments under subsection (1) or (2);
 - (b) Prescribe circumstances in which payments may or may not be made by instalments;
 - (c) Prohibit or regulate any matters relating to payments by instalments;
 - (d) Provide for the time when, and manner in which, instalments are to be paid;
 - (e) Prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
 - (f) Provide for any other matter relating to the payment of rates or service charges.

6.46. Discounts

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

** Absolute majority required*

6.50. Rates or service charges due and payable

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

6.51. Accrual of interest on overdue rates or service charges

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

** Absolute majority required.*
- (2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.
- (3) Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

- (4) If a person is entitled under the *Rates and Charges (Rebates and Deferments) Act 1992* or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —
- no interest is to accrue in respect of that rate or service charge payable by that person; and
 - no additional charge is to be imposed under section 6.45(3) on that person.
- (5) Regulations may provide for the method of calculation of interest.

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 2.1

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

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

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

LONG TERM FINANCIAL PLAN IMPLICATIONS

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

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

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

COMMUNITY CONSULTATION – Nil

STAFF RECOMMENDATION

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

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

Option

Due By

Option A - One Payment

31st August 2017

Option B – 2 Instalment Option

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

Option C – 4 Instalment Option

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

Option D – Special Arrangement

Arrangements made prior to 31st August 2017 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2018.

2. *Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.*
3. *Administration fee of \$5.00 per reminder rate notice (Options B and C)*
4. *Instalment interest to be levied at 5.5%*
5. *Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date.*
6. *That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.*
7. *That Council recommends a 5.0% increase of the rates revenue for its 2017/18 Draft Budget.*

*** Absolute majority required**

COUNCIL RECOMMENDATION

MIN 070/17 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council;

- 1. Requests that the draft Rates Model for the 2017/18 Financial Year be deferred until the GRV/UV revaluation roll is incorporated into the rate model; and*
- 2. Request a differential rate model be developed and assessed for industrial and commercial properties.*

CARRIED 7/0
ABSOLUTE MAJORITY

Reason:

- 1. The most recent GRV/UV roll has only just been received and was not included in the model.*
- 2. Council recognised the Commercial/Industrial rates applied are not comparative to residence or indicative of use.*

Agenda Reference:	11.1.7
Subject:	2017/18 – Draft Roads and Capital Budget
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Record No.:	
Disclosure of Interest:	N/A
Date:	4 May 2017
Author:	Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

This item is presented for Council to review and ensure Council is satisfactorily prepared to adopt the forthcoming Annual Budget for 17/18. As well as to enable Councillors to agree and submit in priority order their list of works and items they consider deserve inclusion in the Budget where practicable.

In October 2016 Council adopted the revised Long Term Financial Plan which recommended capital expenses of \$2,808,970 for 17/18 to be reviewed when preparing the annual budget;

COUNCIL RECOMMENDATION

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

That Council adopts;

3. *Rate increases of:*

- o. 2017/2018 at 5%
- p. 2018/2019 at 5%
- q. 2019/2020 at 4.5%
- r. 2020/2021 at 4.5%
- s. 2021/2022 at 4.5%
- t. 2022/2023 at 4.5%
- u. 2023/2024 at 3.0%
- v. 2024/2025 at 3.0%
- w. 2025/2026 at 3.0%
- x. 2026/2027 at 3.0%
- y. 2027/2028 at 3.0%
- z. 2028/2029 at 2.5%
- aa. 2029/2030 at 2.5%
- bb. 2030/2031 at 2.5%.

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

CARRIED 6/0

COMMENT

The roads and capital expenditure draft budget for the 2017/18 financial year totals \$2,808,970. The budget for the current 2016/17 financial year totalled \$3,712,922 (excluding CEACA). The 16/17 budget included \$2,408,661 in non-muni funds for expenditure on Capital jobs; Actual cost to Council being \$1,304,261. As adopted in the LTFP Feb 2017 the capital expenses for 17/18 budget included \$1,447,588 in non-muni funds for expenditure on Capital jobs; Actual cost to Council being \$1,331,382. This equates to an increased cost to Council of \$27,121.

However due to vehicles being traded earlier than expected, two more WANDDRRA events and some variations in the works required there will be some changes from the revised LTFP adopted in Feb 2017.

The revised 17/18 budget being recommended for the roads and capital expenditure draft budget for the 2017/18 financial year totals \$4,554,621: including \$3,173,829 in non-muni funds for expenditure on Capital jobs; Actual cost to Council being \$1,370,792.

This equates to an increased cost to Council of \$ 39,410 plus the LTFP increase of \$27,121. However the extra \$39,410 being proposed roads and capital budget is offset by the wages and salaries recommended decrease of \$38,000 (please refer to agenda item on draft Wages and Salaries). Due to staff changes and task reallocations, instead of increasing by 2.1% as the adopted LTFP in real cash terms, although wages have increased for staff, the wages and salaries are decreasing by ~\$800.

Please find attached an extract of the LTFP Schedules including, Statement of Comprehensive Income, Rates Setting Statement and a Summary of percentage changes used in the adopted model. A Comparison report is included to compare the 2016/17 Capital Budget against the 2017/18 Draft Capital Budget.

Please see attached documentation for notes to the Capital Budget.

FINANCIAL IMPLICATIONS

- Shire of Kellerberrin 2017/18 Operating Budget

POLICY IMPLICATIONS

POLICY NUMBER	-	1.41
POLICY NUMBER	-	1.41
POLICY SUBJECT	-	Budget Preparation
DATE OF ADOPTION	-	January 2003
REVIEWED	-	October 2016

Purpose

To ensure Council is satisfactorily prepared to adopt the forthcoming Annual Budget as soon as possible after 30 June each year.

Policy

1. By 30th April in each year, Council coordinates a community meeting for members to provide operating expenditure items for inclusion in the Budget.
2. By 1st May in each year, Councillors agree and submit in priority order, their list of works and items they consider deserve inclusion in the Budget, to the allocated Manager and/or adopted Special Pre-Budget Meeting of the Council to enable costings to be completed.
3. Prior to the end of June each year, a draft Budget document with anticipated end of year figures will be presented to Council.
4. The draft Budget document is to make allowance under the Long Service Leave Policy for cash backed Reserve Fund to be maintained equal to the current Long Service Leave Liability.
5. The Draft Budget Document will make every attempt to include transfer of a total of 100% of plant depreciation into a Plant Reserve Account or include a lump sum amount determined by Council during the adoption of Budget process as a Municipal Fund direct contribution to the Plant Reserve Account.

STATUTORY IMPLICATIONS

Local Government Act 1995

Division 2 — Annual budget

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.
** Absolute majority required.*
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
 - (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

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

STRATEGIC PLAN IMPLICATIONS – Nil

CORPORATE BUSINESS PLAN IMPLICATIONS –

- Corporate Business Plan and
- Asset Management Plans.

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

In February 2017 Council adopted the revised Long Term Financial Plan which recommended capital expenses of \$2,808,970 for 17/18 to be reviewed when preparing the annual budget.

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services
Council Employees
Engineering Consultant

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council adopts the Draft capital expenses schedule totalling \$4,544,621 as presented to be incorporated into Council’s 2017/18 Draft Budget.

COUNCIL RECOMMENDATION

MIN 071/17 MOTION - Moved Cr. McNeil 2nd Cr. White

That Council adopts the Draft capital expense items as presented and be incorporated into Council’s 2017/18 Draft Budget.

