

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 November 2018, commencing at 6.05 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

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

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

Present:

Cr. Forsyth	President
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. Reid	Member
Cr. Steber	Member
Mr Raymond Griffiths	Chief Executive Officer
Mr Sean Sibly	Deputy Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mr Lewis York	Town Planner (Exited 6.30 pm)
Mr Brett Taylor	Finance Officer/Community Development Officer (Exited 6.45 pm)

Apologies:

Cr. McNeil	Member
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Leave of Absence:

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

4. PUBLIC QUESTION TIME: Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

6. DECLARATION OF INTEREST:

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

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 16th October, 2018

COUNCIL RECOMMENDATION

MIN 194/18 MOTION: Moved Cr. Steber 2nd Cr. Reid

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 16th October 2018, be confirmed as a true and accurate record

CARRIED 5/0

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 195/18 MOTION: Moved Cr. O'Neill 2nd Cr. Leake

That the Presidents Reports for October 2018 be received.

CARRIED 5/0

11.1 CORPORATE SERVICES – AGENDA ITEM

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:	8 th November, 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.

October 2018 Council Meeting

MIN 176/18 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council:

- 1. Acknowledges no footpath from Connelly Street heading North to the Recreation Centre Gates.***
- 2. Obtain Quotes to renew fence at Recreation Centre from Generator to end of Car Park and tidy IVO ticketing booth***
- 3. Acknowledge the verbal thanks from the Agricultural Society for contributions to Kellerberrin Show***
- 4. Advocate support for exemption for working dogs from proposed new dog breeding regulations.***

CARRIED 6/0

September 2018 Council Meeting

MIN 155/18 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council:

- 1. Investigate requirements for mulch on garden beds in townsite***
- 2. Write a letter to Mr Ian McNeil acknowledging and thanking him for his contribution as Chief Bush Fire Control Officer.***

CARRIED 6/0

August 2018 Council Meeting

MIN 130/18 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council

- 1. Action repairs on Cole Rd;***
- 2. Action repairs on South Doodlakine Rd approximately 1km south of Stone Giles intersection;***
- 3. Action repairs to Saunders Rd;***
- 4. Instruct Cr Steber to inform Doodlakine Community Committee that any works associated with the 2018/2019 Community Grant allocation must be undertaken as per letter issued by Council; and***
- 5. Supports / endorses the Grant Application for construction of two indoor court facilities on Council owned land.***

CARRIED 6/0

COMMENT

October 2018 - MIN 176/18

1. Item noted
2. Quotes currently being obtained to renew fence at Recreation Centre from Generator to end of Car Park and tidy IVO ticketing booth (Phil Graham has contacted Buttsy & Buttsy is providing a quote)
3. Item Noted
4. Emailed WALGA & they have provided the support letter/agenda and Councillor Forsyth was happy with that.

September 2018 - MIN 155/18

1. Mulch requirements have been investigated
2. Letter has been sent to Ian McNeil acknowledging and thanking him for his contribution as Chief Bush Fire Control Officer.

August 2018 - MIN 130/18

- a. Works will commence shortly on repairs to be carried out on Cole Rd;
- b. Works will commence shortly on repairs to South Doodlakine Rd to be carried out approximately 1km south of Stone Giles intersection;
- c. Works will commence shortly on repairs to be carried out on Saunders Rd;
- d. Cr Steber will inform Doodlakine Community Committee that any works associated with the 2018/2019 Community Grant allocation must be undertaken as per letter issued by Council; and
- e. Noted that Council supports / endorses the Grant Application for construction of two indoor court facilities on Council owned land. Grant application is currently being finalised.

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 196/18 MOTION -

Moved Cr. O'Neill

2nd Cr. Reid

That Council:

- 1. Renew the CBH access signage on the Eastern side of Steelweld Road intersection on the highway as current sign is faded.**
- 2. Notes the condition of the Dowding St culverts/crossovers and that an application has been submitted to correct these defaults through Commodity Route Funding.**
- 3. Investigate closing the pool on Mondays during school terms pending finding suitable relief.**
- 4. Communicate with the Doodlakine Community Committee regarding Maintenance request around budget timings and processes for local government funding.**
- 5. Provide consideration of alarm activation regime to provide for isolation of gym.**

CARRIED 5/0

6.30 pm – Mr Lewis York, Town Planner exited Council Chambers

6.45 pm – Mr Brett Taylor, Senior Finance Officer 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:	8 th November, 2018
Author:	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 197/18 MOTION - Moved Cr. Leake

2nd Cr. O'Neill

That Council receives the Status Report.

CARRIED 5/0

Agenda Reference:	11.1.3
Subject:	Wheatbelt Communities Inc Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Merredin
Applicant:	Wheatbelt Communities
File Ref:	
Disclosure of Interest:	Nil
Date:	9 th November 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 24th October 2018 held at the Council Chambers, Shire of Merredin are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last Wheatbelt Communities Inc. Council Meeting Minutes held on Wednesday 24th October, 2018 held at the Council Chambers, Shire of Merredin.

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

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

Resolutions arising out of the 24th October, 2018 Wheatbelt Communities Inc. Council Meeting summarised hereunder,

RESOLUTION: **Moved: Greg Powell** **Seconded: Rod Forsyth**

That the Minutes of the Meeting of Wheatbelt Communities Inc held Wednesday 22 August 2018 be confirmed as a true and accurate record of the meeting.

CARRIED

RESOLUTION: **Moved: Jamie Criddle** **Seconded: Peter Clarke**

That the Wheatbelt Communities Inc Financial Report for the period ending 30 September 2018 be received.

CARRIED

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

That the list accounts paid for the period 11 August 2018 to 12 October 2018 totalling \$1,277.10 be endorsed.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 24th October, 2018.

COUNCIL RECOMMENDATION

MIN 198/18 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council receive the Minutes of the Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 24th October, 2018.

CARRIED 5/0

Agenda Reference:	11.1.4
Subject:	Wheatbelt Communities Inc AGM Minutes and Resolutions
Location:	Council Chambers, Shire of Merredin
Applicant:	Wheatbelt Communities
File Ref:	
Disclosure of Interest:	Nil
Date:	9 th November 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent AGM Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 24th October 2018 held at the Council Chambers, Shire of Merredin are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Wheatbelt Communities to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the Wheatbelt Communities Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last AGM Wheatbelt Communities Inc. Council Meeting Minutes held on Wednesday 24th October, 2018 held at the Council Chambers, Shire of Merredin.

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

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

Resolutions arising out of the 24th October, 2018 AGM Wheatbelt Communities Inc. Council Meeting summarised hereunder,

RESOLUTION:	Moved: Ken Hooper	Seconded: Rod Forsyth
That the Minutes of the Wheatbelt Communities Annual General Meeting held Wednesday 25 October 2017 be confirmed as a true and correct record.		
CARRIED		

RESOLUTION:	Moved: Ken Hooper	Seconded: Stephen Strange
That the Chair's Report be received.		
CARRIED		

RESOLUTION:	Moved: Jamie Criddle	Seconded: Rod Forsyth
That the Treasurer's Report be received.		
CARRIED		

RESOLUTION:	Moved: Greg Powell	Seconded: Ken Hooper
That Wheatbelt Communities:		
<ol style="list-style-type: none"> 1. Approve the Draft Financial Report and Representation Letter and authorise the Chair and Executive Officer, as appropriate, to sign the documents; and 2. Note the Management Letter. 		

CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Jamie Criddle**
That AMD Chartered Accountants be reappointed to undertake Wheatbelt Communities Inc annual audit for the financial year ending 30 June 2019 at a cost of \$600 (excl GST).
CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Greg Powell**
That Onida Truran be appointed Chair of Wheatbelt Communities Inc.
CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Rod Forsyth**
That Darren Mollenoyux be appointed Secretary of Wheatbelt Communities Inc.
CARRIED

RESOLUTION: **Moved: Stephen Strange** **Seconded: Peter Clarke**
That Jamie Criddle be appointed Treasurer of Wheatbelt Communities Inc.
CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Stephen Strange**
That those Members as nominated by their respective local government be appointed to the Wheatbelt Communities Inc Committee until the next Annual General Meeting.
CARRIED

Footnote:

The following nominations have been made to the Wheatbelt Communities Inc Committee:

Shire of Bruce Rock
Stephen Strange
Darren Mollenoyux

Shire of Yilgarn
Onida Truran
Peter Clarke

Shire of Kellerberrin
Rod Forsyth
Raymond Griffiths

Shire of Westonia
Karin Day
Jamie Criddle

Shire of Merredin
Ken Hooper
Greg Powell

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the AGM Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 24th October, 2018.

COUNCIL RECOMMENDATION

MIN 199/18 MOTION - Moved Cr. Leake 2nd Cr. Steber

That Council receive the Minutes of the AGM Council Meeting of the Wheatbelt Communities Inc. held on Wednesday 24th October, 2018.

CARRIED 5/0

Agenda Reference:	11.1.5
Subject:	WE-ROC Council Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Merredin
Applicant:	WE-ROC Council
File Ref:	ORG-10
Disclosure of Interest:	Nil
Date:	8 th November, 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 24th October, 2018 at the Shire of Merredin Council Chambers, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last WE-ROC Council Meeting Minutes held on Wednesday 24th October, 2018, in the Council Chambers at the Shire of Merredin.

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

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

Resolutions arising out of the 24th October, 2018 WE-ROC Council Meeting summarised hereunder,

RESOLUTION:	Moved: Mr Clarke	Seconded: Cr Hooper
That the Minutes of the Council Meeting held Wednesday 22 August 2018 be confirmed as a true and correct record.		

CARRIED

RESOLUTION:	Moved: Mr Clarke	Seconded: Mr Criddle
That the Minutes of the Executive Meeting held Wednesday 26 September 2018 be received.		

CARRIED

RESOLUTION:	Moved: Cr Hooper	Seconded: Mr Powell
That the Status Report for October 2018 be received.		

CARRIED

RESOLUTION:	Moved: Cr Hooper	Seconded: Cr Forsyth
That the matters listed for noting be received.		

CARRIED

RESOLUTION: **Moved: Mr Clarke** **Seconded: Mr Criddle**

That the WE-ROC Financial Report for the period ending 30 September 2018 be received.
CARRIED

RESOLUTION: **Moved: Cr Strange** **Seconded: Cr Forsyth**

That the Accounts Paid for the period 1 August 2018 to 30 September 2018 totalling \$10,634.30 be approved.
CARRIED

RESOLUTION: **Moved: Mr Clarke** **Seconded: Cr Hooper**

That WE-ROC:
 1. Approve the Draft Financial Report and Representation Letter and authorise the WE-ROC Chair and Executive Officer, as appropriate, to sign the documents; and
 2. Note the Management Letter.
CARRIED

RESOLUTION: **Moved: Cr Strange** **Seconded: Mr Criddle**

That the Executive Officer's report be noted.
CARRIED

Footnote: It was also agreed that the Executive Officer would research the Agreement/Contract between WE-ROC and Go2Guides to ascertain whether there are any ongoing commitments in relation to the development of the WE-Roc App in order for this to be referred to the next Executive Meeting to allow discussion on the future of the WE-ROC App.

RESOLUTION: **Moved: Mr Clarke** **Seconded: Mr Griffiths**

That:
 1. WE-ROC accepts the change/alteration of the scope of works to include the cut-off figure of \$2,000 for the value of assets being considered in the review being undertaken by Accingo;
 2. As a condition of contract Accingo be requested to demonstrate that it carries Workers Compensation Insurance, Public Liability Insurance (\$10M) and Professional Indemnity Insurance (\$1M); and
 3. The Executive Officer advise Accingo of WE-ROC's decision and arrange a new exchange of letters.
CARRIED

RESOLUTION: **Moved: Mr Mollenoyux** **Seconded: Cr Forsyth**

That:
 1. WE-ROC prepare a submission on the draft Country Ambulance Strategy; and
 2. The WE-ROC Executive be given delegated authority to review and approve the submission.
CARRIED

RESOLUTION: **Moved: Cr Forsyth** **Seconded: Cr Strange**

That WE-ROC Council endorse the decision to continue WE-ROC's involvement in the Australian Golden Outback (AGO) Holiday Planner.
CARRIED

RESOLUTION: **Moved: Mr Criddle** **Seconded: Mr Mollenoyux**

That the WE-ROC Executive consider the potential for WE-ROC to establish a training and assessment service for those looking to obtain their HR ad HC licences at the meeting scheduled for Wednesday 28 November 2018.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 24th October 2018.

COUNCIL RECOMMENDATION

MIN 200/18 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 24th October 2018.

CARRIED 5/0

Agenda Reference:	11.1.6
Subject:	CEACA Special Council Meeting Minutes and Resolutions
Location:	Nungarin, Community Recreation Centre
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	9 th November, 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 10th October, 2018 held at the Nungarin Community Recreation Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

COMMENT

Attached to this agenda item is a copy of the last CEACA Special Council Meeting Minutes held on Wednesday 10th October, 2018 held at the Nungarin Community Recreation Centre.

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

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

Resolutions arising out of the 10th October, 2018 CEACA Special Council Meeting summarised hereunder,

RESOLUTION: **Moved: Freda Tarr** **Seconded: Ricky Storer**

That the Executive Officer's report on the development of a Heads of Agreement between CEACA and Access Housing Australia be noted.

CARRIED

RESOLUTION: **Moved: Louis Geier** **Seconded: Wayne Della Bosca**

That the Acting Chair's report be noted.

CARRIED

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

That the matter lie on the table until the Executive Officer has prepared a report regarding the payment of building application fees by Councils involved in the CEACA Seniors Housing Project.

