

# SHIRE OF KELLERBERRIN

## MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 21<sup>st</sup> November 2017, commencing at 6.03 pm.

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

6.03 pm – Mr Raymond Griffiths, Chief Executive Officer declared the meeting open.

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

#### Present:

|                      |  |
|----------------------|--|
| Cr. Forsyth          | President                                |
| 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                  |
| Ms Karen Oborn       | Deputy Chief Executive Officer – Minutes |
| Mr Mick Jones        | Manager Works and Services               |
| Mr Brett Taylor      | Finance Officer/CDO                      |

**Apologies:** Nil

**Leave of Absence:** Nil

### 3. ELECTION OF PRESIDENT

The Chief Executive Officer called for nominations for position of President by Ballot.

Cr Steber nominated Cr Forsyth as Shire President.

Cr Forsyth accepted the nomination. This was the only nomination received.

The Chief Executive Officer declared Cr Forsyth elected unopposed as Shire President for a two year term.

### 4. SWEARING IN OF PRESIDENT BEFORE THE CHIEF EXECUTIVE OFFICER

Cr Forsyth completed the Declaration of Office for Shire President.

### 5. ELECTION OF DEPUTY PRESIDENT

The Chief Executive Officer called for nominations for position of Deputy President by Ballot.

Cr Leake nominated Cr O'Neill as Deputy Shire President.

Cr O'Neill accepted the nomination. This was the only nomination received.

The Chief Executive Officer declared Cr O'Neill elected unopposed as Deputy President for a two year term.

## 6. SWEARING IN OF DEPUTY PRESIDENT BEFORE THE CHIEF EXECUTIVE OFFICER

Cr O'Neill completed the Declaration of Office for Deputy President.

The Shire President thanked Councillors for their endorsement, acknowledged and congratulated the new and returned Councillors.

The Shire President assumed the Chair.

## 7. RESPONSE TO PREVIOUS PUBLIC QUESTION TAKEN ON NOTICE: Nil

## 8. PUBLIC QUESTION TIME:

Mr Robert Stevens – Sea Container Policy.

Question – Did the Council consider in adopting the policy the Chain of Responsibility legislation as Council is requesting the change the structure of the container, therefore if it drives down the road and the items within the container then come out that door during transport?

Statement – The containers utilised for my business will be for temporary storage and then utilised again for transporting on truck and boat with the possible intention of exporting therefore the containers are licenced and can't be modified.

Mr Raymond Griffiths, Chief Executive Officer advised that the intention of the policy was for permanent onsite storage, therefore the need to be modified to meet the Shire's policy.

Council's administration will take the question further on notice and respond accordingly.

## 9. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

## 10. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **21<sup>st</sup> November, 2017**.

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

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

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

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

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

## 11. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 11.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 17<sup>th</sup> October 2017

## COUNCIL RECOMMENDATION

**MIN 197/17 MOTION:** Moved Cr. Steber 2<sup>nd</sup> Cr. Leake

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 17<sup>th</sup> October 2017, be confirmed as a true and accurate record*

CARRIED 7/0

## 12. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION:

13. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS: Nil

## 14. REPORTS OF COMMITTEES/COUNCILLORS

### 14.1 Reports of Committees/Councillors

**MIN 198/17 MOTION:** Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake

*That the Councillors Reports for November 2017 be received.*

CARRIED 7/0

|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.1  |
| <b>Subject:</b>                | Community Requests and Discussion Items       |
| <b>Location:</b>               | Shire of Kellerberrin                         |
| <b>Applicant:</b>              | Shire of Kellerberrin - Council               |
| <b>File Ref:</b>               | Various                                       |
| <b>Disclosure of Interest:</b> | N/A   |
| <b>Date:</b>                   | 1 <sup>st</sup> November, 2017                |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer |

## BACKGROUND

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

|                              |
|------------------------------|
| October 2017 Council Meeting |
|------------------------------|

**MIN 172 /17 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. O'Neill

*That Council;*

1. *Publicly refutes claims and allegations made by Mr Tony Downs in the Local Pipeline issued Monday 16<sup>th</sup> October 2017 as they incorrect claims and allegations.*
2. *Continue with the Council Matters though request it become a one page monthly summary published in the Pipeline and posted on Facebook,*
3. *Ensure that the road sweeper cleans the Main Street in Doodlakine when it undertakes the cleaning in Kellerberrin.*
4. *Check condition of Maley Road and water erosion issues,*
5. *Speak with United Fuels regarding the drain and issues around the new drainage dam for:*
  - a. *Possible use as swimming pool, is this going to be fence or does the drainage need amending;*
  - b. *mosquitos,*
6. *Increases its royalty payment for the supply of gravel form \$0.55 to \$1.00 per cubic metre for gravel but no private works will be undertaken in addition to the payment, and*
7. *Amend the 2017/2018 Road program as per the following;*
  - a. *Remove the Bath Street upgrade at a cost of \$173,387 and*
  - b. *Replace with the reconstruction of a section of Kwoylin West Road, left out 270Lm from SLK 0.12 to 0.39 + the section from 2.05 to 2.95 (just past the southern end Turning Point of the S-bend) – total 1170 Lm. \$181,089 plus GST.*
  - c. *George Street will still be upgraded in 17/18 as the adopted budget for 17/18.*

CARRIED 7/0

|                                |
|--------------------------------|
| September 2017 Council Meeting |
|--------------------------------|

**MIN 152 /17 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. White

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

CARRIED 7/0

**MIN 136/17 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake**

***That Council note;***

- 1. That the CEO has contacted the Main Roads Department of WA and officially reported the poor state of the Great Eastern Highway;***
- 2. Some regional caravan parks offer incentives for visitors to use at local businesses. The Shire of Kellerberrin is liaising with local businesses to consider offering visitors discounts to use local services;***
- 3. Request for road repairs on Old Yelbeni Road where the bitumen has been removed near drain;***
- 4. An inspection to take place for Grading on Beresford Road as it has been reported again, even after works have been completed, it doesn't seem to have been effective from the reports received to Councillors.***

CARRIED 7/0

**October 2017 - MIN 172/17**

1. Noted
2. Council Matters are now a one page monthly summary published in the Pipeline and posted on Facebook.
3. The road sweeper has swept the main street of Doodlakine.
4. Maley Rd condition has been checked and the road graded.
5. United Fuels have been spoken with and 1.8m pool fencing will be erected around the new drainage dam.
6. Price increases have been implemented for the supply of gravel.
7. The amendment of the road program is being implemented . Job # C076.

**September 2017 - MIN 152/17**

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

**August 2017 - MIN 136/17**

1. The CEO has contacted the Main Roads Department of WA and officially reported the poor state of the Great Eastern Highway;
2. Noted
3. Request for road repairs on Old Yelbeni Road where the bitumen has been removed near drain;
4. An inspection was carried out during Council Meeting of the grading on Beresford Road by Tony Scutter – Roads Team Leader. The finding of the inspections was reported back to Council by Mick Jones and Council where satisfied with the outcome.

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

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

**POLICY IMPLICATIONS**

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

## STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

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

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

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

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

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

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

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

A councillor —

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

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

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

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

has —

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

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

### 5.60A. Financial interest

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

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

### 5.60B. Proximity interest

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

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

### 5.61. Indirect financial interests

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

### 5.62. Closely associated persons

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

or

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

or

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

or

- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.
- (2) In subsection (1) —

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
  - (a) details of the nature of the interest disclosed and the extent of the interest; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
  - (a) there would not otherwise be a sufficient number of members to deal with the matter; or

- (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

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

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

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

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

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

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

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

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

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

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

**STRATEGIC PLAN IMPLICATIONS:**

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

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

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

**COMMUNITY CONSULTATION:**

Council  
Community Members

**STAFF RECOMMENDATION**

*That Council note any requests or ideas to be actioned.*

**COUNCIL RECOMMENDATION**

**MIN 199/17 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid**

***That Council;***

- 1. Relocate the Australia Day Awards Ceremony and Breakfast location to the Kellerberrin Districts Club to enable a full day of celebrations as requested by the Kellerberrin Districts Club.***
- 2. Contribute \$500 to the Chamber of Commerce as a contribution for the late night shopping event for a Skate Board demonstration and clinic.***
- 3. Note that funding has been announced for regional communities to fund sustainable child care facilities. The current business owner of the Kellerberrin Family Day Care would like to discuss with Council the possibility of establishing a community managed child care facility to expand the services to the community at the December Council Meeting.***
- 4. Request further conversation regarding the upgrade of the Kellerberrin Memorial Swimming Pool and associated costs to ensure that the upgrade is within the means of the Council should funding not be available.***

CARRIED 7/0

|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.2  |
| <b>Subject:</b>                | Status Report of Action Sheet                 |
| <b>Location:</b>               | Shire of Kellerberrin                         |
| <b>Applicant:</b>              | Shire of Kellerberrin - Council               |
| <b>File Ref:</b>               | Various                                       |
| <b>Disclosure of Interest:</b> | N/A   |
| <b>Date:</b>                   | 1 <sup>st</sup> November, 2017                |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer |

## BACKGROUND

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

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

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

## COMMENT

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

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

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

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

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

## POLICY IMPLICATIONS

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

## STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

### Section 2.7. The role of the council

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

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

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

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

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

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

A councillor —

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

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

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

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

has —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or

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

- (2) In subsection (1) —

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

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

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

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

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

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

*[(e) deleted]*

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **STRATEGIC PLAN IMPLICATIONS:**

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

### **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

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

### **COMMUNITY CONSULTATION:**

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

**STAFF RECOMMENDATION**

*That Council receives the Status Report.*

**COUNCIL RECOMMENDATION**

**MIN 200/17 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. McNeil

*That Council receives the Status Report.*

CARRIED 7/0

|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.3  |
| <b>Subject:</b>                | Wheatbelt Communities Inc Meeting Minutes and Resolutions |
| <b>Location:</b>               | Council Chambers, Shire of Westonia                       |
| <b>Applicant:</b>              | Wheatbelt Communities                                     |
| <b>File Ref:</b>               | AGE - 03  |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date:</b>                   | 31 <sup>st</sup> October, 2017                            |
| <b>Author:</b>                 | Raymond Griffiths, Chief Executive Officer                |

## BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 25<sup>th</sup> October 2017 held at the Council Chambers, Shire of Westonia are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last Wheatbelt Communities Inc. Council Meeting Minutes held on Wednesday 25<sup>th</sup> October 2017 held at the Council Chambers, Shire of Westonia.

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

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

Resolutions arising out of the 25<sup>th</sup> October 2017 Wheatbelt Communities Inc. Council Meeting summarised hereunder,

|   |                           |                               |
|---|---------------------------|-------------------------------|
| <b>RESOLUTION:</b>  | <b>Moved: Rod Forsyth</b> | <b>Seconded: Onida Truran</b> |
| <b>Minutes of the Wheatbelt Communities Annual General Meeting held Wednesday 30 November 2016 be confirmed as a true and correct record.</b> |                           |                               |
|   |                           | <b>CARRIED</b>                |

|  |                            |                                  |
|--|----------------------------|----------------------------------|
| <b>RESOLUTION:</b>                             | <b>Moved: Onida Truran</b> | <b>Seconded: Stephen Strange</b> |
| <b>That the Chairman's Report be received.</b> |                            |                                  |
|  |                            | <b>CARRIED</b>                   |

|   |                             |                                    |
|---|-----------------------------|------------------------------------|
| <b>RESOLUTION:</b>                              | <b>Moved: Jamie Criddle</b> | <b>Seconded: Darren Mollenoyux</b> |
| <b>That the Treasurer's Report be received.</b> |                             |                                    |
|   |                             | <b>CARRIED</b>                     |

|  |                            |                              |
|--|----------------------------|------------------------------|
| <b>RESOLUTION:</b>   | <b>Moved: Onida Truran</b> | <b>Seconded: Rod Forsyth</b> |
| <b>That Wheatbelt Communities:</b>   |                            |                              |
| <ul style="list-style-type: none"> <li>a) Approve the Draft Financial Report and Representation Letter and authorise the WE-ROC Chair and Executive Officer, as appropriate, to sign the documents; and</li> <li>b) Note the Management Letter.</li> </ul> |                            |                              |
|  |                            | <b>CARRIED</b>               |

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

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

**CARRIED**

**RESOLUTION:**                      **Moved: Stephen Strange**                      **Seconded: Onida Truran**

That AMD Chartered Accountants be reappointed to undertake Wheatbelt Communities Inc annual audit for the financial year ending 30 June 2018 at a cost of \$550 (excl GST).

**CARRIED**

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

That Onida Truran be appointed Chair of Wheatbelt Communities Inc.

**CARRIED**

**RESOLUTION:**                      **Moved: Darren Mollenoyux**                      **Seconded: Karin Day**

That Raymond Griffiths be appointed Secretary of Wheatbelt Communities Inc.

**CARRIED**

**RESOLUTION:**                      **Moved: Ken Hooper**                      **Seconded: Stephen Strange**

That Jamie Criddle be appointed Treasurer of Wheatbelt Communities Inc.

**CARRIED**

**RESOLUTION:**                      **Moved: Stephen Strange**                      **Seconded: Rod Forsyth**

That those Members as nominated by their respective local government be appointed to the Wheatbelt Communities Inc Committee until the next Annual General Meeting.

