

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 20th February 2018, commencing at 2.04 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

2.04 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
Mr Raymond Griffiths	Chief Executive Officer
Mr Sean Sibly	Observer
Mr Mick Jones	Manager of Works and Services
Mr Brett Taylor	Finance Officer/CDO

Apologies:

Cr. Steber	Member
Mr Lewis York	Town Planner

Leave of Absence:

Nil

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

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

6. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **20th February 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 **20th February 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 **20th February 2018**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

COUNCIL RECOMMENDATION

MIN 001/18 MOTION: Moved Cr. Leake 2nd Cr. White

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

CARRIED 6/0

7.2 Minutes of the LEMC Meeting Minutes, 5th December 2017

COUNCIL RECOMMENDATION

MIN 002/18 MOTION: Moved Cr. McNeil 2nd Cr. Reid

That the minutes of the Local Emergency Management Committee held on Tuesday 5th December 2017, be confirmed as a true and accurate record

CARRIED 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION:

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS: Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 003/18 MOTION: Moved Cr. Reid 2nd Cr. O'Neill

That the Presidents Reports for January/February 2018 be received.

CARRIED 6/0

Agenda Reference:	11.1.1
Subject:	Community Requests and Discussion Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	12 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

December 2017 Council Meeting

MIN 220/17 MOTION - Moved Cr. White 2nd 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

November 2017 Council Meeting

MIN 199/17 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council;

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

CARRIED 7/0

October 2017 Council Meeting

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

That Council;

1. ***Publicly refutes claims and allegations made by Mr Tony Downs in the Local Pipeline issued Monday 16th October 2017 as they incorrect claims and allegations.***
2. ***Continue with the Council Matters though request it become a one page monthly summary published in the Pipeline and posted on Facebook,***
3. ***Ensure that the road sweeper cleans the Main Street in Doodlakine when it undertakes the cleaning in Kellerberrin.***
4. ***Check condition of Maley Road and water erosion issues,***

5. **Speak with United Fuels regarding the drain and issues around the new drainage dam for:**
 - a. **Possible use as swimming pool, is this going to be fence or does the drainage need amending;**
 - b. **mosquitos,**
6. **Increases its royalty payment for the supply of gravel form \$0.55 to \$1.00 per cubic metre for gravel but no private works will be undertaken in addition to the payment, and**
7. **Amend the 2017/2018 Road program as per the following;**
 - a. **Remove the Bath Street upgrade at a cost of \$173,387 and**
 - b. **Replace with the reconstruction of a section of Kwoylin West Road, left out 270Lm from SLK 0.12 to 0.39 + the section from 2.05 to 2.95 (just past the southern end Turning Point of the S-bend) – total 1170 Lm. \$181,089 plus GST.**
 - c. **George Street will still be upgraded in 17/18 as the adopted budget for 17/18.**

CARRIED 7/0

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.

November 2017 - MIN 199/17

1. Letter sent to Kellerberrin District Club and an advert for the Pipeline has been placed in the edition due out 27/11/2017.
2. Letter sent to Chamber of Commerce advising of Council's contribution.
3. Request 3 – Noted
4. Request 4 - Noted

October 2017 - MIN 172/17

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

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 004/18 MOTION - Moved Cr. Leake 2nd 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

Agenda Reference:	11.1.2
Subject:	Shire of Kellerberrin – Private and Confidential Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Various
Disclosure of Interest:	N/A
Date:	5 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council wish to move behind closed doors to discuss the Recruitment of the Deputy Chief Executive Officer

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
 where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.

- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

STAFF RECOMMENDATION

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss Private and Confidential Items.

COUNCIL RECOMMENDATION

MIN 005/18 MOTION - Moved Cr. Reid 2ndCr. White

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss Private and Confidential items.

CARRIED 6/0

2.46 pm – Mr Sean Sibly exited Council Chambers

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

2.46 pm – Brett Taylor, Financial Officer exited Council Chambers

Agenda Reference:	11.1.3
Subject:	Recruitment of Deputy Chief Executive Officer Private and Confidential
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	PERS-2
Disclosure of Interest:	
Date:	5 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

COUNCIL RECOMMENDATION

MIN 005/18 MOTION - Moved Cr. Reid 2ndCr. White

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss Private and Confidential items.

CARRIED 6/0

Agenda Reference:	11.1.4
Subject:	Long Service Leave – Mr Raymond Griffiths, Chief Executive Officer
	Private and Confidential
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	PERS-2
Disclosure of Interest:	
Date:	13 th February 2018
Author:	Cr. Rodney Forsyth, Shire President

COUNCIL RECOMMENDATION

MIN 005/18 MOTION - Moved Cr. Reid 2ndCr. White

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss Private and Confidential items.

CARRIED 6/0

3.10 pm – Mr Sean Sibly entered Council Chambers

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

3.10 pm – Mr Brett Taylor, Finance Officer entered Council Chambers.

Agenda Reference:	11.1.5
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	2 nd February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

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

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

COMMENT

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

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

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

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

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

or

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

(2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

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

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

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
 - (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

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

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RECOMMENDATION

MIN 008/18 MOTION - Moved Cr. Reid

2ndCr. White

That Council receives the Status Report.

CARRIED 6/0

Agenda Reference:	11.1.6
Subject:	Shire of Kellerberrin Electors Meeting Minutes
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN-01
Disclosure of Interest:	N/A
Date:	14 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Shire of Kellerberrin Annual Electors Meeting was held on Monday 12th February 2018. The Local Government Act requires Council to consider the minutes of the Electors Meeting at the next practicable Ordinary Meeting date.

COMMENT

Statutory and Compliance requirements for the Council to consider the minutes of its Electors' Meeting held on 12th February 2018.

Council in adopting the Electors Meeting minutes are adopting the motions put forward within the Electors Meeting.

Should Council wish to accept the minutes the motions are then to be discussed and voted upon within General Business of Council separately and provide reasons to the decision of Council in relation to the motion/s of the Electors Meeting.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – section 5.32 – Minutes of Electors' Meetings

The CEO is to-

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved;*
- and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

Local Government Act 1995 – section 5.33 – Decisions made at Electors' Meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable;*
 - (a) at the first ordinary council meeting after that meeting; or*
 - (b) at a special meeting called for that purpose,**whichever happens first.*
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

FUTURE PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Department Sport and Recreation (Jennifer Collins)
Community Development Officer/Personal Assistant
Doodlakine Bowling Club
Bowls WA

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That the minutes of the Shire of Kellerberrin Electors Meeting held at the Recreation Centre in the Cottle Room, Kellerberrin on Monday 12th February 2018, be adopted.

COUNCIL RECOMMENDATION

MIN 009/18 MOTION - Moved Cr. McNeil 2ndCr. Leake

That the minutes of the Shire of Kellerberrin Electors Meeting held at the Recreation Centre in the Cottle Room, Kellerberrin on Monday 12th February 2018, be adopted with the following modifications:

- 1. Replace word “recognised” with “unrecognised” in Business Arising from President’s Report.***

CARRIED 6/0

Agenda Reference:	11.1.7
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	Via Teleconference
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	12 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 14th December, 2017 via Teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the Special CEACA Executive Council Meeting Minutes held on Thursday 14th December, 2017 via Teleconference.

