

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 16th April 2019, commencing at 2.04pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

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

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

Present:

Cr. Forsyth	President
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. Reid	Member
Cr. Steber	Member (Exited 3.25pm)
Mr Raymond Griffiths	Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mrs Natasha Giles	Communtiy Development Officer (Exited 2.50 pm)

Apologies:

Cr. McNeil	Member
Mr Brett Taylor	Senior Finance Officer

Leave of Absence:

3. RESPONSE TO PREVIOUS PUBLIC QUESTION TAKEN ON NOTICE:

4. PUBLIC QUESTION TIME:

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 **16th April 2019**

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 **16th April 2019**

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 **16th April 2019**

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 19th March, 2019

COUNCIL RECOMMENDATION

MIN 042/19 MOTION: Moved Cr. O'Neill 2nd Cr. Leake

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 19th March 2019, be confirmed as a true and accurate record subject to:

- *The inclusion of Minute returning from behind closed doors after minute 037/19 which was moved by Cr. O'Neill and 2nd by Cr. Steber.*
- *That the minute numbers be rectified after the inclusion of the above.*

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 043/19 MOTION: Moved Cr. Steber 2nd Cr. Leake

That the Presidents Reports for March 2019 be received.

CARRIED 5/0

10.2 Standing Orders

MIN 044/19 MOTION: Moved Cr. O'Neill 2nd Cr Reid

That Standing Order numbers 8.9 – Speaking Twice & 8.10 – Duration of Speeches be suspended for the duration of the meeting to allow for greater debate on items in the agenda.

CARRIED 6/0

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:	1 st April 2019
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.

March 2019 Council Meeting

MIN 024/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council:

- 1. Investigate advice of the Catholic Church requirements for ablution facilities.*
- 2. Endorse the request for the official opening of the Patterson Hall of Fame at the recreation centre to be on show day and contact the Ag Society;*
- 3. Adopt that the Seniors request for the Laptop & Printer allocation of funds be redistributed to Bus Hire charges;*
- 4. Council to write to Department of Planning Land and Heritage seeking the transfer of Crown Land to Freehold title on Reserve 37171 (Dryandra Land) and*
- 5. Council to endorse Dryandra's actions in seeking the transfer of Crown Land to Freehold title to ensure the longevity of Aged Care services within the region.*

February 2019 Council Meeting

MIN 004/19 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council;

- 1. Provide information to the community noting the costs associated with the recycling bins in Kellerberrin.*
- 2. Review the visibility from stop sign at the intersection of Moore and Leake Street and further discussion with Main Roads after the inspection.*
- 3. Investigate accreditation system for unsupervised pool usage for early morning swimming programs, as is purportedly operating in other local government areas.*
- 4. Request LHAG make application to Council through the Community Grants Program for the 2019 Ladies Day Out, however they must prior be actively seeking alternative sponsorship and ensure the price per head covers the cost of catering.*
- 5. Request a summer spray on the community cropping land to ensure it is viable for the upcoming season.*

December 2018 Council Meeting

MIN 219/18 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

- 1. Request information from the community for removal of hazardous roadside trees and branches which interfere with the movement of road traffic.*

2. Write to main roads advising them of sightline issues at highway intersections.

March MIN 024/19

1. Inspection carried out by the Shire's EHO on March 28th 2019, letter issued. Spoke to Church, items raised at Council regarding toilets wasn't from Council it was a church decision.
2. Emailed Ag Society & Bruce about the opening and Brett to arrange plaque.
3. Letter issued to seniors on 21st March 2019 and Debtor Officer notified.
4. Letter issued to Dryandra on 25th March 2019, an application has been made to Dept. for Green Title. Mia Davies has also provided a letter of support.

February MIN 004/19

1. Item Noted, MWS contact Avon Waste for quotes
2. Main Roads came and inspected intersection and will be coming up to move the line and sign 1mt forward.
3. Email sent to LGIS seeking advice regarding pool being utilised unsupervised
4. Community Development Officer Natasha Giles has provided Lyn White – LHAG information to make an application.
5. Have spoken to farmers regarding this though nothing finalised. Item being presented to March Meeting therefore will leave to the Clubs to do.

December MIN 219/18

1. Item Noted
2. Letter issued to Main Roads - Craig Manton and a copy to Janet Hartley-West - Main Roads & Mia Davies - MLA - Central Wheatbelt.

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 045/19 MOTION -

Moved Cr. Leake 2nd Cr. Steber

That Council:

- 1. Ensures that some Gravel is put in at the crossover near the Kellerberrin District High School, Library Car park.'***
- 2. Refer the request for white lines on the Kellerberrin Yoting Road "S" bends to Main Roads WA for review.***
- 3. Request that the Boundary markers presented to Council by the Men's shed be approved up to a maximum of 20, ensuring that the wording is completed professionally.***
- 4. Make contact with the Water Corporation with regards to works undertaken on the South Doodlakine road as the road repair has failed near Chandler's driveway where previous works have been undertaken.***
- 5. Rectify pot holes on Doodlakine-Kunnunoppin Road near Bowen's property.***

CARRIED 5/0

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:	2 nd April 2019
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 046/19 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council receives the Status Report.

CARRIED 5/0

Agenda Reference:	11.1.3
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:	1 st April, 2019
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 27th March 2019, in the Council Chambers at the Shire of Kellerberrin, 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 27th March 2019, in the Council Chambers at the Shire of Kellerberrin.

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 27th March 2019, 2019 WE-ROC Council Meeting summarised hereunder,

RESOLUTION: **Moved: Darren Mollenoyux Seconded: Greg Powell**

That the Minutes of the Executive Meeting held Wednesday 13 February 2019 be confirmed as a true and correct record.

CARRIED

RESOLUTION: **Moved: Jamie Criddle Seconded: Greg Powell**

That WEROC make a submission in respect to the Wheatbelt Region Parks and Reserves Draft Management Plan 2019.

CARRIED

RESOLUTION: **Moved: Darren Mollenoyux Seconded: Jamie Criddle**

That the Status Report for March 2019 be received.

CARRIED

RESOLUTION: **Moved: Greg Powell Seconded: Darren Mollenoyux**

That the WEROC's submission to the Local Government Act Review, be lodged prior to close of the public consultation period on 31 March 2019, subject to the submission being amended to show that in the response to the survey questions, on which there is no general consensus between WEROC Member Councils, no response is to be provided and advise that these matters will be covered by individual Member Councils own submission.

CARRIED

RESOLUTION: **Moved: Jamie Criddle** **Seconded: Greg Powell**

That the report be noted and CEOs be requested to review the WEROC 2018/2019 MOU and current Wheatbelt Communities Inc Constitution and provide comment back to the Executive Officer, by Friday 12 April 2019, on any issues that need to be considered/amended in developing the proposed WEROC Inc Constitution.

CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Darren Mollenoyux**

That the Executive recommend to the next meeting of both Wheatbelt Communities Inc and WEROC that the Draft Budget for the year ending 30 June 2020, as presented, with a general subscription for each Member Organisation set at \$12,000 (excluding GST) and in accordance with the Wheatbelt Communities Inc Constitution be referred to Member Organisations for comment, with all comments to be submitted to the Executive Officer no later than Friday 31 May 2019.

CARRIED

RESOLUTION: **Moved: Jamie Criddle** **Seconded: Raymond Griffiths**

That subject to obtaining a further quotation and Member Councils being satisfied as to the cost comparisons with previous valuations, the WEROC Executive supports WEROC Member Councils undertaking a group valuation of the 3 asset classes.

CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Jamie Criddle**

That the information be noted.

CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Jamie Criddle**

That the WEROC Executive gave in-principle agreement to proceed utilising social media more effectively.

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

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 27th March 2019

COUNCIL RECOMMENDATION

MIN 047/19 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 27th March 2019.