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

### **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

**LONG TERM FINANCIAL PLAN IMPLCATIONS**

**COMMUNITY CONSULTATION**

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

**ABSOLUTE MAJOURITY REQUIRED - NO**

**STAFF RECOMMENDATION**

*That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 25<sup>th</sup> October 2017.*

**COUNCIL RECOMMENDATION**

**MIN 201/17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. Reid

*That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 25<sup>th</sup> October 2017.*

CARRIED 7/0

|                                |  |
|--------------------------------|--|
| <b>Agenda Reference:</b>       | 15.1.4   |
| <b>Subject:</b>                | WE-ROC Council Meeting Minutes and Resolutions |
| <b>Location:</b>               | Council Chambers, Shire of Westonia            |
| <b>Applicant:</b>              | WE-ROC Council                                 |
| <b>File Ref:</b>               | ORG-10   |
| <b>Disclosure of Interest:</b> | Nil  |
| <b>Date:</b>                   | 10 <sup>TH</sup> November, 2017                |
| <b>Author:</b>                 | Raymond Griffiths, Chief Executive Officer     |

## BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 25<sup>th</sup> October, 2017 held at the Council Chambers, Shire of Westonia are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last WE-ROC Council Meeting Minutes held on Wednesday 25<sup>th</sup> October, 2017 held at the Council Chambers, Shire of Westonia.

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

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

Resolutions arising out of the 25<sup>th</sup> October, 2017 WE-ROC Council Meeting summarised hereunder,

|   |                      |                            |
|---|----------------------|----------------------------|
| <b>RESOLUTION:</b>  | <b>Moved: Cr Day</b> | <b>Seconded: Cr Hooper</b> |
| <b>That Cr Onida Truran Shire of Yilgarn be appointed Chair of WE-ROC for the period ending October 2019.</b> |                      |                            |
| <b>CARRIED</b>  |                      |                            |

|  |                         |                         |
|--|-------------------------|-------------------------|
| <b>RESOLUTION:</b>   | <b>Moved: Cr Hooper</b> | <b>Seconded: Cr Day</b> |
| <b>That Cr Stephen Strange Shire of Bruce Rock be appointed Deputy Chair of WE-ROC for the period ending October 2019.</b> |                         |                         |
| <b>CARRIED</b>   |                         |                         |

|  |                      |                             |
|--|----------------------|-----------------------------|
| <b>RESOLUTION:</b>   | <b>Moved: Cr Day</b> | <b>Seconded: Cr Strange</b> |
| <b>That Jamie Criddle CEO Shire of Westonia continue in the role of WE-ROC CEO until Mr Peter Clarke commences as A/CEO at the Shire of Yilgarn.</b> |                      |                             |
| <b>CARRIED</b>   |                      |                             |

|  |                      |                             |
|--|----------------------|-----------------------------|
| <b>RESOLUTION:</b>   | <b>Moved: Cr Day</b> | <b>Seconded: Cr Strange</b> |
| <b>That Jamie Criddle CEO Shire of Westonia continue in the role of WE-ROC CEO until Mr Peter Clarke commences as A/CEO at the Shire of Yilgarn.</b> |                      |                             |
| <b>CARRIED</b>   |                      |                             |



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

**That the matter lay on the table.**

**CARRIED**

**RESOLUTION:**      **Moved: Raymond Griffiths      Seconded: Greg Powell**

**That the WE-ROC Executive notes that the Central Regional TAFE representatives will be meeting with the CEO, Shire of Bruce Rock on Friday 26 May 2017 and he be authorised to advise the Central Regional TAFE that WE-ROC supports the project and will leave it for TAFE to make contact with each Member Councils.**

**CARRIED**

**RESOLUTION:**      **Moved: Cr Day      Seconded: Mr Griffiths**

**That the matter be noted.**

**CARRIED**

**RESOLUTION:**      **Moved: Greg Powell      Seconded: Raymond Griffiths**

**That Member Councils provide the Executive Officer with all information required for completion of the profile summary and proposed program by close of business on Wednesday 18 October 2017.**

**CARRIED**

**RESOLUTION:**      **Moved: Mr Mollenoyux      Seconded: Mr Criddle**

**That the WE-ROC Financial Report for the period ending 30 September 2017 be received.**

**CARRIED**

**RESOLUTION:**      **Moved: Mr Mollenoyux      Seconded: Mr Griffiths**

**That the Accounts Paid for the period 17 June 2017 to 16 October 2017 totalling \$46,703.94 be approved.**

**CARRIED**

**RESOLUTION:**      **Moved: Mr Mollenoyux      Seconded: Cr Hooper**

**That WE-ROC:**

- a) Approve the Draft Financial Report and Representation Letter and authorise the WE-ROC Chair and Executive Officer, as appropriate, to sign the documents; and**
- b) Note the Management Letter**

**CARRIED**

**RESOLUTION:**      **Moved: Mr Criddle      Seconded: Cr Forsyth**

- 1. That WE-ROC accept the proposal and costing to complete work associated with the development of the WE-ROC App, with the funds totalling \$25,126 excl GST to be paid from its Consultancy and Project Reserve. The funds allowing for the completion of the development of the WEROCK app, WEROCK website and its associated booking platform will be made available subject to the following conditions:**

- a) That go2Guides provide definitive costings associated with:**
  - Annual Maintenance (Stage 2);**
  - Annual Domain Hosting (Stage 2);**
  - Booking Platform (Stage 3); and**
  - Membership/Access to the Australian Tourism Data Warehouse (Stage 3).**
- b) That go2Guides confirm maintenance fees associated with Stages 1 and 2 of the costing presented by the Shire of Merredin will not be applied until both Stages 1 and 2 are completed and fully operational.**
- c) Clarification on the figures provided in the agenda.**

2. That WE-ROC review the take up of the WEROCK App and its financial performance after it has been fully operational for six months.

CARRIED

RESOLUTION: Moved: Cr Strange Seconded: Cr Day

That the report be noted

CARRIED

RESOLUTION: Moved: Cr Strange Seconded: Cr Day

That the WE-ROC Council approve the expenditure of the additional \$665 to promote the WE-ROC App and new Website in the space generally taken by the Central Wheatbelt Visitor Centre.

CARRIED

RESOLUTION: Moved: Mr Mollenoyux Seconded: Cr Day

That over the next 12 months the following WE-ROC projects be undertaken:

- Investigate the development of digital communications incorporating telephone internet and multi media; and
- Investigate local government compliance and auditing requirements, including proposed changes to Australian Accounting Standard and the impact of the role of the Auditor General in undertaking local government audit and performance management requirements.

CARRIED

RESOLUTION: Moved: Darren Mollenoyux Seconded: Greg Powell

That:

1. Arrangements for a meeting with the Wheatbelt Business Network be deferred until the outcome on the application for funding for its “buy local” project is known; and
2. Efforts to arrange a meeting with the Chair and Executive Officer of RDA Wheatbelt continue.

CARRIED

RESOLUTION: Moved: Cr Strange Seconded: Mr Criddle

That an invitation be extended to representatives from the Wheatbelt Business Network to meet with the WE-ROC Council at a mutually convenient date.

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

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

**LONG TERM FINANCIAL PLAN IMPLCATIONS**

**COMMUNITY CONSULTATION**

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

**ABSOLUTE MAJOURITY REQUIRED - NO**

**STAFF RECOMMENDATION**

*That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 25<sup>th</sup> October, 2017.*

**COUNCIL RECOMMENDATION**

**MIN 202/17 MOTION** - Moved Cr. O'Neill Cr. White

*That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 25<sup>th</sup> October, 2017.*

CARRIED 7/0

|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.5  |
| <b>Subject:</b>                | CEACA Executive Council Meeting Minutes and Resolutions |
| <b>Location:</b>               | Via Teleconference                                      |
| <b>Applicant:</b>              | CEACA Council   |
| <b>File Ref:</b>               | AGE - 03  |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date:</b>                   | 2 <sup>nd</sup> November, 2017                          |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer           |

## BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 27<sup>th</sup> September, 2017 via Teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the Special CEACA Executive Council Meeting Minutes held on Wednesday 27<sup>th</sup> September, 2017 via Teleconference.

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

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

Resolutions arising out of the 27<sup>th</sup> September, 2017 Special CEACA Executive Council Meeting summarised hereunder,

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

**That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Thursday 3 August 2017 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

**RESOLUTION:**                      **Moved: Gary Shadbolt**                      **Seconded: Raymond Griffiths**

**That the Action Sheet as presented be received.**

**CARRIED**

**RESOLUTION:**                      **Moved: Rachel Kirby**                      **Seconded: Gary Shadbolt**

**That:**

1.                      **the Executive Officer's Report be received; and**
2.                      **The Executive Officer's Report be distributed to all CECA Members following the CEACA Executive Committee Meeting.**

**CARRIED**

**RESOLUTION:**                      **Moved: Gary Shadbolt**                      **Seconded: Rachel Kirby**

**That the Chair's Report to the Central East Aged Care Alliance Executive Committee be received.**

**CARRIED**

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

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

CARRIED

**RESOLUTION:** Moved: Rachel Kirby Seconded: Gary Shadbolt

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

- Invoice 0285 - Professional Services June 2017 as per attached time sheet and reimbursements - \$8576.60.

CARRIED

**RESOLUTION:** Moved: Rachel Kirby Seconded: Gary Shadbolt

That the Project Update (Financial) Report be received.

CARRIED

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

That:

1. the Project Manager's Report be received; and
2. The Project Manager's Report be distributed to all CECA Members following the CEACA Executive Committee Meeting.

CARRIED

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

That Ken Hooper and Raymond Griffiths arrange an onsite meeting with representatives from the Shire of Nungarin to discuss the Shire's request for dispensation from paying a contribution for site works on land to be used in the CEACA Seniors Housing Project.

CARRIED

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

That the matter be adjourned until accurate figures are known.

CARRIED

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

That the Executive Officer's report be noted.

CARRIED

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

That the Executive Officer distribute the web concept designs prepared by Market Creations to the CEACA Committee with a request for all comments on the concept designs to be lodged by close of business on Friday 6 October 2017

CARRIED

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

1. That the 2018 meeting program for the CEACA Committee be similar to that adopted for 2017; and
2. That members of the CEACA Executive Committee provide the Executive Officers with dates they will be unavailable during 2018 in order that a meeting program for the Executive Committee can be developed.

CARRIED

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

## **POLICY IMPLICATIONS**

## **STATUTORY IMPLICATIONS:**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

## **LONG TERM FINANCIAL PLAN IMPLCATIONS**

## **COMMUNITY CONSULTATION**

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

## **ABSOLUTE MAJOURITY REQUIRED - NO**

## **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 27<sup>th</sup> September, 2017.*

## **COUNCIL RECOMMENDATION**

**MIN 203/17 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid

***That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 27<sup>th</sup> September, 2017.***

CARRIED 7/0

|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.6  |
| <b>Subject:</b>                | CEACA Council Special Meeting Minutes and Resolutions |
| <b>Location:</b>               | Via Teleconference                                    |
| <b>Applicant:</b>              | CEACA Council   |
| <b>File Ref:</b>               | AGE - 03  |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date:</b>                   | 2 <sup>nd</sup> November, 2017                        |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer         |

## BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 29<sup>th</sup> September 2017 via Teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last CEACA Council Meeting Minutes held on Wednesday 29<sup>th</sup> September 2017 via Teleconference.

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

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

Resolutions arising out of the 29<sup>th</sup> September 2017 CEACA Council Meeting summarised hereunder,

**RESOLUTION:**                      **Moved: Ricky Storer**                      **Seconded: Eileen O'Connell**

**That CEACA adopts the recommendations as contained on page 27 of the Recommendation Report RFT T2017133 Design and Construct CEACA Seniors Housing Project prepared by WALGA's Procurement Service.**

**CARRIED UNANIMOUSLY**

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

## POLICY IMPLICATIONS

## STATUTORY IMPLICATIONS:

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

## **LONG TERM FINANCIAL PLAN IMPLICATIONS**

## **COMMUNITY CONSULTATION**

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

## **ABSOLUTE MAJORITY REQUIRED - NO**

## **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Special Committee meeting held on Wednesday 29<sup>th</sup> September 2017.*

## **COUNCIL RECOMMENDATION**

**MIN 204/17 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. O'Neill**

***That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Special Committee meeting held on Wednesday 29<sup>th</sup> September 2017.***

CARRIED 7/0



|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.7  |
| <b>Subject:</b>                | CEACA Executive Council Meeting Minutes and Resolutions |
| <b>Location:</b>               | Via Teleconference                                      |
| <b>Applicant:</b>              | CEACA Council   |
| <b>File Ref:</b>               | AGE - 03  |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date:</b>                   | 2 <sup>nd</sup> November, 2017                          |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer           |

## BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 18<sup>th</sup> October, 2017 via teleconference are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the Special CEACA Executive Council Meeting Minutes held on Wednesday 18<sup>th</sup> October, 2017 held via teleconference.

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

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

Resolutions arising out of the 18<sup>th</sup> October, 2017 Special CEACA Executive Council Meeting summarised hereunder,

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

**That:**

- 1. CEACA together with the Shire of Merredin, as a signatory to the two Financial Assistance Agreements for the CEACA Seniors Housing Project, meet with the Minister for Primary Industries and Regional Development, while concurrently meeting with the successful tenderer but not finalising any documents until the final timing, scope, and funding for the project is confirmed with the Minister for Primary Industries and Regional Development;**
- 2. CEACA together with the Shire of Merredin seek an agreement in writing with the respective tenderer to extend the time for acceptance of the tender to comply with the tender terms as outlined in Paragraphs 57 and 58 of the legal advice provided by Kott Gunning Lawyers on Friday 13 October 2017; and**
- 3. CEACA accept the offer of assistance from Kott Gunning Partner Anne Wood in any discussions with the Minister for Primary Industries and Regional Development regarding securing funding for the CEACA Seniors Housing Project.**

**CARRIED**

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

That the CEACA Chair and Executive Officer work with the CEO Shire of Merredin and WALGA's Service to finalise and execute a contract with the successful tenderer for T2017133 Design and Construct CEACA Seniors Housing Project, including exploring the potential to extend the tender deadline beyond 1 November 2017.

