

# SHIRE OF KELLERBERRIN

## MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 12th February 2019, commencing at 2.04pm.

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

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

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

#### Present:

Cr. Forsyth	President
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. Reid	Member
Cr. Steber	Member
Cr. McNeil	Member
Mr Raymond Griffiths	Chief Executive Officer
Mr Sean Sibly	Deputy Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mr Brett Taylor	Senior Finance Officer (Exited 3.45pm)
Mrs Natasha Giles	Communtiy Development Officer (Exited 3.45pm)
Mr Town Downs	Observer (Exited 2.45pm)

#### Apologies:

Mr Lewis York                      Town Planner

#### Leave of Absence:

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

### 4. PUBLIC QUESTION TIME:

Cr Forsyth verbally read the questions provided by Mr Tony Downs, followed by Council's response to questions on notice.

Mr Downs was advised that he wouldn't be required to take notes on Council's response as Council will provide him with a copy of the answers in writing.

#### QUESTION ONE:

***Given the Kellerberrin Shire has increased rates to the community by a somewhat larger margin than most other shires in the state, is this Council planning on using or setting aside a portion of the extra rate money received in the coming 3 years, commencing in the current year 2019 to upgrading the streets of the town as they are looking more lipaidated as each new year passes, putting tar in potholes is a band aid solution that makes the overall appearance eof the street a lot worse, and is not an ideal look for visiotrs ot the town, nor is it satisfactory to the ratepayers who drive on the streets, also a lack of landscaping on the streets tends to pull the whole overview of the town down.***

Council's Response provided verbally by Mr President.

1. Council currently in this year's budget haven't set aside any funds to reserves specifically for upgrading town streets.

However Council has allocated \$62,500 from this year's budget to reserves compiling of:

- \$50,000 – Plant Replacement Reserve
- \$12,650 – Long Service Leave Reserve

Rates in the 2018/2019 Financial year increased by \$114,295 therefore 54.8% of this increase has been allocated to reserves to assist with future funding of plant replacement and staff long service leave entitlements.

An example of Town Street expenditure versus rate funding:

- Council in 2017/2018 upgraded George Street, Kellerberrin at a total cost of \$374,430.76.
- Council in 2017/2018 received \$400,435 from Kellerberrin Residential rates. This just provides an example of what an upgrade cost compares to what we receive in town rates.
- This expenditure doesn't include other town streets costs in Street Cleaning, Street Bin Collection, Footpath Maintenance and General Road Maintenance. Again this is only a comparison and doesn't include any funding we receive from State or Federal Government for road funding.

With respect to the town streets, Council over the past ten years have upgraded the following roads:

- Rason Street
- Mitchell Street
- King Street
- Connelly Street (Hinckley - Price)
- Gregory Street (Bedford – Moore), (Hinckley - King)
- George Street
- James Street (Hinckley – Moore)
- Mather Road
- Leake Street
- Price Street (King Street – 300m West)

Council in the past two years have had the Road Funding from the Federal Government Roads to Recovery Program decrease as per below table:

Financial Year	Amount (\$)
18/19	\$259,224
17/18	\$520,000
16/17	\$601,733
15/16	\$744,386

This doesn't include small reductions in State Government operating funding.

## **QUESTION TWO:**

***The Council just over 12 months ago employed a person to fill a role as a “Community Business Development Officer”, as a small business owner in this town, I would like to know when we can expect to see some results from this appointment. To date it appears as nothing is being developed or achieved, is there any plans to be implemented in calendar year 2019, and is there a time frame for matters to start happening, and most importantly is there a measurable performance-based criterion attached to this appointment. Or is this just an example of once again a “job for the boys”, with the position created which has no real meaning or purpose attached to it other than to help a mate out, and sure up some polling votes.***

Council's Response provided verbally by Mr President.

2. Council would like to advise that 18 months ago Council appointed Mr Brett Taylor to the role of Finance Officer/Community Development Officer to replace Jennine Ashby – Senior Finance Officer and Natasha Giles – Community Development Officer (Maternity Leave).

Council at no stage has employed a “Community Business Development Officer” as stated in your correspondence.

This confusion could come about as Mr Brett Taylor was undertaking the secretary role (as per Natasha Giles previous) of the Chamber of Commerce. This offer was only provided as the Chamber of Commerce wasn't in operation and nothing was coming from the business network therefore the Shire reinstated the committee and offered the services of this position to this role and have continued this on.

