

## SHIRE OF KELLERBERRIN

### MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 17<sup>th</sup> April 2018, commencing at 2.03 pm.

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

2.03 pm – Cr. Rodney Forsyth, Shire President declared the meeting open.

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

##### Present:

|                      |                                |
|----------------------|--------------------------------|
| Cr. Forsyth          | President                      |
| Cr. O'Neill          | Deputy President               |
| Cr. Leake            | Member                         |
| Cr. White            | Member                         |
| Cr. Reid             | Member                         |
| Cr. McNeil           | Member                         |
| Cr. Steber           | Member                         |
| Mr Raymond Griffiths | Chief Executive Officer        |
| Mr Sean Sibly        | Deputy Chief Executive Officer |
| Mr Mick Jones        | Manager of Works and Services  |
| Mr Brett Taylor      | Finance Officer/CDO            |

##### 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: Nil

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 **17<sup>th</sup> April 2018**.

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

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **17<sup>th</sup> April 2018**.

| 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 **17<sup>th</sup> April 2018**.

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

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 20<sup>th</sup> March 2018

## COUNCIL RECOMMENDATION

**MIN 046/18 MOTION:** Moved Cr. Steber 2<sup>nd</sup> Cr. White

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 20<sup>th</sup> March 2018, be confirmed as a true and accurate record*

CARRIED 7/0

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

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

**10. REPORTS OF COMMITTEES/COUNCILLORS**

### 10.1 Reports of Committees/Councillors

**MIN 047/18 MOTION:** Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

*That the Presidents Reports for April 2018 be received.*

CARRIED 7/0

|                                |                                               |
|--------------------------------|-----------------------------------------------|
| <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> April, 2018                   |
| <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.

March 2018 Council Meeting

**MIN 028/18 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. White

***That Council:***

- 1. Supports the concept of South West Wireless though due to budget restraints at this time cannot financially support this initiative.***
- 2. Supports Kellerberrin Seniors participation at the Senior Games in Corrigin by:***
  - a) donation of bus hire including fuel;***
  - b) Shire shirts to be provided for the 2019 Senior Games and***
  - c) One off cash contribution of \$300.***

CARRIED 6/0

February 2018 Council Meeting

**MIN 004/18 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. McNeil

***That Council:***

- 1. Endorse option 1 for the third party appeal rights in planning as per WALGA's consultation paper and advise WALGA accordingly;***
- 2. Supports the further investigation of Anzac statues for the hall surrounds as provided by Council Parks and Gardens Crew; and***
- 3. Purchase four 1400/550/500 charcoal pots for the main street as per design presented.***

CARRIED 6/0

December 2017 Council Meeting

**MIN 220/17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. Reid

***That Council;***

- Rectify the potholes in the back lane potholes behind the business; and***
- Supports the concept of increased child care places in the Shire of Kellerberrin.***

CARRIED 7/0

### March 2018 - MIN 028/18

1. Advised Leigh Ballard. Leigh advised that they will continue to seek funding though on a 100% basis.
2. Letter written to Kellerberrin Seniors advising of decision. Also advised in person while in a face to face meeting.

### February 2018 - MIN 004/18

1. Emailed WALGA with Council's endorsement.
2. Formal quote is being provided by Thompson's signs.
3. An order has been placed for the pots.

### December 2017 - MIN 220/17

1. Potholes in the back lane behind the businesses have been repaired.
2. Letters Sent to Callie Forsyth and Clare Leake in regards to Child Care Places.

### **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 048/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake

*That Council note no requests or ideas to be actioned for April Ordinary Meeting of Council.*

CARRIED 7/0

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|                                |                                               |
|--------------------------------|-----------------------------------------------|
| <b>Agenda Reference:</b>       | 11.1.2                                        |
| <b>Subject:</b>                | Status Report of Action Sheet                 |
| <b>Location:</b>               | Shire of Kellerberrin                         |
| <b>Applicant:</b>              | Shire of Kellerberrin - Council               |
| <b>File Ref:</b>               | Various                                       |
| <b>Disclosure of Interest:</b> | N/A                                           |
| <b>Date:</b>                   | 7 <sup>th</sup> April, 2018                   |
| <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 049/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Steber

*That Council receives the Status Report.*

CARRIED 7/0

|                                |                                                           |
|--------------------------------|-----------------------------------------------------------|
| <b>Agenda Reference:</b>       | 11.1.3                                                    |
| <b>Subject:</b>                | Wheatbelt Communities Inc Meeting Minutes and Resolutions |
| <b>Location:</b>               | Council Chambers, Shire of Bruce Rock                     |
| <b>Applicant:</b>              | Wheatbelt Communities                                     |
| <b>File Ref:</b>               |                                                           |
| <b>Disclosure of Interest:</b> | Nil                                                       |
| <b>Date:</b>                   | 10 <sup>th</sup> April, 2018                              |
| <b>Author:</b>                 | Raymond Griffiths, Chief Executive Officer                |

**BACKGROUND**

The Minutes of the recent Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 28<sup>th</sup> February 2018 held at the Council Chambers, Shire of Bruce Rock are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

**COMMENT**

Attached to this agenda item is a copy of the last Wheatbelt Communities Inc. Council Meeting Minutes held on Wednesday 28<sup>th</sup> February 2018 held at the Council Chambers, Shire of Bruce Rock.

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

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

Resolutions arising out of the 28<sup>th</sup> February 2018 Wheatbelt Communities Inc. Council Meeting summarised hereunder,

**RESOLUTION:                    Moved: Rod Forsyth                    Seconded: Raymond Griffiths**  
**That the Minutes of the Meeting of Wheatbelt Communities Inc held Wednesday 27 September 2017 be confirmed as a true and accurate record of the meeting.**  
**CARRIED**

**RESOLUTION:                    Moved: Jamie Criddle                    Seconded: Stephen Strange**  
**That the Wheatbelt Communities Financial Report for the period ending 31 January 2018 be received.**  
**CARRIED**

**RESOLUTION:                    Moved: Greg Powell                    Seconded: Ken Hooper**  
**That the Accounts Paid for the period 1 September 2017 to 31 January 2018 totalling \$1,956.60 be approved.**  
**CARRIED**

**RESOLUTION:                    Moved: Greg Powell                    Seconded: Jamie Criddle**  
**That the matter of Wheatbelt Communities Inc be deferred until the next meeting.**  
**CARRIED**

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

## **POLICY IMPLICATIONS**

## **STATUTORY IMPLICATIONS:**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

## **LONG TERM FINANCIAL PLAN IMPLICATIONS**

## **COMMUNITY CONSULTATION**

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

## **ABSOLUTE MAJORITY REQUIRED - NO**

## **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 28<sup>th</sup> February 2018.*

## **COUNCIL RECOMMENDATION**

**MIN 050/18 MOTION** - Moved Cr. Reid     2<sup>nd</sup> Cr. O'Neill

*That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 28<sup>th</sup> February 2018.*