**CARRIED**

**RESOLUTION:**                      **Moved:** Gary Shadbolt                      **Seconded:** Rachel Kirby

**That:**

1. The CEACA Executive Committee confirms its advice to the Shire of Merredin that it agrees with WALGA eQuote VP75802 – Client Architect and Superintendent Representative Services – Proposed Seniors Housing Development Central East Wheatbelt; and
2. The CEACA Executive Officer advise all CEACA Members of the decision to award the contract for WALGA eQuote VP75802 – Client Architect and Superintendent Representative Services – Proposed Seniors Housing Development Central East Wheatbelt to Edgefield Projects.

**CARRIED**

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

That the Executive Officer's report be noted, with the matter of finalising association liability insurance be listed for discussion and decision at the CEACA Committee Meeting scheduled for Wednesday 1 November 2017.

**CARRIED**

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

That the Executive Officer's report on preparations for the CEACA Annual General Meeting to be held in Merredin on Wednesday 1 November 2017 be noted.

**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 IMPLCATIONS**

## 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 Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 18<sup>th</sup> October, 2017.*

## COUNCIL RECOMMENDATION

**MIN 205/17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. Leake

***That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Wednesday 18<sup>th</sup> October, 2017.***

CARRIED 7/0

|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.8  |
| <b>Subject:</b>                | Great Eastern Country Zone                    |
| <b>Location:</b>               | Great Eastern Country Zone                    |
| <b>Applicant:</b>              | Shire of Kellerberrin                         |
| <b>File Ref:</b>               | ORG 02  |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date:</b>                   | 26 <sup>th</sup> October 2017                 |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer |

## BACKGROUND

Council received notification from Helen Westcott regarding the upcoming Great Eastern Zone Elections as per the below;

### Call for Nominations

This is a Call for Nominations for the election of the following Zone positions and representatives:

- **Zone President;**
- **Zone Deputy President;**
- **Three Zone Executive Committee Members;**
- **Healthy Wheatbelt Representative (Zone President and 1 delegate);**
- **Local Government Agricultural Freight Group (1 delegate and 1 deputy delegate);**  
and
- **District Emergency Management Committee (1 delegate and 1 deputy delegate).**

All positions are for a two year period commencing immediately upon election at the Ordinary Meeting being held on Thursday 30 November 2017 and ending in November 2019.

The procedure for the conduct of the election is outlined in clause 17 of the Great Eastern Country Zone Constitution and reads as follows:

### ZONE ELECTION PROCEDURE

1. Any election held by the Zone shall be conducted having regard to the general principles and procedures of the *Local Government Act 1995*.
2. The Executive Officer shall act as Returning Officer for all Zone elections.
3. All elections are to be conducted by secret ballot.
4. The Executive Officer shall notify all Member Councils of vacancies prior to any election, inviting nominations for the position vacant or becoming vacant, the term of office and other relevant matters.
5. Nominations shall be in writing prior to the election; however where no nominations are received for a position or office, nominations may be accepted from the floor immediately prior to the ballot.

The election process and relevant dates are as follows:

|                                  |  |
|----------------------------------|--|
| <b>Thursday 26 October 2017</b>  | Nominations invited for election of all Zone positions and representatives for the two year period commencing on election at the Ordinary Meeting being held on Thursday 30 November 2017 and ending in November 2019.   |
| <b>Thursday 23 November 2017</b> | <p>Nominations close at 4pm with the Executive Officer, who shall act as Returning Officer. Nominations on the appropriate nomination form can be sent by post to PO Box 6456, East Perth 6892 or fax (08) 9228 0071. Nominations can also be sent by email to <a href="mailto:hwestcott@wsquared.com.au">hwestcott@wsquared.com.au</a> providing the nomination form has been signed. Unsigned nominations will be declared as invalid. Nominees for the position of Zone President, Zone Deputy President or Executive Member must be an elected Councillor who has been appointed Council delegate to the Great Eastern Country Zone. This requirement does not apply to the election of the following positions:</p> <ul style="list-style-type: none"> <li>• Healthy Wheatbelt Representative (Zone President and 1 delegate);</li> <li>• Local Government Agricultural Freight Group (1 delegate and 1 deputy delegate); and</li> <li>• District Emergency Management Committee (1 delegate and 1 deputy delegate).</li> </ul> |
| <b>Monday 27 November 2017</b>   | All members notified of the nominations received.  |

Should a vote be required at the Great Eastern Country Zone Meeting on Thursday 30 November 2017 it will be conducted having regard to the general principles and procedures of the *Local Government Act 1995*.

To assist in the process a nomination form has been attached to this notice. Members are entitled to nominate themselves but the nomination form must be countersigned by the CEO (or other appropriate person) of your Council signifying endorsement by the nominee's Council. Completed forms should be posted or faxed or emailed to the Returning Officer by 4pm on **Thursday 23 November 2017**. Any late nominations will be rejected.

**Where a person nominates for more than one position a separate nomination form must be submitted.**

Should any member require further information then please do not hesitate to contact me on the phone or email.

Helen Westcott - **Executive Officer/Returning Officer**

## COMMENT

Council's President Cr Rodney Forsyth has been the Zone Delegate to the Grain Freight Committee for the previous two cycles being approximately 4 years.

It is with this continued background knowledge and the knowledge of the industry that Council again seek Cr Forsyth's re-election to this Zone Committee.

**FINANCIAL IMPLICATIONS - Nil**

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS - Nil**

**STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil**

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

**LONG TERM FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION**

Chief Executive Officer.  
Mr Rodney Forsyth

**ABSOLUTE MAJORITY REQUIRED – NO**

**STAFF RECOMMENDATION**

*That Council:*

- 1. Nominate Cr. Rodney Forsyth as Delegate to the Local Government Agricultural Freight Group for the Great Eastern Country Zone.*
- 2. Inform Helen Westcott, Returning Officer of Councils Nomination.*

## **COUNCIL RECOMMENDATION**

**MIN 206/17 MOTION - Moved Cr. Leake 2<sup>nd</sup> Cr. O'Neill**

*That Council:*

- 1. Nominate Cr. Rodney Forsyth as Delegate to the Local Government Agricultural Freight Group for the Great Eastern Country Zone.*
- 2. Inform Helen Westcott, Returning Officer of Councils Nomination.*

CARRIED 7/0

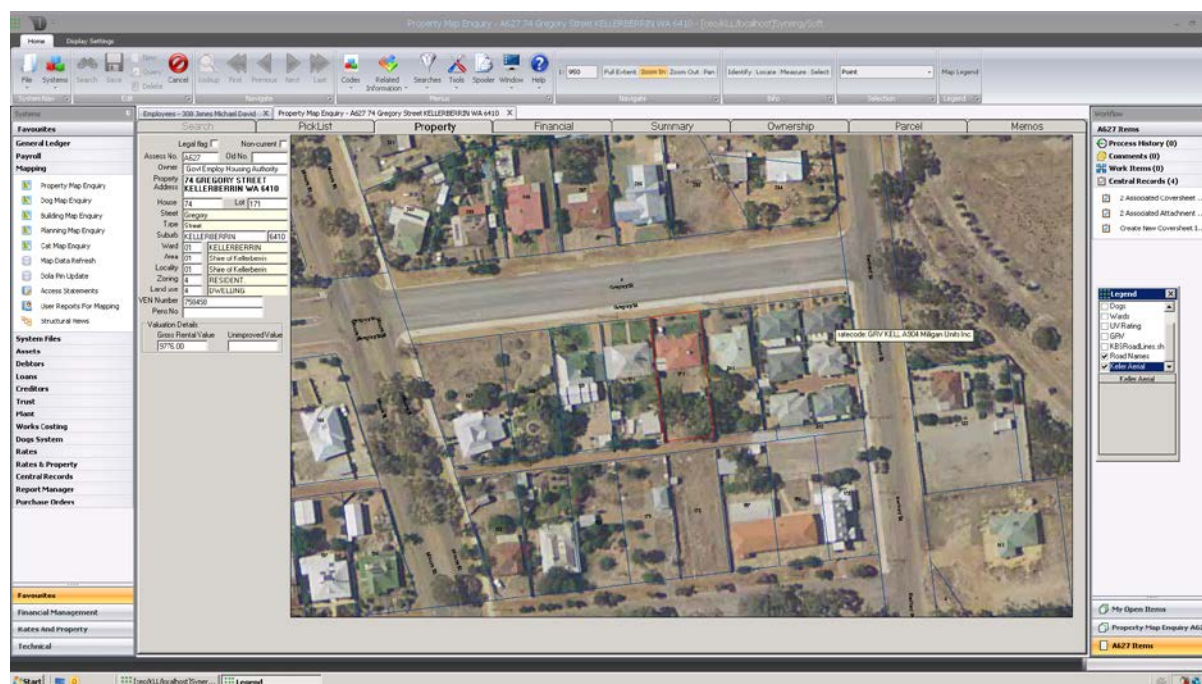
**Agenda Reference:** 15.1.9  
**Subject:** Approval to keep Three Dogs at a residence within the Kellerberrin Townsite.  
**Location:** 74 Gregory Street, Kellerberrin  
**Applicant:** Mr Nathan Gilmore  
**File Ref:** LLAW 12 & A627  
**Record Ref:** ICR171547  
**Disclosure of Interest:** Nil  
**Date:** 6<sup>th</sup> November 2017  
**Author:** Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council on the 31<sup>st</sup> October 2017 received correspondence from Mr Nathan Gilmore requesting permission to house three dogs at 74 Gregory Street, Kellerberrin.

The house is leased to Mr Nathan Gilmore through Government Regional Office Housing (GROH) who have provided permission to Mr Gilmore to have the dogs at his residence, however he was unaware of the requirement to have Council approval.

## COMMENT





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

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

| Tag No | Name of Dog | Description       | Colour Marking | Sex    | Sterilised | Owner Other Name | Owner Surname |
|--------|-------------|-------------------|----------------|--------|------------|------------------|---------------|
| 180058 | Charlie     | Maltese X         | Tricolour      | Male   | Yes        | Zeljana          | Nonkovic      |
| 180059 | Rexy        | French Boston Pug | Black & Tan    | Male   | Yes        | Zeljana          | Nonkovic      |
| 200010 | Milly       | Beagle            | Tricolour      | Female | Yes        | Gilmour          | Nathan        |

## FINANCIAL IMPLICATIONS

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

All dogs have been licenced and paid for.

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

### - Dog Act 1976 as amended

#### *Part V — The keeping of dogs*

#### 26. Limitation as to numbers

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



- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;
  - (b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and
  - (c) may be revoked or varied at any time.
- (4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.
- Penalty: \$1 000 and a daily penalty of \$100.
- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or
  - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
- may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

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

## **Shire of Kellerberrin Dogs Local Law 2012**

### **EXTRACT from "Dogs Local Laws"**

#### **PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS**

##### **3.1 Dogs to be confined**

- (1) An occupier of premises on which a dog is kept must—
- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
  - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
  - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
  - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
  - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

### 3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
  - (a) licensed under Part 4 as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
  - (a) two dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
  - (b) four dogs over the age of 3 months and the young of those dogs under that age if the premises is situated outside a townsite.

**STRATEGIC PLAN IMPLICATIONS:** Nil

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

**LONG TERM PLAN IMPLICATIONS:** Nil

**COMMUNITY CONSULTATION:**

Chief Executive Officer  
Shire Contract Ranger  
Nathan Gilmour

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

*That Council approves the keeping of three dogs at 74 Gregory Street, Kellerberrin subject to the following conditions:-*

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

## COUNCIL RECOMMENDATION

**MIN 207/17 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid

***That Council approves the keeping of three dogs at 74 Gregory Street, Kellerberrin subject to the following conditions:-***

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

CARRIED 7 /0

## COUNCIL RECOMMENDATION

**MIN 208/17 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Leake

***That Council move behind closed doors.***

CARRIED 7 /0

7.30 pm – Mr Brett Taylor, Finance Officer Exited Council Chambers

7.30 – Mr Mick Jones, Manager Works and Services Exited Council Chambers

|                                |  |
|--------------------------------|--|
| <b>Agenda Reference:</b>       | 15.1.10  |
| <b>Subject:</b>                | Manager Works and Services Position<br><b>PRIVATE AND CONFIDENTIAL</b> |
| <b>Location:</b>               | Shire of Kellerberrin  |
| <b>Applicant:</b>              | Shire of Kellerberrin  |
| <b>File Ref:</b>               |  |
| <b>Disclosure of Interest:</b> | N/A  |
| <b>Date:</b>                   | 6 <sup>th</sup> November 2017  |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer                          |

## COUNCIL RECOMMENDATION

**MIN 209/17 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake

***That Council:***

1. ***Endorse the renewal of Mr Michael Jones Contract as Council's Manager Works and Services for a further three years expiring on the 22<sup>nd</sup> November 2020***
2. ***Endorse the contract of employment for Mr Michael Jones as its Manager Works and Services being contract no 01/17***
3. ***Endorses the Chief Executive Officers execution of Contract 01/17***

CARRIED 7/0

## COUNCIL RECOMMENDATION

**MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Leake

***That Council returns from behind closed doors.***

CARRIED 7/0

7.45 pm – Mr Brett Taylor, Finance Officer entered Chambers

7.45 pm – Mr Mick Jones, Manager Works and Services entered Chambers

7.46 pm - Meeting Adjourned for tea.

