

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 20th March 2018, commencing at 2.10 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

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

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

Present:

Cr. Forsyth	President
Cr. Leake	Member
Cr. White	Member
Cr. Reid	Member
Cr. McNeil	Member
Cr. Steber	Member
Mr Raymond Griffiths	Chief Executive Officer
Mr Sean Sibly	Deputy Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mr Brett Taylor	Finance Officer/CDO (Exited 3.00 pm)

Apologies:

Cr. O'Neill Deputy President

Leave of Absence:

Nil

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

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

6. DECLARATION OF INTEREST: Nil

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

Date	Name	Item No.	Reason

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **20th March 2018**.

Date	Name	Item No.	Reason

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity** interest were made at the Council meeting held on **20th March 2018**.

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RECOMMENDATION

MIN 026/18 MOTION: Moved Cr. McNeil 2nd Cr. Reid

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 20th February 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 027/18 MOTION: Moved Cr. Forsyth 2nd Cr. Steber

That the Presidents Reports for March 2018 be received.

CARRIED 6/0

Agenda Reference:	11.1.1
Subject:	Community Requests and Discussion Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	7 th March, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

February 2018 Council Meeting

MIN 004/18 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council:

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

CARRIED 6/0

December 2017 Council Meeting

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

That Council;

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

CARRIED 7/0

November 2017 Council Meeting

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

That Council;

1. ***Relocate the Australia Day Awards Ceremony and Breakfast location to the Kellerberrin Districts Club to enable a full day of celebrations as requested by the Kellerberrin Districts Club.***
2. ***Contribute \$500 to the Chamber of Commerce as a contribution for the late night shopping event for a Skate Board demonstration and clinic.***
3. ***Note that funding has been announced for regional communities to fund sustainable child care facilities. The current business owner of the Kellerberrin Family Day Care would like to discuss with Council the possibility of establishing a community managed child care facility to expand the services to the community at the December Council Meeting.***

4. ***Request further conversation regarding the upgrade of the Kellerberrin Memorial Swimming Pool and associated costs to ensure that the upgrade is within the means of the Council should funding not be available.***

CARRIED 7/0

February 2018 - MIN 004/18

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

December 2017 - MIN 220/17

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

November 2017 - MIN 199/17

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

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 028/18 MOTION - Moved Cr. Leake 2nd Cr. White

That Council:

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

CARRIED 6/0

3.00 pm – Mr Brett Taylor exited Council Chambers.

Agenda Reference:	11.1.2
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	7 th March, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

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

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

COMMENT

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

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

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

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

- (b) determine the local government's policies.

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

- (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
- (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

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

(2) In subsection (1) —

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

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

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RECOMMENDATION

MIN 029/18 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council receives the Status Report.

CARRIED 6/0

Agenda Reference:	11.1.3
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	WALGA Boardroom, Leederville
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	12 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Monday 29th January, 2018 via Teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the Special CEACA Executive Council Meeting Minutes held on Monday 29th January, 2018 at the WALGA Boardroom Leederville.

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

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

Resolutions arising out of the Monday 29th January, 2018 Special CEACA Executive Council Meeting summarised hereunder,

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Ken Hooper**

That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 27 September 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Gary Shadbolt**

That the Minutes of a Special Meeting of the Executive Committee of the Central East Aged Care Alliance Inc held Wednesday 18 October 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Gary Shadbolt**

That the Minutes of a Special Meeting of the Executive Committee of the Central East Aged Care Alliance Inc held Tuesday 14 November 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rachel Kirby**

That the Minutes of a Special Meeting of the Executive Committee of the Central East Aged Care Alliance Inc held Thursday 14 December 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Ken Hooper**
That the Minutes of a Special Meeting of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Monday 8 January 2018 be confirmed as a true and accurate record of the proceedings.
CARRIED

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

RESOLUTION: **Moved: Ken Hooper** **Seconded: Gary Shadbolt**
That the Chair's Report for January 2018 to the Central East Aged Care Alliance Executive Committee be received.
CARRIED

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Ken Hooper**
That the Statement of Financial Position for the period ending 31 December 2017, as presented, be received.
CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Gary Shadbolt**
That the Accounts Paid for the period 14 September 2017 to 19 January 2018 totalling \$75,525.88 be approved.
CARRIED

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Ken Hooper**
That the Executive Committee approve for payment following invoices from BHW Consulting for Executive Support Services and reimbursements:

- Invoice 311 - Professional Services July 2017 as per attached time sheet and reimbursements - \$6,579.24;
- Invoice 312 - Professional Services August 2017 as per attached time sheet and reimbursements - \$6,728.05;
- Invoice 313 - Professional Services September 2017 as per attached time sheet and reimbursements - \$6,774.91;
- Invoice 314 - Professional Services October 2017 as per attached time sheet and reimbursements - \$6,067.75;
- Invoice 316 - Professional Services 1 November 2017 to 14 November 2017 as per attached time sheet and reimbursements - \$4,919.99;
- Invoice 317 - Professional Services 15 November 2017 to 30 November 2017 as per attached invoice and reimbursements - \$11,424.60; and
- Invoice 318 - Professional Services December 2017 as per attached time sheet and reimbursements - \$3,867.75.

CARRIED

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Ken Hooper**
It was agreed that Helen Westcott and Bruce Wittber from BHW Consulting remain in the room for discussion around the process for reviewing the Executive Officer Contract.
CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Gary Shadbolt**
That the:

DATED: **PRESIDENT SIGNATURE:**

1. Executive Officer develop a proposal for Executive Officer support services contract for consideration by the CEACA Executive Committee when it meets on 27 February 2018, to discuss the draft 2018/2019 CEACA Budget; and
2. CEACA Executive Committee agree on a proposal for an Executive Officer support contract in order that the proposal can be considered by the CEACA Committee when it meets on Wednesday 7 March 2017.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Gary Shadbolt**

That the CEACA Executive Committee:

1. Note the budget report as presented by the Executive Officer;
2. Recommend to the CEACA Committee at its meeting on Wednesday 7 March 2018 the following budget amendments:

Transfer from Account	Transfer To Account	Amount
1715	1717	\$500
Chair Training	1717	\$1,000
1726	1723	\$1,300
1725	1723	\$200
1755	1727	\$1,450
1842	1719	\$15,400
1842	1728	\$14,600
1840	1728	\$3,000
1843	1728	\$6,000
Newsletter Design	1728	\$2,000
1718	1728	\$3,000
1755	1728	\$3,000

3. Recommend to the CEACA Committee at its meeting on Wednesday 7 March 2018 that the balance of the budget adjustment of \$13,600 be taken from the surplus carried forward at the 1 July 2017.