CARRIED

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

1. That Access Housing Australia as project manager for the CEACA Seniors Housing Project be responsible for working with affected Members on an individual basis to resolve the issue of cost recovery for expenditure that could not be considered the responsibility of either Pindan or CEACA; and
2. Should Access Housing not be able to resolve cost recovery issues with the affected Member a report be provided to the CEACA Committee, with a final decision on the issue made by the CEACA Committee.

CARRIED

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

That:

1. The Executive Officer seek a further costing from Moore Stephens, who provide the WALGA Taxation Support and Advisory Service, to assist in addressing its GST issues;
2. The CEACA Executive Committee be given delegated authority to review the costings from both Moore Stephens and Deloitte and finalise the appointment of one of the consultancies to assist CEACA in addressing its GST issues; and
3. Funds for the above work be funded from Business Case Consultancy (Account Number 1841).

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 10th October, 2018.

COUNCIL RECOMMENDATION

MIN 201/18 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council receive the Minutes of the Special Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 10th October, 2018.

CARRIED 5 /0

Agenda Reference:	11.1.7
Subject:	CEACA Executive Council Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Kellerberrin
Applicant:	CEACA Council
File Ref:	AGE - 03
Disclosure of Interest:	Nil
Date:	9 th November, 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Monday 15th October, 2018 Council Chambers, Shire of Kellerberrin 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 CEACA Executive Council Meeting Minutes held on Monday 15th October, 2018 Council Chambers, Shire of Kellerberrin.

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 15th October, 2018 CEACA Executive Council Meeting summarised hereunder,

RESOLUTION: **Moved: Ken Hooper** **Seconded: Raymond Griffiths**

That the Minutes of the Executive Committee Meeting of the Central East Aged Care Alliance Inc held Wednesday 25 July 2018 be confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths** **Seconded: Ken Hooper**

That the resolution of the CEACA Executive Committee made by "flying email" on Friday 7 September 2018 be endorsed.

CARRIED

RESOLUTION: **Moved: Ken Hooper** **Seconded: Raymond Griffiths**

That the Action Sheet as presented be received.

CARRIED

RESOLUTION: **Moved: Ken Hooper Seconded: Raymond Griffiths**
That the Executive Officer's report as presented be received.
CARRIED

RESOLUTION: **Moved: Ken Hooper Seconded: Raymond Griffiths**
That the matters listed be noted
CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Ken Hooper**
That the Chair's Report to the Central East Aged Care Alliance Executive Committee be received.
CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Rachel Kirby**
That
1. The Accrual Statement of Financial Position for the period ending 25 September 2018, as presented, be received;
2. The Executive Officer work with Up-to-Date Accounting to include budget comparisons on the financial reports provided by the accounting software
CARRIED

RESOLUTION: **Moved: Rachel Kirby Seconded: Raymond Griffiths**
That the Accounts Paid for the period 18 July 2018 to 1 October 2018 totalling \$39,526.59 be approved.
CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Rachel Kirby**
That the Executive Committee approve for payment the following invoice from BHW Consulting for Executive Support Services and reimbursements:

▪ Invoice 369 - Professional Services September 2018 and various reimbursements totalling \$8,107.14.
CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Rachel Kirby**
That CEACA Executive Committee:
a) Approve the Draft Financial Report and Representation Letter and authorise the CEACA Acting Chair, Treasurer and Executive Officer, as appropriate, to sign the documents;
b) Note the Management Letter; and
c) Present the final Audit Report and Financial Statements to the CEACA Annual General Meeting on Wednesday 14 November 2018.
CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Rachel Kirby**
That the Executive Officer work to develop a financial statement that reflects more closely CEACA's monthly expenditure and budgetary position subject to part 2 of the resolution related to Agenda Item 8.1.
CARRIED

RESOLUTION: **Moved: Rachel Kirby Seconded: Raymond Griffiths**
That the Central East Aged Care Alliance Inc Statement of Income and Expenditure as at 1 October 2018 provided by the Shire of Merredin be received, with the Executive Officer to circulate the financial statement to all Committee Members.
CARRIED

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

1. That the CEACA Executive Committee note the discussions with Access Housing Australia (AHA) on the draft Heads of Agreement.
2. That CEACA request AHA provide a detailed breakdown of maintenance costs in the financial modelling that accompanies the draft Heads of Agreement.
3. That CEACA discuss the 40% net rental income figures shown in the financial modelling provided by AHA as CEACA believes this figure should 40% net profit.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Ken Hooper**

That the matter be lifted from the table.

CARRIED

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

That the Executive Officer prepare a draft confidentiality statement and provide to the CEACA Executive Committee for comment.

CARRIED

RESOLUTION: **Moved: Raymond Griffiths Seconded: Ken Hooper**

That CEACA appoint Deloitte Tax Services Pty Ltd to assist CEACA in addressing its GST relate issues at a fee of \$10,500 (excl GST) and as outlined in Phase 1 of their proposal to CEACA.

CARRIED

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

That the Central East Aged Care Alliance Inc (CEACA) Executive Committee recommend to the CEACA Committee that the following meeting schedule be adopted for 2019:

Wednesday 6 March 2019	Ordinary Committee Meeting;
Wednesday 5 June 2019	Ordinary Committee Meeting;
Wednesday 4 September 2019	Ordinary Committee Meeting; and
Wednesday 6 November 2019	AGM and an Ordinary Committee Meeting.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

LONG TERM FINANCIAL PLAN IMPLICATIONS

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 Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Monday 15th October, 2018.

COUNCIL RECOMMENDATION

MIN 202/18 MOTION -

Moved Cr. O'Neill

2nd Cr. Leake

That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) Executive held on Monday 15th October, 2018.

CARRIED 5/0

Agenda Reference:	11.1.8
Subject:	Dual Fire Control Officers
Location:	Shire of Kellerberrin
Applicant:	Shire of Wyalkatchem
File Ref:	BUSH 00
Record Ref:	
Disclosure of Interest:	N/A
Date:	31 st October 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

- Mr Dennis Reid
- Mr Ray Reid
- Mr James Ryan

COMMENT

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

FINANCIAL IMPLICATIONS - NIL

POLICY IMPLICATIONS

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

Purpose

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

Policy

Appointment:

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

- a) The Shire appointed Bushfire Advisory Committee shall at their March Annual Advisory Meeting consider and recommend to Council, the appointment of required Fire Control Officers including the Chief Bushfire Control Officer and the Deputy Chief Bushfire Control Officer.

- b) The Shire Bush Fire Advisory Committee shall undertake the following tasks at their two (2) annual Advisory Meetings in March and September of each year as follows;
 - (i) Fire Control Officer Appointments and recommendation - March
 - (ii) Firebreak Order Review and recommendation - March
 - (iii) Capital Equipment/Vehicle Replacement Budget (ESL) Planning and recommendation - March
 - (iv) Prohibited and Restricted Burning periods review and recommendation - March
 - (v) Communications Strategies including radios and repeater network review and recommendation – March or September
 - (vi) Bushfire Policy Review and recommend to the Council for consideration – March or September
 - (vii) Other Business – not included above and of a substantive nature – March or September

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

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

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

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

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

STATUTORY IMPLICATIONS

Bush Fires Act 1954

38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2)(a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

[(b) *deleted*]

- (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
- (e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;

[(b) and (c) *deleted*]

- (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provision of Part III.
- (5)(a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
- (c) The provisions of this subsection are not in derogation of those of subsection (4).
- (6)(a) In this section —
 - “**approved local government**” means a local government approved under paragraph (b) by the Authority.
- (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
 - (i) may approve the local government as one to which this subsection applies; and
 - (ii) may from time to time cancel or vary any previous approval given under this paragraph.
- (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.
- (e) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under this subsection.
- (f) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by paragraph (h), notwithstanding the advice and assistance tendered to him by the committee.
- (g) The provisions of this subsection are not in derogation of those of any other subsection of this section.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

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

38A. Authority may appoint Chief Bush Fire Control Officer

- (1) At the request of a local government the Authority may appoint a member of staff (as defined in the FESA Act) to be the Chief Bush Fire Control Officer for the district of that local government.

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

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

39. Special powers of bush fire control officers

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

been declared a fire district under that Act or in a townsite in which there is a fire brigade or volunteer fire brigade formed under the provisions of that Act.

- (2)(a) Where a bush fire is burning in or on forest land, or in or on Crown lands, if an authorised CALM Act officer is present at the fire, the powers and authorities conferred by this Act upon a bush fire control officer appointed under this Act by a local government are vested in and are exercisable by the authorised CALM Act officer.

[(b) *deleted*]

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

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

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

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

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

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

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

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

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

STAFF RECOMMENDATION

1. *That Council appoints the following Shire of Wyalkatchem Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Wyalkatchem.*
 - i. Mr Dennis Reid
 - ii. Mr Ray Reid
 - iii. Mr James Ryan
2. *That the appointment of the above officers excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.*

COUNCIL RECOMMENDATION

MIN 203/18 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

1. ***That Council appoints the following Shire of Wyalkatchem Fire Control Officer as a Dual Fire Control Officer for the Shire of Kellerberrin and Shire of Wyalkatchem.***
 - i. Mr Dennis Reid
 - ii. Mr Ray Reid
 - iii. Mr James Ryan
2. ***That the appointment of the above officers excludes the ability of issuing permits to landholders without prior consent from the Shire of Kellerberrin in writing.***

CARRIED 5/0

Agenda Reference:	11.1.9
Subject:	Policy Manual Review
	New Policy: Related Party Disclosure
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Policy Manual
Disclosure of Interest:	N/A
Date:	5 th November 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council reviews its policies to ensure proper diligence as to the functioning of the Shire in respect of strategic direction and legislative requirements.

The Related Party Disclosure required clarity for both Council and Employees, with review of Council's current policies there wasn't a policy that covered the aspects of AASB 124 and appropriate disclosures.

COMMENT

The proposed Related Party Disclosures provides Council's staff, elected members and the community with a clear expectation of disclosure requirements.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

New policies or amendments to existing policies may have financial implications for Council's Budget depending upon which policies are added/deleted/amended.

POLICY IMPLICATIONS

In faithfully executing its strategic and legislated functions, Council seeks to examine and endorse new policies and/or revisions to existing policies.

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.

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

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

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

COMMUNITY CONSULTATION:

Council has a legislative requirement to consider and determine its Policies.

STAFF RECOMMENDATION

That Council

- 1. Adopts the Related Party Disclosure policy as an addition to the Policy Manual as presented.*
- 2. Instruct the Chief Executive Officer to ensure all Key Management Personnel, Councillors are aware of the new Policy and provide copies if requested.*

COUNCIL RECOMMENDATION

MIN 204/18

MOTION -

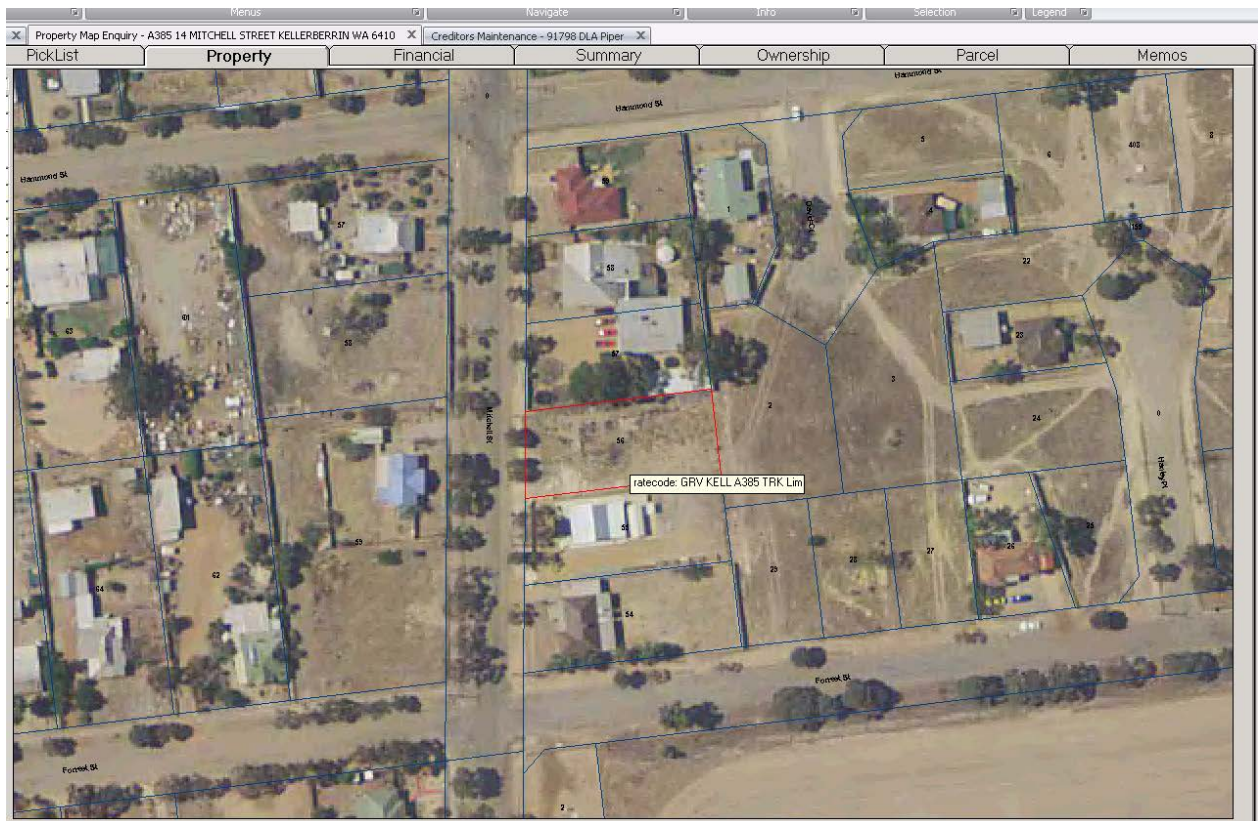
Moved Cr. Reid

2nd Cr. Steber

That Council

- 1. Adopts the Related Party Disclosure policy as an addition to the Policy Manual as presented.*
- 2. Instruct the Chief Executive Officer to ensure all Key Management Personnel, Councillors are aware of the new Policy and provide copies if requested.*

CARRIED 5/0



COMMENT

Council after the June 2018 Council Meeting advised the owner of its decision and subsequently received advice that payment would be made on the account to settle the outstanding rates. Therefore Council didn't commence the process as indicated in the June 2018 meeting and we wish to recommence the process.