CARRIED 7/0

|                                |                                                                     |
|--------------------------------|---------------------------------------------------------------------|
| <b>Agenda Reference:</b>       | 11.1.4                                                              |
| <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>                   | 10 <sup>th</sup> April, 2018                                        |
| <b>Author:</b>                 | Raymond Griffiths, Chief Executive Officer                          |

## BACKGROUND

The Minutes of the recent Meeting, held on Thursday 1<sup>st</sup> March, 2018 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 1<sup>st</sup> March, 2018. 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 Hooper**                      **Seconded: Cr Truran**

**That Cr Forsyth be elected the Great Eastern Country Zones representative to the Local Government Agricultural Freight Group.**

**CARRIED**

**RESOLUTION**                      **Moved: Cr Waters**                      **Seconded: Cr Forsyth**

**That Cr Strange be elected the Great Eastern Country Zones deputy representative to the Local Government Agricultural Freight Group.**

**CARRIED**

**RESOLUTION**                      **Moved: Cr Sachse**                      **Seconded: Cr Metcalfe**

**That Mr Jack Walker, Regulatory Officer Shire of Mt Marshall, be elected the Great Eastern Country Zones deputy representative to the Wheatbelt District Emergency Management Committee.**

**CARRIED**

**RESOLUTION**                      **Moved: Cr Sachse**                      **Seconded: Cr Metcalfe**  

---

That Mr Jack Walker, Regulatory Officer Shire of Mt Marshall, be elected the Great Eastern Country Zones deputy representative to the Wheatbelt District Emergency Management Committee.

**CARRIED**

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

---

That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 30 November 2017 confirmed as a true and accurate record of the proceedings.

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Truran**                      **Seconded: Cr Waters**  

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That the Minutes of the Meeting of the Great Eastern Country Zone Committee Meeting held Thursday 8 February 2018 be received.

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Harris**                      **Seconded: Cr Sachse**  

---

That the matters detailed in Item 6.5 be noted.

**CARRIED**

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

---

That the Executive Officer's report be noted.

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Sachse**                      **Seconded: Cr Harris**  

---

That the Great Eastern Country Zone:

1. Write to both the Premier and the Minister for Education to express concern regarding the impact of cuts to education expenditure on the Wheatbelt Region; and
2. Invite the Regional Director of Education to the next Zone Meeting to discuss the impact of all education cuts on the Wheatbelt Region.

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Sachse**                      **Seconded: Cr Truran**  

---

That the Media statement by the Minister for Emergency Services, Hon Francis Logan MLA, in relation to the restructure of the Department of Fire and Emergency Services (DFES) including the integration of the Office of Emergency Management into a "new command structure" be noted and WALGA be asked to monitor any impact on the local government sector of the changes once implemented.

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Truran**                      **Seconded: Cr Waters**  

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That the Minutes of the Local Government Agricultural Freight Group Meeting held Monday 5 February 2018 be received.

**CARRIED**

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

---

That the Minutes of the Wheatbelt DEMC Meeting held Thursday 16 November 2017 be received.

**CARRIED**

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

**That the Great Eastern Country Zone notes both the State Councillor and WALGA Status Reports.**

**CARRIED**

**RESOLUTION:**            **Moved: Cr Truran**            **Seconded: Cr Sachse**

**That WALGA advise the State Government the Local Government sector:**

- 1. will not agree to the Department of Fire and Emergency Services' (DFES) transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES;**
- 2. requires adequate and effective consultation on any review of the model subdivision condition relating to clearance, including relating to Bush Fire Management Plans that would result in the transfer of responsibility from any agency for the clearance of a subdivision condition, when that condition has been requested by that agency.**

**CARRIED**

**RESOLUTION:**            **Moved: Cr Hooper**            **Seconded: Cr Truran**

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

**CARRIED**

**RESOLUTION:**            **Moved: Cr Metcalfe**            **Seconded: Cr Willis**

**That the Great Eastern Country Zone note the advice provided by the Department of Transport on the two replacement agreements being offered to Local Governments in regional and remote areas to continue to provide licensing services under the *Road Traffic (Administration) Act 2008*.**

**CARRIED**

**RESOLUTION:**            **Moved: Cr Waters**            **Seconded: Cr Forsyth**

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

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

**CARRIED**

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

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

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

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



## **STRATEGIC PLAN IMPLICATIONS**

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

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

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

## **COMMUNITY CONSULTATION**

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

**ABSOLUTE MAJORITY REQUIRED - NO**

## **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 1<sup>st</sup> March, 2018.*

## **COUNCIL RECOMMENATION**

**MIN 051/18 MOTION** - Moved Cr Steber     2<sup>nd</sup> Cr White

*That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 1<sup>st</sup> March, 2018.*

CARRIED 7/0

|                                |                                                       |
|--------------------------------|-------------------------------------------------------|
| <b>Agenda Reference:</b>       | 11.1.5                                                |
| <b>Subject:</b>                | CEACA Council Special Meeting Minutes and Resolutions |
| <b>Location:</b>               | Merredin Regional Community and Leisure Centre        |
| <b>Applicant:</b>              | CEACA Council                                         |
| <b>File Ref:</b>               | AGE - 03                                              |
| <b>Disclosure of Interest:</b> | Nil                                                   |
| <b>Date:</b>                   | 10 <sup>th</sup> April, 2018                          |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer         |

## **BACKGROUND**

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Monday 26<sup>th</sup> March 2018, at the Merredin Regional Community and Leisure Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

## **COMMENT**

Attached to this agenda item is a copy of the last CEACA Council Meeting Minutes held on Monday 26<sup>th</sup> March 2018, at the Merredin Regional Community and Leisure Centre.

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

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

Resolutions arising out of the 26<sup>th</sup> March 2018 CEACA Council Meeting summarised hereunder,

**RESOLUTION:**            **Moved: Stephen Strange    Seconded: Rachel Kirby**

**That Gary Shadbolt be elected to Chair the Special General Committee meeting.**

**CARRIED**

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

## **POLICY IMPLICATIONS**

## **STATUTORY IMPLICATIONS:**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

**LONG TERM FINANCIAL PLAN IMPLCATIONS**

**COMMUNITY CONSULTATION**

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

**ABSOLUTE MAJORITY REQUIRED - NO**

**STAFF RECOMMENDATION**

*That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Special Committee meeting held on Monday 26<sup>th</sup> March 2018.*

**COUNCIL RECOMMENDATION**

**MIN 052/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. O'Neill

*That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Special Committee meeting held on Monday 26<sup>th</sup> March 2018.*

CARRIED 7/0

|                                |                                        |
|--------------------------------|----------------------------------------|
| <b>Agenda Reference:</b>       | 11.1.6                                 |
| <b>Subject:</b>                | 2018/2019 Community Budget Submissions |
| <b>Location:</b>               | Shire of Kellerberrin                  |
| <b>Applicant:</b>              | Shire of Kellerberrin                  |
| <b>File Ref:</b>               | FIN 24                                 |
| <b>Record Ref:</b>             |                                        |
| <b>Disclosure of Interest:</b> | N/A                                    |
| <b>Date:</b>                   | 9 <sup>th</sup> April, 2018            |
| <b>Author:</b>                 | Mr. Brett Taylor – Finance Officer/CDO |