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

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

Resolutions arising out of the 14th December, 2017 Special CEACA Executive Council Meeting summarised hereunder,

RESOLUTION: Moved: Raymond Griffiths Seconded: Gary Shadbolt

That the CEACA Executive Committee resolve to:

1. Continue negotiations with the Minister for Regional Development (the Minister) for the continuation of the CEACA Seniors Aged Housing Project (in an amended form recognising the broader public benefits more acceptable to the Minister). In doing so CEACA will reaffirm its commitment to work with the Minister to announce and complete a significant Wheatbelt aged housing project;
2. Work with the Shire of Merredin (as signatory to both the Stage 1 and Stage 2 Financial Assistance Agreements) to negotiate with the Minister to continue with the Stage 1 and Stage 2 FAAs;
3. Request Access Housing Australia as CEACA's Project Manager obtain written agreement of the successful tenderer to extend the tender validity period;
4. Advise the Minister that the Shire of Merredin/CEACA will not enter into a contract with the successful tenderer or suppliers to progress the CEACA Seniors Housing Project until all matters have been resolved;
5. Accept the Minister's request for CEACA to adopt Access Housing Australia's Housing Eligibility and Rent Setting Policy;
6. Request Kott Gunning Lawyers to assist CEACA in drafting its response to the Minister, and to draft an appropriate deed of variation to the FAA (as per clause 17) and noted as clause 70 of the legal advice provided by Kott Gunning in correspondence dated 14 December 2017;

7. Provide instruction to Kott Gunning Lawyers in relation to the Minister's requested amendments of the FAA;
8. Seek endorsement from the CEACA Committee for its actions in relation to securing funding for the CEACA Seniors Housing Project, with endorsement to be sought via email with response from the Committee to be received no later than 9.00am on Monday 18 December 2017; and
9. Recommend to the CEACA Committee that any Member Council that agrees to forgo construction of one of its allocated houses be given first preference should another Member Council decide they did not require all the houses currently allocated to them, and if this situation did not arise during the current construction phase then the affected Member Councils would be offered first choice of housing in any future construction program.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 14th December, 2017.

COUNCIL RECOMMENDATION

MIN 010/18 MOTION - Moved Cr. White 2nd Cr. O'Neill

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Thursday 14th December, 2017.

CARRIED 6/0

Agenda Reference:	11.1.8
Subject:	Wheatbelt Communities Inc AGM Meeting Minutes and Resolutions
Location:	Merredin Regional Community and Leisure Centre
Applicant:	Wheatbelt Communities
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	12 th February, 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council AGM Meeting of the Wheatbelt Communities Inc. held on Wednesday 1st November 2017 held 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 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 AGM Meeting Minutes held on Wednesday 1st November 2017 held 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 the Wheatbelt Communities Inc.

Resolutions arising out of the 1st November 2017 Wheatbelt Communities Inc. Council AGM Meeting summarised hereunder,

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rod Forsyth**

That the Minutes from the Annual General Meeting of the Central East Aged Care Alliance Inc held Wednesday 2 November 2016 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Stephen Strange** **Seconded: Quentin Davies**

That the Chairman's Report be received.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Eileen O'Connell**

That the Treasurer's Report be received.

CARRIED

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

That CEACA:

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

CARRIED

RESOLUTION: **Moved: Rod Forsyth** **Seconded: Ricky Storer**

1. That the CEACA Annual General Meeting appoint AMD Chartered Accountants as the auditor for 2017/2018 financial year.
2. That the CEACA Executive Committee be granted delegated authority to finalise the terms and conditions of appointment of the auditor for 2017/2018.

CARRIED

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

That the CEACA Annual General Meeting appoint Mr Graham Lovelock as its Chair until the 2018 Annual General Meeting.

CARRIED

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

That the CEACA Annual General Meeting appoint an Executive Committee comprising of all Office Bearers plus two others, one of whom shall be a CEO from a CEACA Member, elected at this Annual General Meeting.

CARRIED

RESOLUTION: **Moved: Eileen O'Connell** **Seconded: Gary Shadbolt**

That the following representative Members be appointed to the CEACA Committee until the next Annual General Meeting:

Shire of Bruce Rock	Stephen Strange (Member) Darren Mollenoyux (Deputy Member)
Shire of Kellerberrin	Rod Forsyth (Member) Raymond Griffiths (Deputy Member)
Shire of Koorda	Ricky Storer (Member) David Burton (Deputy Member)
Shire of Merredin	Ken Hooper (Member) Greg Powell (Deputy Member)
Shire of Mt Marshall	Rachel Kirby (Member) Tony Sachse (Deputy Member)
Shire of Mukinbudin	Gary Shadbolt (Member) Sandie Ventris (Deputy Member)
Shire of Nungarin	Eileen O'Connell (Member) Kerry Dayman (Deputy Member)
Shire of Trayning	Freda Tarr (Member) Graham Merrick (Deputy Member)
Shire of Westonia	Louis Geier (Member) Jamie Criddle (Deputy Member)
Shire of Wyalkatchem	Quentin Davies (Member) Ian McCabe (Deputy Member)
Shire of Yilgarn	Onida Truran (Member) Wayne Della Bosca (Deputy Member)

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council AGM Meeting of the Wheatbelt Communities Inc. held on Wednesday 1st November 2017.

COUNCIL RECOMMENDATION

MIN 011/18 MOTION - Moved Cr. Reid **2nd Cr. McNeil**

That Council receive the Minutes of the Council AGM Meeting of the Wheatbelt Communities Inc. held on Wednesday 1st November 2017.

CARRIED 6 /0

Agenda Reference:	11.1.9
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	Via Teleconference
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	12 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Monday 8th January, 2018 via teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the Special CEACA Executive Council Meeting Minutes held on Monday 8th January, 2018 via Teleconference.

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

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

Resolutions arising out of the 8th January, 2018 Special CEACA Executive Council Meeting summarised hereunder,

CONSENSUS RESOLUTION:

1. That the CEACA Executive Committee adopt the following documents prepared by Kott Gunning Lawyers:
 - The draft of the proposed letter from CEACA to the Minister for Regional Development, subject to the changes agreed to;
 - The proposed Deed of Variation for Stage 1 Financial Assistance Agreement, subject to the changes agreed to; and
 - The proposed Deed of Variati-on for Stage 2 Financial Assistance Agreement, subject to the changes agreed to.
2. That the CEACA Executive Committee recommend to the CEACA Committee that the Shires of Bruce Rock, Kellerberrin and Merredin be reimbursed \$20,000 each, being the contributions made for units which will be foregone and that CEACA's Members agree to an increase in per unit/site contribution of \$833.33 per unit.
3. That the CEACA Executive Committee advise the CEACA Committee that as a consequence of the savings required by the Minister for Regional Development that the CEACA Members will need to consider, when the CEACA Committee meets on Wednesday 7 March 2018, the full implications of the additional savings identified to Stage 2 of the CEACA Seniors Housing Project, in order to ensure the project meets its milestones and budget expectations without comprising the integrity of the project.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Monday 8th January, 2018.