In response to your statements of “To date it appears as nothing is being developed or achieved”, “A measurable performance-based criterion attached to this appointment”, “job for the boys” and “position created which has no real meaning or purpose attached to it other than to help a mate out, and sure up some polling votes”.

Please find below Council's response to your statements in item 2 of your correspondence;

### ***“To date it appears as nothing is being developed or achieved”***

Council since 2014 (We just chose five years, we could go back further) has received in the order of \$34,000,000 dollars in grant funding for upgrade and renewal of infrastructure in the community. This results in more than three times the amounts of rates levied in that same period. Please find attached a summary of Council's funding register for your information and noting.

The Community Development Officer has been instrumental in the operation of the Medical Students internment and arranging the timeline for their visits including billet families. This was a very successful program for 10 years prior to a three year gap and then operational again as of last year.

It has been widely reported and commented on that the Shire of Kellerberrin was instrumental in having this return to the curriculum of the Notre Dame University and indeed has now increased with additional universities taking up this opportunity, with further more to undertake this opportunity.

***“A measurable performance-based criterion attached to this appointment”***

Each position of Council is performance-based with a performance appraisal completed annually for all staff.

***“job for the boys”***

This statement is slanderous and so far from the truth. Council's Chief Executive Officer has been working with the Shire of Kellerberrin in a capacity since 1999 and within this time a Community Development Officer position has been at the Shire, therefore your statement is ludicrous and as stated above slanderous.

***“position created which has no real meaning or purpose attached to it other than to help a mate out, and sure up some polling votes”.***

Again as stated above this comment again is slanderous and untrue.

I believe the position has real meaning and a purpose as illustrated with the amount of funding that has come to the organisation in the just the past five years. Additionally this doesn't include the operation of Australia Day Awards and in previous years Seniors Morning Tea and Volunteers of which is completed by the Community Resource Centre to assist with their continued operation.

As previously mentioned Council coordinates the Medical Students visit from Notre Dame and other universities.

**QUESTION THREE:**

***In the past couple of months two more shops have been emptied out along Massingham Street, bring the number to 3, it is not an ideal look for a small town having empty shops on the main street, and while I appreciated these buildings are privately owned and therefore the future use of said buildings is really up to the owners, has the council considered speaking to each individual owner and expressing that in the whole community's best interest it would be more ideal if the shops had retail tenants that complemented the current business's on Massingham Street, I am raising this matter because visitors to any town that has empty shops on the main street projects and image of a town on its last legs and not one to rush back to and revisit. The retailers in this town need more foot traffic from outsiders and grey nomads/tourists to keep the business's viable and having empty shops is not helping the situation.***

3. Council agrees that empty shops are not good in any community though Council feel we have been very proactive in this space previously as it has assisted/attracted the following business to the community over the past five or so years:

- Kellerberrin Pie Shop and Bakery
- Wongan Concrete Services
- Great Southern Fuels

- Expansion of Premium Grains
- Expansion of Moylan Silos
- Expansion of EDSCO
- Kellerberrin Takeaway
- Trucking Transport business
- Kellerberrin Family Day Care
- United Fuels.

Additionally Council is in current negotiations with further expansions and another purchase for industrial land.

The Central Wheatbelt Visitors Centre have advised through surveys and discussion with visitors to Kellerberrin the foot traffic has increased in the community through the construction of the new Centenary Park of which would be a financial benefit to the shop front owners on Massingham Street.

Additionally I think technology needs to be acknowledged in this space as the time of people attending shops for shopping is becoming extinct as people would much rather shop from home and have it delivered.

This is an item the Chamber should be addressing and looking into by possibly bringing the technological world to Kellerberrin by offering website purchasing in town as an option.

#### **QUESTION FOUR:**

***Has the council have in place any plans to promote the town of Kellerberrin to people outside our districts and tourists/grey nomads alike, the Weroc app is ok for letting people know of coming events if they firstly know about this app, but it doesn't promote the actual towns themselves in a way that sticks in people minds for a reason to stop there whilst travelling in the districts, although farming is the main staple of business in the Wheatbelt district, its tourists and the local community that is the lifeblood to the actual towns, it's their cash input that keeps the towns alive. I cannot see any reason why the community bus cannot be used to bring people from outlying districts to Kellerberrin on shopping excursions for the day, when that same bus is used to take locals to Perth for a day's shopping excursion.***

4. The Shire of Kellerberrin is a member of the Central Wheatbelt Visitors Centre which promotes the Kellerberrin items very heavily including an annual map that is distributed around WA through the Golden Outback lift out.

Council is also a part of the Eastern Wheatbelt visitors guide and subscribe to several Caravan and Camping guides including Wikki-camps app and Turu app just to name a few.