## BACKGROUND

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

## COUNCIL RECOMMENDATION

**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

Councils April 2016 ordinary meeting – 19<sup>th</sup> April 2016

**MIN 52/16 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid

***That Council donates \$3,000 to the Doodlakine Bowling club for green keeping fees.***

CARRIED 7/0

**MIN 53/16 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. McNeil

***That Council declines to donate \$2,870 to Community Resource Centre for an upgrade to the Kellerberrin Public Library computer, operational system and library software, until further quotes are received from other IT companies that can provide a solution based on "cloud" technology.***

CARRIED 7/0

**MIN 54/16 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. Reid

***That Council donates \$2,000 to Doodlakine Community Committee for Roadside rubbish cleanup collection alongside Great Eastern Highway in the locality of Doodlakine, should the MRDWA funding no longer be available for Roadside rubbish cleanup.***

CARRIED 7/0

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

***That Council donates \$550 to Kellerberrin Mens 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 Mens 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 Mens Shed for fund raising purposes.***

CARRIED 5/2

## **COMMENT**

In March 2018, Council advertised for Community Budget Submissions for all sporting, community or welfare groups/organisations requiring financial assistance from Council in the 2018/2019 financial year.

Applications were to be received by Friday, 4.00pm 6<sup>th</sup> of April 2018 which were to include audited financial statements and a most recent Bank Statement.

Council received 7 Budget Submission applications this year:

1. Kellerberrin Speedway
2. Kellerberrin District High School
3. Kellerberrin and Districts Ag Society
4. Kellerberrin Squash Club
5. Kellerberrin Seniors Group
6. Doodlakine Bowling Club
7. Doodlakine Community Committee

Please see the following table for a full list of application requests including project specifications and amounts requested.

| No           | Organisation                          | Project                                                                                                                                 | Total Project Cost   | Amount Requested   |
|--------------|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------|
| 1            | Kellerberrin Speedway                 | Assist with start of season following upgrades to facility of which club contributed \$26800                                            | \$3,000.00           | \$3,000.00         |
| 2            | Kellerberrin District High School     | To help cover of pool and hall hire as well cost of pits for long jump for carnival                                                     | \$782.00             | \$782.00           |
| 3            | Kellerberrin and Districts Ag Society | Help with covering operating costs of 2018 show.                                                                                        | \$30,000 to \$40,000 | \$2,000.00         |
| 4            | Kellerberrin Squash Club              | To help put towards the building of new squash courts.                                                                                  | Unknown              | \$2,000.00         |
| 5            | Kellerberrin Seniors Group            | To repay Shire for installation of electric urn purchase new laptop and printer and to purchase a blind for window at back of clubhouse | \$1,251.85           | \$1,251.85         |
| 6            | Doodlakine Bowling Club               | To assist with installation of lights and watering system on green                                                                      | \$20,000             | \$2,000.00         |
| 7            | Doodlakine Community Committee        | Ongoing cost to Doodlakine Community Hall                                                                                               | \$3,000.00           | \$2,000.00         |
|              |                                       |                                                                                                                                         |                      |                    |
| <b>TOTAL</b> |                                       |                                                                                                                                         | <b>\$58,033.85</b>   | <b>\$13,033.85</b> |

Please see attached the full Community Grants Application forms for Council reference. Please also note the additional comments provided by each organisation as background for the grant application to Council.

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2017/2018 Budget

|             |   |                                                                                                  |
|-------------|---|--------------------------------------------------------------------------------------------------|
| 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>                                                                                                                |
| <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> </ul> |

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | <ul style="list-style-type: none"> <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> </ul> |

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

### Strategic Priority 3.1

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

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <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> </ul>                                                                                                                                                                                                                                                                                                                                                               |

|                       |                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | <ul style="list-style-type: none"> <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 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 donates as follows:*

1. *Kellerberrin Speedway;*
2. *Kellerberrin Highschool;*
3. *Kellerberrin Agricultural Society;*
4. *Kellerberrin Squash Club;*
5. *Kellerberrin Seniors Group;*
6. *Doodlakine Bowling Club (up to a limit of \$2000) and*
7. *Doodlakine Community Committee*

## COUNCIL RECOMMENDATION

**MIN 053/18 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake**

***That Council:***

1. ***approves Kellerberrin Speedway application for \$3,000.00 towards the running of the Kellerberrin Speedway.***
2. ***approves Kellerberrin High School application request for the amount of \$782.00 being waiver of Hall hire, Pool Hire and Athletics Carnival Setup Fees.***
3. ***approves Kellerberrin District Agricultural Society application for \$2,000.00 to assist with covering costs associated with the 2018 Ag show.***
4. ***approves Kellerberrin Squash Club application for \$2,000.00 to be transferred to the Sport and Recreation Reserve to assist with future upgrades.***
5. ***approves Kellerberrin Senior's Group application for \$1,251.85 being for the following:***
  - a. ***Write off of Electric Urn account with Shire of Kellerberrin***
  - b. ***Purchase of New Laptop and Printer***
  - c. ***Purchase new Blind for window at back of Club house.***
6. ***approves Doodlakine Bowling Club application for \$2,000.00 being a contribution towards installation of lights and watering system for Bowling Green.***
7. ***approves Doodlakine Community Committee application for \$2,000.00 through a rubbish collection to assist with ongoing maintenance for the Doodlakine Hall.***

CARRIED 7/0

|                                |                                               |
|--------------------------------|-----------------------------------------------|
| <b>Agenda Reference:</b>       | 11.1.7                                        |
| <b>Subject:</b>                | Lease Ex-Golf Club                            |
| <b>Location:</b>               | Lot 307 Price Street, Kellerberrin            |
| <b>Applicant:</b>              | Activ Foundation                              |
| <b>File Ref:</b>               | A766 & ORGL 13                                |
| <b>Record Ref:</b>             | MIN 035/18                                    |
| <b>Disclosure of Interest:</b> | Nil                                           |
| <b>Date:</b>                   | 10 <sup>th</sup> April 2018                   |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer |

## BACKGROUND

Shire of Kellerberrin – March Ordinary Meeting of Council – 20<sup>th</sup> March 2018

**MIN 035/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake

***That Council defer the item until the April OMC in order to seek and evaluate further alternatives.***

Council during the meeting held discussions around alternatives for Activ to lease for their operations.

During these conversations the Council highlighted the opportunity to maximise the use of the Ex-Golf Club facility should the seniors be amenable to co-locating with Activ.

## COMMENT

Council's Chief Executive Officer met with the President from the Seniors to discuss the matter about co-locating with Activ. The Seniors don't have an issue with the co-location as they only require the facility on a Thursday afternoon during the day time as other use for the singing club is of an evening.