COUNCIL RECOMMENDATION

MIN 012/18 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Monday 8th January, 2018.

CARRIED 6 /0

Agenda Reference: 11.1.10
Subject: Shire of Kellerberrin – 2017/2018 Budget Review
Location: Shire of Kellerberrin
Applicant: Shire of Kellerberrin
File Ref: FIN 04
Disclosure of Interest: N/A
Date: 1st February, 2018
Author: Ms Karen Oborn, Deputy Chief Executive Officer.

Signature of Author: _____

Signature of CEO:

BACKGROUND

Council is to, between the months of January and March of every year, undertake a full budget review.

Councils July 2017 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 118/17 MOTION - Moved Cr. White 2nd Cr. McNeil

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

1. The 17/18 budget as presented; and

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

<i>Option</i>	<i>Due By</i>
<i>Option A - One Payment</i>	<i>15th September 2017</i>
<i>Option B – 2 Instalment Option</i>	<i>50% due 15th September 2017 50% due 19th January 2018</i>
<i>Option C – 4 Instalment Option</i>	<i>25% due 15th September 2017 25% due 17th November 2017 25% due 19th January 2018 25% due 23rd March 2018</i>

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

- 2. Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.**
- 3. Administration fee of \$5.00 per reminder rate notice (Options B and C)**
- 4. Instalment interest to be levied at 5.5%**
- 5. Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date.**
- 6. That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.**
- 7. That Council adopts the rates revenue for its 2017/18 Budget, inclusive of the revaluations received from VGO 08.05.17 effective 01.07.17, which decreased UV**

values and increased GRV values: RID being;

GRV - Kellerberrin Residential	Remains at 0.127237c minimum \$678 to \$712
GRV - Other Residential	Remains at 0.127237c minimum \$678 to \$712
GRV – Commercial	0.127237c up to 0.139961c minimum \$678 to \$783
GRV – Industrial	0.127237c up to 0.139961c minimum \$678 to \$783
UV - Mining Tenements	0.022133c down to 0.020584c minimum \$678 to \$712
UV – Rural	0.022133c down to 0.020584c minimum \$678 to \$712

8. That Council adopts differential Rating for GRV Industrial and Commercial properties and the DLG is informed of this following budget adoption for 17/18.

*** Absolute majority required**

CARRIED 7/0

ABSOLUTE MAJORITY REQUIRED

COMMENT

A revised Operating Statement and Rate Setting Statement have been produced based on the recommended budget alterations detailed in the schedules 3 to 14, as well as the capital schedule in the attached budget review document. The early part payment of the ESL Grant and FAG's received in June 16/17 for the 17/18 year, are recorded in the 16/17 financials as required by the accounting standards and auditors instructions.

Note 6 in the attached 17/18 budget review document shows the b/f surplus as audited of \$1,441,672 less the accrued transaction JNL's, to arrive at a cash based surplus of \$502,801 b/f to the start of the 17/18 year.

It is a requirement of Council to send a copy of the Revised Annual Budget to the Department of Local Government.

For a full breakdown of the variations made, please refer to the attachment.

FINANCIAL IMPLICATIONS – Shire of Kellerberrin, 2017 / 2018 Adopted Budget.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS –

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]

STRATEGIC COMMUNITY PLAN IMPLICATIONS

2 Infrastructure

Refers to the public infrastructure, inclusive of parks, buildings, roads, drainage and footpath, that will be provided and maintained to encourage connectivity through the Shire and surrounds.

To have adequate and well maintained infrastructure that supports a safe and prosperous community.

Our civil infrastructure has been identified as in need of upgrade and ongoing maintenance. This includes roads, footpaths, drainage, public and recreational areas and ancillary assets, such as street lighting. Town and streetscape improvements have also been identified as in need of improvement to enhance the visual amenity of our Shire.

Infrastructure is a core service relevant to providing connectivity and promoting community safety and engagement. As a result, we recognise that this will be a focus area to achieving our long term vision.

3 Governance

Refers to the organisational leadership and the way we aspire to be led

To have community leaders and elected community representatives that protect and promote the interests, aspirations and desires of our community.

We acknowledge that Council's operations could improve by enhancing our planning capabilities and fostering an open, transparent and honest relationship between Council representatives and our community members.

We understand there is a concern that our present community is fragmented and we aspire to create a stronger and more unified community spirit.

4 Economic Development

Refers to the economic opportunities which Council will strive to enhance to create a prosperous, sustainable and viable community

To retain the population and diverse demographics in the region through ongoing economic development and the creation of economic and commercial opportunities to boost the local economy.

Economic issues, such as employment, population retention and growth and improving the local economy are key factors that concern the sustainable development of our community.

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

Strategic Priority 1.3

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

Goals

- 1.3.1 To create visually appealing and inviting public and recreational places that complies with good planning and design principles.
- 1.3.2 To plan and design assets and facilities to address community needs and expectations.

Asset Management Plan – Land and Buildings

1: Proposed Capital Works Projects

Project	Objective	Total Cost	Timeframe
Kellerberrin Recreational Centre and Central Wheatbelt Harness Racing Club	<ul style="list-style-type: none"> ○ Maintaining and developing assets that will encourage new people to the area as well as retain the existing population. 	\$6.3 Million	2010/2011 – 2014/2015
Staff Housing Program	<ul style="list-style-type: none"> ○ To provide high quality housing 	\$0.89 Million	2010/2011 – 2011/2012 2013/2014
Shire Depot Redevelopment	<ul style="list-style-type: none"> ○ To upgrade the existing depot to facilitate Council in delivering its services to the community 	\$0.6 Million	2011/2012 – 2012/2013

Capital and Renewal Works Planning Process

Capital and renewal works programs are determined based on an understanding of community needs, the condition and adequacy of existing buildings and facilities in meeting current and future demands. To ensure that building assets continue to meet community needs, expectations and forecast future demands, Council will:

- Identify the current status of its assets from community surveys, customer service requests, building inspection records, anecdotal / performance evidence and condition assessment reports;
- Determine works required to be carried out on the current buildings to bring the condition up to satisfactory condition;
- Identify any new works to be carried out / constructed in order to meet community needs and expectations, as well as the objectives outlined in the 10 Year Strategic Community Plan;
- Prioritise the programs and projects according to high, medium and low where:
 - a high rating deems the project to be carried out as a matter of priority (within 1-2 years);
 - a medium rating deems the project to be carried in the medium-long term (2-5 years); and
 - low rating deems the project to be carried out in the long term (5+ years).
- Identify the estimated costs associated with building renewal and new capital works;
- Prioritise the works and develop a 10 year rolling capital and renewal works program;

- Identify funding sources to support the delivery of the works; and
- Incorporate the program in Council's long term financial plan and annual budget.

Asset Management Plan – Other Infrastructure

Capital and Renewal Works Planning Process

Capital and renewal works are determined based on an understanding of the current capacity and condition of the assets, as well as community needs and funding available to carry out the works.