8.20 pm - Meeting Resumed with all members present at the time of adjournment present.

|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.11                                       |
| <b>Subject:</b>                | Council Committee Representation              |
| <b>Location:</b>               | Shire of Kellerberrin                         |
| <b>Applicant:</b>              | Shire of Kellerberrin                         |
| <b>File Ref:</b>               | Various                                       |
| <b>Disclosure of Interest:</b> | N/A   |
| <b>Date:</b>                   | 26 <sup>th</sup> October 2017                 |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer |

## **BACKGROUND**

Council's October 2015 Ordinary Meeting of Council

**MIN 167/15 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. O'Neill

### ***Audit Committee***

***That Audit Committee comprises full Council.***

### ***Emergency Committee***

***Council's representatives on the Emergency Committee comprise of:***

***Delegate - Cr. Forsyth***

***Delegate - Cr. O'Neill***

***Delegate - Cr Reid***

### ***Great Eastern Country Zone – Western Australian Local Government Association***

***Council Delegate to the Great Eastern Country Zone of WALGA comprise of:***

***Delegate - Cr. Forsyth***

***Delegate - Cr. O'Neill***

***Deputy - Chief Executive Officer***

### ***Regional Road Group***

***Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:***

***Delegate - Cr. Forsyth***

***Deputy - Cr. Leake***

***Chief Executive Officer***

### ***Wheatbelt Sports Council***

***Council's representatives on the Wheatbelt Sports Council are:***

***Delegate - Cr. O'Neill***

***Deputy - Cr. McNeil***

### ***Local Emergency Management Advisory Committee (LEMAC)***

***Council's representatives on the Local Emergency Management Committee comprise of:***

***Delegate - Cr. Leake***

***Deputy - Cr. O'Neill***

### ***Wheatbelt Eastern Regional Organisation of Councils (WEROC)***

***Council's representatives on the Wheatbelt East Regional Organisation of Councils are:***

***Delegate - Cr. Forsyth***

***Delegate - Chief Executive Officer***

***Deputy - Cr. Steber***

### ***Sport & Recreation Steering Committee***

***Council's representatives on the Sport and Recreation Steering Committee are:***

***Delegate - Cr. White***

***Deputy - Cr. McNeil***

***Chief Executive Officer***

**Local Hospital Advisory Group (L-HAG)**

**Council's representative on the Local Health Advisory Group is:**

**Delegate - Cr. Forsyth**

**Deputy - Cr. O'Neill**

**Granite Way Committee**

**Council's representatives on the Granite Way Committee are:**

**Chief Executive Officer**

**Community Development Officer**

**Community Resource Centre Management Committee**

**Council's representatives on the Kellerberrin Community Resource Centre Management Committee are:**

**Delegate - Cr. O'Neill**

**Deputy - Cr. Leake**

**Kellerberrin Swimming Pool Facility Redevelopment Steering Committee**

**Council's representatives on the Kellerberrin Swimming Pool Facility Redevelopment Steering Committee are:**

**Delegate - Cr. Forsyth**

**Deputy - Cr. Steber**

**Tidy Towns Committee**

**Council's representatives on the Kellerberrin Tidy Towns Committee are:**

**Delegate - Cr. Forsyth**

**Deputy - Cr. McNeil**

**Regional Development Assessment Panel**

**Council's representatives on the Regional Development Assessment Panel are:**

**Delegate - Cr. Forsyth**

**Deputy - Cr. Leake**

**Independent Kellerberrin District High School Board Panel**

**Council's representatives on the Independent Kellerberrin District High School Board are:**

**Delegate - Cr. Reid**

**Kellerberrin District Club - Playground Sub-committee.**

**Council's representatives on the Kellerberrin District Club are:**

**Delegate - Cr. White**

**Delegate - Cr. Reid**

CARRIED 6/0

|  |
|--|
| Council's April 2015 Ordinary Meeting of Council |
|--|

**MIN 52/15 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Leake**

**That Council nominates Cr McNeil to the Independent Kellerberrin District School board.**

CARRIED 4/0

**MIN 53/15 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. McNeil**

**That Council nominates Cr Leake to the Kellerberrin Regional Road Subgroup Committee**

CARRIED 4/0

**MIN 54/15 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. McNeil

***That Council nominates Cr Leake to the Kellerberrin Tammin Local Emergency Management Advisory Committee (LEMAC)***

CARRIED 4/0

**MIN 55/15 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. McNeil

***That Council nominates Cr Steber to the Regional Development Assessment Panel***

CARRIED 4/0

## **COMMENT**

The Shire of Kellerberrin held its Bi-Annual Election process with two Councillors seeking re-election and two new councillors being elected unopposed.

Council will need to determine the distribution of duties across Councillors for the Community based Committees.

Council has also been requested to provide up to two members to participate on the Playground sub-committee for the Recreation Centre.

**FINANCIAL IMPLICATIONS** - Nil

**POLICY IMPLICATIONS** - Nil

## **STATUTORY IMPLICATIONS**

**Local Government Act 1995**

### **Subdivision 2 — Committees and their meetings**

#### **5.10. Appointment of committee members**

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

*\* Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the

committee, the local government is to appoint the mayor or president to be a member of the committee.

- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

#### **Interpretation Act 1984**

#### **52. Power to appoint includes power to remove, suspend, appoint acting officer etc.**

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power —
- (a) to remove or suspend a person so appointed to an office or position, and to reappoint or reinstate, any person appointed in exercise of such power or duty; and
  - (b) where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and
  - (c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.
- (2) For the purposes of subsection (1)(b), **cause** includes —
- (a) illness; and
  - (b) temporary absence from the State; and
  - (c) conflict of interest.
- (3) The validity of anything done by a person purporting to act under an appointment made under subsection (1)(b) shall not be called in question on the ground that the occasion for his appointment had not arisen or had ceased.
- (4) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position and that power or duty is exercisable only upon the nomination or recommendation, or is subject to the approval, concurrence, or consent of some other person, then the powers conferred by subsection (1)(a) to (c) shall only be exercisable upon such nomination or recommendation or subject to such approval, concurrence, or consent.
- (5) Nothing in this section affects the tenure of office or position of any person under the express provisions of any written law.

*[Section 52 amended by No. 31 of 2010 s. 7.]*

#### **53. Appointments may be by name or office**

Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) perform any function; or
- (b) be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or
- (c) be or do any other thing,



that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

#### 54. Statutory bodies, majority and quorum provisions

- (1) Where a written law confers or imposes a function upon a body or number of persons consisting of not fewer than 3 persons, the function may be performed by a majority of those persons.
- (2) Where a written law establishes a board, commission, committee, council or other similar body consisting of 3 or more members (in this section called an **association**) —
  - (a) at a meeting of the association, a number of members of the association equal to —
    - (i) at least one half of the number of members provided for by the written law, if that number is a fixed number; and
    - (ii) if the number of members provided for by the written law is not a fixed number but is within a range having a maximum or minimum, at least one half of the number of members in office if that number is within the range, constitutes a quorum; and
  - (b) an act or thing done by a majority of the members of the association present at a meeting, if the members present constitute a quorum, shall be deemed to have been done by the association.

#### STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

#### Strategic Priority 1.1

**We are a vibrant and viable, culturally diverse and engaging and unified community with strong links to history, culture and the creative arts.**

|                       |  |
|-----------------------|--|
| <b>Goal 1.1.1</b>     | <b>To foster an environment that celebrates the diversity of the community.</b>  |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To lead and promote community programs and initiatives</li> <li>■ To facilitate discussion with community / stakeholder groups</li> <li>■ To participate in programs and initiatives as a key member of the community</li> </ul>  |
| <b>Goal 1.1.2</b>     | <b>To provide residents and visitors with access to historical knowledge, places and spaces and a range of community and cultural events.</b>  |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To facilitate provision of information on our community to the public</li> <li>■ To collaborate with groups to develop community historical and cultural information</li> <li>■ To lead, promote and participate in community cultural events and programs</li> <li>■ To identify, advocate and lobby for recognition of key areas of significance within the community and grant funding</li> </ul>        |
| <b>Goal 1.1.3</b>     | <b>To encourage the growth of local regional and indigenous arts, culture and history.</b>   |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To facilitate and lead discussions with local community groups on heritage and culture</li> <li>■ To collaborate with regional parties and neighbouring government agencies to promote local, regional and indigenous art and culture</li> <li>■ To lobby for grants and funds from external agencies to support the development and promotion of local, regional and indigenous art and culture</li> </ul> |
| <b>Goal 1.1.4</b>     | <b>To create opportunities to enhance community connection, belonging and encourage sharing of cultures, history and knowledge.</b>  |

|                       |   |
|-----------------------|---|
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To promote communication between Council and community members</li> <li>■ To encourage open dialogue between community members and elected representatives</li> <li>■ To collaborate with external parties to identify opportunities to promote local culture and history across the region</li> </ul> |
|-----------------------|---|

### Strategic Priority 1.2

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

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

### Strategic Priority 1.3

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

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|-----------------------|---|
| <b>Goal 1.3.1</b>     | <b>To create visually appealing and inviting public and recreational places that complies with good planning and design principles.</b>   |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To facilitate discussions with community members to identify priority community infrastructure upgrades</li> <li>■ To develop and implement a program of visual improvements throughout the Shire.</li> <li>■ To facilitate discussions with external parties, state and federal agencies for funding to support improvement programs and/or partnerships to deliver and provide community facilities and amenities.</li> <li>■ To work with contractors and service providers in delivering facilities and amenities that complies with legislative requirements and best practice planning and design principles.</li> </ul> |
| <b>Goal 1.3.2</b>     | <b>To plan and design assets and facilities to address community needs and expectations.</b>  |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To facilitate discussions with community members / key users of community / public facilities to identify needs and requirements</li> <li>■ To develop a program to upgrade / develop new community facilities</li> <li>■ To collaborate with external parties / agencies on the possibility of working</li> </ul>   |

|  |  |
|--|--|
|  | <p>together to deliver major infrastructure</p> <ul style="list-style-type: none"> <li>■ To lobby state / federal agencies for community funds to facilitate development of public / community facilities</li> </ul> |
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## Strategic Priority 2.1

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

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

## Strategic Priority 2.2

**We are a Shire that respects and aims to preserve the quality of the natural environment and rural landscape and promote environmental sustainable initiatives.**

|                       |   |
|-----------------------|---|
| <b>Goal 2.2.1</b>     | <b>To raise awareness and interest of the natural environment and key factors affecting the environment.</b>  |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To facilitate discussions with government and non-government agencies on environmental initiatives and programs.</li> <li>■ To implement initiatives and programs that raise community awareness on environmental principles and sustainability practices.</li> <li>■ To assess environmental risks and factors that could potentially affect the local environment and develop strategies and programs to mitigate.</li> <li>■ To work with local environmental groups, community groups, external parties on the development and implementation of environmental based programs and initiatives.</li> <li>■ To lobby for and seek funding and grant support for the development and implementation of environmental programs and initiatives.</li> <li>■ To facilitate the development and provision of information relating to the maintenance of the natural environment and promotion of sustainability practices.</li> </ul> |

|                       |  |
|-----------------------|--|
| <b>Goal 2.2.2</b>     | <b>To work with organisations to promote actions to enhance the environment.</b>   |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To facilitate discussions and establish relationships with community groups, government and non-government agencies on environmental initiatives and programs which may be applied throughout the Shire.</li> <li>■ To facilitate the development of environmental initiatives and programs and implement these across the community.</li> <li>■ To encourage community participation in environmental initiatives and programs.</li> </ul>   |
| <b>Goal 2.2.3</b>     | <b>To promote opportunities to encourage sustainable environmental practices across the Shire.</b>   |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To identify initiatives with other government and non-government agencies on programs to raise awareness in environmental sustainability practices.</li> <li>■ To make information and educational packages on the principles of environmental sustainability accessible to the community.</li> <li>■ To review Council policies and practices in relation to environmental sustainability initiatives and make these available to the public.</li> <li>■ To seek information and feedback from the community on environmental awareness initiatives and programs.</li> <li>■ To facilitate and host community based environmental awareness initiatives and programs.</li> </ul> |

### Strategic Priority 3.1

#### Our Elected Representatives provide effective, respected and progressive leadership

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|-----------------------|---|
| <b>Goal 3.1.1</b>     | <b>To lead and govern in a fair, transparent, ethical and responsive manner.</b>  |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To provide up to date information on Council services, operations, activities and decisions to the community.</li> <li>■ To ensure Council information is accurate and easily accessible by the community.</li> <li>■ To provide responses and encourage feedback from the community.</li> </ul>   |
| <b>Goal 3.1.2</b>     | <b>To inform the community of activities and events that may have an impact on the way they live and/or where they live.</b>  |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To provide up to date information on Council and community activities and events to community residents.</li> <li>■ To encourage responses and feedback from the community on Council initiatives and programs.</li> <li>■ To provide open dialogue between the community and Council members and to listen to the responses provided by the community.</li> <li>■ To facilitate and initiate community based programs, activities and events to promote community pride and participation.</li> </ul> |
| <b>Goal 3.1.3</b>     | <b>To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.</b>  |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To create and implement an effective communication strategy that encourages and promotes community feedback and contribution.</li> <li>■ To initiate open dialogue with the community and provide opportunity to be involved in decision making processes.</li> <li>■ To provide access to up to date information on Council and Council services.</li> <li>■ To encourage participation in community consultation events.</li> </ul>  |
| <b>Goal 3.1.4</b>     | <b>To actively pursue a positive community spirit and support.</b>  |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To facilitate programs and initiatives that will improve the community spirit and pride.</li> <li>■ To provide open, honest and friendly discussions between Council and community members.</li> </ul>   |

- To assist and be responsive to community requests and needs.

