

# SHIRE OF KELLERBERRIN

## MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 19<sup>th</sup> September 2017, commencing at 2:10 pm.

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

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

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

#### Present:

Cr. Forsyth	President / Presiding Person
Cr. O'Neill	Deputy President
Cr. 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 (Exited at 2.25pm)
Mrs Hilary Jones	Personal Assistant
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 **19<sup>th</sup> September, 2017**.

Date	Name	Item No.	Reason
19 <sup>th</sup> September 2017	Mr Mick Jones	11.2.2	Owner of the property and applicant.
19 <sup>th</sup> September 2017	Mrs Hilary Jones	11.2.2	Owner of the property and applicant.

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 **19<sup>th</sup> September, 2017**.

Date	Name	Item No.	Reason

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity** interest were made at the Council meeting held on **19<sup>th</sup> September, 2017**.

Date	Name	Item No.	Reason

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 15<sup>th</sup> August 2017

## COUNCIL RECOMMENDATION

**MIN 150/17 MOTION:** Moved Cr. White 2<sup>nd</sup> Cr. Reid

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 15<sup>th</sup> August 2017, be confirmed as a true and accurate record*

CARRIED 7/0

**8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION:** when voting any names of those voting against a motion are not recorded in the minutes unless specifically requested, and not disclosed outside of council meetings.

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

## 10. REPORTS OF COMMITTEES/COUNCILLORS

### 10.1 Reports of Committees/Councillors

**MIN 151/17 MOTION:** Moved Cr. Steber 2<sup>nd</sup> Cr. Leake

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

CARRIED 7/0

## 11.1 CORPORATE SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.1.1
<b>Subject:</b>	Community Requests and Discussion Items
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	6 <sup>th</sup> September, 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

### BACKGROUND

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

August 2017 Council Meeting

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

*That Council note;*

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

CARRIED 7/0

July 2017 Council Meeting

**MIN 111/17 MOTION** - Moved Cr. Leake 2<sup>nd</sup> 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

June 2017 Council Meeting

**MIN 085/17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. Leake

*That Council;*

- Approves the Doodlakine Community Committee's Community Budget request for \$2,000 for roadside clean-up.*
- Approves the installation of a plaque in Centenary Park thanking those who donated rocks for the construction of the park upgrade.*
- Approves the installation of a new phone system at the Kellerberrin doctors' surgery as per quotation.*

CARRIED 7/0

**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.

#### **June 2017 - MIN 085/17**

1. CEO advised the Doodlakine Community Committee that Council approves there Community Budget Submission request for \$2,000 for roadside clean-up.
2. Council will arrange the installation of a plaque in Centenary Park thanking those who donated rocks for the construction of the park upgrade.
3. CEO will advise the Doctor's Surgery that Council approves the installation of a new phone system as per quotation.

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

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

CARRIED 7/0

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	Status Report of Action Sheet
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	6 <sup>th</sup> September, 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

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

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

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

## COMMENT

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

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

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

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

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

## POLICY IMPLICATIONS

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

## STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

### Section 2.7. The role of the council

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

- (b) determine the local government's policies.
- Section 2.8. The role of the mayor or president**

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

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

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

**Section 2.10. The role of councillors**

A councillor —

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

**5.60. When person has an interest**

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

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

has —

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

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

**5.60A. Financial interest**

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

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

**5.60B. Proximity interest**

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —

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

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

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

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

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

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

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

(2) In subsection (1) —

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

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

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

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

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

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

*[(e) deleted]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

### **STRATEGIC PLAN IMPLICATIONS:**

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

### **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

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

### **COMMUNITY CONSULTATION:**

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

**STAFF RECOMMENDATION**

*That Council receives the Status Report.*

**COUNCIL RECOMMENDATION**

**MIN 153/17 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. O'Neill

*That Council receives the Status Report.*

CARRIED 7/0

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
<b>Location:</b>	Kellerberrin Recreation and Leisure Centre
<b>Applicant:</b>	Great Eastern Country Zone of WALGA
<b>File Ref:</b>	OLGOV-16
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	8 <sup>th</sup> September, 2017
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Meeting, held on Thursday 24<sup>th</sup> August, 2017 at the Kellerberrin Recreation and Leisure Centre, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

## COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Thursday 24<sup>th</sup> August 2017. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure that Council is;

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

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

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

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

**That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 29 June 2017 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

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

**That the Minutes of a Meeting of the Great Eastern Country Zone Executive Committee held Thursday 3 August 2017 be received.**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Forsyth**                      **Seconded: Cr Davies**

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

**CARRIED**

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

**That the Great Eastern Country Zone write to the Minister for Transport in support of the Regional Road Groups protests at the recent cuts to direct road grants.**

**CARRIED**

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

**That:**

1. The Great Eastern Country Zone prepare a submission on the review of the Local Government Act; and
2. A workshop to discuss preparation of the submission be held on Thursday 28 September 2017, commencing at 9.00am at a venue to be advised.

**RESOLUTION:** Moved: Cr Tarr                      Seconded: Cr Geier

**CARRIED**

**CARRIED**

- State Councillor Report; and
- WALGA Status Report.

**RESOLUTION:** Moved: Mr Burton                      Seconded: Cr Tarr

**CARRIED**

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

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

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

## STRATEGIC PLAN IMPLICATIONS

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

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

**COMMUNITY CONSULTATION**

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

**ABSOLUTE MAJORITY REQUIRED - NO**

**STAFF RECOMMENDATION**

*That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 24<sup>th</sup> August, 2017.*

**COUNCIL RECOMMENATION**

**MIN 154/17 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake

*That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 24<sup>th</sup> August, 2017.*

CARRIED 7/0

<b>Agenda Reference:</b>	11.1.4
<b>Subject:</b>	2017/2018 Community Budget Submissions
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Kellerberrin & Districts Agricultural Society
<b>File Ref:</b>	FIN 24
<b>Record Ref:</b>	ICR171498
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	8 <sup>th</sup> September 2017
<b>Author:</b>	Mr. Raymond Griffiths - Chief Executive Officer

## BACKGROUND

Councils April 2017 ordinary meeting – 19<sup>th</sup> April 2017

**MIN 054/17 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. White

***That Council;***

- 1. Declines to fund the submission from Sean Conway as it doesn't meet the criteria set by Council's Community Budget Submission guidelines.***
- 2. Donates \$2,000 to the Kellerberrin Seniors Group for the purchase and installation of an Instantaneous Urn and Vertical Blinds at the Ex-Golf Club house.***
- 3. Declines to fund the submission from Kellerberrin Play Group and Kellerberrin Family Day Care at this point in time as Council wishes to have the outcome for the proposed grant applications that are being lodged with other agencies.***
- 4. Donates the CEO's ex-PC following the purchase of a new CEO PC, for the use of the proposed Kellerberrin Cultural Centre and purchases a printer to donate to them.***
- 5. Request that the Local Health Advisory Committee provide a costed Budget to Council upon finalising their program for the upcoming Ladies Day's Out for Council's further consideration of a donation.***

CARRIED 7/0

## COMMENT

Council at the closing of Community Budget submissions where advised by the Kellerberrin Agricultural Society that they missed the advertising of the Community Budget Submission and therefore subsequently didn't make application to Council for additional funds.

The Ag Society have since written to Council seeking funding through the Community Budget program by undertaking a Roadside Pickup on the Great Eastern Highway as a fundraising venture to assist with costs associated with this years Show.

The Ag show Committee have advised that the additional funds are required to attract a large ride for the older children which is in the area of \$5,000 to \$10,000.

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2017/2018 Budget

G/L	Description	Budget	Actual	Diff
041019	Donations & Gifts	\$30,000	\$17,000	\$13,000

041019	-	Donations and Gifts
\$20,000.00	-	Community Donations and Grants
\$ 3,000.00	-	Public Relations, Sponsorship, Donations and Waivers
\$ 7,000.00	-	Donations and Gifts (provide services or programs to residents of the Shire of an ongoing basis)

## POLICY IMPLICATIONS

<b>POLICY NUMBER</b>	-	1.9
<b>POLICY SUBJECT</b>	-	Community Grants Allocation
<b>DATE OF ADOPTION</b>	-	November 2008
<b>REVIEWED</b>	-	October 2013

### Purpose

To provide guidance to Council and Staff on the allocation of Grants and Donations to Community Groups and to assist with the preparation of Council's Annual Budget

### Policy

No later than 31st March each year the CEO will have advertisements placed in the local community newspaper "The Pipeline" inviting community groups within the Shire of Kellerberrin to submit applications to Council for a Council Donation or Grant to assist with the funding of projects, programs and activities for the benefit of the residents of the Shire. These applications will be considered by Council for inclusion in the forthcoming annual Budget. The application period must be open for a minimum of one month.

Applications for a Council Donation should be made by completing the adopted Donation Application Form. If the application form is not used applicants must address all criteria within the Donation Application Form. Applicants must demonstrate that they have contacted Council's Community Development Officer to research alternative funding sources before applying for funds from Council. Funding will not be provided to political organisations or events nor to commercial enterprises.

Any funding provided by Council for a specific project must be expended and claimed prior to the end of the financial year in which the request is made. An application for an extension of time may be considered by Council provided that it received no later than the end of April in the financial year in which the funds are granted. If the funds are not spent, they cannot be claimed at a later period.

Maximum total funding by Council for Community Donations and Grants will be \$20,000 annually.

Maximum funding per application will be \$2,000.

Funding recipients must comply with any acquittal requirements determined by Council.

Examples of eligible projects and programs include a new initiative or significant one-off project, capital project and repairs, maintenance or improvement to Council owned/managed facilities.

Applications for community projects seeking Council funding of more than \$2,000 will be received and considered on their merit separate from the Community Donations projects.

\$3,000 is to be budgeted annually for public relations promotions through donations, sponsorships and waivers of fees and charges. The CEO is delegated authority to determine how these funds will be allocated. Examples of how these funds will be allocated include sporting event sponsorship, trophy donations and waivers of Council's fees and charges for the use of Council owned/managed facilities. Maximum funding per applicant is \$300.

Council will provide a minimum annual Budget allocation of \$3,000 for the Kellerberrin & Districts Agricultural Society as sponsorship to assist in the running of their annual show each September.