In developing its long term capital and renewal works program, Council will:

- Review and analyse feedback and responses received from community consultations, community surveys and customer requests;
- Review forecast demands and population projections for the Shire and the region;
- Review and assess the current asset capacity, utilisation and condition to determine if the asset is operating effectively and efficiently, and if the asset requires renewal, replacement or expansion;
- Review the performance of the assets to determine if it complies with current levels of service and if it requires renewal, replacement or expansion;
- Develop a list of projects and programs to address future community needs and expectations as well as capacity and operational efficiency requirements;
- Prioritise the projects and programs according to a scale of high, medium and low and provide cost estimates for the project; and
- Assess financial and budgetary constraints and identify funding sources and develop a capital works program that is integrated with the long term financial plan.

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

ABSOLUTE MAJORITY – Yes

COMMUNITY CONSULTATION –

Chief Executive Officer
 Deputy Chief Executive Officer
 Manager Works and Services
 Manager Development Services
 Senior Finance Officer

STAFF RECOMMENDATION

That Council adopts the 2017/2018 Budget Review as attached, and presented to the February 2018 Ordinary Meeting of Council.

COUNCIL RECOMMENDATION

MIN 013/18 MOTION - Moved Cr. White 2nd Cr. Reid

That Council adopts the 2017/2018 Budget Review as attached, and presented to the February 2018 Ordinary Meeting of Council.

CARRIED 6 /0

Agenda Reference:	11.1.11
Subject:	Compliance Audit Return – 1 st January 2017 to 31 st December 2017
Location:	Shire of Kellerberrin
Applicant:	Department of Local Government
File Ref:	OLGOV-01
Disclosure of Interest:	Nil
Date:	12 th February, 2018
Author:	Karen Oborn, Deputy Chief Executive Officer

BACKGROUND

Council’s Audit Committee Meeting Minutes – 20th February 2018

That the Audit Committee;

- 1. Receives the 2017 Compliance Audit Return as presented by staff, as the official Return of the Council for the period 1 January 2017 to 31 December 2017.***
- 2. Recommends to Council that the 2017 Compliance Audit Return be adopted and authorises the Chief Executive Officer and Shire President to execute the Compliance Audit Return and forward to the Director General of the Department of Local Government.***

The Department of Local Government requires all local governments to complete an annual Compliance Audit Return (CAR) for each calendar year. As has been the case previously, a return is required for 2017.

The CAR is one of the tools that allows a Council to monitor how, as an organisation it is functioning. The return places an emphasis on the need to bring to Council’s attention, cases of non-compliance, or where full compliance was not achieved. In addition to explaining or qualifying cases of non-compliance, the return also requires Council to endorse any remedial action taken or proposed to be taken in instances of non-compliance.

Each Local Government must complete a CAR for the period 1 January to 31 December 2017 against the checklist of statutory compliance issues included in the 2017 return. Once completed, the Compliance Audit Return is to be;

- (a) presented to Council at a meeting of the Council;
- (b) adopted by the Council; and
- (c) the adoption recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to the Council, a certified copy of the Return along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Director General, Department of Local Government by 31 March 2018.

COMMENT

The Compliance Audit Return has been a mandatory requirement since the Local Government (Audit) Regulations 1999, were amended and made applicable from 1 January 2000.

All senior staff have been involved in the completion of the Compliance Audit Return, certifying their actions and that of the Council, relating to the return covering the 2017 calendar year.

Staff involved and included in the process included;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Development Services
- Manager Works & Services

There is a requirement now for the Audit Committee to review the annual CAR prior to Council considering the return.

The annual Compliance Audit Return, once complete is to be;

- Presented to the Council at a meeting of the Council
- Adopted by the Council; and
- Recorded in the Minutes of the meeting at which it is adopted.

The Return is to be jointly certified by the Shire President and the Chief Executive Officer and the certification read aloud to the meeting.

FINANCIAL IMPLICATIONS: Nil

POLICY IMPLICATIONS: Nil

STATUTORY IMPLICATIONS

Local Government (Audit) Regulations 1996 (as amended)

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5; amended in Gazette 30 Dec 2011 p. 5580-1.]

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

- (2) In this regulation —
certified in relation to a compliance audit return means signed by —
- (a) the mayor or president; and
 - (b) the CEO.

[Regulation 15 inserted in Gazette 23 Apr 1999 p. 1725.]

16. Audit committee, functions of

An audit committee —

- (a) is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
 and
- (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043.]

Local Government Act 1995 (as amended)

- section 3.57 relates to the tendering of goods and services
- section 3.59 relates to preparation of business plan for a commercial or trading enterprise
- sections 5.16, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46 relates to the delegation of power/duty
- sections 5.67, 5.68, 5.73, 5.75, 5.76, 5.77, 5.88, 5.103 relates to the Disclosure of Interest by Councillors and/or Staff
- sections 7.3 to 7.9 relates to the appointment of auditors
- section 9.4 to 9.29 relates to appeal provisions
- sections 3.58 to relates to disposal of property

Subsidiary Statutory Acts and Regulations to achieve compliance

- Local Government (Uniform Local Provisions) Regulations 1996 – regulation 9
- Local Government (Functions and General) Regulations 1997 (as amended) – tenders for the supply of goods and services
- Local Government (Administration) Regulations 1996 (as amended)
- Local Government (Financial Management) Regulations 1996 (as amended)
- Local Government (Audit) Regulations 1996
- Local Government Grants Act 1978 – section 12
- Local Government (Elections) Regulations 1997

STRATEGIC PLAN IMPLICATIONS: Nil

FUTURE PLAN IMPLICATIONS: Nil (good governance standards)

COMMUNITY CONSULTATION:

Management and Administration Staff

STAFF RECOMMENDATION

That Council;

- 1. *Receives the 2017 Compliance Audit Return as presented by Audit Committee, as the official Return of the Council for the period 1 January 2017 to 31 December 2017.*
- 2. *Adopts the Compliance Audit Return and authorises the Chief Executive Officer and Shire President to execute the Compliance Audit Return and forward to the Director General of the Department of Local Government.*

COUNCIL RECOMMENDATION

MIN 014/18 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council;

- 1. *Receives the 2017 Compliance Audit Return as presented by Audit Committee, as the official Return of the Council for the period 1 January 2017 to 31 December 2017.*
- 2. *Adopts the Compliance Audit Return and authorises the Chief Executive Officer and Shire President to execute the Compliance Audit Return and forward to the Director General of the Department of Local Government.*

CARRIED 6 / 0

Agenda Reference:	11.1.12
Subject:	Review of the Local Government Act – WALGA Position
Location:	N/A
Applicant:	WALGA
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	1 st February, 2018
Author:	Ms Karen Oborn, Deputy Chief Executive Officer.

BACKGROUND

WALGA distributed a discussion paper in July 2017, with the aim of obtaining the sectors issues for the Local Government Act review process. The final collated feedback was considered during the November/December 2017 round of Zone meetings and a decision made on sector positions at the 6 December WALGA State Council meeting.

