

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 17th October 2017, commencing at 2:05 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

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

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

Present:

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

Apologies:

Nil

Leave of Absence:

Nil

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

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

6. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **17th October, 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 **17th October, 2017**.

Date	Name	Item No.	Reason
17/10/17	Cr. Steber	11.2.17	Applicant

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 **17th October, 2017**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

COUNCIL RECOMMENDATION

MIN 169/17 MOTION: Moved Cr. McNeil 2nd Cr. Steber

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

CARRIED 7/0

7.2 Bush Fire Advisory Meeting Minutes 26th September 2017

COUNCIL RECOMMENDATION

MIN 170/17 MOTION: Moved Cr. Reid 2nd Cr. Leake

*That Council:
recommends, from the Bushfire Advisory Committee held on Tuesday 26th September 2017;*

- 1. Receives Recommendations BF05/17 and BF06/17 from the Bushfire Advisory Committee Meeting held on 26th September 2017 with the Chief Executive Officer to action.*
- 2. Adopts Recommendation BF07/17 from the Bushfire Advisory Committee Meeting held on 26th September 2017, being the appointment of Fire Control Officers for the Shire of Kellerberrin.*

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION:

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS: Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 171/17 MOTION: Moved Cr. Steber 2nd Cr. Leake

That the President's and Councillors Reports for September 2017 be received.

CARRIED 7/0

11.1 CORPORATE SERVICES – AGENDA ITEM

Agenda Reference:	11.1.1
Subject:	Community Requests and Discussion Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	2 nd October
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

September 2017 Council Meeting

MIN 152 /17 MOTION - Moved Cr. Reid 2nd Cr. White

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

CARRIED 7/0

August 2017 Council Meeting

MIN 136/17 MOTION - Moved Cr. Reid 2nd 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

July 2017 Council Meeting

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

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

CARRIED 7/0

September 2017 - MIN 152/17

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.

July 2017 - MIN 111/17

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

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 172 /17 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council;

- 1. Publicly refutes claims and allegations made by Mr Tony Downs in the Local Pipeline issued Monday 16th 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 from \$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

2.40 pm - Meeting adjourned Councillors to attend a site inspection of current projects.

3.25 pm - Meeting resumed with all members present as per attendance list.

Agenda Reference:	11.1.2
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	2 nd October, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

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

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

COMMENT

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

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

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

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

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

(2) In subsection (1) —

- **notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;
- **value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

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

5.63. Some interests need not be disclosed

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

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

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

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RECOMMENDATION

MIN 173 /17 MOTION - Moved Cr. Reid 2nd Cr. White

That Council receives the Status Report.

CARRIED 7/0

Agenda Reference:	11.1.3
Subject:	CEACA Council Meeting Minutes and Resolutions
Location:	Nungarin, Community Recreation Centre
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	2 nd October 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 6th September 2017 held at the Nungarin Community Recreation Centre, 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 6th September 2017 held at the Nungarin Community.

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 6th September 2017 CEACA Council Meeting summarised hereunder,

RESOLUTION:	Moved: Eileen O'Connell	Seconded: Freda Tarr
That the Minutes of the Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 7 June 2017 be confirmed as a true and accurate record of the proceedings.		
CARRIED		

RESOLUTION:	Moved: Ken Hooper	Seconded: Stephen Strange
That Notes from the meeting of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 5 July 2017 be received.		
CARRIED		

RESOLUTION:	Moved: Freda Tarr	Seconded: Gary Shadbolt
That the Minutes from a Special Meeting of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Thursday 6 July 2017 be received.		
CARRIED		

RESOLUTION:	Moved: Ken Hooper	Seconded: Eileen O'Connell
That the Minutes from a Meeting of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Thursday 3 August 2017 be received.		
CARRIED		

RESOLUTION:	Moved: Stephen Strange	Seconded: Rod Forsyth
That the Action Sheet for September 2017 be received.		
CARRIED		

RESOLUTION:	Moved: Freda Tarr	Seconded: Gary Shadbolt
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That the Executive Officer's report for September 2017 be received.

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Eileen O'Connell

That the Project Update (Financial) for September 2017 provided by the Shire of Merredin be received.

CARRIED

RESOLUTION: Moved: Stephen Strange Seconded: Eileen O'Connell

That the Project Manager's Report for September 2017 be noted.

CARRIED

RESOLUTION: Moved: Rod Forsyth Seconded: Eileen O'Connell

That:

1. A single rent setting policy be adopted for use by CEACA's Member Councils on housing constructed as part of the CEACA Seniors Housing Project; and
2. The CEACA Executive Officer continue to work with Kathryn Morey from Access Housing Australia to develop a specific rent setting policy to meet the future needs of CEACA, with a report to be prepared for the CEACA Committee Meeting to be held Wednesday 1 November 2017.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on 6th September 2017.

COUNCIL RECOMMENDATION

MIN 174/17 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on 6th September 2017.

CARRIED 7/0

Agenda Reference:	11.1.4
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	Perth Exhibition and Convention Centre
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	3 rd October, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 3rd August 2017 at the Perth Exhibition and Convention Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the Special CEACA Executive Council Meeting Minutes held on Thursday 3rd August 2017 held at the Perth Exhibition and Convention Centre. The intent is to list minutes of each Executive Council Meeting formally as compared to listing these minutes in the Information Bulletin section of Council's monthly Agenda, ensures that Council is;

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

Resolutions arising out of the 3rd August, 2017 Special CEACA Executive Council Meeting summarised hereunder,

RESOLUTION:	Moved: Rachel Kirby	Seconded: Raymond Griffiths
That the Notes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 5 July 2017 be confirmed as a true and accurate record of the proceedings subject to the correct spelling of Ray Hooper's name being recorded in the minutes.		
CARRIED		

RESOLUTION:	Moved: Gary Shadbolt	Seconded: Raymond Griffiths
That the Minutes of the Special Executive Committee Meeting of the Central East Aged Care Alliance Inc held Thursday 6 July 2017 be confirmed as a true and accurate record of the proceedings.		
CARRIED		

RESOLUTION:	Moved: Gary Shadbolt	Seconded: Rachel Kirby
That the Action Sheet for August 2017 be received.		
CARRIED		

RESOLUTION:	Moved: Ken Hooper	Seconded: Gary Shadbolt
That:		
1.	the Executive Officer's report for August 2017 be received; and	
2.	The Executive Officer's August Report be distributed to all CECA Members following the CEACA Executive Committee Meeting.	
CARRIED		

RESOLUTION:	Moved: Rachel Kirby	Seconded: Gary Shadbolt
That the Statement of Financial Position for the period ending 30 June 2017, as presented, be received.		

CARRIED

RESOLUTION: Moved: Ken Hooper Seconded: Raymond Griffiths
That the Accounts Paid for the period 1 July 2017 to 25 July 2017 totalling \$3,710.45 be approved.
CARRIED

RESOLUTION: Moved: Raymond Griffiths Seconded: Rachel Kirby
That the Executive Committee approve for payment following invoices from BHW Consulting for Executive Support Services and reimbursements:

- Invoice 274 - Professional Services May 2017 as per attached time sheet and reimbursements - \$6,114.79.

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Raymond Griffiths
That the Project Update (Financial) Report for August 2017 be received.
CARRIED

RESOLUTION: Moved: Gary Shadbolt Seconded: Rachel Kirby
That the Project Manager's Report for July 2017 be noted.
CARRIED

RESOLUTION: Moved: Gary Shadbolt Seconded: Rachel Kirby
That the RFT T2017133 – Design and Construct CEACA Seniors Housing Project Summary Report prepared by WALGA be received.
CARRIED

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

1. The Executive Officer's report on Council Contributions for the CEACA Seniors Housing Project be received; and
2. The Executive Officer write to all CEACA Member Councils advising them of the work done around site costs to explain the reasons for the Shire of Yilgarn being exempt from making a contribution to CEACA for site works associated with the construction of housing in Southern Cross as part of the CEACA Seniors Housing Project.

CARRIED

RESOLUTION: Moved: Gary Shadbolt Seconded: Raymond Griffiths
That the report on the payment of building application fees by CEACA Member Councils be noted.
CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Raymond Griffiths
That the CEACA Executive Officer write to all Member Councils seeking approval for access to their housing sites to allow site works and construction to commence whilst the matter of land tenure and transfer of land ownership to CEACA is finalised.
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 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 Thursday 3rd August, 2017.

COUNCIL RECOMMENDATION

MIN 175/17 MOTION - Moved Cr. White 2nd Cr. Reid

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 3rd August, 2017.

CARRIED 7/0

Agenda Reference:	11.1.5
Subject:	WE-ROC Executive Council Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Kellerberrin
Applicant:	Executive Officer - WE-ROC Council
File Ref:	ORG-10
Rec Ref:	
Disclosure of Interest:	Nil
Date:	3 rd October, 2017
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 24th May 2017 held in the Council Chambers, Shire of Kellerberrin, 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 Executive Council Meeting Minutes held on Wednesday 24th May 2017 held in Council Chambers, Shire of Kellerberrin.

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 24th May 2017 WE-ROC Executive Meeting summarised hereunder;

RESOLUTION: **Moved: Raymond Griffiths Seconded: Darren Mollenoyux**

That the WE-ROC Executive recommends to the WE-ROC Council that the following issues be listed for discussion at the next WE-ROC Council Meeting:

- 1. The WE-ROC Council consider developing an advocacy role separate and distinct from that currently provided by WALGA to progress issues affecting the We-ROC Members Councils;**
- 2. The WE-ROC Council consider writing to each WE-ROC Member Council seeking their opinion as to whether it would be happy, whilst still remaining a member of WALGA, to withdraw from attending meetings of the Great Eastern Country Zone and allow the WE-ROC Council to review the WALGA State Council Agenda on behalf of WE-ROC Member Councils;**
- 3. The WE-ROC Council continue to meet as at present, however the WE-ROC Executive meet on an as needs basis; and**
- 4. The WE-ROC Council consider whether it wishes to increase its membership.**

CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Darren Mollenoyux**

That the WE-ROC Executive Committee recommends to the WE-ROC Council that the Memorandum of Understanding as amended, be adopted for the 2017/2018 year, subject to consideration as to whether the Memorandum of Understanding should be amended to include the opportunity for non-member local governments to be co-opted for specific projects on a project by project basis.

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

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 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 PLAN IMPLICATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED

STAFF RECOMMENDATION

That Council receive the Minutes of the Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 24th May 2017.

COUNCIL RECOMMENDATION

MIN 176/17 MOTION - Moved Cr. McNeil 2nd Cr. O'Neill

That Council receive the Minutes of the Executive Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 24th May 2017.

CARRIED 7/0

Agenda Reference:	11.1.6
Subject:	Central East Aged Care Alliance (CEACA) Inc Body – Constitution Amendment
Location:	CEACA
Applicant:	CEACA - Shire of Kellerberrin
File Ref:	AGE-03
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	3 rd October 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's October 2016 Ordinary Meeting of Council

MIN 178/16 MOTION - Moved Cr. White 2nd Cr. Leake

That Council:

- 1. endorses the modifications to the CEACA constitution as presented***
- 2. Advise CEACA's Executive Officer of its endorsement***

CARRIED 6/0

Council's April 2015 Ordinary Meeting of Council

MIN 59/15 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council;

- 1. Endorse the actions of CEACA in the creation of Central Aged Care Alliance Inc.***
- 2. Endorse the Central Aged Care Alliance Inc Constitution as presented***
- 3. Advise the Executive Officer of the Wheatbelt East Regional Organisation of Councils of its endorsement of the draft constitution for Central East Aged Care Alliance Inc in order that further work leading to the establishment of Central East Aged Care Alliance Inc can be undertaken.***
- 4. Council appoint Cr. Rod Forsyth as its Delegate and Mr Raymond Griffiths, Chief Executive Officer as Deputy to the membership of the Central East Aged Care Alliance Inc body's Management Committee.***

CARRIED 4/0

COMMENT

The CEACA Committee to ensure that we are keeping up to date with changes and updates within the organisation are amending the constitution to ensure correct governance.