Council is also of the strong view that the Chamber of Commerce has a part to play in this space of which over the past 15 – 20 years has not undertaken, therefore not assisting in the promotion or development of the Kellerberrin Business Community. Council is very strong on the view that if Council didn't assist with Industrial Land Development and speaking to new businesses there would be additional shops vacant down the main street.

The attraction/retention of businesses within the Kellerberrin isn't just a Shire officer issue it is a community issue that all need to address. As mentioned above this could also be assisted by the business sector coming into the new technological world we are currently in.

**Mr Downs made a statement suggesting Council establish an "adopt a tree program".**

Mr Downs asked what has the Community Development Officer achieved and what does he do as he is just seen walking down the street all the time and the general feel and consensus of the Community is they are unsure as to what he does.

Mr Raymond Griffiths – CEO Responded advising that when Mr Taylor is walking down the street it is generally on his lunch break, with regards to the role they provide pivotal support to community groups and assist with the running of events like "Ladie Day Out" etc though Council do not put our hand up or promote this as we like to assist facilitate and assist in the background.

Mr Downs suggested that Council contact owners of vacant main street shops and request they rent them out, otherwise furnish them so as to improve the aesthetics of Massingham Street.

Cr Forsyth responded that the properties are private ownership and limitations of government influence in these matters. Council however have assisted with this in the past as you will be aware with your assistance in relocating to Kellerberrin.

Mr Raymond Griffiths additionally responded that Council does speak to owners and have spoken with possible tenants though we cannot or are not in a place to disclose this information publicly.

Cr Forsyth further noted 200 collective years of voluntary service by present Council and administration, and high level of service and achievement relative to other local governments in the district.

Cr Forsyth noted opportunities for collaboration with local business and approaches made and that continue to be made in this regard

Cr Forsyth noted promotion of Kellerberrin as a destination for conferences and events and recent and more success in this regard.

Mr Tony Downs in closing advised he wished to express his apologies to the Chief Executive Officer, Mr Raymond Griffiths for the comments made publicly regarding the Pharmacy as the information provided was incorrect and again apologises for this.

**Public question time concluded at 2:45pm**

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

**6. DECLARATION OF INTEREST:**

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **12<sup>th</sup> February 2019**

Date	Name	Item No.	Reason

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **12<sup>th</sup> February 2019**.

Date	Name	Item No.	Reason
12/02/2019	Cr. Rod Forsyth	11.1.10	Community Resource Centre Committee Member – Voluntary Capacity.
12/02/2019	Cr. Matt Steber	11.1.10	Community Resource Centre Committee Member – Voluntary Capacity.
12/02/2019	Cr. Wendy McNeil	11.1.10	Community Resource Centre Committee Member – Voluntary Capacity.
12/02/2019	Cr. David Leake	11.1.10	Community Resource Centre Committee Member – Voluntary Capacity.
12/02/2019	Cr. Scott O'Neill	11.1.10	Community Resource Centre Committee Member – Voluntary Capacity.
12/02/2019	Cr. Dennis Reid	11.1.10	Community Resource Centre Committee Member – Voluntary Capacity.

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity** interest were made at the Council meeting held on **12<sup>th</sup> February 2019**

Date	Name	Item No.	Reason

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 18<sup>th</sup> December, 2018

## COUNCIL RECOMMENDATION

**MIN 001/19 MOTION:** Moved Cr Steber 2<sup>nd</sup> Cr McNeil

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 18<sup>th</sup> December 2018, be confirmed as a true and accurate record*

CARRIED 6/0

**8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION:** Nil

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:** Nil

**10. REPORTS OF COMMITTEES/COUNCILLORS**

### 10.1 Reports of Committees/Councillors

**MIN 002/19 MOTION:** Moved Cr Reid 2<sup>nd</sup> Cr O'Neill

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

CARRIED 6/0

## 10.2 Standing Orders

**MIN 003/19 MOTION:** Moved Cr Steber 2<sup>nd</sup> Cr Leake

***That Council suspend Standing Order numbers;***

- 1. 8.9 – Speaking Twice; and***
- 2. 8.10 – Duration of Speeches***

***for the duration of the meeting to allow for greater debate on items in the agenda.***

CARRIED 6/0

2.45 pm – Mr Tony Downs exited Council Chambers.

## 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>	29 <sup>th</sup> January 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.