Due to the complexity of the Local Government Act review item and the wide range of responses received from Zones, the following information is provided:

- WALGA received many and varied submissions on the Act review item and WALGA has attempted to come up with a composite resolution that covers most areas and serves the majority of responses.
- The Local Government Act review process will be an iterative process, the sector has the opportunity to comment through the WALGA discussion paper process, also the Department of Local Government, Sport & Cultural Industries has circulated a consultation paper and a sector response on this paper will be considered at the February/March State Council meeting process.
- In addition there will be a full consultation process on stage 2 of the Act review process in mid-2018.

COMMENT

Please find attached a schedule of the WALGA State Council positions endorsed at the 6 December State Council meeting. As mentioned above, this will provide input into an agenda item for the February/March round of Zone meetings and the subsequent 7 March State Council meeting.

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

ABSOLUTE MAJORITY – N/A

COMMUNITY CONSULTATION – N/A

STAFF RECOMMENDATION

For Noting Only.

COUNCIL RECOMMENDATION

MIN 015/18 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That council only notes the information received as this item was presented and considered at the December 2017 Ordinary Meeting of Council.

CARRIED /

Agenda Reference:	11.1.13
Subject:	Sale of Vacant Land
Location:	68 Forrest Street, Kellerberrin
Applicant:	Mr David McDonald and Mrs Faye McDonald
File Ref:	A565
Disclosure of Interest:	Nil
Date:	12 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 18th January 2018 received correspondence from Mr David McDonald and Mrs Faye McDonald of 58 Hammond Street, Kellerberrin, WA 6410 offering to purchase the vacant block.

Mr and Mrs McDonald are offering Council \$5,000.00 cash for the vacant block.

COMMENT

Last year, Council sold Lot 5 Forrest Street, Kellerberrin for \$5,800.

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

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 Budget – Council hasn't allocated any income for this transaction in Council's Budget.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

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

- b. the consideration to be received by the local government for the disposition; and
- c. the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

3.59. Commercial enterprises by local governments

(1) *In this section —*

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

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

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

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

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

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

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

major trading undertaking means a trading undertaking that —

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

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

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

(2) *Before it —*

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

a local government is to prepare a business plan.

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

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services in the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government’s current plan prepared under section 5.56;
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) *The local government is to —*

- (a) give Statewide public notice stating that —

- (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
- (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

- (b) *make a copy of the business plan available for public inspection in accordance with the notice.*

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

(5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*

(6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*

(7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister’s approval.*

(8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*

(9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*

(10) *For the purposes of this section, regulations may —*

- (a) *prescribe any land transaction to be an exempt land transaction;*
- (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 1.2

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

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

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:

1. *approves the sale of 68 Forrest Street Kellerberrin by private agreement, to Mr David McDonald and Mrs Faye McDonald, 58 Hammond Street, Kellerberrin, WA 6410 for the sum of \$5,000.00 subject to:*
 - a. *The Chief Executive Officer giving local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of 68 Forrest Street, to David McDonald and Faye MacDonald, 58 Hammond Street, Kellerberrin, WA 6410.*
 - b. *If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of land documentation.*
 - c. *If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.*

COUNCIL RECOMMENDATION

MIN 016/18 MOTION - Moved Cr. O'Neill

2nd Cr. Leake

That Council:

1. ***approves the sale of 68 Forrest Street Kellerberrin by private agreement, to Mr David McDonald and Mrs Faye McDonald, 58 Hammond Street, Kellerberrin, WA 6410 for the sum of \$5,000.00 subject to:***
 - a. ***the Chief Executive Officer giving local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of 68 Forrest Street, to David McDonald and Faye MacDonald, 58 Hammond Street, Kellerberrin, WA 6410.***
 - b. ***If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of land documentation.***
 - c. ***If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.***

CARRIED 6 / 0

Agenda Reference:	11.1.14
Subject:	Sale of Small Rubber Tyred Roller
Location:	Hammond Street (Depot), Kellerberrin
Applicant:	Mr Wayne Smith
File Ref:	N/A
Record Ref:	ICR171546
Disclosure of Interest:	Nil
Date:	31 st January, 2018
Author:	Karen Oborn, Acting Chief Executive Officer

BACKGROUND

Council has been advised that the Small rubber tyred roller is not being utilised.

COMMENT

Mr Wayne Smith has offered to purchase the Small rubber tyred roller for \$3,000 exc GST.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 Budget – Council has no funds allocated for proceeds on sale of assets for the Mr Wayne Smith has offered to purchase the Small rubber tyred roller for \$3000 exc GST.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (5) *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.
- (6) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. *describing the property concerned;*
 - ii. *giving details of the proposed disposition; and*
 - iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*
- and*
- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (7) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. *the names of all other parties concerned;*
 - b. *the consideration to be received by the local government for the disposition; and*
 - c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

3.59. Commercial enterprises by local governments

- (1) *In this section —*

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

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

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

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

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

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

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

major trading undertaking means a trading undertaking that —

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

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

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

(2) Before it —

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

a local government is to prepare a business plan.

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

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services in the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government’s current plan prepared under section 5.56;
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

- (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

(iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

(b) *make a copy of the business plan available for public inspection in accordance with the notice.*

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

(5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*

(6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*

(7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*

(8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*

(9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*

(10) *For the purposes of this section, regulations may —*

(a) *prescribe any land transaction to be an exempt land transaction;*

(b) *prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 1.2

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

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

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

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

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

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

LONG TERM FINANCIAL PLAN IMPLICATIONS –

Year	Type	Project	Estimated Cost
17/18	Plant	Replace Leased Loader	\$70,000
17/18	Plant	Replace Community bus	\$72,690
18/19	Plant	Replace Grader	\$360,000
18/19	Public Facilities	Swimming Pool Upgrade	\$739,643

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

COMMUNITY CONSULTATION

Chief Executive Officer
 Manager Works and Services

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:

2. *approves the sale of approves the sale of Mr Wayne Smith has offered to purchase the Small rubber tyred roller for \$3000 exc GST. by private agreement, to Mr Mark Silver, of 48 Wilson Street, Kellerberrin for the sum of \$3000 excluding GST. subject to:*
 - a. *the Chief Executive Officer giving local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of Council's Small rubber tyred roller by private agreement, to Mr Wayne Smith of Kellerberrin.*
 - b. *If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of vehicle documentation where applicable.*
 - c. *If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.*
 - d. *No submissions being received and a signed confirmation the machine is purchased in line with the original inspection.*

COUNCIL RECOMMENDATION

MIN 017/18 MOTION - Moved Cr.

