

**SHIRE OF KELLERBERRIN**  
**MINUTES OF ORDINARY COUNCIL MEETING**

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110  
Massingham Street Kellerberrin on Tuesday 17<sup>th</sup> December 2019, commencing at 2:09pm

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS**

The Presiding Member opened the meeting at 2.09pm

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

**Present:**

Cr. Forsyth	Shire President
Cr. O'Neill	Deputy Shire President
Cr. Steber	Member
Cr. Talbot	Member
Cr. Reid	Member
Cr. McNeil	Member
Mr Raymond Griffiths	Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mr Brett Taylor	Senior Finance Officer (entered 2:52pm, exit 3:02pm)
Mrs Natasha Giles	Community Development Officer (entered 3:02, exit 3:49pm)
Ms Codi Mullen	Personal Assistant (minutes)

**Apologies:**

Cr. Leake	Member
Ms Kate Dudley	Deputy Chief Executive Officer

**Public:**

Nil

**Leave of Absence:**

Nil

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

Nil

**4. PUBLIC QUESTION TIME:**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil

## 6. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **17 December 2019**

Date	Name	Item No.	Reason
17 <sup>th</sup> December 2019	Cr. Dennis Reid	11.1.6	Father and myself are FCO's in Wyalkatchem Shire seeking Dual roles
17 <sup>th</sup> December 2019	Cr. Emily Talbot	11.1.6	Husband is the FCO being requested for dual roles
17 <sup>th</sup> December 2019	Cr. Dennis Reid	11.2.1	Brother in law is the builder and wife works for applicant.

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes 19<sup>th</sup> November 2019

## COUNCIL RESOLUTION

**MIN 221/19 MOTION:** Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Wednesday 19 November 2019, be confirmed as a true and accurate record.*

**CARRIED 6/0**

## 8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

## 9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

## 10. REPORTS OF COMMITTEES/COUNCILLORS

### 10.1 Reports of Committees/Councillors

**MIN 222/19 MOTION:** Moved Cr. Steber 2<sup>nd</sup> Cr. McNeil

*That the Presidents Reports for November 2019 be received and noted.*

**CARRIED 6/0**

### 10.2 Standing Orders

**MIN 223/19 MOTION:** Moved Cr. McNeil 2<sup>nd</sup> 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

<b>Agenda Reference:</b>	11.1.1
<b>Subject:</b>	Community Requests and Discussion Items
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	4 <sup>th</sup> November, 2019
<b>Author:</b>	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.

November 2019 Council Meeting

**MIN 202/19 MOTION -** Moved Cr. Steber 2<sup>nd</sup> Cr. Leake

***That Council note no requests to be actioned for the month of November 2019.***

October 2019 Council Meeting

**MIN176/19 MOTION -** Moved Cr. Leake 2<sup>nd</sup> Cr. McNeil

***That the Council;***

- 1. Nominate Cr Forsyth for a position on LGAFG;***
- 2. Request that the CEO continue to monitor the pigeons at the senior citizens centre; and***
- 3. Request that the CEO to inspect the damaged pole at the entrance to the bridge replica.***

September 2019 Council Meeting

**MIN155/19 MOTION -** Moved Cr. Reid 2<sup>nd</sup> Cr. O'Neill

***That the council request the CEO to continue with daily checks on the skate park for leaves, sand etc.***

### COMMENT

November MIN 202/19

*No requests to be actioned for the month of November 2019.*

October MIN 176/19

1. Will occur at Zone AGM
2. re-inspected and they aren't in the roof, contacted Team Leader Parks & Gardens to look into
3. pole replaced

Item noted

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

Financial Implications will be applicable depending on requests and decision of Council.

## **POLICY IMPLICATIONS**

Policy Implications will depend on items brought forward by Council. During discussions the Policy Manual will be referred to prior to decision being finalised.

## **STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

### **Section 2.7. The role of the council**

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

### **Section 2.8. The role of the mayor or president**

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

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

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

### **Section 2.10. The role of councillors**

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;

- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

#### **5.60. When person has an interest**

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

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

has —

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

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

#### **5.60A. Financial interest**

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

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

#### **5.60B. Proximity interest**

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

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

#### **5.61. Indirect financial interests**

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

### 5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
- (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (I) the prescribed amount; or
      - (II) the prescribed percentage of the total value of the issued share capital of the company,whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
  - (ea) the relevant person is a council member and the person —
    - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
    - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
    - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
    - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

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

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

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

### 5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;

- (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or
    - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
  - [(e) deleted]*
  - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
  - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
  - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,
- then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
  - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
  - (c) the proposed development of that land or any land adjacent to that land,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

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

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



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

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

### **5.66. Meeting to be informed of disclosures**

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

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

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

### **5.67. Disclosing members not to participate in meetings**

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

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
  - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest —
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.

- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

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

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

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

**5.69A. Minister may exempt committee members from disclosure requirements**

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

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

**5.70. Employees to disclose interests relating to advice or reports**

- (1) In this section —  
**employee** includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

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

#### **5.71. Employees to disclose interests relating to delegated functions**

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

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

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

### **STRATEGIC PLAN IMPLICATIONS:**

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

### **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

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

### **COMMUNITY CONSULTATION:**

Council  
Community Members

### **STAFF RECOMMENDATION**

*That Council note any requests or ideas to be actioned.*

## **COUNCIL RESOLUTION**

**MIN 224/19 MOTION -**

Moved Cr. Talbot      2<sup>nd</sup> Cr. O'Neill

***That Council;***

- 1. action a plan to remove the White Cockatoos in line with the regulations setout by DWER.***
- 2. Delegates to the Chief Executive Officer the ability to negotiate with Council's Lawyer for a counter offer to Sport and Recreation Surfaces to ensure that Council has the full surface replaced on the Western Courts and the works is of quality.***
- 3. Budget for Hammond Street (East of Restdown) to have roots removed and reinstate road surface.***

CARRIED      6/0

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	Status Report of Action Sheet
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	5 <sup>th</sup> December, 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council at its March 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;
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  - (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 —

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- (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
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### **5.60. When person has an interest**

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- (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.

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  - (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  
Council Staff  
Council  
Community Members.

**STAFF RECOMMENDATION**

*That Council receives the Status Report.*

**COUNCIL RESOLUTION**

**MIN 225/19    MOTION - Moved Cr. Reid    2<sup>nd</sup> Cr. McNeil**

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

CARRIED    6 / 0

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	CEACA Annual General Committee Meeting
<b>Location:</b>	Kellerberrin Recreation Centre
<b>Applicant:</b>	CEACA Council
<b>File Ref:</b>	AGE - 03
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	4 <sup>th</sup> December 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

The Minutes of the recent Annual General Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Tuesday, 12<sup>th</sup> November, 2019 held at the Kellerberrin Recreation Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Annual General Meeting.

**COMMENT**

Attached to this agenda item is a copy of the last CEACA Annual General Meeting Minutes held on Tuesday, 12<sup>th</sup> November, 2019 held at the Kellerberrin Recreation Centre.

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

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

Resolutions arising out of the Tuesday, 12<sup>th</sup> November, 2019 CEACA Annual General Meeting summarised hereunder,

**RESOLUTION**

**It was moved by the Board to elect Terry Waldron as the Independent Chairman until the 2020 Annual General Meeting.**

**CARRIED**

**RESOLUTION**

**It was agreed by all Members that the Minutes from the Annual General Meeting of the Central East Aged Care Alliance Inc held Wednesday 14 November 2018 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

**RESOLUTION**

**It was agreed by all Committee Members that the Chairman's Report be received.**

**CARRIED**

## **RESOLUTION**

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It was agreed by all Committee Members that the Treasurer's Report be received.

**CARRIED**

## **RESOLUTIONS**

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That CEACA Members:

- a) Approve the Draft Financial Report and Representation Letter and authorise the CEACA Acting Chair, Treasurer and Executive Officer, as appropriate, to sign the documents;
- b) Note the Management Letter; and
- c) Present the final Audit Report and Financial Statements to the CEACA Annual General Meeting on Tuesday, 12<sup>th</sup> November 2019

**CARRIED**

Following the review of the Draft Financial Report, Draft Management Letter and Representative Letter were signed and will be returned to CEACA's Auditor.

**CARRIED**

## **RESOLUTION**

---

That:

1. The CEACA Annual General Meeting appoint AMD Chartered Accountants as the auditor for 2019/2020 financial year;
2. CEACA Executive Committee consider the development of three-year audit contract and seek quotations for a three-year contract for recommendation of the appointment of an auditor to the 2020 Annual General Meeting.

**CARRIED**

## **RESOLUTION**

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It was resolved by the Committee that Gary Shadbolt be appointed as the Central East Aged Care Alliance Inc Acting Chair for until the 2020 Annual General Meeting.

**CARRIED**

## **RESOLUTION**

---

It was resolved by the Committee that Raymond Griffiths be appointed as the Central East Aged Care Alliance Inc Treasurer until the 2020 Annual General Meeting.

**CARRIED**

## **RESOLUTION**

---

It was resolved by the Committee that Rodney Forsyth be appointed as the Treasurer until the Central East Aged Care Alliance 2020 Annual General Meeting.

**AGREED**

## **RESOLUTION**

---

That the following representative members be appointed as CEACA Inc Ordinary Management Committee Members until the 2020 Annual General Meeting:

Cr Wayne Della Bosca	-	Shire of Yilgarn
Cr Ricky Storer	-	Shire of Koorda
Mr John Nuttall	-	Shire of Mt Marshall
Cr Julie Flockart	-	Shire of Merredin
Cr Eileen O'Connell	-	Shire of Nungarin
Cr Stephen Strange	-	Shire of Bruce Rock
Cr Freda Tarr	-	Shire of Trayning
Mr Louis Geier	-	Shire of Westonia

**CARRIED**

## **RESOLUTION**

---

It was resolved by the Committee to hold a Management Committee Meeting immediately after the Annual General Meeting for the purpose of nominating and electing Sub Committee (Executive Committee) Members.