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.8
Subject:	April 2017 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th May 2017
Author:	Miss Ashlee Hughes, Finance/Administration Officer

BACKGROUND

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

Trust Fund

EFT & CHQ

TRUST TOTAL	\$ 750.00
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Municipal Fund

Cheque Payments

34200 - 34208	\$ 26,635.81
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EFT Payments

7024 - 7094	\$ 216,470.85
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Direct Debit Payments	\$ 98,983.33
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TOTAL MUNICIPAL	\$ 342,089.99
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COMMENT

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

WCS Concrete Pty Ltd	\$ 97,240.86
Deep Well Rd Reinstatement	

Department of Transport - Trust Direct Debits Licensing Crc	\$ 51,941.55
Licensing Payments - March & April 2017	

Twinkarri Tree Pruning Services	\$ 26,070.00
Tree Pruning	

Water Corporation	\$ 17,895.91
Water Charges at Caravan Park from Feb 2017 - Apr 2017 for various properties	

Great Southern Fuel Supplies	\$ 14,761.45
Fuel Purchases for March 2017	

Deputy Commissioner Of Taxation	\$ 11,398.00
BAS March 2017	

WA Local Government Superannuation Plan Pty Ltd	\$ 8,944.39
Superannuation Contributions	

WA Local Government Superannuation Plan Pty Ltd	\$ 8,864.99
Superannuation Contributions	

Avon Waste	\$ 8,750.91
Domestic Refuse Collection for April 2017	

Steve's Transportables Supply of 6x3m Transportable Male/Female Ablution Block to Kellerberrin Speedway Club	\$ 7,931.00
Alleasing Pty Ltd Gym equipment quarterly lease payment	\$ 7,610.77
Farmways Kellerberrin Pty Ltd 20 tonne porter power, work boots, fox & rabbit baits, 20 tonne porter power, oil, pool chemicals, tool box, light globes & misc. items under \$100	\$ 5,883.40
Kellerberrin Community Resource Centre Library Payment & Information Bay Contribution - Jan, Feb & Mar 2017, Electricity Use Dec 16 to Feb 17	\$ 5,655.00
Brooks Hire Service Pty Ltd hire of brooks excavator march	\$ 4,999.50
Farmways Kellerberrin Pty Ltd Oil, gas & misc. items under \$100	\$ 4,365.30
Synergy Power Consumption from Feb 17 - Mar 17 for various properties	\$ 4,196.75

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2017 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 April 2017, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.

- 1. *Municipal Fund payments totalling **\$342,089.99** on vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling **\$750.00** on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 072/17 MOTION - Moved Cr. O'Neil 2nd Cr. Leake

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

- 1. Municipal Fund payments totalling \$342,089.99 on vouchers EFT, CHQ, Direct payments***
- 2. Trust Fund payments totalling \$750.00 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

Agenda Reference:	11.1.9
Subject:	Direct Debit List and Visa Card Transactions for the month April 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	8 th May 2017
Author:	Codi Mullen, Payroll Officer

BACKGROUND

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

Municipal Fund – Direct Debit List

3-Apr-17	Westnet	Monthly static IP address	\$	4.99
3-Apr-17	Shire of Kellerberrin	EFT Payment	\$	1,832.54
3-Apr-17	Alleasing	Quarterly Gym Equipment Lease Payment	\$	7,610.77
5-Apr-17	Shire of Kellerberrin	Payroll - Click Super	\$	13,154.04
6-Apr-17	National Australia Bank	Connect Fee Access and Usage	\$	51.99
6-Apr-17	Shire of Kellerberrin	Payroll	\$	47,996.67
10-Apr-17	Shire of Kellerberrin	Payroll - Click Super	\$	8,496.10
13-Apr-17	DLL Group	Monthly Photocopier Lease Payment	\$	265.21
13-Apr-17	Australian Taxation Office	BAS April 2017	\$	11,398.00
13-Apr-17	Shire of Kellerberrin	EFT Payment	\$	65,084.41
18-Apr-17	SG Fleet	Monthly Lease Payment	\$	3,752.07
20-Apr-17	Shire of Kellerberrin	Payroll	\$	47,071.75
28-Apr-17	National Australia Bank	BPAY Charges	\$	10.12
28-Apr-17	National Australia Bank	Account Fees - Municipal	\$	38.00
28-Apr-17	National Australia Bank	Account Fees - Trust	\$	56.60
28-Apr-17	National Australia Bank	Merchant Fees	\$	92.88
28-Apr-17	National Australia Bank	Merchant Fees - C/Park	\$	112.11
28-Apr-17	Shire of Kellerberrin	EFT Payment	\$	9,299.18
28-Apr-17	Shire of Kellerberrin	EFT Payment	\$	142,087.26
TOTAL			\$	207,028.25

Trust Fund – Direct Debit List

28-Apr-17	Department Transport	Direct Debit-Licensing Payments Mar 17	\$	52,307.80
TOTAL			\$	52,307.80

Visa Card Transactions

06-Apr-17	Jaycar Pty Ltd	Cameras	\$	509.85
07-Apr-17	Jaycar Pty Ltd	Memory Cards & cords for Cameras	\$	104.85
19-Apr-17	Succulent Foods	Staff Lunch for coverage of staff	\$	56.50
28-Apr-17	National Australia Bank	Card Fee	\$	9.00
TOTAL - CEO			\$	680.20

03-Apr-17	Quality Inn Margaret River	Staff Meal at Conference	\$	49.00
03-Apr-17	BP The Lakes	Fuel KE002	\$	79.00
03-Apr-17	Carbunup River Store	Fuel KE002	\$	63.92
18-Apr-17	Puma Mindarie	Fuel KE002	\$	54.00
20-Apr-17	Kellerberrin Shire	Retain plates	\$	25.30
20-Apr-17	Kellerberrin Shire	Registration KE1	\$	413.10

27-Apr-17	Caltex Star Mart Secret Harbour	Fuel KE002	\$	42.00
28-Mar-17	National Australia Bank	Card Fee	\$	9.00
		TOTAL - DCEO	\$	735.32

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2016/2017

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 073/17 MOTIONS - Moved Cr. O'Neill 2nd Cr. Reid

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

Be adopted.

CARRIED 7/0

Agenda Reference:	11.1.10
Subject:	Financial Management Report for the month April 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th May 2017
Author:	Jennine Ashby, Senior Finance Officer

BACKGROUND

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2016/2017

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in 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 April 2017 comprising;
- (a) Statement of Financial Activity
 - (b) Note 1 to Note 9

Be adopted.

COUNCIL RECOMMENDATION

MIN 074/17 MOTIONS - Moved Cr. McNeil 2nd Cr. White

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

Be adopted.

CARRIED 7/0

DEVELOPMENT SERVICES – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: April 2017
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	4 th May 2017.
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

1. There were three applications received for a "Building Permit" during the April 2017 period. A copy of the "Australian Bureau of Statistics appends.
2. There were nil "Building Permits" issued in the April 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 April 2017 period.
2. Acknowledge the "Return of Building Permits Issued" for the April 2017 period.