A subcommittee of CEACA has been formed with the view to update/modify to constitution to reflect its current and future operations.

Please find attached a copy with track changes and issues highlighted. The Committee has requested that each Council review and provide comments.

Council's Chief Executive Officer has reviewed the documentation and provides the following commentary:

- Clause 10.2 (a) (ii) to read – other Members
- Clause 19.4 Agree to remove which then deals with the comment also for 19.4 (iii)
- Clause 21.1 (c) Agree should be Treasurer, this would also be the case for clause 21.1 (e)

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The modification to the constitution will have no financial impact upon council

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 2.1

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

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

Chief Executive Officer
WEROC Council
WEROC Executive
WEROC Executive Officers

ABSOLUTE MAJORITY REQUIRED – YES/NO

STAFF RECOMMENDATION

That Council receives the Draft CEACA constitution as presented with the following commentary:

- *Clause 10.2 (a) (ii) to read – other Members*
- *Clause 19.4 Agree to remove which then deals with the comment also for 19.4 (iii)*
- *Clause 21.1 (c) Agree should be Treasurer, this would also be the case for clause 21.1 (e)*

COUNCIL RECOMMENDATION

MIN 177/17 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council receives the Draft CEACA constitution as presented with the following commentary:

- ***Clause 10.2 (a) (ii) to read – other Members***
- ***Clause 19.4 Agree to remove which then deals with the comment also for 19.4 (iii)***
- ***Clause 21.1 (c) Agree should be Treasurer, this would also be the case for clause 21.1 (e)***

CARRIED 7/0

Agenda Reference:	11.1.7
Subject:	Appointment of Environmental Health Officers
Location:	Shire of Kellerberrin
File Ref:	PERS04
Record Ref:	
Disclosure of Interest:	NIL
Date:	29 th September 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's appointed Environmental Health Officer, Mr Garry Tucker retired from Council on 31st August 2017, therefore Council needs to appoint an Environment Health Officer (EHO) to perform the duties of a Health Officer that cannot be performed by an unqualified person.

COMMENT

Council has been in negotiation with the Shire of Merredin in utilizing the capacity of their EHO's for Shire of Kellerberrin business.

The two Councils have come to an agreement of fee for service for the initial period and should the work become more and more routine an annual fee can be researched and agreed upon.

In utilizing the services of the Shire of Merredin, the Shire of Kellerberrin needs to officially appoint the officers as Councils Environmental Health Officers to enable them to perform duties under the Public Health Act 2016.

FINANCIAL IMPLICATIONS

G/L	Budget	Actual	Difference
073011	\$20,000	\$Nil	\$20,000

POLICY IMPLICATIONS - NIL

STATUTORY IMPLICATIONS

Public Health Act 2016

17. Appointment of environmental health officers

- (1) A local government may appoint one or more persons as environmental health officers.
- (2) An appointee may be —
 - (a) a person employed by the local government under the *Local Government Act 1995* section 5.36; or
 - (b) a person engaged by the local government under a contract for services.
- (3) A local government must not appoint a person as an environmental health officer unless the person has the qualifications and experience approved by the Chief Health Officer under section 18.
- (4) Two or more local governments may enter into arrangements for one or more persons to be appointed as environmental health officers for each of those local governments.
- (5) This section does not limit the *Local Government Act 1995* section 5.36.

18. Chief Health Officer to approve qualifications and experience required by environmental health officers

- (1) The Chief Health Officer must, by notice published in the *Gazette*, approve the qualifications and experience that persons to be appointed as environmental health officers must have.
- (2) An approval is not subsidiary legislation for the purposes of the *Interpretation Act 1984*.
- (3) The *Interpretation Act 1984* sections 43 (other than subsection (6)) and 44 and Part VIII apply to an approval as if it were subsidiary legislation.

STRATEGIC PLAN IMPLICATIONS - NIL

FUTURE PLAN IMPLICATIONS - NIL

COMMUNITY CONSULTATION

Chief Executive Officer
Shire of Merredin

STAFF RECOMMENDATION

That Council:

1. *In accordance with Section 17 of the Public Health Act 2016 appoints Mr Piotr Zenni and Mr Brendon Gerrard as Council appointed "Environmental Health Officers" for the Shire of Kellerberrin.*
2. *In accordance with Section 18 of the Public Health Act 2016 Place a notice in the Government Gazette formalizing the appointment.*

COUNCIL RECOMMENDATION

MIN 178/17 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council:

1. *In accordance with Section 17 of the Public Health Act 2016 appoints Mr Piotr Zenni and Mr Brendon Gerrard as Council appointed "Environmental Health Officers" for the Shire of Kellerberrin.*
2. *In accordance with Section 18 of the Public Health Act 2016 Place a notice in the Government Gazette formalizing the appointment.*

CARRIED 7/0

Agenda Reference:	11.1.8
Subject:	Authorised & Registration Officers
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ENG 01
Disclosure of Interest:	N/A
Date:	5 th October 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

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

FINANCIAL IMPLICATIONS

- Cost of advertising within the Government Gazette

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS –

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

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

STRATEGIC PLAN IMPLICATIONS – Nil

STRATEGIC PLAN IMPLICATIONS:

Shire of Kellerberrin Strategic Plan

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

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

COMMUNITY CONSULTATION –

Chief Executive Officer

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DATED: **PRESIDENT SIGNATURE:**

Personal Assistant

ABSOLUTE MAJORITY REQUIRED - YES

STAFF RECOMMENDATION

That Council:

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

BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 179/17 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council:

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

CARRIED 7/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.9
Subject:	Annual Christmas/New Year Office Closure
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	PUB-02
Disclosure of Interest:	N/A
Date:	3 rd October 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's October 2016 Ordinary Meeting of Council

MIN 165/16 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that local advertising be completed;

<i>Friday, 23rd December 2016</i>	<i>Public Service Day</i>
<i>Monday, 26th December 2016</i>	<i>Public Holiday (Christmas Day)</i>
<i>Tuesday, 27th December 2016</i>	<i>Public Holiday (Boxing Day)</i>
<i>Wednesday, 28th December 2016</i>	<i>RDO/Annual Leave</i>
<i>Thursday, 29th December 2016</i>	<i>RDO/Annual Leave</i>
<i>Friday, 30th December 2016</i>	<i>RDO/Annual Leave</i>
<i>Monday, 2nd January 2017</i>	<i>Public Holiday (New Year's Day)</i>

CARRIED 6/0

Council has previously, kindly considered an application from staff to close the Administration Office during the Christmas/New Year period. This has been considered and approved by the Council in consideration of the low level of business expected to be transacted and staff reducing any Time in Lieu provisions and Rostered Days Off entitlements for the month of December and/or January.

COMMENT

The Christmas/New Year period gazetted Public Holidays are as follows;

Christmas Day	Monday 26 th December 2016
Boxing Day	Tuesday 27 th December 2016
New Year's Day	Monday 2 nd January 2017
"Public Service" Holiday (in lieu)	Friday 23 rd December 2016

The days in question, are the days in between Christmas and New Years i.e. Friday 23rd December 2016 through to Friday 31st December 2016. The additional holiday "in lieu", which Local Government employees are entitled to can be utilised on one of these four days, should Council approve the proposal. This decreases the "juggling" of rosters and staffing levels to provide for the additional days. The remaining four days can be taken as either flexitime, Rostered Day Off (RDO), Annual Leave or Time in Lieu entitlements.

The practice of closing the Office of Council is a common one for small rural local governments and, given the expected low level or demand for Council Business to be conducted, it is a sincere request from the Staff to have the Office closed for travelling to families for the festive period.

In addition, should Council approve, extensive local advertising in local newsletters and a notice included with creditor payments will provide sufficient notice of the office closure, should Council approve the request. Emergency contacts for Council staff will be provided for inclusion in all notices of local advertising.

FINANCIAL IMPLICATION (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

ADVERTISING OF PUBLIC NOTICES		POLICY 2.11
PURPOSE	To provide guidance to staff to the approved advertising mediums for Local Public Notices and State wide Public Notices as required by the Local Government Act 1995.	
POLICY	<p>That the following media be recognised and approved as advertising mediums appropriate for the following classifications of Public Notices:</p> <p>Local Public Notices Wheatbelt Mercury – being a registered newspaper circulating generally throughout the District. Council's Public Notice board – for exhibition of a local public notice. Pipeline Newsletter – for local Advertising to district residents.</p> <p>Public Notices are to be advertised on as many occasions as the Local Government Act stipulates or at least once in each of the approved media.</p> <p>State wide Public Notice West Australian Newspaper – being a registered newspaper circulating generally throughout the State.</p> <p>Public Notices are to be advertised on as many occasions as the Local Government Act stipulates or at least once.</p> <p>General All advertising notices to be authorised by the Chief Executive Officer or in his/her absences the authorised Officer as delegated by the Chief Executive Officer.</p> <p>Thought is to be given as to the days in which advertisements are to be run to minimise costs.</p> <p>The Chief Executive Officer is responsible for implementing this policy.</p>	
DATE OF ADOPTION: November 2006		REVIEWED OCTOBER 2014

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS – Nil

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

LONG TERM PLAN IMPLICATIONS – Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED - Yes

STAFF RECOMMENDATION

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that local advertising be completed;

<i>Friday, 22nd December 2017</i>	<i>Public Service Day</i>
<i>Monday, 25th December 2017</i>	<i>Public Holiday (Christmas Day)</i>
<i>Tuesday, 26th December 2017</i>	<i>Public Holiday (Boxing Day)</i>
<i>Wednesday, 27th December 2017</i>	<i>RDO/Annual Leave</i>
<i>Thursday, 28th December 2017</i>	<i>RDO/Annual Leave</i>
<i>Friday, 29th December 2017</i>	<i>RDO/Annual Leave</i>
<i>Monday, 1st January 2018</i>	<i>Public Holiday (New Years Day)</i>

COUNCIL RECOMMENDATION

MIN 180/17 MOTION - Moved Cr. White 2nd Cr. Leake

That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that local advertising be completed;

<i>Friday, 22nd December 2017</i>	<i>Public Service Day</i>
<i>Monday, 25th December 2017</i>	<i>Public Holiday (Christmas Day)</i>
<i>Tuesday, 26th December 2017</i>	<i>Public Holiday (Boxing Day)</i>
<i>Wednesday, 27th December 2017</i>	<i>RDO/Annual Leave</i>
<i>Thursday, 28th December 2017</i>	<i>RDO/Annual Leave</i>
<i>Friday, 29th December 2017</i>	<i>RDO/Annual Leave</i>
<i>Monday, 1st January 2018</i>	<i>Public Holiday (New Years Day)</i>

CARRIED 7/0

Agenda Reference:	11.1.10
Subject:	Council Meeting Dates 2018 – Public Notice
Location:	Shire of Kellerberrin – Council Chambers
Applicant:	Administration, Shire of Kellerberrin
File Ref:	ADM-41
Disclosure of Interest:	Nil
Date:	3 rd October, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

In accordance with the Local Government Act 1995 (as amended) and the Local Government (Administration) Regulations 1996, Council is required to adopt a Schedule of its Ordinary Meeting date/s including Time, Place and Public Question Time.