**CARRIED**

## **RESOLUTION**

---

It was resolved by the Committee that Rachel Kirby and Kenneth Hooper be removed as signatories on the CEACA Inc bank accounts and they be replaced by Rodney Forsyth and Quentin Davies. It is further resolved that Nicholas Hopkin and Gary Shadbolt remain as CEACA Inc bank signatories

**CARRIED**

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

## **POLICY IMPLICATIONS**

## **STATUTORY IMPLICATIONS:**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

(Including Workforce Plan and Asset Management Plan Implications)

## **LONG TERM FINANCIAL PLAN IMPLICATIONS**

## **COMMUNITY CONSULTATION**

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

## **ABSOLUTE MAJORITY REQUIRED - NO**

## **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Annual General Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Tuesday, 12<sup>th</sup> November, 2019*

## COUNCIL RESOLUTION

**MIN 226/19 MOTION** - Moved Cr. O'Neill      2<sup>nd</sup> Cr. Steber

***That Council receive the Minutes of the Annual General Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Tuesday, 12<sup>th</sup> November, 2019***

CARRIED 6/0

NOT CONFIRMED

<b>Agenda Reference:</b>	11.1.4
<b>Subject:</b>	CEACA General Committee Meeting
<b>Location:</b>	Kellerberrin Recreation Centre
<b>Applicant:</b>	CEACA Council
<b>File Ref:</b>	AGE - 03
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	5 <sup>th</sup> November 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The Minutes of the recent Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Tuesday, 12th November, 2019 held at the Kellerberrin Recreation Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last CEACA Council Meeting Minutes held on Tuesday, 12th November, 2019 held at the Kellerberrin Recreation Centre.

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

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

Resolutions arising out of the Tuesday, 12th November, 2019 CEACA Council Meeting summarised hereunder,

## RESOLUTION

**It was resolved by the Committee that the Minutes of the Management Committee Meeting held on the 2<sup>nd</sup> October 2019 be accepted as a true and accurate record of proceedings.**

**CARRIED**

## RESOLUTION

**That the three nominations put forward being John Nuttall, Raymond Griffiths and Ken Hooper, be accepted and the three nominations will fulfil the role of Executive Committee Member until the 2020 Annual General Meeting, along with the four Office Holders.**

**CARRIED**

## RESOLUTION

**It was resolved by the Management Committee of CEACA Inc request each Member to approve or decline CEACA Inc going forward in the operational form in line with the Verso Report.**

**CARRIED**

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

## POLICY IMPLICATIONS



## **STATUTORY IMPLICATIONS:**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

## **LONG TERM FINANCIAL PLAN IMPLICATIONS**

## **COMMUNITY CONSULTATION**

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

## **ABSOLUTE MAJOURITY REQUIRED - NO**

## **STAFF RECOMMENDATION**

*That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Tuesday, 12th November, 2019*

## **COUNCIL RESOLUTION**

**MIN 227/19 MOTION** - Moved Cr. McNeil      2<sup>nd</sup> Cr. Talbot

***That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Tuesday, 12th November, 2019***

CARRIED 6 /0

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	Central Eastern Aged Care Alliance (CEACA)
<b>Location:</b>	CEACA
<b>Applicant:</b>	CEACA
<b>File Ref:</b>	ORG.15.1 & Ass 480 & Ass 481
<b>Disclosure of Interest:</b>	
<b>Date:</b>	3 <sup>rd</sup> December 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

During a Wheatbelt forum Aged Care was discussed and as a result eleven (11) Local Governments, Wheatbelt Development Commission and Regional Development Australia agreed to form an alliance with the view to provide a needs study and solutions to the issues surrounding Aged Care within the Central Wheatbelt with each Council contributing \$5,000 to undertake this work.

Out of this alliance a report was compiled to identify solutions for the gaps and issues pertaining to the region being the Central East Aged Care Regional Solutions as listed below;

## CENTRAL EAST AGED CARE REGIONAL SOLUTION/S (CEACRS)

*Developed by Wheatbelt Development Commission*

Aged Care was identified as a regional priority for Local Governments in a series of Wheatbelt forums for the development of the Towards a Wheatbelt Infrastructure Plan (2010/11/12). As a result of the regional forums, the Wheatbelt Development Commission (WDC) has been working closely with Regional Development Australia: Wheatbelt (RDAW), and 11 Wheatbelt Local Governments who committed to working towards improving aged care services, infrastructure and governance structures in their respective areas.

The 11 LGAs, the WDC and RDAW formed an alliance in February 2012 known as the Central East Aged Care Alliance, to address the issues affecting Aged Care in the Central Eastern Wheatbelt. Recognising the importance of undertaking this planning from a community perspective, each LGA invested \$5,000 towards the project. This was supplemented by cash and in kind support from WDC and in kind support from RDAW.

In March 2012 RDAW advertised a tender to employ a consultant to undertake the Central East Aged Care Regional Solution/s (CEACRS) project. Melbourne based consulting firm Verso was awarded the tender and commenced work on the project in April 2012.

## WHO'S INVOLVED IN THE CENTRAL EAST AGED CARE ALLIANCE (CEACA)?

The CEACA is a partnership between the 11 LGAs which consist of the Shires of Bruce Rock, Kellerberrin, Koorda, Merredin, Mount Marshall, Mukinbudin, Nungarin, Yilgarn, Trayning, Westonia, Wyalkatchem, the WDC and RDAW.

After the scope of the project had been finalised by the CEACA, it was agreed that several other key stakeholders should be invited to attend future meetings as observers. These included:

- Southern Inland Health Initiative - Tim Shackleton – Community Engagement Officer
- Medicare Local - Michelle McClure – Wheatbelt Area Manager
- Western Australia Country Health Services Wheatbelt - Caroline Langston – Regional Director.

## THE PROCESS

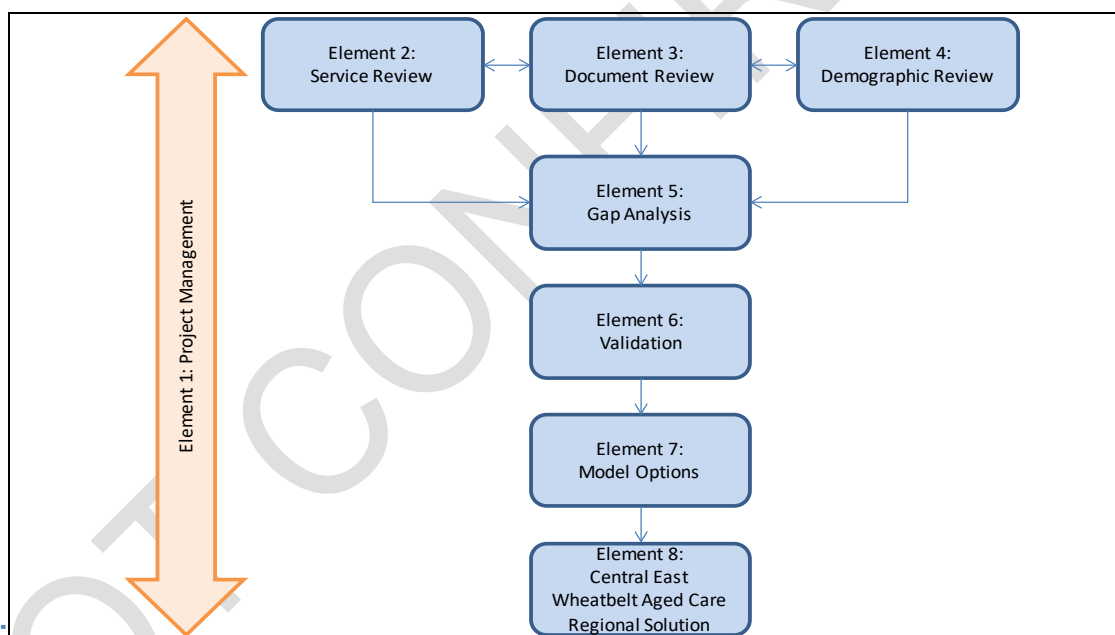
The Wheatbelt Central East Aged Care Regional Solution/s (CEACRS) has been a proactive process that aimed to:

1. Identify aged care service, accommodation and governance models for a highly disbursed regional/rural population setting;
2. Build on the assets that exist in communities;
3. Provide solutions that guide sound investment in SIHI, especially Stream 2b Primary Health Care Program, Stream 3 – Primary Health Demonstration Site Program, and Stream 6 – Residential Aged and Dementia Investment Program
4. Identify services that enable locals to age ‘in place’ as outlined in the new National Aged Care Package Reform.

The Alliance adopted eight guiding principles for the CEACRS:

- Principal 1- The Importance of Place
- Principal 2- Community Life
- Principal 3- Community sense of ownership
- Principal 4- Focus on the Person
- Principal 5- Choice
- Principal 6- Equitable access
- Principal 7- Practicality
- Principal 8- Viability

These principals were a key focus while developing the CEACRS and undertaking the following elements of the project:



**Figure 1:**

The planning process has heavily involved each community with sharing of existing local publications and documentation as well as clarification of desktop analysis compared to actual service delivery. A total of 14 community consultations were conducted across the 11 LGA's involved in the CEACA, involving nearly 200 participants.

Forming part of the gap analysis and validation elements of the project, the community consultations provided the opportunity to validate Verso's statistical findings at a ground level. Members of the community, health and aged care providers as well as Shire representatives were invited to attend the sessions.

With the completion of elements 2-6 each LGA has been provided with a Needs Study report specific to their individual Shire as well as a Central East Needs Study for the sub region. The Needs Studies include demographic characteristics of the CEACA LGAs, the emerging policy context, the findings from community forums and consultations, aged care services levels, planning & analysis of aged care levels and aged care solutions from literature collected.

The final element, element 8, saw the development of the Central East Aged Care Regional Solution/s Report which outlines the context of the project, the findings and implications, the recommendations and action plan.

## RECOMMENDATIONS

The Central East Aged Care Regional Solution provides a clear direction to develop and implement infrastructure and service level solutions to address the urgent need for aged care accommodation, services and facilities in the Central Eastern Wheatbelt.