Please note the additionally commentary on the process to enable the auction to occur.

Council under Section 6.64 of the Local Government Act 1995 can take possession of the property as per below;

6.64. Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land;
 - (b) sell the land;
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.

This process can only take place once the rates on the property have been outstanding with no payments received for three (3) years.

This option is currently the only viable option available to Council to try and clear the debt. This process is a lengthy process and will take up to four (4) months to complete though we feel this is still the best option.

In undertaking this method for recoup of rates a person having an estate or interest in the land may pay the rates and the costs and expenses incurred to that time in proceedings relating to the proposed sale as per Section 6.69 of the Local Government Act 1995.

The sale of land by Council will discharge the land and the owners (present and past) of the land from any liability to the local government for rates, service charges or other money due to the local government at the time of sale as per section 6.73 of the Local Government Act 1995.

This process is not the ideal process to go through though unfortunately this is the only option available to Council.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2018/2019 Budget – Legal Expenses & Rates – recoverable on sale.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended) (LGA)

Subdivision 5 — Recovery of unpaid rates and service charges

6.54. Term used: service charge

In sections 6.55, 6.60 and 6.62 —

service charge does not include a service charge imposed under section 6.38(1)(b) on the occupier of land who is not the owner of that land.

6.55. Recovery of rates and service charges

- (1) Subject to subsection (2) and the *Rates and Charges (Rebates and Deferments) Act 1992* rates and service charges on land are recoverable by a local government from —
 - (i) the owner at the time of the compilation of the rate record; or
 - (ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.
- (2) A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.

6.56. Rates or service charges recoverable in court

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
- (2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

[Section 6.56 amended by No. 84 of 2004 s. 80.]

6.57. Non-compliance with procedure in Act not to prevent recovery of rate or service charge

In proceedings by or on behalf of a local government for the recovery of an amount due in respect of a rate or service charge, failure by the local government to comply in respect of the rate or service charge with the provisions of this Act, is not a defence, if it appears that it had the power to impose, and did in fact assent to the imposition of, the rate or service charge.

6.58. Defence in special cases

If a person sued or proceeded against proves that a notice required to be given under Subdivision 3 has not been given, the claim of the local government does not on that account fail, but such objections as would have been competent on an application under Subdivision 7 for a review may be raised as a defence to the whole or part of the claim, unless they have already been unsuccessfully raised by the person on an application under that Subdivision for a review.

[Section 6.58 amended by No. 55 of 2004 s. 691.]

6.59. Question of title to land not to affect jurisdiction

A jurisdiction otherwise competent to entertain proceedings to recover rates or service charges, or consequent on the recovery of rates or service charges, or to hear an application for review or an appeal relating to the payment of rates or service charges is not affected on the ground that a question of title to land is raised in the proceedings, but an order or judgment in the matter is not evidence of title.

[Section 6.59 amended by No. 55 of 2004 s. 692.]

6.60. Local government may require lessee to pay rent

- (1) In this section —
lease includes an agreement whether made orally or in writing for the leasing or subleasing of land and includes a licence or arrangement for the use of land;
lessor and **lessee** mean the parties to a lease and their respective successors in title.
- (2) If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.
- (3) The local government is to give to the lessor a copy of the notice with an endorsement that the original of it has been given to the lessee.
- (4) The local government may recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.
- (5) Where an amount is paid under this section to the local government —
 - (a) the payment discharges the payer from any liability to any person to pay that amount as rent;
 - (b) where as between a lessor and lessee the lessor is liable to pay the rate or service charge, the amount paid may be set off by the lessee against the rent payable to the lessor; and
 - (c) if the amount exceeds the rent due, or if there is no rent due, the amount may be set off by the lessee against accruing rent, or the balance recovered from the lessor in a court of competent jurisdiction.
- (6) To the extent that an agreement purports to preclude a lessee from setting off or recovering payments made to a local government under this section, the agreement is of no effect.

6.61. Requirement to give name of person liable

- (1) On the request of a local government —
 - (a) the occupier of property, or an agent of the owner of property, is required to disclose to the local government the name and address of the owner or of the person receiving or authorised to receive the rent of the property; and
 - (b) the person receiving or authorised to receive the rent of the property is required to disclose the name and address of the owner of the property.
- (2) A person from whom information is requested in accordance with subsection (1) commits an offence if the person —
 - (a) fails to give the information requested; or
 - (b) gives information that is false or misleading in any material particular.

6.62. Application of money paid for rates and service charges

Where money is paid to a local government in respect of rates or service charges imposed on land, the local government is to apply the money for or towards —

- (a) the rates or services charges due on the land in the order in which they become due; and
- (b) any outstanding costs of proceedings for the recovery of any such rates or charges.

[Section 6.62 amended by No. 49 of 2004 s. 63.]

Subdivision 6 — Actions against land where rates or service charges unpaid

6.63. Term used: service charge

In this Subdivision —

service charge does not include a service charge imposed under section 6.38(1)(b) on the occupier of land who is not the owner of that land.

6.64. Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land;
 - (b) sell the land;
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

6.65. Power to lease — procedure

Schedule 6.2 has effect in relation to the exercise of a power under section 6.64(1)(a) (in this Subdivision and that Schedule referred to as the **power to lease**).

6.66. Effect of lease

- (1) Where a local government exercises the power to lease in relation to any land that land does not cease to be rateable land because of the exercise of that power.
- (2) A lessee from a local government is entitled, during the term of the lease, to possession of the land as against persons who have an estate or interest in the land, but this subsection does not affect —

- (a) the rights of the local government under the lease;
 - (b) easements in favour of the public which affect the land; or
 - (c) the rights of the Crown in right of the State or Commonwealth or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth.
- (3) The exercise by a local government of a power to lease any land does not prejudice or affect the recovery of rates or taxes if any, due to the Crown in right of the State or Commonwealth, or a department or agency of the Crown in right of the State or Commonwealth.

6.67. Release of property after payment of arrears

- (1) Where, within 12 years of the taking of possession of any land by a local government under section 6.64, an entitled person pays to the local government all rates and service charges due and payable in respect of the land, the local government is required to give up possession of that land to the person unless it has exercised a power under section 6.64(1)(b), (c) or (d) in relation to the land.
- (2) If the local government has granted a lease of the land referred to in subsection (1) and the term of the lease has not expired, the lease subsists for the balance of the term as if it had been made between the lessee and the entitled person.
- (3) In this section —
entitled person means the person who, if the local government had not taken possession of the land under section 6.64, would be entitled to possession of that land.

6.68. Exercise of power to sell land

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the **power of sale**) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.
 - (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —
 - (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or
 - (b) having made reasonable efforts to locate the owner of the property is unable to do so.
 - (3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.
 - (3) Schedule 6.3 has effect in relation to the exercise of the power of sale.
- [Section 6.68 amended by No. 17 of 2009 s. 40.]*

6.69. Right to pay rates, service charges and costs, and stay proceedings

- (1) Up to 7 days prior to the time of the actual sale of any land for non-payment of rates or service charges a person having an estate or interest in the land may pay the rates or

service charges and the costs and expenses incurred to that time in proceedings relating to the proposed sale.

- (2) At any time after the 7 days referred to in subsection (1) but prior to the time of the actual sale of any land the local government may, upon such terms and conditions as are agreed between the parties, accept payment of the outstanding rates or service charges.
- (3) On payment being made under subsection (1) or (2) the proceedings relating to the proposed sale are stayed and the local government is required to make such notifications and take such measures as are prescribed in relation to the payment and the cancellation of the proposed sale.

6.70. Effect of changes in boundaries of local government area

An alteration in —

- (a) the boundaries of a district of a local government;
- (b) the constitution of the local government or its council; or
- (c) its name or status,

does not preclude the local government from exercising in respect of any land on which rates or service charges were lawfully imposed by it under this Division, the powers conferred by this Subdivision.

6.71. Power to transfer land to Crown or to local government

- (1) If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the *Transfer of Land Act 1893*, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —
 - (a) the Crown in right of the State; or
 - (b) the local government.
- (2) When a local government exercises the power referred to in subsection (1)(a) in relation to any land all encumbrances affecting the land are, by virtue of this section of no further force or effect against that land and the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, is to give effect to this section.
- (3) When exercising the power referred to in subsection (1)(b) the local government is required to pay the sum secured by, or payable under, a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State.
- (4) Schedule 6.3 has effect in relation to the exercise of the power referred to in subsection (1).

[Section 6.71 amended by No. 47 of 2011 s. 16.]

6.72. Title to land sold or transferred

Where a transfer or conveyance of an estate in fee simple in land is made in purported exercise of a power under section 6.64(1)(b), (c) or (d) the title transferred or conveyed is not impeachable on the ground that —

- (a) no case had arisen to authorise the sale;

- (b) the proper procedures were not followed; or
- (c) the power was otherwise improperly or irregularly exercised,

and a person who claims there has been an unauthorised or improper or irregular exercise of the power has a remedy in damages against the relevant local government but not against the Crown or the State with the Registrar as the nominal defendant under the *Transfer of Land Act 1893*.

[Section 6.72 amended by No. 81 of 1996 s. 153(1).]

6.73. Discharge of liability on sale of land

A sale of land by a local government or a transfer or conveyance of land to the Crown or a local government under this Subdivision discharges —

- (a) the land; and
- (b) the owners (present and past) of the land,

from any liability to the local government for rates, service charges or other money due to the local government which were, at the time of the sale, transfer or conveyance —

- (c) secured by a charge over the land; or
- (d) otherwise recoverable, whether under this Act or another written law, by the local government in respect of the land.

6.74. Power to have land revested in Crown if rates in arrears 3 years

- (1) If land is —
 - (a) rateable land;
 - (b) vacant land; and
 - (c) land in respect of which any rates or service charges have been unpaid for a period of at least 3 years,

the local government in whose district the land is situated may apply in the form and manner prescribed to the Minister to have the land revested in the Crown in right of the State.

- (2) The Minister is to consider the application and the circumstances surrounding the application and may grant or refuse the application.
- (3) If the application is granted the Minister is to execute a transfer or conveyance of the land to the Crown and is to deliver the transfer or conveyance to the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, for registration.
- (4) Upon the delivery of the transfer or conveyance Schedule 6.3 clause 8 has effect in relation to the exercise of the power referred to in subsection (1).

[Section 6.74 amended by No. 49 of 2004 s. 64(1); No. 47 of 2011 s. 16.]

6.75. Land to be vested in local government

- (1) Where, at the expiration of 12 years from the taking of possession of any rateable land by a local government under section 6.64 —
 - (a) all rates and service charges due and payable in respect of the land have not been paid; and
 - (b) the land has not, under the provisions of this Subdivision, been —

- (i) sold by the local government;
- (ii) transferred to the local government; or
- (iii) transferred to the Crown,

by operation of this section the fee simple in the land is to be transferred to the local government subject to —

- (c) easements in favour of the public which affect the land;
- (d) the rights of the Crown in right of the State or Commonwealth or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth; and
- (e) rates and taxes (other than local government rates and service charges) due on the land,

but free from other encumbrances.

- (2) Schedule 6.3 has effect in relation to a transfer under this section.

Local Government (Financial Management) Regulations 1996(FMR)

72. Form of notification of local government taking possession of land — s. 6.64(2)

For the purposes of section 6.64(2) the notification to be given by a local government on taking possession of land under that section is to be in the form of Form 2.

73. Form of notice to be affixed to land when local government takes possession of land — s. 6.64(2)

For the purposes of section 6.64(2) the notice to be affixed on land by a local government on taking possession of land under that section is to be in the form of Form 3.

74. Exercise of power of sale of land for non-payment of rates etc. — s. 6.68(3)

For the purposes of Item 1(2)(e) of Schedule 6.3 of the Act a notice requiring payment of outstanding rates and service charges is to be in the form of Form 4.

75. Statewide public notice of exercise of power of sale of land for non-payment of rates etc. — s. 6.68(3) and Sch. 6.3 item 2(1)(a)

For the purposes of Item 2(1)(a) of Schedule 6.3 of the Act a Statewide public notice of a sale of land is to be in the form of Form 5.

76. Payment of rates etc. to stay sale of land for non-payment

- (1) As soon as practicable after the payment in accordance with section 6.69 of outstanding rates, service charges, costs and expenses on any land the local government is to deliver to the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, a certificate signed and dated by the CEO certifying that all outstanding rates, service charges, costs and expenses have been paid.
- (2) Upon receipt of the certificate referred to in subregulation (1) the Registrar of Titles or the Registrar of Deeds and Transfers is to endorse a memorandum that the land has ceased to be bound by the memorial.

[Regulation 76 amended by No. 47 of 2011 s. 16.]