COUNCIL RECOMMENDATION

MIN 075/17 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council

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

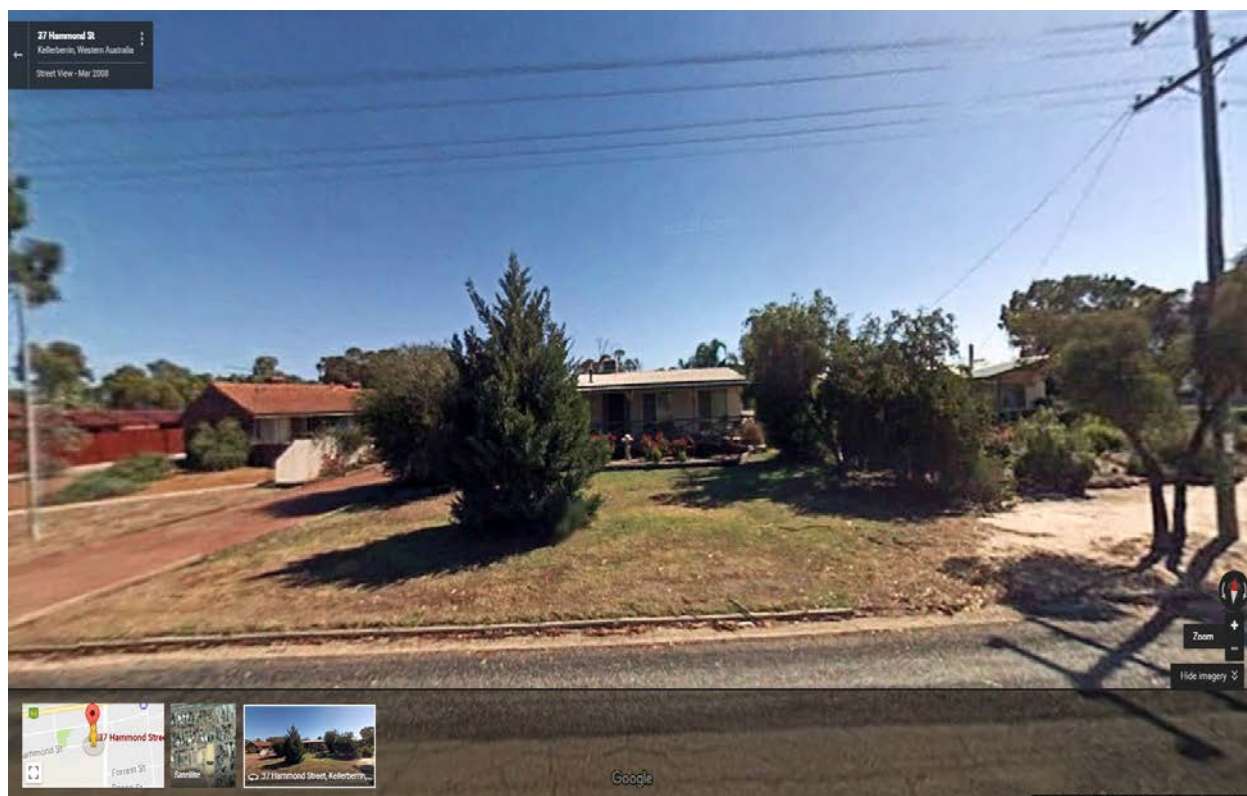
CARRIED 7/0

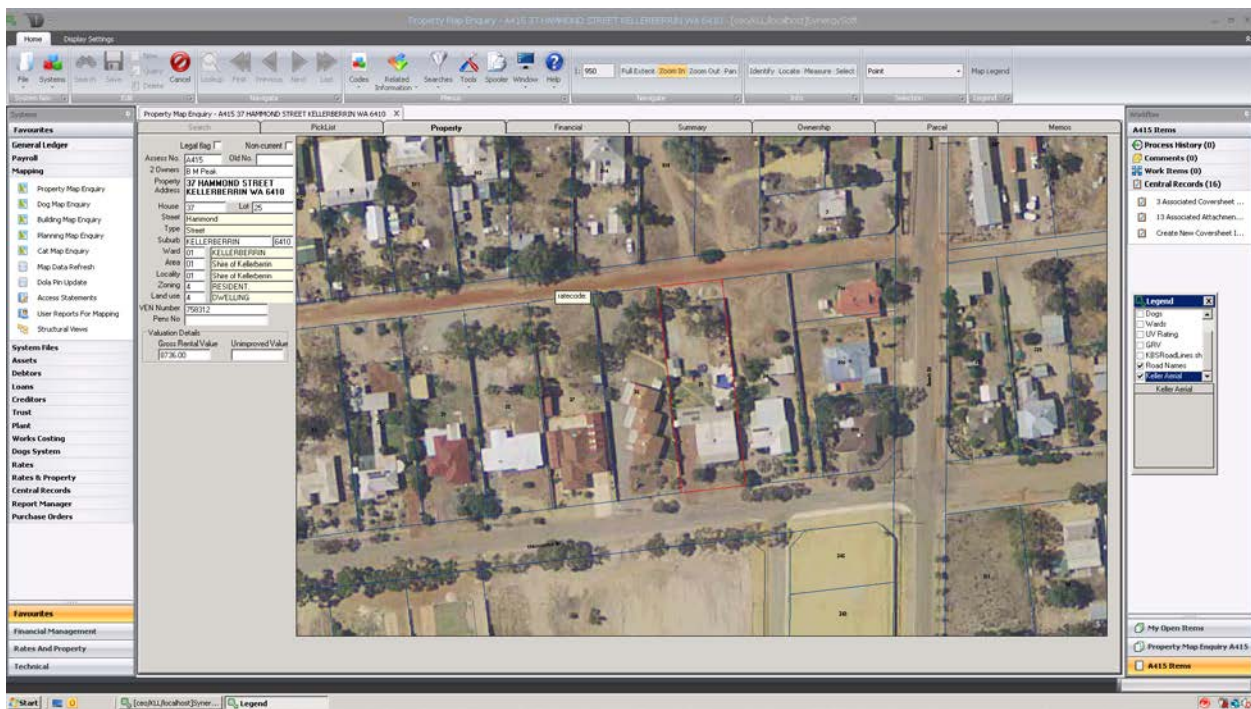
Agenda Reference:	11.2.2
Subject:	Oversize Shed / Outbuilding
Location:	Lot 25, 37 Hammond Street, Kellerberrin.
Applicant:	Mr Brendon Peak
File Ref:	A415
Recorded Ref:	IPA1731
Disclosure of Interest:	Nil
Date:	9 th May 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

An application has been presented to Council from Mr. Brendon Peak to construct a new shed to the rear of the property located at 37 Hammond Street, Kellerberrin for the housing of his hobby vehicles.

The proposed shed is 9m x 8m (72m²) located to the rear of the property as per attached site plan (Appendix 1).





COMMENT

PLANNING ASSESSMENT

The subject lot is zoned Residential (R10/R40) under Local Planning Scheme 4, the objectives of which are:

4.2.1 Residential Zone

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

Part 5 — General development requirements

5.2. Residential Design Codes

Clause 5.2.2 states:

Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

Therefore for the application needs to comply with the R-Codes.

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

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

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

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

Table 2b: Boundary setbacks - Walls with major openings

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	5.1	5.7
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	4.0	4.2	4.5	4.7	4.9	5.7	6.3
6.5	3.0	3.2	3.4	3.6	3.8	4.0	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	5.2	5.5	6.4	7.0
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3
8.0	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	7.0	7.7
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	6.1	6.3	7.3	8.0
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	6.0	6.2	6.4	6.6	6.9	8.0	8.7
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0

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

Compliance with the R-Codes

SETBACKS

Please find above the table for the relevant setbacks indicating what is permitted, as noticed in the table the Shed will be classified under Table 2a and with the wall height classification of 3m and Length 9m the setbacks need to be 1.0m.

As illustrated in the diagram (Appendix 1) provided by Mr Peak the setbacks have been allowed for 1.5m from the Northern and Western Boundary fence therefore the proposal complies with the R-Codes

Residential Design Codes – State Planning Policy 3.1

Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>	5.4 Building design
5.4.3 Outbuildings P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	C3 Outbuildings that: <ol style="list-style-type: none"> are not attached to a dwelling; are non-habitable; collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; do not exceed a wall height of 2.4m; do not exceed ridge height of 4.2m; are not within the primary or secondary street setback area; do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b. 	
5.4.4 External fixtures P4.1 Solar collectors , aerials, antennas, satellite dishes, pipes and external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties.	C4.1 Solar collectors installed on the roof or other parts of buildings . C4.2 Television aerials of the standard type, essential plumbing vent pipes above the roof line and external roof water down pipes. C4.3 Other external fixtures provided they are: <ol style="list-style-type: none"> not visible from the primary street; are designed to integrate with the building; or are located so as not to be visually obtrusive. C4.4 Antennas, satellite dishes and the like not visible from any primary and secondary street .	

The application needs to comply with the Design Principles of the code as illustrated above which then has the Deemed-to-comply table. The proposal in this case complies with the following items:

Items i, ii, v, vi, vii, viii

However the proposed Outbuilding does not comply with the following Deemed-to-comply rules:

iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;

The area of the proposed shed is 72m² plus the original Outbuildings as per the following:

Existing Structures

House: 15 x 14 = 210 m²

Garage: 8.2 x 6 = 49.2m²

Garden Shed: = 9m²

Verandah: = 54m²

Existing Structures Total m² = 322.20m²

Existing Structures and Proposed Structures = Combines Site Coverage: 394.20 m²

OPEN SPACE CALCULATIONS: (As per the R-Codes)

Lot Area 2,023m² x 60% = 1,213.8m² minimum open space required.