The Model (Figure 2) consists of the following elements required to deliver an integrated solution:

**Figure 2**



Aged Friendly Community is the main responsibility of LGAs in auditing and ensuring their community has addressed all the elements required to achieve an Aged Friendly Community. This includes making sure structures and services are accessible to and inclusive of older people with varying needs and capabilities such as;

- Walking and Cycling Routes
- Streets
- Local Destinations
- Open Space
- Public and Other Transport
- Supporting Infrastructure
- Fostering Community Spirit
- Strategy

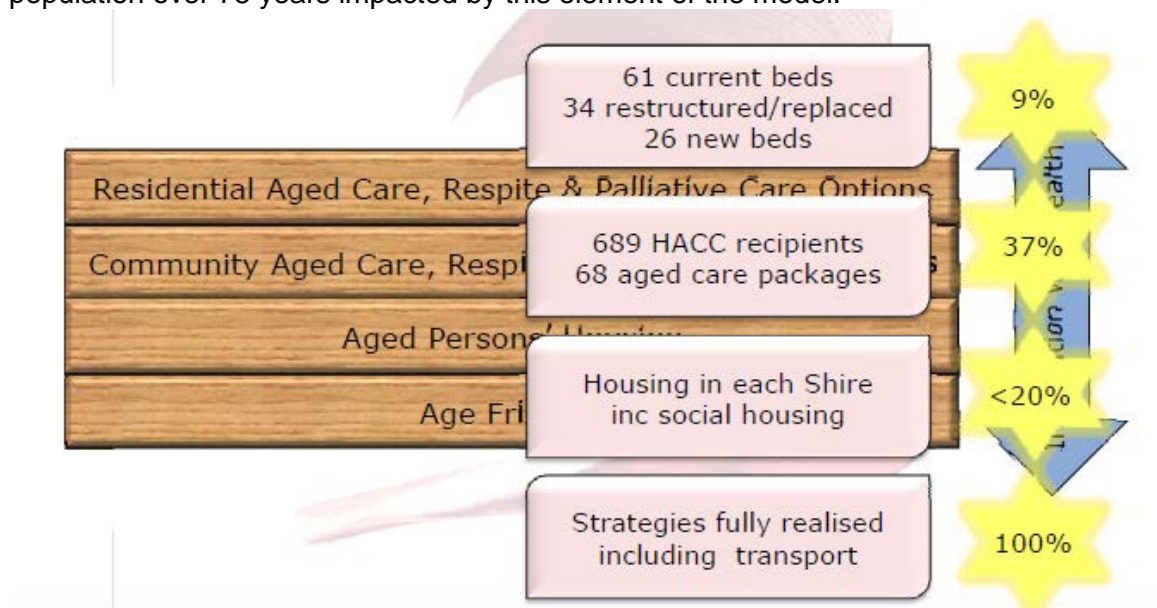
Aged Persons' Housing is seen as a coordinated responsibility of the CEACA, LGAs and potential housing providers to see how current stock meets requirements, the development of a coordinated approach to common development, ownership, design and integration. However land and capital needs are seen as a primary concern for LGAs, with the possible assistance of funding from peak bodies.

Community Aged Care including Respite and Palliative Care has been identified as the responsibility of health care funders and providers such as Department of Health and Ageing (DoHA), WA Country Health Service (WACHS), HACC and other Aged Care providers. Community Aged Care is a relatively new concept to communities in the Central East but is one that will become more prominent in the future with policy changes around the sector. This element is seen as a longer term project and not something that will be addressed in the short term; however it will require a strong advocacy role from the CEACA and LGAs.

Residential Aged Care including Respite and Palliative Care has also been considered as a longer term strategy, with the main responsibility residing with DoHA, WACHS and other Aged Care providers. Again, this element will require a strong advocacy role from the CEACA and LGAs.

Figure 2 presents a clear picture of the strategies and the importance they will play in communities in relation to the rate older community members will be impacted, if the CEACRS is implemented correctly.

The pale boxes identify current and future needs, and the yellow stars indicate the percentage of population over 75 years impacted by this element of the model.



#### WHERE TO FROM HERE?

- Step 1: It has been recommended that the Central East Aged Care Alliance continue to operate to ensure the successful implementation of the Central East Aged Care Regional Solution/s.
- Step 2: All Shire Councils of the Central East Aged Care Alliance to formally adopt the CEACRS and Needs Studies relating to the sub region and their individual Shires.
- Step 3: The boards of WDC and RDAW formally accept the reports.
- Step 4: The CEACA sends the reports to the following stakeholders and requests a formal response. DoHA, WACHS, HACC, Department of Housing
- Step 5: WDC and RDAW coordinate responses from the above key stakeholders on behalf of the CEACA.
- Step 6: The CEACRS is publicly released with a launch, political presentations to all parties and awareness of the report recommendations through such things as presentations at conferences.

#### RECOMMENDATIONS FOR LOCAL GOVERNMENTS

1. That the six steps for adoption and implementation of the two CEACA Reports be endorsed; and specifically:
2. That Council adopt the CEAC Needs Study and Central East Wheatbelt Aged Support and Care Regional Solution/s Reports.
3. Each of the CEACA Councils make provision of up to \$5000 in their 2013/14 budgets to fund ongoing advocacy and research in order to implement the recommendations of the CEACRS Report.
4. That endorsement of the Report is sought from the respective ROC's with a view to seeking funding to implement the recommendations of the CEACS Report on a regional basis.

#### COMMENT

The CEACA Councils adopted the recommendations listed above and worked together to progress the Aged Persons Housing platform as this was seen the easiest platform that Local Government had the capacity to influence.

CEACA is now in a position wherein it has completed the construction of seventy one (71) units within the eleven (11) Councils being located at;

Locality	Local Government	Number of Units
Bruce Rock	Bruce Rock	8
Kellerberrin	Kellerberrin	13
Koorda	Koorda	4
Merredin	Merredin	27
Bencubbin	Mount Marshall	1
Beacon	Mount Marshall	2
Nungarin	Nungarin	2
Mukinbudin	Mukinbudin	4
Kununoppin	Trayning	2
Westonia	Westonia	2
Wyalkatchem	Wyalkatchem	4
Yilgarn	Yilgarn	2
TOTAL	TOTAL	71

In the construction of new Independent Living Units and retaining/attracting aged members to our communities there are additional requirements on the community to ensure these members are cared for appropriately. This may include Community Care Packages, access to transport, hospital, doctor and ambulance services and possibly Residential Care all of which are platforms of the VERSO report that haven't been researched nor explored for improvement by CEACA.

It has been requested by CEACA that each individual Council as a member review the VERSO report to familiarise themselves with the recommendations.

From the report and the abovementioned information consider Councils appetite to progress researching/actioning the platforms of the report through the CEACA or if Council want to progress this individually through their own communities and Councils.

It is always viewed by both State and Federal Governments that a Regional solution is always seen in a positive light rather than individual piecemeal approaches, however this is a decision of each Council.

#### **FINANCIAL IMPLICATIONS:**

Should Council's wish to progress with the continuation of CEACA researching and progressing the other platforms and solutions through the VERSO report it is suggested in the first year to leave the current \$20,000 levy as is.

This is to ensure funds are available to undertake work and progress forward, however should the funds exceed the requirements going forward the opportunity is then to review this and possibly reduce the fee going forward.

Should member Councils not wish to progress the VERSO report there is no figure provided as an Annual Fee for being a member of CEACA at this point in time. This discussion will take place after Council have reviewed this item and made a definite position on where they see themselves progressing.

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

## STATUTORY IMPLICATIONS

### Local Government Act 1995 (as amended)

#### 6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

*\* Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
- (a) the expenditure by the local government;
  - (b) the revenue and income, independent of general rates, of the local government; and
  - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
  - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
    - (i) the amount it is estimated will be yielded by the general rate; and
    - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
  - (c) the fees and charges proposed to be imposed by the local government;
  - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
  - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
  - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
  - (b) the contents of the annual budget; and
  - (c) the information to be contained in or to accompany the annual budget.

*[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]*

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

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

## COMMUNITY CONSULTATION:

CEACA  
CEACA Delegates  
Chief Executive Officer.

## ABSOLUTE MAJORITY - NO

## STAFF RECOMMENDATION

*That Council commits to CEACA's progression of the VERSO report to review;*

- i. Community Care Packages*
- ii. Transport*
- iii. Residential Aged Care*

OR

*That Council declines the opportunity to progress the VERSO report however remains a member of CEACA.*

OR

*That Council declines the opportunity to progress the VERSO report and wishes to withdraw from CEACA.*

## COUNCIL RESOLUTION

**MIN228/19 MOTION** - Moved Cr. O'Neill      2<sup>nd</sup> Cr. Reid

***That Council commits to CEACA's progression of the VERSO report to review;***

- i. Community Care Packages***
- ii. Transport***
- iii. Residential Aged Care***

CARRIED 6/0

**REASON:** The provision of Independent Living Units is only part of the solution with the major issues being servicing Aged Care within the Region.



<b>Agenda Reference:</b>	11.1.6
<b>Subject:</b>	Dual Fire Control Officers
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Wyalkatchem
<b>File Ref:</b>	BUSH 00
<b>Record Ref:</b>	ICR192212
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	2 <sup>nd</sup> December 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

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 **17 December 2019**

Date	Name	Item No.	Reason
17 <sup>th</sup> December 2019	Cr. Dennis Reid	11.1.6	Father and myself are FCO's in Wyalkatchem Shire seeking Dual roles
17 <sup>th</sup> December 2019	Cr. Emily Talbot	11.1.6	Husband is the FCO being requested for dual roles

## BACKGROUND

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

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

## COMMENT

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

## FINANCIAL IMPLICATIONS - NIL

## POLICY IMPLICATIONS

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

## Purpose

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

## Policy

### Appointment:

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

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

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

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

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

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

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

## STATUTORY IMPLICATIONS

Bush Fires Act 1954

### **38. Local government may appoint bush fire control officer**

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those

officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

- (2)(a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

*[(b) deleted]*

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

- (a) carrying out normal brigade activities;

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

- (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
- (e) procuring the due observance by all persons of the provision of Part III.

- (5)(a) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.

- (b) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions so issued carry out the directions but subject to the provisions of this Act.
- (c) The provisions of this subsection are not in derogation of those of subsection (4).

- (6)(a) In this section —

**“approved local government”** means a local government approved under paragraph (b) by the Authority.

- (b) If it appears to the Authority that the standard of efficiency of a local government in fire prevention and control justifies the Authority doing so, the Authority, by notice published in the *Government Gazette* —
- (i) may approve the local government as one to which this subsection applies; and
- (ii) may from time to time cancel or vary any previous approval given under this paragraph.
- (c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

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

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

### **38A. Authority may appoint Chief Bush Fire Control Officer**

- (1) At the request of a local government the Authority may appoint a member of staff (as defined in the FESA Act) to be the Chief Bush Fire Control Officer for the district of that local government.
- (2) Where a Chief Bush Fire Control Officer has been appointed under subsection (1) for a district the local government is not to appoint a Chief Bush Fire Control Officer under section 38(1).

- (3) The provisions of this Act, other than section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government.
- (4) Section 38(3), (4) and (5) apply to and in relation to the Chief Bush Fire Control Officer appointed under this section as if —
  - (a) he or she were a Chief Bush Fire Control Officer appointed under section 38 by the local government; and
  - (b) the references in those subsections to the local government were references to the Authority.