Leake

2nd Cr. McNeil

That Council:

1. *approves the sale of approves the sale of Mr Wayne Smith has offered to purchase the Small rubber tyred roller for \$3000 exc GST. by private agreement, to Mr Mark Silver, of 48 Wilson Street, Kellerberrin for the sum of \$3000 excluding GST. subject to:*
 - a. *the Chief Executive Officer giving local public notice in accordance with section 3.58 of the Local Government Act 1995 of its intention to dispose of Council's Small rubber tyred roller by private agreement, to Mr Wayne Smith of Kellerberrin.*
 - b. *If no submissions are received council authorises the CEO the power to decide to dispose of the property and for the CEO and Shire President to execute the transfer of vehicle documentation where applicable.*
 - c. *If any submissions are received, these are to be referred to Council to consider before making decision on the proposal.*
 - d. *No submissions being received and a signed confirmation the machine is purchased in line with the original inspection.*

CARRIED 6 /0

Agenda Reference:	11.1.15
Subject:	December 2017 Cheque List
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	22 nd January, 2018
Author:	Miss Morgan Ware, Finance Officer

BACKGROUND

Accounts for payment from 1st December 2017 – 31st December 2017

Trust Fund

EFT & CHQ

TRUST TOTAL \$ 450.00

Municipal Fund

Cheque Payments

34313 - 34337 \$ 46,713.75

EFT Payments

7822 - 7940 \$ 556,449.11

Direct Debit Payments

\$ 24,647.15

TOTAL MUNICIPAL

\$ 603,162.86

COMMENT

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

Innes & Co Semi Hire for October/November 2017	\$ 48,834.50
Smith Earthmoving Pty Ltd Cartage for October 2017 for flood damage repair and plant hire cost	\$ 40,603.75
Smith Earthmoving Pty Ltd Mark Bell Pit - grader push gravel, 61hours	\$ 39,394.85
Western Australian Treasury Corporation Loan No. 118 Interest payment - Rec Centre Redevelopment	\$ 33,504.08
Western Stabilisers Wet Mixing - 200mm Depth on Baandee North Road 17/18 RRG Program	\$ 28,859.60
Moore Stephens Audit Services in accordance with agreement at the year end 30 June 2017.	\$ 23,747.96
Mineral Crushing Services WA PTY LTD Supply and Delivery of 623.95t of Aggregate for November 2017	\$ 23,325.89
Fire And Emergency Services (WA) 2017/18 ESL Q2 in accordance with Fire & Emergency Services of WA act 1998	\$ 20,291.84
Synergy Streetlight charges	\$ 19,425.70

Woodstock Electrical Services	\$	19,183.23
Work completed for connection to revised plan 3 shire dongas		
Tom's Tree Service	\$	17,050.00
Tree Mulching Baandee North Road and George Street		
R Munns Engineering Consulting Services	\$	15,763.00
Onsite road, culvert and footpath condition assessments for 16/17 roads		
G.J Jones Plumbing & Gas	\$	15,600.02
Plumbing for 3 dongas to Shire Caravan Park, upgrading of hot water service and associated gas service.		
Great Southern Fuel Supplies	\$	15,032.20
Fuel Purchases for October 2017		
Brooks Hire Service Pty Ltd	\$	14,448.55
Hire of Excavator, Pad foot, Smooth drum roller for November 2017		
WCS Concrete Pty Ltd	\$	13,025.80
Supply, Delivery and Laying of 25mpa concrete with 20kg of beige colourant per m ³ to Kellerberrin Caravan Park		
E Giles & Co.	\$	12,330.00
Purchase of gravel for roadworks		
Rockway Contracting	\$	11,275.00
Excavator, Benderine North Road, 22hrs, November 2017		
Kellerberrin Community Resource Centre	\$	10,584.77
Licencing Commission October Online Commissions		
G.J Jones Plumbing & Gas	\$	10,400.02
Plumbing of two dongas at Caravan Park, Upgrade of hot water service to dongas, continuous flow hot water units and associated gas service.		
Sam Williams	\$	10,103.50
Truck Hire November throughout November 2017		
Kellerberrin & Districts Club	\$	8,938.72
Quarterly contribution to managers salary 01/10/2017 - 31/12/2017		
WCS Concrete Pty Ltd	\$	8,731.80
Supply and Delivery of Stabilized sand for Mission Rd flood works		
Farmways Kellerberrin Pty Ltd	\$	8,576.85
Caravan Park Dongas upgrades		
WA Local Government Superannuation Plan Pty Ltd	\$	8,052.06
Payroll Deductions		
Deputy Commissioner Of Taxation	\$	7,483.00
BAS Nov 2017		
Avon Waste	\$	7,391.31
Domestic & Commercial Rubbish Collection October 2017		
Avon Waste	\$	7,391.31
Domestic & Commercial Rubbish Collection November 2017		
Wide Span Sheds	\$	7,165.00
Deposit on steel building as per purchase agreement, shade and security for machinery pit area.		

VISA Payments - National Australia Bank CEO & DCEO Credit Card	\$	7,133.86
DKT Rural Agencies Westcoast Poly tank	\$	6,573.35
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$	6,071.12
Rvend Pty Ltd YZ250 Combo two-tone colour Vending Machine for Caravan Park	\$	5,350.00

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and
 - (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.

- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
- (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;
- And
- (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council notes that during the month of November 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 **\$603,162.86** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$450.00** on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 018/18 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council notes that during the month of November 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 \$603,162.86 on vouchers EFT , CHQ, Direct payments***
- 2. Trust Fund payments totalling \$450.00 on vouchers EFT, CHQ, Direct payments***

CARRIED 6/0

Agenda Reference:	11.1.16
Subject:	January 2018
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th February, 2018
Author:	Miss Morgan Ware, Finance Officer

BACKGROUND

Accounts for payment from 1st January 2018 – 31st January 2018

Trust Fund

EFT & CHQ

TRUST TOTAL **\$ 500.00**

Municipal Fund

Cheque Payments

34338 - 34353 **\$ 40,059.36**

EFT Payments

7941 - 8025 **\$ 18,927.12**

Direct Debit Payments

\$ 24,117.76

TOTAL MUNICIPAL

\$ 283,104.24

COMMENT

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

WCS Concrete Pty Ltd	\$ 62,191.80
Floodway Installation and Stabilised Sand for Rock walling Floodway 1. Supply, Delivery & Laying of 32MPA 10% stabilized sand to McClelland Rd	
Water Corporation	\$ 23,875.24
Water consumption from October 2017 to December 2017 for various Shire properties	
Great Southern Fuel Supplies	\$ 15,107.07
Fuel Purchases for November 2017	
Western Australian Treasury Corporation	\$ 14,126.10
Loan 116, Capital & Interest Repayment	
Dual Building Services	\$ 13,200.00
Supply and Install all materials for Speedway Upgrade 2018	
Great Southern Fuel Supplies	\$ 10,827.24
Fuel Purchases for December 2017	
Avon Waste	\$ 9,585.85
Transport of waste to Northam Landfill Facility, Recycling, Additional recycling, Cardboard only service, Servicing of transfer station.	