Maximum permitted building site coverage: 2,023m² – 1,213.8m² = 809.2m²

Tables									
Page 59									
Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40									
1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ♦	4 Minimum lot area/rear battleaxe (m ²) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m) ●		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*6
	Multiple dwelling	1000	-	-	60	-	7.5	3	*6
R12.5	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	*6
	Multiple dwelling	800	-	-	55	-	7.5	2	*6
R15	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	*6
	Multiple dwelling	666	-	-	50	-	6	1.5	*
R17.5	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
	Multiple dwelling	571	-	-	-	-	6	1.5	*
R20	Single house or grouped dwelling	Min 350 Av 450	450	10	50	30	6	1.5	*
	Multiple dwelling	450	-	-	50	-	6	1.5	*
R25	Single house or grouped dwelling	Min 300 Av 350	425	8	50	30	6	1.5	*
	Multiple dwelling	350	-	-	50	-	6	1.5	*
R30	Single house or grouped dwelling	Min 260 Av 300	410	-	45	24	4	1.5	*
	Multiple dwelling	300	-	-	45	-	4	1.5	*
R35	Single house or grouped dwelling	Min 220 Av 260	395	-	45	24	4	1.5	*
	Multiple dwelling	260	-	-	45	-	4	1.5	*
R40	Single house or grouped dwelling	Min 180 Av 220	380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	380	-	40	16	2	1	*
R60	Single house or grouped dwelling	Min 120 Av 150	380	-	40	16	2	1	*
R80	Single house or grouped dwelling	Min 100 Av 120	380	-	30	16	1	1	*
All standards for single house or grouped dwellings within R100, R160 and R-AC areas are as for the R80 Code									

Legend

♦ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

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

- indicated not applicable

* see Tables 2a and 2b and clause 5.1.3

Av. average site area

OUTCOME OF SITE COVERAGE CALCULATIONS:

Maximum permitted building site coverage: $2,023\text{m}^2 - 1,213.80 = 809.2\text{m}^2$

Existing and Proposed Structures Combined Site Coverage: **394.20m²**

Remaining Permissible Site Coverage: $809.2\text{m}^2 - 394.20\text{m}^2 = 415.00\text{m}^2$

Therefore the area of the total buildings etc on the lot comply with the total area and ensuring that there is sufficient area for open space.

it is the opinion of the officers that this shed won't look out of place nor take up all or majority of the land parcel.

iv. do not exceed a wall height of 2.4m;

The proposed shed has a wall height of 3m. Council can approve the oversized shed application as the shed is within the required setbacks as per Table 2b and the property backs onto a right of way not to another property.

ADVICE NOTES

Should Council approve this application, the following advice note will be included in the Development Approval:

- i. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the *Building Regulations 2012* which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.
- ii. In Accordance with Clause 4.1.3 of the R-Codes the proposal won't adversely impact the adjoining residential property or the street, it is not necessary to seek comment from adjoining owners and occupiers about the proposal.

Council however did contact both adjacent neighbours on the West and East of Mr Brendon Peak and they have advised they have no concerns with the proposal.

FINANCIAL IMPLICATIONS

The cost of this Development Application is \$147.00.

The cost of the Building Permit: to be determined on cost of construction.

Payment of the Builders Services Levy of \$61.65

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

The provisions of the Residential Design Codes and the Building Regulations 2012 are applicable.

Residential Design Codes – State Planning Policy 3.1

- 2.4 Judging merit of proposals Where a proposal does not meet deemed-to comply provision(s) of the R-Codes and addresses design principle(s), the decision-maker is required to exercise judgment to determine the proposal. Judgment of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

2.5 Exercise of judgment

- 2.5.1 Subject to clauses 2.5.2 and 2.5.3, the decision-maker is to exercise its judgment to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes. The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).
- 2.5.2 In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgment, having regard to the following: (a) any relevant purpose, objectives and provisions of the scheme; (b) any relevant objectives and provisions of the R-Codes; (c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and (d) orderly and proper planning.
- 2.5.3 The decision-maker shall not vary the minimum or average site area per dwelling requirements set out in Table 1 (except as provided in the R-Codes or the scheme).
- 2.5.4 The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes and the relevant provisions of the scheme and any relevant local planning policy.
- 2.5.5 For the purpose of the R-Codes, a local structure plan, local development plan or local planning policy, will only be a relevant consideration in the exercise of judgment where it is: (a) specifically sanctioned by a provision of the R-Codes; (b) consistent with the design principles of the R-Codes; and (c) consistent with the objectives of the R-Codes.

4.1 Consultation requirement

- 4.1.1 Where a development proposal is deemed-to comply, it will not require advertising to adjoining owners and occupiers.
- 4.1.2 Where an application is made for planning approval, or other approval process as used by the decision-maker, which presents: (a) a proposal against one or more design principles of the R-Codes; and (b) a possible impact on the amenity of adjoining owners and occupiers; then there may be grounds for the decision-maker to advertise the proposal to these owners and occupiers.
- 4.1.3 Where the decision-maker is to judge the merits of a proposal and: (a) the merits of the proposal are a matter of technical opinion; and (b) the decision-maker is satisfied it will not adversely impact the adjoining residential property or the street, it is not necessary to seek comment from adjoining owners and occupiers about the proposal, except where specifically required by the scheme or relevant local planning policy.
- 4.1.4 The provisions of clauses 4.2 and 4.3 apply to provide for adjoining owners and occupiers, who in the opinion of the decision-maker are likely to be affected, to view and comment on the proposal.
- 4.1.5 Where a matter is advertised for comment the notification should direct adjoining owners and occupiers to focus their comments to the particular design principle(s) that the proposal is addressing.
- 4.1.6 The decision-maker, upon receipt of any comment(s) from adjoining owners and occupiers, is required to consider and balance comment(s) with its technical opinion when it exercises its judgement to determine the proposal.

4.2 Consultation procedure

- 4.2.1 In the circumstances prescribed in clause 4.1, any owner and occupier of adjoining properties, as identified by the decision-maker, shall be notified of the:

- a) site and general nature of the proposal(s);
- b) nature of the proposal involved;
- c) availability to view details of the proposals; and
- d) due date by which any comments are to be lodged with the decision-maker, being at least fourteen (14) days after date of posting of notification, or as specified within the scheme, and invited to comment on that part of the proposed development that does not meet the deemed-to-comply provisions of the R-Codes.

4.2.2 Where no response is received within the time specified from the date of notification, the decision-maker may determine the proposal on its merits and issue its decision.

4.2.3 Where a notification has been satisfactorily carried out (in the opinion of the decision-maker) by the proponent, and comments are provided which accompany the proposal, the decision-maker may consider and determine the proposal without further notification.

The decision-maker shall be satisfied the information provided and comments tendered are accurate and verified subject to the notification of the information in clause 4.2.1 and proof of posting by registered post provided to the decision-maker.

4.2.4 Where the decision-maker considers a proposal to be unacceptable it may determine to refuse the proposal without undertaking neighbour consultation.