CARRIED

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

That the CEACA Executive Committee recommend to the CEACA Committee that any decision on meeting with its auditor be made at the time CEACA receives its management report and audit statement.

CARRIED

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

That the Project Update (Financial) Report be received.

CARRIED

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Ken Hooper**

That:

1. **The Project Manager's Report be received; and**
2. **The Project Manager's Report be distributed to all CEACA Members following the CEACA Executive Committee Meeting.**

CARRIED

RESOLUTION: **Moved: Gary Shadbolt** **Seconded: Ken Hooper**

1. **That a press statement be finalised for release, with the Chair to liaise with the Minister for Regional Development's office around a release time for the press statement.**
2. **That a final draft of the press statement be presented to the CEACA Committee for adoption at the Committee Meeting scheduled for Wednesday 7 March 2018.**

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Monday 29th January, 2018.

COUNCIL RECOMMENDATION

MIN 030/18 MOTION - Moved Cr. Reid 2nd Cr. McNeil

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Monday 29th January, 2018.

CARRIED 6/0

Agenda Reference:	11.1.4
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	Special Meeting Via Teleconference
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	12 th February, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Tuesday 27th February, 2018 via Teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA Executive to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the Special CEACA Executive Council Meeting Minutes held on Tuesday 27th February, 2018 via Teleconference.

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

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

Resolutions arising out of the 27th February, 2018 Special CEACA Executive Council Meeting summarised hereunder,

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rachel Kirby**

That Gary Shadbolt be nominated to Chair the Executive Committee meeting.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths** **Seconded: Rachel Kirby**

That:

1. **The CEACA Executive Committee note the letter of resignation from the CEACA Chair Graham Lovelock, with the Executive Officer to prepare correspondence for the Secretary to Mr Lovelock acknowledging his letter of resignation;**
2. **the CEACA Committee Members be advised of Graham Lovelock's resignation.**

CARRIED

RESOLUTION: **Moved: Rachel Kirby** **Seconded: Raymond Griffiths**

That Items 4.1 and 4.2 lie on the table.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Rachel Kirby**

That invoice 0034 dated 31 October 2017 for the Shire of Merredin totalling \$13,883.46 (incl GST) be written off.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receives the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Tuesday 27th February, 2018.

COUNCIL RECOMMENDATION

MIN 031/18 MOTION - Moved Cr. Steber 2nd Cr. White

That Council receives the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Tuesday 27th February, 2018.

CARRIED 6/0

Agenda Reference:	11.1.5
Subject:	Wheatbelt Communities Inc Body - WEROC
Location:	WEROC
Applicant:	WEROC
File Ref:	ORG.13.1
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	7 th March 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Shire of Kellerberrin – May 2016 Ordinary Council Meeting – 17th May 2016

That Council

1. *Removes Mr Colin Young as Council's Deputy Representative on the Wheatbelt Communities Committee.*
2. *Nominates Deputy Chief Executive Officer, Mrs Karen Oborn as Deputy.*
3. *Inform WEROC of Council's decision.*

CARRIED 7/0

Shire of Kellerberrin - December Ordinary Council Meeting - 16th December 2014

MIN 175/14 MOTION - Moved Cr. O'Neill 2nd Cr. McNeil

That Council;

1. *Removes Miss Bonnie Coles as Council's Deputy representative on the Wheatbelt Communities Committee.*
2. *Nominates Deputy Chief Executive Officer, Mr Colin Young as Deputy.*
3. *Inform WEROC of Council's decision.*

CARRIED 7/0

Shire of Kellerberrin - September Ordinary Council Meeting - 16th September 2014

MIN 129/14 MOTION - Moved Cr. Bee 2nd Cr. McNeil

That Council

1. *nominates Cr. Rod Forsyth and Chief Executive Officer, Mr Raymond Griffiths to the Wheatbelt Communities Committee.*
2. *Nominates Cr. Matt Steber and Deputy Chief Executive Officer, Miss Bonnie Cole as Deputies.*
3. *Inform WEROC of Council's nominations.*

CARRIED 7/0

WEROC Council Meeting - 20th August 2014

RESOLUTION: **Moved :Mr Griffiths** **Seconded: Cr Truran**

That subject to all Member Councils approving the proposed Wheatbelt Communities Constitution be endorsed by WE-ROC subject to the following:

- (a) All changes as outlined in the proposed Wheatbelt Communities Constitution presented to the WE-ROC Executive Meeting on 23 July 2014 being incorporated;
- (b) The inclusion of all clauses relating to the ability to establish a “subsidiary entity (ies)”;
- (c) WE-ROC seeking further guidance on a suitable appeal mechanism where a member has been expelled; and

(d) In clause 16.7 and 16.8 where there is an equality of votes the matter be deferred until the next meeting for consideration.

CARRIED

Council's August Ordinary Meeting of Council - 19th August 2014

MIN 104/14 MOTION - Moved Cr. Bee 2nd Cr. Daley

That Council;

1. **Endorse the actions of WEROC in the creation of Wheatbelt Communities Inc.**
2. **Endorse the Wheatbelt Communities Inc Constitution as presented**
3. **Advise its voting delegates to support the item when presented to them at the WEROC Council Meeting**
4. **Research the option to transfer housing assets over to Wheatbelt Communities and the resulting impact on Council.**

CARRIED 7/0

WEROC 23rd July 2014 - Executive Meeting

RESOLUTION: Moved: Raymond Griffiths Seconded: Darren Mollenoyux

1. That the WE-ROC Executive recommend to the WE-ROC Council that the proposed Wheatbelt Communities Constitution be adopted subject to the following:

- (a) All changes as outlined in the proposed Wheatbelt Communities Constitution presented to the WE-ROC Executive Meeting on 23 July 2014 being incorporated; and
- (b) All other changes agreed to at the Executive Meeting on 23 July 2014 being incorporated into the proposed Wheatbelt Communities Constitution.