Synergy Power Consumption from November 2017 to December 2017	\$ 8,763.45
DKT Rural Agencies 450mm pipes for Floodway Construction, Fence Droppers & other misc. items under \$100	\$ 7,929.75
Marketforce DCEO Vacancy Advertisement, Professional appointments	\$ 7,881.21
Alleasing Pty Ltd Gym Equipment Monthly Lease Fee	\$ 7,610.77
WV Plumbing and Gas Service 3 Hot water units with parts, Replace pumps, Test and clean lines	\$ 7,568.00
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 6,285.16
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 6,173.47
Farmways Kellerberrin Pty Ltd Hitachi Combo Kit, Cislin, Family urn, Rope poly 8mm, Delkor battery, TV units 28inch, Wall brackets, Doret 50mm, Cresco, Drill, Protective equipment & other misc. items under \$100	\$ 5,291.19

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2017/2018 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
 - (a) Subject to sub-regulation (4), are not to be made in cash; and
 - (b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;And
 - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council notes that during the month of November 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 **\$283,104.24** on vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling **\$500.00** on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 019/18 MOTION – Moved Cr. O’Neill 2nd Cr. White

That Council notes that during the month of November 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 \$283,104.24 on vouchers EFT, CHQ, Direct payments.*
- 2. *Trust Fund payments totalling \$500.00 on vouchers EFT, CHQ, Direct payments.*

CARRIED 6/0

Agenda Reference:	11.1.17
Subject:	Direct Debit List and Visa Card Transactions for the month December 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	30 th January, 2018
Author:	Brett Taylor – Finance Officer

BACKGROUND

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

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Dec-17	Westnet	Westnet Fee	\$	4.99
1-Dec-17	National Australia Bank	Merchant Fee	\$	123.95
1-Dec-17	National Australia Bank	Merchant Fee Caravan Park	\$	151.60
1-Dec-17	Shire of Kellerberrin	Clik Super	\$	19,950.24
4-Dec-17	Shire of Kellerberrin	Visa Card Payments	\$	7,133.86
7-Dec-17	Shire of Kellerberrin	EFT Payment	\$	249,999.55
12-Dec-17	Housing Authority	Fortnightly Rent	\$	420.00
13-Dec-17	DLL GROUP	Lease for Photocopier	\$	265.21
13-Dec-17	Shire of Kellerberrin	EFT Payment	\$	1,524.05
13-Dec-17	Shire of Kellerberrin	EFT Payment	\$	28,900.82
14-Dec-17	Shire of Kellerberrin	Payroll	\$	61,144.93
15-Dec-17	Shire of Kellerberrin	Payroll	\$	667.29
21-Dec-17	Shire of Kellerberrin	EFT Payment	\$	276,198.09
27-Dec-17	Housing Authority	Fortnightly Rent	\$	420.00
28-Dec-17	Shire of Kellerberrin	Payroll	\$	45,277.05
29-Dec-17	National Australia Bank	Merchant Fee	\$	8.51
29-Dec-17	National Australia Bank	Account Fees - BPAY	\$	22.52
29-Dec-17	National Australia Bank	Account Fees -Trust	\$	49.40
29-Dec-17	National Australia Bank	Account Fees- Muni	\$	50.60
29-Dec-17	National Australia Bank	Account Fees - Caravan Park		111.70
29-Dec-17	National Australia Bank	Interest Charged Muni		130.77
29-Dec-17	National Australia Bank	Merchant Fee Shire	\$	104.00
TOTAL			\$	<u>692,659.13</u>

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Dec-17	Department Transport	Direct Debit-Licensing Payments Dec 17	\$	65,284.00
TOTAL			\$	<u>65,284.00</u>

Visa Transactions

Date	Name	Details	\$	Amount
01-Dec-17	Seek	DCEO Job Advertisement	\$	363.00
04-Dec-17	United Petroleum	KE 1 Fuel	\$	92.23
08-Dec-17	SJOG Florist	Flowers N Giles Baby	\$	95.00
12-Dec-17	Kellerberrin Farmers Coop	Pods Coffee Office	\$	7.19
14-Dec-17	Kellerberrin Shire	Licencing KE 003 Remake Plates	\$	29.70
14-Dec-17	Kellerberrin Shire	Licencing KE1 New Car Rego and Plates	\$	449.70
27-Dec-17	United Petroleum	KE 1 Fuel	\$	103.01

28-Dec-17	National Australian Bank	Card Fee	\$	9.00
		TOTAL - CEO	\$	1,148.83
Date	Name	Details	\$	Amount
04-Dec-17	Coles Express	KE002 Fuel	\$	75.03
18-Dec-17	BP Lakes	KE002 Fuel	\$	65.23
19-Dec-17	Bunnings	29 Hammond Street Tiles C42J3	\$	57.50
20-Dec-17	Kellerberrin Shire	Plate Remake and Change KE03	\$	55.40
21-Dec-17	Kellerberrin Shire	Plate Change KE769	\$	25.70
28-Dec-17	National Australian Bank	Card Fee	\$	9.00
		TOTAL - DCEO	\$	287.86
		TOTAL VISA TRANSACTIONS	\$	1,436.69

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

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

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 020/18 MOTIONS - Moved Cr. Leake 2nd Cr. Reid

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

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.18
Subject:	Direct Debit List and Visa Card Transactions for the month January 2018
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	8 th February, 2018
Author:	Brett Taylor – Finance Officer

BACKGROUND

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

Municipal Direct Debit List

Date	Name	Details	\$	Amount
2-Jan-18	Westnet	Monthly static IP address	\$	4.99
2-Jan-18	Alleasing	Gym Equipment Lease	\$	7,610.77
2-Jan-18	National Australia Bank	Visa Payment Jan 2018	\$	1,436.69
3-Jan-18	Shire of Kellerberrin	Clicksuper	\$	16,403.09
4-Jan-18	Shire of Kellerberrin	EFT Payment	\$	1,920.00
8-Jan-18	Shire of Kellerberrin	EFT Payment	\$	2,873.51
9-Jan-18	Housing Authority	Fortnightly Rent	\$	420.00
11-Jan-18	Shire of Kellerberrin	Payroll	\$	2,886.22
11-Jan-18	Shire of Kellerberrin	Payroll	\$	48,243.55
11-Jan-18	Shire of Kellerberrin	EFT Payment	\$	133,803.05
12-Jan-18	DLL	Photocopier Lease Payment	\$	265.21
15-Jan-18	Shire of Kellerberrin	Clicksuper	\$	7,967.65
18-Jan-18	Shire of Kellerberrin	EFT Payment	\$	83,218.22
23-Jan-18	Housing Authority	Fortnightly Rent	\$	420.00
25-Jan-18	Shire of Kellerberrin	Payroll	\$	101.08
25-Jan-18	Shire of Kellerberrin	Payroll	\$	48,096.78
31-Jan-18	National Australia Bank	Account Fees - BPAY	\$	65.08
31-Jan-18	National Australia Bank	Interest Charged Overdraft	\$	145.12
31-Jan-18	National Australia Bank	Account Fees		53.60
31-Jan-18	National Australia Bank	Account Fees		59.30
31-Jan-18	National Australia Bank	Interest Charged		0.73
31-Jan-18	National Australia Bank	Merchant Fees Shire		82.25
31-Jan-18	National Australia Bank	Merchant Fees Caravan Park		127.99
31-Jan-18	Shire of Kellerberrin	Clicksuper	\$	<u>7,329.14</u>
		TOTAL	\$	<u>363,534.02</u>

Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Jan-18	Department Transport	Direct Debit-Licensing Payments Jan 2018	\$	<u>47,665.80</u>
		TOTAL	\$	<u>47,665.80</u>