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

### **39. Special powers of bush fire control officers**

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

[(b) *deleted*]

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

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

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

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

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

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

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

### **STRATEGIC PLAN IMPLICATIONS - Nil**

### **FUTURE PLAN IMPLICATIONS - Nil**

### **COMMUNITY CONSULTATION**

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

### **STAFF RECOMMENDATION**

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

## COUNCIL RESOLUTION

MIN 229/19 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. O'Neill

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

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.7
<b>Subject:</b>	LEMA Adoption
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	ORG05
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	5 December 2019
<b>Author:</b>	Ms Kate Dudley, Deputy Chief Executive Officer

## BACKGROUND

The LEMC committee held a meeting on 12 December 2019 to adopt the Draft Local Emergency Management Arrangements.

## STAFF COMMENT

These arrangements have been produced and issued in compliance with s(41)(1) and (2) of the Emergency Management Act 2005 ('the Act'), endorsed by the Shire of Kellerberrin Local Emergency Management Committee (LEMC) and Council, the District Emergency Management Committee (DEMC) and State Emergency Management Committee (SEMC).

These arrangements have been developed by personnel within the Shire of Kellerberrin and by the Local Emergency Management Committee. Consultation has been sought from the wider community.

These arrangements should be read in conjunction with the Emergency Management Act 2005 and the State Emergency Management Plans (WESTPLAN), State Hazard Plans (SHP), State Emergency Management Policy Statements and the Department of Communities' Local Emergency Management Plan for the Provision of Welfare Support.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Nil

## POLICY IMPLICATIONS

Nil

## STATUTORY IMPLICATIONS

## STRATEGIC PLAN IMPLICATIONS

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefit s (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## CORPORATE BUSINESS PLAN IMPLICATIONS

Nil

## TEN YEAR FINANCIAL PLAN IMPLICATIONS

Nil



## COMMUNITY CONSULTATION

Nil

## ABSOLUTE MAJORITY REQUIRED

Yes

## COMMITTEE/STAFF RECOMMENDATION

*That council adopt the LEMA as presented.*

## COUNCIL RESOLUTION

**MIN 230/19 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Steber

*That council adopt the LEMA as presented.*

**CARRIED 6/0  
ABSOLUTE MAJORITY**

<b>Agenda Reference:</b>	11.1.8
<b>Subject:</b>	Procedure for making local laws – Animals, Environment and Nuisance Local Law 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	LLAW-08
<b>Record Number</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	2 <sup>nd</sup> December 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council's September 2019 Ordinary Meeting of Council – 17<sup>th</sup> September 2019

**MIN161/19 MOTION** - Moved Cr. McNeil      2<sup>nd</sup> Cr. Steber

### ***That Council:***

1. ***Proceed with the procedure for making the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
  - ***Animal, Environment and Nuisance Local Law***
2. ***Provide state wide public notice for the purpose and effect of the proposed Animal, Environment and Nuisance Local Law in accordance with section 3.12 (3a) of the Local Government Act 1995:***

**CARRIED      6/0  
BY ABSOLUTE MAJORITY**

Council's February 2019 Ordinary Meeting of Council – 12<sup>th</sup> February 2019

**MIN 011/19 MOTION** - Moved Cr. Reid      2<sup>nd</sup> Cr. Steber

### ***That Council:***

1. ***Proceed with the procedure for making the following Local Law as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
  - ***Animal, Environment and Nuisance Local Law***
2. ***Provide state wide public notice for the purpose and effect of the proposed Animal, Environment and Nuisance Local Law in accordance with section 3.12 (3a) of the Local Government Act 1995:***

**CARRIED      6/0  
BY ABSOLUTE MAJORITY**

The *Local Government Act 1995* (the Act), requires that the Council must every eight (8) years after adoption of any Local Law, or the last review, conduct a review of the Local Law to ensure that it still retains currency.

Generally and specifically the first part of the review was to establish whether there were any Local Laws that were considered obsolete and consequently requiring repeal without being replaced. The Department of Local Government Local Laws Register has been referred to.

There are two situations that may lead to the repeal of a Local Law;

1. Repealing a local law with the intent of making a new Local Law for substantially the same purpose, but reflecting contemporary practices ie new Standing Orders Local Law that reflects contemporary meeting procedure practices; or
2. A Local Law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation.

It is appropriate to point out that any outcomes from a review that result in amendments to a Local Law must then be processed as though it was a change to the Local Law and the amendments formally adopted using S3.12 of the Act.

## COMMENT

Council recommenced the process and at the September 2019 Ordinary Council Meeting adopted to proceed in making of a Local Law as per section 3.12 of the Local Government Act 1995 again as the previous version adopted in February 2019 received submissions that altered the Local Law significantly therefore it was beneficial to commence the process again.

State wide public notice was published on the 3<sup>rd</sup> October 2019 in the West Australian and published in the Pipeline on the 02<sup>nd</sup> October 2019. A copy of the advert and draft local law was sent to the minister for Local Government on the 28<sup>th</sup> October 2019.

Submission closed on the 21<sup>st</sup> November 2019 at 12:00 noon.

The next step is consideration of any submissions received. If any alterations are made to the local law that would cause the local law to be significantly different to that initially proposed the process will need to be recommenced.

If the Local law has no alterations that would classify as significantly different then the local law can be adopted but 'absolute majority' for council to make the local law.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Council believes the cost of advertising the initial stage could be up to \$2,000.

G/L Number	Description	Budget	Actual	Available Funds
042001	Advertising	\$5,000	\$4,300	\$700

## POLICY IMPLICATIONS – Nil

## STATUTORY IMPLICATIONS

### Local Government Act 1995 (as amended)

#### 2.7. Role of council

- (1) The council —
  - (a) governs 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 2.7 amended by No. 17 of 2009 s. 4.]*

### 3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

### 3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - (a) give Statewide public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law 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;
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

*\* Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
  - (a) stating the title of the local law;
  - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —  
**making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

*[Section 3.12 amended by No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23.]*

### **3.16. Periodic review of local laws**

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give Statewide public notice stating that —
  - (a) the local government proposes to review the local law;
  - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
  - (c) submissions about the local law 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.
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.

*\* Absolute majority required.*

*[Section 3.16 amended by No. 64 of 1998 s. 7; No. 49 of 2004 s. 24.]*

### **3.17. Governor may amend or repeal local laws**

- (1) The Governor may make local laws to amend the text of, or repeal, a local law.
- (2) Subsection (1) does not include the power to amend a local law to include in it any provision that bears no reasonable relationship to the local law as in force before the amendment.
- (3) The Minister is to give a local government notice in writing of any local law that the Governor makes to amend the text of, or repeal, any of the local government's local laws.
- (4) Section 5.94 applies as if a local law made under this section by the Governor were a local law made by the local government in accordance with section 3.12.

## **Local Government (Functions and General) Regulations 1996.**

### **Part 1A — Local laws**

*[Heading inserted in Gazette 11 Sep 1998 p. 4927.]*

#### **2A. Matters about which local laws are not to be made (Act s. 3.5)**

Local laws are not to be made —

- (a) requiring the payment of fees or charges for the parking of vehicles on any land under the care, control or management of a local government in any part of the district of Cottesloe west of Broome Street; or
- (b) enabling such a requirement to be imposed.

[Regulation 2A inserted in Gazette 11 Sep 1998 p. 4927.]

### 3. Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))

For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

[Regulation 3 inserted in Gazette 31 Mar 2005 p. 1057; amended in Gazette 27 Sep 2011 p. 3846.]

## Interpretation Act 1984

Section 43(4) describes the requirements to amend subsidiary legislation S3.16 of the Act requires the Council to carry out a formal review of its Local Laws every 8 years.

Following the review of the Local Laws any amendments will be processed in accordance with S3.12 of the Act

## STRATEGIC COMMUNITY PLAN IMPLICATIONS

### 3 Governance

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

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

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

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

## Our Strategic Priorities and Goals

In recognition of our community's aspirations, we have identified seven key strategic priorities. These strategic priorities represent our ultimate community aspirations and, with Council's assistance, will strive to achieve to become a Shire that displays strength, unity, leadership and diversity.

Theme 3: Leadership							
To be led by an open, honest and transparent government.							
3.1	Our Elected Representatives provide effective, respected and progressive leadership.	3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.			✓	

	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.	✓		✓		
	3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓		✓		
	3.1.4	To actively pursue a positive community spirit and support.	✓		✓		

## Our Stakeholders and Partners

The community recognises that whilst Council can lead and facilitate the delivery of many of these strategies and goals, the successful implementation of these initiatives will also be largely dependent on participation by other external parties, such as community groups, and State and Federal Government agencies. Listed below are the key stakeholders who may influence the successful delivery of each of Council's goals.

<b>Theme 3: Leadership</b>							
3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.	✓					
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.	✓	✓				
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.	✓	✓				
3.1.4	To actively pursue a positive community spirit and support.	✓	✓				

### An Overview

Our community has identified a desire to have a Council that is honest, transparent and open. An effective Council should:

- Encourage and be open to community consultation;
- Encourage community participation and community involvement;
- Provide greater opportunities for community participation in activities and events;
- Actively pursue opportunities that will unify the community and develop a stronger community spirit.

### Our Objective

- To provide the community with a strong and trusted Council, with members and representatives listening and responding to the needs of the community.

### Our Desired Outcomes

- A strong and progressive and community focused government leading the community

### Our Goals

3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
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.
3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
3.1.4	To actively pursue a positive community spirit and support.

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

**LONG TERM FINANCIAL PLAN IMPLCATIONS – Nil**

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
Personal Assistant  
General Public through advertising.