Note: A copy of the proposed Wheatbelt Communities Constitution as agreed to in the above resolution forms an attachment to the minutes of the meeting.

2. That the WE-ROC Executive recommend to the WE-ROC Council that following the adoption of the proposed Wheatbelt Communities Constitution, it be referred to the Department of Local Government and Communities for comment and should any comments be received the WE-ROC Executive Committee be given delegated authority to consider and determine the matter.
3. That once the Department of Local Government and Communities has provided comment on and approval for the proposed Wheatbelt Communities Constitution NEWROC be provided with a copy of the constitution and advised it has now no barriers for its use as the mechanism for undertaking the Central East Aged Care Alliance's project on aged housing.
4. That the WE-ROC Executive recommend to the WE-ROC Council that following any advice from the Department of Local Government and Communities being considered and determined by the WE-ROC Executive, the Executive Officer be requested to proceed to undertake the necessary processes to enable incorporation of Wheatbelt Communities Inc and that such work be undertaken at the designated Executive Officer Project Rate.

CARRIED

WE-ROC has been investigating the potential for it to become an incorporated body for some time now.

In October 2013 WE-ROC engaged Conway Highbury to assist in this matter, resolving as follows at the WE-ROC Council Meeting held Wednesday 23 October 2013:

That:

1. WE-ROC Council accept the proposal of Option 2, as presented in correspondence from Conway Highbury, at a cost \$12,000 (excl GST), relating to the establishment of an entity to be used by WE-ROC to initially undertake housing development with a view to its utilisation as a structure to undertake either solely or in partnership on other business-type initiatives as and when they occur;
2. Conway Highbury be advised of WE-ROC's acceptance of its offer to assist in the establishment of its regional housing entity, with a request to meet with the Executive on Wednesday 27 November 2013 to commence work on the entity's establishment;
3. following the establishment of draft documentation for the establishment of the entity, including its constitution WE-ROC seek a legal opinion on this documentation;
4. in actioning 1,2,and 3 the following timeframe be adopted:

Wednesday 23 October 2013

WE-ROC Council accepts proposal of Option 2, as presented in correspondence from Conway Highbury

Wednesday 27 November 2013

WE-ROC Executive meets with Ray Davy of Conway Highbury to "workshop" and develops a draft model for the housing entity

Late January/early February 2014

A Special Meeting of the WE-ROC Council to consider and adopt the draft housing entity model

February 2014

Individual Member Councils consider and adopt the draft housing entity model

February 2014

WE-ROC Council to consider any changes requested by individual Member Councils – adopt a housing entity model

April 2014

At the WE-ROC Council Meeting the establishment agreement signed by all participating parties

5. All costs associated with the establishment of the regional housing entity be met from the WE-ROC Consultancy and Project Reserve Account.

CARRIED

The timeline agreed upon in the above resolution has not been met for a number of reasons, including revision of the draft constitution for the proposed entity (referred to from here on as "Wheatbelt Communities") and WE-ROC's decision to seek legal advice on the work undertaken by Conway Highbury.

During the course of the project Member Councils also agreed that a comparison between the Wheatbelt Communities draft constitution and one being prepared for a group of local governments in the Central Midlands would be beneficial in finalising its constitution.

A copy of the draft constitution for the Innovation Central Midlands (Inc), the name given to the Central Midlands Councils incorporated body, was requested.

Whilst not discussed at the WE-ROC Council Meeting on Wednesday 25 June 2014, WE-ROC Council resolved as follows:

That:

1. The Executive Officer prepare a report for consideration by the WE-ROC Executive when it meets on Wednesday 23 July 2014, comparing the draft constitution for the Innovation Central Midlands (Inc) with the draft constitution for Wheatbelt Communities; and
2. The Executive Officer seek an opinion on the draft constitution for Wheatbelt Communities from the Department of Local Government and Communities.

CARRIED

COMMENT

Council has recently appointed a new Deputy Chief Executive Officer and will need to ensure they have the appropriate authority from Council to act on their behalf at the Wheatbelt Communities Inc Meeting in the absence of the Chief Executive Officer.

FINANCIAL IMPLICATIONS

There is no Financial Implications on Council excluding the Subscription to WEROC as all associated costs are being born by WEROC.

The membership for this organisation is NIL as stated in the attached Draft Constitution.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 2.1

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

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
WEROC Council
WEROC Executive
WEROC Executive Officers

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council;

- 1. Nominates Cr. Rod Forsyth and Chief Executive Officer, Mr Raymond Griffiths to the Wheatbelt Communities Committee.*
- 2. Nominates Cr. Matt Steber and Deputy Chief Executive Officer, Mr Sean Sibly as Deputies.*
- 3. Rescinds all previous delegations for memberships to the Wheatbelt Communities Committee*
- 4. Inform Wheatbelt Communities of Council's decision.*

COUNCIL RECOMMENDATION

MIN 032/18 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council;

- 1. Nominates Cr. Rod Forsyth and Chief Executive Officer, Mr Raymond Griffiths to the Wheatbelt Communities Committee.***
- 2. Nominates Cr. Matt Steber and Deputy Chief Executive Officer, Mr Sean Sibly as Deputies.***
- 3. Rescinds all previous delegations for memberships to the Wheatbelt Communities Committee***
- 4. Inform Wheatbelt Communities of Council's decision.***

CARRIED 6/0

Agenda Reference:	11.1.6
Subject:	Community Cropping Opportunities – Shire of Kellerberrin
Location:	Various Locations, Kellerberrin.
Applicant:	Shire of Kellerberrin
File Ref:	
Record Ref:	
Disclosure of Interest:	N/A
Date:	8 th March 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's August 2013 Ordinary Meeting of Council – 20th August 2013

MIN 122/13 MOTION - Moved Cr Bee. 2nd Cr O'Neill.

