

# SHIRE OF KELLERBERRIN

## MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 31<sup>st</sup> July 2018, commencing at 2.05 pm.

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

2.05 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. Reid	Member
Cr. McNeil	Member
Cr. Steber	Member
Mr Raymond Griffiths	Chief Executive Officer
Mr Sean Sibly	Deputy Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mr Brett Taylor	Finance Officer/Community Development Officer (Exited 2.45pm)

#### Apologies:

#### Leave of Absence:

Cr. White

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

### 4. PUBLIC QUESTION TIME: Nil

### 5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

### 6. DECLARATION OF INTEREST: Nil

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **31<sup>st</sup> July 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 **31<sup>st</sup> July 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 **31<sup>st</sup> July 2018**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 19<sup>th</sup> June 2018

COUNCIL RECOMMENDATION

MIN 109/18 MOTION: Moved Cr. McNeil 2<sup>nd</sup> Cr. Steber

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 19<sup>th</sup> June 2018, be confirmed as a true and accurate record*

CARRIED 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION: Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS: Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 110/18 MOTION: Moved Cr. Leake 2<sup>nd</sup> Cr. O'Neill

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

CARRIED 6/0

## 11.1 CORPORATE SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.1.1
<b>Subject:</b>	Community Requests and Discussion Items
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	16 <sup>th</sup> July, 2018
<b>Author:</b>	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.

June 2018 Council Meeting

**MIN 083/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Steber

*That Council;*

- 1. Review the access arrangements from the Doctor's Surgery waiting room to the Doctors room; and*
- 2. Provides in principal support for the Shire to manage the operations of the Kellerberrin Community Resource Centre as per written request from the Kellerberrin Community Resource Centre Management Committee.*

CARRIED 6/0

May 2018 Council Meeting

**MIN 063/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. White

*That Council endorses the Ex-Caravan Park Toilet block (Adjacent to Courts) as a unisex facility at all times excluding fixtured netball games (Wednesday Night & KATS Games) where the facility will be a female only change room.*

CARRIED 7/0

April 2018 Council Meeting

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

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

CARRIED 7/0

June 2018 - MIN 083/18

1. Council are currently reviewing the access arrangements from the Doctor's Surgery waiting room to the Doctors room
2. Council agreed to provides in principal support for the Shire to manage the operations of the Kellerberrin Community Resource Centre as per written request from the Kellerberrin Community Resource Centre Management Committee.

Signs have been purchased, awaiting delivery

That Council note no requests or ideas to be actioned.

## **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 111/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid

***That Council notes no requests or ideas to be actioned for the month of July 2018.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	Status Report of Action Sheet
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	16 <sup>th</sup> June, 2018
<b>Author:</b>	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 112/18 MOTION** - Moved Cr. McNeil    2<sup>nd</sup> Cr. Leake

***That Council receives the Status Report.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	CEACA Council Meeting Minutes and Resolutions
<b>Location:</b>	Merredin, Regional Community and Leisure Centre
<b>Applicant:</b>	CEACA Council
<b>File Ref:</b>	AGE - 03
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	16 <sup>th</sup> July, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 6<sup>th</sup> June, 2018 held at the Nungarin Community Recreation Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last CEACA Council Meeting Minutes held on Wednesday 6<sup>th</sup> June, 2018 held at the Nungarin Community Recreation Centre.

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

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

Resolutions arising out of the 6<sup>th</sup> June, 2018 CEACA Council Meeting summarised hereunder,

**RESOLUTION:**                      **Moved: Quentin Davies      Seconded: Louis Geier**

**That Gary Shadbolt be appointed Acting Chair until the appointment of an Independent Chair or the CEACA 2018 Annual General Meeting whichever is the sooner.**

**CARRIED**

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

**That:**

1. **A Working Group be established with the terms of reference being to call for applications, conduct interviews and make a recommendation to the CEACA Committee for the appointment of an Independent Chair of CEACA;**
2. **The Working Group's membership comprise Gary Shadbolt, as CEACA's Acting Chair, Quentin Davies and Stephen Strange.**

**CARRIED**

**RESOLUTION:**                      **Moved: Onida Truran                      Seconded: Freda Tarr**

**That the Minutes of the Special Committee Meeting of the Central East Aged Care Alliance Inc held Monday 26 March 2018 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

**RESOLUTION:**                      **Moved: Onida Truran                      Seconded: Ricky Storer**

That the Minutes of the Committee Meeting of the Central East Aged Care Alliance Inc held Monday 26 March 2018 be confirmed as a true and accurate record of the proceedings.

CARRIED

**RESOLUTION:** Moved: Eileen O'Connell Seconded: Louis Geier

That the Minutes of the Special Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 2 May 2018 be confirmed as a true and accurate record of the proceedings.

CARRIED

**RESOLUTION:** Moved: Ricky Storer Seconded: Onida Truran

That the Minutes from a Special Meeting of the Executive Committee Central East Aged Care Alliance Inc held Tuesday 10 April 2018 be received.

CARRIED

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

That the Minutes from a Meeting of the Executive Committee of the Central East Aged Care Alliance Inc held Thursday 31 May 2018 be received.

CARRIED

**RESOLUTION:** Moved: Freda Tarr Seconded: Onida Truran

That the Action Sheet for May 2018 be received.

CARRIED

**RESOLUTION:** Moved: Darren Mollenoyux Seconded: Ken Hooper

That the Executive Officer's Report for May 2018 be received.

CARRIED

**RESOLUTION:** Moved: Eileen O'Connell Seconded: Onida Truran

That the Acting Chair's Report be received.

CARRIED

**RESOLUTION:** Moved: Onida Truran Seconded: Rachel Kirby

That the Project Update (Financial) as at 16 May 2018 provided by the Shire of Merredin be received.

CARRIED

**RESOLUTION:** Moved: Louis Geier Seconded: Ricky Storer

That the Project Manager's Report be received.

CARRIED

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

That CEACA:

1. Write to the Wheatbelt ACAT to obtain information on aged care services and packages available across the 11 Councils in CEACA;
2. Circulate this information, once received, to the CEACA Members;
3. Write to the CEOs of Councils within CEACA seeking information on private aged care service providers operating within their respective communities; and
4. Will not apply for funding through Round 3 of the Building Better Regions Fund.

CARRIED

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

**POLICY IMPLICATIONS**

## **STATUTORY IMPLICATIONS:**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

## **LONG TERM FINANCIAL PLAN IMPLCATIONS**

## **COMMUNITY CONSULTATION**

Council and Councillors of the Shire of Kellerberrin  
CEACA Member Councils  
Staff Information re Minutes and Agendas of CEACA  
**ABSOLUTE MAJOURITY REQUIRED - NO**

## **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 6<sup>th</sup> June, 2018.*

## **COUNCIL RECOMMENDATION**

**MIN 113/18 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid**

***That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 6<sup>th</sup> June, 2018.***

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.1.4
<b>Subject:</b>	Wheatbelt Communities Inc Meeting Minutes and Resolutions
<b>Location:</b>	Council Chambers, Shire of Merredin
<b>Applicant:</b>	Wheatbelt Communities
<b>File Ref:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	16 <sup>th</sup> July, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 27<sup>th</sup> June 2018 held at the Council Chambers, Shire of Merredin are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last Wheatbelt Communities Inc. Council Meeting Minutes held on Wednesday 27<sup>th</sup> June, 2018 held at the Council Chambers, Shire of Merredin.

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 27<sup>th</sup> June, 2018 Wheatbelt Communities Inc. Council Meeting summarised hereunder,

**RESOLUTION:**                      **Moved: Karin Day**                      **Seconded: Ken Hooper**  
**That the Minutes of the Meeting of Wheatbelt Communities Inc held Wednesday 2 May 2018 be confirmed as a true and accurate record of the meeting.**

**CARRIED**

**RESOLUTION:**                      **Moved: Ken Hooper**                      **Seconded: Karin Day**  
**That the Wheatbelt Communities Financial Report for the period ending 31 May 2018 be received.**

**CARRIED**

**RESOLUTION:**                      **Moved: Karin Day**                      **Seconded: Rod Forsyth**  
**That the Wheatbelt Communities Inc Joint Executive Officers, Helen Westcott and Bruce Wittber, having declared an interest in this item be permitted to remain in the meeting.**

**CARRIED**

**RESOLUTION:**                      **Moved: Karin Day**                      **Seconded: Ken Hooper**  
**That the Wheatbelt Communities Inc. Budget for 2018/2019 showing an annual contribution of \$2,000 per local government be adopted.**

**CARRIED**

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

## POLICY IMPLICATIONS

## **STATUTORY IMPLICATIONS:**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

## **LONG TERM FINANCIAL PLAN IMPLICATIONS**

## **COMMUNITY CONSULTATION**

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

## **ABSOLUTE MAJORITY REQUIRED - NO**

## **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 27<sup>th</sup> June, 2018.*

## **COUNCIL RECOMMENDATION**

**MIN 114/18 MOTION - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Leake**

***That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 27<sup>th</sup> June, 2018.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	WE-ROC Council Meeting Minutes and Resolutions
<b>Location:</b>	Kellerberrin Recreation and Leisure Centre
<b>Applicant:</b>	WE-ROC Council
<b>File Ref:</b>	ORG-10
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	16 <sup>th</sup> July, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 27<sup>th</sup> June, 2018 at the Shire of Merredin Council Chambers, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last WE-ROC Council Meeting Minutes held on Wednesday 27<sup>th</sup> June, 2018, at the Kellerberrin Recreation 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 WE-ROC.

Resolutions arising out of the 27<sup>th</sup> June, 2018 WE-ROC Council Meeting summarised hereunder,

<b>RESOLUTION:</b>	<b>Moved: Mr Clarke</b>	<b>Seconded: Cr Forsyth</b>
<b>That WE-ROC request Accingo to undertake an asset audit for each of WE-ROC's Member Councils, as outlined in Accingo's Phase 1 Costing provided to WE-ROC and considered at the WE-ROC Council Meeting held 2 May 2018, at a total cost of \$17,500 excl GST.</b>		
<b>CARRIED</b>		

<b>RESOLUTION:</b>	<b>Moved: Mr Mollenoyux</b>	<b>Seconded: Cr Hooper</b>
<b>That the Minutes of the Council Meeting held Wednesday 2 May 2018 be confirmed as a true and correct record.</b>		
<b>CARRIED</b>		

<b>RESOLUTION:</b>	<b>Moved: Mr Clarke</b>	<b>Seconded: Cr Rajagopalan</b>
<b>That the matters listed for noting be received.</b>		
<b>CARRIED</b>		

<b>RESOLUTION:</b>	<b>Moved: Cr Hooper</b>	<b>Seconded: Mr Powell</b>
<b>That the WE-ROC Financial Report for the period ending 31 May 2018 be received.</b>		
<b>CARRIED</b>		



- RESOLUTION:**                      **Moved: Cr Forsyth**                      **Seconded: Cr Day**  
 That the Accounts Paid for the period 27 April 2018 to 15 June 2018 totalling \$9,679.97 be approved.  
 CARRIED
- RESOLUTION:**                      **Moved: Cr Forsyth**                      **Seconded: Cr Rajagopalan**  
 That the meeting go behind closed doors.  
 CARRIED
- RESOLUTION:**                      **Moved: Mr Mollenoyux**                      **Seconded: Cr Rajagopalan**  
 That the meeting move out from behind closed doors.  
 CARRIED
- RESOLUTION:**                      **Moved: Cr Rajagopalan**                      **Seconded: Cr Forsyth**  
 That:  
 1. The Executive Officer rate of remuneration, effective from the 1 July 2018, be set at \$75.00 per hour, the annual expenses of office set at \$2,000 per annum and the project hourly rate be set at \$140.00 per hour with the hourly rate being adjusted by CPI for the 12 months ending 31 March 2019 with any change to apply from 1 July 2019;  
 2. The maximum number of hours to be worked not exceed the 572 hours prescribed in Item 9 of the contract;  
 3. Professional fees will be paid monthly on the presentation of an invoice to the WE-ROC CEO;  
 4. The travel expenses be reimbursed using the rate applicable for a vehicle over 2600cc for the South West Land Division as contained in Section 30.6 of the Local Government Officers' (Western Australia) Interim Award 2011; and  
 5. The proposed contract setting out all other terms and conditions be approved.  
 CARRIED
- RESOLUTION:**                      **Moved: Cr Rajagopalan**                      **Seconded: Cr Hooper**  
 That:  
 1. The Executive Officer's report be noted;  
 2. WE-ROC agrees with the inclusion of Professor Marian Kickett, Director Centre for Aboriginal Studies, Curtin University on the Wheatbelt Immersion Program Steering Group; and  
 3. WE-ROC support the nomination of Wheatbelt Communities Inc for one of the West Australian Regional Achievement and Community Awards, with the Executive Officer to advise Rural Health West of this decision.  
 CARRIED
- RESOLUTION:**                      **Moved: Mr Mollenoyux**                      **Seconded: Cr Rajagopalan**  
 That the update on work associated with the WE-ROC App be received.  
 CARRIED
- RESOLUTION:**                      **Moved: Mr Mollenoyux**                      **Seconded: Cr Day**  
 1. That:  
 a) The Executive Officer prepare a draft submission on the Regional Communications Review 2018 for review by the WE-ROC Executive when it meets on Wednesday 25 July 2018, with the WE-ROC Executive given delegated authority to complete and submit WE-ROC's submission to the Regional Telecommunications Independent Review Committee on or before the public submission period closes on Sunday 5 August 2018.  
 b) WE-ROC seek a meeting with the Regional Telecommunications Independent Review Committee during the week commencing Monday 16 July 2018.

2. That the Executive Officer seek further information on the Consumer Safeguards Review, preparing a report for the WE-ROC Executive when it meets on Wednesday 25 July 2018.