Visa Transactions

Date	Name	Details	\$	Amount
02-Jan-18	United Petroleum	KE1 Fuel	\$	50.92
03-Jan-18	Parties in Packages	Australia Day Breakfast Decorations	\$	145.25
08-Jan-18	United Petroleum	KE1 Fuel	\$	157.83
15-Jan-18	BP Lakes	KE 1 Fuel	\$	185.83
25-Jan-18	Aliment	Coffee DCEO Meeting	\$	4.70
29-Jan-18	BP Bellevue	KE1 Fuel	\$	48.24
29-Jan-18	National Australian Bank	Card Fee	\$	9.00
			TOTAL - CEO	\$ 601.77

Date	Name	Details	\$	Amount
10-Jan-18	OEM Sales and Service	Parts and Supplies for Mechanic	\$	633.22
17-Jan-18	IDW	Fuel Card Holders United Fuels Card	\$	50.27
22-Jan-18	Bunnings	Taps/Showerhead 29 Hammond Street	\$	145.48
29-Jan-18	DWER-Perth	Clearing Permit- Town Planning	\$	200.00
28-Nov-17	National Australian Bank	Card Fee	\$	9.00
			TOTAL - DCEO	\$ 1,037.97
			TOTAL VISA TRANSACTIONS	\$ 1,639.74

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

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

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

- 1) *That the Direct Debit List for the month of January 2018 comprising;*
- (a) Municipal Fund – Direct Debit List*
 - (b) Trust Fund – Direct Debit List*
 - (c) Visa Card Transactions*

Be adopted.

COUNCIL RECOMMENDATION

MIN 021/18 MOTIONS - Moved Cr. O’Neill 2nd Cr. Leake

- 1) *That the Direct Debit List for the month of January 2018 comprising;*
- (a) Municipal Fund – Direct Debit List*
 - (b) Trust Fund – Direct Debit List*
 - (c) Visa Card Transactions*

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.19
Subject:	Financial Management Report for the Month December 2017
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	17 th January, 2018
Author:	Karen Oborn, DCEO

BACKGROUND

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

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

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

1) *That the Financial Report for the month of December 2017 comprising;*

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 022/18 MOTIONS - Moved Cr. Reid 2nd Cr. McNeil

1) *That the Financial Report for the month of December 2017 comprising;*

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

Be adopted.

CARRIED 6 /0

Agenda Reference:	11.1.20
Subject:	Financial Management Report for the Month January 2018
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	5 th February, 2018
Author:	Karen Oborn, DCEO

BACKGROUND

Enclosed is the Monthly Financial Report for the month of January 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

1) *That the Financial Report for the month of January 2018 comprising;*

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 023/18 MOTIONS - Moved Cr. McNeil 2nd Cr. O'Neill

1) *That the Financial Report for the month of January 2018 comprising;*

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

Be adopted.

CARRIED 6 /0

Agenda Reference:	11.2.1
Subject:	Building Returns: December 2017 and January 2018
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	12 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

1. No applications were received for a "Building Permit" during the December 2017 period. A copy of the "Australian Bureau of Statistics appends.
2. No "Building Permits" were issued in the December 2017 period. See attached form "Return of Building Permits Issued".
3. There was one application received for a "Building Permit" during the January 2018 period. A copy of the "Australian Bureau of Statistics appends.
4. No "Building Permits" were issued in the January 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 IMPLICATIONS - Nil (Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

STAFF RECOMMENDATION

That Council

1. *Acknowledge the "Return of Proposed Building Operations" for the December 2017 & January 2018 periods.*

2. *Acknowledge the "Return of Building Permits Issued" for the December 2017 & January 2018 periods.*

COUNCIL RECOMMENDATION

MIN 024/18 MOTION - Moved Cr. Reid

2nd Cr. O'Neill

That Council

1. *Acknowledge the "Return of Proposed Building Operations" for the December 2017 & January 2018 periods.*
2. *Acknowledge the "Return of Building Permits Issued" for the December 2017 & January 2018 periods.*

CARRIED 6 /0

Agenda Reference:	11.2.2
Subject:	Development Application: Trudi & Brad Mitchem
Location:	Lot 800 Arthur Road, North Baandee, Kellerberrin
Applicant:	Mr Brad Mitchem
File Ref:	A1790
Disclosure of Interest:	N/A
Date:	29/01/2018
Author:	Mr Lewis York, Town Planner

BACKGROUND

An application has been received from Mr. Brad Mitchem for the development of a kennel establishment on his rural lot, 1540 Arthur road, Baandee. Existing on the lot is a single dwelling and a 120m² shed. The lot is located North of Baandee and is zoned 'Rural' in the Shires Scheme.

The application is for works and use. Proposed works include the construction of a shed, while the changing 'use' refers to a portion of the lot being utilized as a greyhound training facility.



The applicant has applied for an application for a 'Kennel Establishment' under the Dog Act.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The applicant has paid a standard planning application fee of \$147.00

POLICY IMPLICATIONS

No Local Policy applies to this application.

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

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.6 General Agriculture Zone

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

3.3. ZONING TABLE

3.3.1. The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings —

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

'X' means a use that is not permitted by the Scheme.

3.3.3. A change in the use of land from one use to another is permitted if —

- (a) the local government has exercised its discretion by granting development approval;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

The use has been assessed as 'Recreation- private', which is defined in the Planning and Development (local planning schemes) Regulations as :

"recreation — private means premises that are —

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;"

Recreation- Private is listed as a 'D' use in the Shires Scheme, meaning Council can use its discretion to approve (with or without conditions) or refuse and application.

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

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

COMMUNITY CONSULTATION:

Not required.

PLANNING COMMENT

The application from Mr. Mitchem satisfies the objectives of the general agriculture zone; furthermore it is not believed the proposed use will adversely impact the primary use of the land, which is for agricultural production. As the lot is rurally located, it is not believed that the proposed greyhound training facility will have any impact on surrounding landowners in terms of visual amenity or noise.

STAFF RECOMMENDATION

That Council;

Council grants conditional development approval for the construction of an outbuilding for the purpose of keeping greyhounds on Lot 800 Arthur Road, Baandee.

GENERAL CONDITIONS:

1. The use of the lot as a greyhound training facility shall only commence once all relevant approvals have been satisfied.
2. The land owner shall prepare a greyhound management plan to the satisfaction of the Chief Executive Officer and Shire Planner before operations are to commence. This plan shall also be sent to surrounding landowners.
3. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.

COUNCIL RECOMMENDATION

MIN 025/18 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council;

Council grants conditional development approval for the construction of an outbuilding for the purpose of keeping greyhounds on Lot 800 Arthur Road, Baandee.

GENERAL CONDITIONS:

1. *The use of the lot as a greyhound training facility shall only commence once all relevant approvals have been satisfied.*
2. *The land owner shall prepare a greyhound management plan to the satisfaction of the Chief Executive Officer and Shire Planner before operations are to commence. This plan shall also be sent to surrounding landowners.*
3. *Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the Council.*

CARRIED 6/0

CLOSURE OF MEETING

4:43pm – Cr. Rodney Forsyth, Shire President declared the meeting closed.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 20th March, 2018