That Council;

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

CARRIED 6 /0
BY ABSOLUTE MAJORITY

Council has previously provided Council owned farmland available to the community for Community Cropping to enable a fundraising venture for Sporting and Community Clubs. The main areas have previously been:

- a) Restdown Estate
- b) Industrial Area
- c) Airport

Council now has additional land it has available for Community Cropping being:

- a) Lot 428 Scadden Street (Paddock west of Golf Course – previously leased by Lamplugh's)

COMMENT

Council advertises for expression of interest in the local pipeline on the 19th February 2018 & 5th March 2018 for Community/Sporting Club for the Cropping of the abovementioned properties with submissions closing Tuesday 6th March 2018 by 4pm.

Council at the submission closing period received two submissions being:

1. Kellerberrin Men's Shed – Restdown Estate
2. Kellerberrin Bowling Club – Lot 428 Scadden Street and any other land on the basis no other club has provided a submission.

FINANCIAL IMPLICATIONS – Nil

POLICY IMPLICATIONS

Standard of Lease Agreements and conditions imposed upon one community group in comparison to another.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

- Schedule 6.2 relates to Provisions relating to Lease of Land where rates or service charges unpaid.
- Clause 1 details the form of lease and a local government may lease the land for such term not exceeding 7 years at one time, as it thinks fit or if the land is subject to the provisions of the Transfer of Land Act 1893, where the term of the lease exceeds 3 years, the lease shall be registered with the Register of Titles.

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
Community – via Kellerberrin Pipeline

ABSOLUTE MAJORITY REQUIRED – Yes

STAFF RECOMMENDATION

That Council:

- a) approves the cropping rights lease to the Kellerberrin Men’s Shed on land described as Restdown Estate, Scott Street, Kellerberrin to the following conditions;*
- b) approves the cropping rights lease to the Kellerberrin Bowling Club on land described as lot 428 Scadden Street, Kellerberrin to the following conditions;*

CONDITIONS

- a) One Year Lease Term*
- b) Fees be waived subject to compliance of conditions outlined in the Agreement*
- c) authorises the Chief Executive Officer and Shire President to execute the Lease Agreement.*

By Absolute Majority

COUNCIL RECOMMENDATION

MIN 033/18 MOTION - Moved Cr. White 2nd Cr. Leake

That Council:

1. *approves the cropping rights lease to the Kellerberrin Men's Shed on land described as Restdown Estate, Scott Street, Kellerberrin to the following conditions;*
2. *approves the cropping rights lease to the Kellerberrin Bowling Club on lands described as lot 428 Scadden Street, Industrial Area and Air Strip, Kellerberrin to the following conditions;*

CONDITIONS

- a) *One Year Lease Term*
- b) *Fees be waived subject to compliance of conditions outlined in the Agreement*
- c) *authorises the Chief Executive Officer and Shire President to execute the Lease Agreement.*

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.7
Subject:	Central East Aged Care Alliance (CEACA) Inc Body – 18/19 Budget & Associated Membership Fees
Location:	CEACA
Applicant:	CEACA - Shire of Kellerberrin
File Ref:	AGE-03
Record Ref:	
Disclosure of Interest:	N/A
Date:	13 th March 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council has been a member of CEACA since its inception and has been working with CEACA for the new construction project of 75 new Independent Living Units throughout eleven Councils.

Unfortunately due to Budget restraints the State Government have requested \$5 million dollars be returned to assist the state government budget. This is unfortunate though part of the process. With the reduction the Shire's of Bruce Rock, Kellerberrin and Merredin have given up one residence each to assist with the pay back of the abovementioned funds.

In going forward and with the extension of time due to negotiation with the State Government the construction of the units has been delayed which leads to further lead times for rental income to be received for the units.

This is evident through the CEACA budget that has been presented to the CEACA Executive and subsequently to the CEACA Committee. The Executive has recommended to the committee to approve an increase in subscriptions from \$10,000 to \$16,000 therefore increasing the total contribution from each council from \$14,000 to \$20,000 for 2018/2019.

The other \$4,000 is allocated to Project funding.

COMMENT

The budget that has been presented to CEACA is attached for Council's information. Unfortunately we haven't received the updated version so I have copied the budget over to excel

and made the changes that the CEACA Executive approved last week to bring the budget into surplus.

The role of CEACA is not only to building the units though to continue to monitor and progress the other six platforms within the Verso reporting which relates to services aged care.

In addition Council has been advised that a proposal has been put forward that each Council contribute a further \$339 per unit to cover the shortfall due to funds being cut by the State Government. This equates to a further \$4,407. However due to one unit being cut Council will receive \$20,000 back for the unit contribution.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

2018/2019 Budget

- \$20,000 Membership Fee (Expenditure)
- \$20,000 Reimbursement of Construction Contribution of 14th Unit. (Income)
- \$ 4,407 Additional Contribution to unit construction due to funding reduction.

Net cost to 18/19 Budget \$4,407.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS - Nil

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Strategic Priority 2.1

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

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

- To develop a program to improve and enhance local roads and footpaths.
- To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

TEN YEAR FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION

Chief Executive Officer
WERO Council
WERO Executive
WERO Executive Officers

ABSOLUTE MAJORITY REQUIRED – YES/NO

STAFF RECOMMENDATION

That Council:

- 1. delegates authority to its Delegates to approve the \$20,000 contribution to the CEACA 2018/2019 Budget as presented.*
- 2. Approves the additional \$339 per unit to assist cover the shortfall of construction funds due to funds being provided back to the State Government.*

COUNCIL RECOMMENDATION

MIN 034/18 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council:

- 1. delegates authority to its Delegates to approve the \$20,000 contribution to the CEACA 2018/2019 Budget as presented.*
- 2. Approves the additional \$339 per unit to assist cover the shortfall of construction funds due to funds being provided back to the State Government.*

CARRIED 6/0

Agenda Reference:	11.1.8
Subject:	Lease Corporate Box & Creche at Recreation Centre
Location:	Lot 260 Connelly Street, Kellerberrin
Applicant:	Activ Foundation
File Ref:	
Record Ref:	
Disclosure of Interest:	Nil
Date:	12 th March 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council in January 2018 was approached by members of Activ Foundation with the view to relocate their services from the main street to the Recreation Centre.