Council's October 2016 Ordinary Meeting of Council
--

MIN 167/16 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2017 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.
Public Question Time: commencing at 2:15 pm and limited to 15 minutes.
Place: Council Chambers 110 Massingham Street Kellerberrin
Meeting Day: every third Tuesday of the month

January 2017 – No Meeting
Tuesday, 21 February 2017 – Kellerberrin Council Chambers
Tuesday, 21 March 2017 – Kellerberrin Council Chambers
Tuesday, 18 April 2017 – Kellerberrin Council Chambers
Tuesday, 16 May 2017 – Kellerberrin Council Chambers
Tuesday, 20 June 2017 – Kellerberrin Council Chambers
Tuesday, 18 July 2017 – Kellerberrin Council Chambers
Tuesday, 15 August 2017 – Kellerberrin Council Chambers
Tuesday, 19 September 2017 – Kellerberrin Council Chambers
Tuesday, 17 October 2017 – Kellerberrin Council Chambers
Tuesday, 21 November 2017 – Kellerberrin Council Chambers
Tuesday, 19 December 2017 – Kellerberrin Council Chambers

CARRIED 6/0

REASON: In discussion with Doodlakine residents, the Council will trial having all meetings in Kellerberrin for 2017

Council's October 2015 Ordinary Meeting of Council
--

MIN 170/15 MOTION - Moved Cr. McNeil 2nd Cr. White

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2016 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.
Public Question Time: commencing at 2:15 pm and limited to 15 minutes.

Place: Council Chambers 110 Massingham Street Kellerberrin
Meeting Day: every third Tuesday of the month

January 2016 – No Meeting

Tuesday, 16 February 2016 – Kellerberrin Council Chambers

Tuesday, 15 March 2016 – Kellerberrin Council Chambers

Tuesday, 19 April 2016 – Kellerberrin Council Chambers

Tuesday, 17 May 2016 – Kellerberrin Council Chambers

Tuesday, 21 June 2016 – Kellerberrin Council Chambers

Tuesday, 19 July 2016 – Kellerberrin Council Chambers

Tuesday, 16 August 2016 – Kellerberrin Council Chambers

Tuesday, 20 September 2016 – Doodlakine Hall

Tuesday, 18 October 2016 – Kellerberrin Council Chambers

Tuesday, 15 November 2016 – Kellerberrin Council Chambers

Tuesday, 20 December 2016 – Kellerberrin Council Chambers

CARRIED 6/0

REASON: To swap the October and September meeting venue to ensure there is no clash with harvest and council elections

Council's October 2014 Ordinary Meeting of Council
--

MIN 140/14 MOTION - Moved Cr. Bee 2nd Cr. Daley

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2015 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm

Time: Meeting Commencement time 2:00 pm.

Public Question Time: commencing at 2:15 pm and limited to 15 minutes.

Place: Council Chambers 110 Massingham Street Kellerberrin

Meeting Day: every third Tuesday of the month

January 2015 – No Meeting

Tuesday, 17 February 2015 – Kellerberrin Council Chambers

Tuesday, 17 March 2015 – Kellerberrin Council Chambers

Tuesday, 21 April 2015 – Kellerberrin Council Chambers

Tuesday, 19 May 2015 – Kellerberrin Council Chambers

Tuesday, 16 June 2015 – Kellerberrin Council Chambers

Tuesday, 21 July 2015 – Kellerberrin Council Chambers

Tuesday, 18 August 2015 – Kellerberrin Council Chambers

Tuesday, 15 September 2015 – Kellerberrin Council Chambers

Tuesday, 20 October 2015 – Doodlakine Hall

Tuesday, 17 November 2015 – Kellerberrin Council Chambers

Tuesday, 15 December 2015 – Kellerberrin Council Chambers

CARRIED 7/0

Council's October 2013 Ordinary Meeting of Council
--

ORDINARY COUNCIL MEETING DATES TIME PLACE

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2014 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.
Public Question Time: commencing at 2:15 pm and limited to 15 minutes.
Place: Council Chambers 110 Massingham Street Kellerberrin
Meeting Day: every third Tuesday of the month

January 2014 – No Meeting
Tuesday, 18 February 2014 – Kellerberrin Council Chambers
Tuesday, 18 March 2014 – Kellerberrin Council Chambers
Tuesday, 22 April 2014 – Kellerberrin Council Chambers
Tuesday, 20 May 2014 – Kellerberrin Council Chambers
Tuesday, 17 June 2014 – Kellerberrin Council Chambers
Tuesday, 15 July 2014 – Kellerberrin Council Chambers
Tuesday, 19 August 2014 – Kellerberrin Council Chambers
Tuesday, 16 September 2014 – Kellerberrin Council Chambers
Tuesday, 21 October 2014 – Doodlakine Hall
Tuesday, 18 November 2014 – Kellerberrin Council Chambers
Tuesday, 16 December 2014 – Kellerberrin Council Chambers

CARRIED 6/0

REASON: Council wished to have a Council Meeting in Doodlakine.

Council's October 2012 Ordinary Meeting of Council
--

ORDINARY COUNCIL MEETING DATES TIME PLACE

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2013 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.
Public Question Time: commencing at 2:15 pm and limited to 15 minutes.
Place: Council Chambers 110 Massingham Street Kellerberrin
Meeting Day: every third Tuesday of the month

January 2013 – No Meeting
Tuesday, 19 February 2013 – Kellerberrin Council Chambers
Tuesday, 19 March 2013 – Kellerberrin Council Chambers
Tuesday, 16 April 2013 – Kellerberrin Council Chambers
Tuesday, 21 May 2013 – Kellerberrin Council Chambers
Tuesday, 18 June 2013 – Kellerberrin Council Chambers
Tuesday, 16 July 2013 – Kellerberrin Council Chambers
Tuesday, 20 August 2013 – Kellerberrin Council Chambers
Tuesday, 17 September 2013 – Kellerberrin Council Chambers
Tuesday, 15 October 2013 – Kellerberrin Council Chambers
Tuesday, 19 November 2013 – Kellerberrin Council Chambers
Tuesday, 17 December 2013 – Kellerberrin Council Chambers

CARRIED 6/0

Council's October 2011 Ordinary Meeting of Council
--

ORDINARY COUNCIL MEETING DATES TIME PLACE

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2012 incorporating meeting location/venue, meeting commencement time and Public Question Time.

Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.
Public Question Time: commencing at 2:15 pm and limited to 15 minutes.
Place: Council Chambers 110 Massingham Street Kellerberrin
Meeting Day: every third Tuesday of the month

January 2012 – No Meeting

Tuesday, 21 February 2012 – Kellerberrin Council Chambers

Tuesday, 20 March 2012 – Kellerberrin Council Chambers

Tuesday, 17 April 2012 – Kellerberrin Council Chambers

Tuesday, 15 May 2012 – Kellerberrin Council Chambers

Tuesday, 19 June 2012 – Kellerberrin Council Chambers

Tuesday, 17 July 2012 – Kellerberrin Council Chambers

Tuesday, 21 August 2012 – Kellerberrin Council Chambers

Tuesday, 18 September 2012 – Kellerberrin Council Chambers

Tuesday, 16 October 2012 – Kellerberrin Council Chambers

Tuesday, 20 November 2012 – Kellerberrin Council Chambers

Tuesday, 18 December 2012 – Kellerberrin Council Chambers

CARRIED 5/0

COMMENT

Council is required under legislation, to advertise its meetings advising of the date, commencement time, public question time and location of the meeting once each year. It is generally this time of the year that Council should consider its Schedule of Ordinary Meetings for the 2018 calendar year.

Council needs to remain mindful of continuing on with its meetings in an efficient and timely manner to complete required and presented business. Council meetings are conducted in a businesslike and professional manner which allows for more informal discussion to occur. This reduces the necessity to have Special Council meetings for specific issues with these matters being included as part of the monthly agenda.

Special Council meetings can be called with little notice given if required however to deal with any items that requires a decisions out of Council meeting times.

Items for consideration when adopting times and dates for the upcoming year are but not limited to;

- Preferred Council Information/Briefing Sessions (time allowance and when)
- Luncheon arrangements, if commenced with at an earlier time
- Business commitments of individual Council Members (actual meeting start time)
- Time allocation for dealing with the Business of the Council including the agenda items
- Allowance for Meeting Guests/Presentations/Petitions etc. (preferred time and length of presentation)
- Desired format for Information Sessions, etc.

Council at any time though can decide to modify the commencement time of their meetings though appropriate notice to the community is required.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

2016/2017 Budget – expense account for statutory advertising and Members Travelling and Meeting Attendance Fees.

Cost of local advertising of Council meeting times. Current Budget general ledger expense account for advertising will be utilised.

POLICY IMPLICATIONS – NIL

STATUTORY IMPLICATIONS

Local Government Act (as amended) 1995

5.24. Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - (a) the matters to be dealt with at ordinary or at special meetings of councils;
 - (b) the functions of committees or types of committee;
 - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;
 - (c) the procedure to be followed at, and in respect of, council or committee meetings;
 - (d) methods of voting at council or committee meetings;
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);
 - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;
 - (g) the giving of public notice of the date and agenda for council or committee meetings;
 - (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;
 - (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
 - (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
 - (i) tabled at a council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting,are to be made available for inspection by members of the public.
- (2) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

[Section 5.25 amended by No. 64 of 1998 s. 28.]

Local Government (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Shire of Kellerberrin Standing Orders Local Law 2006

STRATEGIC PLAN IMPLICATIONS - Nil.

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

LONG TERM PLAN IMPLICATIONS – Nil

COMMUNITY CONSULTATION - Council

ABSOLUTE MAJORITY REQUIRED - Yes

STAFF RECOMMENDATION

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2017 incorporating meeting location/venue, meeting commencement time and Public Question Time.

*Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.
Public Question Time: commencing at 2:15 pm and limited to 15 minutes.
Place: Council Chambers 110 Massingham Street Kellerberrin
Meeting Day: every third Tuesday of the month*

*January 2018 – No Meeting
Tuesday, 20th February 2018 – Kellerberrin Council Chambers
Tuesday, 20th March 2018 – Kellerberrin Council Chambers
Tuesday, 17th April 2018 – Kellerberrin Council Chambers
Tuesday, 15th May 2018 – Kellerberrin Council Chambers
Tuesday, 19th June 2018 – Kellerberrin Council Chambers
Tuesday, 17th July 2018 – Kellerberrin Council Chambers
Tuesday, 21st August 2018 – Kellerberrin Council Chambers
Tuesday, 18th September 2018 – Kellerberrin Council Chambers
Tuesday, 16th October 2018 – Doodlakine Hall*

COUNCIL RECOMMENDATION

MIN 181/17 MOTION - Moved Cr. Reid 2nd Cr. White

That Council adopts the following Schedule of Council Ordinary Meeting dates for 2018 incorporating meeting location/venue, meeting commencement time and Public Question Time.

***Briefing Session: Councillors Briefing Session on Agenda 1:00 pm
Time: Meeting Commencement time 2:00 pm.
Public Question Time: commencing at 2:15 pm and limited to 15 minutes.
Place: Council Chambers 110 Massingham Street Kellerberrin
Meeting Day: every third Tuesday of the month***

**January 2018 – No Meeting
Tuesday, 20th February 2018 – Kellerberrin Council Chambers
Tuesday, 20th March 2018 – Kellerberrin Council Chambers
Tuesday, 17th April 2018 – Kellerberrin Council Chambers
Tuesday, 15th May 2018 – Kellerberrin Council Chambers
Tuesday, 19th June 2018 – Kellerberrin Council Chambers
Tuesday, 17th July 2018 – Kellerberrin Council Chambers
Tuesday, 21st August 2018 – Kellerberrin Council Chambers
Tuesday, 18th September 2018 – Kellerberrin Council Chambers
Tuesday, 16th October 2018 – Kellerberrin Council Chambers
Tuesday, 20th November 2018 – Kellerberrin Council Chambers
Tuesday, 18th December 2018 – Kellerberrin Council Chambers**

CARRIED 7/0

Agenda Reference:	11.1.11
Subject:	Staff and Council Christmas Party Function
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	PUB-00
Disclosure of Interest:	N/A
Date:	3 rd October, 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Previously Council has resolved the following in relation to its annual Christmas function:

2016 Christmas Party Function

MIN 166/16 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council hosts a Christmas Party Function for Staff, Councillors and Families, at the ex-golf club clubhouse on Thursday the 22nd December 2016 as a barbeque function commencing at 6.00 pm.