Council will make an annual Budget provision of \$7,000 for Donations and Grants to organisations that provide services or programs to residents of the Shire on an ongoing basis. These organisations can be based outside of the boundary of the Shire of Kellerberrin. Maximum funding per application is \$3,000. The continuance of financial support to organisations included in this category will be reviewed by Council annually. Examples of organisations currently receiving support under this category include Wheatbelt Agcare Counselling Services and the Eastern Districts Royal Show Display.

#### **STATUTORY IMPLICATIONS - Nil**

#### **STRATEGIC PLAN IMPLICATIONS**

##### **Strategic Priority 1.1**

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

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



<b>Goal 1.1.4</b>	<b>To create opportunities to enhance community connection, belonging and encourage sharing of cultures, history and knowledge.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To promote communication between Council and community members</li> <li>■ To encourage open dialogue between community members and elected representatives</li> <li>■ To collaborate with external parties to identify opportunities to promote local culture and history across the region</li> </ul>

### Strategic Priority 1.2

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

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

### Strategic Priority 1.3

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

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

### Strategic Priority 2.1

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

<b>Goal 2.1.1</b>	<b>To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To implement asset management best practice principles into our day to day operations.</li> <li>■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal.</li> <li>■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.</li> <li>■ To source funding and grants to contribute to the renewal and replacement works.</li> </ul>
<b>Goal 2.1.2</b>	<b>To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs.</li> <li>■ To operate and maintain assets in the most economical and efficient manner possible.</li> <li>■ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.</li> </ul>
<b>Goal 2.1.3</b>	<b>To collaborate with groups to investigate opportunities to improve</b>

	<b>road and transport network and connectivity between the Shire and beyond.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate discussions with Road Authorities and external parties to improve condition of state roads.</li> <li>■ To lobby government agencies to provide an improved road and transportation system to the Shire.</li> <li>■ To develop a program to improve and enhance local roads and footpaths.</li> <li>■ To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.</li> </ul>

## Strategic Priority 2.2

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

<b>Goal 2.2.1</b>	<b>To raise awareness and interest of the natural environment and key factors affecting the environment.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate discussions with government and non-government agencies on environmental initiatives and programs.</li> <li>■ To implement initiatives and programs that raise community awareness on environmental principles and sustainability practices.</li> <li>■ To assess environmental risks and factors that could potentially affect the local environment and develop strategies and programs to mitigate.</li> <li>■ To work with local environmental groups, community groups, external parties on the development and implementation of environmental based programs and initiatives.</li> <li>■ To lobby for and seek funding and grant support for the development and implementation of environmental programs and initiatives.</li> <li>■ To facilitate the development and provision of information relating to the maintenance of the natural environment and promotion of sustainability practices.</li> </ul>
<b>Goal 2.2.2</b>	<b>To work with organisations to promote actions to enhance the environment.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate discussions and establish relationships with community groups, government and non-government agencies on environmental initiatives and programs which may be applied throughout the Shire.</li> <li>■ To facilitate the development of environmental initiatives and programs and implement these across the community.</li> <li>■ To encourage community participation in environmental initiatives and programs.</li> </ul>
<b>Goal 2.2.3</b>	<b>To promote opportunities to encourage sustainable environmental practices across the Shire.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To identify initiatives with other government and non-government agencies on programs to raise awareness in environmental</li> </ul>

	<p>sustainability practices.</p> <ul style="list-style-type: none"> <li>■ To make information and educational packages on the principles of environmental sustainability accessible to the community.</li> <li>■ To review Council policies and practices in relation to environmental sustainability initiatives and make these available to the public.</li> <li>■ To seek information and feedback from the community on environmental awareness initiatives and programs.</li> <li>■ To facilitate and host community based environmental awareness initiatives and programs.</li> </ul>
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### Strategic Priority 3.1

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

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

	<p>Council and community members.</p> <ul style="list-style-type: none"> <li>■ To assist and be responsive to community requests and needs.</li> </ul>
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#### **Strategic Priority 4.1**

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

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

#### **FUTURE PLAN IMPLICATIONS – Nil**

## COMMUNITY CONSULTATION

Chief Executive Officer  
Deputy Chief Executive Officer  
Community Development Officer  
Pipeline advertisement  
Radio

## ABSOLUTE MAJORITY REQUIRED – NO

## STAFF RECOMMENDATION

*That Council approves the Kellerberrin Agricultural Society request for funding for a Roadside verge pick up on the Great Eastern Highway with the following conditions:*

- 1. Funding doesn't exceed \$2,000 based on written evidence for \$25 per hour per member attending.*
- 2. Permission is sought from Main Roads WA.*
- 3. Road signs are in place throughout the fundraiser provided by the Shire of Kellerberrin.*
- 4. Bags collected are deposited at the Kellerberrin Transfer Station.*

## COUNCIL RECOMMENDATION

**MIN 155/17 MOTION - Moved Cr. Leake 2<sup>nd</sup> Cr. Steber**

***That Council approves the Kellerberrin Agricultural Society request for funding for Roadside verges pick up on the Great Eastern Highway with the following conditions:***

- 1. Funding doesn't exceed \$2,000 based on written evidence for \$25 per hour per member attending.***
- 2. Permission is sought from Main Roads WA.***
- 3. Road signs are in place throughout the fundraiser provided by the Shire of Kellerberrin.***
- 4. Bags collected are deposited at the Kellerberrin Transfer Station.***

CARRIED 7/0

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	2017/2018 Community Budget Submissions
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Kellerberrin Playgroup and Community Day Care.
<b>File Ref:</b>	FIN 24
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	8 <sup>th</sup> September 2017
<b>Author:</b>	Mr. Raymond Griffiths - Chief Executive Officer

## BACKGROUND

Councils April 2017 ordinary meeting – 19<sup>th</sup> April 2017

**MIN 054/17 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. White

***That Council;***

- 1. Declines to fund the submission from Sean Conway as it doesn't meet the criteria set by Council's Community Budget Submission guidelines.***
- 2. Donates \$2,000 to the Kellerberrin Seniors Group for the purchase and installation of an Instantaneous Urn and Vertical Blinds at the Ex-Golf Club house.***
- 3. Declines to fund the submission from Kellerberrin Play Group and Kellerberrin Family Day Care at this point in time as Council wishes to have the outcome for the proposed grant applications that are being lodged with other agencies.***
- 4. Donates the CEO's ex-PC following the purchase of a new CEO PC, for the use of the proposed Kellerberrin Cultural Centre and purchases a printer to donate to them.***
- 5. Request that the Local Health Advisory Committee provide a costed Budget to Council upon finalising their program for the upcoming Ladies Day's Out for Council's further consideration of a donation.***

CARRIED 7/0

Council received the following email regarding a playground at Council's Ex-Kindergarten Facility.

*Hi Raymond,*

*The Playgroup Committee and Family Day Care are looking at replacing the play structure that is currently on the Kellerberrin Children's Centre grounds. It is showing signs of wear and tear and the wood on the attached bridge is beginning to splinter. It is a very old piece of equipment (all three of us used it when we were at Kindy!!!) and it was designed for four to six year olds when the building was set up as a Kindergarten and Pre-Primary. We now have children a lot younger than this trying to use the equipment and there have been a few close calls with the high drop off and no barrier.*

*We were thinking of applying for a grant through CBH which is for up to \$20,000 to fund the project, if you and the Shire are happy for us to go ahead with replacing the structure? As it is the Shire's building, we wanted to seek your approval first. If you are happy for us to go ahead with the project, CBH requests that they are not the sole funders of the project we therefore wondered if it is at all possible for the Shire to help us with a small monetary contribution towards the project. We also hoped to apply to Lotterywest for funding and wondered if you had any other suggestions of grant givers? Through our initial research, we know that we will be looking at a total of \$25,000-\$30,000 to replace the existing structure.*

*The CBH applications close later this week. Thanks so much for your time Raymond.*

Kind regards,

*Ebony Syred, Chondelle Hunter and Callie Forsyth*

## COMMENT

Council in response due to the limited time frame (as the email request came in on the Sunday and the grant application closed on the Friday) I responded that Council would provide a contribution of \$3,000 to enable to grant application to be submitted though would need to be ratified at Council as it sits outside my delegated authority.

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2017/2018 Budget

G/L	Description	Budget	Actual	Diff
041019	Donations & Gifts	\$30,000	\$17,000	\$13,000

041019 - Donations and Gifts

\$20,000.00 - Community Donations and Grants

\$ 3,000.00 - Public Relations, Sponsorship, Donations and Waivers

\$ 7,000.00 - Donations and Gifts (provide services or programs to residents of the Shire of an ongoing basis)

## POLICY IMPLICATIONS

**POLICY NUMBER** - 1.9  
**POLICY SUBJECT** - Community Grants Allocation  
**DATE OF ADOPTION** - November 2008  
**REVIEWED** - October 2013

### Purpose

To provide guidance to Council and Staff on the allocation of Grants and Donations to Community Groups and to assist with the preparation of Council's Annual Budget

### Policy

No later than 31st March each year the CEO will have advertisements placed in the local community newspaper "The Pipeline" inviting community groups within the Shire of Kellerberrin to submit applications to Council for a Council Donation or Grant to assist with the funding of projects, programs and activities for the benefit of the residents of the Shire. These applications will be considered by Council for inclusion in the forthcoming annual Budget. The application period must be open for a minimum of one month.

Applications for a Council Donation should be made by completing the adopted Donation Application Form. If the application form is not used applicants must address all criteria within the Donation Application Form. Applicants must demonstrate that they have contacted Council's Community Development Officer to research alternative funding sources before applying for funds from Council. Funding will not be provided to political organisations or events nor to commercial enterprises.



Any funding provided by Council for a specific project must be expended and claimed prior to the end of the financial year in which the request is made. An application for an extension of time may be considered by Council provided that it received no later than the end of April in the financial year in which the funds are granted. If the funds are not spent, they cannot be claimed at a later period.

Maximum total funding by Council for Community Donations and Grants will be \$20,000 annually.

Maximum funding per application will be \$2,000.

Funding recipients must comply with any acquittal requirements determined by Council.

Examples of eligible projects and programs include a new initiative or significant one-off project, capital project and repairs, maintenance or improvement to Council owned/managed facilities.

Applications for community projects seeking Council funding of more than \$2,000 will be received and considered on their merit separate from the Community Donations projects.

\$3,000 is to be budgeted annually for public relations promotions through donations, sponsorships and waivers of fees and charges. The CEO is delegated authority to determine how these funds will be allocated. Examples of how these funds will be allocated include sporting event sponsorship, trophy donations and waivers of Council's fees and charges for the use of Council owned/managed facilities. Maximum funding per applicant is \$300.