**ABSOLUTE MAJORITY REQUIRED – YES**

**STAFF RECOMMENDATION**

*That Council:-*

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft Animals, Environment and Nuisance Local Law 2019*
2. *Adopts the attached Shire of Kellerberrin Animals, Environment and Nuisance Local Law 2019 without modification in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
  - *Stating the title of the Local Law*
  - *Summarizing the purpose and effect (specifying the day it comes into affect)*
  - *Advising that copies are available at the Council office for inspection.*

**BY ABSOLUTE MAJORITY**

**COUNCIL RESOLUTION**

**MIN231/19 MOTION - Moved Cr.Steber                      2<sup>nd</sup> Cr. O'Neill**

*That Council:-*

1. *Acknowledges the submissions received during the advertising period, in accordance with Section 3.12 of the Local Government Act 1995, of the draft Animals, Environment and Nuisance Local Law 2019*
2. *Adopts the attached Shire of Kellerberrin Animals, Environment and Nuisance Local Law 2019 without modification in accordance with the provisions of the Local Government Act 1995.*
3. *Publishes the Local Law in the Government Gazette and gives a copy to the Minister and any other Minister that administers the Act under which the local law is proposed as per Section 3.12 (5) Local Government Act 1995*
4. *Gives Local Public Notice after the Local Law has been gazetted;*
  - *Stating the title of the Local Law*
  - *Summarizing the purpose and effect (specifying the day it comes into affect)*
  - *Advising that copies are available at the Council office for inspection.*

**CARRIED    6/0**  
**ABSOLUTE MAJORITY**



<b>Agenda Reference:</b>	11.1.9
<b>Subject:</b>	Council Policy Manual Review
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	Policy Manual
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	5 December 2019
<b>Author:</b>	Ms Kate Dudley, Deputy Chief Executive Officer

## BACKGROUND

Council undertakes an annual review of its policies and determines new or updated policies to guide its day to day operations and responsibilities in regards to its adopted structure and legislative requirements.

The review process has been underway for four month. At the August Council Meeting, it was decided -

*That Council;*

1. *adopts the proposed template as it's format for Council existing policies*
2. *instructs the CEO to have this process completed December 2019*
3. *rescinds Council Policies;*
  - a. *Debt recovery policy debtors*
  - b. *Debt recovery policy rates*
  - c. *Payment approval process*
  - d. *Budget preparation*
  - e. *Financial activity statement – Material variance report*
  - f. *Sale of land housing proceeds*
  - g. *Use of council facilities and plant*
  - h. *Smoking council buildings*
  - i. *Supply of council notice papers minutes and information*
  - j. *Release of unconfirmed minutes*
  - k. *Councilor agenda availability*
  - l. *Advertising of public notice*
  - m. *Signature stamp- Shire President*
  - n. *Office Hours*
  - o. *Use of council vehicles*
  - p. *Internal and & email use*
  - q. *Customer Service Charter and Policy*
  - r. *Master Key authorisation*
  - s. *Legislative compliance*
  - t. *Community engagement policy*
  - u. *Staff annual leave*
  - v. *Rostered day off – inside staff*
  - w. *Rostered day off – outside staff*
  - x. *Uniforms*
  - y. *Provisions of outside staff uniforms*
  - z. *Confidential business*
  - aa. *Notice of ordinary meetings*
  - bb. *Council delegates policy confidential business*
  - cc. *Model of code of conduct*
  - dd. *Use of council chambers*
  - ee. *Noise abatement*
  - ff. *Visitor management*
  - gg. *Council members*

## COMMENT

The current Policy Manual includes a number of operation processes. It is proposed that the manual be separated into two documents, a Council Policy Manual and an Operational Procedures Manual.

Policy making is an important function of local government. Policies guide decision making and therefore affect all those who may be impacted by a decision.

Officers are of the view that:

1. There should be a review of the Council Policies with the intent that a Council Policy:
  - a. Should deal with higher level objectives and strategies;
  - b. Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and
  - c. Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.
2. As part of that review, any existing Council Policy should be rescinded where it could, more sensibly, be dealt with by an operational procedure adopted by the CEO

All existing council policies have been transferred to the new template (as adopted by council).

New Policies:

- Access and Inclusion
- Community Engagement
- Welcome to Country
- Complaints Handling
- Placement of temporary Grave Markers and Fences

Amended Policies:

Rescinded Policies:

- False Fire Alarm
- Home Occupation
- Rubbish Tip – Burning Off
- Sale of used grader blades, batteries and oil
- School Bus Stop Sign
- Security Procedures for Digital and Computer Equipment
- Swimming Pool Shade Sails
- Telephones in Council Houses
- Truck, Trailer Combinations – Vehicle Movements
- Vehicle Inspections
- Enforced Harvest Bans Due to Fire
- Prohibited Burning Times
- Restricted Burning Period

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

## 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:**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

- 1. Relationships that bring us tangible benefits (to the Shire and our community)
- 2. Our lifestyle and strong sense of community
- 3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

#### **CORPORATE BUSINESS PLAN IMPLICATIONS**

(Including Workforce Plan and Asset Management Plan Implications)

#### **LONG TERM PLAN IMPLICATIONS:**

Nil (not applicable at this date and therefore unknown)

#### **COMMUNITY CONSULTATION:**

Council has a legislative requirement to consider and determine Policies.

#### **STAFF RECOMMENDATION**

*That Council;*

- 1. *rescinds Council Policies;*
- 2. *adopts the proposed Council Policy Manual*

## COUNCIL RESOLUTION

**MIN 232/19 MOTION** - Moved Cr. Reid     2<sup>nd</sup> Cr. O'Neill

***The item lay on the table until the February Meeting.***

**CARRIED    6/0**

**REASON:** Council wished to have additional time to review the document.

NOT CONFIRMED

<b>Agenda Reference:</b>	11.1.10
<b>Subject:</b>	Annual Report/Annual Financial Report Audit Results for the Year Ending 30 June 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	FIN-01
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	12 November 2019
<b>Author:</b>	Ms Kate Dudley, Deputy Chief Executive Officer

## BACKGROUND

Below is recommended resolution for the Audit Committee Meeting that is occurring prior to the Ordinary Council meeting, should the motion be amended Council will be advised accordingly at the meeting.

Council's Audit Committee Meeting – 17<sup>th</sup> December 2019.

*That the committee recommend to council that it;*

- 1. accept the 2018-2019 Annual Report (Attachment A);**
- 2. accept the 2018/19 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);**
- 3. note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and**
- 4. determine that the annual general electors' meeting be held on Thursday 6<sup>th</sup> February 2020 commencing at 5.30pm in the Cuolahan/Cottle Room at the Kellerberrin Recreation and Leisure Centre.**

Council's November Ordinary Meeting of Council – 19<sup>th</sup> November 2019.

## COUNCIL RESOLUTION

**MIN 207/19 MOTION** - Moved Cr. O'Neill

2<sup>nd</sup> Cr. Steber

***That Council lay the matter on the table until the Auditors Report has been provided by the OAG and tabled at an Audit Committee meeting.***

**CARRIED 6/0**

**REASON:** *The Auditors Report wasn't made available by the auditors or OAG at the time of the meeting.*

This report presents the Shire of Kellerberrin 2018-2019 Annual Report (Annual Report) for Council acceptance in accordance with the *Local Government Act 1995* (the Act) and seeks endorsement of a date for the holding of the annual general electors' meeting.

The Shire produces an annual report of activities at the conclusion of each financial year, in accordance with the requirements of the Act, as outlined in the Statutory Implications section of this report. The Shire's Annual Report provides information about the Shire's progress over the financial year in respect of its priorities, as outlined in the Corporate Business Plan; which contribute to achievement of the goals and aspirations contained in the Strategic Community Plan.

The 2018/19 Annual Financial Statements, Auditors Report and Management Letter with attachment were received from the Office of the Auditor General on 22 November 2019, and are provided to Committee Members as attachments to this report.

Pursuant to its Instrument of Appointment, it is relevant that the Audit Committee considers the 2018/19 Annual Financial Statements, Auditors Report and Management Letter and where appropriate, makes recommendation/s in respect of these reports.

In addition, the local government is required to meet with its auditor at least once every year in accordance with section 7.12A(2) of the Local Government Act 1995 (the 'Act').

## **OFFICER COMMENT**

On 18 November 2019 the Chief Executive Officer and the Deputy Chief Executive Officer attended (via phone) the Final Audit exit interview. The OAG has since provided their audit report, opinion and signed Annual Financial Statements on 29 October 2019; attached to this report. The following finding were recorded:

Audit Misstatements: There was 1 unadjusted difference relating to a supplier invoice for services provided in June 2019 amounting to \$31,390 which was not accrued as a liability at 30 June 2019

Per the Final Management Letter:  
No issues

Matter indicating significant adverse trends in the financial position

The Shire's Operating Surplus Ratio and Asset Renewal Funding Ratio has been below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the past two years. This indicates a significant adverse trend in the financial position of the Shire. This significant adverse trend will be reported in the Auditor's report.

The OAG have confirmed that the Shire has been provided with an unqualified audit opinion (clear audit).

The Audit Committee should note the following Auditors comments:

### ***Opinion***

I have audited the annual financial report of the Shire of Kellerberrin which comprises the Statement of Financial Position as at 30 June 2019, the Statement of Comprehensive Income by Nature or Type, Statement of Comprehensive Income by Program, Statement of Changes in Equity, Statement of Cash Flows and Rate Setting Statement for the year then ended, and notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by the Chief Executive Officer.

In my opinion the annual financial report of the Shire of Kellerberrin:

- (i) is based on proper accounts and records; and
- (ii) fairly represents, in all material respects, the results of the operations of the Shire of Kellerberrin for the year ended 30 June 2019 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards.

The Shire of Kellerberrin Annual Report 2018-2019 requires acceptance by an absolute majority of Council before being publicly released. Council is also requested to endorse the proposed date for the annual general electors' meeting.

The Financial Statements were completed and audited at the time of the audit visit with all aspects of the audit being attended to with minor changes being made following the auditors departure.

Council is continually improving its financial reporting and maintaining good Audit Reports and for this, congratulations to all staff on the efforts for the 2018-2019 financial year.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the officer recommendation.

## **POLICY IMPLICATIONS**

There are no relevant plans or policies to consider in relation to this matter.

## **STATUTORY IMPLICATIONS**

### **Local Government Act 1995 (As Amended)**

#### **5.27. Electors' general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

#### **5.54. Acceptance of annual reports**

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.

*\* Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

*[Section 5.54 amended by No. 49 of 2004 s. 49.]*

#### **5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

### **Division 4 — General**

#### **7.12A. Duties of local government with respect to audits**

- (1) A local government is to do everything in its power to —
  - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
  - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
  - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.

(4) A local government is to —

- (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
- (b) forward a copy of that report to the Minister,

by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

*[Section 7.12A inserted by No. 49 of 2004 s. 8.]*

## **Local Government (Financial Management) Regulations 1996**

### **51. Completion of financial report**

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.

*[Regulation 51 amended in Gazette 18 Jun 1999 p. 2639; 20 Jun 2008 p. 2726.]*

## **STRATEGIC PLAN IMPLICATIONS**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

- 1. Relationships that bring us tangible benefits (to the Shire and our community)
- 2. Our lifestyle and strong sense of community
- 3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## **FUTURE PLAN IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

No external stakeholder consultation was required or undertaken in relation to this matter.