4.3 Opportunity to respond

4.3.1 A summary of all comments received in response to an invitation under clause 4.2 shall be provided to the proponent on request and, if so requested, a period of not more than 10 days should be allowed within which the proponent may submit a response to the comments prior to the decision-maker considering the proposal. In making a determination, the decision-maker shall consider the comments made and the proponent's response to the comments made on the proposal.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Manager Development Services
 Chief Executive Officer
 WA Planning Commission
 Lewis York – Planning Consultant
 Mrs Karen Clarke
 Mr Peter Shepherd

STAFF RECOMMENDATION

That Council

1. *Provide conditional approval for the proposed construction of a shed that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:*
 - a. *427.24m² for collective outbuildings, with the R-Code specification being 60m²*
 - b. *600mm for wall height, with the R-Code specification of 2.4m*

GENERAL CONDITIONS:

- i. *Consultation with the Neighbours is not required as per Clause 4.1.3 as it is the opinion of Council that this proposal will not adversely affect the neighbour or the Street.*
- ii. *The proposed shed be in colour schemes to suit the current dwelling or fencing to ensure the outbuildings fit aesthetically with the area.*
- iii. *Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.*
- iv. *The development hereby permitted must substantially commence within two years from the date of this determination notice.*
- v. *The development hereby permitted taking place in accordance with the plans received 2nd May 2017*
- vi. *Use of the building shall be for domestic purposes only.*
- vii. *The outbuilding shall not be used for human habitation at any given time.*

COUNCIL RECOMMENDATION

MIN 076/17 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council

- 1. Provide conditional approval for the proposed construction of a shed that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:***
 - a. 427.24m² for collective outbuildings, with the R-Code specification being 60m²***
 - b. 600mm for wall height, with the R-Code specification of 2.4m***

GENERAL CONDITIONS:

- i. Consultation with the Neighbours is not required as per Clause 4.1.3 as it is the opinion of Council that this proposal will not adversely affect the neighbour or the Street.***
- ii. The proposed shed be in colour schemes to suit the current dwelling or fencing to ensure the outbuildings fit aesthetically with the area.***
- iii. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.***
- iv. The development hereby permitted must substantially commence within two years from the date of this determination notice.***
- v. The development hereby permitted taking place in accordance with the plans received 2nd May 2017.***
- vi. Use of the building shall be for domestic purposes only.***
- vii. The outbuilding shall not be used for human habitation at any given time.***

CARRIED 7/0

Agenda Reference:	11.2.3
Subject:	Town Planning Scheme 4, Amendment 3
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	TPLAN 08
Disclosure of Interest:	N/A
Date:	10 th May 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's December 2017 Ordinary Council Meeting - Tuesday 20th December 2016.

Council adopted an amendment to the Town Planning Scheme 4 being Amendment 2 to incorporate the Deemed Provisions into Council's Town Planning Scheme.

The Full minute hasn't been included in the background information purely due to the excessive size of the recommendation and pages it will utilise.

MIN 211/16 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council:-

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

Council's November Ordinary Council Meeting - Tuesday 17th November 2015.

MIN 194/15 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council Pursuant to Section 50 (3) of the Planning & Development Act 2015 hereby support the Local Planning Scheme 4, Amendment 1 without modification.

CARRIED 7/0

Council's August Ordinary Council Meeting - Tuesday 18th August 2015.

MIN 143/15 MOTION - Moved Cr. Leake 2nd Cr. Daley

That Council

1. ***Pursuant to Section 75 of the Planning & Development Act 2005, hereby amends the above Local Planning Scheme 4 by:***
 - a. ***rezoning Lot 2 and portion of Lot 3777 Great Eastern Highway, KELLERBERRIN, from 'Special Use - SU3' and 'General Agriculture' to a new 'Special Use – SU 3' as more clearly shown on the Scheme Amendment Map.***
 - b. ***Amending Special Use in Schedule 4 – Special use zones by deleting Special use zone No 3 and inserting a new Special use No 3 zone***
2. ***Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;***
3. ***Forward the Town Planning Scheme Amendment to the Environmental Protection Authority, requesting that the level of assessment for the amendment be set***

***pursuant to Section 48A of the Environmental Protection Act 1986 (as amended);
and***

4. Upon receipt of the level of assessment from the Environmental Protection Authority, advertise the amendment for a period of 42 days via the placement of an advertisement in a locally circulating newspaper, erection of a notice in the Shire Offices and the posting of notices to affected parties and servicing agencies

5. Ensure that Main Roads WA have approved the additional access to highway.

CARRIED 6/0

COMMENT

Council has been receiving several enquiries and discussions around accommodation on farm for employee's and family members as group dwellings.

Currently under the scheme this use isn't permitted as grouped dwellings. In addition Council doesn't have a line item in the zoning tables for ancillary accommodation therefore cannot be considered under this parameter.

In the current climate and the possibilities of increasing demand on seasonal workers the employee accommodation onsite is going to become an issue for Council. Therefore the opportunity to provide discretionary use for group dwellings with guidelines within the scheme provides flexibility for all.

Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) came into effect on 19 October 2015. They replace the *Town Planning Regulations 1967* and associated Model Scheme Text (MST). The regulations are a major part of the planning reform agenda being undertaken by the State Government.

The regulations consist of three elements being:

- Regulations that govern the preparation and amendment of local planning strategies and schemes, and the review of local planning schemes;
- Model Scheme Provisions (Schedule 1) that should be followed in all local planning schemes; and
- Deemed Provisions (Schedule 2) that automatically apply in every operational local planning scheme in Western Australia.

Local Planning Strategies and Schemes

The processes for adopting local planning strategies and schemes are consistent with those contained in the previous regulations.

Scheme amendments

The regulations introduce a track based approach to local planning scheme amendments that enables amendments to be classified as either a basic, standard or complex amendment.

The amendment types are defined in r34, and can be summarised as follows:

Basic: an amendment of an administrative nature including:

- correction of an administrative error
- incorporating model provisions
- compliance with the deemed provisions
- compliance with an Act or State Planning Policy
- zoning of land that is consistent with an approved structure plan, where the zones exist within the schemes

Standard: an amendment that is:

- consistent with a zone or reserve
- consistent with a local planning strategy
- consistent with a structure plan but the zones do not exist within the scheme
- considered to have minimal impact on surrounding land
- not basic or complex

Complex: an amendment that is:

- not consistent with a local planning strategy
- not addressed in a local planning strategy
- to be made at the direction of the Minister
- for a development contribution area or development contribution plan
- of a scale that is significant relative to development in the locality.

The classification of an amendment in turn influences the consultation requirements and timeframes in which the amendment must be dealt with. The public consultation requirements have been amended, in addition to timeframes now being imposed on both the local government and WAPC for processing of the amendment, as outlined in the table below:

Scheme Amendment type	Advertising	Local government consideration period (post advertising)	WAPC timeframe to make recommendation to Minister
Basic	No advertising required Amendment to be provided to WAPC within 21 days of Council resolution to prepare or adopt	N/A	42 days
Standard	42 days	60 days post end date of submission period	60 days
Complex	60 days *WAPC approval required prior to advertising	90 days post end date of submission period	90 days

A local government can apply to the WAPC for an extension of the consideration period. The WAPC can extend their timeframe to make a recommendation to the Minister subject to the approval of the Minister or an authorised person. There are no timeframes imposed on the Minister to make a decision.

A Council resolution will still be required to prepare or adopt a scheme amendment and the resolution will need to specify the classification of the amendment and an explanation as to why the amendment type is appropriate.

Model Provisions

The model provisions are to be used when new planning schemes are being prepared. They contain the scheme provisions in regard to matters such as the zones and reserves, objectives, land use permissibility, development standards and special control areas. The model provisions can be varied, subject to the approval of the Minister.

Deemed Provisions

Section 257B of the *Planning and Development Act 2005* provides the ability for deemed provisions to be enforced as part of each local planning scheme to which they apply.

From the 19 October 2015, the deemed provisions contain in Schedule 2 of the regulations, form part of Scheme No. 4. Where there is a conflict or inconsistency between the provisions of

Scheme No. 4. and the deemed provisions, the deemed provisions prevail. The Shire is required to comply with, and where appropriate, enforce the deemed provisions, as they form part of the Scheme. .

The deemed provisions deal primarily with administrative matters of the scheme, including information to be submitted with a development application, advertising of applications, matters to be considered when determining applications and the determination of development applications.

The deemed provisions do also detail when development approval is not required (exempt development).

The deemed provisions cannot be varied. Supplemental provisions can be approved by the Minister, including additional exemptions from development approval.