77. Procedure prior to application for revestment of land in Crown for non-payment of rates etc.

- (1) Before making an application under section 6.74 for the revestment of any land in the Crown a local government is to —

- (a) give notice of its intention to do so if the rates, service charges, costs and expenses are not paid by the date specified in the notice (being a date not less than 30 days from the date of service of the notice) to —
 - (i) the owner or owners of the land, sent to the last known address of the owner or owners; and
 - (ii) all persons who are noted on the certificate of title to the land as having an interest in the land whether by way of encumbrance or otherwise, sent to the last known address of those persons;
 and
 - (b) cause a copy of the notice of intent to be published in the *Government Gazette*.
- (2) A notice of intent under subregulation (1) is to contain a statement that the person to whom the notice is issued may, within 30 days of the date of the notice, lodge an objection to the revestment.
 - (3) The local government is to consider all objections received to the revestment under this regulation.
- 78. Revestment of land in Crown for non-payment of rates etc. — s. 6.74 and Sch. 6.3 item 8(6)**
- (1) For the purposes of section 6.74(1), an application by a local government to have land revested in the Crown is to be in the form of Form 6.
 - (2) For the purposes of section 6.74(2), the grant by the Minister of an application by a local government to have land revested in the Crown is to be in the form of Form 7.

Upon receipt of the certificate referred to in sub regulation (1) the Registrar of Titles or the Registrar of Deeds is to endorse a memorandum that the land has ceased to be bound by the memorial.

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.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Service	Business unit responsible	Enabling assets
Manage resources efficiently and effectively to deliver services, programs, and infrastructure to the community.	Corporate Services	Council Offices, Vehicles Council Owned Dwellings

LONG TERM FINANCIAL PLAN IMPLICATIONS

The current LTFP - 15 year financial model as adopted shows the total rates need to be raised each year as per the Long Term Financial Plan.

COMMUNITY CONSULTATION –

Chief Executive Officer
Finance Officer
Debt Collection Agency

STAFF RECOMMENDATION

That Council:

1. *Agrees to sell Number 14 (Lot 56) Mitchell Street, Kellerberrin, under section 6.64 of the Local Government Act 1995.*
2. *Gives notice, in the form of Form 2, advising that the local government has taken possession of the land, to the owner(s) of the land (s.6.64(2); FMRr.72 and Form 2), by certified mail.*
3. *Gives notice, in the form of Form 3, advising that the local government has taken possession of the land, and affix Form 3 to a conspicuous part of the land (s.6.64(2); FMR r.73 and Form 3).*
4. *Completes Form 4 – Local Government Act 1995, Local Government (Financial Management) Amendment Regulations (No 2) 2005 (reg. 74) giving three (3) months public notice for sale by public auction, to be served by certified mail to the addresses appearing in the rate record or a register kept under the Transfer of Land Act 1893 or in a memorial or record kept by the Registrar of Deeds (s.6.68(3); Sch. 6.3 cl.1.(1)(a); FMR r.74, Form 4)*
5. *Completes Form 5 - Local Government Act 1995, Local Government (Financial Management) Amendment Regulations (No 2) 2005 (reg. 75) advising the property is to offer for sale by public auction at _____ on the _____ .*
6. *Delegates authority to the Chief Executive Officer to appoint a professional auctioneer for the above land auction.*

*** Absolute majority required**

COUNCIL RECOMMENDATION

MIN 205/18

MOTION - Moved Cr. O'Neill

2nd Cr. Reid

That Council:

- 1. Agrees to sell Number 14 (Lot 56) Mitchell Street, Kellerberrin, under section 6.64 of the Local Government Act 1995.**
- 2. Gives notice, in the form of Form 2, advising that the local government has taken possession of the land, to the owner(s) of the land (s.6.64(2); FMRr.72 and Form 2), by certified mail.**
- 3. Gives notice, in the form of Form 3, advising that the local government has taken possession of the land, and affix Form 3 to a conspicuous part of the land (s.6.64(2); FMR r.73 and Form 3).**
- 4. Completes Form 4 – Local Government Act 1995, Local Government (Financial Management) Amendment Regulations (No 2) 2005 (reg. 74) giving three (3) months public notice for sale by public auction, to be served by certified mail to the addresses appearing in the rate record or a register kept under the Transfer of Land Act 1893 or in a memorial or record kept by the Registrar of Deeds (s.6.68(3); Sch. 6.3 cl.1.(1)(a); FMR r.74, Form 4)**
- 5. Completes Form 5 - Local Government Act 1995, Local Government (Financial Management) Amendment Regulations (No 2) 2005 (reg. 75) advising the property is to offer for sale by public auction at _____ on the _____ .**
- 6. Delegates authority to the Chief Executive Officer to appoint a professional auctioneer for the above land auction.**

*** Absolute majority required**

CARRIED 5/0
ABSOLUTE MAJORITY

Agenda Reference:	11.1.11
Subject:	Transfer of land from Non-payment of Rates
Location:	103 Forrest Street Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ASS 360
Records Ref:	MIN 095/17
Disclosure of Interest:	
Date:	9 th November 2018
Author:	Mr Brett Taylor, Senior Finance Officer

BACKGROUND

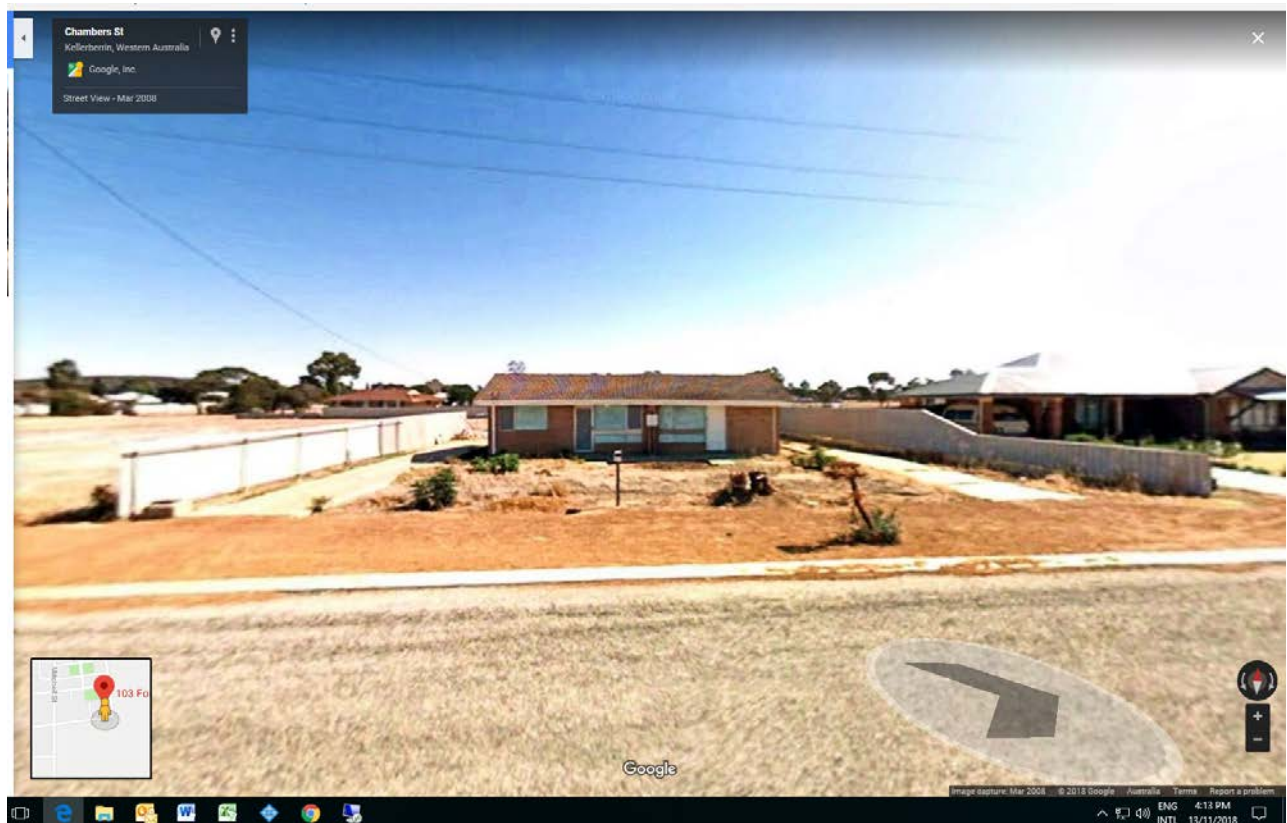
Councils June 2017 Ordinary Council Meeting,

MIN 095/17 MOTION - Moved Cr. White 2nd Cr. O'Neil

That Council:

1. *Agrees to sell Number 103 (Lot 16) Forrest Street, Kellerberrin, under section 6.64 of the Local Government Act 1995.*
2. *Gives notice, in the form of Form 2, advising that the local government has taken possession of the land, to the owner(s) of the land (s.6.64(2); FMRr.72 and Form 2), by certified mail.*
3. *Gives notice, in the form of Form 3, advising that the local government has taken possession of the land, and affix Form 3 to a conspicuous part of the land (s.6.64(2); FMR r.73 and Form 3).*
4. *Completes Form 4 – Local Government Act 1995, Local Government (Financial Management) Amendment Regulations (No 2) 2005 (reg. 74) giving three (3) months public notice for sale by public auction, to be served by certified mail to the addresses appearing in the rate record or a register kept under the Transfer of Land Act 1893 or in a memorial or record kept by the Registrar of Deeds (s.6.68(3); Sch. 6.3 cl.1.(1)(a); FMR r.74, Form 4)*
1. *Completes Form 5 - Local Government Act 1995, Local Government (Financial Management) Amendment Regulations (No 2) 2005 (reg. 75) advising the property is to offer for sale by public auction at Kellerberrin Town Hall on Friday 27th October 2017.*
5. *Delegates authority to the Chief Executive Officer to appoint a professional auctioneer for the above land auction.*

CARRIED 7/0
ABSOLUTE MAJORITY



Following the auction held on Friday 27th October 2017, the following property remained unsold.

A. 103 Forrest Street Kellerberrin WA 6410

COMMENT

Saturday 27th October 2018, marks 12 months since the auction was held for the sale of the above mentioned property at the Kellerberrin Town Hall. The property mentioned above was passed in on auction day having had no offers made on them.

Council, under the Local Government Act 1995 Section 6.64 and 6.68 is permitted, after twelve months of the auctioning of the properties, to transfer the land to Council.

It is the intention of the administration that after the twelve month anniversary, to commence proceedings for the land to be transferred into Council's name and on completion hand over to a real estate agent for on selling.

In transferring the land from the current owners to Council there will be a significant amount of rates that Council will be required to write off, though the outstanding amount has been listed as a bad/doubtful debt of Council therefore on the Balance Sheet it will not affect Council's Financial Position.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2018/2019 Budget – Debt Write Off

There is the possibility of income should the properties be sold via private treaty following transfer.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended) (LGA)

6.64. Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land;
 - (b) sell the land;
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

6.65. Power to lease — procedure

Schedule 6.2 has effect in relation to the exercise of a power under section 6.64(1)(a) (in this Subdivision and that Schedule referred to as the **power to lease**).

6.66. Effect of lease

- (1) Where a local government exercises the power to lease in relation to any land that land does not cease to be rateable land because of the exercise of that power.
- (2) A lessee from a local government is entitled, during the term of the lease, to possession of the land as against persons who have an estate or interest in the land, but this subsection does not affect —
- (a) the rights of the local government under the lease;
 - (b) easements in favour of the public which affect the land; or
 - (c) the rights of the Crown in right of the State or Commonwealth or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth.
- (3) The exercise by a local government of a power to lease any land does not prejudice or affect the recovery of rates or taxes if any, due to the Crown in right of the State or Commonwealth, or a department or agency of the Crown in right of the State or Commonwealth.

6.67. Release of property after payment of arrears

- (1) Where, within 12 years of the taking of possession of any land by a local government under section 6.64, an entitled person pays to the local government all rates and service charges due and payable in respect of the land, the local government is required to give up possession of that land to the person unless it has exercised a power under section 6.64(1)(b), (c) or (d) in relation to the land.
- (2) If the local government has granted a lease of the land referred to in subsection (1) and the term of the lease has not expired, the lease subsists for the balance of the term as if it had been made between the lessee and the entitled person.
- (3) In this section —

entitled person means the person who, if the local government had not taken possession of the land under section 6.64, would be entitled to possession of that land.

6.68. Exercise of power to sell land

- (1) Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this Subdivision and Schedule 6.3 referred to as the **power of sale**) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.
- (2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government —
- (a) has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or

- (b) having made reasonable efforts to locate the owner of the property is unable to do so.
- (3A) A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.
- (3) Schedule 6.3 has effect in relation to the exercise of the power of sale.

[Section 6.68 amended by No. 17 of 2009 s. 40.]

6.69. Right to pay rates, service charges and costs, and stay proceedings

- (1) Up to 7 days prior to the time of the actual sale of any land for non-payment of rates or service charges a person having an estate or interest in the land may pay the rates or service charges and the costs and expenses incurred to that time in proceedings relating to the proposed sale.
- (2) At any time after the 7 days referred to in subsection (1) but prior to the time of the actual sale of any land the local government may, upon such terms and conditions as are agreed between the parties, accept payment of the outstanding rates or service charges.
- (3) On payment being made under subsection (1) or (2) the proceedings relating to the proposed sale are stayed and the local government is required to make such notifications and take such measures as are prescribed in relation to the payment and the cancellation of the proposed sale.

6.70. Effect of changes in boundaries of local government area

An alteration in —

- (a) the boundaries of a district of a local government;
- (b) the constitution of the local government or its council; or
- (c) its name or status,

does not preclude the local government from exercising in respect of any land on which rates or service charges were lawfully imposed by it under this Division, the powers conferred by this Subdivision.

6.71. Power to transfer land to Crown or to local government

- (1) If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the *Transfer of Land Act 1893*, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —
 - (a) the Crown in right of the State; or
 - (b) the local government.
- (2) When a local government exercises the power referred to in subsection (1)(a) in relation to any land all encumbrances affecting the land are, by virtue of this section of no further force or effect against that land and the Registrar of Titles or the Registrar of Deeds, as the case requires, is to give effect to this section.
- (3) When exercising the power referred to in subsection (1)(b) the local government is required to pay the sum secured by, or payable under, a mortgage, lease, tenancy,

encumbrance or charge in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State.