Activ have viewed the property and would like to rent the Creche and Corporate Box at the Recreation Centre on a full time basis as per the following email.

Hi Raymond,

Further to our discussion yesterday, I confirm that Activ would like to lease the identified areas (crèche and corporate box on the second floor) for \$12,000 per annum. This is the maximum that our budget will allow, so I hope that this will be accepted. With regard to the 'corporate box' office space, we would still prefer to have space on the ground floor as from a supervision perspective and meeting with families and clients the upstairs office accommodation is not ideal. However, we are very keen to move into the Recreation Centre, so perhaps this can be reviewed over time.

As discussed, it would be greatly appreciated if you could put up a submission to Council as soon as possible to have the arrangement ratified, and whilst this is being processed we would like to book the subject areas on a short term basis with effect from 15 April 2018 until the lease has been formalised. This will allow us to make preparations and relocate from our current leased facility. Would you please advise what the short term rental would be per week.

Your confirmation that the proposed rental figure of \$12,000 pa is acceptable to the Shire would be appreciated

COMMENT

The current spaces that have been identified are currently not being used on a regular basis in fact the Corporate Box is used possibly once or twice a year maximum and the current Creche is only being used as a storeroom.

The \$12,000 per year equates to \$230 per week for use of the two facilities all year round.

Council has discussed with Activ that during the year the Creche will need to be made available to Council for use to accommodate the Golden Grain Carnival and specific functions of which they have advise they have no issue with.

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

MARKET VALUATION?????

FINANCIAL IMPLICATIONS

20178/20189 Budget and ongoing budgets.

POLICY IMPLICATIONS

There are no policy implications.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 3.58. Disposing of property

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

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

STRATEGIC PLAN IMPLICATIONS: Nil

FUTURE PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council:

- 1. advertises the proposed lease of areas known as Creche and Corporate Box – Lot 260 Connelly Street, Kellerberrin to ACTIV in the “Pipeline” in accordance with Section 3.58 of the Local Government Act 1995*
- 2. authorise the Chief Executive Officer to draft a Lease Agreement ensuring appropriate coverage for Council regarding the use of these rooms and operation of the facility..*
- 3. subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement with ACTIV for the Creche and Corporate Box at the Recreation Centre, Lot 260 Connelly Street, Kellerberrin with annual fees of \$12,000 excluding GST; and*
- 4. advises the Lessee that it meets all costs associated with the preparation and stamping of the lease agreement.*

COUNCIL RECOMMENDATION

MIN 035/18 MOTION - Moved Cr. McNeil 2nd Cr. Leake

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

CARRIED 6/0

	<p>Public Notices are to be advertised on as many occasions as the Local Government Act stipulates or at least once in each of the approved media.</p> <p>State wide Public Notice West Australian Newspaper – being a registered newspaper circulating generally throughout the State.</p> <p>Public Notices are to be advertised on as many occasions as the Local Government Act stipulates or at least once.</p> <p>General All advertising notices to be authorised by the Chief Executive Officer or in his/her absences the authorised Officer as delegated by the Chief Executive Officer.</p> <p>Thought is to be given as to the days in which advertisements are to be run to minimise costs.</p> <p>The Chief Executive Officer is responsible for implementing this policy.</p>
DATE OF ADOPTION: November 2006	
REVIEWED OCTOBER 2014	

OFFICE HOURS		POLICY 2.16						
PURPOSE	To detail the hours of operation for the Councils Office.							
POLICY	<p>The Office of the Shire of Kellerberrin is to be open to the public on normal working days as follows:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Monday to Friday</td> <td style="width: 33%;">8:30am to 4:30pm</td> <td style="width: 33%;">General Receipting</td> </tr> <tr> <td>Monday to Friday</td> <td>8:30pm to 5:00pm</td> <td>General Office</td> </tr> </table> <p>The Chief Executive Officer is responsible for ensuring that the Office of the Shire of Kellerberrin is open to the public in accordance with this policy.</p>		Monday to Friday	8:30am to 4:30pm	General Receipting	Monday to Friday	8:30pm to 5:00pm	General Office
Monday to Friday	8:30am to 4:30pm	General Receipting						
Monday to Friday	8:30pm to 5:00pm	General Office						
DATE OF ADOPTION: November 2006		REVIEWED OCTOBER 2015						

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS – Nil

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

LONG TERM PLAN IMPLICATIONS – Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED - Yes

STAFF RECOMMENDATION

That Council;

- 1. approve the closure of the Administration Office on Tuesday 3rd April 2018.*
- 2. Advertise the office closure to the community to ensure the community are advised of the closure.*

COUNCIL RECOMMENDATION

MIN 036/18 MOTION - Moved Cr. Leake 2nd Cr. White

That Council;

- 1. Approve the closure of the Administration Office on Tuesday 3rd April 2018.*
- 2. Advertise the office closure to the community to ensure the community are advised of the closure.*

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.10
Subject:	Common Seal Register and Reporting
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM-52
Disclosure of Interest:	N/A
Date:	12 th March, 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

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

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

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

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

There are 'nil' agreements for the last quarter that require Council endorsement for use of the Common Seal.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

Clause 19.1 The Council's Common Seal

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

Penalty \$1,000

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

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

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

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

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

COUNCIL RECOMMENDATION

MIN 037/18 MOTION - Moved Cr. White 2nd Cr. Steber

That Council acknowledge a nil register for the quarter.