CARRIED

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

## **POLICY IMPLICATIONS**

## **STATUTORY IMPLICATIONS:**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

## **LONG TERM FINANCIAL PLAN IMPLCATIONS**

## **COMMUNITY CONSULTATION**

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

## **ABSOLUTE MAJOURITY REQUIRED - NO**

## **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 27<sup>th</sup> June, 2018.*

## **COUNCIL RECOMMENDATION**

**MIN 115 /18 MOTION - Moved Cr. Reid     2<sup>nd</sup> Cr. O'Neill**

***That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 27<sup>th</sup> June, 2018.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.6
<b>Subject:</b>	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
<b>Location:</b>	Kellerberrin Recreation and Leisure Centre
<b>Applicant:</b>	Great Eastern Country Zone of WALGA
<b>File Ref:</b>	OLGOV-16
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	18 <sup>th</sup> July, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Meeting, held on Thursday 28<sup>th</sup> June, 2018 at the Kellerberrin Recreation and Leisure Centre, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

## COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Thursday 28<sup>th</sup> June 2018. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure that Council is;

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

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

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

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

**That the Minutes of the Meeting of the Great Eastern Country Zone held Thursday 26 April 2018 confirmed as true and accurate record of the proceedings subject to the following amendment to item 7.6 Power/Telecommunication Outages;**

***That the Great Eastern Country Zone in conjunction with WALGA and the State Emergency Management Committee seek meetings with relevant Commonwealth Agencies to develop resolutions to the ongoing power & telecommunication outages being experienced in parts of the Central and Eastern Wheatbelt***

**CARRIED**

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

- 1. That the Great Eastern Country Zone advise that the funding cuts are not to effect the integrity of the delivery of agricultural education programs.**
- 2. Extend an invitation to the Regional Director of Education, Ms Alison Ramm, for the August meeting of the Zone**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Day**                      **Seconded: Cr Waters**  
**That the Minutes of the Meeting of the Great Eastern Country Zone Committee Meeting held Thursday 7 June 2018 be received.**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Storer**                      **Seconded: Cr Truran**  
**That the matters listed for noting be received**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Rajagoplan**                      **Seconded: Mr Mollenoyux**  
**That the report be received**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Truran**                      **Seconded: Cr O'Connell**  
**That the Zone President's Report be received**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Hopper**                      **Seconded: Cr Truran**  
**That Cr Sachse's Report be received**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr O'Connell**                      **Seconded: Cr Batchelor**  
**That the Zones Executive Committee consider the best way of handling health issues going forward in the Wheatbelt and report back to the next Zone meeting.**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Forsyth**                      **Seconded: Cr Rajagoplan**  
**That the State Councillors Report be received**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Truran**                      **Seconded: Cr Waters**  
**That the Great Eastern Country Zone notes the WALGA Status Report**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Sasche**                      **Seconded: Cr Storer**  
**That a new point 3 be added to the recommendation;**

- 3. Seek alternatives to the requirement for an agricultural pilot to accompany the RAV combination on roads that are not included in the RAV network.**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr O'Connell**                      **Seconded: Cr Waters**  
**That the Great Eastern Country Zone endorses all recommendations being matters contained in the WALGA State Council Agenda other than item 5.4 recommendation separately considered**

**CARRIED**

**RESOLUTION:**                      **Moved: Cr Storer**                      **Seconded: Cr Meeking**  
**That the Great Eastern Country Zone notes the following reports contained in the WALGA State Council Agenda:**

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

**CARRIED**

**That the Great Eastern Country Zone express its sincere appreciation to Helen Westcott and Bruce Wittber for their long and dedicated service to the Zone**

**CARRIED**

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

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

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

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

### **STRATEGIC PLAN IMPLICATIONS**

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

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

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

### **COMMUNITY CONSULTATION**

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

**ABSOLUTE MAJORITY REQUIRED - NO**

### **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 28<sup>th</sup> June, 2018.*

## **COUNCIL RECOMMENATION**

**MIN 116/18 MOTION - Moved Cr McNeil    2<sup>nd</sup> Cr Leake**

***That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Thursday 28<sup>th</sup> June, 2018.***

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.1.7
<b>Subject:</b>	Interim Audit Report findings
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Office of the Auditor General – Moore Stephens.
<b>File Ref:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	26 <sup>th</sup> July, 2018
<b>Author:</b>	Sean Sibby, Deputy Chief Executive Officer

## BACKGROUND

### Council's Audit Committee Meeting – 31<sup>st</sup> July 2018.

*That the Audit Committee:*

1. *Endorse the findings and management comments to the Interim Audit Report as presented by staff: and*
2. *Recommends to Council that the findings and management comments to the Interim Audit Report be endorsed.*

## COMMENT

Council's Audit Committee reviewed the documentation provided and management comments as per below information.

## KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

**Significant** Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating could indicate the need for a modified audit opinion in the current year, or in a subsequent reporting period if not addressed. However even if the issue is not likely to impact the audit opinion, it should be addressed promptly.

**Moderate** Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

**Minor** Those findings that are not of primary concern but still warrant action being taken.

## AUDITORS COMMENT

### Payroll

Our review of the Payroll system revealed instances where the employees had not signed their contracts of employment with the Shire.

### Rating: Minor Implication

Without a properly executed i.e. signed contract, employees may not be legally bound and there could be dispute regarding the correct terms of employment i.e. pay rate.

## **Recommendation**

To help ensure a legally enforceable agreement is in place and no dispute arises, all employment contracts should be duly signed and filed in each employee's personnel file.

## **Management Comment**

Council will ensure that during the next Performance Appraisal process the contracts are indeed signed and executed in the correct manner.

**Responsible Person:** Deputy Chief Executive Officer

**Completion Date:**

## **AUDITORS COMMENT**

### **General Journals**

Whilst journal entries are being reviewed by the CEO, this review has not been evidenced as such.

### **Rating: Minor Implication**

No proper accountability of independent checking.

## **Recommendation**

The independent review of journal entries should be evidenced by the reviewer signing and dating the report.

## **Management Comment**

This item is a new item being presented to Management as this type of independent checking hasn't been a requirement in the past. Review of accounts occur and lead to the journals being requested. This process is just another checking mechanism that we will need to put in place which adds to processing time.

**Responsible Person:** Deputy Chief Executive Officer, Senior Finance Officer, Chief Executive Officer.

**Completion Date:** Immediately.

## **AUDITORS COMMENT**

### **Purchase Orders**

Our testing of a sample of eleven (randomly selected) payment transactions noted:

- three instances where the purchase orders were raised after the supplier tax invoices were received; and One instance where purchase order was not raised at all.

### **Rating: Moderate Implication**

Payments made without authorised purchase orders may commit the Shire to unauthorised expenditure.

## **Recommendation**

All authorised officers should be “reminded” of the need to ensure purchase orders are raised prior to the time of authorising works/services or ordering goods. This will help to ensure goods/services have been appropriately ordered and authorised and also helps ensure budget responsibility.

## **Management Comment**

Council’s Management has noted the recommendation and has again spoken with authorized officers of purchasing goods within Council’s Purchasing Policy.

**Responsible Person:** Deputy Chief Executive Officer

**Completion Date:** Immediately.

## **AUDITORS COMMENT**

### **Annual and Primary Returns**

Whilst reviewing the annual returns and primary returns of Councilors and Staff, we noted five annual returns contained sections which had been left blank.

### **Rating: Minor Implication**

Returns are at risk of being altered without appropriate authorisation.

## **Recommendation**

To help ensure compliance with Departmental Circular 18-2005 and to help ensure returns submitted are not at risk of being amended, all sections should be completed. We note it is acceptable to record N/A, Nil, or No Change or to rule a clear line through a N/A section whilst leaving sections blank is not recommended practice.

Whilst we note the CEO or any other Shire staff are not responsible for the content of the returns submitted, it is acceptable, and quite common, for the content to be reviewed prior to receipt being acknowledged.

## **Management Comment**

This is a processing error as the normal process is that returns are reviewed prior to the return being accepted. This process has been reiterated to the appropriate staff.

**Responsible Person:** Chief Executive Officer

**Completion Date:** Immediately

## **AUDITORS COMMENT**

### **Annual Financial Report**

The annual financial report for the year ended 30 June 2017 was not submitted to the Department of Local Government, Sport and Cultural Industries within 30 days of receiving the auditor’s report.

### **Rating: Moderate Implication**

Non-compliance with Financial Management Regulation 51(2).

## **Recommendation**

To help ensure compliance with statutory provisions, this requirement should be correctly addressed in future.



## **Management Comment**

Noted

**Responsible Person:** Deputy Chief Executive Officer  
**Completion Date:**

## **AUDITORS COMMENT**

### **Corporate Business Plan**

The Shire's Corporate Business Plan was not reviewed during the financial year ended 30 June 2018.

### **Rating: Minor Implication**

Non-compliance with Local Government (Administration) Regulation 19DA(4).

### **Recommendation**

To help ensure compliance with statutory provisions, the Corporate Business Plan should be reviewed once in every financial year.

## **Management Comment**

Previous Shire employees have attested that the Corporate Business Plan was indeed reviewed in the 17/18 financial year (April 2017) as an input to the Strategic Community Plan review, though no modifications were deemed necessary and no Council consideration was warranted therefore.

**Responsible Person:** Deputy Chief Executive Officer  
**Completion Date:**

## **AUDITORS COMMENT**

### **Assets Management Plan**

Our review of the Shire's asset management plans (AMPs) noted they did not include the yearly totals of planned capital renewal expenditure covering the next 10 years from financial year ended 30 June 2018.

### **Rating: Minor Implication**

Non-compliance with the integrated planning and reporting framework and guidelines. In addition, Asset Renewal Funding ratio will not be correctly calculated for purpose of financial reporting as required by legislation.

### **Recommendation**

To enable proper calculation of the Asset Renewal Funding ratio for financial reporting purposes and to help identify gaps between planned and required capital expenditure, Council should consider updating the Shire's AMPs annually with sufficient yearly totals of the planned capital renewal expenditure.

## **Management Comment**

Recommendation noted, to be considered as part of asset revaluation processes underway and yet to occur in 2018.

**Responsible Person:** Deputy Chief Executive Officer  
**Completion Date:**

**AUDITORS COMMENT**

**Budget Review**

A copy of the budget review was not submitted to the Department of Local Government, Sport and Cultural Industries within 30 days of adoption by Council.

**Rating: Moderate Implication**

Non-compliance with Financial Management Regulation 33A.

**Recommendation**

To help ensure compliance with statutory provisions, this requirement should be correctly addressed in the future.

**Management Comment**

Noted, this is a simple omission on the CEO's behalf due to staff changes at that time of Budget Review and was a pure oversight. This will be rectified when attending to next Budget Review.

**Responsible Person:** Deputy Chief Executive Officer  
**Completion Date:**

**AUDITORS COMMENT**

**Differential Rates**

Whilst the local public notice of Council's intention to impose differential rates was given, Council had adopted the differential rates prior to the expiry of 21 days notice period without consideration any submissions from electors or ratepayers.

**Rating: Moderate Implication**

Non-compliance with Section 6.36(4) of the Local Government Act.

**Recommendation**

To help ensure compliance with Section 6.36(4) of the Local Government Act, Council should only adopt the differential rates with or without modification after the expiry of 21 days notice period and considering any submissions received from electors or ratepayers.

**Management Comment**

Council has only be made aware of this error at the time of this report as it was of the opinion what occurred last year was correct. Last year was the first time we had ever had Differential rating. It has been corrected in the 2018/2019 Financial Year.

**Responsible Person:** Deputy Chief Executive Officer  
**Completion Date:**

The Audit Committee is provided the findings and management comments for noting and referral to Council.

**FINANCIAL IMPLICATIONS:** Nil

**POLICY IMPLICATIONS:** Nil

**STATUTORY IMPLICATIONS**

**Local Government Amendment (Auditing) Act 2017**

**7.12AJ. Conducting a performance audit**

- (1) The Auditor General Act section 18 applies in relation to a local government as if —
  - (a) the local government were an agency; and
  - (b) money collected, received or held by any person for or on behalf of the local government were public money; and
  - (c) money collected, received or held by the local government for or on behalf of a person other than the local government were other money; and
  - (d) property held for or on behalf of the local government, other than money referred to in paragraph (b), were public property; and Local Government (Audit) Regulations 1996 (as amended)
  - (e) property held by the local government for or on behalf of a person other than the local government were other property; and
  - (f) the reference in the Auditor General Act section 18(2)(d) to “legislative provisions, public sector policies or its own internal policies;” were a reference to “legislative provisions or its own internal policies;”.

(2) A performance audit is taken for the purposes of the Auditor General Act to have been carried out under the Auditor General Act Part 3 Division 1.

**7.12AK. Reporting on a performance audit**

- (1) The Auditor General Act section 25 applies in relation to a performance audit as if —
  - (a) a local government were an agency; and
  - (b) the council of the local government were its accountable authority.

(2) The auditor must give a report on a performance audit to the local government.

**Local Government (Audit) Regulations 1996**

**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

**COMMUNITY CONSULTATION:** Nil

#### **STAFF RECOMMENDATION**

*That Council:*

1. *Adopt the findings and management comments to the Interim Audit Report; and*
2. *Authorise the Chief Executive Officer to issue the Management Comments to Council's Auditors as requested.*

### **COUNCIL RECOMMENDATION**

**MIN 117/18 MOTION** - Moved Cr. Reid      2<sup>nd</sup> Cr. O'Neill

***That Council:***

1. ***Adopt the findings and management comments to the Interim Audit Report; and***
2. ***Authorise the Chief Executive Officer to issue the Management Comments to Council's Auditors as requested.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.8
<b>Subject:</b>	Adoption of Fees and Charges for 2018/19
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	FIN 04
<b>Record No.:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	25 <sup>th</sup> July, 2018
<b>Author:</b>	Sean Sibly, Deputy Chief Executive Officer

## BACKGROUND

Council adopts fees and charges as part of its annual budget process, though fees and charges can be imposed or amended at any stage of the financial year provided the proposed changes are advertised accordingly (absolute majority required).