Amendment Classification

In respect to Amendment No. 3 it is recommended that it be classified by Council as a Standard amendment pursuant to Regulation 34 (c), given that it proposes to minimal impact on surrounding land and isn't a basic or complex amendment.

In respect to the form which Council's resolution to prepare the amendment must take, new regulation 35 (1) requires that this be in a form approved by the WAPC. The DoP has published a Form 2A for this purpose, and this report's recommendation is provided to be consistent with this form.

The next steps in the procedure for a Standard amendment requires:

- the amendment to be advertised for 42 days and provide notification to lead agencies;
- the amendment to be referred to the Environmental Protection Authority to determine whether it needs to be assessed under the Environmental Protection Act;
- the amendment at the close of the advertising period is to be presented back to Council for adoption with or without modification.
- The amendment is to be presented to the WA planning commission

FINANCIAL IMPLICATIONS –

There will be costs associated with advertising the Town Planning Scheme Amendment and also gazetting the amendment.

POLICY IMPLICATIONS - NA

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015.

STRATEGIC PLAN IMPLICATIONS:

Strategic Priority 1.3

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

Goal 1.3.1	To create visually appealing and inviting public and recreational places that complies with good planning and design principles.
Council's Role	<ul style="list-style-type: none">■ To facilitate discussions with community members to identify priority community infrastructure upgrades■ To develop and implement a program of visual improvements throughout the Shire.■ To facilitate discussions with external parties, state and federal agencies for funding to support improvement programs and/or partnerships to deliver and

	<p>provide community facilities and amenities.</p> <ul style="list-style-type: none"> ■ To work with contractors and service providers in delivering facilities and amenities that complies with legislative requirements and best practice planning and design principles.
Goal 1.3.2	To plan and design assets and facilities to address community needs and expectations.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with community members / key users of community / public facilities to identify needs and requirements ■ To develop a program to upgrade / develop new community facilities ■ To collaborate with external parties / agencies on the possibility of working together to deliver major infrastructure ■ To lobby state / federal agencies for community funds to facilitate development of public / community facilities

Strategic Priority 2.1

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

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(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
WA Planning Commission
Lewis York – Planning Consultant

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Kellerberrin Planning Scheme No. 4 by:

1. Modify Table 1 – Zoning Table to make ‘Grouped Dwelling’ a discretionary (‘D’) use in the ‘General Agriculture’ zone.
2. Insert the following provisions into Part 5 of the Scheme:

‘5.18 - Additional dwellings

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

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

COUNCIL RECOMMENDATION

MIN 077/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council pursuant to Section 75 of the Planning and Development Act 2005, amend Shire of Kellerberrin Planning Scheme No. 4 by:

1. Modify Table 1 – Zoning Table to make ‘Grouped Dwelling’ a discretionary (‘D’) use in the ‘General Agriculture’ zone.
2. Insert the following provisions into Part 5 of the Scheme:

'5.18 - Additional dwellings

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

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

And the existence of more than one dwelling on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.

CARRIED 7/0

Agenda Reference:	11.2.4
Subject:	Group Dwelling Application – 14 Independent Living Units
Location:	49-53 Hammond Street, Kellerberrin
Applicant:	Central East Aged Care Alliance
File Ref:	IPA1733, Ass 480 & Ass 481
Disclosure of Interest:	Nil
Date:	10 th May 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council has been working in conjunction with eleven (11) other Council's known as Central East Aged Care Alliance (CEACA) to progress Aged Care Services within the communities of CEACA.

CEACA has been working on several platforms regarding Aged Care Services though has been extensively working on Accommodation within the eleven communities as a priority.

Council's October Ordinary Meeting of Council – 18th October 2016

MIN 170/16 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council:

4. *Authorise the Chief Executive Officer to give local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of lots 1 and 31 Hammond Street Kellerberrin to the Central East Aged Care Alliance Inc. (CEACA) on the following terms:*
 - a. *At no cost, as the land is Councils in-kind contribution to the CEACA senior housing project;*
 - b. *A clause is inserted in the CEACA constitution that should CEACA no longer be viable the asset is transferred back to the Shire of Kellerberrin at no cost to Council;*
 - c. *All outgoings including rates, insurance and utilities to be paid by CEACA.*
5. *If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of land documentation.*
6. *If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.*

CARRIED 6/0

Council's July Ordinary Meeting of Council – 27th July 2016

MIN 124/16 MOTION - Moved Cr. White 2nd Cr. Reid

That Council;

6. *Commit to an allocation of \$20,000 per Independent Living Unit constructed in Kellerberrin as part of CEACA's Stage 2 project.*
7. *Commit to an allocation of \$7,200 per each Land Assembly as part of CEACA's Stage 1 Project*
8. *Commit to an allocation of \$7,200 per each Land Assembly as part of CEACA's Stage 2 Project*
9. *Allocate a total of \$380,800 in its 2016/2017 Annual Budget to cover the commitments to CEACA for Land Assembly and Independent Living Units Construction through Stage 1 and Stage 2.*
10. *Fund the \$380,800 through the raising of a loan over a ten year period.*

CARRIED 7/0
BY ABSOLUTE MAJORITY

MIN 156/14 MOTION - Moved Cr. Bee 2nd Cr. Leake

That Council:

- 4. Endorse the Heads of Agreement between Access Housing and Central East Aged Care Alliance;***
- 5. Authorise the Committee to execute the agreement;***
- 6. Request the document be presented to the December WEROC Council meeting for final adoption.***

CARRIED 6/0

COMMENT

CEACA in May of last year received the funding for the construction of 75 new units within the CEACA Councils.

CEACA's consultants Access Housing along with Edgefield Projects have been working towards progressing the construction through delivering plans and information for Development Applications and furthermore to the development of a building permit.

PLANNING ASSESSMENT

The subject lot is zoned Residential (R10/R40) under Local Planning Scheme 4, the objectives of which are:

4.2.1 Residential Zone

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

Part 5 — General development requirements

5.2. Residential Design Codes

Clause 5.2.2 states:

Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

Therefore for the application needs to comply with the R-Codes.

Compliance with the R-Codes

SETBACKS

Please find below the table for the relevant setbacks indicating what is permitted, as noticed in the table the unit constructions will be classified under Table 2b and with the wall height classification of 3.5m or less and Length is 9m or less as the biggest wall length is in the design of Unit B2 which is 8.04m, therefore the setbacks need to be 1.5m.

Land Use Permissibility

The subject site is currently zoned R10 / R40 under the Shire of Kellerberrin's Local Planning Scheme 4 (LPS4). The Residential zone allows for Aged and Dependent Persons Dwellings as-of-right indicated as a "P" use in the Scheme zoning table, though development of this use at the higher R40 density requires Council discretion and is considered a "D" use. As such the proposal is consistent with the intended land use for the zone and it can be approved by Council if it supports the development.

Density

The site area of the subject site is 1.08ha, though the area of this proposed to be used for development under this application is approximately 5,966m². The proposal is for 14 Aged Persons' units on site, which translates into an average site area of 426m². This is more than required under the Residential R40 zoning which allows for a minimum average site area per dwelling of 220m².

There is no current proposal to subdivide these dwellings off into separate titles.

Open Space

The R40 development standards require at least 45% of the site to be retained as open space. The current Stage 1 development proposes 4,616m² or 77% of open space, considerably exceeding the minimum set by SPP3.1 (Residential Design Codes) for this zone.

Setbacks and Building Height

The Residential R40 zone requires dwellings to be set back minimum 4m from the Primary Street and 1m from any secondary street. A 1.5m setback is required from any side or rear boundary for single storey development with major openings (windows). This proposal maintains a minimum of 4m setback from Hammond Street, and 1.5m from the rear right-of-way boundary.

The R40 allows for buildings up to 6m in height (plate height) and 9m at the top of roof. The current application proposes all single level dwellings with a maximum height of 4.1m.

Residential Design Codes – State Planning Policy 3.1

The development is compliant with the below Table 1 with the houses adhering to the Minimum site areas per dwelling, open space requirements and the Minimum setbacks in both Table 1 and Table 2a.