## Strategic Priority 4.1

### We are a sustainable, economically diverse and strong community

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| <b>Goal 4.1.1</b>     | <b>To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.</b>   |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To identify opportunities to enhance the local economy.</li> <li>■ To collaborate and facilitate discussions with external / private parties on business, commercial and industrial ventures in the Shire.</li> <li>■ To undertake long term economic development and marketing planning for the Shire, focussing on the local and regional economy and opportunities.</li> <li>■ 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.</li> </ul>  |
| <b>Goal 4.1.2</b>     | <b>To work with local businesses to improve and enhance the quality of service provided.</b>   |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To establish relationships with local business providers to identify and understand key issues and opportunities to assist in the promotion of services.</li> <li>■ To facilitate discussions with external agencies and government departments to identify opportunities to enhance and assist local business providers within the community.</li> <li>■ To develop initiatives with external parties to educate and improve the welfare of local businesses.</li> </ul>   |
| <b>Goal 4.1.3</b>     | <b>To identify economic trends and create employment and business opportunities for the local community.</b>   |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To work with local business communities and education and health service providers to identify what is required to improve and enhance services.</li> <li>■ To facilitate discussions with external parties and government agencies to identify ways of improving economic, education and training opportunities within the community.</li> <li>■ To establish relationships with external parties and government / non-government agencies to identify opportunities, programs and initiatives that will benefit the community.</li> <li>■ To seek funding from external parties / government agencies to support the development and implementation of economic and employment programs and initiatives.</li> </ul> |

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

**LONG TERM FINANCIAL PLAN IMPLICATIONS - Nil**

## COMMUNITY CONSULTATION

Chief Executive Officer

**ABSOLUTE MAJORITY REQUIRED – No**

## STAFF RECOMMENDATION

### Audit Committee

That Audit Committee comprises full Council.

### Emergency Committee

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. \_\_\_\_\_

Deputy - Cr. \_\_\_\_\_

**Great Eastern Country Zone – Western Australian Local Government Association**

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr. \_\_\_\_\_

Delegate - Cr. \_\_\_\_\_

Deputy - Chief Executive Officer

**Regional Road Group**

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr. \_\_\_\_\_

Deputy - Cr. \_\_\_\_\_

Chief Executive Officer

**Local Emergency Management Committee (LEMC)**

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr. \_\_\_\_\_

Deputy - Cr. \_\_\_\_\_

**Wheatbelt Eastern Regional Organisation of Councils (WEROC)**

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr. \_\_\_\_\_

Chief Executive Officer

Deputy - Cr. \_\_\_\_\_

**Sport & Recreation Steering Committee**

Council's representatives on the Sport and Recreation Steering Committee are:

Delegate - Cr. \_\_\_\_\_

Deputy - Cr. \_\_\_\_\_

Chief Executive Officer

**Local Hospital Advisory Group (L-HAG)**

Council's representative on the Local Health Advisory Group is:

Delegate - Cr. \_\_\_\_\_

Deputy - Cr. \_\_\_\_\_

**Community Resource Centre Management Committee**

Council's representatives on the Kellerberrin Community Resource Centre Management Committee are:

Delegate - Cr. \_\_\_\_\_

Deputy - Cr. \_\_\_\_\_

**Kellerberrin Swimming Pool Facility Redevelopment Steering Committee**

Council's representatives on the Kellerberrin Swimming Pool Facility Redevelopment Steering Committee are:

Delegate - Cr. \_\_\_\_\_

Deputy - Cr. \_\_\_\_\_

**Regional Development Assessment Panel**

Council's representatives on the Regional Development Assessment Panel are:

Delegate - Cr. \_\_\_\_\_

Deputy - Cr. \_\_\_\_\_

**Independent Kellerberrin District High School Board Panel**

Council's representatives on the Independent Kellerberrin District High School Board are:

Delegate - Cr. \_\_\_\_\_

Deputy - Cr. \_\_\_\_\_

### **Central East Aged Care Committee (CEACA)**

Council's representatives on the Independent Kellerberrin District High School Board are:

Delegate - Cr. \_\_\_\_\_

Deputy Delegate – Cr. \_\_\_\_\_

Deputy Delegate – Chief Executive Officer

## **COUNCIL RECOMMENDATION**

**MIN 210/17 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. McNeil

### ***Audit Committee***

***That Audit Committee comprises full Council.***

### ***Emergency Committee***

***Council's representatives on the Emergency Committee comprise of:***

***Delegate - Cr. Forsyth***

***Delegate - Cr. O'Neill***

***Delegate - Cr Reid***

### ***Great Eastern Country Zone – Western Australian Local Government Association***

***Council Delegate to the Great Eastern Country Zone of WALGA comprise of:***

***Delegate - Cr. Forsyth***

***Delegate - Cr. O'Neill***

***Deputy - Chief Executive Officer***

### ***Regional Road Group***

***Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:***

***Delegate - Cr. Forsyth***

***Deputy - Cr. Leake***

***Chief Executive Officer***

### ***Local Emergency Management Committee (LEMC)***

***Council's representatives on the Local Emergency Management Committee comprise of:***

***Delegate - Cr. Leake***

***Deputy - Cr. O'Neill***

### ***Wheatbelt Eastern Regional Organisation of Councils (WEROC)***

***Council's representatives on the Wheatbelt East Regional Organisation of Councils are:***

***Delegate - Cr. Forsyth***

***Delegate - Chief Executive Officer***

***Deputy - Cr. Steber***

### ***Sport & Recreation Steering Committee***

***Council's representatives on the Sport and Recreation Steering Committee are:***

***Delegate - Cr. White***

***Deputy - Cr. McNeil***

***Chief Executive Officer***

### ***Local Hospital Advisory Group (L-HAG)***

***Council's representative on the Local Health Advisory Group is:***

***Delegate - Cr. Forsyth***

***Deputy - Cr. O'Neill***

**Community Resource Centre Management Committee**  
**Council's representatives on the Kellerberrin Community Resource Centre Management Committee are:**  
**Delegate - Cr. O'Neill**  
**Deputy - Cr. Leake**

**Kellerberrin Swimming Pool Facility Redevelopment Steering Committee**  
**Council's representatives on the Kellerberrin Swimming Pool Facility Redevelopment Steering Committee are:**  
**Delegate - Cr. Forsyth**  
**Deputy - Cr. Leake**

**Regional Development Assessment Panel**  
**Council's representatives on the Regional Development Assessment Panel are:**  
**Delegate - Cr. Forsyth**  
**Deputy - Cr. Leake**

**Independent Kellerberrin District High School Board Panel**  
**Council's representatives on the Independent Kellerberrin District High School Board are:**  
**Delegate - Cr. Reid**

**Central East Aged Care Committee (CEACA)**  
**Council's representatives on the Central East Aged Care Committee (CEACA) are:**  
**Delegate - Mr. Forsyth**  
**Deputy Delegate – Mr. Steber**  
**Deputy Delegate – Chief Executive Officer**

CARRIED 7/0



|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.12                                       |
| <b>Subject:</b>                | Sale of Cherry Picker                         |
| <b>Location:</b>               | Hammond Street (Depot), Kellerberrin          |
| <b>Applicant:</b>              | Mr Mark Silver                                |
| <b>File Ref:</b>               | N/A   |
| <b>Record Ref:</b>             | ICR171546                                     |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date:</b>                   | 14 <sup>th</sup> November 2017                |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer |

## BACKGROUND

Council has been advised that due to the machine not being insulated and not complying with current working at height standards, the machine is no longer a viable asset.

## COMMENT

Council has received an offer to purchase this machine for private use by Mr Mark Silver as he has operated the machine for many years previously.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 Budget – Council has no funds allocated for proceeds on sale of assets for the Cherry Picker.

## 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.  |
|-----------------------|---|
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To collaborate with community members, groups, and external parties to create an inviting space for the enjoyment of all community members</li> <li>■ To develop a public space strategy that will activate streetscapes and provide an environment for all members of the community and visitors to enjoy.</li> <li>■ To lobby state and federal government for funding support to develop community and public facilities and provide improved services for the community and visitors.</li> </ul> |

|                       |   |
|-----------------------|---|
| <b>Goal 1.2.2</b>     | <b>To establish relationships to develop and deliver essential health and education services to the region.</b>   |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ To create and foster relationships with state and federal agencies and external parties to provide additional essential services to the region</li> <li>■ To lobby for the provision of increased and improved essential health and education services to the region</li> <li>■ To lobby for additional grants and monetary support to fund the provision of essential services</li> </ul> |
| <b>Goal 1.2.3</b>     | <b>To collaborate with partners to provide activities and events that will educate and enrich the lives of our residents and visitors of all ages.</b>  |
| <b>Council's Role</b> | <ul style="list-style-type: none"> <li>■ 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</li> <li>■ To lobby for funding and grants to support the implementation of community lifestyle and wellbeing programs and initiatives</li> </ul>                                     |

### Strategic Priority 4.1

#### We are a sustainable, economically diverse and strong community

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

### CORPORATE BUSINESS PLAN IMPLCATIONS – Nil

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

### LONG TERM FINANCIAL PLAN IMPLCATIONS –

| Year  | Type  | Project               | Estimated Cost |
|-------|-------|-----------------------|----------------|
| 17/18 | Plant | Replace Leased Loader | \$70,000       |
| 17/18 | Plant | Replace Community bus | \$72,690       |
| 18/19 | Plant | Replace Grader        | \$360,000      |

|       |                   |                       |             |
|-------|-------------------|-----------------------|-------------|
| 18/19 | Public Facilities | Swimming Pool Upgrade | \$739,643   |
| 19/20 | Plant             | Replace Bobcat        | \$70,000    |
| 19/20 | Public Facilities | Swimming Pool Upgrade | \$2,036,271 |
| 20/21 | Public Facilities | Swimming Pool Upgrade | \$274,623   |
| 21/22 | Public Facilities | Caravan Park upgrade  | \$481,919   |
| 22/23 | Plant             | Major upgrades        | \$300,000   |
| 25/26 | Public Facilities | Dam Stage 2           | \$392,067   |
| 27/28 | Plant             | Replace Community bus | \$78,424    |
|       |                   |                       |             |

## COMMUNITY CONSULTATION

Chief Executive Officer  
Manager Works and Services  
Kellerberrin Community via Kellerberrin Pipeline

## ABSOLUTE MAJORITY REQUIRED – YES

## STAFF RECOMMENDATION

*That Council:*

1. *approves the sale of approves the sale of Cherry Picker by private agreement, to Mr Mark Silver, of 48 Wilson Street, Kellerberrin for the sum of \$100 including GST 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 Council's Cherry Picker by private agreement, to Mr Mark Silver of 48 Wilson Street, Kellerberrin.*
  - 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.*
  - d. *No submissions being received and a signed confirmation the machine is purchased in line with the original inspection.*

## COUNCIL RECOMMENDATION

**MIN 211/17 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Leake**

***That Council:***

1. *approves the sale of Cherry Picker by private agreement, as parts only, to Mr Mark Silver, of 48 Wilson Street, Kellerberrin for the sum of \$100 including GST 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 Council's Cherry Picker by private agreement, to Mr Mark Silver of 48 Wilson Street, Kellerberrin.*
  - 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.*

*No submissions being received and a signed confirmation the machine is purchased in line with the original inspection.*

CARRIED 7/0

|                                |                                   |
|--------------------------------|-----------------------------------|
| <b>Agenda Reference:</b>       | 15.1.13                           |
| <b>Subject:</b>                | October 2017 Cheque List          |
| <b>Location:</b>               | Shire of Kellerberrin             |
| <b>Applicant:</b>              | N/A                               |
| <b>File Ref:</b>               | N/A                               |
| <b>Record Ref:</b>             | N/A                               |
| <b>Disclosure of Interest:</b> | N/A                               |
| <b>Date:</b>                   | 1 <sup>st</sup> November 2017     |
| <b>Author:</b>                 | Miss Codi Mullen, Payroll Officer |

## BACKGROUND

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

### Trust Fund

EFT & CHQ

|                    |                |
|--------------------|----------------|
| <b>TRUST TOTAL</b> | <b>\$ 0.00</b> |
|--------------------|----------------|

### Municipal Fund

Cheque Payments

|               |                     |
|---------------|---------------------|
| 34286 - 34296 | <b>\$ 36,212.24</b> |
|---------------|---------------------|

EFT Payments

|             |                      |
|-------------|----------------------|
| 7634 - 7729 | <b>\$ 501,199.66</b> |
|-------------|----------------------|

|                       |                     |
|-----------------------|---------------------|
| Direct Debit Payments | <b>\$ 21,760.16</b> |
|-----------------------|---------------------|

|                        |                      |
|------------------------|----------------------|
| <b>TOTAL MUNICIPAL</b> | <b>\$ 559,172.06</b> |
|------------------------|----------------------|