Council considers the annual schedule of fees and charges separately from the budget document to enable more time to contemplate each proposed charge for the forthcoming year.

A list of the draft fees and charges for 2018/19 are attached for Council's information and review as part of the draft budget.

## COMMENT

Statutory fees and charges have been considered in relation to sustainability and are adjusted to reflect current pricing where prudent. Other fees and charges have been considered in relation to other Local Government bodies in the region.

## FINANCIAL IMPLICATIONS

- Shire of Kellerberrin 2018/19 Budget

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

### **6.16. *Imposition of fees and charges***

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

*\* Absolute majority required.*

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

- (b) amended\* from time to time during a financial year.

*\* Absolute majority required.*

#### **6.17. Setting level of fees and charges**

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

#### **STRATEGIC COMMUNITY PLAN IMPLICATIONS – Nil**

#### **CORPORATE BUSINESS PLAN IMPLICATIONS – Nil**

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

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

#### **ABSOLUTE MAJORITY REQUIRED – YES**

#### **STAFF RECOMMENDATION**

*That Council*

1. *adopts the fees and charges for 2018/19 as presented*
2. *Includes the fees and charges in the 2018/19 Annual Budget.*

#### **COUNCIL RECOMMENDATION**

**MIN 118/18 MOTION** - Moved Cr McNeil 2<sup>nd</sup> Cr. O'Neill

***That Council***

1. ***adopts the fees and charges for 2018/19 as presented***
2. ***Includes the fees and charges in the 2018/19 Annual Budget.***

CARRIED 6/0  
BY ABSOLUTE MAJORITY

<b>Agenda Reference:</b>	11.1.9
<b>Subject:</b>	GROH (Police Housing) Tender (Two 4 x 2 Residences)
<b>Location:</b>	72 Hammond Street
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	TEND 71
<b>Record Ref:</b>	TEND 01/2018
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	25 <sup>th</sup> July, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council in the 2018/2019 Budget has made provision for the construction of two 4 x 2 residences on Hammond Street, Kellerberrin for the occupation by local police officers at the request of the Department to ensure the attraction and retention of qualified staff.

Council engaged the services of WALGA to assist with the process of the Tender as they are professionals in this area and the cost associated with the assistance is of value to Council in lieu of Council's staff being dedicated to this process.

## COMMENT

The tender was advertised in the West Australian on Wednesday 25<sup>th</sup> May 2018 and in the WALGA Tenderlink portal.

Tenders closed on the 3<sup>rd</sup> July 2018 with three tenders being received.

Please find attached a full detailed evaluation report

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2018/2019 - Capital Expenditure Budget

Council within the draft 2018/2019 Draft Budget have allocated sufficient funds as carry over funds from 2017/2018 for the construction of two 4 x 2 residences. The total cost budgeted is \$700,000 with the full amount funded through loan debentures.

## POLICY IMPLICATIONS

### 2.3 Tenders – Preparation/Advertisement of Tender Documents for exiting contracts

<b>Policy Name:</b> Tenders – Preparation/Advertisement of Tender Documents for existing contracts	<b>To be read in conjunction with Policy Numbers:</b>
<b>Date Adopted:</b> November 2006	<b>Review Date:</b> October 2016

### Purpose

To ensure that Council has the opportunity to review the scope of works for tenders prior to advertising and that tenders are advertised and awarded prior to the current contract's expiration.

### Policy

Three (3) months prior to the expiration of a Contract a tender shall be listed under the responsible officer's report in the Ordinary Meeting of Council Agenda and the Specifications appended.

Any review shall be completed so that a tender can be advertised two (2) months prior to expiration of the contract.

A tender shall be awarded one (1) month prior to expiration of the current Contract.

## 2.4 Purchasing Policy

<b>Policy Name:</b> Purchasing Policy	<b>To be read in conjunction with Policy Numbers:</b>
<b>Date Adopted:</b> February 2007	<b>Review Date:</b> October 2016

### Purpose

To provide compliance with the Local Government Act 1995 (as amended) and the Local Government Act (Functions and General) Regulation 1996 (as amended in March 2007).

To ensure consistency for all purchasing activities that integrates within all the Local Government operational areas.

### Policy

#### 1. Why Do We Need A Purchasing Policy?

The Local Government is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy;

1. Provides the Local Government with a more effective way of purchasing goods and services.
2. Ensure that purchasing transactions are carried out in a fair and equitable manner
3. Strengthens integrity and confidence in the purchasing system
4. Ensure that the Local Government receives value for money in its purchasing
5. Ensures the Local Government is compliant with all regulatory obligations
6. Uphold respect from the public and industry for the Local Governments purchasing practices that withstand probity

#### 2. ETHICS & INTEGRITY

All officers and employees of the Local Government shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Local Government.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Local Government policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;



- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Local Government by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

### **3. 3. VALUE FOR MONEY**

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Local Government. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks. An assessment of the best value for money outcome for any purchasing should consider:

1. All relevant whole-of-life costs and benefits whole-of-life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
2. The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality.
3. Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
4. A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever particable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

### **4. 4. SUSTAINABLE PROCUREMENT**

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

Local Government is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Local Government's sustainability objectives.

Practically, sustainable procurement means the Local Government shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;

5. Products that can be refurbished, reused, recycled, or reclaimed may be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.

## 6. 5. PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:-

7. Amount of Purchase		8. Model Policy
9. Up to \$2,000		10. Direct purchase from supplier requiring one or two verbal quotations.
11. \$2,001 - \$19,999		12. Obtain at least two verbal or written quotations.
13. \$20,000 - \$149,999		14. Obtain at least three written quotations
15. \$150,000 and above		16. Conduct a public tender process or WALGA preferred supplier listings

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in the Local Government Act 1995 (as amended) must be followed in full. Council may elect to utilise the preferred suppliers list through WALGA which doesn't require the tender process as WALGA has performed this duty of behalf of Local Government.

### 5.1 Up to \$2,000

Where the value of procurement of goods or services does not exceed \$2,000, purchase on the basis of at least one or two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk. Record keeping requirements must be maintained in accordance with record keeping policies.

### 5.2 \$2,001 to \$19,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$2,001 and \$19,999.

At least two verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the Local Government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Written notes detailing each verbal quotation must be recorded on Form 2 of the Local Government Purchasing and Tender Guide and attached to the cheque, invoice and order
- Record keeping requirements must be maintained in accordance with record keeping policies. The Local Government Purchasing and Tender Guide contains sample forms for recording verbal and written quotations.

### **5.3 \$20,000 to \$149,999**

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$99,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

**NOTES:** The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- Invitations to quote should be issued simultaneously (if possible) to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The Local Government Purchasing and Tender Guide produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

## **17. 6. REGULATORY COMPLIANCE**

### **6.3 Tender Exemption**

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;

- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

#### 6.4 Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

**Note:** The application of provision “sole source of supply” should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

#### 6.5 Anti-Avoidance

The Local Government shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

The Chief Executive Officer is responsible for implementing this policy.

### STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

Section 3.57

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

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

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

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

### STRATEGIC COMMUNITY PLAN IMPLICATIONS

#### Strategic Priority 2.1

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

<b>Goal 2.1.1</b>	<b>To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To implement asset management best practice principles into our day to day operations.</li> <li>■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal.</li> <li>■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible.</li> <li>■ To source funding and grants to contribute to the renewal and replacement works.</li> </ul>

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

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

### **LONG TERM FINANCIAL PLAN IMPLCATIONS**

### **COMMUNITY CONSULTATION**

Chief Executive Officer  
Manager Works and Services  
WALGA

### **ABSOLUTE MAJORITY REQUIRED – YES**

### **EVALUATION PANEL RECOMMENDATION**

*That Council:*

- a) *Accepts the Tender submitted by **WBS Modular** as the most advantageous Tender to form a Contract.*

*Note: Complies with Regulation 18(4) of the Functions and General Regulations*

- b) *Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.*

*Note: Complies with Regulation 20(1) of the Functions and General Regulations*

- c) *Should a Contract not be formed within 30 business days with WBS Modular, that the Chief Executive Officer may form a Contract with the next most advantageous Tenderer Modular Homes.*

*Note: Complies with Regulation 20(2) of the Functions and General Regulations*

**BY ABSOLUTE MAJORITY**

# COUNCIL RECOMMENDATION

**MIN 119/18 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid

***That Council:***

- a) ***Accepts the Tender submitted by WBS Modular as the most advantageous Tender to form a Contract.***

***Note: Complies with Regulation 18(4) of the Functions and General Regulations***

- b) ***Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.***

***Note: Complies with Regulation 20(1) of the Functions and General Regulations***

- c) ***Should a Contract not be formed within 30 business days with WBS Modular, that the Chief Executive Officer may form a Contract with the next most advantageous Tenderer Modular Homes.***

***Note: Complies with Regulation 20(2) of the Functions and General Regulations***

CARRIED 6/0  
BY ABSOLUTE MAJORITY

<b>Agenda Reference:</b>	11.1.10
<b>Subject:</b>	Sale of Industrial Land, Part Lot 309 Tiller Drive
<b>Location:</b>	Lot 309 Tiller Drive, Kellerberrin
<b>Applicant:</b>	Premium Grain Handlers Pty Ltd
<b>File Ref:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	18 <sup>th</sup> July 2018
<b>Author:</b>	Sean Sibly, Deputy Chief Executive Officer

## BACKGROUND

Council in 2010 Council purchased land to develop to enable the expansion of Kellerberrin's Industrial Area.

To date Council has sold land as follows:

- Lot 307 – Wongan Concrete
- Lot 308 – NM Lawrence Trailers
- Land for Premium Grain Handlers expansion
- Land for CBH to expand
- Land for Moylan's to expand
- Lot 303 – EDSCO
- Land for Mark Harrison to square off block
- Lot 302 – Ross Weir
- Part lot 309 – Great Southern Fuels

Council has this year been approached by Premium Grain Handlers Pty Ltd (Premium Grains) in respect of the purchase of land adjoining its holding at Lot 306 Tiller Drive. Premium Grains has indicated the land adjacent to Lots 307 and 308 within Lot 309 to be under specific consideration as per below site pictures.









- 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

### Our Vision

The Shire of Kellerberrin will be diverse and welcoming to all members of the community and visitors. We will be open to various cultures and industries and we will strive to provide a community that is safe. Our focus will be to develop a community that is prosperous and economically sustainable, rich and vibrant.

Our Vision is:

*To welcome diversity, culture and industry;  
promote a safe and prosperous community  
with a rich, vibrant and sustainable lifestyle for all to enjoy.*

### Our Focus Areas

Our vision will be achieved in five (5) key focus areas. These focus areas identify what we will be concentrating on to get us to where we want to be and to achieve our long term goal of being a diverse, cultural, safe, prosperous, vibrant and sustainable community. The key focus areas are:

#### 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.*

#### Theme 4: Prosperity

**To develop a community that fosters and encourages long term prosperity and growth and presents a diverse range of opportunities.**

4.1 We are a sustainable, economically diverse and strong community.	4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.	✓		✓	✓	
	4.1.2	To work with local businesses to improve and enhance the quality of service provided.	✓		✓	✓	
	4.1.3	To identify economic trends and create employment and business opportunities for the local community.	✓		✓	✓	

#### Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

An Overview	
<p>The key issues currently faced by our community are the decline in employment and population, and the need to improve the status of our local economy.</p> <p>There is a strong desire to retain the population and demographics in the region and to boost our local economy through the creation of commercial, retail and industrial opportunities.</p>	
Our Objective	
<ul style="list-style-type: none"> <li>To create an environment that will encourage economic growth and employment opportunities.</li> </ul>	
Our Desired Outcomes	
<ul style="list-style-type: none"> <li>A community that is economically sustainable, able to offer a range of diverse opportunities to local residents, commercial, retail and industrial operators.</li> </ul>	
Our Goals	
4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.
4.1.2	To work with local businesses to improve and enhance the quality of service provided.
4.1.3	To identify economic trends and create employment and business opportunities for the local community.