CARRIED 6/0

Agenda Reference:	11.1.11
Subject:	Amended Fees and Charges for 2017/18
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Record No.:	
Disclosure of Interest:	N/A
Date:	7 th March 2017
Author:	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 has adopted the annual schedule of fees and charges separately from the budget document to enable more time to consider each proposed charge for the forthcoming year.

A list of the adopted 2017/18 Fees and Charges are attached for Council's information, which includes an amendment providing for kennels.

COMMENT

Fees and charges relating to kennels were devised in response to inception of local industry, in consideration of the requirements of the Shire of Kellerberrin and relative to other Local Government jurisdictions in the region.

FINANCIAL IMPLICATIONS

- Shire of Kellerberrin 2017/18 Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.16. Imposition of fees and charges

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

** Absolute majority required.*

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

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

* *Absolute majority required.*

6.17. Setting level of fees and charges

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

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

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 to be included in the Shire of Kellerberrin Long Term Financial Plan.

MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council –

- a) Reviews the proposed amendment to fees and charges, noting in particular fees relating to kennels and;
- b) Adopts the amended fees and charges for 2017/18 as presented.

COUNCIL RECOMMENDATION

MIN 038/18 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council –

- a) Reviews the proposed amendment to fees and charges, noting in particular fees relating to kennels and;*
- b) Adopts the amended fees and charges for 2017/18 as presented.*

CARRIED 6/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.12
Subject:	Cheque List February 2018
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th March 2018
Author:	Miss Morgan Ware, Finance Officer

BACKGROUND

Accounts for payment from 1st February 2018 – 28th February 2018

Trust Fund

EFT & CHQ

TRUST TOTAL **\$ 650.00**

Municipal Fund

Cheque Payments

34354 - 34366 **\$ 17,240.88**

EFT Payments

8030 - 8112 **\$ 214,509.55**

Direct Debit Payments

\$ 21,428.22

TOTAL MUNICIPAL

\$ 253,178.65

COMMENT

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

WCS Concrete Pty Ltd	\$ 37,650.80
Supply, Delivery and Laying of 32MPA & extra stabilised sand for Floodway @ Baandee North Road	
WCS Concrete Pty Ltd	\$ 24,417.80
Supply, Delivery and Laying of 25MPA concrete for Kellerberrin Speedway	
Dual Building Services	\$ 15,178.90
Supply and Install all required materials for Speedway Upgrade 2018	
Western Australian Treasury Corporation	\$ 14,126.10
Loan 116, Capital & Interest Repayment	
Dual Building Services	\$ 13,200.00
Supply and Install all materials for Speedway Upgrade 2018	
Great Southern Fuel Supplies	\$ 13,430.90
Fuel Purchases for January 2018	
Western Australian Treasury Corporation	\$ 11,140.49

Loan 119, Capital Repayment, Interest Payment

Mineral Crushing Services WA PTY LTD Purchase & Supply of Broken Armour rock @28.00 per tonne for Baandee North Floodway	\$	8,838.06
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$	8,477.94
Avon Waste Rubbish Services, Recycling, Additional cardboard only services & Transport to Northam landfill facility	\$	8,213.54
Beverley Transport Semi-hire to cart gravel for September 17, October 17	\$	8,008.00
Wide Span Sheds Steel building as per sale agreement, Shade and security for machinery pit area	\$	7,165.00
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$	6,586.89
STS West Pty Ltd Tyre repair & fitting, Disposal, Puncture repair & Refresh disposable water	\$	5,389.00
Brooks Hire Service Pty Ltd Hire of Excavator, January 18	\$	5,242.42
Stuey's Plumbing Service Upgrade waste water tank and drain to facility, Standard labour, Material and additional materials	\$	5,156.80

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 February 2017, the Chief Executive Officer has made the following payments under council’s delegated authority as listed in appendix A to the minutes.

- 1. *Municipal Fund payments totalling \$253,178.65 on vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling \$650.00 on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 039/18 MOTION - Moved Cr. Steber 2nd Cr. White

That Council notes that during the month of February 2017, the Chief Executive Officer has made the following payments under council’s delegated authority as listed in appendix A to the minutes.

- 1. *Municipal Fund payments totalling \$253,178.65 on vouchers EFT, CHQ, Direct payments.*
- 2. *Trust Fund payments totalling \$650.00 on vouchers EFT, CHQ, Direct payments.*

CARRIED 6/0

Agenda Reference:	11.1.13
Subject:	Direct Debit List and Visa Card Transactions for the Month February 2018
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th March 2018
Author:	Amanda Garlett – Administration Officer

BACKGROUND

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

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Feb-18	Westnet	Monthly static IP address	\$	4.99
1-Feb-18	Shire of Kellerberrin	EFT Payment	\$	84,416.94
5-Feb-18	Shire of Kellerberrin	Clicksuper	\$	100.00
5-Feb-18	National Australia Bank	Visa Payment Feb 2018	\$	1,639.74
6-Feb-18	Housing Authority	Fortnightly Rent	\$	420.00
6-Feb-18	Shire of Kellerberrin	Clicksuper	\$	443.58
8-Feb-18	Shire of Kellerberrin	EFT Payment		51,258.68
9-Feb-18	Shire of Kellerberrin	Clicksuper	\$	7,794.44
13-Feb-18	DLL	Photocopier Lease Payment	\$	265.21
15-Feb-18	Shire of Kellerberrin	EFT Payment		125,352.61
19-Feb-18	Shire of Kellerberrin	Clicksuper	\$	999.55
20-Feb-18	Housing Authority	Fortnightly Rent	\$	420.00
20-Feb-18	Shire of Kellerberrin	EFT Payment	\$	7,783.62
20-Feb-18	Shire of Kellerberrin	EFT Payment	\$	57,827.77
27-Feb-18	National Australia Bank	Account Fees - NAB Connect	\$	70.98
28-Feb-18	National Australia Bank	Account Fees - BPAY	\$	25.76
28-Feb-18	National Australia Bank	Interest Charged	\$	17.48
28-Feb-18	National Australia Bank	Account Fees	\$	41.60
28-Feb-18	National Australia Bank	Account Fees - Trust	\$	47.60
28-Feb-18	Shire of Kellerberrin	Clicksuper	\$	11,053.53
28-Feb-18	Shire of Kellerberrin	EFT Payment	\$	4,740.00
TOTAL			\$	354,724.08