CARRIED 5/0

Agenda Reference:	11.1.4
Subject:	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
Location:	Merredin Leisure Centre – Function Room
Applicant:	Great Eastern Country Zone of WALGA
File Ref:	OLGOV-16
Disclosure of Interest:	Nil
Date:	05 th April 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Meeting, held on Monday 18th March, 2019 at the Merredin Leisure Centre, Function Room, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Monday 18th March, 2019. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure that Council is;

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

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

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

RESOLUTION Moved: President Cr Eileen O'Connell Seconded: Cr Sue Meeking

That the minutes of the Great Eastern Country Zone meeting held Thursday 29 November 2018 are confirmed as a true and accurate record of the proceedings.

CARRIED

RESOLUTION Moved: Cr Quentin Davies Seconded: Cr Stephen Strange

That the Minutes of the Executive Committee Meeting of the Great Eastern Country Zone held Thursday 7 March 2019 be endorsed.

CARRIED

RESOLUTION Moved: Cr Gary Shadbolt Seconded: Cr Quentin Davies

That the Zone request a deputation to the Minister for Health on the availability of doctors at the Merredin Hospital.

CARRIED

Action

The Zone Executive Officer will provide researched information to assist with the deputation.

RESOLUTION **Moved: Cr Stephen Strange** **Seconded: Cr Wayne Della Bosca**
That the Zone President's Report be received.
CARRIED

RESOLUTION **Moved: Cr Stephen Strange** **Seconded: President Cr Eileen O'Connell**
That the Zone write a letter of appreciation to Ms Ricky Burges for her contribution to the Local Government sector in her role as Chief Executive Officer of WALGA.
CARRIED

RESOLUTION **Moved: Cr Gary Shadbolt** **Seconded: Cr Wayne Della Bosca**
That the Report be received
CARRIED

RESOLUTION **Moved: Cr Quentin Davies** **Seconded: Cr Greg Waters**
That the Great Eastern Country Zone notes the following reports contained in the WALGA State Council Agenda.

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

CARRIED

RESOLUTION **Moved: Cr Wayne Della Bosca** **Seconded: President Cr Eileen O'Connell**
That the Great Eastern Country Zone submit a submission on the Local Government Act Review to the Department of Local Government, Sport and Cultural Industries in accordance with the WALGA submission and the Great Eastern Country Zone Local Government Act Forum (24 October 2018) notes.
CARRIED

Moved: Cr Tony Sasche **Seconded: Cr Geoff Waters**
That the Zone reject the proposal from the meeting hosted by the Town of Cambridge and advise of its satisfaction with the current Act process and WALGA representation.
CARRIED

RESOLUTION **Moved: President Eileen O'Connell** **Seconded: Cr Rodney Forsyth**
The Zone request WALGA to undertake research into the audit costs including why the Office of the Auditor General (OAG) fees have increased significantly and what is the criteria for the fee increases.
CARRIED

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

POLICY IMPLICATIONS: Nil (not known at this time)
As per Great Eastern Country Zone WALGA resolutions adopted at Zone Meetings

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

STRATEGIC PLAN IMPLICATIONS

Participation in Great Eastern Country Zone of WALGA provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member of Great Eastern Country Zone. The additional advantage to membership of the Zone is to monitor and

actively provide input to Governance, Compliance and Statutory issues that affect the member Local Government, to deliver the required services to its respective community and to operate effectively and efficiently as a local government.

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

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

COMMUNITY CONSULTATION

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

ABSOLUTE MAJORITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Monday 18th March, 2019.

COUNCIL RECOMMENATION

MIN 048/19 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Monday 18th March, 2019.

CARRIED 5/0

Agenda Reference:	11.1.5
Subject:	2019/2020 Community Budget Submissions
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 24
Record Ref:	NCR192030
Disclosure of Interest:	N/A
Date:	7 th April, 2019
Author:	Mrs Natasha Giles – Community Development Officer

BACKGROUND

In March 2019, Council advertised for Community Budget Submissions for all sporting, community or welfare groups/organisations requiring financial assistance from Council in the 2019/2020 financial year.

Applications were to be received by Friday, 4.00pm 5th of April 2019 which were to include audited financial statements and a most recent Bank Statement.

Councils April 2018 ordinary meeting – Tuesday, 17th April 2018

COUNCIL RECOMMENDATION

MIN 053/18 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council:

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

CARRIED 7/0

Councils April 2017 ordinary meeting – Wednesday, 19th April 2017

That Council;

- 1. Declines to fund the submission from Sean Conway as it doesn't meet the criteria set by Council's Community Budget Submission guidelines.***
- 2. Donates \$2,000 to the Kellerberrin Seniors Group for the purchase and installation of an Instantaneous Urn and Vertical Blinds at the Ex-Golf Club house.***

3. ***Declines to fund the submission from Kellerberrin Play Group and Kellerberrin Family Day Care at this point in time as Council wishes to have the outcome for the proposed grant applications that are being lodged with other agencies.***
4. ***Donates the CEO's ex-PC following the purchase of a new CEO PC, for the use of the proposed Kellerberrin Cultural Centre and purchases a printer to donate to them.***
5. ***Request that the Local Health Advisory Committee provide a costed Budget to Council upon finalising their program for the upcoming Ladies Day's Out for Council's further consideration of a donation.***

CARRIED 7/0

Councils April 2016 ordinary meeting – Tuesday, 19 th April 2016

COUNCIL RECOMMENDATION

MIN 52/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

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

CARRIED 7/0

MIN 53/16 MOTION - Moved Cr. Leake 2nd Cr. McNeil

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

CARRIED 7/0

MIN 54/16 MOTION - Moved Cr. Leake 2nd Cr. Reid

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

CARRIED 7/0

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

That Council donates \$550 to Kellerberrin Mens Shed for Installation of an air conditioner unit in the front office area of the Men's Shed.

LOST 5/2

MIN 56/16 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council declines to donate \$550 to Kellerberrin Mens Shed for Installation of an air conditioner unit in the front office area of the Men's Shed, as Council already offers the use of land for cropping purposes free of charge to the Kellerberrin Mens Shed for fund raising purposes.

CARRIED 5/2

Councils June 2015 ordinary meeting – Tuesday, 16 th June 2015

MIN 104/15 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council donates \$3,000 to the Kellerberrin Golf Club for installation of new Golf Tees.

CARRIED 6/0

MIN 105/15 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council donates \$1,000 to Anglican Church for Installation of shelving and replacement of carpets at the Kellerberrin Op-Shop and Book Store

CARRIED 5/1

MIN 106/15 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council donates \$1,000 to Milligan Units Incorporated for concreting work at Units 5 and 6.

CARRIED 5/1

MIN 107/15 MOTION - Moved Cr. Leake 2nd Cr. Steber

That Council donates \$510 to C Y O'Conner for room hire to operate Indigenous second chance education program through Technology and Arts.

CARRIED 5/0

Councils May 2014 ordinary meeting – Tuesday, 20 th May 2014

COUNCIL RECOMMENDATION

MIN 59/14 MOTION - Moved Cr. Leake 2nd Cr. Steber

That Council:

- 1. Donate \$2,000 to the Dryandra Residential and Community Care Inc. towards the purchase of a Dysphagia Food Processor.***
- 2. Advise Dryandra that this form of expenditure should be incurred by the facility and therefore this funding will be a one off.***

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 60/14 MOTION - Moved Cr. Steber 2nd Cr. Bee

That Council:

- 1. Donate \$3,000 to the Central Wheatbelt Harness Racing Club towards the Kellerberrin Cup.***
- 2. Allocate \$3,000 to the Central Wheatbelt Harness Racing Club for the Kellerberrin Cup as an annual contribution through the Community Grants allocation.***
- 3. Advise the Central Wheatbelt Harness Racing Club that further grant applications are no longer required.***

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 61/14 MOTION - Moved Cr. Leake 2nd Cr. Bee

That Council:

- 1. Donate \$3,000 to the Kellerberrin Recreation and Leisure Centre Management Advisory Committee towards the Committee's Distribution fund issued to eligible Clubs or Organisations.***
- 2. Advise the Committee that this is a one off contribution to assist the organisation within its first year of operation.***

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 62/14 MOTION - Moved Cr. Bee 2nd Cr. Leake

That Council, on behalf of the Kellerberrin Squash Club, contribute \$2,000 into the Sport and Recreation Reserve as a contribution towards the construction of new squash courts.