### COMMENT

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

|  |                     |
|--|---------------------|
| <b>Avon Valley Toyota</b>  | <b>\$ 59,115.61</b> |
| Purchase of 2017 Toyota Hiace 12 Seater Bus as per quotation 2194. |                     |

|  |                     |
|--|---------------------|
| <b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b> | <b>\$ 56,914.25</b> |
| LICENCING PAYMENT SEPTEMBER 2017                                   |                     |

|   |                     |
|---|---------------------|
| <b>Major Motors Pty Ltd</b>                         | <b>\$ 54,198.50</b> |
| 2017 Isuzu NH NLR 45/55-150 Tri-Tipper as per quote |                     |

|  |                     |
|--|---------------------|
| <b>LGIS Property</b>                       | <b>\$ 37,453.02</b> |
| LGIS property renewal - June 17 to June 18 |                     |

|   |                     |
|---|---------------------|
| <b>Smith Earthmoving Pty Ltd</b>        | <b>\$ 27,599.00</b> |
| Semi Truck Hire August - September 2017 |                     |

|                      |                     |
|----------------------|---------------------|
| <b>LGIS Workcare</b> | <b>\$ 19,529.98</b> |
| Second Instalment    |                     |

|   |                     |
|---|---------------------|
| <b>Spyker Business Solutions</b>                            | <b>\$ 16,617.46</b> |
| Purchase of new Server for CCTV, Backups, Labour and Travel |                     |

|   |                     |
|---|---------------------|
| <b>Fire And Emergency Services (WA)</b> | <b>\$ 14,583.47</b> |
| 17/18 ESL Payment                       |                     |

|                                     |                     |
|-------------------------------------|---------------------|
| <b>Great Southern Fuel Supplies</b> | <b>\$ 14,218.57</b> |
| Fuel purchases for September 2017   |                     |

|  |                     |
|--|---------------------|
| <b>Youlie and Son Spreading Services</b>                 | <b>\$ 13,642.20</b> |
| Wet Hire of grader and roller for September & October 17 |                     |

|   |              |
|---|--------------|
| <b>Water Corporation</b><br>Water & Services Charges for various properties August - October 2017           | \$ 13,171.21 |
| <b>Sam Williams</b><br>Semi Hire for September 2017   | \$ 11,940.50 |
| <b>Beverley Transport</b><br>Semi Hire for September 2017   | \$ 11,225.50 |
| <b>Brooks Hire Service Pty Ltd</b><br>Hire excavator for July & August 17                                   | \$ 10,989.00 |
| <b>Sam Williams</b><br>Truck Hire for October 17 - 76hours  | \$ 10,868.00 |
| <b>Synergy</b><br>Power consumption for various properties August - October 2017                            | \$ 10,389.20 |
| <b>LGIS Liability</b><br>Liability Insurance Second Instalment  | \$ 9,788.63  |
| <b>Avon Waste</b><br>Domestic & Commercial Refuse Collection - September 2017                               | \$ 8,907.23  |
| <b>WCS Concrete Pty Ltd</b><br>Supply and lay concrete with colour  | \$ 7,871.60  |
| <b>Alleasing Pty Ltd</b><br>Gym Equipment Monthly Lease Fee   | \$ 7,610.77  |
| <b>Youlie and Son Spreading Services</b><br>Grader and Roller Hire for September                            | \$ 7,451.40  |
| <b>Beverley Transport</b><br>Semi Hire use for October  | \$ 7,007.00  |
| <b>Youlie and Son Spreading Services</b><br>Wet hire of grader and roller for October 17                    | \$ 6,791.40  |
| <b>Moore Stephens</b><br>Roads to Recovery - annual return for the year end 30 June 2017 & BAS              | \$ 5,615.50  |
| <b>WA Local Government Superannuation Plan Pty Ltd</b><br>Payroll Deductions & Superannuation Contributions | \$ 5,229.21  |
| <b>Kellerberrin &amp; Districts Club</b><br>Cleaning Reimbursements & monthly repayment for solar panels    | \$ 5,196.08  |
| <b>WA Local Government Superannuation Plan Pty Ltd</b><br>Payroll Deductions                                | \$ 5,167.15  |
| <b>Local Pest Control</b><br>Pest Treatment 2017  | \$ 4,576.20  |
| <b>Synergy</b><br>Streetlights Tariff Charge (257) from 1 September 2017 - 2 October 2017                   | \$ 4,485.45  |
| <b>Ligna Construction</b><br>Build lime stone block wall.   | \$ 4,477.00  |



## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 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 October 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 \$559,172.06 on vouchers EFT, CHQ, Direct payments*
2. *Trust Fund payments totalling \$0.00 on vouchers EFT, CHQ, Direct payments*

### **COUNCIL RECOMMENDATION**

**MIN 212/17 MOTION - Moved Cr. White 2<sup>nd</sup> Cr. McNeil**

***That Council notes that during the month of October 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 \$559,172.06 on vouchers EFT, CHQ, Direct payments.***
2. ***Trust Fund payments totalling \$0.00 on vouchers EFT, CHQ, Direct payments.***

CARRIED 7/0

|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.1.14   |
| <b>Subject:</b>                | Direct Debit List and Visa Card Transactions for the month October 2017 |
| <b>Location:</b>               | Shire of Kellerberrin   |
| <b>Applicant:</b>              | Shire of Kellerberrin   |
| <b>File Ref:</b>               | N/A   |
| <b>Record Ref:</b>             | N/A   |
| <b>Disclosure of Interest:</b> | N/A   |
| <b>Date:</b>                   | 13 <sup>th</sup> November 2017  |
| <b>Author:</b>                 | Codi Mullen, Payroll Officer  |

## BACKGROUND

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

### Municipal Fund – Direct Debit List

| Date         | Name                    | Details                           | \$        | Amount            |
|--------------|-------------------------|-----------------------------------|-----------|-------------------|
| 2-Oct-17     | Westnet                 | Monthly static IP address         | \$        | 4.99              |
| 3-Oct-17     | Housing Authority       | Fortnightly Rent                  | \$        | 420.00            |
| 3-Oct-17     | Alleasing               | Gym Equipment Rental              | \$        | 7,610.77          |
| 3-Oct-17     | Shire of Kellerberrin   | EFT Payment                       | \$        | 12,027.60         |
| 4-Oct-17     | National Australia Bank | Visa Payment Sept 2017            | \$        | 352.71            |
| 5-Oct-17     | Shire of Kellerberrin   | Payroll                           | \$        | 46,000.66         |
| 6-Oct-17     | ClickSuper              | Payroll Superannuation            | \$        | 6,528.54          |
| 6-Oct-17     | Shire of Kellerberrin   | EFT Payment                       | \$        | 58,774.70         |
| 10-Oct-17    | ClickSuper              | Payroll Superannuation            | \$        | 408.17            |
| 12-Oct-17    | Shire of Kellerberrin   | EFT Payment                       | \$        | 156,864.85        |
| 13-Oct-17    | DLL Group               | Monthly Photocopier Lease Payment | \$        | 265.21            |
| 17-Oct-17    | National Australia Bank | NAB Connect Fee                   | \$        | 61.73             |
| 17-Oct-17    | Housing Authority       | Fortnightly Rent                  | \$        | 420.00            |
| 19-Oct-17    | Shire of Kellerberrin   | EFT Payment                       | \$        | 47,622.11         |
| 20-Oct-17    | Shire of Kellerberrin   | Payroll                           | \$        | 647.50            |
| 20-Oct-17    | Shire of Kellerberrin   | Payroll                           | \$        | 1,167.20          |
| 31-Oct-17    | National Australia Bank | Account Fees - BPAY               | \$        | 34.04             |
| 31-Oct-17    | National Australia Bank | Account Fees - Municipal          | \$        | 55.40             |
| 31-Oct-17    | National Australia Bank | Account Fees - Trust              | \$        | 65.00             |
| 31-Oct-17    | National Australia Bank | Account Fees - Merch - C/Park     | \$        | 148.91            |
| 31-Oct-17    | National Australia Bank | Account Fees - Merch Oct 17       | \$        | 186.97            |
| 31-Oct-17    | Housing Authority       | Fortnightly Rent                  | \$        | 420.00            |
| <b>TOTAL</b> |                         |                                   | <b>\$</b> | <b>340,087.06</b> |

### Trust Fund – Direct Debit List

| Date         | Name                 | Details                                | \$        | Amount           |
|--------------|----------------------|--|-----------|------------------|
| 31-Oct-17    | Department Transport | Direct Debit-Licensing Payments Oct 17 | \$        | 68,328.75        |
| <b>TOTAL</b> |                      |  | <b>\$</b> | <b>68,328.75</b> |

### Visa Card Transactions

| Date               | Name                         | Details                     | \$        | Amount        |
|--------------------|------------------------------|-----------------------------|-----------|---------------|
| 16-Oct-17          | Kellerberrin & District Club | Meals                       | \$        | 28.00         |
| 24-Oct-17          | Succulent Foods              | Meals & Drinks for meeting  | \$        | 26.00         |
| 24-Oct-17          | Succulent Foods              | Meals & Drinks for meeting  | \$        | 18.00         |
| 25-Oct-17          | Shire of Kellerberrin        | Building Permit Application | \$        | 159.35        |
| 28-Sep-17          | National Australian Bank     | Card Fee                    | \$        | 9.00          |
| <b>TOTAL - CEO</b> |                              |                             | <b>\$</b> | <b>240.35</b> |

| Date      | Name          | Details     | \$ | Amount |
|-----------|---------------|-------------|----|--------|
| 03-Oct-17 | Coles Express | Fuel KE 002 | \$ | 33.32  |

|                                |                          |                                |           |                 |
|--------------------------------|--------------------------|--------------------------------|-----------|-----------------|
| 06-Oct-17                      | Kellerberrin Shire (CRC) | Plate change for Truck         | \$        | 33.80           |
| 10-Oct-17                      | RLSSWA                   | Lifeguard Requalification      | \$        | 140.00          |
| 16-Oct-17                      | Coles Express            | Fuel KE 002                    | \$        | 67.30           |
| 24-Oct-17                      | BP Baldivis              | Fuel KE 002                    | \$        | 33.45           |
| 24-Oct-17                      | Bunnings                 | Hammond Street Renovations     | \$        | 506.84          |
| 25-Oct-17                      | Bunnings                 | Hammond Street Renovations     | \$        | 64.00           |
| 26-Oct-17                      | The Murrumbidgee Hotel   | Accommodation - Staff Training | \$        | 145.00          |
| 27-Oct-17                      | National Australian Bank | Card Fee                       | \$        | 9.00            |
| <b>TOTAL - DCEO</b>            |                          |                                | <b>\$</b> | <b>1,032.71</b> |
| <b>TOTAL VISA TRANSACTIONS</b> |                          |                                | <b>\$</b> | <b>1,273.06</b> |

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

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

*Be adopted.*

**COUNCIL RECOMMENDATION**

**MIN 213/17 MOTIONS - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid**

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

*Be adopted.*

CARRIED 7/0

|                                |  |
|--------------------------------|--|
| <b>Agenda Reference:</b>       | 15.1.15  |
| <b>Subject:</b>                | Financial Management Report for the month October 2017 |
| <b>Location:</b>               | Shire of Kellerberrin                                  |
| <b>Applicant:</b>              | Shire of Kellerberrin                                  |
| <b>File Ref:</b>               | N/A  |
| <b>Record Ref:</b>             | N/A  |
| <b>Disclosure of Interest:</b> | N/A  |
| <b>Date:</b>                   | 2 <sup>nd</sup> November 2017                          |
| <b>Author:</b>                 | Karen Oborn, DCEO                                      |

## BACKGROUND

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

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

## 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**

*That the Financial Report for the month of October 2017 comprising;*

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 9*

*Be adopted.*

## **COUNCIL RECOMMENDATION**

**MIN 214/17 MOTIONS - Moved Cr. O'Neill 2<sup>nd</sup> Cr. White**

*That the Financial Report for the month of October 2017 comprising;*

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 9*

*Be adopted.*

CARRIED 7/0

|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 15.2.1  |
| <b>Subject:</b>                | Building Returns: October 2017                |
| <b>Location:</b>               | Shire of Kellerberrin                         |
| <b>Applicant:</b>              | Various                                       |
| <b>File Ref:</b>               | BUILD06                                       |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>Date:</b>                   | 1 <sup>st</sup> November, 2017                |
| <b>Author:</b>                 | 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 nine applications received for a "Building Permit" during the October 2017 period. A copy of the "Australian Bureau of Statistics appends.
2. There were nil "Building Permits" issued in the October 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 October 2017 period.
2. Acknowledge the "Return of Building Permits Issued" for the October 2017 period.



COUNCIL RECOMMENDATION

MIN 215/17 MOTION - Moved Cr. Leake 2<sup>nd</sup> Cr. Reid

That Council:

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

CARRIED 7/0

|                                |  |
|--------------------------------|--|
| <b>Agenda Reference:</b>       | 15.2.2   |
| <b>Subject:</b>                | Development Application: Oversized shed/ carport |
| <b>Location:</b>               | 34 Hinckley Street, Kellerberrin                 |
| <b>Applicant:</b>              | Doreen Stening                                   |
| <b>File Ref:</b>               | IPA1747  |
| <b>Disclosure of Interest:</b> | N/A  |
| <b>Date:</b>                   | 7 <sup>th</sup> November, 2017                   |
| <b>Author:</b>                 | Mr Lewis York, Town Planner                      |

## BACKGROUND

A development application has been received from Doreen Stening for a shed and carport on her residential lot. The shed and carport will be a combined 72m<sup>2</sup>. As the proposal will exceed R-Code maximums it requires Council approval.



Existing on the lot is a dwelling. No other significant structures exist on the lot.

\*The Shires approved Local Planning Policy relating to Outbuildings is awaiting WAPC approval, meaning it will not apply to this application.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The applicant paid a standard planning application fee of \$147 on the 30/10/2017.

## POLICY IMPLICATIONS

### *State Planning Policy 3.1- Residential Design Codes (r codes)*

The subject land is coded R10-40, therefore some provisions of the R-Codes are applicable. Requirements for both the proposed shed and carport are outlined below.

## Part 2- Judging proposals

### 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 judgement to determine the proposal.

Judgement 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 judgement

#### 2.5.1

Subject to clauses 2.5.2 and 2.5.3, the **decision-maker** is to exercise its judgement 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 judgement, 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.

## Part 5- Design Elements

### 5.1.2 Street setback

P2.1 **Buildings** set back from **street boundaries** an appropriate distance to ensure they:

- contribute to, and are consistent with, an established streetscape;
- provide adequate privacy and **open space** for dwellings;
- accommodate site planning requirements such as parking, **landscape** and utilities; and
- allow safety clearances for easements for essential service corridors.

P2.2 **Buildings** mass and form that:

- uses design features to affect the size and scale of the building;
- uses appropriate minor projections that do not detract from the character of the streetscape;
- minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank **walls**, servicing infrastructure access and meters and the like; and
- positively contributes to the prevailing **development** context and streetscape.