## **ABSOLUTE MAJORITY REQUIRED**

Yes

## COMMITTEE/STAFF RECOMMENDATION

*That council;*

- 1. accept the 2018-2019 Annual Report (Attachment A);*
- 2. accept the 2018-19 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);*
- 3. note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and*
- 4. determine that the annual general electors' meeting be held on Thursday 6<sup>th</sup> February 2020 commencing at 5.30 pm in the Cuolahan/Cottle Room at the Kellerberrin Recreation and Leisure Centre.*

## COUNCIL RESOLUTION

**MIN 233/19 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. O'Neill**

***That Council;***

- 1. Accept the 2018-2019 Annual Report (Attachment A);***
- 2. Accept the 2018-19 Annual Financial Report including Auditors Report and Audit Management Report as per the attached documentation (Attachment B);***
- 3. Note that it has met the requirements of section 7.12A(2) of the Local Government Act with the Audit Committee, on behalf of Council, having met with a representative of the Office of the Auditor General; and***
- 4. Determine that the annual general electors' meeting be held on Thursday 6<sup>th</sup> February commencing at 5:30pm in the Cuolahan/Cottle Room at the Kellerberrin Recreation and Leisure Centre.***

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.1.11
<b>Subject:</b>	Shire of Kellerberrin – <b>Private and Confidential Items</b>
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	3 <sup>rd</sup> December, 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council wish to move behind closed doors to discuss Ass 360, Forrest Street, Kellerberrin rate recovery charges and Australia day awards nomination

## STATUTORY IMPLICATIONS

### Local Government Act 1995 (as amended)

#### 5.23. Meetings generally open to public

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



- (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

#### **STAFF RECOMMENDATION**

*That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss Ass 360, Forrest Street, Kellerberrin Rate Recovery Charges and Australia day award nominations.*

#### **COUNCIL RESOLUTION**

**MIN 234/19 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Steber

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

- 1. Ass 360, Forrest Street, Kellerberrin Rate Recovery Charges; and***
- 2. Australia day award nominations.***

**CARRIED 6/0**

2:52pm at this time the Senior Finance Officer entered the meeting.

<b>Agenda Reference:</b>	11.1.12
<b>Subject:</b>	<b>"Private and Confidential"</b> Ass 360, Forrest Street, Kellerberrin Rate Recovery Charges
<b>Location:</b>	103 Forrest Street Kellerberrin
<b>Applicant:</b>	Phillip Edwards
<b>File Ref:</b>	Ass 360
<b>Record Ref:</b>	FIN-
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	25 <sup>th</sup> November 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

This report is confidential under Section 5.23 - 2(e) (iii) of the Local Government Act 1995 in that it deals with "information about the business, professional, commercial or financial affairs of a person,".

## COUNCIL RESOLUTION

MIN 235/19 MOTION - Moved Cr.Steber 2<sup>nd</sup> Cr. O'Neill

*That Council;*

1. *write off the current outstanding balance on Assessment A360 being 10,150.01.*
2. *request the property be demolished by a licensed contractor.*

**CARRIED 6/0**

**REASON:** Council providing direction to staff regarding the residence on the property after Council is now the registered owner of the property.

3:02 at this time the Community Development Officer entered the meeting and the Senior Finance Officer left the meeting.

<b>Agenda Reference:</b>	11.1.13
<b>Subject:</b>	Shire of Kellerberrin/Australia Day Awards Nominations <b>Private and Confidential</b>
<b>Location:</b>	Australia Day Awards
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	ORG:00 & PUB:08
<b>Record Ref</b>	<b>NCR192187</b>
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	6 <sup>th</sup> December 2019
<b>Author:</b>	Natasha Giles, Community Development Officer

This report is confidential under Section 5.23 - 2(e) (iii) of the Local Government Act 1995 in that it deals with "information about the business, professional, commercial or financial affairs of a person,".

## COUNCIL RESOLUTION

MIN236 /19 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid

*That Council;*

1. ***Determine Australia Day Award Winners by secret ballot and maintain confidentiality of the nominated Australia Day Awards for 2019 until after 26 January 2020***

**CARRIED 6/0**

## COUNCIL RESOLUTION

MIN 237/19 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid

***That council move from behind closed doors***

**CARRIED 6/0**

3:49pm At this time council moved from behind closed doors and the Community Development Officer left the meeting.

<b>Agenda Reference:</b>	11.1.14
<b>Subject:</b>	WALGA State Budget Submission
<b>Location:</b>	Western Australia
<b>Applicant:</b>	WALGA and Shire of Kellerberrin
<b>File Ref:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	6 <sup>th</sup> December 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

### Great Eastern Country Zone Meeting – Thursday 28<sup>th</sup> November 2019

#### 5.1 2020-21 State Budget Submission

##### WALGA Recommendation

That WALGA's submission to the State Government in advance of the 2020-21 Budget be endorsed.

Each year WALGA provide the State Government with items for consideration into the upcoming budget discussions and with the current climate of limited funds to undertake projects/tasks and the expectations increasing it is important for additional submissions to be received by the State in addition to WALGA's.

##### COMMENT

Within the State Budget submission compiled by WALGA there was four (4) Strategic Themes identified that required additional funds to ensure its capacity to deliver.

These areas consist of;

1. Empowering Local Government Initiatives
2. A Strategic approach to economic development in WA
3. Investing in important local infrastructure
4. Ensuring a sustainable environment for our communities.

Within the four Strategic Themes WALGA has put forward 20 Initiatives totally \$297 million across the four year forward estimates period, with \$91 million of this spend recommended in the 2020-21. Some 87% of the total funding ask is contained with just six initiatives – demonstrating WALGA's funds are targeted and are not extensive. In addition, WALGA has suggested a reprioritization of expenditure from specific existing sources of funding for the majority of initiatives, in order to ensure future budget surpluses are maintained.

Many of the high spend initiatives recommended by WALGA can be implemented relatively quickly, and would provide significant support to the domestic economy and domestic jobs in the immediate term. Given the unexpected economic softness that has been experienced over the past 12 months in the construction and services sectors, and in household consumption, this should be a priority of the WA Government.

Please find below the twenty (20) initiatives through the four Strategic Themes and WALGA's recommendations around these initiatives.

## **Empowering Local Government Initiatives**

### **1. Review of Local Government Act - \$1 million over two years (2020-21 and 2021-22)**

Provide sufficient funding and resourcing for the drafting and development of the new Local Government Act.

### **2. Inquiry into Local Government Responsibilities and Income Sources – Nil (Absorbed by the ERA's existing budget for enquiries)**

Conduct an Inquiry to review Local Government responsibilities and income sources.

### **3. Funding for Universal Training - \$3.6 million over the 2020-21 Budget Forward estimates period.**

Provide funding for Elected Member Universal Training.

### **4. Local Government Capacity Building - \$600,000 per annum**

Provide funding to WALGA via a Service Level Agreement to provide capacity building support to the Local Government sector.

### **5. State Industrial Relations Review - \$1 million over 2 years (2020-21 and 2021-22)**

If the State Government enforces the transfer of all Local Governments to the State Industrial Relations (IR) system, provide funding for associated transitional costs and to modernise the State IR system.

## **A Strategic approach to Economic Development in WA.**

### **6. Frameworks for Regional Development - \$200,000 in 2020-21 (framework development costs only)**

Develop and implement a Framework for Regional Development

### **7. Localize Economic Development - \$300,000 in 2020-21 (excluding Regional Economic Development Strategy implementation costs)**

Pilot a place based, localized approach to regional economic development.

### **8. Strengthen Existing Structures – Negligible costs**

Strengthen existing economic development structures in WA.

## **Investing in Important Local Infrastructure**

### **9. Infrastructure WA – Nil (Absorbed by Infrastructure WA's existing budget)**

Consult appropriately with Local Government for Infrastructure WA's 20 year State Infrastructure Plan.

### **10. State Road Funds to Local Government – Nil (Adjustment of funding share between main and local roads)**

Increase the funding to Local Governments as part of the State Roads Fund to Local Government Agreement from 20% to 27% of motor vehicle licence fee revenue.

**11. Commodities Freight Route Fund - \$10 million over two years (2021-22 and 2022-23)**

Extend the existing Agricultural Commodity Freight Routes Fund for a further two years.

**12. Regional Run-Off Road Crash Program - \$15.3 million over four years 2020-21 to 2023-24)**

Develop and implement a Regional Run-off Road Crash Program for Local Government Roads.

**13. Community and Regional Level Sports Infrastructure – An additional \$10 - \$12 million per annum for the CSRFF and an additional \$2.3 million over four years (2020-21 to 2023-24 for the Regional Sports Facilities Investment Strategy (excluding implementation)**

Increase the annual amount of grant funding available in the Community Sport and Recreation Facilities Fund (CSRFF) to \$25 million and develop a long-term, Regional Sports Facilities Investment Strategy.

**14. Upgrade Street Lighting - \$95 million over three years (2020-21 to 2022-23)**

Develop and implement a program to replace all mercury vapour street lights with LED luminaires over a three year period, 2020-21 to 2022-23

**Sustainable Environment Initiatives**

**15. State Urban Forest Strategy - \$30 million over four years (2020-21 to 2023-24)**

Develop and implement a State Urban Forest Strategy in WA.

**16. Coast WA - \$55 million over four years (2020-21 to 2023-24)**

Aggregate and increase the existing level of resourcing for coastal management activities, rebranding future activities under the banner of the CoastWA Program.

**17. Transparent Funding for Emergency Services - \$100,000 in 2020-21**

Engage a suitably qualified consultant to undertake activity based costing of the Department of Emergency Services' (DFES) operations

**18. Roadside Reserve Management - \$4 million over four years (2020-21 to 2023-24)**

Implement a program to promote and coordinate the management of vegetation in rural road reserves in WA.

**19. Strategic Waste Management - \$15 million in 2020-21**

Fund the implementation of waste management initiatives that are focused on reducing contamination and increasing resource recovery from the kerbside recycling bins.

**20. Recycling Infrastructure - \$16 million over two years (2020-21 to 2021-22)**

Establish a grant funding program for the construction, or upgrade, of recycling sorting and processing infrastructure in both metropolitan and non-metropolitan areas.