CARRIED 7/0

Councils May 2013 ordinary meeting – Tuesday, 13 th May 2013

COUNCIL RECOMMENDATION

MIN 65/13 MOTION - Moved Cr. Forsyth 2nd Cr. O'Neill

That Council contribute 50% of the requested amount to the Kellerberrin Community Resource Centre for the Toy Library.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 66/13 MOTION - Moved Cr. Bee 2nd Cr. O'Neill

That Council agrees to provide project management and earthworks as its in-kind contribution towards the Community Garden Project for the Kellerberrin Community Resource Centre

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 67/13 MOTION - Moved Cr. Forsyth 2nd Cr. Daley

That Council delegates authority to the Chief Executive Officer to negotiate the allocation of \$3,000 to the Central Wheatbelt Harness Racing Club for either:

- ***Sky Racing/sponsorship for the Kellerberrin Cup; or***
- ***The expansion of the existing stalls facility.***

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 68/13 MOTION - Moved Cr. Clarke 2nd Cr. Daley

That Council delegates authority to the Chief Executive Officer to negotiate the allocation of \$3,000 to the Milligan Units Inc. to spend on the patios on Cornell Close.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 69/13 MOTION - Moved Cr. Bee 2nd Cr. Daley

That Council, in conjunction with the Chamber of Commerce investigate alternative funding opportunities for the Kellerberrin Christmas Party.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 70/13 MOTION - Moved Cr. O'Neill 2nd Cr. Bee

That Council in conjunction with the Kellerberrin Bowling Club investigate alternative funding opportunities for the provision of Junior Bowls.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 71/13 MOTION - Moved Cr. O'Neill 2nd Cr. Bee

That Council donates \$1,000 to the Local Health Advisory Group for the Ladies Day Out.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 72/13 MOTION - Moved Cr. Forsyth 2nd Cr. Bee

That Council agrees to undertake within its 2013/2014 budget, the provision of an electronic scoreboard at the Kellerberrin Recreation and Leisure Centre, in consultation with the Management Advisory Committee with contributions from participating bodies.

CARRIED 6/0

COMMENT

Council received 8 Budget Submission applications this year:

1. Kellerberrin Golf Club
2. Kellerberrin District High School
3. Kellerberrin and Districts Ag Society
4. Kellerberrin Junior Fire Brigade
5. Milligan Units Inc
6. Kellerberrin Hockey Club
7. Robert McCaffery – Wheatbelt Art Prize (Bi Annual Awards)
8. Kellerberrin Local Health Advisory Group

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

No	Organisation	Project	Total Project Cost	Amount Requested	Discussed Submission with Shire
1	Kellerberrin Golf Club	Maintaining Golf Greens which includes resurfacing and replacement of cups, flagsticks etc	\$2,375.56	\$2,000.00	Yes – with Natasha
2	Kellerberrin District High School	Waiving of Shire Fees for Various School Carnivals/Events	N/A	In-Kind works & No accounts issued for annual ground hire & pool hire	Yes – with Codi
3	Kellerberrin & Districts Agricultural Society	Roadside Rubbish Collection – 2 collection dates	Not Supplied	\$4,000.00	No – but is an annual one
4	Kellerberrin Junior Fire Brigade	Donation of Bus Hire for State Championships in November 2019	Not Supplied	\$300.00	No
5	Milligan Units Inc	Plant Low Maintenance Water Wise Gardens and replace reticulation where required	TBA – waiting on quote from DKT	\$3,000.00	Yes – with Raymond & Natasha
6	Kellerberrin Hockey Club	Replace Existing Goal Nets and Install New Honor Board at Recreation Centre	\$870.00	\$435.00	Part – Honor Board only with Natasha
7	Robert McCaffrey for Wheatbelt Art Price Bi-Annual Awards	Hold Wheatbelt Art Prize in Kellerberrin – Contribution to Running Costs, Advertising etc	TBA	\$2,000.00	Yes – with Natasha
8	Kellerberrin Local Health Advisory Group	Contribution to Ladies Day Out 2019	\$8,550.00	\$500.00	Yes – with Natasha
TOTAL			\$11,795.56	\$12,235.00	

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2018/2019 Budget

041019	-	Donations and Gifts
\$20,000.00	-	Community Donations and Grants
\$ 3,000.00	-	Public Relations, Sponsorship, Donations and Waivers
\$ 7,000.00	-	Donations and Gifts (provide services or programs to residents of the Shire of an ongoing basis)

POLICY IMPLICATIONS

POLICY NUMBER	-	1.9
POLICY SUBJECT	-	Community Grants Allocation
DATE OF ADOPTION	-	November 2008
REVIEWED	-	October 2016

Purpose

To provide guidance to Council and Staff on the allocation of Grants and Donations to Community Groups and to assist with the preparation of Council's Annual Budget

Policy

No later than 31st March each year the CEO will have advertisements placed in the local community newspaper "The Pipeline" inviting community groups within the Shire of Kellerberrin to submit applications to Council for a Council Donation or Grant to assist with the funding of projects, programs and activities for the benefit of the residents of the Shire. These applications will be considered by Council for inclusion in the forthcoming annual Budget. The application period must be open for a minimum of one month.

Applications for a Council Donation should be made by completing the adopted Donation Application Form. If the application form is not used applicants must address all criteria within the Donation Application Form. Applicants must demonstrate that they have contacted Council's Community Development Officer to research alternative funding sources before applying for funds from Council. Funding will not be provided to political organisations or events nor to commercial enterprises.

Any funding provided by Council for a specific project must be expended and claimed prior to the end of the financial year in which the request is made. An application for an extension of time may be considered by Council provided that it received no later than the end of April in the financial year in which the funds are granted. If the funds are not spent, they cannot be claimed at a later period.

Maximum total funding by Council for Community Donations and Grants will be \$20,000 annually.

Maximum funding per application will be \$2,000.

Funding recipients must comply with any acquittal requirements determined by Council.

Examples of eligible projects and programs include a new initiative or significant one-off project, capital project and repairs, maintenance or improvement to Council owned/managed facilities.

Applications for community projects seeking Council funding of more than \$2,000 will be received and considered on their merit separate from the Community Donations projects.

\$3,000 is to be budgeted annually for public relations promotions through donations, sponsorships and waivers of fees and charges. The CEO is delegated authority to determine how these funds will be allocated. Examples of how these funds will be allocated include sporting event sponsorship, trophy donations and waivers of Council's fees and charges for the use of Council owned/managed facilities. Maximum funding per applicant is \$300.

Council will provide a minimum annual Budget allocation of \$3,000 for the Kellerberrin & Districts Agricultural Society as sponsorship to assist in the running of their annual show each September.

Council will make an annual Budget provision of \$7,000 for Donations and Grants to organisations that provide services or programs to residents of the Shire on an ongoing basis. These organisations can be based outside of the boundary of the Shire of Kellerberrin. Maximum funding per application is \$3,000. The continuance of financial support to organisations included in this category will be reviewed by Council annually. Examples of organisations currently receiving support under this category include Wheatbelt Agcare Counselling Services and the Eastern Districts Royal Show Display.