CARRIED 6/0

2015 Christmas Party Function

That Council

- 1. Host a Christmas Party Function at the ex-golf club clubhouse on Wednesday the 23rd December 2015 as a barbeque function commencing at 6.00 pm.*

2014 Christmas Party Function

MIN 141/14 MOTION - Moved Cr. Steber 2nd Cr. Bee

That Council

- 1. Host a Christmas Party Function at the Ex-Golf Club Clubhouse on Tuesday the 23rd December 2014 as a barbeque function commencing at 6.00 pm.*
- 2. Incorporates Mr Tom Applegate and Mr Trevor Galvin retirement function, within the same event.*

CARRIED 7/0

2013 Christmas Party Function

MIN 166/13 MOTION - Moved Cr. Clarke 2nd Cr. Daley

That Council host a Christmas Party Function at the Shire Office on Friday 6th December 2013 as a barbeque function commencing at 6.00 pm.

CARRIED 6/0

2012 Christmas Party Function

MIN 202/12 MOTION - Moved Cr. O'Neill 2nd Cr. Daley

That Council host a Christmas Party Function at the Shire Office on Thursday 13 December 2012 as a barbeque function commencing at 6.00 pm.

CARRIED 6/0

2011 Christmas Party Function

MIN 232/11 MOTION - Moved Cr. Bee 2nd Cr. O'Neill

That Council host a Christmas Party Function at the Shire Office on Thursday 15 December 2011 as a barbeque function commencing at 6.00 pm.

CARRIED 5/0

REASON: Cuolahan Pavilion and the adjoining area should not be used due to the construction of the Recreation Centre.

2010 Christmas Party Function

Item did not go to Council

COMMENTS

Whilst Council is under no obligation to do so, it has become traditional for Council to host a combined Christmas function that is enjoyed by elected members, staff and their families. It is suggested that a barbeque function be held at the ex-golf club clubhouse along similar timelines to previous years though consideration may need to be given to the day Council holds the function.

Generally, a barbeque is well received, easy to cater and organise and extremely cost effective.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Cost of Christmas Function.

2017/2018 Budget Document

041051 Refreshments and Receptions – Budget Allocation \$15,145

\$5,145 for Council Meetings (including Committee & Community Meetings)

\$8,000 for Council Functions - Christmas Function, Citizenship Ceremonies.

\$2,000 for Other costs.

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 - Nil

STAFF RECOMMENDATION

That Council

1. *Host a Christmas Party Function at the ex-golf club clubhouse on Thursday the 21st December 2017 as a barbeque function commencing at 6.00 pm.*

COUNCIL RECOMMENDATION

MIN 182/17 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council

1. ***Host a Christmas Party Function at the ex-golf club clubhouse on Thursday the 21st December 2017 as a barbeque function commencing at 6.00 pm.***

CARRIED 7/0

Agenda Reference:	11.1.12
Subject:	2017/2018 Bitumen Tender
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	TEND 71
Record Ref:	TEND 04/2017
Disclosure of Interest:	N/A
Date:	2 nd October 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council in the 2017/2018 Budget has made provision for works on the following roadworks requiring Bitumen resurfacing;

Baandee North Road - Regional Road Group
 Bath Street – Roads to Recovery
 George Street – Roads to Recovery

The works associated with the abovementioned roads all include the requirement of sealing. Therefore requests for quotations through the WALGA preferred panel where called for the following:

1. Bituminous surfacing application works

The request for quotations closed Friday 29th September 2017.

COMMENT

Council received the following quotations for the abovementioned requests for quotations;

BITUMINOUS SURFACING APPLICATION WORKS

1. Fulton Hogan
2. Downer EDI
3. Bitutek
4. Colas WA

Please find attached a summary spreadsheet for all three components of the requests for quotations.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 - Capital Expenditure Budget - Roadworks.

Road Name	Budget	Actual	Surplus/(Deficit)
	Bitumen	Bitumen	
Baandee North	\$134,400	\$ 91,200	\$43,200
Bath Street	\$ 25,864	\$ 20,079	\$ 5,785
George Street	\$ 33,920	\$ 31,030	\$ 2,890
TOTAL	\$194,184	\$142,309	\$51,875

POLICY IMPLICATIONS

TENDERS – PREPARATION/ADVERTISEMENT OF TENDER DOCUMENTS		POLICY 2.3
PURPOSE	To ensure that Council has the opportunity to review the scope of works for tenders prior to advertising and that tenders are advertised and awarded prior to the current contracts expiration.	
POLICY	Three (3) months prior to the expiration of a Contract a tender shall be listed under the responsible officers report in the Ordinary Meeting of Council Agenda and the Specifications appended. Any review shall be completed so that a tender can be advertised two (2) months prior to expiration of the contract. A tender shall be awarded one (1) month prior to expiration of the current Contract.	
DATE OF ADOPTION: November 2006		REVIEWED NOVEMBER 2006

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

Section 3.57

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations No. 2 2005

Regulations 11 to 24 deals with tenders for providing goods and services in detail.

Annual Compliance Audit Return – certification of compliance relating to tender processes and accountability toward the advertising and consideration of tenders received and awarded.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 2.1

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

Goal 2.1.1	To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
Council's Role	■ To implement asset management best practice principles into our day to day

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

SHIRE OF KELLERBERRIN 15 YEAR LONG TERM FINANCIAL PLAN FOR THE YEARS 2016/17 to 2030/31

Asset Name	Details	Account / Job #	2028/29			2029/30			2030/31					
			Funding Source		Gross Purchase Price	Net Cost to Council	Funding Source		Gross Purchase Price	Net Cost to Council	Funding Source		Gross Purchase Price	Net Cost to Council
			Grants / Contributions	Trade In / Sale			Grants / Contributions	Trade In / Sale			Grants / Contributions	Trade In / Sale		
Schedule 04 - Governance														
Item & Equip	IT Park Equipment CCTV				45,559	\$45,559			46,101	\$46,101		46,650	\$46,650	
Plant	Motor Vehicle (S)	402001			77,450				78,372			79,304	\$9,559	
Trade	Trade Existing Vehicle	402001		(48,114)		\$9,336		(48,925)		\$9,447		(49,745)	\$7,146	
Plant	Motor Vehicle (S)	402001			55,010				56,474			57,146	\$4,665	
Trade	Trade Existing Vehicle	402001		(51,254)		\$4,556		(51,864)		\$4,610		(52,481)		
Schedule 07 - Health														
Item & Equip	Other Equip & Motor Items													
Plant	Motor Vehicle (S)	402001			35,011							35,427		
Trade	Trade Existing Vehicle	402001		(12,731)		\$22,280						(12,880)	\$22,545	
Plant	Motor Vehicle (S)	402001			35,011							35,427		
Trade	Trade Existing Vehicle	402001		(12,731)		\$22,280						(12,880)	\$22,545	
Schedule 09 - Housing														
Infrastructure	CRACA Services Housing Project	C14003												
Item On Reserve	80% Regional Fund - Welfare	032332			\$0				\$0			\$0		
Item On Reserve	New Loan for 1 Adult				\$0				\$0			\$0		
Infrastructure	CRACA Services Housing Project	C14003												
Item On Reserve	80% Regional Fund Sub	032332			\$0				\$0			\$0		
Infrastructure	Staff Housing Program													
Infrastructure	Regional Development Funding													
Schedule 10 - Community Amenities														
Infrastructure	Cemetery Upgrade	100902			5,000				5,000			5,000		
Infrastructure	Contributions & Donations	100314		(5,000)		\$0		(5,000)		\$0		(5,000)	\$0	
Infrastructure	Mounting Street Public Facilities													
Plant	Replace Cemetery Bus													
Trade	Trade Existing Vehicle													
Schedule 11 - Recreation & Culture														
Infrastructure	Renewal / Upgrade of Community Amenities	112000			12,236	\$12,236			12,381	\$12,381		12,529	\$12,529	
Infrastructure	Caravan park Upgrade	C11001												
Infrastructure	Centennial Park & State Park - Stage 1	113332												
Item On Reserve	Rec - RGA/other													
Building	Rec Centre Stage 2													
Building	Building Renovation	113900			114,142	\$114,142	(466,667)		116,425	\$116,425	(466,667)	118,753	\$118,753	
Item & Equip	Town Hall	113901							700,000	\$233,333	(466,667)	700,000	\$233,333	
Infrastructure	Hockey Oval Lighting	113906												
Infrastructure	Motor Cages - Rec Cent & CSD	113908			54,963	\$54,963			55,617	\$55,617		56,279	\$56,279	
Equip	Swimming Pool Renovation	112901												
Item On Reserve	Grant - Swimming Pool	113332				\$0						\$0		
Schedule 12 - Transport														
Infrastructure	Roads Program	1196 PA Inc	Various		2,212,241				2,278,608			2,346,966		
Infrastructure	Grant - Road path - connected core	1196 PA Inc		(23,051)				(23,325)				(23,602)		
Item On Reserve	Grant - Main Roads Direct	1196 PA Inc		(149,489)				(151,267)				(153,048)		
Item On Reserve	Grant - Regional Road Group	1196 PA Inc		(22,535)				(266,279)				(376,637)		
Item On Reserve	Grant - Roads to Recovery	1196 PA Inc		(693,514)				(781,766)				(716,117)		
Item On Reserve	Grant - AGRN479	122332				\$984,217				\$1,035,971			\$1,089,542	
Building	New Depot & workshop													
Plant	Motor Vehicle (S)	402001			55,010				56,474			57,146	\$4,665	
Trade	Trade Existing Vehicle	402001		(51,254)		\$4,556		(51,864)		\$4,610		(52,481)		
Plant	Other Light Vehicle Renovation								46,628					
Trade	Trade Existing Vehicle							(12,207)		\$64,413				
Plant	Plant Replacement Program				500,000		\$420,000					500,000		
Trade	Trade Existing Vehicle			(80,000)			\$420,000					(80,000)	\$420,000	
Plant	Purchase FL Truck, Trailer, Dolly	C122001								\$0			\$0	
Plant	Roadwork Heavy Truck	C122002								\$0			\$0	
Building	Depot workshop building & floor repairs	122132								\$0			\$0	
Building	Depot (transportable office)	122912								\$0			\$0	
Infrastructure	Workshop fit out	C062								\$0			\$0	
Schedule 14 - Other Property & Services														
Item & Equip	Workshop - fit & sound checker	144003												
Infrastructure	Town Office													
Infrastructure	Department of Water Funding				10,250	\$10,250			10,372	\$10,372		10,495	\$10,495	
Item & Equip	Other Equip & Motor Items	144003												
				(1,233,023)	(276,884)	3,213,482	(1,714,304)	(204,859)	3,512,444	1,759,182	(1,729,091)	(280,472)	4,061,121	

COMMUNITY CONSULTATION

Chief Executive Officer
Manager Works and Services
Consultant Engineer - Mr Rod Munns.