Council will provide a minimum annual Budget allocation of \$3,000 for the Kellerberrin & Districts Agricultural Society as sponsorship to assist in the running of their annual show each September.

Council will make an annual Budget provision of \$7,000 for Donations and Grants to organisations that provide services or programs to residents of the Shire on an ongoing basis. These organisations can be based outside of the boundary of the Shire of Kellerberrin. Maximum funding per application is \$3,000. The continuance of financial support to organisations included in this category will be reviewed by Council annually. Examples of organisations currently receiving support under this category include Wheatbelt Agcare Counselling Services and the Eastern Districts Royal Show Display.

## **STATUTORY IMPLICATIONS - Nil**

## **STRATEGIC PLAN IMPLICATIONS**

### **Strategic Priority 1.1**

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

<b>Goal 1.1.1</b>	<b>To foster an environment that celebrates the diversity of the community.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"><li>■ To lead and promote community programs and initiatives</li><li>■ To facilitate discussion with community / stakeholder groups</li><li>■ To participate in programs and initiatives as a key member of the community</li></ul>
<b>Goal 1.1.2</b>	<b>To provide residents and visitors with access to historical knowledge, places and spaces and a range of community and cultural events.</b>

<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate provision of information on our community to the public</li> <li>■ To collaborate with groups to develop community historical and cultural information</li> <li>■ To lead, promote and participate in community cultural events and programs</li> <li>■ To identify, advocate and lobby for recognition of key areas of significance within the community and grant funding</li> </ul>
<b>Goal 1.1.3</b>	<b>To encourage the growth of local regional and indigenous arts, culture and history.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate and lead discussions with local community groups on heritage and culture</li> <li>■ To collaborate with regional parties and neighbouring government agencies to promote local, regional and indigenous art and culture</li> <li>■ To lobby for grants and funds from external agencies to support the development and promotion of local, regional and indigenous art and culture</li> </ul>
<b>Goal 1.1.4</b>	<b>To create opportunities to enhance community connection, belonging and encourage sharing of cultures, history and knowledge.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To promote communication between Council and community members</li> <li>■ To encourage open dialogue between community members and elected representatives</li> <li>■ To collaborate with external parties to identify opportunities to promote local culture and history across the region</li> </ul>

## Strategic Priority 1.2

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

<b>Goal 1.2.1</b>	<b>To create and activate cultural places that will draw community involvement.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To collaborate with community members, groups, and external parties to create an inviting space for the enjoyment of all community members</li> <li>■ To develop a public space strategy that will activate streetscapes and provide an environment for all members of the community and visitors to enjoy.</li> <li>■ To lobby state and federal government for funding support to develop community and public facilities and provide improved services for the community and visitors.</li> </ul>
<b>Goal 1.2.2</b>	<b>To establish relationships to develop and deliver essential health and education services to the region.</b>

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

### Strategic Priority 1.3

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

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

### Strategic Priority 2.1

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

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

## **Strategic Priority 2.2**

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

<b>Goal 2.2.1</b>	<b>To raise awareness and interest of the natural environment and key factors affecting the environment.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate discussions with government and non-government agencies on environmental initiatives and programs.</li> <li>■ To implement initiatives and programs that raise community awareness on environmental principles and sustainability practices.</li> <li>■ To assess environmental risks and factors that could potentially affect the local environment and develop strategies and programs to mitigate.</li> </ul>

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

### Strategic Priority 3.1

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

<b>Goal 3.1.1</b>	<b>To lead and govern in a fair, transparent, ethical and responsive manner.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To provide up to date information on Council services, operations, activities and decisions to the community.</li> <li>■ To ensure Council information is accurate and easily accessible by the community.</li> <li>■ To provide responses and encourage feedback from the community.</li> </ul>
<b>Goal 3.1.2</b>	<b>To inform the community of activities and events that may have an impact on the way they live and/or where they live.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To provide up to date information on Council and community</li> </ul>

	<p>activities and events to community residents.</p> <ul style="list-style-type: none"> <li>■ To encourage responses and feedback from the community on Council initiatives and programs.</li> <li>■ To provide open dialogue between the community and Council members and to listen to the responses provided by the community.</li> <li>■ To facilitate and initiate community based programs, activities and events to promote community pride and participation.</li> </ul>
<b>Goal 3.1.3</b>	<b>To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To create and implement an effective communication strategy that encourages and promotes community feedback and contribution.</li> <li>■ To initiate open dialogue with the community and provide opportunity to be involved in decision making processes.</li> <li>■ To provide access to up to date information on Council and Council services.</li> <li>■ To encourage participation in community consultation events.</li> </ul>
<b>Goal 3.1.4</b>	<b>To actively pursue a positive community spirit and support.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate programs and initiatives that will improve the community spirit and pride.</li> <li>■ To provide open, honest and friendly discussions between Council and community members.</li> <li>■ To assist and be responsive to community requests and needs.</li> </ul>

#### **Strategic Priority 4.1**

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

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

	<p>departments to identify opportunities to enhance and assist local business providers within the community.</p> <ul style="list-style-type: none"> <li>■ To develop initiatives with external parties to educate and improve the welfare of local businesses.</li> </ul>
<b>Goal 4.1.3</b>	<b>To identify economic trends and create employment and business opportunities for the local community.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To work with local business communities and education and health service providers to identify what is required to improve and enhance services.</li> <li>■ To facilitate discussions with external parties and government agencies to identify ways of improving economic, education and training opportunities within the community.</li> <li>■ To establish relationships with external parties and government / non-government agencies to identify opportunities, programs and initiatives that will benefit the community.</li> <li>■ To seek funding from external parties / government agencies to support the development and implementation of economic and employment programs and initiatives.</li> </ul>

#### **FUTURE PLAN IMPLICATIONS – Nil**

#### **COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
Community Development Officer  
Pipeline advertisement  
Radio

#### **ABSOLUTE MAJORITY REQUIRED – NO**

#### **STAFF RECOMMENDATION**

*That Council approves the Kellerberrin Playgroup and Community Day Care request for funding towards new playground equipment at the centre with the following conditions:*

1. *Council provides \$3,000 in funding should all the other funding that has been applied for be approved.*
2. *Shire approves the replacement of the old playground equipment structure.*

#### **COUNCIL RECOMMENDATION**

**MIN 156/17 MOTION - Moved Cr. Leake 2<sup>nd</sup> Cr. McNeil**

***That Council approves the Kellerberrin Playgroup and Community Day Care request for funding towards new playground equipment at the centre with the following conditions:***

1. ***Council provides \$3,000 in funding should all the other funding that has been applied for be approved.***
2. ***Shire approves the replacement of the old playground equipment structure.***

CARRIED /

**Amendment to MIN 156/17 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. Steber**

***That Council approves the Kellerberrin Playgroup and Community Day Care request for funding towards new playground equipment at the centre with the following conditions:***

- 1. Council provides \$2,000 in funding and the Kellerberrin Playgroup and the Community Daycare fund the balance.***
- 2. Shire approves the replacement of the old playground equipment structure.***

CARRIED 5/2



<b>Agenda Reference:</b>	11.1.6
<b>Subject:</b>	Common Seal Register and Reporting
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	ADM-52
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	12 <sup>th</sup> September 2017
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

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

## COMMENT

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

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

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

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

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

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

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

## STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

### Clause 19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

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

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

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

**ABSOLUTE MAJORITY REQUIRED – NO**

**STAFF RECOMMENDATION**

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

**COUNCIL RECOMMENDATION**

**MIN 157/17 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid

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

CARRIED 7/0

<b>Agenda Reference:</b>	11.1.7
<b>Subject:</b>	Adoption of Amended Fees and Charges for 2017/18
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	FIN 04
<b>Record No.:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	11 September 2017
<b>Author:</b>	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 and includes an amendment to adjust the caravan park fees for contractors and seasonal workers staying in self contained accommodation over a week.

## 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 IMPLCATIONS – 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 –*

- *Accepts the review of the proposed fees and charges, in particular the amended caravan park fees for contractors and seasonal workers staying in self-contained accommodation over a week. And -*
- *That Council adopts the fees and charges for 2017/18 as presented.*

## COUNCIL RECOMMENDATION

**MIN 158/17 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake

***That Council –***

- ***Accepts the review of the proposed fees and charges, in particular the amended caravan park fees for contractors and seasonal workers staying in self-contained accommodation over a week. And -***
- ***That Council adopts the fees and charges for 2017/18 as presented.***

CARRIED 7/0  
BY ABSOLUTE MAJORITY

<b>Agenda Reference:</b>	11.1.8
<b>Subject:</b>	Dual Fire Control Officers
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Merredin
<b>File Ref:</b>	BUSH 00
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	12 <sup>th</sup> September 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

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

- Mr Cam Gethin
- Mr Colin Miller

## COMMENT

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

## FINANCIAL IMPLICATIONS - NIL

## POLICY IMPLICATIONS

<b>POLICY NUMBER</b>	-	3.1
<b>POLICY SUBJECT</b>	-	Bush Fire Control Officers
<b>DATE OF ADOPTION</b>	-	January 2003
<b>REVIEWED</b>	-	October 2014

## Purpose

To have guidelines to follow for the appointment and actions of Fire Brigade Officers & Bush Fire Advisory Committee.

## Policy

### Appointment:

1. In accordance with relevant provisions of the Bush Fires Act 1954 (as amended), Council shall appoint required Fire Control Officers, including the positions of Chief Bushfire Control Officer and Deputy Chief Bush Fire Control Officer. The adopted procedure for these appointments will be as follows;

- a) The Shire appointed Bushfire Advisory Committee shall at their March Annual Advisory Meeting consider and recommend to Council, the appointment of required Fire Control Officers including the Chief Bushfire Control Officer and the Deputy Chief Bushfire Control Officer.
- b) The Shire Bush Fire Advisory Committee shall undertake the following tasks at their two (2) annual Advisory Meetings in March and September of each year as follows;
  - (i) Fire Control Officer Appointments and recommendation - March
  - (ii) Firebreak Order Review and recommendation - March
  - (iii) Capital Equipment/Vehicle Replacement Budget (ESL) Planning and recommendation - March

- (iv) Prohibited and Restricted Burning periods review and recommendation - March
- (v) Communications Strategies including radios and repeater network review and recommendation – March or September
- (vi) Bushfire Policy Review and recommend to the Council for consideration – March or September
- (vii) Other Business – not included above and of a substantive nature – March or September

It should be noted that all business considered at a Bushfire Advisory Meeting is presented to the Council with recommendations for Council consideration and/or adoption. The Shire agrees to provide Administrative support to the Shire of Kellerberrin Bushfire Advisory Meetings only.