STATUTORY IMPLICATIONS - Nil

STRATEGIC PLAN IMPLICATIONS

Strategic Priority 1.1

We are a vibrant and viable, culturally diverse and engaging and unified community with strong links to history, culture and the creative arts.

Goal 1.1.1	To foster an environment that celebrates the diversity of the community.
Council's Role	<ul style="list-style-type: none"> ■ To lead and promote community programs and initiatives ■ To facilitate discussion with community / stakeholder groups ■ To participate in programs and initiatives as a key member of the community
Goal 1.1.2	To provide residents and visitors with access to historical knowledge, places and spaces and a range of community and cultural events.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate provision of information on our community to the public ■ To collaborate with groups to develop community historical and cultural information ■ To lead, promote and participate in community cultural events and programs ■ To identify, advocate and lobby for recognition of key areas of significance within the community and grant funding
Goal 1.1.3	To encourage the growth of local regional and indigenous arts, culture and history.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate and lead discussions with local community groups on heritage and culture ■ To collaborate with regional parties and neighbouring government agencies to promote local, regional and indigenous art and culture ■ To lobby for grants and funds from external agencies to support the development and promotion of local, regional and indigenous art and culture
Goal 1.1.4	To create opportunities to enhance community connection, belonging and encourage sharing of cultures, history and knowledge.
Council's Role	<ul style="list-style-type: none"> ■ To promote communication between Council and community members ■ To encourage open dialogue between community members and elected representatives ■ To collaborate with external parties to identify opportunities to promote local culture and history across the region

Strategic Priority 1.2

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

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

Strategic Priority 1.3

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

Goal 1.3.1	To create visually appealing and inviting public and recreational places that complies with good planning and design principles.
Council's Role	<ul style="list-style-type: none"> ▪ To facilitate discussions with community members to identify priority community infrastructure upgrades ▪ To develop and implement a program of visual improvements throughout the Shire. ▪ To facilitate discussions with external parties, state and federal agencies for funding to support improvement programs and/or partnerships to deliver and provide community facilities and amenities. ▪ To work with contractors and service providers in delivering facilities and amenities that complies with legislative requirements and best practice planning and design principles.
Goal 1.3.2	To plan and design assets and facilities to address community needs and expectations.
Council's Role	<ul style="list-style-type: none"> ▪ To facilitate discussions with community members / key users of community / public facilities to identify needs and requirements ▪ To develop a program to upgrade / develop new community facilities ▪ To collaborate with external parties / agencies on the possibility of working together to deliver major infrastructure ▪ To lobby state / federal agencies for community funds to facilitate development of public / community facilities

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

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

Strategic Priority 2.2

We are a Shire that respects and aims to preserve the quality of the natural environment and rural landscape and promote environmental sustainable initiatives.

Goal 2.2.1	To raise awareness and interest of the natural environment and key factors affecting the environment.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with government and non-government agencies on environmental initiatives and programs. ■ To implement initiatives and programs that raise community awareness on environmental principles and sustainability practices. ■ To assess environmental risks and factors that could potentially affect the local environment and develop strategies and programs to mitigate. ■ To work with local environmental groups, community groups, external parties on the development and implementation of environmental based programs and initiatives. ■ To lobby for and seek funding and grant support for the development and implementation of environmental programs and initiatives. ■ To facilitate the development and provision of information relating to the maintenance of the natural environment and promotion of sustainability practices.
Goal 2.2.2	To work with organisations to promote actions to enhance the environment.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions and establish relationships with community groups, government and non-government agencies on environmental initiatives and programs which may be applied throughout the Shire. ■ To facilitate the development of environmental initiatives and programs and implement these across the community. ■ To encourage community participation in environmental initiatives and programs.
Goal 2.2.3	To promote opportunities to encourage sustainable environmental practices across the Shire.
Council's Role	<ul style="list-style-type: none"> ■ To identify initiatives with other government and non-government agencies on programs to raise awareness in environmental sustainability practices. ■ To make information and educational packages on the principles of environmental sustainability accessible to the community. ■ To review Council policies and practices in relation to environmental sustainability initiatives and make these available to the public.

	<ul style="list-style-type: none"> ▪ To seek information and feedback from the community on environmental awareness initiatives and programs. ▪ To facilitate and host community based environmental awareness initiatives and programs.
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Strategic Priority 3.1

Our Elected Representatives provide effective, respected and progressive leadership

Goal 3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
Council's Role	<ul style="list-style-type: none"> ▪ To provide up to date information on Council services, operations, activities and decisions to the community. ▪ To ensure Council information is accurate and easily accessible by the community. ▪ To provide responses and encourage feedback from the community.
Goal 3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.
Council's Role	<ul style="list-style-type: none"> ▪ To provide up to date information on Council and community activities and events to community residents. ▪ To encourage responses and feedback from the community on Council initiatives and programs. ▪ To provide open dialogue between the community and Council members and to listen to the responses provided by the community. ▪ To facilitate and initiate community based programs, activities and events to promote community pride and participation.
Goal 3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
Council's Role	<ul style="list-style-type: none"> ▪ To create and implement an effective communication strategy that encourages and promotes community feedback and contribution. ▪ To initiate open dialogue with the community and provide opportunity to be involved in decision making processes. ▪ To provide access to up to date information on Council and Council services. ▪ To encourage participation in community consultation events.
Goal 3.1.4	To actively pursue a positive community spirit and support.
Council's Role	<ul style="list-style-type: none"> ▪ To facilitate programs and initiatives that will improve the community spirit and pride. ▪ To provide open, honest and friendly discussions between Council and community members. ▪ To assist and be responsive to community requests and needs.

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

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

	<ul style="list-style-type: none"> ▪ To facilitate discussions with external agencies and government departments to identify opportunities to enhance and assist local business providers within the community. ▪ To develop initiatives with external parties to educate and improve the welfare of local businesses.
Goal 4.1.3	To identify economic trends and create employment and business opportunities for the local community.
Council's Role	<ul style="list-style-type: none"> ▪ To work with local business communities and education and health service providers to identify what is required to improve and enhance services. ▪ To facilitate discussions with external parties and government agencies to identify ways of improving economic, education and training opportunities within the community. ▪ To establish relationships with external parties and government / non-government agencies to identify opportunities, programs and initiatives that will benefit the community. ▪ To seek funding from external parties / government agencies to support the development and implementation of economic and employment programs and initiatives.

FUTURE PLAN IMPLICATIONS – Nil

COMMUNITY CONSULTATION

Chief Executive Officer
 Personal Assistant
 Community Development Officer
 Pipeline advertisement
 Website & Social Media
 Messages On-Hold On-Line

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council donates or declines to donate as per the following;

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

COUNCIL RECOMMENDATION

MIN 049/19 MOTION - Moved Cr. Steber **2nd Cr. Reid**

That Council approve the donation of \$2,000 to the Kellerberrin Golf Club for:

- 1. Green Maintenance, Including resurfacing***
- 2. Replacement of Cups***
- 3. Replacement of Flags***

CARRIED 5/0

That Council approve the In-kind and hire waiver requested by the Kellerberrin District High School as per the following:

- 1. Athletic Carnival – Sand for jump pits (School and Oval) and hire of Recreation Centre facilities***
- 2. Primary Winter Carnival – Use of GSG Oval, Netball Courts, Hockey Oval and Recreation Centre facilities***
- 3. Swimming Pool – Waiver of Annual Hire Fee & use of pool on:***
 - a. 1st March 2019 – Swimming Carnival***
 - b. 3rd December to 13th December 2019 for Swimming Lessons***
- 4. Town Hall – Hall Hire, Air Conditioner Hire, Setup and Cleaning Waiver for Celebration Night (18th December 2019), this to include rehearsals on 16th & 17th December.***

CARRIED 5/0

That Council approve the allocation of \$2,000 to the Agricultural Society for one Rubbish collection at sites to be advised by Council.