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

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

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

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

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

- indicated not applicable

* see Tables 2a and 2b and clause 5.1.3

Av. average site area

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

Table 2a: Boundary setbacks – walls with no major openings															
Wall height (m)	Wall length (m)														
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25	
3.5 or less*	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.7	1.7	1.8	
4.5	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.7	1.7	1.7	1.8	2.0	
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3	
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5	
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8	
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0	
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3	
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5	
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8	
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1	
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3	
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6	
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8	

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

* Possible nil setback in accordance with clause 5.1.3.

Table 2b: Boundary setbacks - Walls with major openings

Table 2B: Boundary setbacks – walls with major openings															
Wall height (m)	Wall length (m)														
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25	
3.5 or less*	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0	
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4	
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	5.1	5.7	
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0	
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	4.0	4.2	4.5	4.7	4.9	5.7	6.3	
6.5	3.0	3.2	3.4	3.6	3.8	4.0	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6	
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	5.2	5.5	6.4	7.0	
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3	
8.0	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	7.0	7.7	
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	6.1	6.3	7.3	8.0	
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3	
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	6.0	6.2	6.4	6.6	6.9	8.0	8.7	
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0	

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

Please find attached a Planning Report from Edgefield Projects which highlights this and provides evidence of compliance.

OPEN SPACE CALCULATIONS: (As per the R-Codes)

Tables

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Table 3: Maximum building heights

Maximum building heights (i)	Category		
	A	B	C
Tops of external wall (roof above) (ii)	3m	6m	9m
Top of external wall (concealed roof)	4m	7m	10m
Top of pitched roof (iii) (iv)	6m	9m	12m

- i. Category B will apply unless a **scheme**, the relevant **local planning policy**, **local structure plan** or **local development plan** requires the application of category A (generally single level **development**) or category C (development on three levels) or an alternative standard.
- ii. Gable walls above eaves height:
- less than 9m long: exempted
 - greater than 9m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height.
- iii. Applies to ridges greater than 6m long. Short ridges: add 0.5m height for each 2m reduction in length.
- iv. Applies to roof pitches up to 25 degrees. In some localities steeper pitches may be required and greater height permitted in accordance with the provisions of the **scheme**, the relevant **local planning policy**, **local structure plan** or **local development plan**.

Table 4: General site requirements for multiple dwellings in areas coded R40 or greater, within mixed use development and/or activity centres

1	2	3	4	5	6
R-Code	Maximum plot ratio	Minimum open space (% of site)	Minimum primary street boundary setback (m)	Secondary street setback (m)	Maximum height * (m)
					Top of external wall Top of external wall (concealed roof) Top of pitched roof
R40	0.6	45	4	1.5	6 7 9
R50	0.6	45	2	2	9 10 12
R60	0.7	45	2	2	9 10 12
R80	1.0	(b)	2	2	12 13 15
R100	1.25	(b)	2	2	12 13 15
R160	2.0	(b)	2	2	15 16 18
Multiple dwellings within mixed use development and activity centres					
R-AC0(b)	(b)	(b)	(b)	(b)	(b)
R-AC1	3.0(c)	(c)	2	2(c)	27(c) 28(c) 30(c)
R-AC2	2.5(c)	(c)	2	2(c)	20(c) 21(c) 23(c)
R-AC3(d)	2.0(c)	(c)	2	2(c)	18(c) 19(c) 21(c)

Notes:

- (a) Maximum height as defined in Table 4 does not supersede any height controls which are defined in **scheme**, the relevant **local planning policy**, **local structure plan** or **local development plan**.
- (b) Refer to local structure plan or local development plan which sets out **development** requirements.
- (c) Controls can be varied when R-AC is introduced into a scheme.
- (d) Residential elements of **mixed use development** within non R-Coded land is to be assessed against R-AC3 provisions.
- (e) **Residential development** in land zoned "R-IC" is to be assessed under the provisions of R-AC3.
- (f) **Plot ratio** defined within R-AC R-Codes are for the residential component within mixed use development and activity centres.

FINANCIAL IMPLICATIONS

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

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

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Shire of Kellerberrin – Town Planning Scheme 4

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	X	D	X
Home business	D	D	X	D	D	D
Home occupation	D	D	X	D	D	D

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
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

5.3. Special application of Residential Design Codes

- 5.3.1 The Residential Design Code for land zoned 'Residential' and 'Commercial' shall be R10/40 unless otherwise indicated on the Scheme Maps.
- 5.3.2 Residential development with the R10/40 code shall be permitted at the R10 density, however the Council may approve developments up to the R40 density as a 'D' use.
- 5.3.3 The Council shall only support subdivision in accordance with the R10 Coding, unless a development approval at the higher coding of R40 has been approved.

The provisions of the Residential Design Codes and the Building Regulations 2012 are applicable.

Residential Design Codes – State Planning Policy 3.1

- 2.4 Judging merit of proposals Where a proposal does not meet deemed-to comply provision(s) of the R-Codes and addresses design principle(s), the decision-maker is required to exercise judgment to determine the proposal. Judgment of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

2.5 Exercise of judgment

- 2.5.1 Subject to clauses 2.5.2 and 2.5.3, the decision-maker is to exercise its judgment to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes. The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).
- 2.5.2 In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgment, having regard to the following: (a) any relevant purpose, objectives and provisions of the scheme; (b) any relevant objectives and provisions of the R-Codes; (c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and (d) orderly and proper planning.
- 2.5.3 The decision-maker shall not vary the minimum or average site area per dwelling requirements set out in Table 1 (except as provided in the R-Codes or the scheme).

- 2.5.4 The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes and the relevant provisions of the scheme and any relevant local planning policy.
- 2.5.5 For the purpose of the R-Codes, a local structure plan, local development plan or local planning policy, will only be a relevant consideration in the exercise of judgment where it is: (a) specifically sanctioned by a provision of the R-Codes; (b) consistent with the design principles of the R-Codes; and (c) consistent with the objectives of the R-Codes.

4.1 Consultation requirement

- 4.1.1 Where a development proposal is deemed-to-comply, it will not require advertising to adjoining owners and occupiers.
- 4.1.2 Where an application is made for planning approval, or other approval process as used by the decision-maker, which presents: (a) a proposal against one or more design principles of the R-Codes; and (b) a possible impact on the amenity of adjoining owners and occupiers; then there may be grounds for the decision-maker to advertise the proposal to these owners and occupiers.
- 4.1.3 Where the decision-maker is to judge the merits of a proposal and: (a) the merits of the proposal are a matter of technical opinion; and (b) the decision-maker is satisfied it will not adversely impact the adjoining residential property or the street, it is not necessary to seek comment from adjoining owners and occupiers about the proposal, except where specifically required by the scheme or relevant local planning policy.
- 4.1.4 The provisions of clauses 4.2 and 4.3 apply to provide for adjoining owners and occupiers, who in the opinion of the decision-maker are likely to be affected, to view and comment on the proposal.
- 4.1.5 Where a matter is advertised for comment the notification should direct adjoining owners and occupiers to focus their comments to the particular design principle(s) that the proposal is addressing.
- 4.1.6 The decision-maker, upon receipt of any comment(s) from adjoining owners and occupiers, is required to consider and balance comment(s) with its technical opinion when it exercises its judgement to determine the proposal.