**FINANCIAL IMPLICATIONS** – Not known at this stage.

**POLICY IMPLICATIONS**

**STATUTORY IMPLICATIONS-** Nil at this time

**STRATEGIC PLAN IMPLICATIONS** - Nil

**FUTURE PLAN IMPLICATIONS** - Nil

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Deputy Chief Executive Officer  
GECZ

**STAFF RECOMMENDATION**

*That Council:*

1. *Supports the 20 funding initiatives within the WALGA State Budget Submission.*
2. *Instructs Councils Chief Executive Officer to write to:*
  - a. *WALGA providing written support for the State Budget Submission as presented while providing examples of the benefit to the Shire of Kellerberrin where applicable.*
  - b. *Our current State Members supporting the twenty (20) initiatives as presented while providing examples of the benefit to the Shire of Kellerberrin where applicable.*

## **COUNCIL RESOLUTION**

**MIN 238/19 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Talbot

*That Council:*

1. *Supports the 20 funding initiatives within the WALGA State Budget Submission.*
2. *Instructs Councils Chief Executive Officer to write to:*
  - a. *WALGA providing written support for the State Budget Submission as presented while providing examples of the benefit to the Shire of Kellerberrin where applicable.*
  - b. *Our current State Members supporting the twenty (20) initiatives as presented while providing examples of the benefit to the Shire of Kellerberrin where applicable.*

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.1.15
<b>Subject:</b>	Direct Debit List and Visa Card Transactions for the month November 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	2 <sup>nd</sup> December 2019
<b>Author:</b>	Brett Taylor, Senior Finance Officer

## BACKGROUND

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

### Municipal Direct Debit List

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
1-Nov-19	NAB	Merchant Fees - Trust		11.00
1-Nov-19	NAB	Merchant Fees - Caravan Park		51.90
1-Nov-19	NAB	Merchant Fees - Shire		122.29
1-Nov-19	Westnet	Internet Fees		144.94
1-Nov-19	NAB	Merchant Fees - CRC		243.74
5-Nov-19	Shire of Kellerberrin	Creditors		122,300.48
7-Nov-19	Department of Transport	Vehicle Inspection Fees		164.82
8-Nov-19	Shire of Kellerberrin	Creditors		11,663.36
12-Nov-19	Department of Housing	Rent		420.00
13-Nov-19	DLL	Photocopier Lease		265.21
14-Nov-19	Shire of Kellerberrin	Pay Run		53,035.85
20-Nov-19	Shire of Kellerberrin	Superchoice		94.68
20-Nov-19	Shire of Kellerberrin	Superchoice		8,551.19
20-Nov-19	Shire of Kellerberrin	Superchoice		8,573.53
21-Nov-19	Shire of Kellerberrin	Creditors		240,915.84
25-Nov-19	Shire of Kellerberrin	ATO - BAS October		5,212.00
26-Nov-19	Department of Housing	Rent		420.00
28-Nov-19	Shire of Kellerberrin	Pay Run		51,366.02
28-Nov-19	NAB	Bank Fees		54.73
29-Nov-19	NAB	Bank Fees		32.20
29-Nov-19	NAB	Bank Fees		10.00
29-Nov-19	NAB	Bank Fees		46.70
29-Nov-19	NAB	Bank Fees - Merchant Fees Trust		2.89
29-Nov-19	NAB	Bank Fees - Merchant Fees Caravan		51.90
29-Nov-19	NAB	Bank Fees - Merchant Fees CRC		119.76
29-Nov-19	NAB	Bank Fees - Merchant Fees Shire		135.60
29-Nov-19	Shire of Kellerberrin	Superchoice		8,744.91
<b>TOTAL</b>			<b>\$</b>	<b>512,755.54</b>

### Trust Direct Debit List

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
29-Nov-19	Department of Transport	Licencing November 2019		39,020.05
<b>TOTAL</b>			<b>\$</b>	<b>39,020.05</b>

Visa Transactions



Date	Name	Details	\$	Amount
06-Nov-19	Florsheim Australia	Shoes CEO & SFO		349.90
11-Nov-19	Crown Towers	Accommodation LG Pro Conference		1,194.67
28-Nov-19	NAB	Card Fee		9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>1,553.57</b>

Date	Name	Details	\$	Amount
31-Oct-19	Target	Kettle Admin Office		29.00
01-Nov-19	DWER - Water	Licence Waste Transfer Station		324.80
11-Nov-19	Live Taxi Australia	Parking LG Pro Conference		19.85
11-Nov-19	Panchos Mexican	Refreshments LG Pro Conference		2,108.00
11-Nov-19	K-Mart	Caravan Park Linen Etc		1,434.18
11-Nov-19	Crown Towers	Accommodation LG Pro Conference		976.07
25-Nov-19	SJG Murdoch	Parking FOI Conference		21.00
27-Nov-19	Shire of Kellerberrin	Licencing KE05		44.45
28-Nov-19	Local Government Management	Local Government Workshop		350.00
28-Nov-19	NAB	Card Fee		9.00
<b>TOTAL -DCEO</b>				<b>5,316.35</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$</b>	<b>6,869.92</b>

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2019/2020

## 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 —
- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - budget estimates to the end of the month to which the statement relates;
  - actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - 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 —
- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - an explanation of each of the material variances referred to in subregulation (1)(d); and
  - such other supporting information as is considered relevant by the local government.

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

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

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

*Be adopted.*

**COUNCIL RESOLUTION**

**MIN 339/19 MOTION - Moved Cr. Steber**

**2<sup>nd</sup> Cr. McNeil**

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

*Be adopted.*

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.1.16
<b>Subject:</b>	Cheque List November 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	3 <sup>rd</sup> December 2019
<b>Author:</b>	Zenedelle Arancon, Finance Officer

## BACKGROUND

Accounts for payment from 1<sup>st</sup> November - 31<sup>st</sup> November 2019

## TRUST

<b>TRUST TOTAL</b>	<b>\$ 103,923.13</b>
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## MUNICIPAL FUND

### Cheque Payments

34684-34694

**\$ 26,683.95**

### EFT Payments

10113-10223

**\$ 370,110.63**

### Direct Debit Payments

**\$ 25,320.33**

### TOTAL MUNICIPAL

**\$ 422,114.91**

## COMMENT

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

<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	<b>\$ 62,755.80</b>
LICENCING PAYMENT OCTOBER 2019	

<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	<b>\$ 39,020.05</b>
LICENCING PAYMENT NOVEMBER	

<b>Rockway Contracting</b>	<b>\$ 35,557.50</b>
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Excavator & tree trimming McNeil Rd, Baandee Nth Rd, McDonnell Rd & Kwolyin East Rd. October 2019

<b>WestCoast Profilers</b>	<b>\$ 25,575.00</b>
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Excavation of road base on Bath St. & Chambers St.  
Profile shift rate minimum 10 hrs

<b>Tom's Tree Service</b>	<b>\$ 23,870.00</b>
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Tree removal October 2019

<b>Trisley's Hydraulic Services PTY LTD</b>	<b>\$ 22,330.00</b>
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Replace gas shut down system

<b>Brooks Hire Service Pty Ltd</b>	<b>\$ 22,268.45</b>
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Hire rollers & graders September 2019

<b>R Munns Engineering Consulting Services</b>	<b>\$ 20,860.05</b>
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Consulting work for Mather Rd. works

<b>Merredin Refrigeration &amp; Gas</b> Consulting work for Mather Rd. works	\$ 15,059.92
<b>Synergy</b> Power consumption for various properties in October 2019	\$ 11,851.54
<b>Brooks Hire Service Pty Ltd</b> Hire of grader & rollers for month of August 2019	\$ 11,663.36
<b>United Card Services Pty Ltd</b> Fuel Purchases, October 2019	\$ 11,455.77
<b>Western Australian Treasury Corporation</b> Loan No. 119 - Construct CEACA	\$ 11,140.49
<b>Farmways Kellerberrin Pty Ltd</b> Purchase TV for caravan park; uniforms for outside crew; gas bottles for caravan park; replacement hose for pool and misc. items for under \$200.00	\$ 10,598.75
<b>Farmways Kellerberrin Pty Ltd</b> Purchase of tools & consumables for various works.	\$ 9,211.26
<b>Perfect Computer Solutions</b> Purchase computer monitors for Shire office & monthly IT services	\$ 8,854.00
<b>Great Southern Fuel Supplies</b> Bulk Fuel and Fuel card purchases for October 2019	\$ 8,128.12
<b>Avon Waste</b> Dom/Com rubbish transport, recycling October 2019	\$ 7,737.54
<b>Newground Water Services PTY LTD</b> Supply parts for watering at the GSG oval	\$ 7,687.90
<b>Mineral Crushing Services WA PTY LTD</b> Aggregate for Bath & Chambers Streets October-November	\$ 7,437.76
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll deductions	\$ 7,024.35
<b>Sam Williams</b> Hire of semi October 2019	\$ 6,864.00
<b>WA Local Government Superannuation Plan Pty Ltd</b> Payroll deductions & Superannuation contributions	\$ 6,834.04
<b>Innes &amp; Co</b> Semi hire for October 2019	\$ 6,756.75
<b>Action Solution</b> Relocate accommodation units, truck hire, mobilize, demobilize & purchase of donuts October 2019	\$ 6,402.00
<b>Great Southern Fuel Supplies</b> Bulk Diesel fuel supplied for October 2019	\$ 6,225.91
<b>Mcleods Barristers And Solicitors</b> Professional fees for contractual dispute basketball courts & Hammond Street building order	\$ 5,369.61

**Deputy Commissioner Of Taxation**  
PAYG Tax

\$ 5,212.00

**Moore Stephens**

Compilation of monthly Financial Statements, Compilation & submission of  
monthly Business Activity Statement, Compilation & submission of Fringe Benefit  
Return October 2019

\$ 5,066.60

Shire of Kellerberrin 2019/2020 Operating Budget

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

**11. Payment of accounts**

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

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

**12. Payments from municipal fund or trust fund**

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

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

**13. Lists of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to

be prepared each month showing for each account paid since the last such list was prepared —

- (a) The payee's name;
  - (b) The amount of the payment;
  - (c) The date of the payment; and
  - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) For each account which requires council authorisation in that month —
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) Sufficient information to identify the transaction;
  - And
  - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) Recorded in the minutes of that meeting.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil**

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

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION - Nil**

**ABSOLUTE MAJORITY REQUIRED**

**NO**

**STAFF RECOMMENDATION**

*That Council notes that during the month of October 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 **\$422,114.91** on vouchers EFT, CHQ, Direct payments*
2. *Trust Fund payments totalling **\$103,923.13** on vouchers EFT, CHQ, Direct payments*

# COUNCIL RESOLUTION

MIN 240/19 MOTION - Moved Cr. McNeil

2<sup>nd</sup> Cr. Steber

***That Council notes that during the month of November 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 \$422,114.91 on vouchers EFT , CHQ, Direct payments***
- 2. Trust Fund payments totalling \$103,923.13 on vouchers EFT, CHQ, Direct payments***

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.1.17
<b>Subject:</b>	Financial Management Report for November 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	
<b>Date:</b>	5 December 2019
<b>Author:</b>	Kate Dudley, Deputy Chief Executive Officer

## BACKGROUND

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

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Management of 2019/2020 Budget.