CARRIED 5/0

That Council approve the donation of the Community Bus hire to the Kellerberrin Junior Fire Brigade for the State Championships in November 2019.

CARRIED 5/0

That Council allocate \$3,000 in the 2018/2019 Budget for Milligan Units subject to Council receiving written confirmation of unsuccessful grant applications to;

- o CBH***
- o Water Corporation***

CARRIED 5/0

That Council:

- 1. approve the allocation of \$300 to the Kellerberrin Hockey Club for the purchase of Hockey Goal nets; and***
- 2. Discuss alternative options for the new honour board at the Recreation Centre.***

CARRIED 5/0

That Council allocates \$2,000 in the 2018/2019 Budget for the proposed Wheatbelt Art Prize Bi-Annual Awards to be hosted in Kellerberrin in 2019 subject to:

- o Council receiving notification of unsuccessful grant applications; and***
- o Evidence of alternative sources of revenue be applied for.***

CARRIED 5/0

That Council approves the \$500 contribution to the 2019 Ladies Day Out.

CARRIED 5/0

2.50 pm – Mrs Natasha Giles, Community Development Officer Exited Council Chambers.

Agenda Reference:	11.1.6
Subject:	Sale of Excess Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	
Record Ref:	ICR192019, ICR192020
Disclosure of Interest:	N/A
Date:	25 th March 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council on the 20th February 2019 received correspondence from:

- Mr Simon Beckham
- Mr David Morrell

Offering to purchase excess items being, Basketball Ring and Gazebo roof respectively.

COMMENT

Both items that have been requested to purchase are items that are currently stored in our Depot yards with no intention of future use on Council property.

FINANCIAL IMPLICATIONS

The income associated with the Sale of this equipment is small in nature as per the following:

- Basketball Ring - \$50
- Gazebo Roff - \$150

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (2) *Except as stated in this section, a local government can only dispose of property to;*
- a. the highest bidder at public auction; or*
 - b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. describing the property concerned;*
 - ii. giving details of the proposed disposition; and*
 - iii. inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*

and

- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. *the names of all other parties concerned;*
 - b. *the consideration to be received by the local government for the disposition; and*
 - c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

3.59. Commercial enterprises by local governments

- (1) *In this section —*

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

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

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

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

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

- (a) *the consideration under the transaction; and*
 - (b) *anything done by the local government for achieving the purpose of the transaction,*
- is more, or is worth more, than the amount prescribed for the purposes of this definition;*

major trading undertaking *means a trading undertaking that —*

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

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

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

- (2) *Before it —*

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

a local government is to prepare a business plan.

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

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

- (4) *The local government is to —*

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

and

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

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

* Absolute majority required.

- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
 - (a) prescribe any land transaction to be an exempt land transaction;
 - (b) prescribe any trading undertaking to be an exempt trading undertaking.

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Our Vision

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

Our Vision is:

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

Our Focus Areas

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

4 Economic Development

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

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

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

Theme 4: Prosperity

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

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

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

An Overview

The key issues currently faced by our community are the decline in employment and population, and the need to improve the status of our local economy.

There is a strong desire to retain the population and demographics in the region and to boost our local economy through the creation of commercial, retail and industrial opportunities.

Our Objective

- To create an environment that will encourage economic growth and employment opportunities.

Our Desired Outcomes

- A community that is economically sustainable, able to offer a range of diverse opportunities to local residents, commercial, retail and industrial operators.

Our Goals	
4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.
4.1.2	To work with local businesses to improve and enhance the quality of service provided.
4.1.3	To identify economic trends and create employment and business opportunities for the local community.

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

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

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS - NIL

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Councillors

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council:

- approves the sale of Council's excess Basketball Pole, Backboard and Ring to Mr Simon Beckham of 79 Forrest Street, Kellerberrin, WA, 6410 by private agreement for the sum of \$50 subject to;*
- approves the sale of Council's excess Gazebo Roof to Mr David Morrell of 73 Forrest Street, Kellerberrin, WA, 6410 by private agreement for the sum of \$150 subject to;*

GENERAL CONDITIONS:

- Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.*
- Should no submissions being received, Council authorises the Chief Executive Officer and Shire President to execute documentation for Sale of Property.*

COUNCIL RECOMMENDATION

MIN 057/19 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

- a) approves the sale of Council's excess Basketball Pole, Backboard and Ring to Mr Simon Beckham of 79 Forrest Street, Kellerberrin, WA, 6410 by private agreement for the sum of \$50; and
- b) approves the sale of Council's excess Gazebo Roof to Mr David Morrell of 73 Forrest Street, Kellerberrin, WA, 6410 by private agreement for the sum of \$150 subject to;

GENERAL CONDITIONS:

1. Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.
2. Should no submissions being received, Council authorises the Chief Executive Officer and Shire President to execute documentation for Sale of Property.

CARRIED 5/0

Agenda Reference:	11.1.7
Subject:	Integrated Planning – SCP Review
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM56
Record Ref:	
Disclosure of Interest:	Nil
Date:	3 rd April 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's March 2017 Ordinary Meeting of Council

MIN 025/17 MOTION – Moved Cr. O'Neill 2nd Cr. Leake

That Council adopts the revised 2016 Strategic Community Plan.

CARRIED 6/0

Council's April 2016 Ordinary Meeting of Council

MIN 40/16 MOTION - Moved Cr. McNeil 2nd Cr. White

That Council adopts:

- 1. the updated 2012 Strategic Community Plan and;***
- 2. adopt the 2016 Corporate Business Plan.***

CARRIED 7/0

Council's June 2013 Ordinary Meeting of Council

MIN 86/13 MOTIONS - Moved Cr. Forsyth 2nd Cr. Bee

That Council adopt:

- 1. Strategic Community Plan***
- 2. Corporate Business Plan***
- 3. Long Term Financial Plan***
- 4. Asset Management Strategy***
- 5. Furniture and Equipment Asset Management Plan***
- 6. Plant and Equipment Asset Management Plan***
- 7. Land and Buildings Asset Management Plan***
- 8. Infrastructure Asset Management Plan***
- 9. Workforce Plan;***
as presented.

CARRIED 6/0

Council's February 2013 Ordinary Meeting of Council

MIN 22/13 MOTION - Moved Cr. Bee 2nd Cr. Daley

That Council adopts the Draft Strategic Community Plan as its Final Strategic Community Plan for the Shire of Kellerberrin without modification.

CARRIED 5/0

Council's December 2012 Ordinary Meeting of Council

MIN 243/12 MOTION - Moved Cr. Clarke 2nd Cr. Daley

That Council

1. ***Adopts the Draft Strategic Community Plan as presented for advertising***
2. ***Advertise the Draft Strategic Community Plan with comments/suggestions to close Monday 11th February 2012 at 4pm.***

CARRIED 5/0

Council's June 2012 Ordinary Meeting of Council

MIN 113/12 MOTION - Moved Cr. O'Neill 2nd Cr. Bee

That Council adopt the following as its Vision Statement for its Strategic Community Plan:-

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

CARRIED 6/0

COMMENT

Council in August 2018 engaged the services of Wheatbelt Business Network to assist in the process of the major review for the Strategic Community Plan which included two sessions with Councillors to review aspects of the plan and seeking Council's direction.

The review of the Plan and consolidation of information from:

- Council interviews
- Staff interviews
- Community Surveys

The review has now been consolidated into a new DRAFT Strategic Community Plan for Council consideration and review.

Council upon accepting this draft review is to advertise the DRAFT SCP to the community for review and comment for a set period of time, on receipt of submissions Council will review and adopt the plan after receiving submissions.