Therefore discussion was held around whether it was permissible for Activ to have the facility during the day from Monday to Wednesday, Thursday Morning (at which time they put the seniors tables and chairs out ready for their meeting) and Friday's (where they pack away the Seniors tables and chairs)

Council's Chief Executive Officer then met with Anne from Activ on Thursday 5<sup>th</sup> April 2018 and discussed the co-location, timings and opportunities with regards to the Kitchen, Garden and additional storage.

At this time Anne advised the space was what they were looking for and Anne would contact head office and provide correspondence to Council advising accordingly.

Council on the 5<sup>th</sup> April 2018 received the following correspondence expressing their desire to lease the ex-golf club facility.

Hi Raymond,

Anne has advised me that following the inspection of the clubhouse today she is very satisfied with the facility and keen to finalise the situation with the Shire. I understand you have a Council meeting next week so please accept this email as authority that we wish to proceed with the lease for this property.

Assuming all goes well with Council, would you please confirm start date, rental and utilities and provide some form of a draft agreement. I'm happy to take direction from you about the best way to formalise this arrangement.

Thanks again for your assistance in this matter and I look forward to hearing from you next week.

Kind Regards

**Jonathan Thomas**  
**Head of Property & Infrastructure**  
Direct tel: (08) 9387 0416

Council has contacted its Local real estate for a market valuation on the proposed lease in accordance with the Local Government Act 1995 section 3.58 4 (c).

A Market Valuation has been sought from its local Real Estate Agent, Livestock and Land which has provided the following:

- \$1,650 - \$1,950 per month Excluding GST.

Activ have advised with the previous proposal that they have allowed \$12,000 per year to pay for the lease agreement which excludes power costs.

The Kellerberrin Seniors Group utilise the facility on the following times:

1. Monday nights for Singing group
2. Thursday afternoons for Seniors meetings.

## **FINANCIAL IMPLICATIONS**

2018/2019 Budget and ongoing budgets.

\$1,000 per month rental income for the ex-golf club which previously didn't receive any income.

## **POLICY IMPLICATIONS**

There are no policy implications.

## **STATUTORY IMPLICATIONS**

### **Local Government Act 1995 (as amended)**

#### **Section 3.58. Disposing of property**

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3)A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned;
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned;
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

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

**STRATEGIC PLAN IMPLICATIONS: Nil**

**FUTURE PLAN IMPLICATIONS: Nil**

**COMMUNITY CONSULTATION:**

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

**ABSOLUTE MAJORITY REQUIRED - NO**



## STAFF RECOMMENDATION

*That Council:*

- 1. advertises the proposed lease of areas known as Ex-Golf Club – Lot 307 Price Street, Kellerberrin to ACTIV and Kellerberrin Seniors Group in the “Pipeline” in accordance with Section 3.58 of the Local Government Act 1995*
- 2. authorise the Chief Executive Officer to draft a Lease Agreement with Activ ensuring co-location with the Kellerberrin Seniors Group.*
- 3. Authorise the Chief Executive Officer to draft a Lease Agreement with Kellerberrin Seniors ensuring co-location with Activ.*
- 4. subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement with ACTIV for the Ex-Golf Club, Lot 307 Price Street, Kellerberrin with annual fees of \$12,000 excluding GST; and*
- 5. subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement with Kellerberrin Seniors Group for the Ex-Golf Club, Lot 307 Price Street, Kellerberrin with annual fees of \$NIL excluding GST; and*
- 6. advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.*

## COUNCIL RECOMMENDATION

**MIN 054/18 MOTION - Moved Cr.**

**Steber**

**2<sup>nd</sup> Cr. O'Neill**

*That Council:*

- 1. advertises the proposed lease of areas known as Ex-Golf Club – Lot 307 Price Street, Kellerberrin to ACTIV and Kellerberrin Seniors Group in the “Pipeline” in accordance with Section 3.58 of the Local Government Act 1995*
- 2. authorise the Chief Executive Officer to draft a Lease Agreement with Activ ensuring co-location with the Kellerberrin Seniors Group.*
- 3. Authorise the Chief Executive Officer to draft a Lease Agreement with Kellerberrin Seniors ensuring co-location with Activ.*
- 4. subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement with ACTIV for the Ex-Golf Club, Lot 307 Price Street, Kellerberrin with annual fees of \$12,000 excluding GST; and*
- 5. subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement with Kellerberrin Seniors Group for the Ex-Golf Club, Lot 307 Price Street, Kellerberrin with annual fees of \$NIL excluding GST; and*
- 6. advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.*

CARRIED 7/0

|                                |                                   |
|--------------------------------|-----------------------------------|
| <b>Agenda Reference:</b>       | 11.1.8                            |
| <b>Subject:</b>                | Cheque List March 2018            |
| <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>                   | 09 <sup>th</sup> April 2018       |
| <b>Author:</b>                 | Miss Morgan Ware, Finance Officer |

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> March 2018 – 31<sup>st</sup> March 2018

**Trust Fund**

EFT & CHQ

**TRUST TOTAL** **\$ 1,481.65**

**Municipal Fund**

**Cheque Payments**

34366 - 34395

**\$ 64,040.38**

**EFT Payments**

8113 - 8255

**\$ 1,142,472.73**

**Direct Debit Payments**

**\$ 19,380.08**

**TOTAL MUNICIPAL**

**\$ 1,206,513.11**

**COMMENT**

During the month of March 2018, the Shire of Kellerberrin made the following significant purchases:

|                                                                                           |                      |
|-------------------------------------------------------------------------------------------|----------------------|
| <b>Hitachi</b>                                                                            | <b>\$ 430,540.00</b> |
| Purchase of 2017 John Deere 672GP Grader as per E-quote quotation. Council Minute 143/17. |                      |
| <b>Kellerberrin Recreation &amp; Leisure Centre Management Advisory Committee</b>         | <b>\$ 113,621.01</b> |
| Cropping income from LDC from 2017 season                                                 |                      |
| <b>WCS Concrete Pty Ltd</b>                                                               | <b>\$ 104,793.37</b> |
| Supply, Delivery and Laying of 32MPA concrete for 90m Glenluce Rd floodway                |                      |
| <b>Colas WA Pty Ltd</b>                                                                   | <b>\$ 99,692.07</b>  |
| Bitumen Surfacing for Baandee North Road as per Tender Rate                               |                      |
| <b>Brick and Mortar Restoration South West</b>                                            | <b>\$ 42,009.88</b>  |
| Restoration of Kellerberrin Memorial Hall, External toilet block, Dressing room           |                      |