- (4) Schedule 6.3 has effect in relation to the exercise of the power referred to in subsection (1).

6.72. Title to land sold or transferred

Where a transfer or conveyance of an estate in fee simple in land is made in purported exercise of a power under section 6.64(1)(b), (c) or (d) the title transferred or conveyed is not impeachable on the ground that —

- (a) no case had arisen to authorise the sale;
- (b) the proper procedures were not followed; or
- (c) the power was otherwise improperly or irregularly exercised,

and a person who claims there has been an unauthorised or improper or irregular exercise of the power has a remedy in damages against the relevant local government but not against the Crown or the State with the Registrar as the nominal defendant under the *Transfer of Land Act 1893*.

[Section 6.72 amended by No. 81 of 1996 s. 153(1).]

6.73. Discharge of liability on sale of land

A sale of land by a local government or a transfer or conveyance of land to the Crown or a local government under this Subdivision discharges —

- (a) the land; and
- (b) the owners (present and past) of the land,

from any liability to the local government for rates, service charges or other money due to the local government which were, at the time of the sale, transfer or conveyance —

- (c) secured by a charge over the land; or
- (d) otherwise recoverable, whether under this Act or another written law, by the local government in respect of the land.

6.75. Land to be vested in local government

- (1) Where, at the expiration of 12 years from the taking of possession of any rateable land by a local government under section 6.64 —

- (a) all rates and service charges due and payable in respect of the land have not been paid; and
- (b) the land has not, under the provisions of this Subdivision, been —
 - (i) sold by the local government;
 - (ii) transferred to the local government; or
 - (iii) transferred to the Crown,

by operation of this section the fee simple in the land is to be transferred to the local government subject to —

- (c) easements in favour of the public which affect the land;
- (d) the rights of the Crown in right of the State or Commonwealth or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth; and

- (e) rates and taxes (other than local government rates and service charges) due on the land,
but free from other encumbrances.
- (2) Schedule 6.3 has effect in relation to a transfer under this 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; and
 - (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; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or

- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (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; No. 17 of 2009 s. 10.]

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – Yes

STAFF RECOMMENDATION

That Council delegates authority to the CEO, subject to the expiration of the twelve month waiting period on 27th October 2018;

1. *Approves the transfer to the Shire of Kellerberrin under section 6.64 of the Local Government Act 1995 for the following 103 (Lot 16) Forrest Street after 27th October 2018.*
2. *Authorises the Chief Executive Officer and President to execute the transfer of land documents for all above land transfers.*
3. *Writes off all outstanding rate balances on the properties and assessment in question*
 - i. *103 (Lot 16) Forrest Street, A360, \$9,064.61 plus additional interest calculated.*

COUNCIL RECOMMENDATION

MIN 206/18

MOTION - Moved Cr. O'Neill

2nd Cr. Steber

That Council delegates authority to the CEO, subject to the expiration of the twelve month waiting period on 27th October 2018;

1. ***Approves the transfer to the Shire of Kellerberrin under section 6.64 of the Local Government Act 1995 for the following 103 (Lot 16) Forrest Street after 27th October 2018.***
2. ***Authorises the Chief Executive Officer and President to execute the transfer of land documents for all above land transfers.***
3. ***Writes off all outstanding rate balances on the properties and assessment in question***
 - i. ***103 (Lot 16) Forrest Street, A360, \$9,064.61 plus additional interest calculated.***

CARRIED 5/0

Agenda Reference:	11.1.12
Subject:	Sundry Debtor Write Off - 80663
Location:	Ex- Doodlakine Quarry Lease
Applicant:	Shire of Kellerberrin
File Ref:	FIN-06
Disclosure of Interest:	N/A
Date:	5 th November 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Debtor 80663 - \$15,043.40 – Council in 2016 issued the following invoices out for private works and a lease fee for costs associated with the Doodlakine Quarry to Drill Maintenance Australia Pty Ltd.

Batch	Inv No	Inv Date	Amount	Description	Balance	Type	Cust. Ref.	Running Total	Post	Post Yr
2152	3577	03/02/2017	458.70	Hire of Old Side Tipper	458.70	INV		15043.40	08	16/17
2124	3533	15/12/2016	2600.00	2000L Diesel Fuel	2600.00	INV		14584.70	06	16/17
2091	3414	19/08/2016	984.70	28KL water delivered - 25/05/2016	984.70	INV		11984.70	02	16/17
2052	3380	06/07/2016	11000.00	Annual Lease Fee 01/04/2016 to 31/03/201	11000.00	INV		11000.00	01	16/17

COMMENT

Council has received advice previously that this Debtor has been declared Bankruptcy and businesses that are owed money are to provide a declaration of debt.

Council has completed this though to date haven't received any funds nor any further communication. Council's staff is certain that this debt will not be claimed and it requires formal write off from Council.

Councils Management has the ability to write off accounts up to \$50.00.

STATUTORY IMPLICATIONS

Local Government Act 1995 – section 6.10 provides for Financial Management Regulations to be introduced into local government financial management procedures/policies. - requires that Council approve the write off of any debtor.

Local Government (Financial Management) Regulations 1996 – Part 2 – General Financial Management – regulation 5, deals with Financial Management Duties of the CEO

POLICY IMPLICATIONS - Nil

FINANCIAL IMPLICATIONS

Account	Description	18/19 Budget
031014	Rates – Write Off	\$500
141014	Write Off (General)	\$ 0

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

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

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

COMMUNITY CONSULTATION:

Chief Executive Officer
Manager Works and Services
Administration Officer
Council

ABSOLUTE MAJORITY: No

STAFF RECOMMENDATION

That Council write off the outstanding debts for Debtor 80663 totally \$15,043.40 comprising of:

1. *Invoice 3577 for \$ 458.70*
2. *Invoice 3533 for \$ 2,600.00*
3. *Invoice 3414 for \$ 984.70*
4. *Invoice 3380 for \$11,000.00*

COUNCIL RECOMMENDATION

MIN 207/18 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council write off the outstanding debts for Debtor 80663 totally \$15,043.40 comprising of:

1. ***Invoice 3577 for \$ 458.70***
2. ***Invoice 3533 for \$ 2,600.00***
3. ***Invoice 3414 for \$ 984.70***
4. ***Invoice 3380 for \$11,000.00***

CARRIED 5/0

Agenda Reference:	11.1.13
Subject:	2018/2019 Budget Amendments
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN04
Record Ref:	MIN 140/18
Disclosure of Interest:	N/A
Date:	13 th November 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Councils August 2018 Ordinary Meeting of Council

COUNCIL RECOMMENDATION

MIN 140/18 MOTION - Moved Cr. Leake 2nd Cr. Steber

That:

PART A – MUNICIPAL FUND BUDGET FOR 2018/2019

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in the Attachments of this agenda and the minutes, for the Shire of Kellerberrin for the 2018/2019 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page (#) showing a net result for that year of (\$326,635)
- Statement of Comprehensive Income by Program on page (#) showing a net result for that year of (\$326,635)
- *Statement of Cash Flows on page (6) of the Statutory Budget.*
- *Rate Setting Statement on page (7) of the Statutory Budget showing an amount required to be raised from rates of \$2,090,583.*
- *Notes to and Forming Part of the Budget on pages (8 to 22)*
- *Budget Program Schedules as detailed in pages (23 to 64)*
- *Transfers to / from Reserve Accounts as detailed in page (18)*

CARRIED 6/0
BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 141/18 MOTION - Moved Cr. O'Neill

2nd Cr. Reid

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general

rates and minimum payments on Gross Rental and Unimproved Values. 1.1. General Rates*

- Kellerberrin Residential (GRV) 12.7620 cents in the dollar
- Other Residential (GRV) 12.7620 cents in the dollar
- Kellerberrin Commercial (GRV) 14.7000 cents in the dollar
- Other Commercial (GRV) 14.7000 cents in the dollar
- Rural (UV) 2.0929 cents in the dollar

- Kellerberrin Residential (GRV) \$748
- Other Residential (GRV) \$748
- Kellerberrin Commercial (GRV) \$822
- Other Commercial (GRV) \$822
- Rural (UV) \$748
- Mining Tenements (UV) \$748

2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
 - i. Full payment and instalment due date 28th September 2018
 - ii. 2nd half instalment due date 01st February 2019
 - iii. 2nd quarterly instalment due date 30th November 2018
 - iv. 3rd quarterly instalment due date 01st February 2019
 - v. 4th quarterly instalment due date 05th April 2019
3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED 6/0
BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 142/18 MOTION - Moved Cr. Steber

2nd Cr. O'Neill

PART C – GENERAL FEES AND CHARGES FOR 2018/2019

Pursuant to Section 6.16 of the *Local Government Act 1995*, council adopts the Fees and Charges included at pages 66 to 80 inclusive of the draft 2018/2019 budget included as Attachments of this agenda and minutes.

CARRIED 6/0
BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 143/18 MOTION - Moved Cr. Leake 2nd Cr. Reid

PART D – OTHER STATUTORY FEES FOR 2018/2019

1. Pursuant to Section 53 of the *Cemeteries Act 1986* the council adopts the Fees and Charges for the Kellerberrin Cemetery included at page 66 of the draft 2018/2019 budget included as Attachments to this agenda and minutes.
2. Pursuant to Section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the council adopts a swimming pool inspection fee of \$57.45 inclusive of GST.
3. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal and deposit of domestic and commercial waste:
 - a. Residential Premises
 - i. 240ltr bin per weekly collection \$200pa
 - ii. Additional Bins \$220 pa
 - b. Commercial Premises
 - i. 240ltr bin per weekly collection \$200pa
 - ii. Additional Bins \$220 pa

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 144/18 MOTION - Moved Cr. McNeil 2nd Cr. Leake

4. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and Section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste:
 - a. Kellerberrin Waste Transfer Station

Load or volume:

- Trailer (6 x 4) – First Per Annum – Free
- Trailer (6 x 4) – After First Load Per Annum – \$30.00
- Trailer (8 x 5) – First Per Annum – Free
- Trailer (8 x 5) – After First Load Per Annum – \$40.00
- Commercial waste (per cubic metre) – Cost Recovery Plus 5%

CARRIED 6/0
BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 145/18 MOTION - Moved Cr. Steber

2nd Cr. Leake

PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2018/2019

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following meeting attendance fees for payment of elected members in lieu of Annual fees:
 - President \$300 per meeting.
 - Councillors \$200 per meeting
2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:
 - Travel Allowance – President - \$50
 - Travel Allowance – Councillor - \$50
3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - President \$5,000

CARRIED 5/1

COUNCIL RECOMMENDATION

MIN 146/18 MOTION - Moved Cr. Reid

2nd Cr. McNeil

PART F – MATERIAL VARIANCE REPORTING FOR 2018/2019

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2018/2019 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

Council over the previous months have been keeping a close eye on the budget to actual comparison to ensure Council's financial position is maintained to the budget as best as possible.

Since adopting the budget Council has received funds for grants that Management wasn't sure of its status on adopting the budget and adjustments have been made to funding which are significant, therefore we are proposing the below Budget Amendments.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET) - Shire of Kellerberrin 2018/2019 Annual Financial Budget

Account Name	Account Number	Adopted Revised Budget	Budget Change	Revised Budget	Reason for Amendment
Profit on Sale	122349	\$ 18,060	\$4,550	\$ 22,610	Correcting error in input from Council's Budget to Moore Stephens input.
Profit on Sale	122349	\$ 22,610	(\$3,060)	\$ 19,550	Removing Profit on Sale for KE05 – Not trading this vehicle.
FAG Grant – General Grant	032330	\$ 684,406	\$13,350	\$ 697,756	Updated Actual figures for FAG grant allocation.
FAG Grant – Road Grant	032331	\$ 381,850	(\$117,207)	\$ 264,648	Updated Actual figures for FAG grant allocation.
Sundry Income	042348	\$ 0	\$11,942	\$ 11,942	Paid Parental Leave Income Received
Direct Grant – MRDWA	122318	\$ 76,000	\$53,977	\$ 129,977	Increase in Direct Grant Allocation not advised at Budget
Governance – Grant	042332	\$ 0	\$103,605	\$ 103,605	CCTV Grant Income Received, announcement of funds not made prior to budget adoption.
CCTV Installation	IT002	\$ 0	(\$105,792)	\$ 105,792	CCTV Installation Expenditure to compliment income received above.
Shire Properties	148080	\$ 24,902	(\$15,240)	\$ 40,142	Additional CEACA contribution, This is due to confusion in that Kellerberrin had to contribute to pay itself back.
Communication Hut	132192	\$ 0	(\$1,645)	\$ 1,645	Budgeted in spreadsheets though didn't pull through to budget document.
Dam Maintenance – All	113178	\$ 11,984	(\$14,000)	\$ 25,984	No Mtce on Dam's Budgeted in system. On Works sheet though didn't pull through to system.
Replace Nivara - Net	CKE05	\$ 15,000	\$15,000	\$ 0	Not replacing Team Leader Parks and Gardens Utility.
Rates Income	031352	\$2,090,584	\$18,314	\$2,108,898	Dryandra Rates and Interims
TOTE Upgrade	C11326	\$ 10,000	(\$10,864)	\$ 20,864	Electrical Account not received
Building Fees	133306	\$ 1,000	\$10,000	\$ 11,000	CBH Building Fee
Caravan Park Fees	132307	\$ 90,000	\$10,219	\$ 100,219	Increase in Caravan Park Income.
WANDRA Funding	122332	\$ 171,716	\$40,630	\$ 212,346	AGRN743 Claim – Over claim approved
Opening Balance		\$1,244,747	(\$13,779)	\$1,230,968	

The changes outlined above total back to a balanced budget and as such have a zero net effect on the 2018/2019 Annual Budget.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

Local Government Act (1995)

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Local Government Financial Management Regulations (1996)

Part 2 — General financial management — s. 6.10

5. Financial management duties of the CEO

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (a) for the proper collection of all money owing to the local government;
 - (b) for the safe custody and security of all money collected or held by the local government;
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);
 - (d) to ensure proper accounting for municipal or trust —
 - (i) revenue received or receivable;
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments;
 - (f) for the maintenance of payroll, stock control and costing records; and
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
- (2) The CEO is to —
 - (a) ensure that the resources of the local government are effectively and efficiently managed;
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not

less than once in every 4 financial years) and report to the local government the results of those reviews.