Our Delivery Strategy	
<b>Goal 4.1.1</b>	<b>To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>To identify opportunities to enhance the local economy.</li> <li>To collaborate and facilitate discussions with external / private parties on business, commercial and industrial ventures in the Shire.</li> <li>To undertake long term economic development and marketing planning for the Shire, focussing on the local and regional economy and opportunities.</li> <li>Work with external government and non-government agencies to develop programs and initiatives to promote economic development in the region and identify new ventures / opportunities to create economic opportunities.</li> </ul>
<b>Anticipated Results</b>	<ul style="list-style-type: none"> <li>Effective communication and network / relationship building with external private parties and government / non-government agencies.</li> <li>Improved economic profile for the region.</li> <li>Creation of opportunities for the Shire that will booster the local economy.</li> <li>Improved participation by the community.</li> <li>A stronger and more sustainable community.</li> </ul>
<b>Performance Measure</b>	<ul style="list-style-type: none"> <li>Increase in local economic activity</li> <li>Status of employment and jobs.</li> <li>Level of community satisfaction in relation to the quality and quantity of services available.</li> <li>Financial status</li> </ul>
<b>Relationship to Key Focus Areas</b>	<ul style="list-style-type: none"> <li>Social</li> <li>Governance</li> <li>Economic Development</li> </ul>
<b>Goal 4.1.2</b>	<b>To work with local businesses to improve and enhance the quality of service provided.</b>
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>To establish relationships with local business providers to identify and understand key issues and opportunities to assist in the promotion of services.</li> <li>To facilitate discussions with external agencies and government departments to identify opportunities to enhance and assist local business providers within the community.</li> </ul>

	<ul style="list-style-type: none"> <li>■ To develop initiatives with external parties to educate and improve the welfare of local businesses.</li> </ul>
<b>Anticipated Results</b>	<ul style="list-style-type: none"> <li>■ Improved relationships between external parties and Council</li> <li>■ Identification of employment and commercial opportunities to improve the local economy</li> </ul>
<b>Performance Measure</b>	<ul style="list-style-type: none"> <li>■ Increase in local economic activity</li> <li>■ Status of employment and jobs.</li> <li>■ Level of community satisfaction in relation to the quality and quantity of services available.</li> <li>■ Financial status</li> </ul>
<b>Relationship to Key Focus Areas</b>	<ul style="list-style-type: none"> <li>■ Social</li> <li>■ Governance</li> <li>■ Economic Development</li> </ul>
<b>Goal 4.1.3</b>	To identify economic trends and create employment and business opportunities for the local community.
<b>Council's Role</b>	<ul style="list-style-type: none"> <li>■ To work with local business communities and education and health service providers to identify what is required to improve and enhance services.</li> <li>■ To facilitate discussions with external parties and government agencies to identify ways of improving economic, education and training opportunities within the community.</li> <li>■ To establish relationships with external parties and government / non-government agencies to identify opportunities, programs and initiatives that will benefit the community.</li> <li>■ To seek funding from external parties / government agencies to support the development and implementation of economic and employment programs and initiatives.</li> </ul>
<b>Anticipated Results</b>	<ul style="list-style-type: none"> <li>■ Improved relationship between Council and external parties</li> <li>■ Greater opportunity for collaboration with external parties on key local economic initiatives and programs</li> <li>■ Increased level of funding and support from external parties to promote economic and employment initiatives.</li> </ul>
<b>Performance Measure</b>	<ul style="list-style-type: none"> <li>■ Increase in local economic activity</li> <li>■ Status of employment and jobs.</li> <li>■ Level of community satisfaction in relation to the quality and quantity of services available.</li> <li>■ Financial status</li> </ul>
<b>Relationship to Key Focus Areas</b>	<ul style="list-style-type: none"> <li>■ Social</li> <li>■ Governance</li> <li>■ Economic Development</li> </ul>

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

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - NIL**

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
Councillors

## ABSOLUTE MAJORITY REQUIRED – YES

### STAFF RECOMMENDATION

*That Council:*

*Approve the part sale of Council owned Lot 309 (being 23,669.81m<sup>2</sup>), Tiller Drive Kellerberrin Deposited Plan 75882, to Premium Grain Handlers Pty Ltd of 10-14 Sultan Way, Rous Head, Industrial Park, North Fremantle WA 6159, as per Deposited Plan by private agreement for the sum of \$17,546.81 subject to:*

- 1. Premium Grains undertaking and paying for:*
  - Sub-dividing of Lot 309 Tiller Drive including clearing of all conditions issued by Western Australian Planning Commission;*
  - Surveying and ground works;*
  - Any increases to cost associated with final dimensions of land as confirmed via survey;*
  - Provision of utility services being phone, water and power to the new sub-divided property including headworks and*
  - Any upgrades or additional headworks fees to the remaining Lot 309 owned by Council required by utility suppliers due to sub-division.*
- 2. Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.*
- 3. No submissions being received, Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.*

**BY ABOSULTE MAJORITY**

# COUNCIL RECOMMENDATION

**MIN 120/18 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. O'Neill

***That Council:***

***Approve the part sale of Council owned Lot 309 (being 23,669.81m<sup>2</sup>), Tiller Drive Kellerberrin Deposited Plan 75882, to Premium Grain Handlers Pty Ltd of 10-14 Sultan Way, Rous Head, Industrial Park, North Fremantle WA 6159, as per Deposited Plan by private agreement for the sum of \$17,546.81 subject to:***

- 1. Premium Grains undertaking and paying for:***
  - Sub-dividing of Lot 309 Tiller Drive including clearing of all conditions issued by Western Australian Planning Commission;***
  - Surveying and ground works;***
  - Any increases to cost associated with final dimensions of land as confirmed via survey;***
  - Provision of utility services being phone, water and power to the new sub-divided property including headworks and***
  - Any upgrades or additional headworks fees to the remaining Lot 309 owned by Council required by utility suppliers due to sub-division.***
- 2. Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.***
- 3. No submissions being received, Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.***

CARRIED 6/0  
BY ABSOLUTE MAJORITY

<b>Agenda Reference:</b>	11.1.11
<b>Subject:</b>	Wheatbelt Development Commission (WDC) Board Nominations 2018
<b>Location:</b>	Wheatbelt Development Commission
<b>Applicant:</b>	Wheatbelt Development Commission
<b>File Ref:</b>	
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	26 <sup>th</sup> July 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Wheatbelt Development Commission has written to advise that a vacancy exists on their board in accordance with Section 16 of the Regional Development Commissions Act 1993 as per below email received 26<sup>th</sup> July 2018.

*The Wheatbelt Development Commission is seeking nominations to fill one Community representative vacancy on its Board.*

*In accordance with the Regional Development Commissions Act 1993, nominees for the community vacancy must resident in the region and can be nominated by a community organisation or themselves.*

*The Commission is seeking nominations from highly motivated and enthusiastic people, who can demonstrate the following:*

- *Understanding key issues impacting the development of the Region;*
- *Demonstrate involvement in either the economic, and/or social development of the Region; and*
- *The ability to work cooperatively to achieve agreed goals across a wide range of issues and stakeholders.*

*Should you be aware of a suitable nominee, I have enclosed a copy of our advertisement and nomination form. You will note that the closing date for nominations is **6<sup>th</sup> September at 4pm.***

*Nominations can be either posted or emailed to [Teresa.drew@wheatbelt.wa.gov.au](mailto:Teresa.drew@wheatbelt.wa.gov.au). If you require further information please contact Teresa at the Commission on 96902284.*

**Wendy Newman**  
**Chief Executive Officer**

## COMMENT

The WDC is made up of one third members from Local Government, community representatives and Ministerial representatives respectively for a term of three years.

The various Development Commissions were established to foster regional economic growth throughout WA.

The current composition of the Wheatbelt Development Commission is:-



***Ms Rebecca Tomkinson, Chair***  
**Representing Ministerial**

Term of Office to 30 June 2020

Rebecca brings a highly strategic and broad sector lens to her role as Chair. Rebecca's professional experience includes government relations, strategic policy development, social advocacy and stakeholder engagement. She has extensive experience in the delivery of transformative organisational and community development initiatives across private, public and not-for-profit sectors.



Rebecca has held key advisory roles in strategic policy both at a state and national level. Raised and educated in the Wheatbelt, Rebecca has a passion for the regions and their importance to our economic future and our community wellbeing.

***Mr David Lantzke, Deputy Chair***  
**Representing Ministerial**

Term of Office to 30 June 2019

David Lantzke is the CEO of the Ardross Group and has been intricately involved in land and property development in Jurien Bay, Bunbury, Manjimup and Albany over many years. David has been the Secretary/Treasurer of the Jurien Bay Chamber of Commerce for five years and is Chair of the Turquoise Coast Chambers Alliance (a joint venture between Jurien Bay and Cervantes Chamber of Commerce). He has been Secretary of the Indian Ocean festival organising committee for 4 years, a member of the executive committee for the Regional Chambers of Commerce for 2 years and is an active member of the "Activate Jurien Bay" Committee.



***Ms Heidi Cowcher***  
**Representing Community**

Term of Office to 30 June 2018

Heidi Cowcher and husband John run a beef cattle stud in Williams in the Wheatbelt South. She is employed by Shire of Williams as their Economic Development Officer and has predominantly worked in local government for the last 20 years, with a short stint in state government. Recent qualifications include Graduate of the Australian Institute of Company Directors and a Diploma in Project Management. Heidi was Deputy Chair of the Regional Development Australia Wheatbelt Board. She has a strong level of involvement in various community and sporting organisations in Williams and particular interest in regional and economic development, education and small business.



**Mr Ross Ainsworth**  
**Representing Community**

Term of Office to 30 June 2019

Ross Ainsworth has a background in Agriculture and lives in York. He was the Chair of the Farmer's Federation Grains Council and held the Seat of Roe for the Nationals WA. He served on the Parliamentary Standing Committee for Health and Education and chaired the Select Committee on Road Safety. His interests include regional development, education and training, health and tourism. He was the Chair of the York Visitor Centre Management Committee and served on the CY O'Connor Institute Governing Council.



**Ms Leslee Holmes**  
**Representing Local Government**

Term of Office to 31 December 2020

Leslee is Shire President of Dandaragan and is a member of the Joint Chambers Alliance Cervantes/Jurien Bay as Tourism Leader. Leslee has held leadership roles at a State level, is Business Manager of Total Tennis Reabold and received the Margaret Court Award for Outstanding Service to Tennis in Western Australia. Leslee is currently involved in tourism, small business development and marketing.



**Ms Julie Flockart**  
**Representing Local Government**

Term of Office until 31 December 2020

Julie Flockart has an agricultural, community and small business development background and has been actively involved in a range of small businesses in the retail and hospitality service industries.

Over the past three decades, Julie has worked in many roles across the Eastern Wheatbelt and is currently a Shire of Merredin Councillor, Chairperson of the Merredin College School Board, Board member on the Merrittville Aged Care Village and is involved with the local Historical Museum and tourism working group.



Memberships are required for the following:-

- Community x 1

This matter is presented to Council for consideration of community members for nomination consideration.

An information package for nominees is included as an attachment to this report.

**FINANCIAL IMPLICATIONS:** Nil

**POLICY IMPLICATIONS:** Nil

**STATUTORY IMPLICATIONS**

**REGIONAL DEVELOPMENT COMMISSIONS ACT 1993**

**12. Wheatbelt Development Commission established**

- (1) There is established by this section a body called the Wheatbelt Development Commission.
- (2) The Wheatbelt Development Commission is to perform its functions in respect of the region described in Part I of Schedule 1.

***Part 3 — Operation of commissions***

**Division 1 — Constitution and proceedings of commissions**

**14. Status of a commission**

- (1) A commission is a body corporate with perpetual succession.
- (2) Proceedings may be taken by or against a commission in that commission's corporate name.
- (3) A commission is an agent of the Crown.

**15. Board of management of a commission**

- (1) Subject to section 16, a commission is to have a board of management comprising —
  - (a) the Director, by virtue of his or her office; and
  - (b) a prescribed number of other members, not exceeding 9, who are to be appointed by the Minister in the prescribed manner.
- (2) A board is the governing body of a commission with authority, in the name of that commission, to perform the functions of that commission.
- (3) The Minister is to appoint a member of a board to be chairperson and another member to be deputy chairperson.
- (4) The Minister is to cause notice of each appointment under this section to be published in the *Gazette*.

**16. Method of appointment of appointed members**

Regulations made for the purposes of paragraph (b) of section 15(1) are to be consistent with the following, unless particular circumstances require otherwise —

- (a) one third of the members referred to in that paragraph are to be persons who are resident in the region and nominated in accordance with the regulations;
- (b) one third of those members are to be members of the council of a local government in the region and are to be nominated by local governments in the region in accordance with the regulations; and
- (c) one third of those members are to be appointed at the Minister's discretion.

*[Section 16 amended by No. 14 of 1996 s. 4; No. 16 of 1997 s. 4.]*

**17. Constitution and proceedings of a board**

Schedule 2 has effect with respect to the constitution and proceedings of a board.

**18. Delegation by board**

- (1) A board may, by resolution, delegate to an appointed member, the Director or another officer referred to in section 27(1) or a committee, either generally or otherwise as

provided by the instrument of delegation, the performance of all or any of its functions, except this power of delegation.

- (2) A function delegated under this section may be performed by the delegate in accordance with the instrument of delegation and, when so performed, is, for the purposes of this Act, to be taken to have been performed by the delegating board.

**19. Remuneration and allowances of appointed members and members of committees**

- (1) Subject to subsection (2), an appointed member or a member of a committee, other than a person who is an officer of the Public Service, is to be paid such remuneration and travelling and other allowances as the Minister from time to time, after consultation with the Public Sector Commissioner, determines in respect of that member.
- (2) A member of a committee established under clause 11 of Schedule 2 —
  - (a) is not to be paid remuneration, unless the Minister, after consultation with the Public Sector Commissioner, determines that payment is to be made in respect of that member; but
  - (b) is entitled to be paid out-of-pocket expenses for travel and accommodation in connection with the discharge of his or her duties.

*[Section 19 amended by No. 39 of 2010 s. 89.]*

**20. Protection of board members and members of committees**

- (1) A board member or a member of a committee is not personally liable for any act done or omitted to be done in good faith by a commission, a board, a committee or by that person acting as a board member or as a member of a committee.
- (2) Subsection (1) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996* so far as it applies to the Mid West Development Commission or the South West Development Commission.

*[Section 20 amended by No. 41 of 1996 s. 3.]*

**21. Disclosure of pecuniary interests**

- (1) A board member or a member of a committee who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by that board or that committee must, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the board or the committee, as the case requires.
- (2) A disclosure under subsection (1) is to be recorded in the minutes of the meeting of the board or the committee concerned and, unless the board or that committee otherwise determines, the board member or member of the committee must not —
  - (a) be present during any deliberation; or
  - (b) take part in any decision,of the board or that committee with respect to the matter to which the disclosure relates.
- (3) For the purpose of the making of a determination by a board or a committee under subsection (2) in relation to a member of the board or committee who has made a disclosure under subsection (1), that member must not —
  - (a) be present during any deliberation of the board or committee for the purpose of making the determination; or
  - (b) take part in the making of the determination by the board or committee.
- (4) A board member or member of a committee who contravenes or fails to comply with a provision of this section commits an offence.

Penalty: \$5 000.