|                                                                                                                                                   |              |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Smith Earthmoving Pty Ltd</b><br>Hire of Semi, Mob and Demob, Glenluce Rd Part B, Baandee North Rd                                             | \$ 33,687.50 |
| <b>Western Australian Treasury Corporation</b><br>Loan No. 118 Interest payment, Rec Centre Redevelopment                                         | \$ 33,504.08 |
| <b>Fire And Emergency Services (WA)</b><br>2017/18 ESL Q3 in accordance with the Department of Fire and Emergency Services of WA act 1998 Part 6a | \$ 20,237.06 |
| <b>Water Corporation</b><br>Water consumption for Shire properties, Kellerberrin from 06/12/2017 to 09/02/2018                                    | \$ 20,140.24 |
| <b>WestCoast Profilers</b><br>Cut 8,000 m2 of road base @ 300mm deep on George Street, Kellerberrin                                               | \$ 18,590.00 |
| <b>Smith Earthmoving Pty Ltd</b><br>Hire of semi, February 2018                                                                                   | \$ 16,588.00 |
| <b>Tom's Tree Service</b><br>Tree removal for road works, George Street, Kwolyin West Road & Town site maintenance                                | \$ 15,730.00 |
| <b>Synergy</b><br>Power consumption for Hinckley St, Kellerberrin from 07/12/2017 to 07/02/2018                                                   | \$ 14,677.65 |
| <b>Perth Patios</b><br>Supply and install 15m long x 5m wide gable colour bond patio                                                              | \$ 12,000.00 |
| <b>Boya Equipment</b><br>Purchase of generator for transfer station, GL9000Ddiesel generator, Steel roll frame                                    | \$ 11,396.00 |
| <b>Dual Building Services</b><br>Supply and install insulation for all exterior walls/toilets for Speedway Upgrade                                | \$ 10,923.00 |
| <b>Groeneveld Lubrication Solutions Pty Ltd</b><br>Grader, Auto greasing, Labour & Parts                                                          | \$ 10,356.50 |
| <b>Kellerberrin &amp; Districts Club</b><br>Quarterly payment 01/03/2018 to 30/06/2018, Reimbursement of cleaning wages                           | \$ 10,111.68 |
| <b>Synergy</b><br>Streetlight tariff from 25/01/2018 to 24/02/2018                                                                                | \$ 9,760.15  |
| <b>United Card Services Pty Ltd</b><br>Fuel Purchases, February 2018                                                                              | \$ 9,522.26  |
| <b>Paul McDonnell</b><br>Supply and Install of materials to Speedway upgrades, Storeroom & kitchen                                                | \$ 8,176.58  |
| <b>R Munns Engineering Consulting Services</b><br>Consulting work for recycling machine and bitumen surfacing contractors, Labour & Travel        | \$ 7,995.41  |
| <b>WA Local Government Superannuation Plan Pty Ltd</b><br>Payroll Deductions                                                                      | \$ 7,668.66  |
| <b>Avon Waste</b><br>Dom/Com Rubbish x 4weeks, Transport of waste to Northam Landfill Facility, Recycling,                                        | \$ 7,391.31  |

Additional Recycling bin, Cardboard only, Servicing of transfer station & Transport of waste to Northam

|                                                                                                                                                                                            |    |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----------|
| <b>Moore Stephens</b><br>Assistance to date in relation to pensioner rates rebate, Office state revenue, Processing back claims & communication with staff, December 2017 to February 2018 | \$ | 7,335.90 |
| <b>Mineral Crushing Services WA PTY LTD</b><br>Supply & Delivery of Armour Rock from the 7th - 14th March, 231.45 tonne                                                                    | \$ | 7,128.66 |
| <b>Innes &amp; Co</b><br>Semi hire for February 18, KE604, 1TOA618                                                                                                                         | \$ | 5,863.00 |
| <b>Brooks Hire Service Pty Ltd</b><br>Hire of Excavator, Pad foot, Smooth drum roller, February 2018                                                                                       | \$ | 5,764.39 |
| <b>WA Local Government Superannuation Plan Pty Ltd</b><br>Payroll Deductions                                                                                                               | \$ | 5,710.82 |
| <b>Farmways Kellerberrin Pty Ltd</b><br>Pool magic copper 20l, Water polisher 20l, Barracuda granular chlorine 4kg, Barracuda granular chlorine 10kg, Enamel freightliner silver 4l        | \$ | 5,336.48 |
| <b>Great Southern Fuel Supplies</b><br>Fuel Purchases, February 2018                                                                                                                       | \$ | 5,118.86 |
| <b>Kellerberrin Community Resource Centre</b><br>Licensing Commissions, December MDL, Online. January MDL, Online. February MDL, Online                                                    | \$ | 5,102.72 |

## **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 IMPLICATIONS - Nil  
(Including Workforce Plan and Asset Management Plan Implications)**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION - Nil**

**ABSOLUTE MAJORITY REQUIRED – NO**

**STAFF RECOMMENDATION**

*That Council notes that during the month of March 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 \$1,206,513.11 vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling \$1,481.65 on vouchers EFT, CHQ, Direct payments*

**COUNCIL RECOMMENDATION**

**MIN 055/18 MOTION - Moved Cr. McNeil**

**2<sup>nd</sup> Cr. Reid**

***That Council notes that during the month of March 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 \$1,206,513.11 vouchers EFT , CHQ, Direct payments***
- 2. ***Trust Fund payments totalling \$1,481.65 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

|                                |                                                                       |
|--------------------------------|-----------------------------------------------------------------------|
| <b>Agenda Reference:</b>       | 11.1.9                                                                |
| <b>Subject:</b>                | Direct Debit List and Visa Card Transactions for the month March 2018 |
| <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>                   | 6 <sup>th</sup> April 2018                                            |
| <b>Author:</b>                 | Amanda Garlett – Administration Officer                               |

## BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of March 2018.

### Municipal Direct Debit List

| Date         | Name                    | Details                               | \$        | Amount                     |
|--------------|-------------------------|---------------------------------------|-----------|----------------------------|
| 1-Mar-18     | Westnet                 | Monthly static IP address             | \$        | 103.99                     |
| 1-Mar-18     | National Australia Bank | Merchant Fee                          | \$        | 123.53                     |
| 1-Mar-18     | National Australia Bank | Merchant Fee                          | \$        | 141.91                     |
| 1-Mar-18     | Shire of Kellerberrin   | EFT Payment                           | \$        | 253,884.19                 |
| 6-Mar-18     | Housing Authority       | Fortnightly Rent                      | \$        | 420.00                     |
| 6-Mar-18     | Shire of Kellerberrin   | EFT Payment                           | \$        | 1,305.93                   |
| 7-Mar-18     | Shire of Kellerberrin   | EFT Payment                           | \$        | 4,515.75                   |
| 8-Mar-18     | Shire of Kellerberrin   | EFT Payment                           | \$        | 51,812.07                  |
| 13-Mar-18    | DLL                     | Photocopier Lease Payment             | \$        | 265.21                     |
| 14-Mar-18    | National Australia Bank | Account Fees - NAB Connect (DEC 2017) | \$        | 65.98                      |
| 15-Mar-18    | Shire of Kellerberrin   | Clicksuper                            | \$        | 7,183.92                   |
| 15-Mar-18    | Shire of Kellerberrin   | EFT Payment                           | \$        | 18,590.00                  |
| 15-Mar-18    | Shire of Kellerberrin   | EFT Payment                           | \$        | 323,957.39                 |
| 16-Mar-18    | Shire of Kellerberrin   | Clicksuper                            | \$        | 13,804.72                  |
| 20-Mar-18    | Housing Authority       | Fortnightly Rent                      | \$        | 420.00                     |
| 20-Mar-18    | Shire of Kellerberrin   | EFT Payment                           | \$        | 13,915.78                  |
| 22-Mar-18    | Shire of Kellerberrin   | EFT Payment                           | \$        | 61,774.47                  |
| 23-Mar-18    | Shire of Kellerberrin   | Clicksuper                            | \$        | 9,681.03                   |
| 29-Mar-18    | National Australia Bank | Merchant Fee                          | \$        | 0.73                       |
| 29-Mar-18    | National Australia Bank | Account Fees - Muni                   | \$        | 51.20                      |
| 29-Mar-18    | National Australia Bank | Account Fees - BPAY                   | \$        | 52.20                      |
| 29-Mar-18    | National Australia Bank | Account Fees - Trust                  | \$        | 62.30                      |
| 29-Mar-18    | National Australia Bank | Merchant Fee                          | \$        | 146.75                     |
| 29-Mar-18    | National Australia Bank | Merchant Fee                          | \$        | 325.61                     |
| 29-Mar-18    | Shire of Kellerberrin   | EFT Payment                           | \$        | 527,609.62                 |
| <b>TOTAL</b> |                         |                                       | <b>\$</b> | <b><u>1,290,214.28</u></b> |

### Trust Direct Debit List

| Date         | Name                 | Details                                  | \$        | Amount                   |
|--------------|----------------------|------------------------------------------|-----------|--------------------------|
| 31-Mar-18    | Department Transport | Direct Debit-Licensing Payments Mar 2018 | \$        | 138,139.10               |
| <b>TOTAL</b> |                      |                                          | <b>\$</b> | <b><u>138,139.10</u></b> |

### Visa Transactions

| Date                           | Name                          | Details               | \$        | Amount        |
|--------------------------------|-------------------------------|-----------------------|-----------|---------------|
| 02-Mar-18                      | United Petroleum Kellerberrin | Fuel - KE 1           | \$        | 115.63        |
| 05-Mar-18                      | DPIRD - Agriculture           | Non Farming Permit    | \$        | 75.00         |
| 19-Mar-18                      | City of South Perth           | Parking               |           | 20.00         |
| 21-Mar-18                      | Succulent Foods               | Council Meeting Meals |           | 72.00         |
| 23-Mar-18                      | Australia Post                | Phone Recharge        |           | 100.00        |
| 28-Mar-18                      | NAB                           | Card Fee              |           | 9.00          |
| <b>TOTAL - CEO</b>             |                               |                       | <b>\$</b> | <b>391.63</b> |
|                                |                               |                       |           |               |
| Date                           | Name                          | Details               | \$        | Amount        |
| 28-Mar-18                      | NAB                           | Card Fee              | \$        | 9.00          |
| <b>TOTAL - DCEO</b>            |                               |                       | <b>\$</b> | <b>9.00</b>   |
| <b>TOTAL VISA TRANSACTIONS</b> |                               |                       | <b>\$</b> | <b>400.63</b> |

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

**POLICY IMPLICATIONS** - Nil

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity March 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 March 2018 comprising;*
  - (a) Municipal Fund – Direct Debit List*
  - (b) Trust Fund – Direct Debit List*
  - (c) Visa Card Transactions*

*Be adopted.*

**COUNCIL RECOMMENDATION**

**MIN 056/18 MOTIONS - Moved Cr. White** **2<sup>nd</sup> Cr. Leake**

- 1) ***That the Direct Debit List for the month of March 2018 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>       | 11.1.10                                    |
| <b>Subject:</b>                | Financial Management Report for March 2018 |
| <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>                   | 6 <sup>th</sup> April, 2018                |
| <b>Author:</b>                 | Sean Sibly, DCEO                           |

## BACKGROUND

Enclosed is the Monthly Financial Report for the month of March 2018.

## 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 be shown —
- (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.

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

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

*That the Financial Report for the month of March 2018 comprising;*

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

*Be adopted.*

**COUNCIL RECOMMENDATION**

**MIN 057/18 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. White**

***That the Financial Report for the month of March 2018 comprising;***

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

***Be adopted.***

CARRIED 7/0

|                                |                                               |
|--------------------------------|-----------------------------------------------|
| <b>Agenda Reference:</b>       | 11.2.1                                        |
| <b>Subject:</b>                | Building Returns: March 2018                  |
| <b>Location:</b>               | Shire of Kellerberrin                         |
| <b>Applicant:</b>              | Various                                       |
| <b>File Ref:</b>               | BUILD06                                       |
| <b>Disclosure of Interest:</b> | Nil                                           |
| <b>Date:</b>                   | 10 <sup>th</sup> April, 2018                  |
| <b>Author:</b>                 | Mr Raymond Griffiths, Chief Executive Officer |

## **BACKGROUND**

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

## **COMMENT**

1. There were five applications received for a "Building Permit" during the March 2018 period. A copy of the "Australian Bureau of Statistics appends".
2. There was one "Building Permit" issued in the March 2018 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 – NO**

**STAFF RECOMMENDATION**

*That Council*

1. *Acknowledge the "Return of Proposed Building Operations" for the March 2018 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the March 2018 period.*

**COUNCIL RECOMMENDATION**

**MIN 058/18 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. O'Neill

*That Council*

1. ***Acknowledge the "Return of Proposed Building Operations" for the March 2018 period.***
2. ***Acknowledge the "Return of Building Permits Issued" for the March 2018 period.***

CARRIED 7/0

|                                |                                      |
|--------------------------------|--------------------------------------|
| <b>Agenda Reference:</b>       | 11.2.2                               |
| <b>Subject:</b>                | Policy Manual Update                 |
| <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>                   | 3 <sup>rd</sup> April, 2018          |
| <b>Author:</b>                 | Mr Lewis York, Town Planner          |

## BACKGROUND

Council over the past twelve months has reviewed its planning system which has resulted in the creation of a number of new policies Local Planning Polices. The creation of such policies has meant that a number of existing policies in the Shire's Manual have become outdated. Listed below are the proposed policies to be included in the manual along with the policy numbers to be deleted. Also proposed is including new policies 9.8 Additional Dwellings in the General Agriculture Zone and 9.10 Planning Fees.

### Development Services Including new policies:

#### 9.1 Building Permits

**9.2 Outbuildings** - Replaces former policy 9.2 and 9.3 with new Local Planning **Policy Draft** **(awaiting final approval from WAPC)**

**9.3 Home Occupation-** Policy number change from 9.4 to 9.3

**9.4 Repurposed and Secondhand Dwellings** - Replaces Second Hand Dwellings Policy 9.5, now reflects new Local Planning Policy approved in March 2018.