**2. Fire Control Officers** are not permitted to issue permits to burn, for their own purposes. Fire Control Officers wishing to burn must obtain a permit from another authorised Fire Control Officer.

- a) Authority to Act at a Bushfire Emergency – that the Chief Executive Officer be authorised to release/allocate Council operated vehicles, plant and machinery to a Bushfire Emergency, in consultation with or upon request from the Fire Control Officer in charge at the Bushfire Scene.
- b) Recovery of Costs from a Bushfire Emergency - costs incurred by Council vehicle/s, plant and machinery attending to an extreme/out of control Bushfire Emergency, is to be recouped from the ESL Scheme (DFES).

**Bush Fire Courses** - It be Council's policy that every encouragement be given to the Bush Fire Brigade Members and Fire Control Officers to attend Bush Fire and Fire Control Officer Courses run by DFES.

That Fire Control Officers be authorised to expend up to \$200 without authorisation. Expenditure above \$200 is to be authorised by the Chief Executive Officer in the course of management of control of a bushfire and that DFES be notified of the expense required to assist with controlling a fire.

## **STATUTORY IMPLICATIONS**

Bush Fires Act 1954

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

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

- (e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
  - (a) carrying out normal brigade activities;
  - [(b) and (c) deleted]
  - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
  - (e) procuring the due observance by all persons of the provision of Part III.
- (5)(a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
- (c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6)(a) In this section —
 

**“approved local government”** means a local government approved under paragraph (b) by the Authority.
- (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
  - (i) may approve the local government as one to which this subsection applies; and
  - (ii) may from time to time cancel or vary any previous approval given under this paragraph.
- (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has



precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.

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

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

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

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

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

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

- (1) Subject to the provisions of this Act a bush fire control officer appointed under this Act by a local government may, in the exercise of his functions and the performance of his duties under this Act, do all or any of the following things —

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

[(b) *deleted*]

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

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

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

- (b) have occurred accidentally;
- (c) have ceased to be under control or are not adequately controlled; or
- (d) are declared in the regulations to be bush fires to which this section applies.

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

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

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

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

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

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

### **COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
Chief Bush Fire Control Officer  
Shire of Merredin

### **STAFF RECOMMENDATION**

- 1. *That Council appoints the following Shire of Merredin Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Merredin.*
  - i. *Mr G Whitehead*
  - ii. *Mr C Gethin*
- 2. *That the appointment of the above officers excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.*

## **COUNCIL RECOMMENDATION**

### **MIN 159/17 MOTION - Moved Cr. O'Neill 2<sup>nd</sup> Cr. White**

- 1. ***That Council appoints the following Shire of Merredin Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Merredin.***
  - i. ***Mr G Whitehead***
  - ii. ***Mr C Gethin***
- 2. ***That the appointment of the above officers excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.***

CARRIED 7/0

<b>Agenda Reference:</b>	11.1.9
<b>Subject:</b>	Kellerberrin Men's Shed Rates
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Kellerberrin Men's Shed
<b>File Ref:</b>	FIN 24
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	12 <sup>th</sup> September 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Councils April 2016 Ordinary Meeting – 19<sup>th</sup> April 2016

**MIN 55/16 MOTION** - Moved Cr. O'Neill 2nd Cr. White

*That Council donates \$550 to Kellerberrin Men's Shed for Installation of an air conditioner unit in the front office area of the Men's Shed.*

LOST 5/2

**MIN 56/16 MOTION** - Moved Cr. Steber 2nd Cr. Reid

*That Council declines to donate \$550 to Kellerberrin Men's Shed for Installation of an air conditioner unit in the front office area of the Men's Shed, as Council already offers the use of land for cropping purposes free of charge to the Kellerberrin Men's Shed for fund raising purposes.*

CARRIED 5/2

Councils August 2013 Ordinary Meeting – 20<sup>th</sup> August 2013

**MIN 122/13 MOTION** - Moved Cr. Bee. 2<sup>nd</sup> Cr O'Neill.

*That Council;*

1. *Advertise in the local pipeline the following lease (disposition) inviting submissions;*
  - *five year lease to the Kellerberrin Community Men's Shed for the fenced off area of Restdown Estate commencing 1<sup>st</sup> January 2014.*
  - *Offers the lease at nil cost, in lieu of its \$1,500.00 contribution through community budget.*
2. *Subject to no submissions being received, delegates authority to the Chief Executive Officer to execute the lease documents.*

CARRIED 6 /0

**BY ABSOLUTE MAJORITY**

Councils May 2012 Ordinary Meeting – 15<sup>th</sup> May 2012

**MIN 92/12 MOTION** - Moved Cr. Bee 2<sup>nd</sup> Cr. O'Neill

*That Council annually;*

1. *Waives rates associated with Assessment 506.*
2. *Allocates \$1,500 towards operational expenses associated with the Kellerberrin Men's Shed.*

CARRIED 7/0

**BY ABSOLUTE MAJORITY**

## COMMENT

Council currently is providing the Restdown block for lease at no cost for cropping as a fundraiser for the Men's Shed and is also providing rate relief.

It was the view of the Management that this be presented to Council for information and renewing to ensure that Council is continuing aware of the contributions that are being made.

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2017/2018 Budget

Ass 506 Rates = \$1,749.47

## POLICY IMPLICATIONS

STATUTORY IMPLICATIONS - Nil

## STRATEGIC PLAN IMPLICATIONS

### Strategic Priority 1.1

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

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

### Strategic Priority 1.2

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

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

**Strategic Priority 1.3**

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

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

**Strategic Priority 2.1**

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

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

**Strategic Priority 2.2**

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

<b>Goal 2.2.1</b>	<b>To raise awareness and interest of the natural environment and key factors affecting the environment.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate discussions with government and non-government agencies on environmental initiatives and programs.</li> <li>■ To implement initiatives and programs that raise community awareness on environmental principles and sustainability practices.</li> <li>■ To assess environmental risks and factors that could potentially affect the local environment and develop strategies and programs to mitigate.</li> <li>■ To work with local environmental groups, community groups, external parties on the development and implementation of environmental based programs and initiatives.</li> <li>■ To lobby for and seek funding and grant support for the development and implementation of environmental programs and initiatives.</li> <li>■ To facilitate the development and provision of information relating to the maintenance of the natural environment and promotion of sustainability practices.</li> </ul>
<b>Goal 2.2.2</b>	<b>To work with organisations to promote actions to enhance the environment.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To facilitate discussions and establish relationships with community groups, government and non-government agencies on environmental initiatives and programs which may be applied throughout the Shire.</li> <li>■ To facilitate the development of environmental initiatives and programs and</li> </ul>

	<p>implement these across the community.</p> <ul style="list-style-type: none"> <li>■ To encourage community participation in environmental initiatives and programs.</li> </ul>
<b>Goal 2.2.3</b>	<b>To promote opportunities to encourage sustainable environmental practices across the Shire.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To identify initiatives with other government and non-government agencies on programs to raise awareness in environmental sustainability practices.</li> <li>■ To make information and educational packages on the principles of environmental sustainability accessible to the community.</li> <li>■ To review Council policies and practices in relation to environmental sustainability initiatives and make these available to the public.</li> <li>■ To seek information and feedback from the community on environmental awareness initiatives and programs.</li> <li>■ To facilitate and host community based environmental awareness initiatives and programs.</li> </ul>

### Strategic Priority 3.1

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

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

### Strategic Priority 4.1

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

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

## **FUTURE PLAN IMPLICATIONS – Nil**

## **COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
Community Development Officer  
Pipeline advertisement  
Radio

## **ABSOLUTE MAJORITY REQUIRED – NO**

## **STAFF RECOMMENDATION**

*For Council Consideration.*

## COUNCIL RECOMMENDATION

**MIN 160/17 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Leake

***That Council;***

- 1. Provides Rate relief to the Kellerberrin Men's Shed for Assessment 506 for the 17/18 year on rates only, and***
- 2. Advise that the service charges of ESL and Rubbish are the responsibility of the Kellerberrin's Men's Shed and request payment for these service charges.***
- 3. Advise the Kellerberrin Men's Shed that items 1 & 2 replace any previous agreements/allocations approved by Council.***

CARRIED 6/1

<b>Agenda Reference:</b>	11.1.10
<b>Subject:</b>	August 2017 Cheque List
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	5 <sup>th</sup> September 2017
<b>Author:</b>	Miss Ashlee Hughes, Finance/Administration Officer