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council accepts the Tender from Collas WA for 2017-2018 Bitumen Surfacing Works as per the following;

i.	24,000m ²	\$ 3.80 p/m ²
ii.	>1,000 <= 2,500	\$10.78 p/m ²
iii.	>2,500 <= 4,000	\$ 6.31 p/m ²
iv.	>4,000 <= 6,000	\$ 4.82 p/m ²
v.	>6,000 <= 10,000	\$ 3.55 p/m ²

COUNCIL RECOMMENDATION

MIN 183/17 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council accepts the Tender from Collas WA for 2017-2018 Bitumen Surfacing Works as per the following;

i.	24,000m ²	\$ 3.80 p/m ²
ii.	>1,000 <= 2,500	\$10.78 p/m ²
iii.	>2,500 <= 4,000	\$ 6.31 p/m ²
iv.	>4,000 <= 6,000	\$ 4.82 p/m ²
v.	>6,000 <= 10,000	\$ 3.55 p/m ²

CARRIED 7/0

Agenda Reference:	11.1.13
Subject:	Sale of Mitsubishi Canter 2.5T Truck
Location:	Hammond Street (Depot), Kellerberrin
Applicant:	Mr Robert Scott
File Ref:	TEND00
Record Ref:	ICR171516
Disclosure of Interest:	Nil
Date:	2 nd October 2017
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council through its Plant Replacement Program and the 2017/2018 Budget have allocated funds for the replacement of Council's Mitsubishi 2.5T Canter – Townsite Truck.

Council has owned this machine since new in 1997 and has done approximately 288,765kms.

Council advertised for Expressions of Interest in the Local Pipeline on Monday 4th September 2017 with submissions being received up to the 18th September 2017.

COMMENT

Council received one expression of interest from the advertisement.

Mr Robert Scott provided a submission of \$1,550 for the outright purchase of the 1997 Mitsubishi Canter Truck.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

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

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS –

Year	Type	Project	Estimated Cost
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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 1997, Mitsubishi Canter Truck by private agreement, to Mr Robert Scott, of Goldfields Road, Doodlakine, WA 6411 for the sum of \$1,550 including GST*
- 2. authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of registration documentation.*

COUNCIL RECOMMENDATION

MIN 184/17 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council:

- 1. approves the sale of 1997, Mitsubishi Canter Truck by private agreement, to Mr Robert Scott, of Goldfields Road, Doodlakine, WA 6411 for the sum of \$1,550 including GST***
- 2. authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of registration documentation.***

CARRIED 7/0

Agenda Reference:	11.1.14
Subject:	September 2017 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	2 nd October 2017
Author:	Miss Ashlee Hughes, Finance/Administration Officer

BACKGROUND

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

Trust Fund

EFT & CHQ

TRUST TOTAL

\$ 12,286.76

Municipal Fund

Cheque Payments

34277 - 34285

\$ 21,948.96

EFT Payments

7530 – 7632

\$ 839,300.90

Direct Debit Payments

\$ 23,073.84

TOTAL MUNICIPAL

\$ 896,610.46

COMMENT

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

Shire Of Merredin

\$ 269,920.00

Balance of CEACA contribution as adopted budget 16/17: \$ 380,800 - \$110880 = \$269,920

EverGreen Synthetic Grass

\$ 71,998.75

Doodlakine Bowling Club - Installation of Synthetic Bowling Green as per Tender

EverGreen Synthetic Grass

\$ 63,825.20

Doodlakine Bowling Club - Installation of Synthetic Bowling Green as per Tender & Wet & Forget for the Kellerberrin Bowling Club

Ligna Construction

\$ 57,774.73

Construction of Centenary Park claim #6

Western Australian Treasury Corporation

\$ 33,504.08

Loan No. 118 Interest payment - Rec Centre Redevelopment

Beverley Transport

\$ 30,030.00

Truck & trailer hire August 2017

WCS Concrete Pty Ltd

\$ 27,611.32

Supply & lay concrete floodway at Old Yelbini Road North of McLellan Road & concrete for footings at cemetery

WCS Concrete Pty Ltd

\$ 21,090.41

Concrete for Ashes path construction & sink hole

Fire And Emergency Services (WA)

\$ 19,110.30

2017/2018 ESL Quarter 1 Contribution

Central East Aged Care Alliance (CEACA) Annual Subscription 17/18	\$ 15,400.00
Innes & Co Truck and trailer hire	\$ 14,943.50
Sam Williams Semi hire end of August & start of September	\$ 14,907.75
Great Southern Fuel Supplies Fuel Purchases for August 2017	\$ 13,260.06
Sam Williams Semi hire September	\$ 12,905.75
Building And Construction Industry Training Fund REFUND BCITF 16/17	\$ 11,529.01
DKT Rural Agencies Vinidex pipe for culverts & miscellaneous items under \$100	\$ 10,389.95
Kellerberrin & Districts Club Quarterly payment of Managers salary, solar panel repayment, catering & cleaning reimbursement	\$ 10,277.30
Moore Stephens Reconciliation of asset register & end of year rates processing, Assistance with pre-checks of valuations & running rates, monthly fee for rates processing July 2017, assist lodging EMPDUPE file & enquiries for BAS, prepare & lodge BAS for June 2017, prepare & lodge BAS for July 2017	\$ 9,905.62
Beverley Transport Truck and trailer hire August 2017	\$ 9,867.00
Synergy Streetlights Charge from 1 August 2017 - 1 September 2017 & power consumption for various properties	\$ 9,675.35
Avon Waste Domestic & commercial refuse collection	\$ 8,252.67
Youlie and Son Spreading Services Hire grader & roller	\$ 8,236.80
Farmways Kellerberrin Pty Ltd Bearings, seals, film poly, cement, slasher blades, diesel, building materials for change rooms, hydraulic hose, solenoid, gas bottles, transfluid, waterproofing, garden cart, isolator switch & other miscellaneous items under \$100	\$ 8,048.42
Youlie and Son Spreading Services Hire grader & roller	\$ 8,003.60
Youlie and Son Spreading Services Grader & roller hire 04/09/2017 - 08/09/2017	\$ 7,840.80
Brickmart Northam (WA) Pty Ltd Supply 18 pallets of RS Bevelled blocks & deliver to Caravan Park	\$ 7,601.00
WA Local Government Superannuation Plan Pty Ltd Payroll deductions	\$ 7,341.89
WA Local Government Superannuation Plan Pty Ltd Payroll deductions	\$ 6,398.50

Kellerberrin Community Resource Centre MDL Commissions, April - July & Online July & August	\$ 5,890.46
Youlie and Son Spreading Services Grader & roller hire for September	\$ 5,421.90
Bruce Rock Engineering Repair side tip trailer	\$ 5,321.49
Kelshar Earthworks Box out old bowling green & backfill with sand & level out	\$ 5,280.00
GPR Truck Service & Repairs Starter motor, oil leak, diagnose fault codes & wheel alignment	\$ 5,155.00
Kellerberrin Community Resource Centre Licencing commissions August, library donation, information bay contribution & power consumption	\$ 4,653.46
Local Pest Control Pest Treatment 2017	\$ 4,576.20
Shire of Northam Old Quarry tipping fees for July & August 2017	\$ 4,214.30
Ligna Construction Lay 170 Limestone Blocks for Ashes Path at Cemetery & laying footings for limestone blocks	\$ 4,202.00

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 September 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 \$ 884,323.70 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$12,286.76 on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 185/17 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council notes that during the month of September 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 \$884,323.70 on vouchers EFT , CHQ, Direct payments, and***
- 2. Trust Fund payments totalling \$12,286.76 on vouchers EFT, CHQ, Direct payments.***

CARRIED 7/0

Agenda Reference:	11.1.15
Subject:	Direct Debit List and Visa Card Transactions for the month September 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th October 2017
Author:	Codi Mullen, Payroll Officer

BACKGROUND

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

Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
1-Sep-17	Westnet	Monthly static IP address	\$	4.99
4-Sep-17	Shire of Kellerberrin	EFT Payment	\$	8,236.80
4-Sep-17	National Australia Bank	Visa Payment Aug 2017	\$	3,391.40
5-Sep-17	Housing Authority	Fortnightly Rent	\$	420.00
7-Sep-17	Shire of Kellerberrin	Payroll	\$	51,252.96
13-Sep-17	DLL Group	Monthly Photocopier Lease Payment	\$	265.21
14-Sep-17	Shire of Kellerberrin	EFT Payment	\$	2,880.00
15-Sep-17	National Australia Bank	NAB Connect Fee	\$	75.23
15-Sep-17	Shire of Kellerberrin	EFT Payment	\$	22,748.55
19-Sep-17	Housing Authority	Fortnightly Rent	\$	420.00
19-Sep-17	Shire of Kellerberrin	EFT Payment	\$	459,469.05
21-Sep-17	Shire of Kellerberrin	EFT Payment	\$	7,601.00
21-Sep-17	Shire of Kellerberrin	Payroll	\$	58,827.41
22-Sep-17	Shire of Kellerberrin	Payroll	\$	9,721.60
22-Sep-17	Shire of Kellerberrin	EFT Payment	\$	11,764.33
22-Sep-17	Shire of Kellerberrin	Click Super	\$	16,741.76
29-Sep-17	National Australia Bank	Account Fees - Merch Aug 17	\$	31.25
29-Sep-17	National Australia Bank	Account Fees - Trust	\$	54.20
29-Sep-17	National Australia Bank	Account Fees - Municipal	\$	77.60
29-Sep-17	National Australia Bank	Account Fees - BPAY	\$	166.72
29-Sep-17	National Australia Bank	Account Fees - Merch Sept 17	\$	177.02
29-Sep-17	National Australia Bank	Account Fees - C/Park	\$	277.70
29-Sep-17	Shire of Kellerberrin	EFT Payment	\$	39,394.54
29-Sep-17	Shire of Kellerberrin	EFT Payment	\$	287,206.63
TOTAL			\$	981,205.95

Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
30-Sep-17	Department Transport	Direct Debit-Licensing Payments Sept 17	\$	56,914.25
TOTAL			\$	56,914.25

Visa Card Transactions

Date	Name	Details	\$	Amount
29-Aug-17	Port Store	Breakfast	\$	47.50
28-Sep-17	National Australian Bank	Card Fee	\$	9.00
TOTAL - CEO			\$	56.50

Date	Name	Details	\$	Amount
29-Aug-17	Waterways Caarwash	Vehicle Expense	\$	15.50

05-Sep-17	Gull Tammin Roadhouse	Fuel KE002	\$	71.73
14-Sep-17	BP Mandurah	Fuel KE002	\$	79.10
18-Sep-17	BP Baldivis	Fuel KE002	\$	55.88
25-Sep-17	Coles Express Singleton	Fuel KE002	\$	65.00
28-Sep-17	National Australian Bank	Card Fee	\$	9.00
TOTAL - DCEO			\$	296.21
TOTAL VISA TRANSACTIONS			\$	352.71

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2016/2017

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 186/17 MOTIONS - Moved Cr. McNeil 2nd Cr. Reid

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

Be adopted.

CARRIED 7/0

Agenda Reference:	11.1.16
Subject:	Financial Management Report for the Month September 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	6 th October 2017
Author:	Karen Oborn, DCEO

BACKGROUND

Enclosed is the Monthly Financial Report for the month of September 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

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 187/17 MOTIONS - Moved Cr. White 2nd Cr. Steber

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

Be adopted.

CARRIED 7/0

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

BACKGROUND

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

COMMENT

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

COUNCIL RECOMMENDATION

MIN 188/17 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council

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

CARRIED 7/0

Agenda Reference: 11.2.2

Subject:	Development Application: P & J McDonald Swimming pool, gazebo and garage
Location:	57 Bath Street, Doodlakine
Applicant:	Peter & Jillian McDonald
File Ref:	Ass 297 & TPLAN09.1
Record Ref:	IPA1742
Disclosure of Interest:	N/A
Date:	10 th October 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

An application has been received from Peter and Jillian McDonald for the construction of a swimming pool, gazebo and garage on lot 57 Bath Street, Doodlakine. Existing on the lot is a dwelling and supporting infrastructure which totals 700m². The lot is located on the south side of Great Eastern Highway and is the former Doodlakine Tavern. As the proposal exceeds some requirements of the R-Codes it has been formally referred to Council for determination.



FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The applicant paid a standard planning application fee of \$147.

POLICY IMPLICATIONS

State Planning Policy 3.7- Bushfire Prone Areas

It is noted that the lot where the development is proposed lays within a bushfire prone area. As it is believed that the development will not increase bushfire risk on the lot it is advised that no further action will be required regarding the need to gain a BAL assessment of the site. (See map in attachments)

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

The subject land is coded R10, 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 <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>
	<p>the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent (refer Figure 2b and 2d); and</p> <p>v. to provide for registered easements for essential services.</p> <p>C2.2 Buildings set back from the secondary street boundary in accordance with Table 1.</p> <p>C2.3 Buildings set back from the corner truncation boundary in accordance with the secondary street setback in Table 1.</p> <p>C2.4 A porch, balcony, verandah, chimney or the equivalent may project not more than 1m into the street setback area, 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 Figure 2b).</p>
<p>5.1.3 Lot boundary setback</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape. 	<p>C3.1 Buildings 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"> i. buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b (refer to Figure Series 3 and 4); ii. unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, set back as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level; iii. separate single house, grouped or multiple dwelling buildings on the same site, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them; iv. minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a setback area; and v. the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or battleaxe lot access leg, to a maximum reduction of 2m (refer to figures 2b and 4f).
<p>5.1.4 Open space</p> <p>P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> • reflect the existing and/or desired streetscape character or as outlined under the local planning framework; • provide access to natural sunlight for the dwelling; • reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; • provide an attractive setting for the buildings, landscape, vegetation and streetscape; • provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and • provide space for external fixtures and essential facilities. 	<p>C4 Open space provided in accordance with Table 1 (refer Figure Series 6). The site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of that dwelling and the proportionate share of any associated common property.</p>
<p>5.2.1 Setback of garages and carports</p> <p>P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.</p>	<p>C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced:</p> <ol style="list-style-type: none"> i. in accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony); or ii. to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings. <p>C1.2 Carports set back from the primary street in accordance with clause 5.1.2 C2.1.</p> <p>C1.3 Garages and carports built up to the boundary abutting a private street or right-of-way which is not the primary or secondary street boundary for the dwelling, 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 Garages and carports set back 1.5m from a secondary street.</p> <p>C1.5 Carports within the street setback area in accordance with clause 5.1.2 C2.1iii provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent (refer to Figure 8a).</p>

Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>
5.4.3 Outbuildings P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	C3 Outbuildings that: <ol style="list-style-type: none"> are not attached to a dwelling; are non-habitable; collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; do not exceed a wall height of 2.4m; do not exceed ridge height of 4.2m; are not within the primary or secondary street setback area; do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b.

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

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

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

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to **single houses**

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

- indicated not applicable

* see **Tables 2a** and **2b** and clause 5.1.3

Av. average **site area**

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

3.2. OBJECTIVES OF THE ZONES

3.2.3 Rural Townsite Zone

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

4.1. 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 gazebo is considered an outbuilding as it is fully enclosed. It is noted that this structure will exceed the maximum area for outbuildings, while it will also exceed wall and ridge heights requirements seen in the R-codes, consequently it shall be judged on its merits by Council.

Carport

Setbacks: Upon assessment it is understood that the proposed garage satisfies both the requirements of the Scheme and deemed-to-comply requirements of the R-Codes. The garage will be constructed of materials that are consistent with the dwelling on the lot, therefore raising no issue. It is recommend that the garage be approved by Council.

Gazebo

Site area: as stated in the R-Codes, outbuildings are collectively not to exceed 60m² in area. The proposed gazebo will exceed this deemed-to-comply requirement.

Gazebo= 77.4m². Exceeding policy by 17m².

Wall height allowed: 2.4m

Proposed wall height: 3.08m

Ridge height allowed: 4.2m

Proposed ridge height: 5.4m

Although the proposal exceeds these two maximum requirements, it is noted that the structure will be made of materials that are consistent with the dwelling on the lot. It is also noted that the gazebo structure will be of a similar size to the dwelling. The proposed gazebo satisfies all other requirements of the R-Codes, including open space and setback requirements.

Pool

The proposed swimming pool satisfies all scheme requirements. It is recommended that it be approved by council on the advice that a building permit is gained and such provisions are followed.

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, gazebo and swimming pool on lot 57 Bath street, Doodlakine, that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:*
 - a. *17m2 for collective outbuildings, with the R-Code specification being 60m2*

GENERAL CONDITIONS

1. *The approval will expire if the development is not substantially commenced within two years of the approval date.*
2. *Development is to be undertaken in accordance with the endorsed plans.*

Advice notes

1. *the provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.*

COUNCIL RECOMMENDATION

MIN 189/17 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council

2. *Provides conditional development approval for the construction of a carport, gazebo and swimming pool on lot 57 Bath street, Doodlakine, that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:*
 - a. *17m2 for collective outbuildings, with the R-Code specification being 60m2*

GENERAL CONDITIONS

3. *The approval will expire if the development is not substantially commenced within two years of the approval date.*
4. *Development is to be undertaken in accordance with the endorsed plans.*

Advice notes

2. *the provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.*

CARRIED 7/0

Agenda Reference:	11.2.3
Subject:	Development Application: Graham Fence
Location:	48 Massingham Street, Kellerberrin
Applicant:	Mr Ian Graham
File Ref:	TPLAN09.1 & A433
Record Ref:	IPA1744
Disclosure of Interest:	N/A
Date:	6 th October 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

An application has been received from Mr. Ian Graham to erect a fence at the back (South) of his property, 48 Massingham Street, Kellerberrin. The lot is located between Farmways and Peak Transport on the Great Eastern Highway. Existing on the lot is a large commercial building which is now used for residential purposes, along with a number of smaller outbuildings. No fence currently exists at the southern end of the lot.



The proposed fence will be 1.8 meters in height and roughly 27 meters in length, including a 5 meter wide gate to allow access to the rear of the property. The proposed fence will be constructed of mesh link wire, hollow round bar posts and iron sheeted steel gates.

PLANNING COMMENT

Ordinarily Fences that are compliant with the Fencing Local Law 2016 do not require planning approval. As Mr. Graham intends to use pre-used materials, he is required to gain the approval of the shire. The fence proposed by the applicant will adhere to the requirements of the local law, thus the advice to grant conditional approval.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The applicant has paid a standard planning application fee of \$147.

POLICY IMPLICATIONS

Fences are required to adhere to the standards outlined in the Shires **Fencing Local Law 2016**.

- **2.3 Gates in fences**

A person shall not erect a gate in a fence, which does not—

(a) open into the lot; or

(b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.

Division 3—Fencing Materials

- **2.10 Pre-used fencing materials**

(1) Notwithstanding clause 2.1, a person shall not construct a fence on a residential lot, a town centre lot or an industrial lot from pre-used materials without the approval of the local government.

(2) Where the local government approves the use of preused materials in the construction of a fence under subclause (1) that approval shall be conditional on the applicant painting or treating the pre- used material as stated in or attached to the form of approval issued by the local government under clause 3.2.

- **3.2 Decision on application for approval**

(1) The local government may— (a) approve an application for approval unconditionally or subject to any conditions; or (b) refuse to approve an application for approval.

(2) If the local government approves an application for approval, it is to issue to the applicant an approval in the form determined by the local government.

(3) If the local government refuses to approve an application for approval, it is to give written notice of that refusal to the applicant.

(4) Where a clause of this local law refers to conditions which may be imposed on an approval, or which are to be taken to be imposed on an approval, the clause does not limit the power of the local government to impose other conditions on the approval under subclause (1)(a).

- **3.3 Compliance with approval**

Where an application for approval has been approved, the applicant and the owner and occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

Schedule 3

TOWN CENTRE LOT

[Clause 2.1(2)(b)]

Specifications for a sufficient fence on a town centre lot

1. Each of the identified categories in this Schedule or Schedule 2, with minimum and maximum specifications where stated, is a sufficient fence on a town centre lot.
2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(A) Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh, which satisfies the following specifications—

(a) corner posts to be minimum 50 millimetres nominal bore x 3.5 millimetres, footings of a 225 millimetres diameter x 900 millimetres;

(b) intermediate posts to be minimum 37 millimetres nominal bore x 3.15 millimetres; maximum 3,500 millimetres centres; and footings of 225 millimetres diameter x 600 millimetres;

(c) struts to be minimum 30 millimetres nominal bore x 3.15 millimetres fitted at each gate; 2 at each corner post; and footings 225 millimetres x 600 millimetres;

(d) cables to be affixed to the top centre and bottom of all posts; and consists of 2 or more 3.15 millimetres wires twisted together; or single 4 millimetres wire;

(e) non-rail link, chain or steel mesh is to be a height of 2,000 millimetres on top; and 3 strands of barbed wire carrying the fence to a height of 2,400 millimetres in accordance with the requirements and standards of the local planning scheme;

- (f) galvanised link mesh wire to be 2,000 millimetres in height; constructed of 50 millimetres mesh, 2.5 millimetres galvanised iron wire; and to be strained, neatly secured and laced to the posts and affixed to cables;
- (g) vehicle entry gates shall provide an opening not less than 3,600 millimetres and be constructed of 25 millimetres tubular framework; one horizontal and one vertical stay constructed of 20 millimetres piping; and shall be covered with 50 millimetres x 2.5 millimetres galvanised link mesh strained to framework; and
- (h) gates shall be fixed with a drop bolt and locking attachment.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

Zoning: The subject lot is zoned 'Town Centre' under the Shires *Local Planning Scheme No.4*. Therefore is subject to the provisions of the Scheme and the Shire of Kellerberrin- *Fencing Local Law 2016*.

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

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

COMMUNITY CONSULTATION:

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

STAFF RECOMMENDATION

That Council grants development approval for the fence with the following conditions.

- 1. The approval will expire if the development is not substantially commenced within two years of the approval date.*
- 2. Materials used in the construction of the fence shall be those endorsed by Council in the approved plans.*

COUNCIL RECOMMENDATION

MIN 190/17 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council grants development approval for the fence with the following conditions;

- 1. The approval will expire if the development is not substantially commenced within two years of the approval date.***
- 2. Materials used in the construction of the fence shall be those endorsed by Council in the approved plans and***
- 3. The fence is to be painted and/or treated as stated and in accordance with Council Local Law to the approval of Council to the form of approval issued by the local government under clause 3.2.***

CARRIED 7/0

Agenda Reference:	11.2.4
Subject:	Development Application: Moylan's- Sea Containers
Location:	61 Mather Rd, Kellerberrin
Applicant:	Mr Corey Moylan
File Ref:	IPA1714
Disclosure of Interest:	N/A
Date:	3 rd October 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

An application has been received from Mr. Corey Moylan for the use of up to thirty (30) sea containers on his industrial property, 61 Mather Road, Kellerberrin. The lot is located on the north side of Great Eastern Highway. The applicant intends to use up to ten, 12 meter (40ft) sea containers for storage purposes, a number of which already exist on the property. The site is used for the construction and fabrication of storage silos and agricultural equipment.



Planning Comment

The proposal will require Councils discretion as it exceeds the maximum requirements for the Industrial zone outlined in Table 1 of the Shires sea container policy. However it is acknowledged that the maximum requirements for the general agriculture and industrial zones are by no means as rigorous as those applied to the rural living zones.