**9.5 Veranda's over Footpaths-** Policy number change from 9.6 to 9.5

**9.6 Mining Tenements and Exploration Licenses** - Policy number change from 9.7 to 9.6

**9.7 Subdivision of Homestead Lots-** Policy number change from 9.8 to 9.7

**9.8 Additional Dwellings in the General Agriculture Zone-** Replaces former policy 9.9 Moveable Buildings

**9.9 Sea Containers** - Policy number change from 9.10 to 9.9, now reflects new Local Planning Policy approved in August 2017.

**9.10 Planning Fees- New Policy to include guidelines on refunding planning fees.**

**Attachments** include- track changes and proposed new version of manual.

## COMMENT

Upon assessment of the Shires Manual it is clear that changes are necessary for the legitimacy and relevance of the document. Updating and replacing outdated policies will not only allow for greater clarity when assessing applications but also clearer guidelines for ratepayers when undertaking development. The removal of outdated and conflicting policies will eliminate confusion in the planning process.

Furthermore the addition of a planning fees refund policy will allow Shire staff to take a consistent approach when deliberating on the refund of fees due to an application being withdrawn.

## **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 deemed to comply provisions.

## **STATUTORY IMPLICATIONS**

*Shire of Kellerberrin Policy Manual* - to be read in conjunction with new Local Planning Polices.

## **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.

**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:**

Chief Executive Officer  
Town Planner  
Council  
Community via public advertising  
Council has a legislative requirement to consider and determine its Policies.

**STAFF RECOMMENDATION**

*That Council:*

- 1) *adopt the updated version of the Shires policy manual as presented*
- 2) *including changes to numbering policy text - to read as follows:*
  - 9.1 *Building Permits*
  - 9.2 *Outbuildings*
  - 9.3 *Home Occupation-*
  - 9.4 *Repurposed and Second hand Dwellings*
  - 9.5 *Veranda's over Footpaths*
  - 9.6 *Mining Tenements and Exploration Licenses*
  - 9.7 *Subdivision of Homestead Lots*
  - 9.8 *Additional Dwellings in the General Agriculture Zone*
  - 9.9 *Sea Containers*
  - 9.10 *Planning Fees*

**COUNCIL RECOMMENDATION**

**MIN 059/18 MOTION -** Moved Cr. Reid                      2<sup>nd</sup> Cr. White

*That Council:*

- 1) *adopt the updated version of the Shires policy manual as presented*
- 2) *including changes to numbering policy text - to read as follows:*
  - 9.1 *Building Permits*
  - 9.2 *Outbuildings*
  - 9.3 *Home Occupation-*
  - 9.4 *Repurposed and Second hand Dwellings*
  - 9.5 *Veranda's over Footpaths*
  - 9.6 *Mining Tenements and Exploration Licenses*
  - 9.7 *Subdivision of Homestead Lots*
  - 9.8 *Additional Dwellings in the General Agriculture Zone*
  - 9.9 *Sea Containers*
  - 9.10 *Planning Fees*

CARRIED    7/0



|                                |                                                                     |
|--------------------------------|---------------------------------------------------------------------|
| <b>A Agenda Reference:</b>     | 11.2.3                                                              |
| <b>Subject:</b>                | Local Planning Policy: Outbuildings- Department of Planning changes |
| <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>                   | 27 <sup>th</sup> March, 2018                                        |
| <b>Author:</b>                 | Mr Lewis York                                                       |

## BACKGROUND

Council's September 2017 ordinary meeting - 19<sup>th</sup> September 2017

**MIN 167/17 MOTION** - Moved Cr. White 2nd 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

## COMMENTS

Frustratingly, since the September 2017 ordinary meeting, little progress has been made on the final approval of the proposed Outbuilding's policy from the Department of Planning. The department is required to review the policy and submit for final approval from the WAPC. In March the Department outlined a number of suggested changes to the Policy before it is sent to the WAPC committee meeting.

The suggested changes include;

- general edits to wording and formatting of document;
- adding definitions such as Wall height and Ridge height to create greater level of clarity;
- deletion of General Agriculture requirements (Sheds 500m<sup>2</sup> and above require approval etc.) as it is believed the requirements conflict with the Shire's scheme (Schedule A-Supplemental Provisions (m)).

Once the advised changes have been made, the Shire can again send the policy to the Department who will present the policy to the WAPC for final approval.

**Attachment 1-** Suggested changes from Department of Planning staff.

**Attachment 2-** Updated Policy, including suggested changes for Council determination.

## 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.

## 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**

(1) 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.

(2) 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).

(3) 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.

(4) 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.

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

(6) 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.

**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 Policy has been advertised to the community and been approved by Council.

**STAFF RECOMMENDATION**

*That Council;*

- 1. Resolves to approve Local Planning Policy 1.0, 'Outbuildings', with the modifications provided in **Attachment- 2**; and*
- 2. Presents the policy to the Western Australian Planning Commission for review and approval.*

**COUNCIL RECOMMENDATION**

**MIN 060/18 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. McNeil

*That Council;*

- 1. Resolves to approve Local Planning Policy 1.0, 'Outbuildings', with the modifications provided in **Attachment- 2**; and*
- 2. Presents the policy to the Western Australian Planning Commission for review and approval.*

CARRIED 7/0

**11.3 WORKS & SERVICES – AGENDA ITEMS**

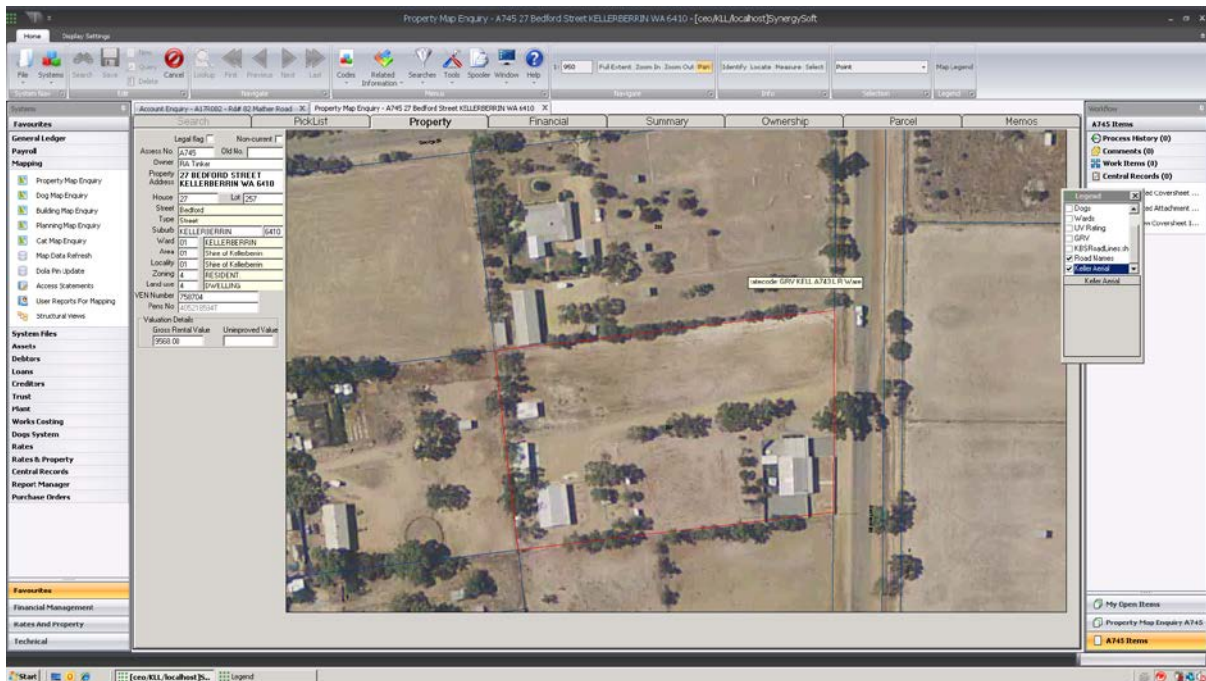
**Agenda Reference:** 11.3.1  
**Subject:** Approval to keep Three Dogs at a residence within the Kellerberrin Townsite.  
**Location:** 27 Bedford Street, Kellerberrin  
**Applicant:** Mr Rod Tinker  
**File Ref:** LLAW 12 & A745  
**Record Ref:** ICR18718  
**Disclosure of Interest:** Nil  
**Date:** 11<sup>th</sup> April 2018  
**Author:** Mr Raymond Griffiths, Chief Executive Officer