## **Division 2 — Functions and powers of a commission**

### **23. Objects and functions of a commission**

- (1) The objects of a commission are to —
  - (a) maximize job creation and improve career opportunities in the region;
  - (b) develop and broaden the economic base of the region;
  - (c) identify infrastructure services to promote economic and social development within the region;
  - (d) provide information and advice to promote business development within the region;
  - (e) seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and
  - (f) generally take steps to encourage, promote, facilitate and monitor the economic development in the region.
- (2) For the purposes of achieving those objects a commission is to —
  - (a) promote the region;
  - (b) facilitate coordination between relevant statutory bodies and State government agencies;
  - (c) cooperate with representatives of industry and commerce, employer and employee organizations, education and training institutions and other sections of the community within the region;
  - (d) identify the opportunities for investment in the region and encourage that investment;
  - (e) identify the infrastructure needs of the region, and encourage the provision of that infrastructure in the region; and
  - (f) cooperate with —
    - (i) departments of the Public Service of the State and the Commonwealth, and other agencies, instrumentalities and statutory bodies of the State and the Commonwealth; and
    - (ii) local governments,in order to promote equitable delivery of services within the region.

*[Section 23 amended by No. 14 of 1996 s. 4.]*

### **24. Powers of a commission**

- (1) Subject to subsection (2), a commission has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (1a) Without limiting subsection (1), a commission may, for or in connection with the performance of its functions, provide financial support in the form of a grant.
- (2) Subsection (1) does not empower a commission —
  - (a) subject to Part 5, to enter into any business undertaking either directly or indirectly;
  - (b) to acquire land or any estate or interest in land other than a tenancy to provide office premises for the commission; or
  - (c) to borrow money or obtain financial accommodation.
- (3) In performing its functions, a commission may act in conjunction with —
  - (a) any person; or
  - (b) any department of the Public Service, or other agency or instrumentality, of the State or the Commonwealth.

- (4) The requirement of disclosure in section 28(2) applies to a person referred to in subsection (3).

[Section 24 amended by No. 5 of 2003 s. 4(1).]

**25. Minister may give directions**

- (1) The Minister may give directions in writing to a commission with respect to the performance of its functions, either generally or in relation to a particular matter, and the commission is to give effect to any such direction.
- (2) The text of any direction given under subsection (1) is to be included in the annual report submitted by the accountable authority of the relevant commission under Part 5 of the *Financial Management Act 2006*.
- (3) Subsection (1) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996* so far as it applies to the Mid West Development Commission or the South West Development Commission.

[Section 25 amended by No. 41 of 1996 s. 3; No. 77 of 2006 s. 17.]

**26. Minister to have access to information**

- (1) The Minister is entitled —
- (a) to have information in the possession of a commission; and
  - (b) where the information is in or on a document, to have, and make and retain copies of, that document.
- (2) For the purposes of subsection (1) the Minister may —
- (a) request a commission to furnish information to the Minister;
  - (b) request a commission to give the Minister access to information;
  - (c) for the purposes of paragraph (b) make use of the staff and facilities of a commission to obtain the information and furnish it to the Minister.
- (3) A commission is to comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of subsection (2)(c).
- (4) In this section —
- document** includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, or electronically or otherwise;
- information** means information specified, or of a description specified, by the Minister that relates to the functions of a commission.

**Division 4 — Financial provisions**

**31. Funds of a commission**

- (1) The funds available for the purpose of enabling a commission to perform its functions consist of —
- (a) moneys from time to time appropriated by Parliament; and
  - (b) any other moneys lawfully received by, made available to, or payable to the commission.
- (2) An agency special purpose account called the (*name of region*) Development Commission Account is established for each commission under section 16 of the *Financial Management Act 2006* to which the funds for each commission referred to in subsection (1) are to be credited.
- (3) The funds standing to the credit of a commission in an Account are to be applied in payment of —
- (a) interest on and repayments of moneys advanced to the commission;

- (b) the remuneration and travelling and other allowances payable to the appointed members or members of committees of the commission under section 19; and
- (c) any other expenditure lawfully incurred by the commission in the performance of its functions.

*[Section 31 amended by No. 28 of 2006 s. 371; No. 77 of 2006 s. 17.]*

## **32. Application of *Financial Management Act 2006* and the *Auditor General Act 2006***

- (1) The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of each commission and its operations.
- (2) The provisions mentioned in subsection (1) apply in respect of a commission and its operations as if the term **Minister** used in those provisions had the meaning given by section 3(3) of this Act.

*[Section 32 amended by No. 18 of 2001 s. 5; No. 77 of 2006 s. 17.]*

## **Schedule 1**

### **Regions defined by reference to districts**

[Sections 3, 4, 5, 6, 7, 8,  
9, 10, 11, 12 and 13]

#### ***Part I — Wheatbelt region***

The local government districts of Beverley, Brookton, Bruce Rock, Chittering, Corrigin, Cuballing, Cunderdin, Dandaragan, Dalwallinu, Dowerin, Dumbleyung, Gingin, Goomalling, Kellerberrin, Kondinin, Koorda, Kulin, Lake Grace, Merredin, Moora, Mt. Marshall, Mukinbudin, Narembreen, Narrogin (Town), Narrogin (Shire), Northam (Town), Northam (Shire), Nungarin, Pingelly, Quairading, Tammin, Toodyay, Trayning, Victoria Plains, Wagin, Wandering, West Arthur, Westonia, Wickepin, Williams, Wongan-Ballidu, Wyalkatchem, Yilgarn and York.

*[Schedule 1 inserted by No. 14 of 1996 s. 4.]*

## **Schedule 2**

[Sections 3, 17 and 19]

### **Part 1 — Constitution and proceedings of a board**

#### **1. Term of office of appointed member**

- (1) An appointed member holds office for such term, being not more than 3 years, as is specified in the member's instrument of appointment, but he or she is eligible —
  - (a) for further reappointment, if the reappointment is consecutive to a previous appointment and will not result in the member holding office continually for a time which exceeds 6 years; or
  - (b) to be reappointed from time to time, if the term of the reappointment is not consecutive to a previous appointment.
- (2) An appointed member, unless the member sooner dies or resigns or is removed from office, continues in office until a successor comes into office, despite the fact that the term for which the member was appointed may have expired.

*[Clause 1 amended by No. 16 of 1997 s. 6(1).]*

## **2. Vacation of office by appointed member**

- (1) An appointed member may resign from office by notice in writing delivered to the Minister.
- (2) An appointed member may be removed from office at any time by the Minister —
  - (a) for mental or physical incapacity, incompetence, neglect of duty or misconduct that impairs the performance of his or her functions as a member and is proved to the satisfaction of the Minister;
  - (b) if the member is an insolvent under administration, as that term is defined in the *Corporations Act 2001* of the Commonwealth;
  - (c) if the member is absent without leave of the board from 3 consecutive meetings of the board of which the member has had notice; or
  - (d) for any other act or omission that, in the opinion of the Minister, may cause prejudice or injury to the board.
- (3) The contravention of, or failure to comply with, section 21, 28(3) or 30 constitutes misconduct for the purposes of subclause (2).
- (4) The Minister is to terminate the appointment of a member who was nominated under section 16(b) if that person has ceased to be a member of the council of a local government and has not resigned from office.

*[Clause 2 amended by No. 16 of 1997 s. 6(2); No. 10 of 2001 s. 220.]*

## **3. Temporary members**

- (1) If an appointed member is unable to act by reason of sickness, absence or other cause, the Minister may appoint another person to act temporarily in the member's place, and while so acting according to the tenor of his or her appointment the other person has all the functions of a board member.
- (2) An act or omission of a person acting in place of another under this clause may not be questioned on the ground that the occasion for his or her appointment or acting had not arisen or had ceased.
- (3) The appointment of a person as a temporary member may be terminated at any time by the Minister.

## **4. Meetings of a board**

- (1) The first meeting of a board is to be convened by the chairperson and, subject to subclause (2), subsequent meetings are to be held at such times and places as the board determines.
- (2) A special meeting of a board may at any time be convened by the chairperson.
- (3) At a meeting of a board —
  - (a) the chairperson;
  - (b) in the absence of the chairperson, the deputy chairperson; or
  - (c) in the absence of the chairperson and the deputy chairperson, a person elected by the board members present at the meeting from among their number,is to preside.
- (4) At any meeting of a board —
  - (a) each board member present is entitled to a deliberative vote;
  - (b) subject to paragraph (c), if the votes cast on a question are equally divided, the question remains unresolved until a subsequent meeting of the board; and
  - (c) if the votes cast on a question at a meeting of the board were equally divided and the votes cast on the question at a subsequent meeting of the board are again equally divided, the question is taken to have been resolved in the negative.



- (5) A board is to cause accurate minutes to be kept of the proceedings at its meetings.

**5. Resolution may be passed without meeting**

A resolution in writing signed or assented to by letter or facsimile by each board member is as valid and effectual as if it had been passed at a meeting of that board.

**6. Leave of absence**

A board may grant leave of absence to a board member on such terms and conditions as it thinks fit.

**7. Board to determine own procedures**

Subject to this Act, a board may determine its own procedures.

**Regional Development Commissions Regulations 1994**

**2. Appointed members of boards**

For the purposes of section 15(1)(b) of the Act, the board of management of a commission is to have 9 appointed members of whom —

- (a) 3 are to be persons who are resident in the commission's region and nominated in accordance with regulation 11;
- (b) 3 are nominated by local governments in that region in accordance with regulation 12; and
- (c) 3 are to be appointed at the Minister's discretion.

*[Regulation 2 inserted in Gazette 29 Apr 1997 p. 2140.]*

**[3-10. Deleted in Gazette 29 Apr 1997 p. 2140.]**

**11. Board members resident in the region — method of nomination (section 16)**

- (1) The members referred to in regulation 2(a) must be nominated in the following manner —
  - (a) nominations will be sought from —
    - (i) the community, by way of advertisements placed in newspapers circulating in the appropriate region; and
    - (ii) a wide range of community organisations, including employer and employee groups, education and training institutions, tourism and recreation bodies and other sections of the community, by way of direct correspondence with those organisations;
  - (b) the period for nominations will be noted on the advertisement or correspondence, being a period of not less than 42 days from the day on which the advertisement is published or the correspondence is sent (as the case may be).
- (2) Where nominations are sought for a particular region in accordance with subregulation (1) and —
  - (i) names have not been provided by the community and the community organisations in that region; or
  - (ii) sufficient nominations are not received by the Minister,

within the nomination period, the Minister may (after the expiry of the nomination period) nominate for appointment to the board as members such persons as he or she thinks fit, in sufficient numbers to fill the remaining places available, and those persons are appointed as if they were nominated in accordance with subregulation (1).

*[Regulation 11 amended in Gazette 29 Apr 1997 p. 2140.]*

**12. Members nominated by local government authorities —method of nomination (section 16)**

- (1) The members referred to in regulation 2(b) must be nominated in the following manner —
  - (a) nominations will be sought from local governments in the appropriate region by way of direct correspondence with those local governments;
  - (b) the local governments will be requested to provide the names of twice as many persons who are willing and able to be candidates for appointment as there are places available to local government nominees on the board in that region;
  - (c) the period for nominations will be noted on the correspondence, being a period of not less than 42 days from the day on which the correspondence is sent.
- (2) Where local governments have been requested to provide the names of twice as many persons who are willing and able to be candidates for appointment as there are places available to local government nominees on the board in that region and —
  - (i) a list of names has not been provided by any of the local governments in that region; or
  - (ii) sufficient nominations are not received by the Minister,within the nomination period, the Minister may (after the expiry of the nomination period) nominate for appointment to the board as members such persons as he or she thinks fit, in sufficient numbers to fill the remaining places available, and those persons are appointed as if they were nominated in accordance with subregulation (1).

*[Regulation 12 amended in Gazette 29 Apr 1997 p. 2140-1.]*

**STRATEGIC PLAN IMPLICATIONS:** Nil

**FUTURE PLAN IMPLICATIONS:** Nil

**COMMUNITY CONSULTATION:** Nil

**STAFF RECOMMENDATION**

*For Council consideration.*

## **COUNCIL RECOMMENDATION**

**MIN 121/18 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid

***That Council at this time has no nominations to present at this time.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.12
<b>Subject:</b>	WA Local Government Association Member Motions for Consideration
<b>Location:</b>	2018 Annual General Meeting of WALGA
<b>Applicant:</b>	Member Local Governments of WALGA
<b>File Ref:</b>	OLGOV-12
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	26 <sup>th</sup> July 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council will be represented by Shire President Cr Forsyth at the 2018 Local Government Week convention to be held at the Perth Convention and Exhibition Centre (PCEC) from 1<sup>st</sup> to 3<sup>rd</sup> August 2018 with Cr Forsyth being Councils authorised voting delegates at the AGM.

This year no other Councillors or the Chief Executive Officer will be attending the conference as per email advice from Councillors.

The Annual General Meeting of WALGA is scheduled for the Wednesday afternoon session of the convention (1<sup>st</sup> August). There are four member motions to be presented as part of the agenda for the 2018 AGM of the Western Australian Local Government Association (WALGA).

Council's voting delegates at the AGM are the Shire President and Deputy President in accordance with Council Policy 5.1 however, with no other Councillors or Chief Executive Officer in attendance Cr. Rod Forsyth will be Council's voting delegates.

## COMMENT

The following motions are summarised for Council to consider. Council appointed Delegates attending the Annual General Meeting of the WA Local Government Association are required to vote according to the indicative determinations from the Council in regards to the following summary motions presented in the mentioned Agenda and Meeting.

A full copy of the Motions have been attached to this Agenda Item for detailed Council reading and direction to appointed Delegates;

<b>AGENDA ITEM</b>	<b>LOCAL GOVERNMENT PROPONENT</b>	<b>MOTION TITLE</b>
4.1	WALGA	Amendments to the WALGA Constitution
4.2	Shire of Victoria Plains	Roadside Vegetation – Regulatory Amendments
4.3	Shire of Donnybrook Balingup	GST Revenue Distribution Share for WA
4.4	Shire of Moora	Rural, Regional and Remote Community State Funding Cuts.

The following comments are provided for Council's information and to assist in the decision making process.