FINANCIAL IMPLICATIONS

Budgets for financial years from 2019/20 to 2023/24.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

5.56. Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

[Section 5.56 inserted by No. 49 of 2004 s. 42(6).]

Local Government (Administration) Regulations 1996

Part 5 — Annual reports and planning

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

Division 1 — Preliminary

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

19BA. Terms used

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]

Division 3 — Planning for the future

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

19DB. Transitional provisions for plans for the future until 30 June 2013

- (1) In this regulation —
former regulation 19C means regulation 19C as in force immediately before 26 August 2011 and continued under subregulation (2);
former regulation 19D means regulation 19D as in force immediately before 26 August 2011;
plan for the future means a plan for the future of its district made by a local government in accordance with former regulation 19C.
- (2) Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under subregulation (7).
- (3) A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.
- (4) A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.
- (5) If, for the purposes of complying with subregulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.
- (6) If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with subregulation (3) or otherwise —
 - (a) the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and
 - (b) local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.
- (7) This regulation expires at the end of 30 June 2013.

[Regulation 19DB inserted in Gazette 26 Aug 2011 p. 3485-6.]

19D. Adoption of plan, public notice of to be given

- (1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).
- (2) The local public notice is to contain —
 - (a) notification that —
 - (i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the plan may be inspected;
 or
 - (b) where a strategic community plan for the district has been modified —

- (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and
- (ii) details of where and when the modified plan may be inspected.

[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]

STRATEGIC PLAN IMPLICATIONS

The Strategic Community Plan will be delivered through the assistance and incorporation of the Long Term Financial Plan - Review 2016.

FUTURE PLAN IMPLICATIONS

When adopted, the revised Strategic Community Plan will replace Council's current Strategic Community Plan.

CONSULTATION

Chief Executive Officer

Senior Staff

Administration Staff

Councillors

Members of the Community

ABSOLUTE MAJORITY REQUIRED – Yes

STAFF RECOMMENDATION

That Council;

1. *Receive the DRAFT Strategic Community Plan as presented by Wheatbelt Business Network, and*
2. *advertised the DRAFT Strategic Community Plan for Community Consultation inviting submissions up to Friday 7th June 2019.*

COUNCIL RECOMMENDATION

MIN 058/19 MOTION – Moved Cr.Steber 2nd Cr.O'Neill

That Council;

1. ***Receive the DRAFT Strategic Community Plan as presented by Wheatbelt Business Network, and***
2. ***advertised the DRAFT Strategic Community Plan for Community Consultation inviting submissions up to Friday 7th June 2019.***

**CARRIED 5/0
BY ABSOLUTE MAJORITY**

Agenda Reference:	11.1.8
Subject:	Sale of Industrial Land, Part Lot 309 Tiller Drive
Location:	Lot 309 Tiller Drive, Kellerberrin
Applicant:	Premium Grain Handlers Pty Ltd
File Ref:	A1732
Record Ref:	MIN 120/18, ICR192031
Disclosure of Interest:	N/A
Date:	2 nd April 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's September 2018 Ordinary Meeting of Council – 18th September 2018

MIN 170/18 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council rescinds Motion 120/18.

CARRIED 6/0
ABSOLUTE MARJORITY

Council's July 2018 Ordinary Meeting of Council – 31st July 2018

MIN 120/18 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council:

Approve the part sale of Council owned Lot 309 (being 23,669.81m²), Tiller Drive Kellerberrin Deposited Plan 75882, to Premium Grain Handlers Pty Ltd of 10-14 Sultan Way, Rous Head, Industrial Park, North Fremantle WA 6159, as per Deposited Plan by private agreement for the sum of \$17,546.81 subject to:

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

CARRIED 6/0
BY ABSOLUTE MAJORITY

COMMENT

Council in January 2019 received a phone call from Premium Grains to again discuss the opportunity of purchasing land from Council's Lot 309 Tiller Drive. Council therefore responded with the following correspondence regarding the opportunity on the 13th February 2019:

Council at its February 2019 Ordinary Meeting of Council discussed your request to purchase portion of Lot 309 Tiller drive from the Northern Boundary of Lot 307 (Mr Noel Lawrence) property to the eastern boundary of Lot 309.

Council wishes to advise that they are happy to receive an offer to purchase this portion of land for the price of \$3,000 per acre in addition to the \$1,500 administration fee.

Should you wish to progress the purchase please ensure that you place an official offer in writing to Council. On receipt of the offer, it will be presented to Council in accordance with Section 3.58 of the Local Government Act 1995.

Council wishes to advise that as per previous sub-division of Lot 309 the following conditions will be considered as a requirement of the Purchaser for the sale to proceed when Council discuss the offer:

- *Sub-dividing of Lot 309 Tiller Drive including clearing of all conditions issued by Western Australian Planning Commission.*
- *Surveying and ground works including fill.*
- *Provision of utility services being phone, water and power to the new sub-divided property including headworks*
- *Any upgrades or additional headworks fees to the remaining lot 309 owned by Council required by Utility suppliers due to sub-division being met by the Purchaser.*

Council on the 14th March 2019 received correspondence Premium Grains stating the following:

Regarding the request to purchase a portion of Lot 309 Tiller Drive, Premium Grains would like to proceed with the purchase of that portion as outlined in your letter dated the 13th February 2019.

We wish to thank Council and the Shire of Kellerberrin for their support in this matter and we look forward to continuing to grow in Kellerberrin.

Correspondence Received 27 th March 2019

Council on the 27th March 2019 received correspondence from Premium Grains requesting access to the site they are requesting to buy to stockpile gravel and sand for a proposed development of 4 silos on their adjacent lot.

FINANCIAL IMPLICATIONS

Council has not allocated income or expenditure associated with the sale of part Lot 309 Tiller Drive therefore no Budget impact.

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3, Division 3

Section 3.58

- (5) *Except as stated in this section, a local government can only dispose of property to;*
- a. *the highest bidder at public auction; or*
 - b. *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (6) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. *describing the property concerned;*
 - ii. *giving details of the proposed disposition; and*

- iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*

and

- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (7) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. *the names of all other parties concerned;*
 - b. *the consideration to be received by the local government for the disposition; and*
 - c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

3.59. Commercial enterprises by local governments

- (1) *In this section —*

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

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

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

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

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

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

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

major trading undertaking *means a trading undertaking that —*

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

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

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

- (2) *Before it —*

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

a local government is to prepare a business plan.

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

- (a) *its expected effect on the provision of facilities and services by the local government;*
- (b) *its expected effect on other persons providing facilities and services in the district;*
- (c) *its expected financial effect on the local government;*

- (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56;*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
- (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) *prescribe any land transaction to be an exempt land transaction;*
 - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

STRATEGIC COMMUNITY PLAN IMPLICATIONS

Our Vision

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

Our Vision is:

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

Our Focus Areas

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

4 Economic Development

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

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

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

Theme 4: Prosperity

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

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

Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

An Overview

The key issues currently faced by our community are the decline in employment and population, and the need to improve the status of our local economy.

There is a strong desire to retain the population and demographics in the region and to boost our local economy through the creation of commercial, retail and industrial opportunities.

Our Objective

- To create an environment that will encourage economic growth and employment opportunities.

Our Desired Outcomes

- A community that is economically sustainable, able to offer a range of diverse opportunities to local residents, commercial, retail and industrial operators.