As stated in the policy, if the landowner intends to exceed the maximum standards of the policy the application is to be determined by Council.

The application doesn't provide clarity regarding the setbacks of the containers, thus the need to enforce this Scheme requirements in the conditions if development approval is granted.

Allowing the use of sea containers on Industrial zoned land can be beneficial for production purposes and the safe storage of goods. Therefore it is recommended that Council grant conditional planning approval.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The applicant has paid a standard planning application fee of \$147.

POLICY IMPLICATIONS

Local Planning Policy- Sea Containers

At the Shires ordinary September meeting a new policy outlining restrictions and development requirements was approved for sea containers. Seen below are the development requirements relevant to the application.

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).

5.2.6 All applicants will be required to gain a building permit from the Shire of Kellerberrin

Table.1 Requirements

As seen in table 1 of the policy, Sea containers shall be used in association with the approved use of the property. As more than two containers are proposed, Council is to consider the proposal on its merits.

Industrial	In accordance with the setbacks outlined in the Scheme (Clause 4.9.1)	2x 12m (40ft) container per 4000m ² *	Sea container(s) shall be used in association with the approved use of the property. * Where more than two (2) containers are proposed, the application will be considered on its merits.
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STATUTORY IMPLICATIONS

Local Planning Scheme No.4

Zoning

The subject lot is zoned 'Industrial'. Existing structures located on the lot include six (6) large manufacturing sheds along with on site office facilities. This development is required to adhere to the industrial development requirements outlined in part 4.9 of the Shires Local Planning Scheme.

3.2. OBJECTIVES OF THE ZONES

3.2.4 Industrial Zone

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

4.9 INDUSTRIAL DEVELOPMENT

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

Front: 7.5 metres

Rear: 7.5 metres

Side: 5.0 metres (on one side)

4.9.2 The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government. **4.9.3** All other development standards for development in the Industrial zone are at Local government's discretion.

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 grants development approval for the use of up to thirty (30) Sea Containers on Lot 310 Mather Street, Kellerberrin, with the following conditions;

- 1. The Sea Container shall be of a similar colour to the existing structures on the lot and shall be non-reflective.*
- 2. 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.*
- 3. The endorsed approved plans shall not be altered without the prior written approval of the Shire.*

Advice notes

1. the provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.
2. If the applicant wishes to utilize sea containers on a non-permanent basis for longer than a seven (7) day period, consent is required by the Shire.

COUNCIL RECOMMENDATION

MIN 191/17 MOTION - Moved Cr. Reid 2nd Cr. O'Neil

That Council grants development approval for the use of up to thirty (30) Sea Containers on Lot 310 Mather Street, Kellerberrin, with the following conditions;

- 1. The Sea Container shall be of a similar colour to the existing structures on the lot and shall be non- reflective;***
- 2. 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;***
- 3. The endorsed approved plans shall not be altered without the prior written approval of the Shire; and***
- 4. 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.***

Advice notes;

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.***
- 2. If the applicant wishes to utilize sea containers on a non-permanent basis for longer than a seven (7) day period, consent is required by the Shire.***

CARRIED 7/0

REASON: Council wanted to reiterate the requirement for the internal door for the safety of users and to alleviate the possibility of entrapment.

Agenda Reference:	11.2.5
Subject:	Development Application: Bowles:- carport and shed
Location:	46 Gregory Street, Kellerberrin
Applicant:	Mr Richard Bowles
File Ref:	Ass 615 & TPLAN09.1
Record Ref:	IPA1739
Disclosure of Interest:	N/A
Date:	10 th October 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

A development application has been received from Mr. Richard Bowles for a shed and gazebo on his residential lot, 157 Gregory street, Kellerberrin. The applicant is intending to construct a 60m² shed and a 36m² carport. Existing on the lot is a dwelling along with a 18m² garden shed. As the outbuilding will exceed the deemed-to-comply requirements of the R-Codes it is required to be formally assessed by Council.



*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 4/10/2017.

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

Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>
5.4.3 Outbuildings P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	C3 Outbuildings that: <ol style="list-style-type: none"> are not attached to a dwelling; are non-habitable; collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; do not exceed a wall height of 2.4m; do not exceed ridge height of 4.2m; are not within the primary or secondary street setback area; do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b.

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

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

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

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to **single houses**

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

- indicated not applicable

* see **Tables 2a** and **2b** and clause 5.1.3

Av. average **site area**

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.

Carport

Garage Setback: the proposed garage satisfies the setback requirements (4.5m) as it to be located approximately 7m from the primary street (Gregory street).

Upon assessment it is understood that the proposed garage satisfies both the requirements of the Scheme and deemed-to-comply requirements of the R-Codes. Therefore it is recommend that the garage be approved by Council.

Shed

Site area: as stated in the R-Codes, outbuildings are collectively not to exceed 60m² in area. The proposed shed will exceed this deemed-to-comply requirement.

(Existing garden shed: 18m²) + (proposed shed: 60m²) = 78m² of outbuildings.

Wall Height: the proposed shed satisfies the R-Codes 2.4m wall height (2.3m) and 4.2m ridge height (2.3m) requirements.

Setbacks: the proposed shed satisfies the required secondary street setback of 1.5m, which is the laneway on the south side of Gregory street. (see attached plan)

Open Space: Lot area=1011m², Total area of buildings on lot= 295m².

Min Allowed % of Open Space per R-Codes= 45-60%

Open Space= 71%

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

The proposed shed satisfies all of the requirements of the R-Codes except for the allowable area for outbuildings (60m²). As this development would satisfy the requirements of Councils new policy it is therefore recommended that the proposal be granted conditional approval. It is not believed that the proposed development will have any impact on streetscape amenity or surrounding landowners on Gregory street, therefore it will not be necessary to advertise the development application. It is noted that in the past Council has approved oversized sheds within the Residential zone.

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

3. *Provides conditional development approval for the construction of a carport and shed on lot 157 Gregory street, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:*
 - a. *18m2 for collective outbuildings, with the R-Code specification being 60m2*

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; and*
3. *Development is to be undertaken in accordance with the endorsed plans.*

Advice notes;

1. *The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.*

COUNCIL RECOMMENDATION

MIN 192/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council

4. ***Provides conditional development approval for the construction of a carport and shed on lot 157 Gregory street, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:***
 - a. ***18m2 for collective outbuildings, with the R-Code specification being 60m2***

GENERAL CONDITIONS

4. ***The approval will expire if the development is not substantially commenced within two years of the approval date;***
5. ***The shed and carport shall be of a similar colour to the existing structures on the lot and shall be non- reflective; and***
6. ***Development is to be undertaken in accordance with the endorsed plans.***

Advice notes;

2. ***The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.***

CARRIED 7/0

Agenda Reference:	11.2.6
Subject:	STS WEST- Sea Container application
Location:	122-124 Massingham Street, Kellerberrin
Applicant:	Mr Robert Stevens
File No:	A507 & TPLAN09.1
Record Ref:	IPA1740
Disclosure of Interest:	NIL
Date:	4 th October 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

A development application has been received from Mr. Robert Stevens for the use of up to three (3) 12m (40ft) sea containers on a permanent basis and an additional container on a non permanent basis at the south end of Lots 300 and 301 Massingham Street, Kellerberrin. As the application does not comply with the acceptable standards outlined in Table 1 of the Shires Sea Container Policy, it requires the approval of the Council.

The lots are currently used and operated as a Tyre Service, mechanical workshop; and freight depot. Existing structures on the lot include a large service workshop and office on the northern portion of the lots. Existing on the south of the lots is a smaller storage shed.

Lots 300, 301 and 50 Massingham Street, Kellerberrin



The applicant provided comments on the Shire's Sea Container policy after the submission period had closed. Included in the **Attachments** is a copy of the submission.

The applicant advised the Shire that the containers will be used for periods of up to 4 months seasonally, thus advice was given by the Shire to apply for permanent planning approval. This will avoid the need for constant liaison with Shire staff regarding the use of the containers on temporary basis throughout the year.

The containers will be used for the storing of stock and products such as tyres, oil and other mechanical equipment relating to the primary use of the land. The applicant believes that the use of the containers is a safe and cost effective way to store goods.

PLANNING COMMENT:

Zoning: Lots 300,301 and 50 are within the 'Town Centre' zone. As seen below, the objectives of this zone are to ensure the town centre remains the principal place of business for the town.

Scheme: Scheme requirements include the need to have regard for visual amenity, building bulk, roof pitch, setbacks, building location, function and its relationship to surrounding development.

Addressing these guidelines, it is important that the any sea containers within the 'town centre' zone do not have an impact on the visual amenity of the town. Therefore as shown in the applicants plan, all containers should be located behind buildings to avoid visual impacts from Great Eastern Highway.

Furthermore attention should also be given to the setbacks of the containers to ensure they are not located in a way that impacts upon nearby landowners. The applicant has not provided sufficient evidence regarding the setbacks of the Sea Containers, thus the need to address this issue in the conditions, if development approval is granted by Council.

Sea Container Policy: As seen below, the Shires Sea Container Policy contains acceptable standards in Table 1- including: the number of containers that can be kept in certain zones. The maximum number allowed in the Town Centre zone is 1x12m (40ft) container. However as STS West is a business that differs from most others within this zone it is recommend that consideration be given to allow for up to 3 containers to be located at the south end of Lot 300 and 301. The applicant has requested that an additional container be granted approval on a non permanent basis.

As seen in Table 1, Sea Containers within the Town Centre zone are required to be fitted with a 'pitched roof', however the applicant has made the Shire aware that the Sea Containers will be hired, thus the inability to alter the design.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

The R-Codes are not applicable to this application.

Local Planning Policy- Sea Containers (approved at September Council Meeting)

4.0 POLICY OBJECTIVES

The objectives of this policy are:

- To provide guidelines for the placement, use, size and construction of sea containers and other similar structures;
- To maintain the rural character and landscape amenity of the Shire;
- To allow for the temporary controlled use of a sea container during building and construction; and
- To provide further clarity on the definition of a sea container.

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:

- viii. comply with the requirements of the Scheme;
- ix. comply with the criteria set out in **Table 1** of this policy;

- III. be used as detached outbuildings and not as ancillary accommodation;
- IV. be fitted with doors that can be opened from the inside to ensure safety of users;
- x. be painted to match either the existing dwelling or other outbuildings on the lot;
- xi. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- xii. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- xiii. 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
- xiv. 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).

5.2.4 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

Table 1.

Zone (s):	Setback:	Number and size of Sea Container(s) allowed:	Special requirements:
Town Centre	In accordance with the R-Codes	1 x 12m (40 ft)	<p>The sea containers shall be fitted with a pitched roof.</p> <p>The sea container shall not compromised or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site.</p> <p>The sea container shall only be used for storage purposes.</p>

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

3.2.2 Town Centre Zone

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

Zone Objectives

4.7 COMMERCIAL DEVELOPMENT

- 4.7.1 Commercial development shall not exceed two (2) storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.
- 4.7.2 In considering an application for development approval for a proposed commercial development (including additions and alterations to existing development) in the town centre the local government shall have regard to the following:
- (a) the colour and texture of external building materials; the local government may require the building façade and side walls to a building depth of 3m to be constructed of masonry;
 - (b) building size, height, bulk, roof pitch;
 - (c) setback and location of the building on its lot;
 - (d) architectural style and design details of the building;
 - (e) function of the building;
 - (f) relationship to surrounding development; and
 - (g) other characteristics considered by the local government to be relevant.
- 4.7.3 Landscaping should complement the appearance of the proposed development and town centre.
- 4.7.4 The layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carpark.
- 4.7.5 All other development standards for development in the Town Centre zone are at local government's discretion.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer
Lewis York – Town Planning Consultant

STAFF RECOMMENDATION

That Council grants Approval for the use of three (3) Sea Containers on lots 50, 300 and 301 Massingham Street, Kellerberrin, with the following conditions:-

- 1. The development is to be undertaken in accordance with the approved plan;*
- 2. Containers shall only be located at the south end of the lots; and*
- 3. Containers shall be setback 1.5 metres from side and rear lot boundaries*

COUNCIL RECOMMENDATION

MIN 193/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council grants approval for the use of three (3) Sea Containers on lots 50, 300 and 301 Massingham Street, Kellerberrin, with the following conditions:-

- 1. The development is to be undertaken in accordance with the approved plan;***
- 2. Containers shall only be located at the south end of the lots;***
- 3. Containers shall be setback 1.5 metres from side and rear lot boundaries; and***
- 4. The Sea Containers shall all be fitted with doors that open from the inside for the safety of users as per Council's Sea Container policy.***

CARRIED 7/0

REASON: Council wanted to reiterate the requirement for the internal door for the safety of users and to alleviate the possibility of entrapment.