### **Item 4.1**

Executive Member Delegate to move:

- That Clause 18 and Clause 19 of the Association Constitution be amended as follows:**

- I. Clause 18, sub-clause (1) be amended with the addition of the underlined words, as follows:

(1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.

- II. Clause 19 be amended with the addition of the underlined words and the deletion of the strikethrough words, as follows:

(1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution shall hold the office of President for the balance of the term of the President replaced.

(2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.

~~(3)~~ An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.

~~(4)~~ Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternate constituency to that of the President just elected.

~~(3)(5)~~ If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate constituency to that of the President.

~~(4)(6)~~ A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 48 19 shall still be eligible for election to a subsequent two (2) full consecutive terms.

2. That Clause 17A – Rotation of Presidency be added to the Association Constitution, as follows:

#### 17A – Rotation of Presidency

1. At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.

2. At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
3. That Clause 20 of the Association Constitution be amended with the addition of the underlined words as follows:  
A person shall cease or be disqualified from being a representative or deputy representative on the State Council, or from being President or Deputy President of the Association, or from attending State Council in an ex-officio capacity, if that person:
4. That sub-clause 20(j) of the Association Constitution be amended with the addition of the underlined words and the deletion of the strikethrough words as follows:  
(j) Is a Councillor that has been suspended by the Minister for Local Government under Part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2) of the Local Government Act 1995.
5. That sub-clause 10(2) of the Association Constitution be amended with the addition of the underlined words as follows:  
(2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
6. That sub-clauses 2(1), 5(7)(a), 9(1)(d), and 31(4)(b) be amended as follows:
  - I. That the following strikethrough words be replaced with the following underlined words in sub-clause 2(1):  
~~“Local Government Managers Australia” means the Western Australian Division of the Local Government Managers Australia (LGMA), which body is incorporated under the Victorian Companies Act 1961.~~  
“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia.
  - II. That sub-clause 5(7)(a) of the Association Constitution relating to Associate Members of WALGA be amended with the words “Local Government Managers Australia (LGMA)” to be replaced with the words “Local Government Professionals Australia WA”.
  - III. That sub-clause 9(1)(a) of the Association Constitution relating to ex-officio members of State Council be amended to replace the words “Local Government Managers Australia (LGMA)” with the words “Local Government Professionals Australia WA”.
  - IV That sub-clause 31(4)(b) of the Association Constitution relating to a dispute resolution panel be amended by replacing the word “LGMA” with the words “Local Government Professionals Australia WA”.
7. That sub-clause 14(4a)(h) be amended with the addition of the underlined words and the deletion of the strike through words as follows:

- (h) ~~Is a Councillor that has been suspended by the Minister for Local Government under part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)(c) of the Local Government Act 1995.~~

#### Notes

- A number of Constitutional amendments proposed by State Council as well as some technical clarifications.
- Proposed amendments endorsed by State Council in May 2018.

#### Item 4.2

Shire of Victoria Plains Delegate to move:

**That the *Environmental Protection (Clearing of Native Vegetation) Regulations 2000* be amended to permit clearing or reduction of vegetation:**

- 1. Within 30m of all farm driveways/gates/entrances; and**
- 2. On road bends and intersections obstructing 'line of sight', be cleared.**

#### Notes

- Motion for regulatory amendments to enable clearing of vegetation close to driveways, road bends and intersections.
- With a view to improving road safety.

#### Item 4.3

Shire of Donnybrook Balingup Delegate to move:

**That WALGA adopts a policy and position as the representative of the WA Local Government section to persistently seek and advocate for an increase of the GST distribution share back to Western Australia.**

- WA is underrepresented in the amount of GST share received.
- Seeking WALGA's support to advocate for an increase to the GST distribution for WA.

#### Item 4.4

Shire of Moora Delegate to move:

**That WALGA express its deep concern to the WA State Government regarding the continued attack on rural, regional and remote communities in WA through reducing funding to critical services and infrastructure programs, cuts that disproportionately discriminate against already disadvantaged communities across WA.**

#### Notes

- Concern regarding funding cuts, particularly to education services and infrastructure, affecting rural communities.

#### POLICY IMPLICATIONS.

Notices inviting Council to nominate delegates or observers to conferences, meetings and similar occasions be circulated to all Councillors. Any Councillors who wish to represent Council at such an event shall request nomination at a Council Meeting. Council shall decide by resolution to nominate such representatives as Council may consider are appropriate.

Councillors receiving authorisation to attend are required to provide a written report on attendance of meeting.

Council will pay the conference/meeting registration fees, accommodation expenses as deemed appropriate by Council and travelling expenses for the delegate if using their private vehicle, at a rate prescribed in the Local Government Industrial Award 2010.

## **Conference – Local Government Week**

The Council President, Deputy President and the Chief Executive Officer will be the nominated delegates for Council. In the event of these delegates not being able to attend, Council may decide by resolution, to choose other Councillors to replace them.

Councillors wishing to attend the Annual Conference in addition to the nominated delegates should advise when registrations are requested or when notice of Conference is presented to Council.

Council shall determine by resolution all matters pertaining to representatives, numbers of Councillors attending and payment of expenses, but the following shall be used as a guide;

1. Council shall pay the expenses of Annual Conference delegates.
2. Council shall pay the cost of conference registration for the delegate and the annual dinner fee for both the delegate and delegate's partner.
3. Council shall pay the accommodation expenses, which includes bed and breakfast for the delegate and delegate's partner.

## **Other Conferences, Meetings and Occasions**

All proposals for attendance at other conferences and meetings shall firstly be subject to an assessment by Council with advice from the Chief Executive Officer based on the following criteria –

Whether the proposal relates to an objective identified within the current or future strategic direction of Council.

The current relevance of the proposal to the Shire.

Historic or expected attendance.

The relationship of the proposal to the outcomes to be delivered and how these relate to the Councillor's role as either a Presiding Member, Committee Member or Councillor.

Equity of opportunity and the remaining period of office of the Councillor concerned including recognition of the number of opportunities previously provided to the Councillor.

Whether there are more cost effective options to acquire the relevant knowledge and information.

Whether it is appropriate that more than one Councillor attend.

The total cost of travel, accommodation, registration, meals and other expenses and the potential impact of these on the Shire's budget allocation including the future impact on conference attendance by other Councillors during the current financial year.

## **Administration Process**

Registration for all approved conferences and meetings including travel and accommodation must be organised through the Chief Executive Officer. Where possible, all airfares and other travel arrangements including registration, accommodation and associated fees and charges shall be paid direct by the Shire.

## **Reimbursement of Expenses**

Authorised expenditure shall be reimbursed to the Councillor delegate upon presentation of receipts. Councillor delegates will be personally liable for any outstanding amounts not properly authorised.

The Chief Executive Officer is responsible for implementing this policy.

**STATUTORY IMPLICATIONS:** Nil (not known at this time – decision making processes)

## **STRATEGIC PLAN IMPLICATIONS**

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

**COMMUNITY CONSULTATION:** Nil (elected body to determine)

**ABSOLUTE MAJORITY REQUIRED:** Yes

**STAFF RECOMMENDATION**

*That Council directs its appointed delegates to vote as follows;*

<b>AGENDA ITEM</b>	<b>MOTION TITLE</b>	<b>Support/Oppose</b>
4.1	<i>Amendments to the WALGA Constitution</i>	<i>Support</i>
4.2	<i>Roadside Vegetation – Regulatory Amendments</i>	<i>Support</i>
4.3	<i>GST Revenue Distribution Share for WA</i>	<i>Support</i>
4.4	<i>Rural, Regional and Remote Community State Funding Cuts</i>	<i>Support</i>

BY ABSOLUTE MAJORITY

**COUNCIL RECOMMENDATION**

**MIN 122/18 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake

*That Council directs its appointed delegates to vote as follows;*

<b>AGENDA ITEM</b>	<b>MOTION TITLE</b>	<b>Support/Oppose</b>
4.1	<b><i>Amendments to the WALGA Constitution</i></b>	<b><i>Support</i></b>
4.2	<b><i>Roadside Vegetation – Regulatory Amendments</i></b>	<b><i>Support</i></b>
4.3	<b><i>GST Revenue Distribution Share for WA</i></b>	<b><i>Support</i></b>
4.4	<b><i>Rural, Regional and Remote Community State Funding Cuts</i></b>	<b><i>Support</i></b>

CARRIED 6 /0  
BY ABSOLUTE MAJORITY



<b>Agenda Reference:</b>	11.1.13
<b>Subject:</b>	June 2018 Cheque List
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	17 <sup>th</sup> July 2018
<b>Author:</b>	Morgan Ware, Finance Officer

## BACKGROUND

Accounts for payment from 1<sup>st</sup> June 2018 – 30<sup>th</sup> June 2018

### Trust Fund

EFT 8441 - 8539

<b>TRUST TOTAL</b>	<b>\$ 250.00</b>
--------------------	------------------

### Municipal Fund

Cheque Payments

34429 - 34444	<b>\$ 45,550.97</b>
---------------	---------------------

EFT Payments

8443 - 8538	<b>\$ 390,662.51</b>
-------------	----------------------

Direct Debit Payments	<b>\$ 41,619.04</b>
-----------------------	---------------------

<b>TOTAL MUNICIPAL</b>	<b>\$ 436,213.48</b>
------------------------	----------------------

## COMMENT

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

<b>Wongan Concrete Services</b>	<b>\$ 110,265.76</b>
---------------------------------	----------------------

Construction of 2000mm wide x 100mm deep reinforced concrete DUPs, 621 LM, Construction of 100mm deep reinforced concrete DUP Pram Ramps, 3 No, Construction of 100mm deep reinforced concrete vehicular crossover slabs, 327.5m/2, Construction of 100mm deep

<b>Perth Patios</b>	<b>\$ 40,000.00</b>
---------------------	---------------------

Supply & Install New Patio for Caravan Park, 410m2

<b>Western Australian Treasury Corporation</b>	<b>\$ 33,504.08</b>
--	---------------------

Loan No. 118 Principal & Interest payment, Rec Centre Redevelopment

<b>Water Corporation</b>	<b>\$ 20,065.60</b>
--------------------------	---------------------

Water Consumption & Standpipe Charges for Shire owned facilities from April to June 2018

<b>Deputy Commissioner Of Taxation</b>	<b>\$ 19,634.00</b>
--	---------------------

PAYG Tax, GST, Fuel Tax Credits

<b>United Card Services Pty Ltd</b>	<b>\$ 19,375.62</b>
-------------------------------------	---------------------

Fuel Purchases, June 18

<b>Great Southern Fuel Supplies</b>	<b>\$ 14,731.76</b>
-------------------------------------	---------------------

Fuel Purchases, May 2018

<b>Farmways Kellerberrin Pty Ltd</b>	<b>\$ 12,966.85</b>
--------------------------------------	---------------------

Complete suspended ceiling, Ceiling kit, Recreation Centre TOTE, 12V 600W Inverter, Sound

Ordinary Council Meeting Minutes – 31<sup>st</sup> July, 2018

Page 73

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

Deadener long can, Body Deadener gun dual fit, 15 90x45 Pine for TOTE renovations, Impact wrench, 4" butterfly valve, Air open spring shut actuator, Metabo hammer drill, Air operator nail gun, Reversing camera, Gas Bottle LPG 45kg, Granular Chlorine, and other misc. items under \$100

<b>Western Australian Treasury Corporation</b> Loan No. L117 Interest & Principal Payment	\$ 12,682.59
<b>Synergy</b> Power Consumption for Shire owned facilities, April 2018 to June 2018	\$ 11,917.20
<b>United Card Services Pty Ltd</b> Fuel Purchases, May 2018, Monthly card fee, Loyalty discount	\$ 11,331.39
<b>Northam Carpet Court</b> Supply and Install imagery carpet tiles colour machine to TOTE room, As per Quote: 10016	\$ 9,002.00
<b>Woodstock Electrical Services</b> Supply Cards for Gym Entrance x 200, Upgrade of Rec Centre Door/Security System, Freight & Labour. Repair security light at 22 Gregory St, New LED sensor & labour. Disconnect power from pergola at Caravan Park, Reinstall lights to toilet block & labour.	\$ 8,659.53
<b>Local Government, Sport &amp; Cultural Industries</b> Sport 4 All, KidSport	\$ 8,370.21
<b>Avon Waste</b> Dom/Com Rubbish x4 Weeks, Transport Waste to Northam Facility, Recycling, Additional Recycling, Cardboard Only Service, Servicing of Transfer Station, Transport of Waste to Northam Facility	\$ 7,710.80
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll Deductions	\$ 7,581.81
<b>Fire And Emergency Services (WA)</b> 2017/2018 ESL, Quarter 4 in accordance with the Department of Fire & Emergency Services, Part 6A Emergency Services Levy	\$ 6,745.69
<b>Brooks Hire Service Pty Ltd</b> Hire of Excavator for 30/04/18, 30/04/2018	\$ 6,611.00
<b>Protection Engineering Pty Ltd</b> Remedial works on Emergency & Exit lights fittings as per Quote: FG-E038/18, Kellerberrin Recreation Centre, Fire testing fees for 01/04/2018 to 30/04/2018 & 01/06/2018 to 30/06/2018	\$ 6,083.04
<b>Innes &amp; Co</b> Hire of KE604 & 1TOA618 from 26/04/18 to 03/05/18	\$ 5,648.50
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll Deductions	\$ 5,601.78
<b>Moore Stephens</b> Compilation of the Statement of Financial Activity for April 18, Rates Processing for April 18, Review & Lodge Business Activity Statement for April 18, Kellerberrin Speedway facility upgrade report	\$ 5,501.10
<b>Kellerberrin &amp; Districts Club</b> Quarterly Payment, Salary of Kellerberrin Recreation Centre Manager 01/04/2018 to 30/06/2018	\$ 5,500.00
<b>Kellerberrin Agricultural Society</b> Fundraising Ag Society, Rubbish Collection, Sponsorship, Trophy Sponsorship, Schedule Advertising	\$ 5,100.00