Our Goals

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

Our Delivery Strategy

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

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

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

TEN YEAR FINANCIAL PLAN IMPLICATIONS - NIL

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Councillors

ABSOLUTE MAJORITY REQUIRED – YES

STAFF RECOMMENDATION

That Council approve the part sale of Council owned Lot 309 (being 23,669.81m²), Tiller Drive Kellerberrin Deposited Plan 75882, to Premium Grain Handlers Pty Ltd of 10-14 Sultan Way, Rous Head, Industrial Park, North Fremantle WA 6159, as per Deposited Plan by private agreement for the sum of \$20,546.81 subject to:

- Premium Grains undertaking and paying for:*

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

COUNCIL RECOMMENDATION

MIN 059/19 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council approve the part sale of Council owned Lot 309 (being 23,669.81m²), Tiller Drive Kellerberrin Deposited Plan 75882, to Premium Grain Handlers Pty Ltd of 10-14 Sultan Way, Rous Head, Industrial Park, North Fremantle WA 6159, as per Deposited Plan by private agreement for the sum of \$20,546.81 subject to:

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

CARRIED 5 /0

Agenda Reference:	11.1.9
Subject:	2018/2019 Budget Review
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN 04
Disclosure of Interest:	N/A
Date:	2 nd April 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer.

BACKGROUND

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

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

Statements of Budget Review are provided by Statutory Reporting Program and Nature and Type, as well as Net Current Funding Position and Budget Amendments.

Council's administration has reviewed the budget and has included within the review the Budget Amendments and noted them again in Note 4 and 5.

The Administration has noted that line items within the Schedules are over and under budget currently though within the schedule the expectation is the end result will be within budget.

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

Please refer to the attachment.

FINANCIAL IMPLICATIONS – Shire of Kellerberrin, 2018 / 2019 Adopted Budget.

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS –

Local Government (Financial Management) Regulations 1996

33A. Review of budget

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

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

<p>2 Infrastructure</p> <p><i>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.</i></p>	<p>To have adequate and well maintained infrastructure that supports a safe and prosperous community.</p> <p><i>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.</i></p> <p><i>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.</i></p>
<p>3 Governance</p> <p><i>Refers to the organisational leadership and the way we aspire to be led</i></p>	<p>To have community leaders and elected community representatives that protect and promote the interests, aspirations and desires of our community.</p> <p><i>We acknowledge that Council's operations could improve by enhancing our planning capabilities and fostering an open, transparent and honest relationship between Council representatives and our community members.</i></p> <p><i>We understand there is a concern that our present community is fragmented and we aspire to create a stronger and more unified community spirit.</i></p>
<p>4 Economic Development</p> <p><i>Refers to the economic opportunities which Council will strive to enhance to create a prosperous, sustainable and viable community</i></p>	<p>To retain the population and diverse demographics in the region through ongoing economic development and the creation of economic and commercial opportunities to boost the local economy.</p> <p><i>Economic issues, such as employment, population retention and growth and improving the local economy are key factors that concern the sustainable development of our community.</i></p>

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

Strategic Priority 1.3

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

Goals

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

Asset Management Plan – Land and Buildings

1: Proposed Capital Works Projects

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

Capital and Renewal Works Planning Process

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

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

Asset Management Plan – Other Infrastructure

Capital and Renewal Works Planning Process

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

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

- Review and analyse feedback and responses received from community consultations, community surveys and customer requests;
- Review forecast demands and population projections for the Shire and the region;
- Review and assess the current asset capacity, utilisation and condition to determine if the asset is operating effectively and efficiently, and if the asset requires renewal, replacement or expansion;

- Review the performance of the assets to determine if it complies with current levels of service and if it requires renewal, replacement or expansion;
- Develop a list of projects and programs to address future community needs and expectations as well as capacity and operational efficiency requirements;
- Prioritise the projects and programs according to a scale of high, medium and low and provide cost estimates for the project; and
- Assess financial and budgetary constraints and identify funding sources and develop a capital works program that is integrated with the long term financial plan.

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

ABSOLUTE MAJORITY – Yes

COMMUNITY CONSULTATION –

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

STAFF RECOMMENDATION

That the Budget Review at 31st January as presented comprising;

- a) *Statement of Budget Review by Nature and Type*
- b) *Statement of Budget Review by Program*
- c) *Note 1 to Note 5*

Be adopted and presented to the Department of Local Government, Sport and Cultural Industries.

COUNCIL RECOMMENDATION

MIN 060/19 MOTION - Moved Cr.Reid 2ndCr. Steber

That the Budget Review at 31st January as presented comprising;

- a) *Statement of Budget Review by Nature and Type*
- b) *Statement of Budget Review by Program*
- c) *Note 1 to Note 5*

Be adopted and presented to the Department of Local Government, Sport and Cultural Industries.

CARRIED 5/0

Agenda Reference:	11.1.10
Subject:	Cheque List March 2019
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	2 nd April 2019
Author:	Morgan Ware, Finance Officer

BACKGROUND

Accounts for payment from 1st March 2019 – 31st March 2019

TRUST

TRUST TOTAL	\$ 1,681.21
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MUNICIPAL FUND

Cheque Payments

34571-34580	\$ 16,245.91
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EFT Payments

9331-9400	\$ 195,060.60
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Direct Debit Payments	\$ 23,338.01
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TOTAL MUNICIPAL	\$ 211,306.51
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COMMENT

During the month of March 2019, the Shire of Kellerberrin made the following significant purchases:

Western Australian Treasury Corporation	\$ 53,815.35
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Loan No. 118 Principal & Interest payment, Rec Centre Redevelopment, Loan No. 120 Principal & Interest payment, Construction of two GROH houses

Fire And Emergency Services (WA)	\$ 21,485.67
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ESL Quarter 3 payment, In accordance with Department of Fire & Rescue Services act of WA, Part 6a Emergency services levy, Section 36ZJ Option B

Deputy Commissioner Of Taxation	\$ 17,326.94
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PAYG Tax, GST Debtors, GST Creditors, Fuel Tax Credits

Tom's Tree Service	\$ 13,200.00
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Removal of trees on Kwolyin West Project

United Card Services Pty Ltd	\$ 11,252.71
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Fuel Purchases, February 19

GPR Truck Service & Repairs	\$ 10,301.94
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Complete reline and trailer repair , Parts as required, Wheel alignment & labour

WA Local Government Superannuation Plan Pty Ltd	\$ 7,827.48
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Payroll Deductions

Farmways Kellerberrin Pty Ltd	\$ 6,756.58
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Purchase of pool chemicals, Water testing tablets (250 tablets in each), 2 x 20l drums of Algaecide, 4 x work boots for employees, Chainsaw 3/8 low profile 91V, Patio tube galv, Purchase of 54cm chef oven electric oven & hotplate, GME TX3500S UHF 2way, 2 x 45kg Gas bottles for Moylans Dongas 13-16, 17-20, Delivery, Garden Edge, Plastic edging green 10x15, Fence dropper 94cm bundle 50, 2 x 45kg Gas bottles for Caravan Park Ablution, Delivery and other misc. items

under \$100

WA Local Government Superannuation Plan Pty Ltd	\$	5,862.31
Payroll Deductions		
Sam Williams	\$	5,280.00
Hire of Water truck for Baandee North Rd Project.		

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 IMPLCATIONS - Nil
(Including Workforce Plan and Asset Management Plan Implications)

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That Council notes that during the month of March 2019, 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 \$211,306.51 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$1,681.21 on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 061/19 MOTION - Moved Cr. Reid **2nd Cr. Steber**

That Council notes that during the month of March 2019, 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 \$211,306.51 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$1,681.21 on vouchers EFT, CHQ, Direct payments*

CARRIED 5/0

Agenda Reference:	11.1.11
Subject:	Direct Debit List and Visa Card Transactions for the month March 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	1st April 2019
Author:	Brett Taylor – Senior Finance Officer

BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of March 2019.