Trust Direct Debit List

Date	Name	Details	\$	Amount
28-Feb-18	Department Transport	Direct Debit-Licensing Payments Feb 2018	\$	89,455.45
TOTAL			\$	89,455.45

Visa Transactions

Date	Name	Details	\$	Amount
30-Jan-18	BP Dongara	Fuel - KE 1	\$	56.75
28-Feb-18	National Australian Bank	Card Fee	\$	9.00
TOTAL - CEO			\$	65.75

Visa Transactions

Date	Name	Details	\$	Amount
05-Feb-18	Cole Express	Fuel - KE 2	\$	60.88

07-Feb-18	Jetly Pty Ltd	New DCEO Phone Cover	\$	25.00
07-Feb-18	JB Hi Fi	New DCEO phone	\$	968.00
19-Feb-18	United Petroleum Pty	Fuel - KE 2	\$	96.30
23-Feb-18	Caltex Bindoon	Fuel - KE 2	\$	81.00
28-Feb-18	National Australian Bank	Card Fee	\$	9.00
		TOTAL - DCEO	\$	1,240.18
		TOTAL CEO & DCEO VISA TRANSACTIONS	\$	1,305.93

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2017/2018

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

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

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 040/18 MOTIONS - Moved Cr. Reid 2nd Cr. McNeil

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

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.14
Subject:	Financial Management Report for February 2018
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	14 th March, 2018
Author:	Sean Sibly, DCEO

BACKGROUND

Enclosed is the Monthly Financial Report for the month of February 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 February 2018 comprising;

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 041/18 MOTIONS - Moved Cr. Steber 2nd Cr. Reid

That the Financial Report for the month of February 2018 comprising;

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

Be adopted.

CARRIED 6/0

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

BACKGROUND

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

COMMENT

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED – YES/NO

NO
STAFF RECOMMENDATION

That Council

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

COUNCIL RECOMMENDATION

MIN 042/18 MOTION - Moved Cr. White 2nd Cr. Leake

That Council

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

CARRIED 6/0

Agenda Reference:	11.2.2
Subject:	Local Planning Policy: Additional Accommodation in GA zone
Location:	Shire of Kellerberrin
Applicant:	Lewis York, Town Planning Consultant
File Ref:	Local Planning Policy Manual
Disclosure of Interest:	N/A
Date:	9th March 2018
Author:	Mr Lewis York

BACKGROUND

In July 2017 a review of the Shires local planning policies was undertaken. Resulting from this review was the recommendation to initiate a number of new local planning policies which would create a greater level of consistency when determining discretionary applications.

In late 2017 a policy relating to the use of Sea Containers was approved by Council, while a policy relating to outbuildings was approved and sent to the Western Australian Planning Commission for final approval.

Furthermore in late 2017 the Shire's Scheme was amended to allow an additional 'grouped dwelling' in the GA zone as a Discretionary 'D' use.

It is noted that Vicky Hayward's planning application for an additional dwelling in the GA zone was approved at the maximum allowable floor area of 110 m².

The key restrictive measures of the policy are listed in the planning comments section of this item, while the full policy is in the **Attachments**.

This Policy was advertised to the community from the 11th of December 2017 - 12th of March 2018, however no submissions were received.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 – Deemed provisions for local planning schemes

Part 2 – Local Planning framework.

4. Procedure for making local planning policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
- a. publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —
 - i. the subject and nature of the proposed policy; and
 - ii. the objectives of the proposed policy; and

- iii. where the proposed policy may be inspected; and
- iv. to whom, in what form and during what period submissions in relation to the proposed policy may be made;
- b. if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
- c. give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

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

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

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

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

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

(6) The local government —

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

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

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

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

COMMUNITY CONSULTATION:
 Advertised for the minimum 21 days.

PLANNING COMMENT

The key points of the policy which should be finalized by Council include:

Minimum Lot Size (Area):	Maximum Plot ratio (floor) Area* (m ²):	Minimum allowable distance from main dwelling (m)**:	Maximum allowable distance from main dwelling (m)**:	Maximum number of dwellings allowed on a lot:	Living requirements maximums (bedrooms allowed):
40 ha	110m ²	15m	300m	3	2

Council Consideration:

1. Is council content with the restrictions for an additional dwelling listed in table 1 of the Policy (see above)?

STAFF RECOMMENDATION

That Council;

1. Resolves to approve Local Planning Policy 3.0, 'Additional Dwellings', with or without modification.

COUNCIL RECOMMENDATION

MIN 043/18 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council;

1. ***Resolves to approve Local Planning Policy 3.0, 'Additional Dwellings', without modification.***

CARRIED 6/0

Agenda Reference:	11.2.3
Subject:	Local Planning Policy: Repurposed and Second Hand Dwellings
Location:	Shire of Kellerberrin
Applicant:	Lewis York, Town Planning Consultant
File Ref:	Local Planning Policy Manual
Disclosure of Interest:	N/A
Date:	9th March 2018
Author:	Mr Lewis York

BACKGROUND

In July 2017 a review of the Shires local planning policies was undertaken. Resulting from this review was the recommendation to initiate a number of new local planning policies which would create a greater level of consistency when determining discretionary applications.

In late 2017 a policy relating to the use of Sea Containers was approved by Council, while a policy relating to outbuildings was approved and sent to the Western Australian Planning Commission for final approval.

Furthermore in late 2017 the Shire's Scheme was amended to include repurposed and second hand dwellings. Such use classes are listed as a Discretionary 'D' use for all zones in the scheme apart from the industrial where repurposed and second hand dwellings are not permitted, while the town centre zone is accompanied with an 'A' symbol requiring Council Discretion. Therefore this Policy aims to create a consistent approach for assessing applications. The key points of the policy are listed in the planning comments section of this item, while the full policy is in the **Attachments**.