## BACKGROUND

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

### Trust Fund

EFT & CHQ

**TRUST TOTAL**

**32,361.00**

\$

### Municipal Fund

Cheque Payments

34256 - 34276

**85,552.34**

\$

EFT Payments

7387 – 7529

**970,355.55**

\$

Direct Debit Payments

**20,932.21**

\$

### **TOTAL MUNICIPAL**

**\$ 1,076,840.10**

## COMMENT

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

### **Ligna Construction**

Construction of Centenary Park, Tender 04/2016 - Claim #4

**\$ 165,670.15**

### **Smith Earthmoving Pty Ltd**

Hire of truck / loader for month of July for road works

**\$ 104,010.50**

### **Ligna Construction**

Construction of Centenary Park, Tender 04/2016 (1), Claim #5

**\$ 92,062.51**

### **LGIS Insurance Broking**

LGIS Insurance Renewal 2017/2018

**\$ 63,366.55**

### **EverGreen Synthetic Grass**

Tender for Doodlakine Bowling Green - Turf Order

**\$ 63,025.20**

### **LGIS Property**

LGIS Property Renewal - First Instalment 2017/2018

**\$ 37,453.02**

### **Rylan Pty Ltd**

Kerbing Mitchell Street

**\$ 28,898.10**

### **Shire Of Kellerberrin**

Refund of Pre-Paid Rates 17/18

**\$ 28,411.00**

<b>Deputy Commissioner Of Taxation</b> BAS July 2017	<b>\$ 25,643.00</b>
<b>CBH Group</b> Overpayment of invoice #3683 paid twice	<b>\$ 25,120.33</b>
<b>Sam Williams</b> Hire of truck month July for road works	<b>\$ 22,134.75</b>
<b>Beverley Transport</b> Hire of semi side tipper x 2 for road works	<b>\$ 21,728.85</b>
<b>Woodstock Electrical Services</b> Works for park upgrade lights, wiring, laying conduit, work as quoted, repair electrical fault in HWS & power circuit, remove old stove & install new, repair faulty office lights, repair doctors surgery light, install new HWS, repair short in cool room, installation of wiring for HWS, repairs to lights at Caravan Park, power to sheds, repair fault in bathroom light & exhaust fan, repair workshop lights, set up swipe card for umpires change room, ladies change room, install pressure switch wiring at oval & repair RCD's in switchboard	<b>\$ 21,680.84</b>
<b>Youlie and Son Spreading Services</b> Hire of grader, roller and labour for month of July for road works	<b>\$ 21,523.70</b>
<b>Innes &amp; Co</b> Hire of truck July 2017 for road works	<b>\$ 20,520.50</b>
<b>LGIS Liability</b> LGIS Insurance Renewal 2017/2018	<b>\$ 19,661.86</b>
<b>LGIS Workcare</b> LGIS Work Care Renewal 2017/2018	<b>\$ 19,529.98</b>
<b>Great Southern Fuel Supplies</b> Fuel Purchases for July 2017	<b>\$ 15,435.51</b>
<b>R Munns Engineering Consulting Services</b> Revalue Drainage, Roads and Footpath Infrastructure and input data into ROMANS II & Consultancy Work for Flood Damage	<b>\$ 15,372.63</b>
<b>Shire Of Kellerberrin</b> Rates Notice for council properties & Staff Subsidy Rates	<b>\$ 14,937.62</b>
<b>Wheatbelt East Regional Organisation of Councils WE-ROC</b> Annual Subscription 2017/2018 & Consultancy Project Reserve	<b>\$ 13,200.00</b>
<b>Synergy</b> Power consumption for various properties June - August 2017	<b>\$ 12,405.05</b>
<b>Youlie and Son Spreading Services</b> Hire grader and roller for road works	<b>\$ 11,627.00</b>
<b>Western Australian Treasury Corporation</b> Loan No. 119 Interest payment - Construct CEACA Senior Units -Hammond St	<b>\$ 11,140.49</b>
<b>Water Corporation</b> Water Charges for various properties	<b>\$ 10,869.99</b>
<b>WCS Concrete Pty Ltd</b> Supply and Lay 25MPA Concrete at Caravan Park for Patio	<b>\$ 9,779.00</b>
<b>WCS Concrete Pty Ltd</b> Stabilised sand & head walls	<b>\$ 9,581.00</b>

<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll deductions	\$ 8,682.49
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll deductions	\$ 8,654.83
<b>STS West Pty Ltd</b> 11R rib loggers, x4 tyres, 11R steer tyre, Advance E-3/L-3 23.5-25, 11R rib logger, Puncture repair 11R, New 215/75R17.5 tyre, x4 tyres, Bosch Battery	\$ 8,640.50
<b>Bellburrow Farms</b> Supply & extract gravel for McWhirter Road, McLellan Road, McLellan North Road & Old Yelbeni Road	\$ 8,222.50
<b>Beverley Transport</b> Hire of semi side tipper x 2 for road works	\$ 8,186.75
<b>Synergy</b> Streetlights 03 July 2017 - 01 August 2017 & power consumption for various properties	\$ 7,705.90
<b>Sam Williams</b> Truck and trailer hire August for road works	\$ 7,436.00
<b>Avon Waste</b> Domestic & Commercial Refuse Collection July 2017	\$ 7,382.87
<b>Sam Williams</b> Truck and trailer hire August 2017 for road works	\$ 6,649.50
<b>Youlie and Son Spreading Services</b> Hire grader and roller for August 2017 for road works	\$ 5,970.80
<b>Farmways Kellerberrin Pty Ltd</b> 205 l diesel ultra 15w40, 205 l diesel supreme 15w40, 20 l chain bar oil, 20 l 2 stroke oil, grease cartridges, 20 kg grease bucket, building materials, UHF radio, cement, bar fridge, hydraulic hoses & misc. items under \$100	\$ 5,862.93
<b>Brooks Hire Service Pty Ltd</b> Hire of excavator for July	\$ 5,494.50
<b>Western Australian Local Government Association</b> 2017 WA Local Government Convention for; Raymond Griffiths, Mathew Steber, Dennis Reid & Rodney Forsyth	\$ 4,783.00
<b>Great Eastern Country Zone of WALGA</b> Annual Subscription 2017 – 2018	\$ 4,675.00
<b>Officeworks Businessdirect</b> Council Chambers Chairs x 13	\$ 4,407.00
<b>Kellerberrin &amp; Districts Club</b> Monthly Repayment-Solar Panels, reimbursement of cleaning wages	\$ 4,268.73

## **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 August 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 \$1,076,840.10 on vouchers EFT, CHQ, Direct payments.*
- 2. Trust Fund payments totalling \$32,361.00 on vouchers EFT, CHQ, Direct payments.*

**COUNCIL RECOMMENDATION**

**MIN 161/17 MOTION - Moved Cr. Leake 2<sup>nd</sup> Cr. Steber**

*That Council notes that during the month of August 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 \$1,076,840.10 on vouchers EFT, CHQ, Direct payments.*
- 2. Trust Fund payments totalling \$32,361.00 on vouchers EFT, CHQ, Direct payments.*

CARRIED 7/0

<b>Agenda Reference:</b>	11.1.11
<b>Subject:</b>	Direct Debit List and Visa Card Transactions for the month August 2017
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	13 <sup>th</sup> September 2017
<b>Author:</b>	Codi Mullen, Payroll Officer

## BACKGROUND

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

### Municipal Fund – Direct Debit List

Date	Name	Details	\$	Amount
1-Aug-17	Westnet	Monthly static IP address	\$	4.99
1-Aug-17	National Australia Bank	Account Fees - C/Park July 17	\$	112.38
1-Aug-17	National Australia Bank	Account Fees - Municipal July 17	\$	213.70
3-Aug-17	National Australia Bank	Visa Payment July 2017	\$	2,026.23
3-Aug-17	Shire of Kellerberrin	EFT Payment	\$	366,238.36
8-Aug-17	Housing Authority	Fortnightly Rent	\$	420.00
9-Aug-17	Shire of Kellerberrin	EFT Payment	\$	140,011.41
10-Aug-17	Shire of Kellerberrin	Payroll	\$	49,202.99
11-Aug-17	DLL Group	Monthly Photocopier Lease Payment	\$	265.21
15-Aug-17	Shire of Kellerberrin	EFT Payment	\$	2,340.00
16-Aug-17	National Australia Bank	NAB Connect Fee July 2017	\$	62.48
18-Aug-17	Shire of Kellerberrin	EFT Payment	\$	202,669.72
22-Aug-17	Housing Authority	Fortnightly Rent	\$	420.00
24-Aug-17	Shire of Kellerberrin	EFT Payment	\$	11,140.49
24-Aug-17	Shire of Kellerberrin	Payroll	\$	46,781.42
24-Aug-17	Shire of Kellerberrin	EFT Payment	\$	63,025.20
25-Aug-17	Shire of Kellerberrin	Payroll	\$	992.06
25-Aug-17	Shire of Kellerberrin	Click Super	\$	50,146.89
31-Aug-17	National Australia Bank	Account Fees - Merch July 17	\$	8.64
31-Aug-17	National Australia Bank	Account Fees - Trust	\$	57.20
31-Aug-17	National Australia Bank	Account Fees - BPAY	\$	63.00
31-Aug-17	National Australia Bank	Account Fees - Municipal	\$	74.60
31-Aug-17	National Australia Bank	Account Fees - Merch Aug 17	\$	148.11
31-Aug-17	National Australia Bank	Account Fees - C/Park Aug 17	\$	270.97
31-Aug-17	Shire of Kellerberrin	EFT Payment	\$	184,930.37
<b>TOTAL</b>			<b>\$</b>	<b>1,121,626.42</b>

### Trust Fund – Direct Debit List

Date	Name	Details	\$	Amount
31-Aug-17	Department Transport	Direct Debit-Licensing Payments Aug 17	\$	63,150.45
<b>TOTAL</b>			<b>\$</b>	<b>63,150.45</b>

### Visa Card Transactions

Date	Name	Details	\$	Amount
03-Aug-17	Swan Taxis	Taxi Service - Vic Park	\$	37.59
04-Aug-17	Taxi Epay	Taxi Service	\$	43.51
04-Aug-17	GM Cabs	Taxi Service	\$	30.14
04-Aug-17	Swan Taxis	Taxi Service	\$	29.30
04-Aug-17	The Heritage	Meals for Local Govts	\$	1,076.41
07-Aug-17	SFS PCEC	Parking Ticket	\$	12.00
07-Aug-17	Metro Bar Bistro	Beverages	\$	65.00



14-Aug-17	Metro Hotel Perth	Accommodation & Meals (FOI Course)	\$	432.90
14-Aug-17	Sanctuary Golf	Course Manager Works	\$	404.99
24-Aug-17	Harbourview Café	Breakfast	\$	88.60
24-Aug-17	Port Dension	Accommodation Holiday Unit	\$	310.00
24-Aug-17	Southerlys Bar/Rest	Beverages	\$	255.10
25-Aug-17	Southerlys Bar/Rest	Beverages	\$	203.70
25-Aug-17	Cellarbrations	Beverages	\$	116.88
28-Aug-17	National Australian Bank	Card Fee	\$	9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>3,115.12</b>

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
31-Jul-17	Coles Express Halls Head	Fuel KE002	\$	38.59
07-Aug-17	Coles Express Halls Head	Fuel KE002	\$	73.00
11-Aug-17	Fiona Stanley Hospital	Parking - FOI Course	\$	21.00
14-Aug-17	Coles Express Halls Head	Fuel KE002	\$	49.00
24-Aug-17	Electrical Home Aids	Vac Bags - Rec Centre	\$	52.90
28-Aug-17	Coles Express Halls Head	Fuel KE002	\$	32.79
28-Aug-17	National Australian Bank	Card Fee	\$	9.00
<b>TOTAL - DCEO</b>			<b>\$</b>	<b>276.28</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$</b>	<b>3,391.40</b>

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2016/2017

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

- (3) The information in a statement of financial activity December be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

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

*Be adopted.*

## **COUNCIL RECOMMENDATION**

**MIN 162/17 MOTIONS - Moved Cr. McNeil 2<sup>nd</sup> Cr. White**

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

***Be adopted.***

**CARRIED 7/0**

<b>Agenda Reference:</b>	11.1.12
<b>Subject:</b>	Financial Management Report for the month August 2017
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	11 <sup>th</sup> Sept 2017
<b>Author:</b>	Karen Oborn, DCEO

## BACKGROUND

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

*Be adopted.*

## **COUNCIL RECOMMENDATION**

**MIN 163/17 MOTIONS - Moved Cr. White 2<sup>nd</sup> Cr. Leake**

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

***Be adopted.***

CARRIED 7/0

## DEVELOPMENT SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Building Returns: August 2017
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Various
<b>File Ref:</b>	BUILD06
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	6 <sup>th</sup> September, 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

### BACKGROUND

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

### COMMENT

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

## COUNCIL RECOMMENDATION

**MIN 164/17 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. Steber

*That Council*

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

CARRIED 7/0

4.05 pm – Mr Mick Jones, Manager of Works and Services exited Council Chambers

4.05 pm – Mrs Hilary Jones, Personal Assistant exited Council Chambers.