[Regulation 5 amended in Gazette 31 Mar 2005 p. 1047 and 1053.]

6. Audits and performance reviews to be independent

A local government is to ensure that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for —

- (a) conducting an internal audit; or
- (b) reviewing the discharge of duties by that employee,

or for managing, directing or supervising a person who carries out a function referred to in paragraph (a) or (b).

STRATEGIC COMMUNITY PLAN IMPLICATIONS

2 Infrastructure

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

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

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

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

CORPORATE BUSINESS PLAN IMPLCATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Strategic Priority 1.3

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

Goals

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

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council approve the following Budget amendments:

Account Name	Account Number	Adopted Revised Budget	Budget Change Increase/(Decrease)	Revised Budget
Profit on Sale	122349	\$ 18,060	\$4,550	\$ 22,610
Profit on Sale	122349	\$ 22,610	(\$3,060)	\$ 19,550
FAG Grant – General Grant	032330	\$ 684,406	\$13,350	\$ 697,756
FAG Grant – Road Grant	032331	\$ 381,850	(\$117,207)	\$ 264,648
Sundry Income	042348	\$ 0	\$11,942	\$ 11,942
Direct Grant – MRDWA	122318	\$ 76,000	\$53,977	\$ 129,977
Governance – Grant	042332	\$ 0	\$103,605	\$ 103,605
CCTV Installation	IT002	\$ 0	(\$105,792)	\$ 105,792
Shire Properties	148080	\$ 24,902	(\$15,240)	\$ 40,142
Communication Hut	132192	\$ 0	(\$1,645)	\$ 1,645
Dam Maintenance – All	113178	\$ 11,984	(\$14,000)	\$ 25,984
Replace Nivara - Net	CKE05	\$ 15,000	\$15,000	\$ 0
Rates Income	031352	\$2,090,584	\$18,314	\$ 2,108,898
TOTE Upgrade	C11326	\$ 10,000	(\$10,864)	\$ 20,864
Building Fees	133306	\$ 1,000	\$10,000	\$ 11,000
Caravan Park Fees	132307	\$ 90,000	\$10,219	\$ 100,219
WANDRA Funding	122332	\$ 171,716	\$40,630	\$ 212,346
Opening Balance		\$1,244,747	(\$13,779)	\$ 1,230,968
			\$ 0	

COUNCIL RECOMMENDATION

MIN 208/18 MOTION -

Moved Cr. Reid

2nd Cr. Steber

That Council approve the following Budget amendments:

Account Name	Account Number	Adopted Revised Budget	Budget Change Increase/(Decrease)	Revised Budget
Profit on Sale	122349	\$ 18,060	\$4,550	\$ 22,610
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Sundry Income	042348	\$ 0	\$11,942	\$ 11,942
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CCTV Installation	IT002	\$ 0	(\$105,792)	\$ 105,792
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Communication Hut	132192	\$ 0	(\$1,645)	\$ 1,645
Dam Maintenance – All	113178	\$ 11,984	(\$14,000)	\$ 25,984
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WANDRA Funding	122332	\$ 171,716	\$40,630	\$ 212,346
Opening Balance		\$1,244,747	(\$13,779)	\$ 1,230,968
			\$ 0	

CARRIED 5/0
ABSOLUTE MAJORITY

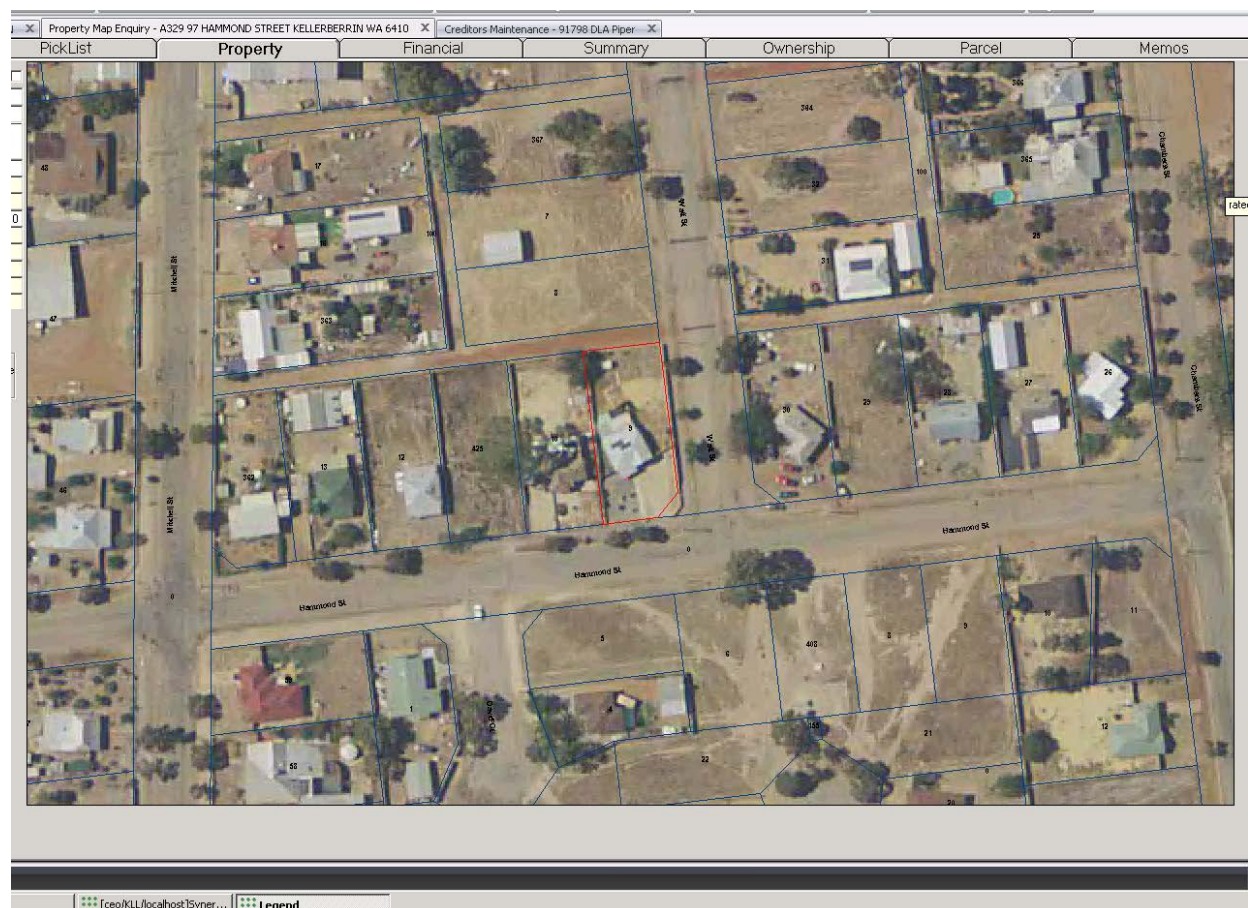
Agenda Reference:	11.1.14
Subject:	Approval to keep Three Dogs at a residence within the Kellerberrin Townsite.
Location:	97 Hammond Street, Kellerberrin
Applicant:	Ms Deanne Glayde
File Ref:	LLAW 12 & A329
Record Ref:	ICR181938
Disclosure of Interest:	Nil
Date:	13 th November 2018
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 13th November 2018 received correspondence from Ms Deanne Glayde requesting permission to house three dogs at 97 Hammond Street, Kellerberrin.

The house is owned by Mr Geoffrey Trippner. Council has been provided with a copy of the lease agreement between Mr Trippner and Ms Glayde which indicates permission to enable dogs at the residence.

COMMENT





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

The dogs are NOT currently registered with the Shire of Kellerberrin, however Ms Glayde has provided us with the dog information as per below information.

Tag No	Name of Dog	Description	Colour Marking	Sex	Sterilised	Owner Other Name	Owner Surname
	Axel	Jack Russell x Shitsu x Chihuahua	White, Tan & Black	Male	Yes	Deanne	Glayde
	Yuki	Jack Russell x Shitsu x Chihuahua	White/Cream	Male	Yes	Deanne	Glayde
	Echo	Jack Russell x Shitsu x Chihuahua	Black with White and Tan patches	Male	Yes	Deanne	Glayde

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

- Dog Act 1976 as amended

Part V — The keeping of dogs

26. Limitation as to numbers

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

may apply to the State Administrative Tribunal for a review of the decision.

- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

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

Shire of Kellerberrin Dogs Local Law 2012

EXTRACT from "Dogs Local Laws"

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and

- physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

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

STRATEGIC PLAN IMPLICATIONS: Nil

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

LONG TERM PLAN IMPLICATIONS: Nil

COMMUNITY CONSULTATION:

Chief Executive Officer
 Shire Contract Ranger
 Shire Administration Officers
 Rod Tinker

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

That Council approves the keeping of three dogs at 97 Hammond Street, Kellerberrin subject to the following conditions:-

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

COUNCIL RECOMMENDATION

MIN 209/18 MOTION - Moved Cr. O'Neill

2nd Cr. Steber

That Council approves the keeping of three dogs at 97 Hammond Street, Kellerberrin subject to the following conditions:-

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

CARRIED 5/0

Agenda Reference:	11.1.15
Subject:	Cheque List - October 2018
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	05 th November 2018
Author:	Morgan Ware, Finance Officer

BACKGROUND

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

Trust Fund

TRUST TOTAL	\$ 377.76
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Municipal Fund

Cheque Payments 34486 - 34494	\$ 55,454.70
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EFT Payments 8746 - 8835	\$ 293,404.43
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Direct Debit Payments	\$ 84,797.22
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TOTAL MUNICIPAL	\$ 348,859.13
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COMMENT

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

C Planke & Sons Pty Ltd	\$ 51,712.00
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Supply labour, Machinery & Traffic Control for works on Shackleton Rd 17th, 18th, 19th September, Supply labour, Machinery & Traffic Control for works on Kwolyin West Rd 20th, 21st September, Supply labour, Machinery & Traffic Control for works on Doodlakine South Rd 25th, 26th, 27th September, Discount, Early payment of Invoice (-\$1000.00)

Western Australian Treasury Corporation	\$ 33,504.08
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Loan No. 118 Interest payment & Principal payment, Rec Centre Redevelopment

LGIS Property	\$ 32,426.02
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LGIS Property, 2018/19, Second Instalment, Shire owned facilities

Deputy Commissioner Of Taxation	\$ 30,316.18
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GST Debtors, PAYG Tax, GST Creditors, Rounding

Western Power	\$ 22,786.00
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Power Consumption for Tiller Drive, Shire owned properties

LGIS Workcare	\$ 22,399.20
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LGIS Workcare Insurance compensation, 2018/19, Second Instalment

Water Corporation	\$ 18,476.06
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Water Charges for Standpipes & Shire owned properties, August to October 18

DLA Piper	\$ 14,960.00
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Professional Fees up to & including 31/7/18 - Claim Number 615091, Professional Fees up to & including 30/09/2018 - Claim Number 615091

Synergy Power Consumption for Shire owned properties August to October 18	\$ 13,816.30
Deputy Commissioner Of Taxation PAYG Tax, GST Debtors, GST Creditors, Fuel Tax Credits	\$ 12,809.00
Kellerberrin & Districts Club Quarterly payment, Salary of KRLCMAC Manager, Reimbursement of cleaning wages, September 18, Catering for LHAG Ladies Day Out, Monthly repayment of Macquarie Bank Solar Panels, Refreshments for Council Meeting, Bush Fire Brigade	\$ 12,706.65
Maia Financial Pty Ltd Purchase of Gym Equipment, Excluding cardio gear	\$ 11,220.00
Moore Stephens Initial set-up of month end template, Compilation of the Statement of Financial Activity for July 18, Review and lodge Business Activity Statement, July 18, Rates Processing service, September 2018, Compilation of the Statement of Financial Activity, August 18, Review and lodge the Business Activity Statement, August 18, Rates Processing Service, August 18	\$ 11,147.40
Farmways Kellerberrin Pty Ltd Purchase of Chemicals for Fogging, 2 x 20L ULV, Foam marker white 20L, Wesfil fuel filter, Ryco oil filter, Chlorine for Swimming Pool, Grease swivel, Seal repair kit, Grease control, Uniforms 18/19, GME TX3500 UHF two-way and aerial, Gas bottles for Caravan Park, Spraying chemical & other misc. items under \$100	\$ 10,193.98
United Card Services Pty Ltd Fuel Purchases, September 18	\$ 10,013.48
Wheatbelt Plumbing & Gas Massingham Public Toilets Upgrade, Remove existing SS fixture from Public Toilet block. Supply and Install new china fixtures to toilet block, keeping 2 x toilets operational at all times. Fixtures, 3 x Caroma luna pans with xena seat, 2 x Como 1 tap hole wall basin, 1 x Torres wall mount urinal, Disabled 1 x Leda care wall faced pan with contrast seat, 1 x Caroma cosmo wall mounted basin, Run new gas main from LPG Reg on North Side of Building, Install Copper pipe in wall through backs of cabinet to each barbeque, provide gas valve for each, connect sink to water & waste, supply & install hot water unit, Copper pipe & fittings, PVC traps & fittings, 2x Plug & waste, Gas ball valves, Gas Flexis, Instant electric hot water unit, gas valve signs, clips & fixings	\$ 9,407.81
Western Australian Treasury Corporation Loan No. 116A Principal & Interest payment	\$ 8,171.09
Avon Waste Domestic Refuse Collection - 478 @ 1.67 x 4wks, Domestic Refuse Collection - 478 @ 1.67 x 4wks, Commercial Refuse Collection - 64 @ 1.67 x 4wks, Recycling Bins - 17th August 2018, Additional Recycling Bulk Bin - 17th August 2018, Cardboard Only Service - 9th & 23rd August 2018, Transport Collection Waste to Northam, KBN Hospital - 10 @ 1.67 x 4wks, Dryandra - 13 @ 1.67 x 4wks, KDHS - 12 @ 1.67 x 4wks, Caravan Park - 12 @ 1.67 x 4wks, Swimming Pool - 2 @ 1.67 x 4wks, Recreation Centre - 10 @ 1.67 x 4wks, CRC - 3 @ 1.67 x 4wks, Shire Office - 3 @ 1.67 x 4wks, Hall - 4 @ 1.67 x 4wks, Golf Club - 4 @ 1.67 x 4wks, Service Transfer Station, Transport Transfer Station Waste to Northam 29th August, Hire & Service of Skip Bin	\$ 7,768.07
Great Southern Fuel Supplies Fuel Purchases, September 18	\$ 6,940.00
Brooks Hire Service Pty Ltd Hire of multi wheel roller, Gravel Sheeting	\$ 6,642.24

WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 5,713.28
LGIS Liability LGIS Liability cover 2018/19, Second Instalment, LGIS Liability Contributions credit note 2018/19, Second Instalment	\$ 5,441.10
Fire And Emergency Services (WA) 2018/19 ESL Income Local Government	\$ 5,419.36
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 5,227.41

Shire of Kellerberrin 2018/2019 Operating Budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

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

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

12. Payments from municipal fund or trust fund

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

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

13. Lists of accounts

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council notes that during the month of October 2018, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.

1. *Municipal Fund payments totalling \$ 348,859.13 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 377.76 on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 210/18 MOTION -

Moved Cr. Reid

2nd Cr. O'Neill

That Council notes that during the month of October 2018, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.

1. ***Municipal Fund payments totalling \$ 348,859.13 on vouchers EFT , CHQ, Direct payments***
2. ***Trust Fund payments totalling \$ 377.76 on vouchers EFT, CHQ, Direct payments***

CARRIED 5/0

Agenda Reference:	11.1.16
Subject:	Direct Debit List and Visa Card Transactions for the month October 2018
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	6 th November 2018
Author:	Brett Taylor – Senior Finance Officer

BACKGROUND

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

Municipal Fund – Direct Debit List

Date

1-Oct-18	Westnet	EFT Payment	4.99
1-Oct-18	Shire of Kellerberrin	Creditors Payment	33,504.08
2-Oct-18	Housing Authority	Fortnightly Rent	420.00
2-Oct-18	Alleasing	Gym Equipment Lease	3,121.83
4-Oct-18	Shire of Kellerberrin	Super choice	7,250.86
4-Oct-18	Shire of Kellerberrin	Pay run	46,657.90
4-Oct-18	Shire of Kellerberrin	Creditors Payment	51,712.00
5-Oct-18	Dot Inspections	EFT Payment	288.08
10-Oct-18	ATO	BAS Payment	12,809.00
10-Oct-18	ATO	BAS Payment	30,316.18
12-Oct-18	DLL	Monthly Rent	265.21
12-Oct-18	Shire of Kellerberrin	Creditors Payment	96,377.70
16-Oct-18	Housing Authority	Fortnightly Rent	420.00
18-Oct-18	Shire of Kellerberrin	Super choice	8,807.90
18-Oct-18	Shire of Kellerberrin	Pay run	56,934.04
25-Oct-18	Shire of Kellerberrin	Creditors Payment	111,810.65
26-Oct-18	Western Power	Lot 8 Tiller Drive Upgrade	22,786.00
30-Oct-18	Housing Authority	Fortnightly Rent	420.00
31-Oct-18	NAB	Account Fees -B PAY	80.24
31-Oct-18	NAB	Account Fees	63.20
31-Oct-18	NAB	Account Fees	73.10

TOTAL	\$	<u>484,122.96</u>
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Trust Fund – Direct Debit List

Date

31-Oct-18	Department of Transport	D/D Licensing Payments October 2018	\$	<u>70,379.21</u>
		TOTAL	\$	<u>70,379.21</u>

Visa Card Transactions

Date

01-Oct-18	Doodlakine Bowling Club	Donation to EDCSO Fours Event	199.00
12-Oct-18	Main Roads	Oversize Vehicle Permit	50.00
16-Oct-18	Department of Water	Clearing Permit Kwolyin West Road	200.00
22-Oct-18	United Petroleum	Fuel KE1	61.00
23-Oct-18	JB Hifi	Phones CEO & MWS	2,178.00
23-Oct-18	Kmart	Linen Caravan Park	153.00
29-Oct-18	NAB	Card Fee	9.00
TOTAL - CEO			\$ 2,850.00

Date

29-Oct-18	NAB	Card Fee	9.00
TOTAL - DCEO			\$ 9.00

TOTAL VISA TRANSACTIONS **\$ 2,859.00**

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2018/2019

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 sub regulation (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 October 2018 comprising;*
- (a) Municipal Fund – Direct Debit List*
 - (b) Trust Fund – Direct Debit List*
 - (c) Visa Card Transactions*

Be adopted.

COUNCIL RECOMMENDATION

MIN 211/18 MOTIONS - Moved Cr. Steber 2nd Cr. O'Neill

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

Be adopted.

CARRIED 5/0

Agenda Reference:	11.1.17
Subject:	Financial Management Report for October 2018
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	8 th November, 2018
Author:	Sean Sibly, Deputy Chief Executive Officer

BACKGROUND

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

- Financial Management of 2018/2019

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 September 2018 comprising;

- (a) Statement of Financial Activity
- (b) Note 1 to Note 13

Be adopted.

COUNCIL RECOMMENDATION

MIN 212/18 MOTIONS -

Moved Cr. O'Neill

2nd Cr. Reid

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

- (a) Statement of Financial Activity
- (b) Note 1 to Note 13

Be adopted.

CARRIED 5/0

7.35 pm – Council adjourned for Tea.

8.00 pm – Council resumed Council Meeting with all members present prior to adjournment in attendance.

11.2 DEVELOPMENT SERVICES – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: October 2018
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	9 th November 2018
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

1. There were nil (0) applications received for a "Building Permit" during the October 2018 period. A copy of the "Australian Bureau of Statistics appends".
2. There was nil (0) "Building Permits" issued in the October 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 - NO

STAFF RECOMMENDATION

That Council

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

COUNCIL RECOMMENDATION

MIN 213 /18 MOTION -

Moved Cr.

Reid

2nd Cr. Leake

That Council

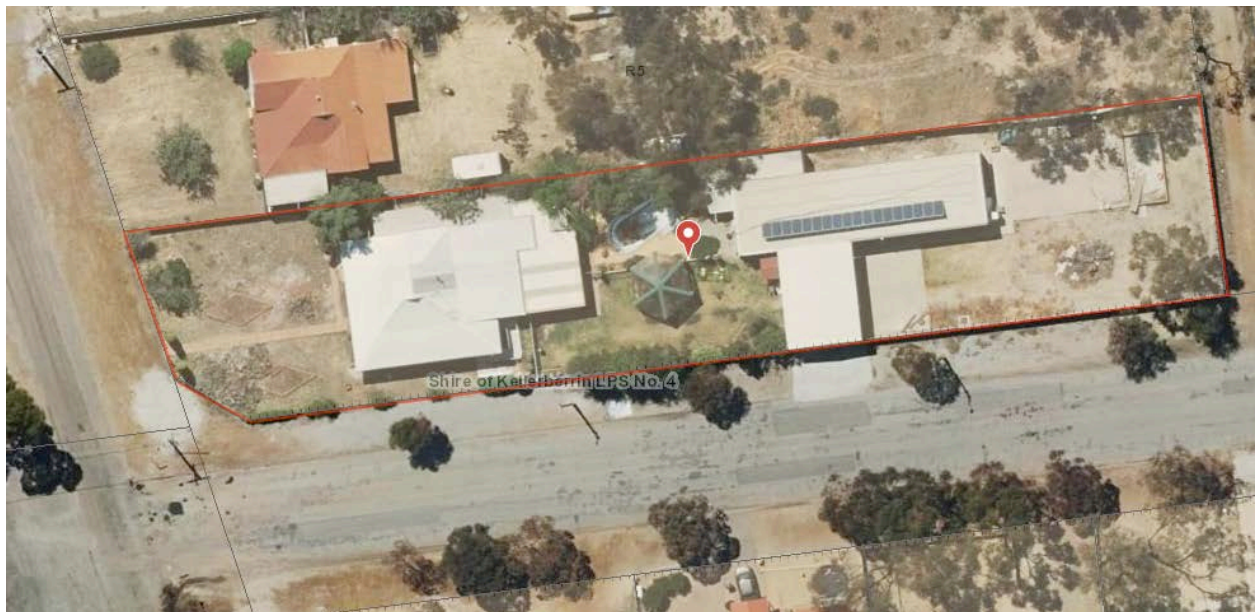
1. *Acknowledge the "Return of Proposed Building Operations" for the October 2018 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the October 2018 period.*

CARRIED 5/0

Agenda Reference:	11.2.2
Subject:	Active Foundation- 'change of use class'
Location:	20 Moore Street, Kellerberrin
Applicant:	Mr. Wayne Wardle
File No:	A732
Record Ref:	IPA1864
Disclosure of Interest:	NIL
Date:	7 th November 2018
Author:	Mr. Lewis York, Town Planner

BACKGROUND

A development application has been received from Mr. Wayne Wardle on behalf of Mr. Bruce Smith for a 'change of use' at 20 (Lot 1) Moore Street, Kellerberrin. The applicant intends to use the dwelling on the property on behalf of Activ Foundation for the purpose of adult respite and support for Activ customers with intellectual and developmental disabilities. Furthermore it is intended the outbuilding on the lot will be utilized as an office for two (2) Activ staff and four (4) participants. Activ have a number of facilities located in urban and regional areas across Western Australia.



FINANCIAL IMPLICATIONS

A Development Application fee hasn't been paid at the time of lodging the application.

POLICY IMPLICATIONS

Local Planning Scheme No.4

Zoning: Residential

Coding: R5

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are — 3.2.1 **Residential Zone**

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

3.3. ZONING TABLE

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

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

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

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

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

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

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

- (a) **the local government has exercised its discretion by granting development approval;**
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

(c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or

(d) the change is to an incidental use that does not change the predominant use of the land.

NOTE: In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 67 of the deemed provisions.

ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
CIVIC AND COMMUNITY						
Child care premises	A	A	X	X	A	X
Civic use	D	D	D	X	A	X
Club premises	D	P	D	X	A	X
Community purpose	A	P	A	X	A	X
Educational establishment	X	P	A	X	A	X
Exhibition centre	X	D	X	X	A	X
Family day care	D	D	X	A	A	D
Hospital	X	X	X	X	A	X
Place of worship	A	A	X	X	A	X
Recreation - private	D	D	D	D	A	D

Use class definitions are outlined in the ***Planning and Development (Local Planning Schemes) Regulations 2015***

Division 1- General definitions used in Scheme

Schedule 1, Part 6, cl.38.

Use Class in Local Planning Scheme No.4:

Community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

PLANNING COMMENT

The abovementioned application is for a **change of use**, from 'Residential' to 'Community Purpose'.

The Shires scheme expresses a 'Community Purpose' use as an 'A' in the zoning table. This means Council must use its discretion in granting planning approval.

The application does not raise any significant planning issues, however it has been advised that the use change would need to satisfy the criteria outlined in the Building Design Codes. In this

case it is advised that conditions be added to the approval to ensure that the outlined use is complimentary with surrounding land uses. It is advised that consideration be given to noise, operating hours and operational size to ensure minimal impact on surrounding landowners. It is also advised that the applicant notifies surrounding landowners of the use change.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications.

FUTURE PLAN IMPLICATIONS

There are no future plan implications.