SHIRE OF KELLERBERRIN - FENCING LOCAL LAW 2016

PART 2—FENCES

Division 1—Sufficient fences

2.1 Sufficient Fences

- (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.
- (2) Pursuant to section 24 of the *Dividing Fences Act 1961* and subject to subclauses (3), (4) and (5), a sufficient fence—
- (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
 - (b) on a town centre lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;

- (c) on an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3A;
 - (d) on a general agriculture lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4; and
 - (e) on a rural residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A.
- (3) Where a fence is erected on or near the boundary between a residential lot and a town centre lot, industrial lot, general agriculture lot or a rural residential lot a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2.
- (4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.
- (5) Notwithstanding any other provisions in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design where—
- (a) it is greater than 1,800 millimetres in height; or
 - (b) the Building Survey or so requires.
- (6) ***Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained to such a fence.***

Schedule 2

RESIDENTIAL LOT

[Clause 2.1(2)(a)]

Specifications for a sufficient fence on a residential lot

1. Categories A,B,C,D,E & Fin this Schedule, with minimum and maximum specifications as stated, is a sufficient fence on a residential lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(1) Height: 1,800 millimetres except with respect to the front or rear setbacks;
Minimum height: subject to requirements and standards of local planning scheme;

(A) Timber fence

A fully enclosed timber fence is to be built to manufacturer's specifications or in accordance with established construction techniques.

(B) Corrugated fence

A fence constructed of corrugated fibre-reinforced pressed cement or steel-sheeting constructed to manufacturer's specifications or which otherwise satisfies the following specifications—

- (a) length: minimum in-ground length of 25 per cent of the total length of the sheet; depth: minimum in-ground depth of 600 millimetres;
- (b) total height and depth of fence to consist of a single continuous fibre-reinforced cement steel sheet;
- (c) corrugated sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and
- (d) height: 1,800 millimetres except with respect to the front setback area; minimum height: subject to requirements and standards of local planning schemes.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer
WA Planning Commission
Lewis York – Planning Consultant
Edgefield Projects
Access Housing

STAFF RECOMMENDATION

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

GENERAL CONDITIONS:

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

COUNCIL RECOMMENDATION

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

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

GENERAL CONDITIONS:

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

CARRIED 7/0

11.3 WORKS & SERVICES – AGENDA ITEMS

Nil Items

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

Nil Items

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

COUNCIL RECOMMENDATION

MIN 079/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council receive Late Items

CARRIED 7/0

Agenda Reference:	13.1
Subject:	Sale of Vacant Land
Location:	Lot 5 Forrest Street, Kellerberrin
Applicant:	Mr Allan Borwick
File Ref:	A565
Disclosure of Interest:	Nil
Date:	11 th May 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 10th May 2017 received correspondence from Mr Allan Borwick of Unit 1/14 Gibbings Street, Northam, WA 6401 offering to purchase the vacant block.

Mr Borwick is offering Council \$5,800 cash for the vacant block.

COMMENT

Last year, Council sold Lot 5 David Court, Kellerberrin for \$2,500.

Staff have received a market appraisal from Livestock and Land as per below.

Livestock and Land - Between \$5,000 to \$6,000 per block.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2016/2017 Budget – Council in its Budget review have allocated \$15,500 for the sale of land.

This is mainly for the Industrial Area lots though the EDSCO sale might not occur prior to the end of the financial year.

Therefore the budget review figure will be very close to the mark with Lot 302 sale of over \$11,000 and this proposed sale.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

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

and

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

3.59. Commercial enterprises by local governments

- (1) *In this section —*

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

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

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

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

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

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

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

major trading undertaking *means a trading undertaking that —*

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

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

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

- (2) *Before it —*

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

a local government is to prepare a business plan.

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

- (a) *its expected effect on the provision of facilities and services by the local government;*
- (b) *its expected effect on other persons providing facilities and services in the district;*
- (c) *its expected financial effect on the local government;*
- (d) *its expected effect on matters referred to in the local government’s current plan prepared under section 5.56;*

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 1.2

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

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

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:

1. *approves the sale of Lot 5 Forrest Street Kellerberrin by private agreement, to Mr Allan Borwick, Unit 1/14 Gibbings Street, Northam, WA 6401 for the sum of \$5,800.00 subject to:*
 - a. *The Chief Executive Officer giving local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of Lot 5 Forrest Street, to Allan Borwick, Unit 1/14 Gibbings Street, Northam, WA 6401.*
 - b. *If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of land documentation.*
 - c. *If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.*

COUNCIL RECOMMENDATION

MIN 080/17 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council:

1. ***approves the sale of Lot 5 Forrest Street Kellerberrin by private agreement, to Mr Allan Borwick, Unit 1/14 Gibbings Street, Northam, WA 6401 for the sum of \$5,800.00 subject to:***
 - a. ***The Chief Executive Officer giving local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of Lot 5 Forrest Street, to Allan Borwick, Unit 1/14 Gibbings Street, Northam, WA 6401.***
 - b. ***If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of land documentation.***
 - c. ***If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.***

CARRIED 7/0

Agenda Reference:	13.2
Subject:	Lease of Doodlakine Quarry
Location:	Reserve #30607 - Mather Road, Doodlakine
Applicant:	Georgiou Group Pty Ltd
File Ref:	ASS-5
Record Ref:	
Disclosure of Interest:	Nil
Date:	16 th May 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's April 2017 Ordinary Meeting of Council

MIN 052/17 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council:

1. ***Acknowledge the advertisement of the Lease to Georgiou Group Pty Ltd in the local Pipeline Newsletter dated 3rd April 2017 in accordance with Section 3.58 Local Government Act 1995.***
2. ***Acknowledge no submissions were received within the 14 day advertising period.***
3. ***Therefore authorise the Chief Executive Officer the power to dispose of Reserve #30607 – Mather Road, Doodlakine (Doodlakine Quarry) to Georgiou Group Pty Ltd Pty Ltd.***
4. ***Authorise the Chief Executive Officer and Shire President to execute the Lease Agreement Drafted by McCleods Lawyers.***
5. ***Advise the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.***

CARRIED 7/0
BY ABSOLUTE MAJORITY

Council's February 2017 Ordinary Meeting of Council

MIN 15/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

1. ***advertises the proposed lease of Reserve #30607 – Mather Road, Doodlakine (Doodlakine Quarry) to Drill Maintenance Australia Pty Ltd in the "Pipeline" in accordance with Section 3.58 of the Local Government Act 1995***
2. ***writes to adjoining land owners seeking their submissions into the proposal***
3. ***authorise the Chief Executive Officer to have McCleods Lawyers draft a Lease Agreement for the Doodlakine Quarry, ensuring appropriate coverage for Council regarding quarries.***
4. ***subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement prepared by McCleods Lawyers with Drill Maintenance Australia Pty Ltd for Reserve #30607 – Mather Road, Doodlakine at an annual lease fee of \$11,000 (Incl. GST); and***
5. ***advise the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.***

CARRIED 5 /0
BY ABSOLUTE MAJORITY

Council over the past few months have been working with its Lawyers and a liquidator over east to have the Quarry returned to Council's ownership due to the previous Lessee Drill Maintenance Australia Pty Ltd going into receivership.

Council has been successful in this process and as of February 2017, now have the lease revoked and back to Council.

COMMENT

Council has since advertising and having the contract sent out to Georgiou for signing have received contact from Georgiou advising that after a site inspection with the Department of Mines and Petroleum.

Georgiou requested that for the contract to be signed and finalised they would require Council to have the Indemnity clause removed due to costs associated in making the area safe for operations for only a twelve week program. They did advise if they had a bigger contract lined up and the requirement for more rock there wouldn't be an issue though the expense currently isn't warranted.

FINANCIAL IMPLICATIONS

POLICY IMPLICATIONS

There are no policy implications.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

STRATEGIC PLAN IMPLICATIONS: Nil

FUTURE PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

Chief Executive Officer
Manager Works and Services
Community through Local Advertising in Pipeline

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council:

1. *Rescinds motion 052/17.*
2. *Advertises the Doodlakine Quarry for Expressions of Interest.*

COUNCIL RECOMMENDATION

MIN 081/17 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council:

1. *Rescinds motion 052/17.*
2. *Advertises the Doodlakine Quarry for Expressions of Interest.*

CARRIED 7/0

CLOSURE OF MEETING

The President thanked all members for the attendance and closed the meeting at 4.50pm.

NEXT MEETING DATES

Tuesday, 20th June 2017, Shire of Kellerberrin - Ordinary Council Meeting.