<b>Agenda Reference:</b>	11.2.2
<b>Subject:</b>	Off Road Vehicle and Motorcycle Park- Comments
<b>Location:</b>	Lot 31 Great Eastern Highway, Kellerberrin
<b>Applicant:</b>	Mr Mick Jones
<b>File No:</b>	A1578
<b>Record Ref:</b>	IPA1736
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	8 <sup>th</sup> September, 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council on the ordinary meeting on the 8<sup>th</sup> of August 2017 approved the abovementioned Development Application from Mr Mick Jones for an Off Road Vehicle and Motorcycle Park development on Lot 31 Great Eastern Highway, Kellerberrin with the following conditions;

**MIN 149/17 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Leake

***That Council provides conditional approval for the proposed Off Road Vehicle and Motorcycle Park located at Lot 31 Great Eastern Highway, Kellerberrin:***

### GENERAL CONDITIONS:

- i. A gravel hardstand parking facility is to be constructed in one of the specified parking locations outlined on the development plan.*
- ii. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.*
- iii. The use of the lot as an off road vehicle and motorcycle park shall not commence until the Shire has received referral responses from nearby landowners.*
- iv. Appropriate ablution facilities are incorporated into the project as per legislated requirements.*

CARRIED 7/0

***REASON: Council wanted to ensure that appropriate ablutions are provided for users of the Park.***

Condition (iii) stipulated that ***"The use of the lot as an off road vehicle and motorcycle park shall not commence until the Shire has received referral responses from nearby landowners"***. Since the application was approved by Council, the Shire has received further responses to the advertised proposal, some of which do not support the use of the lot as an off-road vehicle and motorbike park.

## COMMENT

As the Shire did not believe the application would raise any significant issues within the community, the proposal was advertised only a few days before the application was put to council for approval, thus the recommendation of condition iii- which was subsequently approved by Council.

The application was advertised to nearby landowners for a minimum of 14 days as per the *Planning and Development (Local Planning Schemes) Regulations 2015*. The applicant was made aware that further conditions could be imposed on the development approval after the application had been advertised. The following submissions were received by the Shire, also attached is the Town Planners response.

### Submissions and Planners response:-

Responses from P & J Moore, K Uhlenbruch and RW & T A Coid were received and raised no issue with the development. **( A full copy of the submissions is attached)**

Response from CS WILKINS - Received 12/08/2017

The property of CS Wilkins is located to the western boundary of the lot as seen below. This lot is used for agricultural production and does not contain any buildings or dwellings.



Comments made by CS Wilkins:

1. Environmental concerns such as soil erosion.

Response: The Council may wish to add a further condition regarding the use of the lot, for example: the use of vehicles and motorbikes by guests shall only take part on the track approved by Council to avoid erosion across the entirety of the lot. The applicant has made the Shire aware of his intention to fence off the southern end of the property, only allowing guests to ride within the northern portion of the lot. The applicant planted 8,000 trees in 2016 in an attempt to re-establish the environmental condition of the lot and intends to plant more trees and shrubs on the lot.

2. Pollution from rubbish both by air and water, will wash down creek line.

Response: If Mr Jones has rubbish and waste disposal facilities in place, this will not be an issue requiring a condition on the approval.

3. Noise for stock, especially those with water sources close by.

Response: The Shire does not see this as an issue that would require a condition for the approval as noise will be centralized near Great Eastern Highway.



4. Weeds/Fire risk, huge grass area, hot motors.



Source: Map of Bushfire Prone Areas

Response: as seen above, the property is not within a Bushfire Prone Area. Council may wish to provide a condition relating to the constant maintenance of boundary fire breaks.

5. Already have a numerous established M.X tracks/ off road areas throughout the Shire.

Response: The Shire does not see this as a relevant planning issue that would cause the application to be cancelled or conditions applied.

## FINANCIAL IMPLICATIONS

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

## POLICY IMPLICATIONS

There are no Policy implications.

## STATUTORY IMPLICATIONS

### Local Planning Scheme No.4:

The approved proposal fits within the requirements of the Scheme. The use of land is considered Discretionary, meaning Council used its discretion to approve the application with conditions.

Listed below are two relevant clauses from the **Deemed Provisions**.

**67. Matters to be considered by local government**

*In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
  - (n) the amenity of the locality including the following —*
    - (i) environmental impacts of the development;*
    - (ii) the character of the locality;*
    - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) the adequacy of —*
  - (i) the proposed means of access to and egress from the site; and*
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) the availability and adequacy for the development of the following —*
  - (i) public transport services;*
  - (ii) public utility services;*
  - (iii) storage, management and collection of waste;*
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*

- (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

## **77. Amending or cancelling development approval**

(1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —

- (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
- (b) to amend or delete any condition to which the approval is subject;
- (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
- (d) to cancel the approval.

(2) An application under subclause (1) —

- (a) is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and
- (b) may be made during or after the period within which the development approved must be substantially commenced.

(3) Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.

(4) The local government may determine an application made under subclause (1) by —

- (a) approving the application without conditions; or
- (b) approving the application with conditions; or
- (c) refusing the application.

## **STRATEGIC PLAN IMPLICATIONS**

There are no strategic plan implications.

## **FUTURE PLAN IMPLICATIONS**

There are no future plan implications.

## **COMMUNITY CONSULTATION**

Chief Executive Officer

Mick Jones

Lewis York – Town Planning Consultant.

## STAFF RECOMMENDATION

*After reviewing the comments of nearby landowners- the Shire believes the following conditions should be added to the development approval, with condition iii to be deleted as it is no longer relevant to the approval.*

*That Council provides conditional approval for the proposed Off Road Vehicle and Motorcycle Park located at Lot 31 Great Eastern Highway, Kellerberrin:*

### GENERAL CONDITIONS:

- i. A gravel hardstand parking facility be constructed in one of the specified parking locations outlined on the development plan.*
- ii. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.*
- iii. Appropriate ablution facilities are incorporated into the project as per legislated requirements.*
- iv. Firebreaks shall be constantly maintained on the boundary of the lot to reduce fire risk.*
- v. The use of off-road vehicles and motorbikes by guests shall only take place on the northern half of the lot and on the constructed track.*

## COUNCIL RECOMMENDATION

**MIN 165/17 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

***That Council on receipt of submissions approves the proposed Off Road Vehicle and Motorcycle Park located at Lot 31 Great Eastern Highway, Kellerberrin with the following conditions being added as modifications:***

- iv. Firebreaks shall be constantly maintained on the boundary of the lot to reduce fire risk.***
- v. The use of off-road vehicles and motorbikes by guests shall only take place on the northern half of the lot and on the constructed track.***

CARRIED 7/0

4.15 pm – Mr Mick Jones, Manager Works and Services entered Council Chambers.

4.15 pm – Mrs Hilary Jones, Personal Assistant entered Council Chambers.

<b>Agenda Reference:</b>	11.2.3
<b>Subject:</b>	Development Application: Oversized outbuildings (Shed and Gazebo)
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Mr Derek Mitchell
<b>File Ref:</b>	IPA1737
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	1 <sup>st</sup> September, 2017
<b>Author:</b>	Mr Lewis York, Town Planner

## BACKGROUND

An application has been received from Mr Derek Mitchell to erect a shed lean to (24m<sup>2</sup>), A-frame BBQ area (48.8m<sup>2</sup>) and small gazebo on his Residential Lot (196) on 65 James Street, Kellerberrin. There is an existing shed (75m<sup>2</sup>) located at the north end of the lot.



Attachment 1- Existing Shed and Lot 196

## PLANNING ASSESMENT

The subject lot is zoned 'Residential' under the Shires *Local Planning Scheme No.4*. The objectives of the zone are:

### 4.2.1 Residential Zone

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

### Compliance with R-Codes

The Residential Design Codes (R-Codes) apply to this application as the land is Coded (10/40). The R-Codes set out a maximum allowable area for outbuildings (60m<sup>2</sup>), setbacks, ridge heights and minimum open space requirements for residential properties. Such requirements are outlined below.

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

5.4 Building design

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

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

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

\* Possible nil setback in accordance with clause 5.1.3.

Table 2b: Boundary setbacks - Walls with major openings

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

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

## Wall Height

The R-Codes deemed-to-comply requirements set out a maximum wall height of 2.4m for outbuildings. The proposed lean to has a wall height 2.88m (existing shed). The A-frame proposes a wall height of 2.7m. Both structures intend to exceed the wall height requirements of the R-Codes.

## Setbacks (Table 2b)

The proposed lean to fits within the minimum primary and secondary street setback requirements (1.5m).

## Minimum Open Space Requirements (Table 1)

Minimum Open Space required by R-Codes: 60%

Area of Buildings: 227m<sup>2</sup>

Lot Area: 1031m<sup>2</sup>

Open Space on lot 196: 78%

The new shed lean to and A-frame area will not exceed the Open Space requirements of Table 1 of the R-Codes.



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 <sup>2</sup> ) ◆	4 Minimum lot area/rear battlease (m <sup>2</sup> ) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m <sup>2</sup> )	primary street	secondary street ●	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*6
R10	Single house or grouped dwelling	Min 875 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	*

**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

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

**Maximum Allowable Area of Outbuildings**

The abovementioned proposal will exceed the outbuilding requirements of the R-Codes (60m<sup>2</sup>). **Attachment 1-** shows the property and existing shed (outbuilding) on the lot, which is roughly 75m<sup>2</sup>. The proposed shed lean to is considered an extension of the outbuilding and is 24m<sup>2</sup>. The proposed A-frame is considered an outbuilding as the structure will be enclosed on two sides, this structure is 48.8m<sup>2</sup>. The total area of outbuildings on the lot would be 147m<sup>2</sup>. Therefore the total area of outbuildings exceeds the R-Codes deemed-to-comply principle by 87m<sup>2</sup>.