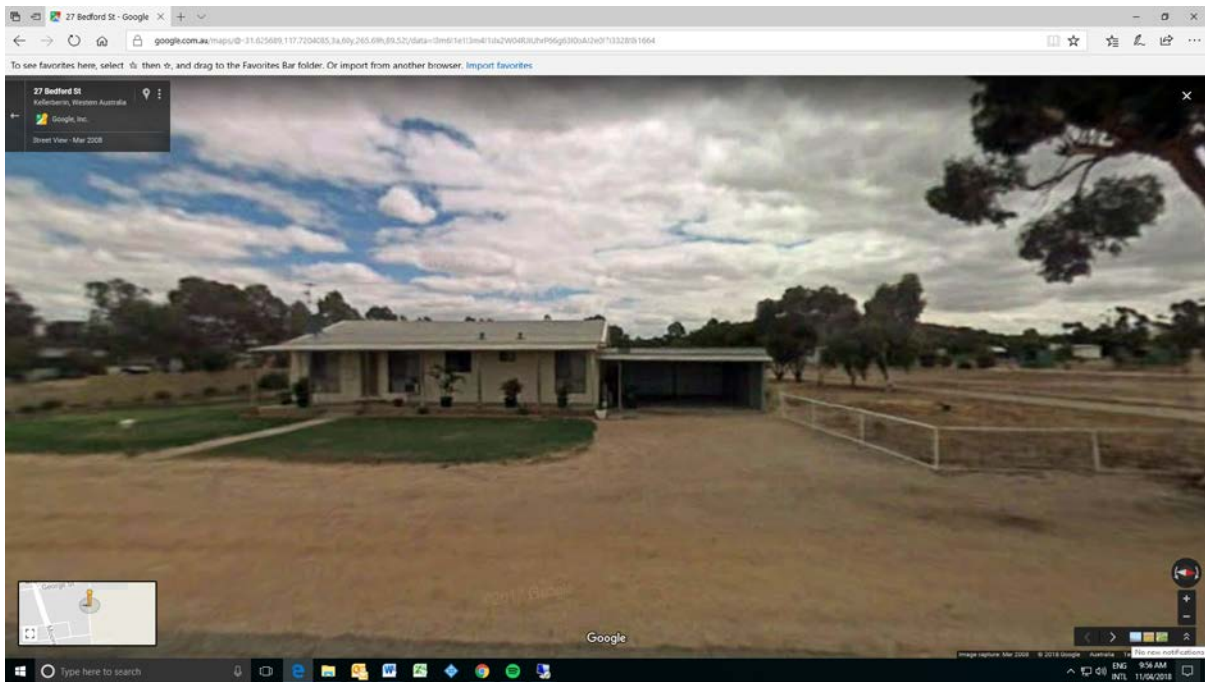
**BACKGROUND**

Council on the 11<sup>th</sup> April 2018 received correspondence from Mr Rod Tinker requesting permission to house three dogs at 27 Bedford Street, Kellerberrin.

The house is owned by Mr Rod Tinker

**COMMENT**





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

The dogs currently are NOT registered with the Shire of Kellerberrin, however Mr Tinker has been in to pay the registration when he realised that he requires Council approval for the three dogs.

| Tag No | Name of Dog | Description                          | Colour Marking | Sex    | Sterilised | Owner Other Name | Owner Surname |
|--------|-------------|--------------------------------------|----------------|--------|------------|------------------|---------------|
|        | Brushman    | Jack Russell x Papillon              | Tan/White      | Male   | Yes        | Rod              | Tinker        |
|        | Alice       | Jack Russell x King Charles Cavalier | Tan/White      | Female | Yes        | Rod              | Tinker        |
|        | Annie       | Jack Russell x Cairns Terrier        | Tan/White      | Female | Yes        | Rod              | Tinker        |

### FINANCIAL IMPLICATIONS

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

All dogs have been licenced and paid for.

### POLICY IMPLICATIONS - Nil

**STATUTORY IMPLICATIONS**

**- Dog Act 1976 as amended**

***Part V — The keeping of dogs***

**26. Limitation as to numbers**

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

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

**Shire of Kellerberrin Dogs Local Law 2012**

**EXTRACT from "Dogs Local Laws"**

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

**3.1 Dogs to be confined**

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

**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

**3.2 Limitation on the number of dogs**

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

**STRATEGIC PLAN IMPLICATIONS:** Nil

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

**LONG TERM PLAN IMPLICATIONS:** Nil

**COMMUNITY CONSULTATION:**

Chief Executive Officer  
Shire Contract Ranger  
Shire Administration Officers  
Rod Tinker

**ABSOLUTE MAJORITY REQUIRED – No**



**STAFF RECOMMENDATION**

*That Council approves the keeping of three dogs at 27 Bedford Street, Kellerberrin subject to the following conditions:-*

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

**COUNCIL RECOMMENDATION**

**MIN 061/18 MOTION - Moved Cr. O’Neill**

**2<sup>nd</sup> Cr. Reid**

***That Council approves the keeping of three dogs at 27 Bedford Street, Kellerberrin subject to the following conditions:-***

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

CARRIED 7/0

- 11 ELECTED MEMBERS OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
- 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

**CLOSURE OF MEETING**

5:00 pm – Cr. Rodney Forsyth, Shire President declared the meeting closed.

**NEXT MEETING DATES**

Ordinary Council Meeting, Tuesday, 15<sup>th</sup> May, 2018