## 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 June 2018, 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 **\$436,213.48** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$250.00** on vouchers EFT, CHQ, Direct payments*

**COUNCIL RECOMMENDATION**

**MIN 123/18 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid**

*That Council notes that during the month of June 2018, 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 \$436,213.48 on vouchers EFT, CHQ, Direct payments***
2. ***Trust Fund payments totalling \$250.00 on vouchers EFT, CHQ, Direct payments***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.14
<b>Subject:</b>	Direct Debit List and Visa Card Transactions for the month June 2018
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	20 <sup>th</sup> July 2018
<b>Author:</b>	Amanda Garlett – Administration Officer

## BACKGROUND

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

### **Municipal Direct Debit List**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
1-Jun-18	Shire of Kellerberrin	Super	\$	7,678.00
1-Jun-18	National Australia Bank	EFT Payment	\$	167.69
1-Jun-18	National Australia Bank	EFT Payment	\$	117.74
1-Jun-18	Westnet	Monthly Rent	\$	4.99
4-Jun-18	National Australia Bank	EFT Payment	\$	116.00
6-Jun-18	National Australia Bank	Account Fees - NAB Connect (April 2018)	\$	62.74
7-Jun-18	Shire of Kellerberrin	EFT Payment	\$	135,915.32
12-Jun-18	Housing Authority	Fortnightly Rent	\$	420.00
12-Jun-18	Shire of Kellerberrin	EFT Payment	\$	1,365.00
13-Jun-18	DLL	Monthly Rent	\$	265.21
14-Jun-18	Dept. Health	Permit	\$	125.00
14-Jun-18	Shire of Kellerberrin	EFT Payment	\$	49,342.75
18-Jun-18	ATO	EFT Payment	\$	14,190.00
18-Jun-18	ATO	EFT Payment	\$	29,083.00
21-Jun-18	ATO	EFT Payment	\$	19,634.00
21-Jun-18	Shire of Kellerberrin	EFT Payment	\$	234,006.57
26-Jun-18	National Australia Bank	Account Fees - NAB Connect (May 2018)	\$	107,641.52
26-Jun-18	Housing Authority	Fortnightly Rent	\$	420.00
27-Jun-18	ATO	EFT Payment	\$	1,712.50
27-Jun-18	Alleasing	Lease Fee	\$	533.74
28-Jun-18	Shire of Kellerberrin	EFT Payment	\$	19,375.62
28-Jun-18	Shire of Kellerberrin	EFT Payment	\$	58,739.41
29-Jun-18	National Australia Bank	Merchant Fee	\$	4.99
29-Jun-18	National Australia Bank	Account Fees - BPAY	\$	7.12
29-Jun-18	National Australia Bank	Account Fees - Muni	\$	42.50
29-Jun-18	National Australia Bank	Account Fees - Trust	\$	60.20
29-Jun-18	National Australia Bank	Merchant Fee	\$	129.76
29-Jun-18	National Australia Bank	Merchant Fee	\$	143.29
29-Jun-18	Shire of Kellerberrin	EFT Payment	\$	9,103.90
29-Jun-18	Shire of Kellerberrin	Super	\$	9,802.92
<b>TOTAL</b>			<b>\$</b>	<b>700,211.48</b>

### **Trust Direct Debit List**

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
31-June-18	Department Transport	Direct Debit-Licensing Payments June 2018	\$	70,827.65
<b>TOTAL</b>			<b>\$</b>	<b>70,827.65</b>

### Visa Transactions

Date	Name	Details	\$	Amount
30-May-18	Dept. Water	Clearing Permit	\$	200.00
01-Jun-18	Town of Cambridge	Parking	\$	5.60
01-Jun-18	BP Lakes	Food & Beverages	\$	12.50
12-Jun-18	St John of God Midland	Flowers for Codi	\$	75.00
22-Jun-18	BP Lakes	Food & Beverages	\$	8.80
22-Jun-18	Mundaring Kebabs	Food & Beverages	\$	32.00
25-Jun-18	City of Fremantle	Parking	\$	5.00
27-Jun-18	Electrical Home Aids	Vacuum Bags	\$	99.80
28-Jun-18	NAB	Card Fee	\$	9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>447.70</b>
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
28-Jun-18	NAB	Card Fee	\$	9.00
<b>TOTAL - DCEO</b>			<b>\$</b>	<b>9.00</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$</b>	<b>456.70</b>

### FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

**POLICY IMPLICATIONS - Nil**

### STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

- (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity May 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 June 2018 comprising;
  - (a) Municipal Fund – Direct Debit List
  - (b) Trust Fund – Direct Debit List
  - (c) Visa Card Transactions

Be adopted.

# **COUNCIL RECOMMENDATION**

**MIN 124/18 MOTION - Moved Cr. McNeil**                      **2<sup>nd</sup> Cr. Reid**

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

***Be adopted.***

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.1.15
<b>Subject:</b>	Financial Management Report for June 2018
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	25 <sup>th</sup> July, 2018
<b>Author:</b>	Sean Sibly, DCEO

## BACKGROUND

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

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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



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

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

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

- (a) Statement of Financial Activity*
- (b) Note 1 to Note 12*

*Be adopted.*

## **COUNCIL RECOMMENDATION**

**MIN 125/18 MOTIONS - Moved Cr. Reid    2<sup>nd</sup> Cr. O'Neill**

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

- (a) Statement of Financial Activity***
- (b) Note 1 to Note 12***

***Be adopted.***

CARRIED 6/0

## DEVELOPMENT SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Building Returns: June 2018
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Various
<b>File Ref:</b>	BUILD06
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	18 <sup>th</sup> July, 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

### BACKGROUND

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

### COMMENT

1. There were nil (0) applications received for a "Building Permit" during the June 2018 period. A copy of the "Australian Bureau of Statistics appends".
2. There was nil (0) "Building Permits" issued in the June 2018 period. See attached form "Return of Building Permits Issued".

### FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

There is income from Building fees and a percentage of the levies paid to other agencies. ie: "Building Services Levy" and "Construction Industry Training Fund" (when construction cost exceeds \$20,000)

### POLICY IMPLICATIONS

NIL

### STATUTORY IMPLICATIONS

- Building Act 2011
- Shire of Kellerberrin Town Planning Scheme 4

### STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

### TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

### COMMUNITY CONSULTATION

Building Surveyor

Owners

Building Contractors

### ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

## STAFF RECOMMENDATION

*That Council*

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

## COUNCIL RECOMMENDATION

**MIN 126/18 MOTION** - Moved Cr. Steber    2<sup>nd</sup> Cr. Leake

*That Council*

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

CARRIED 6/0

<b>Agenda Reference:</b>	11.2.2
<b>Subject:</b>	Oversize Shed / Outbuilding
<b>Location:</b>	Lot 450, 68 Forrest Street, Kellerberrin
<b>Applicant:</b>	Mr David McDonald
<b>File Ref:</b>	A574
<b>Record Ref:</b>	IPA1858
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	10 <sup>th</sup> July 2018
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

An application has been received from Mr. David McDonald to erect an oversize SHED on his property being Lot 450, 68 Forrest Street, Kellerberrin. The shed is needed to house furniture and equipment during the construction of his new residence to be located at this address.

There is currently no buildings/dwellings or outbuilding on the property.

The proposed shed is 12m x 8m (96m<sup>2</sup>) with a skillion roof section.





The photo above represents the property however; the residence that is visible has been demolished by Council as this image is from 2008.

The property is a vacant property and has no buildings/outbuildings as stated above.

**COMMENT**

**PLANNING ASSESSMENT**

The subject lot is zoned Residential (R10/R40) under Local Planning Scheme 4, the objectives of which are:

*4.2.1 Residential Zone*

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

**Compliance with Council's Outbuilding Policy**

**7.0 MAXIMUM DEVELOPMENT REQUIREMENTS**

**7.1 Maximum standards for outbuildings in R-Coded areas**  
(Includes: Residential, Rural Residential and Rural Townsite zones as seen on Scheme Map)

7.1.1 The following variations to the deemed-to-comply requirements of Part 5.4.3, C3 iii, iv and v of the R-Codes, shall apply in these R-Coded areas:

DENSITY CODE	ZONING	GROSS TOTAL SITE AREA		WALL HEIGHT (m)	RIDGE HEIGHT (m)
R2	RESIDENTIAL / RURAL RESIDENTIAL	200m <sup>2</sup> or 10% of the site area (whichever is less)		4	5.5
R2.5 - 5	RESIDENTIAL	Lots less than 2000m <sup>2</sup>	150m <sup>2</sup> or 10% of the site area (whichever is less)	3.5	4.5
		Lots greater than 2000m <sup>2</sup>	180m <sup>2</sup> or 10% of the site area (whichever is less)		
R10 - 40	RESIDENTIAL / RURAL TOWNSITE	Lots less than 1000m <sup>2</sup>	80m <sup>2</sup> or 10% of the site area (whichever is less)		
		Lots greater than 1000m <sup>2</sup>	100m <sup>2</sup> or 10% of the site area (whichever is less)		

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

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

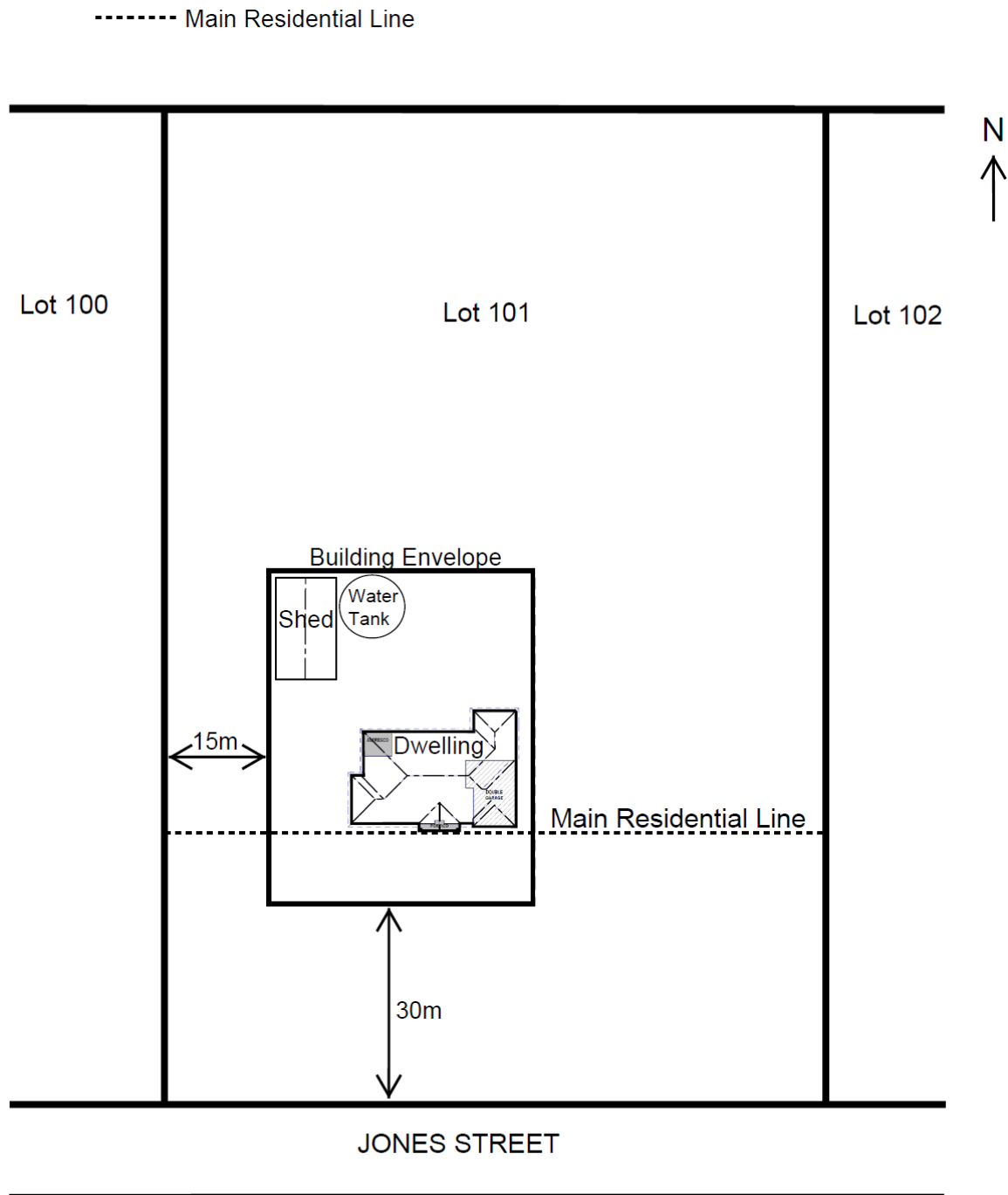
7.1.4 The gross total area is cumulative.

#### **Council Comment**

The proposal exceeds the square meters permitted under the policy for a property less than 1,000m<sup>2</sup> as indicated in the Table above. The permitted size is 80m<sup>2</sup> or 10% of the site area (whichever is less). The property is only 974.21m<sup>2</sup> therefore approval from Council is required.

## SETBACKS/LOCATION OF OUTBUILDING

Mr McDonald in his Development Application has provided a site plan as per “APPENDIX 1” which indicates that the Outbuilding Development (Shed) will be constructed behind the Main Residential Line as per Council’s Outbuilding Policy.



Please find above the table for the relevant setbacks indicating what is permitted, as noticed in the table the Shed will be classified under Table 2b and with the wall height classification of 3.5m and Length 1m the setbacks need to be 2.7m.



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

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

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

\* Possible nil **setback** in accordance with clause 5.1.3.