**Using Discretion**

As the application does not satisfy all the provisions of the R-Codes (principles C3iii and iv), Council can use its discretion to either a) approve b) approve with conditions or c) refuse the application under clause 2.4 of the R-Codes.

### 2.3 Planning approval for single houses on small lots

Planning approval is required for the erection of a single house on any lot smaller than 260m<sup>2</sup>, except where the single house complies with a **local structure plan** or **local development plan**.

### 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.

#### 2.5.3

The **decision-maker** shall not vary the minimum or average **site area** per **dwelling** requirements set out in **Table 1** (except as provided in the R-Codes or the **scheme**).

#### 2.5.4

The **decision-maker** shall not refuse to grant approval to an application where the application satisfies the **deemed-to-comply** provisions of the R-Codes and the relevant provisions of the **scheme** and any relevant **local planning policy**.

#### 2.5.5

For the purpose of the R-Codes, a **local structure plan**, **local development plan** or **local planning policy**, will only be a relevant consideration in the exercise of judgement where it is:

- (a) specifically sanctioned by a provision of the R-Codes;
- (b) consistent with the **design principles** of the R-Codes; and
- (c) consistent with the objectives of the R-Codes.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

NIL

## POLICY IMPLICATIONS

The R-Codes have been applied to this proposal.

The Shire's existing outbuildings policy cannot be applied as it has not been endorsed by the WAPC.

In August 2017 the Shire advertised a draft local planning policy that relates to Outbuildings. As this policy is in the final stages of approval from the Council. Attached below is a copy of the maximum development requirements that are contained in the Shires advertised Outbuildings Policy.



## 7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

### 7.1 Maximum standards for outbuildings in R-Codes areas

(includes: Residential, Rural Residential and Rural Townsite zones as seen on Scheme Map)

#### 7.1.1 In addition to the deemed-to-requirements of Part 5.4.3, C3 iii, iv and v of the R-Codes\*, the following shall apply:

\*(Part C3:i, ii, vi and viii of the R-Codes are still applicable)

R-Coded Areas and Zones:	Gross Total Area of Outbuildings (m <sup>2</sup> or % of site area)	Wall Height (m)	Ridge Height* (m)
<b>R2</b> (Residential and Rural Residential)	200m <sup>2</sup> or 10% of the site area, whichever is lesser	4	5.5
<b>R 2.5 - 5</b> (Residential)			
Lots less than 2000m <sup>2</sup>	150m <sup>2</sup> or 10% of the site area, whichever is lesser	3.5	4.5
Lots greater than 2000m <sup>2</sup>	180m	3.5	4.5
<b>R 10-40</b> (Residential and Rural Townsite)			
Lots less than 1000m <sup>2</sup>	80m <sup>2</sup> or 10% of the site area, whichever is lesser	3.5	4.5
Lots greater than 1000m <sup>2</sup>	100m <sup>2</sup> or 10% of the site area, whichever is lesser	3.5	4.5

\*(Maximum Ridge Height is to be measured from natural ground level)

\*\*For future reference the Shire's draft Outbuildings policy, allows for 100m<sup>2</sup> of outbuildings on lots coded R10-40 that are greater than 1000m<sup>2</sup>.

### STATUTORY IMPLICATIONS

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

**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*

1. *Grants conditional approval for the proposed construction of a shed lean-to and patio that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:*
  - a. *147m<sup>2</sup> for collective outbuildings, with the R-Code specification being 60m<sup>2</sup>*
  - b. *2.7m for wall height, with the R-Code specification of 2.4m*

### GENERAL CONDITIONS:

- i. *The proposed shed lean to be in colour schemes to suit the current shed to ensure the outbuildings fit aesthetically with the residential area.*
- ii. *The development hereby permitted must substantially commence within two years from the date of this determination notice.*
- iii. *No building works are to be commenced before the Building Permit is issued.*
- iv. *Use of the building shall be for domestic purposes only.*
- v. *The outbuilding shall not be used for human habitation at any given time.*

## COUNCIL RECOMMENDATION

**MIN 166/17 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Leake

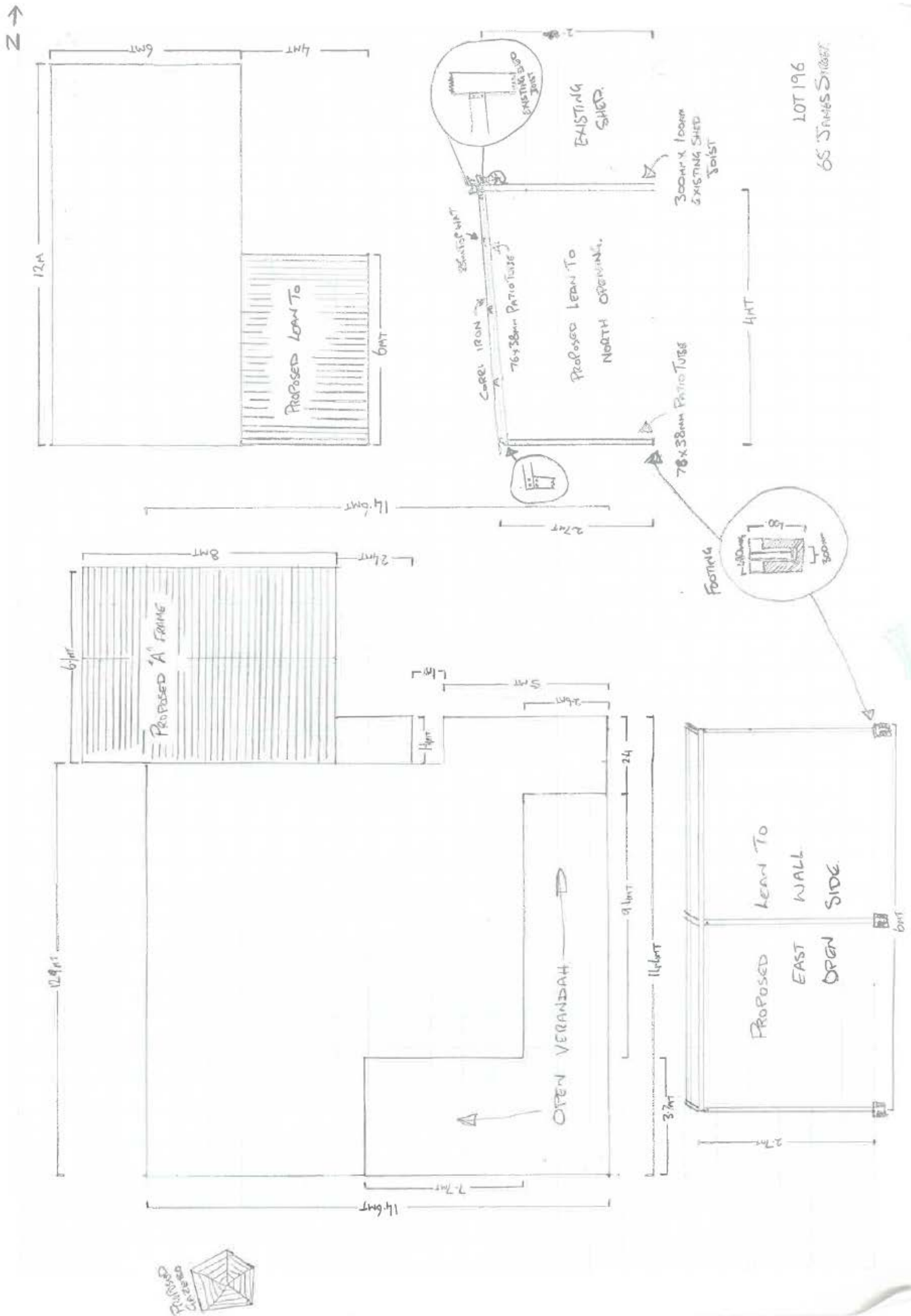
*That Council*

1. ***Grants conditional approval for the proposed construction of a shed lean-to and patio that will exceed the following prescriptions in Residential Codes, State Planning Policy 3.1 by:***
  - a. ***147m<sup>2</sup> for collective outbuildings, with the R-Code specification being 60m<sup>2</sup>***
  - b. ***2.7m for wall height, with the R-Code specification of 2.4m***

### GENERAL CONDITIONS:

- i. ***The proposed shed lean to be in colour schemes to suit the current shed to ensure the outbuildings fit aesthetically with the residential area.***
- ii. ***The development hereby permitted must substantially commence within two years from the date of this determination notice.***
- iii. ***No building works are to be commenced before the Building Permit is issued.***
- iv. ***Use of the building shall be for domestic purposes only.***
- v. ***The outbuilding shall not be used for human habitation at any given time.***

CARRIED 7/0



## Attachment 2- Development Plan

<b>Agenda Reference:</b>	11.2.4
<b>Subject:</b>	Local Planning Policies (Outbuildings)
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Lewis York, Town Planning Consultant
<b>File Ref:</b>	Local Planning Policy Manual
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	8th September 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Over the past twelve months the Shire has been conducting a review of its Town Planning procedures and documentation. This review resulted in the recommendation from the Shire's Town Planner to update a number Local Planning policies.

Council at the ordinary meeting in July initiated the preparation of local planning policies relating to:

- a. **Outbuildings**
- b. *Additional Dwellings – General Agricultural Zone*
- c. **Sea Containers**
- d. *Repurposed and Second Hand Dwellings*

Draft local planning policies for Outbuildings and Sea Containers have been advertised since the 14<sup>th</sup> of August. Policies for additional dwellings in the general agriculture zone and repurposed and second hand dwellings have been drafted, however have not yet been advertised to the public. These policies will be advertised following the Gazettal of Planning Scheme Amendments 2 and 3.

**Attached** are the advertised copies of the policies.

## COMMENT

The Shire has not received any submissions on the draft Outbuildings policy (to date 6/9/2017). Therefore council is to resolve to —

- i. proceed with the policy without modification; or
- ii. proceed with the policy with modification; or
- iii. not to proceed with the policy.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

## POLICY IMPLICATIONS

New Local Planning Policies to be read in conjunction with Council's Local Planning Scheme, State Planning Policies and the R-Codes deemed-to-comply provisions.