C2.1 **Buildings** set back from the **primary street** boundary:

- i. In accordance with **Table 1**;
- ii. corresponding to the average of the **setback** of existing **dwellings** on each adjacent property fronting the same **street**;
- iii. reduced by up to 50 per cent provided that the area of any building, including a **carport** or **garage**, intruding into the setback area is compensated for by at least an equal area of **open space** between the setback line and line drawn parallel to it at twice the setback distance (refer **Figure 2a, 2b** and **2c**);
- iv. In the case of areas coded R15 or higher, where:
  - a **grouped dwelling** has its main **frontage** to a **secondary street**;
  - a **single house** results from subdivision of an original corner lot and has its frontage to the original secondary street; or
  - a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a **communal street, right-of-way** or shared pedestrian or vehicle access way;

| Design principles<br><i>Development demonstrates compliance with the following design principles (P)</i>   | Deemed-to-comply<br><i>Development satisfies the following deemed-to-comply requirements (C)</i>   |
|--|--|
|  | <p>the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent (refer <b>Figure 2b</b> and <b>2d</b>); and</p> <p>v. to provide for registered easements for essential services.</p> <p>C2.2 <b>Buildings</b> set back from the <b>secondary street</b> boundary in accordance with <b>Table 1</b>.</p> <p>C2.3 <b>Buildings</b> set back from the corner truncation boundary in accordance with the secondary street setback in <b>Table 1</b>.</p> <p>C2.4 A <b>porch, balcony, verandah, chimney</b> or the equivalent may project not more than 1m into the <b>street setback area</b>, and this projection is not subject to a compensating open area under clause 5.1.2 C2.1iii, provided that the total of such projections does not exceed 20 per cent of the frontage at any level (refer <b>Figure 2b</b>).</p>   |
| <p><b>5.1.3 Lot boundary setback</b></p> <p>P3.1 <b>Buildings</b> set back from <b>lot</b> boundaries so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on <b>adjoining properties</b>;</li> <li>• provide adequate direct sun and ventilation to the building and <b>open spaces</b> on the <b>site</b> and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p>P3.2 <b>Buildings</b> built up to boundaries (other than the <b>street boundary</b>) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or <b>outdoor living areas</b>;</li> <li>• does not compromise the <b>design principle</b> contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the <b>adjoining property</b>;</li> <li>• ensures direct sun to <b>major openings</b> to <b>habitable rooms</b> and outdoor living areas for <b>adjoining properties</b> is not restricted; and</li> <li>• positively contributes to the prevailing <b>development</b> context and streetscape.</li> </ul> | <p>C3.1 <b>Buildings</b> which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <ol style="list-style-type: none"> <li>i. buildings set back from lot boundaries in accordance with <b>Table 1, Tables 2a</b> and <b>2b</b> (refer to <b>Figure Series 3</b> and <b>4</b>);</li> <li>ii. <b>unenclosed</b> areas accessible for use as <b>outdoor living areas</b>, elevated 0.5m or more above <b>natural ground level</b>, set back as though they were <b>major openings</b> to <b>habitable rooms</b> with a <b>wall height</b> of 2.4m above their floor level;</li> <li>iii. separate <b>single house, grouped</b> or <b>multiple dwelling</b> buildings on the same <b>site</b>, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them;</li> <li>iv. minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a <b>setback</b> area; and</li> <li>v. the stated setback distances may be reduced by half the width of an adjoining <b>right-of-way</b>, pedestrian access way, <b>communal street</b> or <b>battleaxe lot</b> access leg, to a maximum reduction of 2m (refer to <b>figures 2b</b> and <b>4f</b>).</li> </ol>   |
| <p><b>5.1.4 Open space</b></p> <p>P4 <b>Development</b> incorporates suitable <b>open space</b> for its context to:</p> <ul style="list-style-type: none"> <li>• reflect the existing and/or desired streetscape character or as outlined under the <b>local planning framework</b>;</li> <li>• provide access to natural sunlight for the <b>dwelling</b>;</li> <li>• reduce <b>building</b> bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the <b>local planning framework</b>;</li> <li>• provide an attractive setting for the buildings, <b>landscape</b>, vegetation and streetscape;</li> <li>• provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the <b>site</b>; and</li> <li>• provide space for <b>external fixtures</b> and essential facilities.</li> </ul>  | <p>C4 <b>Open space</b> provided in accordance with <b>Table 1</b> (refer <b>Figure Series 6</b>). The <b>site</b> of the <b>grouped dwelling</b>, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of that <b>dwelling</b> and the proportionate share of any associated <b>common property</b>.</p>   |
| <p><b>5.2.1 Setback of garages and carports</b></p> <p>P1 The setting back of <b>carports</b> and <b>garages</b> to maintain clear sight lines along the <b>street</b> and not to detract from the streetscape or appearance of <b>dwellings</b>; or obstruct views of dwellings from the street and vice versa.</p>   | <p>C1.1 <b>Garages</b> set back 4.5m from the <b>primary street</b> except that the <b>setback</b> may be reduced:</p> <ol style="list-style-type: none"> <li>i. in accordance with <b>Figure 8b</b> where the garage adjoins a <b>dwelling</b> provided the garage is at least 0.5m behind the dwelling alignment (excluding any <b>porch, verandah</b> or <b>balcony</b>); or.</li> <li>ii. to 3m where the garage allows vehicles to be parked parallel to the <b>street</b>. The <b>wall</b> parallel to the street must include openings.</li> </ol> <p>C1.2 <b>Carports</b> set back from the <b>primary street</b> in accordance with clause 5.1.2 C2.1.</p> <p>C1.3 <b>Garages</b> and <b>carports</b> built up to the boundary abutting a private <b>street</b> or <b>right-of-way</b> which is not the <b>primary</b> or <b>secondary street</b> boundary for the <b>dwelling</b>, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.</p> <p>C1.4 <b>Garages</b> and <b>carports</b> set back 1.5m from a <b>secondary street</b>.</p> <p>C1.5 <b>Carports</b> within the <b>street setback area</b> in accordance with clause 5.1.2 C2.1iii provided that the width of the carport does not exceed 50 per cent of the <b>frontage</b> at the <b>building</b> line and the construction allows an unobstructed view between the <b>dwelling</b> and the <b>street, right-of-way</b> or equivalent (refer to <b>Figure 8a</b>).</p> |

| Design principles<br><i>Development demonstrates compliance with the following design principles (P)</i>  | Deemed-to-comply<br><i>Development satisfies the following deemed-to-comply requirements (C)</i>  |
|---|---|
| <b>5.4.3 Outbuildings</b><br><br><b>P3 Outbuildings</b> that do not detract from the streetscape or the visual amenity of residents or neighbouring properties. | <b>C3 Outbuildings</b> that: <ol style="list-style-type: none"> <li>are not attached to a <b>dwelling</b>;</li> <li>are non-habitable;</li> <li>collectively do not exceed 60m<sup>2</sup> in area or 10 per cent in aggregate of the <b>site area</b>, whichever is the lesser;</li> <li>do not exceed a <b>wall height</b> of 2.4m;</li> <li>do not exceed ridge height of 4.2m;</li> <li>are not within the <b>primary</b> or <b>secondary street setback area</b>;</li> <li>do not reduce the amount of <b>open space</b> required in <b>Table 1</b>; and</li> <li>are set back in accordance with <b>Tables 2a</b> and <b>2b</b>.</li> </ol> |

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

| 1<br>R-Code | 2<br>Dwelling type               | 3<br>Minimum site area per dwelling (m <sup>2</sup> )<br>◆ | 4<br>Minimum lot area/rear battleaxe (m <sup>2</sup> )<br>▼ | 5<br>Minimum frontage (m)<br>▼ | 6<br>Open space       |                                      | 7<br>Minimum setbacks (m) |                    |            |
|-------------|----------------------------------|--|---|--------------------------------|-----------------------|--------------------------------------|---------------------------|--------------------|------------|
|             |                                  |  |   |                                | min total (% of site) | min outdoor living (m <sup>2</sup> ) | 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<br>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<br>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<br>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<br>Av 571  | 587.5   | 12                             | 50                    | 36                                   | 6                         | 1.5                | *          |
|             | Multiple dwelling                | 571  | -   | -                              | -                     | -                                    | 6                         | 1.5                | *          |
| R20         | Single house or grouped dwelling | Min 350<br>Av 450  | 450   | 10                             | 50                    | 30                                   | 6                         | 1.5                | *          |
|             | Multiple dwelling                | 450  | -   | -                              | 50                    | -                                    | 6                         | 1.5                | *          |
| R25         | Single house or grouped dwelling | Min 300<br>Av 350  | 425   | 8                              | 50                    | 30                                   | 6                         | 1.5                | *          |
|             | Multiple dwelling                | 350  | -   | -                              | 50                    | -                                    | 6                         | 1.5                | *          |
| R30         | Single house or grouped dwelling | Min 260<br>Av 300  | 410   | -                              | 45                    | 24                                   | 4                         | 1.5                | *          |
|             | Multiple dwelling                | 300  | -   | -                              | 45                    | -                                    | 4                         | 1.5                | *          |
| R35         | Single house or grouped dwelling | Min 220<br>Av 260  | 395   | -                              | 45                    | 24                                   | 4                         | 1.5                | *          |
|             | Multiple dwelling                | 260  | -   | -                              | 45                    | -                                    | 4                         | 1.5                | *          |
| R40         | Single house or grouped dwelling | Min 180<br>Av 220  | 380   | -                              | 45                    | 20                                   | 4                         | 1                  | *          |
|             | Multiple dwelling                | 220  | -   | -                              | 45                    | -                                    | 4                         | 1                  | *          |
| R50         | Single house or grouped dwelling | Min 160<br>Av 180  | 380   | -                              | 40                    | 16                                   | 2                         | 1                  | *          |
| R60         | Single house or grouped dwelling | Min 120<br>Av 150  | 380   | -                              | 40                    | 16                                   | 2                         | 1                  | *          |
| R80         | Single house or grouped dwelling | Min 100<br>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

## STATUTORY IMPLICATIONS

### Local Planning Scheme No.4

Zoning: The subject lot is zoned 'Residential' under the Shires Scheme.



### 3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

#### 3.2.1 Residential Zone

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

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

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

### 4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

#### 4.2. RESIDENTIAL DESIGN CODES

4.2.1. A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

4.2.2. 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.

4.2.3. The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

### Planning Comment

The proposal will exceed the maximum allowable size for outbuildings, consequently it shall be judged on its merits by Council, as outlined in the R-Codes.

*R-Codes Definition of a **Carport**: "A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable."*

*R-Codes Definition of an **Outbuilding**: "An enclosed non-habitable structure that is detached from any dwelling."*

### Proposed Shed/Carport

Outbuilding collective area: as stated in the R-Codes, outbuildings are collectively not to exceed 60m<sup>2</sup> in area.

The proposed shed will be 72m<sup>2</sup>.

Exceeding the allowed 60m<sup>2</sup> limit by 12m<sup>2</sup>.

Wall Height: the proposed shed will not exceed wall maximums in the R-Codes as it is to be 2.5m at its highest point.

Setbacks: the proposed carport and shed satisfies the setback requirements.

Open Space: The development satisfies the open space requirements of the R-Codes.

The proposed shed will exceed the R-Codes specification by 12m<sup>2</sup>. However, Council in the past has approved oversized sheds using discretion allowed under the Codes. It is noted that the applicant will be using new materials that are of a similar nature to existing dwelling and materials used on the lot. It is not believed that the development proposed will have a negative impact upon streetscape amenity.

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

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

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

**COMMUNITY CONSULTATION:**

Not required.

**STAFF RECOMMENDATION**

*That Council*

1. *Provides conditional development approval for the construction of a carport and shed on 34 Hinckley Street, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:*
  - a. *12m<sup>2</sup> for collective outbuildings, with the R-Code specification being 60m<sup>2</sup>*

**GENERAL CONDITIONS**

1. *The approval will expire if the development is not substantially commenced within two years of the approval date;*
2. *The shed and carport shall be of a similar colour to the existing structures on the lot and shall be non- reflective.*

**COUNCIL RECOMMENDATION**

**MIN 216/17 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. McNeil**

***That Council***

1. ***Provides conditional development approval for the construction of a carport and shed on 34 Hinckley Street, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:***
  - a. ***12m<sup>2</sup> for collective outbuildings, with the R-Code specification being 60m<sup>2</sup>***

**GENERAL CONDITIONS**

1. ***The approval will expire if the development is not substantially commenced within two years of the approval date;***
2. ***The shed and carport shall be of a similar colour to the existing structures on the lot and shall be non- reflective.***

CARRIED 7/0

**15.3 WORKS & SERVICES – AGENDA ITEMS**

**Nil Items**

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

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



|                                |   |
|--------------------------------|---|
| <b>Agenda Reference:</b>       | 17.1.1  |
| <b>Subject:</b>                | Mr Wayne Smith – Development Application      |
| <b>Location:</b>               | 1146 Doodlakine South Road, Doodlakine        |
| <b>Applicant:</b>              | Mr Wayne Smith                                |
| <b>File No:</b>                |   |
| <b>Record Ref:</b>             | IPA1750                                       |
| <b>Disclosure of Interest:</b> | NIL   |
| <b>Date:</b>                   | 16 <sup>th</sup> November 2017                |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer |

## BACKGROUND

Council on the 15<sup>th</sup> November 2017 received a Development Application from Mr Wayne Smith of 1146 Doodlakine South Road, Doodlakine for a lap pool, Office Block for his Earthmoving business and 4 Sea Containers.



The square above highlights the area of the land parcel that contains the existing residence, sheds, silos and workshops for Mr Smith's farm operation.

## COMMENT

The Applicant is applying for the following infrastructure to be located within the square highlighted above:

1. Lap pool to be installed adjacent to his existing property as per attached plans.
2. Office Block for his Earthmoving Business to move away from his residence
3. 4 Sea Containers for on farm storage.

## FINANCIAL IMPLICATIONS

1. A Development Application fee of \$147.00 was paid at the time of lodging the application.

## POLICY IMPLICATIONS

### Shire of Kellerberrin - Local Planning Policy 2.0 - Sea Containers

#### 5.0 POLICY STATEMENT

##### 5.1 Exemptions from planning approval

Planning consent is not required for:

- a) the use of sea containers fully enclosed within a building.
- b) the loading or unloading of containers for shipping, provided that the container(s) does not remain on the lot for longer than seven (7) days.
- c) the use of up to two (2) containers on land in the General Agriculture or Industrial zones (per rate notice),
- d) the temporary storage of equipment and materials during construction works (maximum of 12 months), where:
  - i. building approval has been issued for the construction works and remains valid; and
  - ii. the sea container has been removed from the site within a month of completing construction works.