4.40 pm – Cr. Steber declared a Impartiality Interest in Item 11.2.7 and exited the Council Chambers.

Agenda Reference:	11.2.7
Subject:	Development Application: Steber Accommodation
Location:	3334 Bruce Rock Rd, Doodlakine
Applicant:	Matthew & Allie Steber
File Ref:	Ass 1688 & TPLAN09.1
Record Ref:	IPA1743
Disclosure of Interest:	N/A
Date:	10 th October 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

A development application has been received from Matthew and Allie Steber for the conversion of one half of an existing garage into seasonal accommodation on their agricultural lot (12864). Existing on the lot is a dwelling and garage, along with a number of agricultural machinery sheds and structures. The proposed accommodation is to be located in a garage which totals 71.3m².



It is noted that at the ordinary August meeting Council discussed and initiated a local planning policy for additional dwellings in the general agriculture zone. This policy outlined maximum and minimum distances that a second dwelling could be located from a primary dwelling.

PLANNING COMMENT

Zoning table: the proposed application fits within the definition of a repurposed dwelling, which is listed as a 'D' use in the table, meaning Council can use its discretion to either approve (with or without conditions) or refuse the application. It is noted that the definition and use of a 'repurposed' dwelling was added to the scheme via Amendment No.2 which was gazetted in September 2017.

A Repurposed dwelling is defined as: *"...a building or structure not previously used as a single house, which has been repurposed for use as a dwelling."*

Scheme objectives: The application fits within the requirements of the scheme and satisfies the objectives of the zone which include "(c) To allow for facilities for tourists and travellers, and for

recreation uses". As the accommodation is to be used for agricultural purposes (worker accommodation) it is believed the development will be beneficial towards the objectives of the zone.

Amenity: the development will not impact upon visual amenity within the zone as the development will be contained inside an existing garage on the lot.

Notes: It is noted that this kind of development through the use of repurposed dwellings in the form of sheds and the like could become more prevalent throughout the district as legitimate forms of worker accommodation.

It is recommended that a local planning policy relating to second hand and repurposed dwellings be revisited to reflect policy relating to additional dwellings in this zone. A draft policy which will be released in the coming weeks contains a maximum size limit for second hand and repurposed dwellings, however does not include maximum and minimum standards relating to distance from the main dwelling as will be included in the additional 'grouped' dwelling policy (as discussed by Council).

Further to this Council should be consistent when dealing with the prospect of additional, second hand and repurposed dwellings. For example, a second hand or repurposed dwelling which is additional to an existing dwelling could become a 'grouped dwelling'. This matter has been discussed with the Western Australian Planning Commission (WAPC), whom gave the advice for Council to use its discretion in judging such proposals.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The applicant paid a standard planning application fee of \$147.

POLICY IMPLICATIONS

No Local Policy is yet to be implemented relating to repurposed or additional dwellings on general agriculture zoned land.

State Planning Policy 2.5- Rural Planning

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

Zoning: The subject land is zoned 'General Agriculture' in the Shires Local Planning Scheme.

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.

Zoning Table

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	X	D	X
Home business	D	D	X	D	D	D
Home occupation	D	D	X	D	D	D
Home office	P	D	X	D	D	P
Home store	A	D	X	A	D	A
Multiple dwelling	D	X	X	X	X	X
Park home park	X	A	X	X	A	X
Repurposed dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Residential building	A	X	X	X	A	X
Rural home business	X	X	X	D	X	D
Second-hand dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Single Dwelling	P	A	X	P	P	P
Transportable dwelling	DELETED BY AMD 2 GG 12/09/17					

4.11 RURAL DEVELOPMENT

4.11.1 Buildings within the General Agriculture zone shall comply with the following minimum lot boundary setbacks:

Front: 20.0 metres

Rear: 15.0 metres

Side: 5.0 metres

4.11.2 The local government will only support further subdivision of existing lots in the General Agricultural zone where:

- the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could similarly be subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
- the lots are for farm adjustment and the erection of dwellings is restricted by memorials on titles;
- the lots are for specific uses such as recreation facilities and public utilities; or
- the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels); or
- otherwise in accordance with the local government's policy for Homestead Lots.

Definition

'Repurposed Dwelling' - means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.

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 grants development approval for the conversion of a garage as a repurposed dwelling on Lot 12864, Doodlakine, with the following conditions:

- 1. The approval will expire if the development is not substantially commenced within two years; and*
- 2. Development is to be undertaken in accordance with the endorsed plans.*

COUNCIL RECOMMENDATION

MIN 194/17 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council grants development approval for the conversion of a garage as a repurposed dwelling on Lot 12864, Doodlakine, with the following conditions:

- 1. The approval will expire if the development is not substantially commenced within two years; and***
- 2. Development is to be undertaken in accordance with the endorsed plans.***

CARRIED 6/0

4.50 pm – Cr. Steber returned to Council Chambers.

Agenda Reference:	11.2.8
Subject:	Development Application: Hubble Shed
Location:	77 Forrest Street, Kellerberrin
Applicant:	Mr Paul Hubble
File Ref:	Ass 523 & TPLAN09.1
Record Ref:	IPA1745
Disclosure of Interest:	N/A
Date:	12 th October 2017
Author:	Mr Lewis York, Town Planner

BACKGROUND

A development application has been received from Mr. Paul Hubble for a shed and carport on his residential lot, 77 Forrest Street, Kellerberrin. The applicant intends to construct a 60m² lean-to carport to store automotive vehicles, the carport will not be enclosed. Existing on the lot is a dwelling along with an existing shed which is 108m². The applicant has also applied for shed extension of 72m² on the north side of his existing shed. As the outbuilding will exceed the deemed-to-comply requirements of the R-Codes it is required to be formally assessed by Council.



*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 11/10/2017.

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

Design principles Development demonstrates compliance with the following design principles (P)	Deemed-to-comply Development satisfies the following deemed-to-comply requirements (C)
5.4.3 Outbuildings P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	C3 Outbuildings that: <ol style="list-style-type: none"> are not attached to a dwelling; are non-habitable; collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; do not exceed a wall height of 2.4m; do not exceed ridge height of 4.2m; are not within the primary or secondary street setback area; do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b.

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

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

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

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to **single houses**

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

- indicated not applicable

* see **Tables 2a** and **2b** and clause 5.1.3

Av. average **site area**

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.

Proposed Carport

Outbuilding collective area: as stated in the R-Codes, outbuildings are collectively not to exceed 60m² in area. As a carport is will not be enclosed it shall not be considered in the total site area for outbuildings.

*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."*

Open space and setbacks: The proposed carport satisfies the open space and setback requirements of the R-Codes. Furthermore all the provisions of 5.2.1 of the R Codes have been satisfied and no issue is raised with the carport.

Proposed Shed

Outbuilding collective area: It is noted that the proposed shed extension will exceed the maximum of 60m² outlined in the R-Codes.

(Existing shed: 108m²) + (proposed shed 72m²) = 180m²

Exceeding the allowed 60m² limit by 120m².

Wall Height: the proposed shed will not exceed wall maximums in the R-Codes as it is to be 3m at its highest point.

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

Open Space: Lot area=3037m², Total area of buildings on lot (inclusive of new carport and shed)=580m²

Min Allowed % of Open Space per R-Codes= 45-60%

Open Space= 81%

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

The proposed shed will exceed the R-Codes specification by 120m². However, Council in the past has approved oversized sheds. It is noted that the applicant will be using new colourbond materials that are of a similar nature to existing structures and materials used on the lot. It is not believed that the development proposed will have an 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

5. *Provides conditional development approval for the construction of a carport and shed on 77 Forrest street, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:*
 - a. *120m2 for collective outbuildings, with the R-Code specification being 60m2*

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;*
3. *Development is to be undertaken in accordance with the endorsed plans; and*
4. *The carport shall not be enclosed.*

Advice notes:-

1. *The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.*

COUNCIL RECOMMENDATION

MIN 195/17 MOTION - Moved Cr. White 2nd Cr. Reid

That Council

6. ***Provides conditional development approval for the construction of a carport and shed on 77 Forrest street, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:***
 - a. ***120m2 for collective outbuildings, with the R-Code specification being 60m2***

GENERAL CONDITIONS

5. ***The approval will expire if the development is not substantially commenced within two years of the approval date;***
6. ***The shed and carport shall be of a similar colour to the existing structures on the lot and shall be non-reflective;***
7. ***Development is to be undertaken in accordance with the endorsed plans; and***
8. ***The carport shall not be enclosed.***

Advice notes:-

2. ***The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.***

CARRIED 7/0

11.3 WORKS & SERVICES – AGENDA ITEMS

Nil Items

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

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

Late Item 13.1.1 - Adoption of Amended Fees and Charges for 2017/18.

Agenda Reference:	13.1.1
Subject:	Adoption of Amended Fees and Charges for 2017/18
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Record No.:	
Disclosure of Interest:	N/A
Date:	16 October 2017
Author:	Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

Council adopts fees and charges as part of its annual budget process. Fees and charges can be imposed at anytime during the financial year or amended from time to time during a financial year provided it advertises the proposed changes accordingly. (Absolute Majority Required). Council has adopted the annual schedule of fees and charges separately from the budget document to enable more time to consider each proposed charge for the forthcoming year. A list of the adopted 2017/18 Fees and Charges are attached for Council's information and review.

COMMENT

All statutory fees and charges have been adjusted to reflect current pricing and may appear to have increased substantially. Other fees and charges were compared to other Local Government agencies in the region and adjusted accordingly.

FINANCIAL IMPLICATIONS

- Shire of Kellerberrin 2017/18 Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

STRATEGIC COMMUNITY PLAN IMPLICATIONS – Nil

CORPORATE BUSINESS PLAN IMPLICATIONS – Nil

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS – Projected Fees and Charges are included in the Shire of Kellerberrin Long Term Financial Plan.

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council –

1. *Adopts the proposed fees and charges, in particular the Annual food Act Al Fresco Fee of \$110 pa. including GST; and -*
2. *Advertises the fees and charges for 2017/18 as presented accordingly*

COUNCIL RECOMMENDATION

MIN 196/17 MOTION - Moved Cr. White 2nd Cr. Steber

That Council –

1. *Adopts the proposed fees and charges, in particular the Annual food Act Al Fresco Fee of \$110 pa. including GST; and -*
2. *Advertises the fees and charges for 2017/18 as presented accordingly*

CARRIED 7/0
BY ABSOLUTE MAJORITY

CLOSURE OF MEETING

The President thanked all members for the attendance and closed the meeting at 5.20 pm.

NEXT MEETING DATES

Tuesday, 21st November, 2017, Shire of Kellerberrin - Ordinary Council Meeting.