**Attached** below are the critical parameters of the outbuildings policy.

## 7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

### 7.1 Maximum standards for outbuildings in R-Codes areas

(includes: Residential, Rural Residential and Rural Townsite zones as seen on Scheme Map)

#### 7.1.1 In addition to the deemed-to-requirements of Part 5.4.3, C3 iii, iv and v of the R-Codes\*, the following shall apply:

\*(Part C3:i, ii, vi and viii of the R-Codes are still applicable)

R-Coded Areas and Zones:	Gross Total Area of Outbuildings (m <sup>2</sup> or % of site area)	Wall Height (m)	Ridge Height* (m)
<b>R2</b> (Residential and Rural Residential)	200m <sup>2</sup> or 10% of the site area, whichever is lesser	4	5.5
<b>R 2.5 - 5</b> (Residential)			
Lots less than 2000m <sup>2</sup>	150m <sup>2</sup> or 10% of the site area, whichever is lesser	3.5	4.5
Lots greater than 2000m <sup>2</sup>	180m	3.5	4.5
<b>R 10-40</b> (Residential and Rural Townsite)			
Lots less than 1000m <sup>2</sup>	80m <sup>2</sup> or 10% of the site area, whichever is lesser	3.5	4.5
Lots greater than 1000m <sup>2</sup>	100m <sup>2</sup> or 10% of the site area, whichever is lesser	3.5	4.5

\*(Maximum Ridge Height is to be measured from natural ground level)

#### 7.1.2 Maximum standards do not override the deemed-to-comply requirements of Table 1 of the R-Codes or any specific Scheme requirements.

#### 7.1.3 Outbuildings shall be located in cleared areas, behind the main residential building line in accordance with Schedule 1 of this policy.

#### 7.1.4 The gross total area is cumulative.

### 7.2 Development standards for outbuildings in the General Agriculture zone

#### 7.2.1 For the General Agriculture zone, the following development standards shall apply:

- Outbuildings larger than 500m<sup>2</sup> shall require the approval of Council.
- Outbuildings shall be for incidental use or a rural purpose and be consistent with the objectives of the zone as outlined in the Scheme.

## STATUTORY IMPLICATIONS

### *Planning and Development (Local Planning Schemes) Regulations 2015*

### *Schedule 2 – Deemed provisions for local planning schemes*

### *Part 2 – Local Planning framework.*

#### 4. Procedure for making local planning policy

(2) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —

- a. publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —
  - i. the subject and nature of the proposed policy; and
  - ii. the objectives of the proposed policy; and
  - iii. where the proposed policy may be inspected; and
  - iv. to whom, in what form and during what period submissions in relation to the proposed policy may be made;
- b. if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
- c. give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

(3) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

(4) After the expiry of the period within which submissions may be made, the local government must —

- a. review the proposed policy in the light of any submissions made; and
- b. resolve to —
  - i. proceed with the policy without modification; or
  - ii. proceed with the policy with modification; or
  - iii. not to proceed with the policy.

(5) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.

(6) A policy has effect on publication of a notice under subclause (4).

(7) The local government —

- a. must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
- b. may publish a copy of each of those local planning policies on the website of the local government.

#### 5. Procedure for amending local planning policy

(1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.

(2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

**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:**

The draft Outbuildings Policy was advertised to the community as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**STAFF RECOMMENDATION**

*That Council proceeds with the policy without modifications.*

**COUNCIL RECOMMENDATION**

**MIN 167/17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. McNeil

***That Council***

- 1. proceeds with the policy without modifications.***
- 2. Presents the policy to the Western Australian Planning Commission for review and approval.***

CARRIED 7/0

<b>Agenda Reference:</b>	11.2.5
<b>Subject:</b>	Local Planning Policies (Sea Containers)
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Lewis York, Town Planning Consultant
<b>File Ref:</b>	Local Planning Policy Manual
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	8th September 2017
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Over the past twelve months the Shire has been conducting a review of its Town Planning procedures and documentation. This review resulted in the recommendation from the Shire's Town Planner to update a number of Local Planning policies.

Council at the ordinary meeting in July initiated the preparation of local planning policies relating to:

- a. **Outbuildings**
- b. *Additional Dwellings – General Agricultural Zone*
- c. **Sea Containers**
- d. *Repurposed and Second Hand Dwellings*

Since this time, draft local planning policies for Outbuildings and Sea Containers have been advertised since the 14<sup>th</sup> of August. Policies for additional dwellings in the general agriculture zone and repurposed and second hand dwellings have been drafted, however have not been advertised to the public. These policies will be advertised following the Gazettal of Planning Scheme Amendments 2 and 3.

**Attached** is the advertised policy and a copy of the submission received.

## SUBMISSIONS

The Shire received one submission on the advertised Sea Containers policy on September 15 2017.

Received from: Mr. John Nicholls

Comments:

"I have read and reviewed the policy for sea containers for the Shire of Kellerberrin. It needs amending. The following changes are required because increasingly sea containers are being used to store valuables, and single use items and they offer dry, clean, lockable and rodent proof storage. Their uses vary and can be used to store agricultural chemicals, single use items and workshop equipment.

1. There should be up to ten sea containers per farming entity and designated as farming storage in land zoned agricultural. Bear in mind that many farming entities may in fact have multiple sea containers on multiple titles and farms.
2. There should be a register at the Shire of sea containers and where they are situated. Cost needs to be kept at a minimum and onus is on the land/entity to comply.
3. Sea containers that apply hazardous substances need to be appropriately signed.
4. Sea containers must comply with the Shire fire policies.
5. Sea containers need to be positioned in a way that is consistent with their use on farms.
6. Sea containers within town gazetted area's then I agree with the shire restrictions.
7. Sea containers on land-zoned industrial should be up to ten permanent. This does not include sea containers used to transport in materials and products out.

## PLANNERS COMMENT

After reviewing the policy and submission received, some modifications could be made, including:



- Modifications to the requirements for Sea Containers on **Industrial** zoned land (Table 1) to be less restrictive. E.g. Up to five containers on industrial zoned land or at Councils discretion.
- It is noted that some Shires within the Wheatbelt region do not have specific maximums for industrial zoned land, with other policies varying between maximums of 1 and 5 containers.
- Requirements for Sea Containers in the **General Agricultural** zone are modified to allow for more than two containers. Wording of the policy could be amended to read the following; “the number of containers allowed in the general agriculture zone is at Council’s discretion”.
- It is noted that a number of shires do not have specific maximums for the general agriculture zone, rather using Council’s discretion, however it may be Council’s desire to uphold the maximum number to ensure consistency in the decision making process.

Therefore council is to resolve to —

- proceed with the policy without modification; or
- proceed with the policy with modification; or
- not to proceed with the policy.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

## POLICY IMPLICATIONS

New Local Planning Policies to be read in conjunction with Council’s Local Planning Scheme, State Planning Policies and the R-Codes deemed-to-comply provisions.

**Attached** below are the critical parameters of the Sea Containers policy.

Zone (s):	Setback:	Number and size of Sea Container(s) allowed:	Special requirements:
<b>Town Centre</b>	In accordance with the R-Codes	1 x 12m (40 ft)	<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>
<b>Residential and Rural Townsite</b>	In accordance with the R-Codes	1x 12m (40 ft)	<p>The sea container shall be fitted with a pitched roof.</p> <p>The sea containers shall be used in association with the approved use of the property.</p>
<b>Rural Residential</b>	In accordance with the R-Codes	1x 12m (40 ft)	The sea container shall only be used for storage purposes.
<b>General Agriculture</b>	In accordance with the setbacks outlined in the <i>Scheme</i> (Clause 5.11.1)	2x 12m (40ft)	
<b>Industrial</b>	In accordance with the setbacks outlined in the <i>Scheme</i> (Clause 5.9.1)	<p>1x 12m (40ft) container per 4000m<sup>2</sup>*</p> <p>* Where more than two (2) containers are proposed, the application will be considered on its merits.</p>	Sea container(s) shall be used in association with the approved use of the property.

DATED: ..... PRESIDENT SIGNATURE: .....

## STATUTORY IMPLICATIONS

### *Planning and Development (Local Planning Schemes) Regulations 2015*

#### *Schedule 2 – Deemed provisions for local planning schemes*

#### *Part 2 – Local Planning framework.*

#### **4. Procedure for making local planning policy**

- (8) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
- a. publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —
    - i. the subject and nature of the proposed policy; and
    - ii. the objectives of the proposed policy; and
    - iii. where the proposed policy may be inspected; and
    - iv. to whom, in what form and during what period submissions in relation to the proposed policy may be made;
  - b. if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
  - c. give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
- (9) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).
- (10) After the expiry of the period within which submissions may be made, the local government must —
- a. review the proposed policy in the light of any submissions made; and
  - b. resolve to —
    - i. proceed with the policy without modification; or
    - ii. proceed with the policy with modification; or
    - iii. not to proceed with the policy.
- (11) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.
- (12) A policy has effect on publication of a notice under subclause (4).
- (13) The local government —
- a. must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
  - b. may publish a copy of each of those local planning policies on the website of the local government.

#### **5. Procedure for amending local planning policy**

- (3) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.
- (4) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

**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:**

The draft Outbuildings Policy was advertised to the community as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**STAFF RECOMMENDATION**

*That Council;*

- 1. Proceeds with the policy with or without modifications.*
- 2. Considers the use and maximum number of Sea Containers allowed on Industrial and Agricultural zoned land.*

**COUNCIL RECOMMENDATION**

**MIN 168/17 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. Steber

***That Council Proceeds with the Sea Container Policy with the following modifications;***

- 1. 5.1 (c) change from 1 (one) sea container to 2 (2) sea containers***
- 2. Add Clause 5.2.2 – If a landowner wishes to exceed the acceptable standard in Table 1, the application will be formally referred to Council for determination.***
- 3. Table 1 – General Agriculture - Special Requirements – Add the wording “The Sea Container shall only be used for storage purposes”***
- 4. Table 1 – General Agriculture – number and size of Sea Container(s) allowed – Add wording “per rate notice”***

CARRIED 7/0

**CLOSURE OF MEETING**

The President thanked all members for the attendance and closed the meeting at 5.10 pm.

**NEXT MEETING DATES**

Tuesday, 17<sup>th</sup> October, 2017, Shire of Kellerberrin - Ordinary Council Meeting.