This Policy was advertised to the community from the 11th of December 2017 - 12th of March 2018.

One Submission was received on March 7 2018.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 – Deemed provisions for local planning schemes

Part 2 – Local Planning framework.

4. Procedure for making local planning policy

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

- a. publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —
 - i. the subject and nature of the proposed policy; and
 - ii. the objectives of the proposed policy; and

- iii. where the proposed policy may be inspected; and
- iv. to whom, in what form and during what period submissions in relation to the proposed policy may be made;
- b. if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
- c. give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

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

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

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

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

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

(12) The local government —

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

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

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

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

COMMUNITY CONSULTATION:

Submissions received: 1

Date received: 7 March 2018

From: Mr. Alan Borwick

- In late 2017 Council granted development approval for Mr. Borwick to build an outbuilding on 52 Forrest Street, Kellerberrin.
- Mr. Borwick has since informed the Shire of his desire to reside in the outbuilding if he gains relevant building and planning approval.
- No dwelling exists on the lot, therefore the building would be considered as a standalone 'repurposed dwelling'. Currently this use is a 'D' use in the Shire

Summary of Submission:

- Mr. Borwick has a desire to live in the outbuilding, making relevant and required upgrades to comply with the codes to ensure it is a habitable dwelling.
- the repurposed dwelling would be 35 m² and be made of brand new colourbond material.
- A smaller dwelling is more suitable for his retirement.

PLANNING COMMENT

The key points of the policy which should be finalized by Council include:

6.0 Policy Statement

General requirements for repurposed and second hand dwellings:

- **Council will generally not support an application for the occupation and erection of a repurposed or second hand dwelling in the town centre zone.**
- **Council will only support an application for the erection and occupation of a repurposed or second hand dwelling in the Residential, Rural Residential, and Rural Townsite zones if:**
 - a) **the dwelling(s) is to be used for accommodating a workforce or for tourist accommodation purposes, and/or;**
 - b) **the repurposed or second hand dwelling is proposed on the same lot as an existing dwelling in the residential zone and complies with the requirements of the Scheme, Residential Design Codes (R-Codes) and provisions of this policy**

Therefore this stipulates that Council will only support a repurposed or second hand dwelling if it is to accompany an existing dwelling in town.

For example if a landowner intends to develop a repurposed or second hand dwelling on a vacant lot in a Residential Zone, it will 'generally' not be supported by Council.

If the dwelling is proposed in addition to an existing dwelling it will need to comply with General requirements of the policy.

This clause poses the following question:

1. Does Council intend to restrict repurposed and second hand dwellings as standalone dwellings within Residential (coded) zones within the Shire?

Options

1. Keep clause 6.0 to restrict repurposed and second hand dwellings as standalone dwellings in the residential zones.
2. Delete clause and replace with General clause stating: Council will only approve standalone repurposed and second hand dwellings that are of a high quality. Therefore being able to assess applications of this nature on a case by case basis.

STAFF RECOMMENDATION

That Council;

1. Resolves to approve Local Planning Policy 4.0, 'Repurposed and Second Hand Dwellings', with or without modifications.

COUNCIL RECOMMENDATION

MIN 044/18 MOTION - Moved Cr. Reid 2nd Cr. White

That Council;

1. ***Resolves to approve Local Planning Policy 4.0, 'Repurposed and Second Hand Dwellings', without modifications.***

CARRIED 6/0

Agenda Reference:	11.2.4
Subject:	Men's Shed Windmill
Location:	Shire of Kellerberrin
Applicant:	Richard Marek
File Ref:	IPA1749
Disclosure of Interest:	N/A
Date:	9 th March, 2018
Author:	Mr Lewis York, Town Planner

BACKGROUND

An Application has been received from Mr. Richard Marek on behalf of the Kellerberrin Men's Shed for planning consent to install a windmill on Lot 2, 132 Massingham Street, Kellerberrin. The windmill intends to enhance the aesthetics of the site.

General Information	
Lot Area	911.4 m ² . It is noted that the Men's Shed comprises of two lots (1 & 2)
Zone	Special Use 2
Nature of Application (use and/or works)	Works
Proposed Use or Works:	Erection of a non-functional windmill for town display.
Zoning Permissibility ('P', 'D', 'X')	N/A for Special Use zone
Advertising Required	No
Reason not exempt from planning approval	Men's Shed Committees desire to receive formal planning approval in writing.
Date Received	15/02/2018

Kellerberrin Men's Shed



FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

A planning fee of \$147.00 has been paid.

POLICY IMPLICATIONS

NIL

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

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

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

COMMUNITY CONSULTATION:

Not required.

PLANNING ASSESSMENT

The Shires Local Planning Scheme No.4 sets out requirements for Special Use Zones.

Special Use Zone: 2

Conditions: 'as determined by Council'.

It is not believed that the windmill will have a negative impact on visual amenity from Great Eastern Highway. The proposed structure will be located 14.5 meters from the footpath on Massingham St.

STAFF RECOMMENDATION

That Council;

Approve the erection of the windmill on Lot 2, Massingham Street, Kellerberrin, with the following conditions;

- 1. The endorsed approved plans shall not be changed without the prior written approval of the Shire.*

GENERAL CONDITIONS;

- 1. Should noise become an issue with neighbouring residences this approval will be reviewed by council*

COUNCIL RECOMMENDATION

MIN 045/18 MOTION - Moved Cr. McNeil 2nd Cr. Reid

That Council;

Approve the erection of the windmill on Lot 2, Massingham Street, Kellerberrin, with the following conditions;

- 1. The endorsed approved plans shall not be changed without the prior written approval of the Shire.*

GENERAL CONDITIONS:

- 2. Should noise become an issue with neighbouring residences this approval will be reviewed by council*

CARRIED 6/0

CLOSURE OF MEETING

5:01 pm – Cr. Rodney Forsyth, Shire President declared the meeting closed.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 17th April, 2018