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Mar-19	NAB	Bank Fees	\$	2.49
1-Mar-19	NAB	Bank Fees - Merchant	\$	81.80
1-Mar-19	NAB	Bank Fees - Merchant	\$	81.82
1-Mar-19	NAB	Bank Fees - Merchant	\$	137.46
1-Mar-19	Westnet	Internet Fees	\$	103.99
5-Mar-19	Department Housing	Monthly Rent	\$	420.00
7-Mar-19	Shire of Kellerberrin	Payroll	\$	54,828.60
8-Mar-19	Department of Transport	Inspection Fees	\$	72.67
8-Mar-19	Shire of Kellerberrin	Superannuation - Superchoice	\$	7,721.04
13-Mar-19	DLL	Photocopier Rental	\$	265.21
14-Mar-19	Shire of Kellerberrin	Creditors	\$	128,354.61
19-Mar-19	Department Housing	Monthly Rent	\$	420.00
21-Mar-19	Shire of Kellerberrin	Payroll	\$	73,052.23
25-Mar-19	Shire of Kellerberrin	Superannuation - Superchoice	\$	11,130.30
28-Mar-19	Shire of Kellerberrin	Creditors	\$	66,705.99
29-Mar-19	NAB	Bank Fees	\$	34.04
29-Mar-19	NAB	Bank Fees	\$	47.60
29-Mar-19	NAB	Bank Fees	\$	53.60
TOTAL			\$	343,513.45

Trust Direct Debit List

Date	Name	Details	\$	Amount
29-Mar-19	Department of Transport	Licencing March 2019	\$	156,555.55
TOTAL			\$	156,555.55

Visa Transactions

Date	Name	Details	\$	Amount
05-Mar-19	Coles Claremont	Fuel KE -1	\$	193.04
26-Mar-19	Succulent Foods	Lunch - Departing Deputy	\$	61.50
28-Mar-19	NAB	Card FEE	\$	9.00
TOTAL - CEO			\$	263.54

Date	Name	Details	\$	Amount
TOTAL -DCEO				0.00
TOTAL VISA TRANSACTIONS			\$	263.54

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

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

- 1. *That the Direct Debit List for the month of March 2019 comprising;*
 - a) *Municipal Fund – Direct Debit List*
 - b) *Trust Fund – Direct Debit List*
 - c) *Visa Card Transactions*

Be adopted.

COUNCIL RECOMMENDATION

MIN 062/19 MOTION - Moved Cr.Steber **2nd Cr. O'Neill**

- 1. ***That the Direct Debit List for the month of March 2019 comprising;***
 - a) *Municipal Fund – Direct Debit List***
 - b) *Trust Fund – Direct Debit List***
 - c) *Visa Card Transactions***

Be adopted.

CARRIED 5/0

Agenda Reference:	11.1.12
Subject:	Financial Management Report for March 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	1 st April, 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

Enclosed is the Monthly Financial Report for the month of March 2019.

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 March 2019 comprising;

- d) Statement of Financial Activity*
- e) Note 1 to Note 13*

Be adopted.

COUNCIL RECOMMENDATION

MIN 063/19 MOTION - Moved Cr.O'Neill **2nd Cr. Leake**

That the Financial Report for the month of March 2019 comprising;

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

Be adopted.

CARRIED 5/0

Agenda Reference:	11.1.13
Subject:	Shire of Kellerberrin – Private and Confidential Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Various
Disclosure of Interest:	N/A
Date:	8 th April 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

COUNCIL RECOMMENDATION

MIN 064/19 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss the Prestige Novating Lease.

CARRIED 5/0

Agenda Reference:	11.1.14
Subject:	Prestige Novating Lease Private and Confidential
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Personal File (CEO, DCEO, MWS & SFO)
Record Ref	NHR16616
Disclosure of Interest:	N/A
Date:	28 th March 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

Confidential Information was provided to Council with respect to this item.

COUNCIL RECOMMENDATION

MIN 065/19 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council:

1. *Approves the request for Council Employees to Novate Lease Vehicles as an employee of Council;*
2. *Approves the allocation of Senior Staff Salary Packaged allocation for vehicle allowance to be paid as Salary/Wages should the employee elect this option; and*
3. *Allocate the funds from the Sale of current fleet vehicles to the Plant Replacement Reserve for future plant purchases should option two occur.*

CARRIED 5/0

COUNCIL RECOMMENDATION

MIN 066/19 MOTION - Moved Cr. Reid 2nd Cr. Steber

That Council returns from behind closed doors.

CARRIED 5/0

3.25 pm – Council adjourned for afternoon tea.

3.45 pm – Council resumed from afternoon tea with Cr. Steber not returning to chambers.

DEVELOPMENT SERVICES – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: March 2019
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	1 st April, 2019
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 two (2) applications received for a "Building Permit" during the March period. A copy of the "Australian Bureau of Statistics appends".
2. There was one (1) "Building Permits" issued in the March period. See attached form "Return of Building Permits Issued".

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil

COMMUNITY CONSULTATION

Building Surveyor
Owners
Building Contractors

ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

STAFF RECOMMENDATION

That Council

1. Acknowledge the "Return of Proposed Building Operations" for the March 2019 period.
2. Acknowledge the "Return of Building Permits Issued" for the March 2019 period.

COUNCIL RECOMMENDATION

MIN 067/19 MOTION - Moved Cr. O'Neill

2nd Cr. Reid

That Council

1. Acknowledge the "Return of Proposed Building Operations" for the March 2019 period.
2. Acknowledge the "Return of Building Permits Issued" for the March 2019 period.

CARRIED 4/0

11.3 WORKS & SERVICES – AGENDA ITEMS

Nil Items

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

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

COUNCIL RECOMMENDATION

MIN 068/19 MOTION - Moved Cr. O'Neill

2nd Cr. Leake

That Council receives late items.

CARRIED 4/0

Agenda Reference:	13.1.1
Subject:	Policy Manual Review
	Amend Policy: Procurement
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Policy Manual
Disclosure of Interest:	N/A
Date:	15 th April 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's December 2018 Ordinary Meeting of Council. – 18th December 2018

MIN 226/18 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council

- 1. Replaces Policy 2.4 – Purchasing Policy with the Procurement policy as presented and incorporates this into the Policy Manual.***
- 2. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.***

CARRIED 6/0

COMMENT

Council's Management over the past months have been putting together a tender for its Earthmoving works within the Shire comprising of:

- Gravel Extraction
- Material Haulage
- Contract Grading
- Contract Carting (all various combinations)
- Engineering Services

In preparing this documentation Council needed to update its current purchasing (procurement) policy to include Pre-Qualified preferred suppliers.

It is the intention with the advertising of this tender, contractors can provides rates to Council and then if accepted the contractors can then be on Council's preferred supplier lists and we can engage that Contractor without seeking quotations as the price is pre-determined through the Tender.

The tender will be in operation for a three year period.

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.

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications) Nil (not applicable at this date and therefore unknown)

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

COMMUNITY CONSULTATION:

Chief Executive Officer
Deputy Chief Executive Officer
Finance Officer

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

STAFF RECOMMENDATION

That Council

- 1. Adopts the Procurement policy as presented as its new Purchasing and Tendering Policy 2.3*
- 2. Deletes the previous Tenders – Preparation/Advertisement of Tender Documents for exiting contracts Policy 2.3 and Procurement Policy 2.4.*
- 3. Renumber the remaining policies in order on removing outdated policies.*
- 4. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

COUNCIL RECOMMENDATION

MIN 069/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council

- 1. Adopts the Procurement policy as presented as its new Purchasing and Tendering Policy 2.3***
- 2. Deletes the previous Tenders – Preparation/Advertisement of Tender Documents for exiting contracts Policy 2.3 and Procurement Policy 2.4.***
- 3. Renumber the remaining policies in order on removing outdated policies.***
- 4. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.***

CARRIED 4/0

CLOSURE OF MEETING

4.10 pm – Cr. Forsyth, Shire President closed the meeting and thanked the members for their attendance.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 21st May, 2019