##### 5.2 General Requirements for Sea Containers

- 5.2.1 Unless exempt from planning approval requirements specified in *Clause 5.1* above, Approval by the Shire is required for use of all sea containers.

Sea containers shall:

- i. comply with the requirements of the Scheme;
- ii. comply with the criteria set out in **Table 1** of this policy;
  - I. be used as detached outbuildings and not as ancillary accommodation;
  - II. be fitted with doors that can be opened from the inside to ensure safety of users;
- iii. be painted to match either the existing dwelling or other outbuildings on the lot;
- iv. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- v. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- vi. be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and
- vii. not be located on vacant land in the Residential, Rural Residential, Rural Townsite and Town Centre zones unless for the storage for building and construction purposes, as outlined in *Clause 5.1 (d)*.

- 5.2.2 If a landowner wishes to exceed the acceptable standards in Table 1, the application will be formally referred to Council for determination.

- 5.2.3 Sea containers will not be permitted for habitable use or conversion for habitable use unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated. The use of sea containers as a dwelling is considered a repurposed dwelling under the Scheme and all applications should comply with the provisions of Scheme, *Residential Design*

*Codes (R-Codes) and Local Planning Policy 4.0 'Repurposed and Second Hand Dwellings'.*

- 5.2.4 Sea containers are to be included in the gross total allowable area for outbuildings and are required satisfy open space requirements as set out in the R-Codes. Gross total area maximums are outlined in *Local Planning Policy 1.0 'Outbuildings'* (Section 7).
- 5.2.5 Sea containers that are not permanent are not required to conform with *Clauses 5.2.1 (ii) and (v)* or the special requirements in table 1).
- 5.2.6 All applicants will be required to gain a building permit from the Shire of Kellerberrin

| Zone (s):                             | Setback:  | Number and size of Sea Container(s) allowed:     | Special requirements:  |
|---------------------------------------|---|--|--|
| <b>Town Centre</b>                    | In accordance with the R-Codes  | 1 x 12m (40 ft)                                  | The sea containers shall be fitted with a pitched roof.<br><br>The sea container shall not compromised or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site.<br><br>The sea container shall only be used for storage purposes. |
| <b>Residential and Rural Townsite</b> | In accordance with the R-Codes  | 1x 12m (40 ft)                                   | The sea container shall be fitted with a pitched roof.<br><br>The sea containers shall be used in association with the approved use of the property.   |
| <b>Rural Residential</b>              | In accordance with the R-Codes  | 1x 12m (40 ft)                                   | The sea container shall only be used for storage purposes.   |
| <b>General Agriculture</b>            | In accordance with the setbacks outlined in the <i>Scheme</i> (Clause 4.11.1) | 2x 12m (40ft)*<br>(per rate notice)              | The sea container shall only be used for storage purposes.<br><br>* Where more than two (2) containers are proposed, the application will be considered on its merits.   |
| <b>Industrial</b>                     | In accordance with the setbacks outlined in the <i>Scheme</i> (Clause 4.9.1)  | 2x 12m (40ft) container per 4000m <sup>2</sup> * | Sea container(s) shall be used in association with the approved use of the property.<br><br>* Where more than two (2) containers are proposed, the application will be considered on its merits.   |

## STATUTORY IMPLICATIONS

### SHIRE OF KELLERBERRIN LOCAL PLANNING SCHEME NO. 4

#### UPDATED TO INCLUDE AMD 1 GG 06/05/16

#### Part 3 — Zones and the use of land

### 3.1. Zones

- 3.1.1. The Scheme area is classified into the zones shown on the Scheme Map.
- 3.1.2. The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

### 3.2. Objectives of the zones

The objectives of the zones are —

#### 3.2.6 General Agriculture Zone

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

### 3.3. Zoning Table

- 3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.
- 3.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings —
- ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
  - ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
  - ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
  - ‘X’ means a use that is not permitted by the Scheme.
- 3.3.3. A change in the use of land from one use to another is permitted if —
- (a) the local government has exercised its discretion by granting development approval;
  - (b) the change is to a use which is designated with the symbol ‘P’ in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
  - (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
  - (d) the change is to an incidental use that does not change the predominant use of the land.

- Note:
1. The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.
  2. The local government will not refuse a ‘P’ use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.
  3. In considering a ‘D’ or ‘A’ use, the local government will have regard to the matters set out in clause 67 of the deemed provisions.
  4. The local government must refuse to approve any ‘X’ use of land. Approval to an ‘X’ use of land may only proceed by way of an amendment to the Scheme

| USE CLASSES                          | ZONES       |             |            |                     |                |                   |
|--------------------------------------|-------------|-------------|------------|---------------------|----------------|-------------------|
|                                      | RESIDENTIAL | TOWN CENTRE | INDUSTRIAL | GENERAL AGRICULTURE | RURAL TOWNSITE | RURAL RESIDENTIAL |
| <b>RESIDENTIAL</b>                   |             |             |            |                     |                |                   |
| Aged or dependent persons dwelling   | P           | D           | X          | X                   | P              | X                 |
| Caretaker's dwelling                 | X           | D           | D          | D                   | P              | X                 |
| Grouped dwelling                     | P           | D           | X          | X                   | D              | X                 |
| Home business                        | D           | D           | X          | D                   | D              | D                 |
| Home occupation                      | D           | D           | X          | D                   | D              | D                 |
| Home office                          | P           | D           | X          | D                   | D              | P                 |
| Home store                           | A           | D           | X          | A                   | D              | A                 |
| Multiple Dwelling                    | D           | X           | X          | X                   | X              | X                 |
| Park home park                       | X           | A           | X          | X                   | A              | X                 |
| Residential building                 | A           | X           | X          | X                   | A              | X                 |
| Rural home business                  | X           | X           | X          | D                   | X              | D                 |
| Single Dwelling                      | P           | A           | X          | P                   | P              | P                 |
| <b>TOURIST AND ENTERTAINMENT</b>     |             |             |            |                     |                |                   |
| Amusement parlour                    | X           | D           | A          | X                   | D              | X                 |
| Bed and breakfast                    | A           | D           | X          | D                   | D              | D                 |
| Caravan park                         | X           | X           | X          | X                   | D              | X                 |
| Hotel                                | X           | P           | X          | X                   | A              | X                 |
| Motel                                | X           | D           | X          | X                   | A              | X                 |
| Tavern                               | X           | P           | X          | X                   | A              | X                 |
| <b>COMMERCE</b>                      |             |             |            |                     |                |                   |
| Betting agency                       | X           | P           | X          | X                   | A              | X                 |
| Cinema/theatre                       | X           | P           | X          | X                   | A              | X                 |
| Consulting rooms                     | X           | D           | X          | X                   | A              | X                 |
| Convenience store                    | A           | P           | X          | X                   | A              | X                 |
| Fast food outlet                     | X           | D           | X          | X                   | A              | X                 |
| Lunch bar                            | X           | P           | P          | X                   | A              | X                 |
| Market                               | X           | D           | D          | X                   | A              | X                 |
| Medical centre                       | X           | D           | X          | X                   | A              | X                 |
| Motor vehicle wash                   | X           | D           | P          | X                   | A              | X                 |
| Motor vehicle, boat or caravan sales | X           | P           | D          | X                   | A              | X                 |
| Nightclub                            | X           | D           | X          | X                   | A              | X                 |
| Office                               | X           | P           | X          | X                   | A              | X                 |
| Reception centre                     | X           | P           | X          | X                   | A              | X                 |
| Restaurant/cafe                      | X           | P           | X          | A                   | A              | X                 |
| Restricted premises                  | X           | D           | X          | X                   | A              | X                 |
| Service station                      | X           | D           | P          | X                   | A              | X                 |
| Shop                                 | X           | P           | X          | X                   | A              | X                 |
| Showroom                             | X           | D           | P          | X                   | A              | X                 |
| Trade display                        | X           | D           | P          | X                   | A              | X                 |
| <b>OTHER</b>                         |             |             |            |                     |                |                   |
| Corrective institution               | X           | X           | X          | X                   | X              | X                 |
| Essential service utility            | D           | D           | D          | D                   | D              | D                 |
| Funeral parlour                      | X           | A           | P          | X                   | A              | X                 |
| Telecommunications infrastructure    | D           | D           | P          | D                   | A              | D                 |
| Veterinary centre                    | X           | A           | P          | A                   | A              | A                 |
| <b>INDUSTRY</b>                      |             |             |            |                     |                |                   |
| Fuel depot                           | X           | X           | A          | X                   | X              | X                 |

| USE CLASSES                   | ZONES       |             |            |                     |                |                   |
|-------------------------------|-------------|-------------|------------|---------------------|----------------|-------------------|
|                               | RESIDENTIAL | TOWN CENTRE | INDUSTRIAL | GENERAL AGRICULTURE | RURAL TOWNSITE | RURAL RESIDENTIAL |
| Industry                      | X           | X           | P          | X                   | X              | X                 |
| Industry - cottage            | A           | D           | P          | A                   | D              | A                 |
| Industry - extractive         | X           | X           | X          | D                   | X              | X                 |
| Industry - light              | X           | X           | P          | X                   | A              | X                 |
| Mining operations             | X           | X           | X          | D                   | X              | X                 |
| Industry - primary production | X           | X           | P          | D                   | A              | A                 |
| Industry - service            | X           | D           | P          | X                   | A              | X                 |
| Motor vehicle repair          | X           | D           | P          | X                   | A              | X                 |
| Storage                       | X           | D           | P          | D                   | A              | X                 |
| Warehouse                     | X           | D           | P          | X                   | A              | X                 |
| <b>CIVIC AND COMMUNITY</b>    |             |             |            |                     |                |                   |
| Child care premises           | A           | A           | X          | X                   | A              | X                 |
| Civic use                     | D           | D           | D          | X                   | A              | X                 |
| Club premises                 | D           | P           | D          | X                   | A              | X                 |
| Community purpose             | A           | P           | A          | X                   | A              | X                 |
| Educational establishment     | X           | P           | A          | X                   | A              | X                 |
| Exhibition centre             | X           | D           | X          | X                   | A              | X                 |
| Family day care               | D           | D           | X          | A                   | A              | D                 |
| Hospital                      | X           | X           | X          | X                   | A              | X                 |
| Place of worship              | A           | A           | X          | X                   | A              | X                 |
| Recreation - private          | D           | D           | D          | D                   | A              | D                 |
| <b>RURAL</b>                  |             |             |            |                     |                |                   |
| Agriculture - extensive       | X           | X           | X          | P                   | X              | X                 |
| Agriculture - intensive       | X           | X           | X          | D                   | X              | X                 |
| Tree farm                     | X           | X           | X          | A                   | X              | X                 |
| Animal establishment          | X           | X           | A          | A                   | A              | X                 |
| Animal husbandry - intensive  | X           | X           | X          | A                   | X              | X                 |
| Rural pursuit/hobby farm      | D           | X           | X          | D                   | X              | D                 |
| Winery                        | X           | X           | X          | D                   | X              | D                 |

## OFFICERS COMMENT

The Development Application complies with Council's Town Planning Scheme for all three aspects of the application as per the following:

1. Pools are permitted at any property as long as they are installed in accordance to legislation.
2. The office block can be approved as a Discretionary use for "Home Office" as highlighted in the above zone table.
3. Sea Containers used for "Storage" purposes are considered a Discretionary use in the General Agricultural Zone. Furthermore, Council can use its discretion to approve more than two containers in this zone.

## STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

## FUTURE PLAN IMPLICATIONS

There are no future plan implications.

## COMMUNITY CONSULTATION

Chief Executive Officer

Mick Jones

Lewis York – Town Planning Consultant.

## STAFF RECOMMENDATION

*That Council provides conditional approval for the proposed developments located at Lot 1146 Doodlakine South Road, Doodlakine comprising of:*

1. *Lap Pool*
2. *Office Block*
3. *Four (4) Sea Containers*

### GENERAL CONDITIONS:

- i. *The Sea Container shall be of a similar colour to the existing structures on the lot and shall be non- reflective;*
- ii. *All Sea Containers on the lot shall comply with the Setbacks outlined in the Scheme, including a 5 meter setback from the rear lot boundary;*
- iii. *The endorsed approved plans shall not be altered without the prior written approval of the Shire; and*
- iv. *The Sea Containers shall all be fitted with doors that open from the inside for the safety of users in accordance with Council's sea container policy.*
- v. *Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.*
- vi. *The Swimming Pool complies with all Pool Legislation requirements including fencing requirements.*

## COUNCIL RECOMMENDATION

**MIN 217/17 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. O'Neill

***That Council provides conditional approval for the proposed developments located at Lot 1146 Doodlakine South Road, Doodlakine comprising of:***

1. ***Lap Pool***
2. ***Office Block***
3. ***Four (4) Sea Containers***

### GENERAL CONDITIONS:

- i. ***The Sea Container shall be of a similar colour to the existing structures on the lot and shall be non- reflective;***
- ii. ***All Sea Containers on the lot shall comply with the Setbacks outlined in the Scheme, including a 5 meter setback from the rear lot boundary;***
- iii. ***The endorsed approved plans shall not be altered without the prior written approval of the Shire; and***

- iv. The Sea Containers shall all be fitted with doors that open from the inside for the safety of users in accordance with Council's sea container policy.*
- v. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.*
- vi. The Swimming Pool complies with all Pool Legislation requirements including fencing requirements.*

CARRIED 7/0

## **CLOSURE OF MEETING**

The Shire President closed the meeting at 9.25pm

## **NEXT MEETING DATES**

Ordinary Council Meeting, 2pm, Tuesday, 19<sup>th</sup> December, 2017