## 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**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

Nil

## **TEN YEAR FINANCIAL PLAN IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

Nil

## **ABSOLUTE MAJORITY REQUIRED**

Yes

## **STAFF RECOMMENDATION**

*That the Financial Report for the month of November 2019 comprising;*

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

*Be adopted.*

## **COUNCIL RESOLUTION**

**MIN 241/19 MOTION - Moved Cr. Reid**

**2<sup>nd</sup> Cr. McNeil**

***That the Financial Report for the month of November 2019 comprising;***

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

***Be adopted.***

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Building Returns: November 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Various
<b>File Ref:</b>	BUILD06
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	4 <sup>th</sup> December 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

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 **17 December 2019**

Date	Name	Item No.	Reason
17 <sup>th</sup> December 2019	Cr. Dennis Reid	11.2.1	Brother in law is the builder and wife works for applicant.

### 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 six (6) applications received for a "Building Permit" during the October period. A copy of the "Australian Bureau of Statistics appends".
2. There was three (3) "Building Permits" issued in the October period. See attached form "Return of Building Permits Issued".

### FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

### POLICY IMPLICATIONS

NIL

### STATUTORY IMPLICATIONS

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

### STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

### CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

(Including Workforce Plan and Asset Management Plan Implications)

### TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

### COMMUNITY CONSULTATION

Building Surveyor  
Owners  
Building Contractors

**ABSOLUTE MAJORITY REQUIRED – NO**

**STAFF RECOMMENDATION**

*That Council*

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

**COUNCIL RESOLUTION**

**MIN242 /19 MOTION** - Moved Cr. O'Neill    2<sup>nd</sup> Cr. McNeil

*That Council*

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

**CARRIED    6/0**

<b>Agenda Reference:</b>	11.2.2
<b>Subject:</b>	Development Application: Shed
<b>Location:</b>	Lot 501 Harrison Street, Doodlakine
<b>Applicant:</b>	Jamie Pascoe and Jessica Scott
<b>File Ref:</b>	A896
<b>Record Ref:</b>	BP 29-2019
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	27 <sup>th</sup> of November 2019
<b>Author:</b>	Mr Lewis York, Town Planner

## BACKGROUND

An application has been received from Mr. Jamie Pascoe for the construction of an outbuilding at Lot 501 Harrison Street, Doodlakine. The application is for a 96m<sup>2</sup> garage/ shed and requires Council approval due to exceeding Councils outbuildings policy (100m<sup>2</sup> of cumulative outbuilding area). The development will take place at the former Doodlakine School site, which is now zoned 'Rural Townsite' and coded R10 under the Scheme. Infrastructure on the lot includes two sheds along with two buildings.



## PLANNING ASSESSMENT

### *Planning Scheme No.4*

3.2.3 Rural Townsite Zone (a) To allow for a wide range of land uses such as may be found in a small country town, but subject to preservation of local amenities

## R-Codes

The Residential Design Codes (R-Codes) apply to this application as the land is Coded (10). The R-Codes set out development standards, most of which apply to this application.

### Setbacks (Table 2b)

The proposal satisfies the setback requirements of the codes

Min Secondary: 3m

Proposed setback: 3.8m

### Minimum Open Space Requirements (Table 1)

Minimum Open Space required by R-Codes: 60%

Area of Buildings: 499 m2 (including dwellings and outbuildings)

Lot Area: 6477m2

Open Space on lot: 87%

The new shed will not exceed open space requirements for the lot. As the lot is one of the largest residential lots in townsites area, open space is not seen as an issue.

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

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

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

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

Table 2b: Boundary setbacks - Walls with major openings

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

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

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

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

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

#### Legend

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

## Using Discretion

R-Codes – State Planning Policy 3.1 Residential Design Codes.

### 2.5 Exercise of judgement

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

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

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

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

**2.5.3** - The decision-maker shall not vary the minimum or average site area per dwelling requirements set out in Table 1 (except as provided in the R-Codes or the scheme).

As the application does not satisfy all the provisions of the R-Codes (principles C3iii and iv), Council can use its discretion to either;

- a) approve
- b) approve with conditions or
- c) refuse the application under clause 2.4 of the R-Codes.

As the proposal breaches one of the R Codes requirements (table 2-setbacks) Council approval is required and therefor discretion can be applied.

### 2.3 Planning approval for single houses on small lots

Planning approval is required for the erection of a single house on any lot smaller than 260m<sup>2</sup>, except where the single house complies with a **local structure plan** or **local development plan**.

### 2.4 Judging merit of proposals

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

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

### 2.5 Exercise of judgement

#### 2.5.1

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

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

#### 2.5.2

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

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

#### 2.5.3

The **decision-maker** shall not vary the minimum or average **site area** per **dwelling** requirements set out in **Table 1** (except as provided in the R-Codes or the **scheme**).

#### 2.5.4

The **decision-maker** shall not refuse to grant approval to an application where the application satisfies the **deemed-to-comply** provisions of the R-Codes and the relevant provisions of the **scheme** and any relevant **local planning policy**.

#### 2.5.5

For the purpose of the R-Codes, a **local structure plan**, **local development plan** or **local planning policy**, will only be a relevant consideration in the exercise of judgement where it is:

- (a) specifically sanctioned by a provision of the R-Codes;
- (b) consistent with the **design principles** of the R-Codes; and
- (c) consistent with the objectives of the R-Codes.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

NIL

## POLICY IMPLICATIONS

## Local Planning Policy- Outbuildings

### 7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

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

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

##### 7.1.1 In addition to the deemed-to-requirements of Part 5.4.3, C3 iii, iv and v of the R-Codes\*, the following shall apply:

\*(Part C3:i, ii, vi and viii of the R-Codes are still applicable)

R-Coded Areas and Zones:	Gross Total Area of Outbuildings (m <sup>2</sup> or % of site area)	Wall Height (m)	Ridge Height* (m)
<b>R2</b> (Residential and Rural Residential)	200m <sup>2</sup> or 10% of the site area, whichever is lesser	4	5.5
<b>R 2.5 - 5</b> (Residential)			
Lots less than 2000m <sup>2</sup>	150m <sup>2</sup> or 10% of the site area, whichever is lesser	3.5	4.5
Lots greater than 2000m <sup>2</sup>	180m	3.5	4.5
<b>R 10-40</b> (Residential and Rural Townsite)			
Lots less than 1000m <sup>2</sup>	80m <sup>2</sup> or 10% of the site area, whichever is lesser	3.5	4.5
Lots greater than 1000m <sup>2</sup>	100m <sup>2</sup> or 10% of the site area, whichever is lesser	3.5	4.5

\*(Maximum Ridge Height is to be measured from natural ground level)

#### Area of outbuildings:

Allowed under LPP: 100m<sup>2</sup>

Proposed: 238m<sup>2</sup>

Wall Height under LPP: 3.5m

Proposed: 3.5m

Ridge Height LPP: 4.5m

Proposed: 4.5m

The proposal exceeds the 100m<sup>2</sup> maximum allowed for outbuildings. However it is noted that Council in the past have allowed applicants to exceed this standard if it is demonstrated that the open space requirements will not be impacted. In this case the large block size and history of the site should be taken into account.

#### STATUTORY IMPLICATIONS

As Above

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

#### CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

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

#### COMMUNITY CONSULTATION:



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

## STAFF RECOMMENDATION

*That Council grants conditional development approval for the construction of an outbuilding that will exceed the following prescriptions;*

- i. 238.1m<sup>2</sup> of Gross Total area of Outbuilding with the Local Planning Policy 'Outbuildings' - 7.1.1 Gross total area of Outbuildings being 100m<sup>2</sup>;*
- ii. 3.8m Primary Street Setback with the Residential Design Codes – Table 1 Primary Street setback being 7.5m.*

## GENERAL CONDITIONS:

- 1. The proposed shed be in colour schemes to suit the current dwelling or fencing to ensure the outbuildings fit aesthetically with the area.*
- 2. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to the issue of a Building Permit.*
- 3. Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- 4. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- 5. Use of the building shall be for domestic purposes only; and*
- 6. The outbuilding shall not be used for human habitation at any given time.*
- 7. The development hereby permitted taking place in accordance with the plans dated 28th October 2019.*
- 8. The Development Approval is subject to the payment of associated Development Application Fees.*

*Advice Note: Planning approval is not considered building approval. A building permit shall also be obtained.*

# COUNCIL RESOLUTION

MIN 243/19 MOTION - Moved Cr. O'Neill

2<sup>nd</sup> Cr. Steber

*That Council grants conditional development approval for the construction of an outbuilding that will exceed the following prescriptions;*

- iii. 238.1m<sup>2</sup> of Gross Total area of Outbuilding with the Local Planning Policy 'Outbuildings' - 7.1.1 Gross total area of Outbuildings being 100m<sup>2</sup>;*
- iv. 3.8m Primary Street Setback with the Residential Design Codes – Table 1 Primary Street setback being 7.5m.*

## **GENERAL CONDITIONS:**

- 1. The proposed shed be in colour schemes to suit the current dwelling or fencing to ensure the outbuildings fit aesthetically with the area.*
- 2. Further to this Approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations 2012 which are to be approved by the Shire of Kellerberrin prior to the issue of a Building Permit.*
- 3. Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- 4. The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- 5. Use of the building shall be for domestic purposes only; and*
- 6. The outbuilding shall not be used for human habitation at any given time.*
- 7. The development hereby permitted taking place in accordance with the plans dated 28th October 2019.*
- 8. The Development Approval is subject to the payment of associated Development Application Fees.*

*Advice Note: Planning approval is not considered building approval. A building permit shall also be obtained.*

CARRIED 6/0

### **11.3 WORKS & SERVICES – AGENDA ITEMS**

**NIL**

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

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

**CLOSURE OF MEETING**

The presiding member closed the meeting at 4:38pm.

**NEXT MEETING DATES**

Ordinary Council Meeting, Thursday, 6<sup>th</sup> February 2020