**Table 2b: Boundary setbacks - Walls with major openings**

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

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

As illustrated in the diagram (Appendix 1) provided by Mr McDonald the setbacks have been allowed for 1.5m from the Eastern and Southern side and 6.62m on the Western side, therefore the proposal is complies with the R-Codes

## ADVICE NOTES

Should Council approve this application, the following advice note will be included in the Development Approval:

- i. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the *Building Regulations 2012* which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.

## FINANCIAL IMPLICATIONS

The cost of this Development Application is \$147.00.

The cost of the Building Permit: to be determined on cost of construction.

Payment of the Builders Services Levy of \$61.65

## POLICY IMPLICATIONS

### 1.0 STATUTORY CONTEXT

The Shire of Kellerberrin, as enabled under the *Planning and Development (Local Planning Schemes) Regulations 2015*, Division 2, Schedule 2 of the deemed provisions, hereby makes this Local Planning Policy (LPP) regarding Outbuildings. Clause 3(1) of the deemed provisions allows for a local government to prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

Any LPP prepared under this part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

A LPP is not part of the Scheme and shall not bind the Local Government in any respect of any application for development approval, but the local government shall have due regard to the



provisions of any policy, and the objectives which the policy is designed to achieve before making its decision.

This LPP applies to the Residential, Rural Residential and Rural Townsite zones within the Scheme area.

This policy supersedes previous policies regulating outbuildings in the Shire of Kellerberrin including Policies 9.2 and 9.3 in the Shire's Policy Manual.

## 2.0 BACKGROUND

Outbuildings are often a necessary requirement for landowners within the Shire, as they support a variety of rural land uses. As lifestyle patterns and domestic storage needs have evolved there is a trend toward the construction of larger outbuildings within the Shire.

This policy seeks to apply a regional variation to the deemed-to-comply provisions for outbuildings within *State Planning Policy 3.1 - Residential Design Codes* (R-Codes) by allowing for greater floor area, ridge and wall heights within the specified zones. Outbuildings need to be sensitively located and designed so as not to impact on the amenity of nearby residents, the streetscape, and the character and environmental attributes of the area. Therefore, this policy seeks to ensure that outbuildings are constructed to a high standard, and are suitably sized and located relevant to their context so as to not adversely impact on the surrounding area.

## 3.0 DEFINITIONS

The following are definitions that relate directly to the application of this policy:

**"Council"** means the elected members of the Shire.

**"Deemed provisions"** means the provision designated as a deemed provision under Section 256(5)(b) of the *Planning and Development Act 2005*. Deemed provisions, as amended from time to time, have effect and may be enforced as part of each local planning scheme to which they apply, whether they are prescribed before or after the scheme comes into force.

**"Development site"** means a parent lot in which development is proposed.

**"Outbuilding"** means an enclosed non-habitable structure that is detached from any dwelling.

**"Residential Design Codes"** as referenced under *State Planning Policy 3.1 - Residential Design Codes*.

**"Ridge Height"** means the maximum vertical distance between the natural ground level and the finished roof height directly above.

**"Scheme"** means the Shire of Kellerberrin *Local Planning Scheme No.4*.

**"Substantially commenced"** means that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed.

**"Wall height"** means the vertical distance from the natural ground level at the boundary immediately adjacent to the wall to the roof or parapet at any point.

## 4.0 POLICY OBJECTIVES

The objectives of this policy are:

- To vary the deemed-to-comply provisions of the R-Codes for Design Principles 5.4.3 - Outbuildings;

- To provide flexibility for outbuilding size, construction and materials to meet the needs of local residents;
- To ensure that outbuildings are constructed to a suitable standard and located in such a way as to minimise their impact on the amenity of the locality or adjoining properties, including the protection of natural vegetation, water quality and bushfire risk;
- To ensure outbuildings constructed within the Shire are consistent with relevant zone objectives outlined in the scheme; and
- To provide further clarity on the definition of an outbuilding.

## 5.0 POLICY APPLICATION

This policy applies to the assessment of outbuildings on land in the Scheme area within the following zones:

- Residential
  - Rural Residential; and
  - Rural Townsite;
- (i) A person must not commence the construction of an outbuilding on land within the above zones in the Scheme area unless:
- (ii)(i) the person has obtained development approval of the Council; or
- (iii)(ii) the development is of a type that is referred to in Section 6.1.2 of this policy.

The following provisions are intended to guide and regulate the design and positioning of outbuildings to ensure a balance between legitimate forms of storage requirements of landowners and potential amenity and landscape impacts. For the purposes of this policy, sea containers, animal feed bins, dongas and water tanks do not constitute an outbuilding.

This policy does not apply to the Town Centre zone; outbuildings in this zone are regulated by the R-Codes as permitted under Clause 4.2 of the Scheme. Outbuildings in the Industrial zone will be considered on a case-by-case basis and require Council approval.

## 6.0 EXEMPTIONS FROM DEVELOPMENT APPROVAL

6.1.1 Under Clause 61(1)(i) of Schedule 2 of the deemed provisions, the following exemptions from development approval apply:

- (i) Development approval of the Shire is not required for the development of an outbuilding with an area of 10m<sup>2</sup> or less.
- (ii) Development approval of the Shire is not required for the development of an outbuilding with an area of greater than 10m<sup>2</sup>, provided that it complies with the maximum development requirements outlined within Section 7 of this policy, in the Residential, Rural Residential and Rural Townsite zones.
- (iii) Development approval of the Shire is not required for the development of an outbuilding in the general agriculture zone, providing the development adheres to the provisions of the Scheme.

6.1.2 Development approval is required if located in a place that is:

- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
- (ii) the subject of an order under the *Heritage of Western Australia Act 1990*;
- (iii) included on a heritage list prepared in accordance with the Scheme;
- (iv) within an area designated under the Scheme as a heritage area;

- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990, Section 29*; and/or
- (vi) on a lot abutting an unconstructed road, or a lot which does not have frontage to a constructed road.

## 7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

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

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

- 7.1.1 The following variations to the deemed-to-comply requirements of Part 5.4.3, C3 iii, iv and v of the R-Codes, shall apply in these R-Coded areas:

DENSITY CODE	ZONING	GROSS TOTAL SITE AREA		WALL HEIGHT (m)	RIDGE HEIGHT (m)
R2	RESIDENTIAL / RURAL RESIDENTIAL	200m <sup>2</sup> or 10% of the site area (whichever is less)		4	5.5
R2.5 - 5	RESIDENTIAL	Lots less than 2000m <sup>2</sup>	150m <sup>2</sup> or 10% of the site area (whichever is less)	3.5	4.5
		Lots greater than 2000m <sup>2</sup>	180m <sup>2</sup> or 10% of the site area (whichever is less)		
R10 - 40	RESIDENTIAL / RURAL TOWNSITE	Lots less than 1000m <sup>2</sup>	80m <sup>2</sup> or 10% of the site area (whichever is less)		
		Lots greater than 1000m <sup>2</sup>	100m <sup>2</sup> or 10% of the site area (whichever is less)		

- 7.1.2 Maximum standards do not override the deemed-to-comply requirements of Table 1 of the R-Codes or any specific Scheme requirements.
- 7.1.3 Outbuildings shall be located in cleared areas, behind the main residential building line in accordance with Schedule 1 of this policy.
- 7.1.4 The gross total area is cumulative.

## 8.0 APPEARANCE AND OTHER STANDARDS

- 8.1.1 Factory applied steel wall and roof clad outbuildings shall be constructed of non-reflective material that is sympathetic to the surroundings and finish of the existing dwelling on the development site.
- 8.1.2 The use of second-hand materials will only be permitted where the materials are in good condition and are sympathetic to the surroundings and finish of the existing dwelling on the development site. The Shire may require a structural engineer report for use of second-hand materials.
- 8.1.3 Outbuildings that do not comply with the maximum development requirements will not be supported unless detailed justification can be provided for proposed variations.

## 9.0 USE OF OUTBUILDINGS

- 9.1.1 Outbuildings shall only be used for incidental uses associated with a residential use and/or rural purpose.
- 9.1.2 The Shire may grant approval for the use of an outbuilding to accommodate a caravan for the purposes of temporary accommodation for a period not exceeding twelve (12) months, where a building permit has been approved and work has substantially commenced on the development site.
- 9.1.3 The Shire may grant approval for the use of an outbuilding to accommodate a caravan for the purposes of temporary accommodation for a period not exceeding twelve (12) months, where a building permit has been approved and work has substantially commenced on the development site.

## 10.0 ADVERTISING

- 10.1.1 Variations to the acceptable standards will be referred to affected surrounding landowners for comment, in accordance with Clause 64 of Schedule 2 of the deemed provisions. Where a submission is received objecting to a proposal the application may be referred to Council for consideration.

## STATUTORY IMPLICATIONS

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

<b>Residential Design Codes – State Planning Policy 3.1</b>
---

- 2.4 Judging merit of proposals Where a proposal does not meet deemed-to comply provision(s) of the R-Codes and addresses design principle(s), the decision-maker is required to exercise judgment to determine the proposal. Judgment of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

### 2.5 Exercise of judgment

- 2.5.1 Subject to clauses 2.5.2 and 2.5.3, the decision-maker is to exercise its judgment to consider the merits of proposals having regard to objectives and balancing these with the consideration of design principles provided in the R-Codes. The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding deemed-to-comply provision(s).
- 2.5.2 In making a determination on the suitability of a proposal, the decision-maker shall exercise its judgment, having regard to the following: (a) any relevant purpose, objectives and provisions of the scheme; (b) any relevant objectives and provisions of the R-Codes; (c) a provision of a local planning policy adopted by the decision-maker consistent with and pursuant to the R-Codes; and (d) orderly and proper planning.
- 2.5.3 The decision-maker shall not vary the minimum or average site area per dwelling requirements set out in Table 1 (except as provided in the R-Codes or the scheme).
- 2.5.4 The decision-maker shall not refuse to grant approval to an application where the application satisfies the deemed-to-comply provisions of the R-Codes and the relevant provisions of the scheme and any relevant local planning policy.
- 2.5.5 For the purpose of the R-Codes, a local structure plan, local development plan or local planning policy, will only be a relevant consideration in the exercise of judgment where it is: (a) specifically sanctioned by a provision of the R-Codes; (b) consistent with the design principles of the R-Codes; and (c) consistent with the objectives of the R-Codes.

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

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

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

**Legend**

- ◆ subject to variations permitted under clause 5.1.1 C1.4
- ▼ only applies to single houses
- secondary street: includes communal street, private street, right-of-way as street
- indicated not applicable
- \* see Tables 2a and 2b and clause 5.1.3
- Av. average site area

**4.1 Consultation requirement**

- 4.1.1 Where a development proposal is deemed-to-comply, it will not require advertising to adjoining owners and occupiers.
- 4.1.2 Where an application is made for planning approval, or other approval process as used by the decision-maker, which presents: (a) a proposal against one or more design principles of the R-Codes; and (b) a possible impact on the amenity of adjoining owners and occupiers; then there may be grounds for the decision-maker to advertise the proposal to these owners and occupiers.
- 4.1.3 Where the decision-maker is to judge the merits of a proposal and: (a) the merits of the proposal are a matter of technical opinion; and (b) the decision-maker is satisfied it will not adversely impact the adjoining residential property or the street, it is not necessary to seek comment from adjoining owners and occupiers about the proposal, except where specifically required by the scheme or relevant local planning policy.
- 4.1.4 The provisions of clauses 4.2 and 4.3 apply to provide for adjoining owners and occupiers, who in the opinion of the decision-maker are likely to be affected, to view and comment on the proposal.
- 4.1.5 Where a matter is advertised for comment the notification should direct adjoining owners and occupiers to focus their comments to the particular design principle(s) that the proposal is addressing.
- 4.1.6 The decision-maker, upon receipt of any comment(s) from adjoining owners and occupiers, is required to consider and balance comment(s) with its technical opinion when it exercises its judgement to determine the proposal.

**STRATEGIC PLAN IMPLICATIONS**

There are no strategic plan implications.

#### **FUTURE PLAN IMPLICATIONS**

There are no future plan implications.

#### **COMMUNITY CONSULTATION**

There is a requirement for community consultation. In this case there are no neighbours as all sounding lots are vacant and owned by the Shire of Kellerberrin. See ATTACHMENT 2.

Manager Development Services

Chief Executive Officer

WA Planning Commission

#### **STAFF RECOMMENDATION**

*That Council*

1. *Provide conditional approval for the proposed construction of a shed that will exceed the following prescriptions in Council's Local Planning Policy 9.2 – Outbuildings by:*
  - a. *16m2 for outbuilding (Shed), with Council Local Planning Policy being 80m2*

#### **GENERAL CONDITIONS:**

- i. *Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.*
- ii. *The development hereby permitted must substantially commence within two years from the date of this determination notice.*
- iii. *The development hereby permitted taking place in accordance with the plans received 12<sup>th</sup> July 2018*
- iv. *Use of the building shall be for domestic purposes only.*
- v. *The outbuilding shall not be used for human habitation at any given time.*

## COUNCIL RECOMMENDATION

MIN 127/18 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid

*That Council*

- 1. Provide conditional approval for the proposed construction of a shed that will exceed the following prescriptions in Council's Local Planning Policy 9.2 – Outbuildings by:
  - a. 16m2 for outbuilding (Shed), with Council Local Planning Policy being 80m2**

### **GENERAL CONDITIONS:**

- i. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.*
- ii. The development hereby permitted must substantially commence within two years from the date of this determination notice.*
- iii. The development hereby permitted taking place in accordance with the plans received 12<sup>th</sup> July 2018*
- iv. Use of the building shall be for domestic purposes only.*
- v. The outbuilding shall not be used for human habitation at any given time.*

CARRIED 6/0

**CLOSURE OF MEETING**

4:29 pm – Cr. Rodney Forsyth, Shire President declared the meeting closed.

**NEXT MEETING DATES**

Ordinary Council Meeting, Tuesday, 21<sup>st</sup> August, 2018