COMMUNITY CONSULTATION

Chief Executive Officer
Lewis York – Town Planning Consultant

STAFF RECOMMENDATION

That Council grants approval for a change of use at 20 Moore Street, Kellerberrin, from ‘Residential’ to ‘Community Purpose’, with the following conditions;

- 1. The landowners shall ensure the facility is only to be operated between the hours of 8am-5pm;*
- 2. The endorsed approved use shall not be altered without the prior written approval of the Shire; and*
- 3. The landowners shall ensure surrounding landowners are notified, in writing, of the intended use of the lot.*

Advice notes;

- 1. The provision of planning approval **is not** considered Building approval and such works should be accompanied with a building permit.*
- 2. The provision of planning approval **is not** considered approval under the Health (Public Buildings) Regulations 1992 for Public Building Legislation.*
- 3. A Public Building inspection to occur for the building to be signed off as compliant for the abovementioned use.*
- 4. You are advised of the need to obtain a Building Permit prior to the commencement of any Building Work.*
- 5. The facility will be required to comply with the requirements of the National Construction Code 2016 (Volume One) and AS 1428.1-2009 (Disability Access) with regard to the required upgrades and disabled access to and within the Buildings.*
- 6. As required by the Building Regulations 2012 plans of the proposed accommodation (Class 3) building must be submitted to the Fire & Emergency Services (FES) Commissioner in sufficient detail to allow assessment of compliance with the FES Commissioner’s operational requirements.*

COUNCIL RECOMMENDATION

MIN 214/18 MOTION -

Moved Cr. Leake

2nd Cr. Reid

That Council grants approval for a change of use at 20 Moore Street, Kellerberrin, from 'Residential' to 'Community Purpose', with the following conditions;

- 1. The landowners shall ensure the facility is only to be operated between the hours of 8am- 5pm;***
- 2. The endorsed approved use shall not be altered without the prior written approval of the Shire; and***
- 3. The landowners shall ensure surrounding landowners are notified, in writing, of the intended use of the lot.***

Advice notes;

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit.***
- 2. The provision of planning approval is not considered approval under the Health (Public Buildings) Regulations 1992 for Public Building Legislation.***
- 3. A Public Building inspection to occur for the building to be signed off as compliant for the abovementioned use.***
- 4. You are advised of the need to obtain a Building Permit prior to the commencement of any Building Work.***
- 5. The facility will be required to comply with the requirements of the National Construction Code 2016 (Volume One) and AS 1428.1-2009 (Disability Access) with regard to the required upgrades and disabled access to and within the Buildings.***
- 6. As required by the Building Regulations 2012 plans of the proposed accommodation (Class 3) building must be submitted to the Fire & Emergency Services (FES) Commissioner in sufficient detail to allow assessment of compliance with the FES Commissioner's operational requirements.***

CARRIED 5/0

11.3 WORKS & SERVICES – AGENDA ITEMS

Nil Items

12 ELECTED MEMBERS OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil Items

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

COUNCIL RECOMMENDATION

MIN 215/18 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council receives Late Items

CARRIED 5/0

13.1 LATE AGENDA ITEM

Agenda Reference:	13.1.1
Subject:	Development Application: Oversized shed
Location:	18 Massingham Street, Kellerberrin
Applicant:	Mr. Richard Locke
File Ref:	IPA1865
Disclosure of Interest:	N/A
Date:	13 th November 2018
Author:	Mr Lewis York, Town Planner

BACKGROUND

A development application has been received from Mr. Richard Locke of 18 (Lot 9) Massingham Street, Kellerberrin. Mr. Locke intends to build a carport for his caravan. Existing on the lot is a dwelling, outbuildings and a carport.



FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The applicant paid a standard planning application fee of \$147 on the 12/11/2018.

POLICY IMPLICATIONS

State Planning Policy 3.1- Residential Design Codes (r codes)

The subject land is coded R10-40, therefore some provisions of the R-Codes are applicable.

Part 2- Judging proposals

2.4 Judging merit of proposals

Where a proposal does not meet **deemed-to-comply** provision(s) of the R-Codes and addresses **design principle(s)**, the **decision-maker** is required to exercise judgement to determine the proposal.

Judgement of merit is exercised only for specific element(s) of a proposal which do not satisfy the relevant deemed-to-comply provision(s).

2.5 Exercise of judgement

2.5.1

Subject to clauses 2.5.2 and 2.5.3, the **decision-maker** is to exercise its judgement to consider the merits of proposals having regard to objectives and balancing these with the consideration of **design principles** provided in the R-Codes.

The decision-maker, in its assessment of a proposal that addresses the design principle(s), should not apply the corresponding **deemed-to-comply** provision(s).

2.5.2

In making a determination on the suitability of a proposal, the **decision-maker** shall exercise its judgement, having regard to the following:

- (a) any relevant purpose, objectives and provisions of the **scheme**;
- (b) any relevant objectives and provisions of the R-Codes;
- (c) a provision of a **local planning policy** adopted by the decision-maker consistent with and pursuant to the R-Codes; and
- (d) orderly and proper planning.

Part 5- Design Elements

5.1.2 Street setback

P2.1 **Buildings** set back from **street boundaries** an appropriate distance to ensure they:

- contribute to, and are consistent with, an established streetscape;
- provide adequate privacy and **open space** for dwellings;
- accommodate site planning requirements such as parking, **landscape** and utilities; and
- allow safety clearances for easements for essential service corridors.

P2.2 **Buildings** mass and form that:

- uses design features to affect the size and scale of the building;
- uses appropriate minor projections that do not detract from the character of the streetscape;
- minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank **walls**, servicing infrastructure access and meters and the like; and
- positively contributes to the prevailing **development** context and streetscape.

C2.1 **Buildings** set back from the **primary street** boundary:

- i. In accordance with **Table 1**;
- ii. corresponding to the average of the **setback** of existing **dwellings** on each adjacent property fronting the same **street**;
- iii. reduced by up to 50 per cent provided that the area of any building, including a **carport** or **garage**, intruding into the setback area is compensated for by at least an equal area of **open space** between the setback line and line drawn parallel to it at twice the setback distance (refer **Figure 2a, 2b** and **2c**);
- iv. In the case of areas coded R15 or higher, where:
 - a **grouped dwelling** has its main **frontage** to a **secondary street**;
 - a **single house** results from subdivision of an original corner lot and has its frontage to the original secondary street; or
 - a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a **communal street, right-of-way** or shared pedestrian or vehicle access way;

Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>
	<p>the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent (refer Figure 2b and 2d); and</p> <p>v. to provide for registered easements for essential services.</p> <p>C2.2 Buildings set back from the secondary street boundary in accordance with Table 1.</p> <p>C2.3 Buildings set back from the corner truncation boundary in accordance with the secondary street setback in Table 1.</p> <p>C2.4 A porch, balcony, verandah, chimney or the equivalent may project not more than 1m into the street setback area, and this projection is not subject to a compensating open area under clause 5.1.2 C2.1iii, provided that the total of such projections does not exceed 20 per cent of the frontage at any level (refer Figure 2b).</p>
<p>5.1.3 Lot boundary setback</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> reduce Impacts of building bulk on adjoining properties; provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; does not compromise the design principle contained in clause 5.1.3 P3.1; does not have any adverse impact on the amenity of the adjoining property; ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and positively contributes to the prevailing development context and streetscape. 	<p>C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <ol style="list-style-type: none"> buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b (refer to Figure Series 3 and 4); unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, set back as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level; separate single house, grouped or multiple dwelling buildings on the same site, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them; minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a setback area; and the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or battleaxe lot access leg, to a maximum reduction of 2m (refer to figures 2b and 4f).
<p>5.1.4 Open space</p> <p>P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> reflect the existing and/or desired streetscape character or as outlined under the local planning framework; provide access to natural sunlight for the dwelling; reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; provide an attractive setting for the buildings, landscape, vegetation and streetscape; provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and provide space for external fixtures and essential facilities. 	<p>C4 Open space provided in accordance with Table 1 (refer Figure Series 6). The site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of that dwelling and the proportionate share of any associated common property.</p>
<p>5.2.1 Setback of garages and carports</p> <p>P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.</p>	<p>C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced:</p> <ol style="list-style-type: none"> in accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony); or. to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings. <p>C1.2 Carports set back from the primary street in accordance with clause 5.1.2 C2.1.</p> <p>C1.3 Garages and carports built up to the boundary abutting a private street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.</p> <p>C1.4 Garages and carports set back 1.5m from a secondary street.</p> <p>C1.5 Carports within the street setback area in accordance with clause 5.1.2 C2.1iii provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent (refer to Figure 8a).</p>

Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>
5.4.3 Outbuildings P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	C3 Outbuildings that: <ol style="list-style-type: none"> are not attached to a dwelling; are non-habitable; collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; do not exceed a wall height of 2.4m; do not exceed ridge height of 4.2m; are not within the primary or secondary street setback area; do not reduce the amount of open space required in Table 1; and are set back in accordance with Tables 2a and 2b.

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

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ◆	4 Minimum lot area/rear battleaxe (m ²) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	* /6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	* /6
	Multiple dwelling	1000	-	-	60	-	7.5	3	* /6
R12.5	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	* /6
	Multiple dwelling	800	-	-	55	-	7.5	2	* /6
R15	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	* /6
	Multiple dwelling	666	-	-	50	-	6	1.5	*
R17.5	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
	Multiple dwelling	571	-	-	-	-	6	1.5	*
R20	Single house or grouped dwelling	Min 350 Av 450	450	10	50	30	6	1.5	*
	Multiple dwelling	450	-	-	50	-	6	1.5	*
R25	Single house or grouped dwelling	Min 300 Av 350	425	8	50	30	6	1.5	*
	Multiple dwelling	350	-	-	50	-	6	1.5	*
R30	Single house or grouped dwelling	Min 260 Av 300	410	-	45	24	4	1.5	*
	Multiple dwelling	300	-	-	45	-	4	1.5	*
R35	Single house or grouped dwelling	Min 220 Av 260	395	-	45	24	4	1.5	*
	Multiple dwelling	260	-	-	45	-	4	1.5	*
R40	Single house or grouped dwelling	Min 180 Av 220	380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	380	-	40	16	2	1	*
R60	Single house or grouped dwelling	Min 120 Av 150	380	-	40	16	2	1	*
R80	Single house or grouped dwelling	Min 100 Av 120	380	-	30	16	1	1	*

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

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to single houses

● secondary street: includes communal street, private street, right-of-way as street

- indicated not applicable

* see Tables 2a and 2b and clause 5.1.3

Av. average site area

*R-Codes Definition of a **Carport**: "A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable."*

*R-Codes Definition of an **Outbuilding**: "An enclosed non-habitable structure that is detached from any dwelling."*

Shire of Kellerberrin- Local Planning Policy 'Outbuildings'

7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

7.1 Maximum standards for outbuildings in R-Coded areas

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

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

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

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

8.0 APPEARANCE AND OTHER STANDARDS

- 8.1.1 Factory applied steel wall and roof cladded outbuildings shall be constructed of non-reflective material that is sympathetic to the surroundings and finish of the existing dwelling on the development site.
- 8.1.2 The use of second-hand materials will only be permitted where the materials are in good condition and are sympathetic to the surroundings and finish of the existing dwelling on the development site. The Shire may require a structural engineer report for use of second-hand materials.

- 8.1.3 Outbuildings that do not comply with the maximum development requirements will not be supported unless detailed justification can be provided for proposed variations.

9.0 USE OF OUTBUILDINGS

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

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

Zoned: Residential

Coded: R10/40

To be determined at R10 Density when assessing R-Code requirements.

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

(a) To retain the single dwelling as the predominant form of residential development in the Shire's townsites.

(b) To provide for lifestyle choice in and around the townsites with a range of residential densities.

(c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.

4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with the provisions of the Scheme.

4.2. RESIDENTIAL DESIGN CODES

4.2.1. A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

4.2.2. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

4.2.3. The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

Planning Comment

LPP:

Gross total area: The proposal will exceed the maximum allowable size for outbuildings in the Shires Local Planning Policy, which allows for 100m² of outbuildings. Pre-existing on the lot are two outbuildings that cumulate to 112m². The proposed outbuilding will be 36m², taking the total number of outbuildings on the lot to 148m².

Wall and ridge heights: The proposed outbuilding will have a wall height of 3m and a ridge height of 3.5 m, both of which raise no issue.

R-Codes:

Setbacks: the proposed carport and shed satisfies the setback requirements.

Open Space: The development satisfies the open space requirements of the R-Codes. Minimum of 60% (R10 Desnity)

Lot size: 2023 m²

House: 300m²

Outbuilding: 1 =76m²

2= 26m²

New carport : 36m²

% of POS= 79%

Comment: The proposal satisfies all relevant provisions of the R-Codes. The policy allows for outbuildings that fit within its perimeters to be simply approved by the Shire without the need for Council approval. However as this exceeds the policy it must be considered on its merits, it is noted that a number of proposals in the past have been approved beyond 100m². Mr. Locke has not provided detailed information on the materials that he will use to construct the outbuilding; this can be monitored using an advice note on the approval.

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.

STAFF RECOMMENDATION

That Council

1. *Provide conditional approval for the proposed construction of a shed that will exceed Council's Outbuilding Policy by:*
 - a. *48m2 for collective outbuildings, with the Policy specification being 100m2 for block sizes over 1,000m2*

GENERAL CONDITIONS:

- i. *The proposed shed be in colour schemes to suit the current dwelling or fencing to ensure the outbuildings fit aesthetically with the area and shall be non-reflective***
- ii. *Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to issue of a Building Permit.*
- iii. *The development hereby permitted must substantially commence within two years from the date of this determination notice.*
- iv. *The development hereby permitted taking place in accordance with the plans dated 12th November 2018*
- v. *Use of the building shall be for domestic purposes only.*
- vi. *The outbuilding shall not be used for human habitation at any given time.*
- vii. *The endorsed approved plans shall not be altered without the prior written approval of the Shire.*

*** If second hand materials are to be used, photos must be submitted to the Shire for inspection as per Local Planning Policy 8.1.2.*

COUNCIL RECOMMENDATION

MIN 216/18 MOTION - Moved Cr. O'Neill

2nd Cr. Reid

That Council

1. *Provide conditional approval for the proposed construction of a shed that will exceed Council's Outbuilding Policy by:*
 - a. *48m2 for collective outbuildings, with the Policy specification being 100m2 for block sizes over 1,000m2*

GENERAL CONDITIONS:

- i. *The proposed shed be in colour schemes to suit the current dwelling or fencing to ensure the outbuildings fit aesthetically with the area and shall be non- reflective***
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**** If second hand materials are to be used, photos must be submitted to the Shire for inspection as per Local Planning Policy 8.1.2.**

CARRIED 5/0

CLOSURE OF MEETING

8:20 pm – Cr. Rodney Forsyth, Shire President declared the meeting closed.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 18th December, 2018 with briefing to commence at 2:00pm