December 2018 Council Meeting

**MIN 219/18 MOTION -** Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid

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

- 1. Request information from the community for removal of hazardous roadside trees and branches which interfere with the movement of road traffic.***
- 2. Write to main roads advising them of sightline issues at highway intersections.***

November 2018 Council Meeting

**MIN 196/18 MOTION -** Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid

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

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

CARRIED 5/0

October 2018 Council Meeting

**MIN 176/18 MOTION -** Moved Cr. Leake 2<sup>nd</sup> Cr. Reid

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

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

**December MIN 219/18**

1. Council advertised the request on its facebook account and to date Council hasn't received any responses to the advertising/request.
2. Letter issued to Main Roads - Craig Manton and a copy to Janet Hartley-West - Main Roads & Mia Davies - MLA - Central Wheatbelt.

**November MIN 196/18**

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

**October 2018 - MIN 176/18**

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

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

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

**POLICY IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

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

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

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

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act;

- (b) provides leadership and guidance to the community in the district;
- (c) carries out civic and ceremonial duties on behalf of the local government;
- (d) speaks on behalf of the local government;
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

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

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

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

A councillor —

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

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

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

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

has —

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

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

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

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

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

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

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

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

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

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

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

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

#### **5.62. Closely associated persons**

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

(2) In subsection (1) —

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

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

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

### **5.63. Some interests need not be disclosed**

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

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

*[(e) deleted]*

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

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

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

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

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

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

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

(4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —

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

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

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

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

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

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

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.

- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

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

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

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

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

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and

- (ii) those members decide that the interest —
  - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
  - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

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

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

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

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

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

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

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

- (1) In this section —  
**employee** includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

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

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

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

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

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

### **STRATEGIC PLAN IMPLICATIONS:**

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

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

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

### **COMMUNITY CONSULTATION:**

Council  
Community Members

### **STAFF RECOMMENDATION**

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

## **COUNCIL RECOMMENDATION**

**MIN 004/19 MOTION -** Moved Cr. McNeil 2<sup>nd</sup> Cr. Steber

***That Council;***

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

**CARRIED 6/0**

3.45 pm – Mrs Natasha Giles – Community Development Officer exited Council Chambers

3.45 pm – Mr Brett Taylor – Senior Finance Officer exited Council Chambers

NOT CONFIRMED

<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>	29 <sup>th</sup> January, 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

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

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

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

## COMMENT

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

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

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

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

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

## POLICY IMPLICATIONS

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

## STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

### Section 2.7. The role of the council

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

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

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

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

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

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

**Section 2.10. The role of councillors**

A councillor —

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

**5.60. When person has an interest**

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

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

has —

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

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

**5.60A. Financial interest**

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

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

**5.60B. Proximity interest**

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
- (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or

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

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

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

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

#### **5.62. Closely associated persons**

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
  - (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (I) the prescribed amount; or
      - (II) the prescribed percentage of the total value of the issued share capital of the company,

whichever is less;

or

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
  - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
  - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —
  - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
  - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

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

(2) In subsection (1) —

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

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

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

### **5.63. Some interests need not be disclosed**

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

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

*[(e) deleted]*

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

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

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

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

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

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

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

(4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —

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

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

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

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

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

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

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
  - (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

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

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

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

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

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

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

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

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

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

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

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
  - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and

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

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

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

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

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

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

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

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

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

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

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

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

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

### STRATEGIC PLAN IMPLICATIONS:

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

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

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

### COMMUNITY CONSULTATION:

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

### STAFF RECOMMENDATION

*That Council receives the Status Report.*

## COUNCIL RECOMMENDATION

**MIN 005 /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 Council Meeting Minutes and Resolutions
<b>Location:</b>	Merredin, Regional Community and Leisure Centre
<b>Applicant:</b>	CEACA Council
<b>File Ref:</b>	AGE - 03
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	29 <sup>th</sup> January 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 Wednesday 12<sup>th</sup> December, 2018 held at the Merredin Community and Leisure Centre, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and CEACA to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the CEACA Council Meetings.

## COMMENT

Attached to this agenda item is a copy of the last CEACA Council Meeting Minutes held on Wednesday 12<sup>th</sup> December, 2018 held at the Merredin Community and Leisure Centre.

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

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

Resolutions arising out of the 12<sup>th</sup> December, 2018 CEACA Council Meeting summarised hereunder,

<b>RESOLUTION:</b>	<b>Moved: Rachel Kirby</b>	<b>Seconded: Raymond Griffiths</b>
<b>That the Action Sheet as presented be received.</b>		

**CARRIED**

<b>RESOLUTION:</b>	<b>Moved: Ken Hooper</b>	<b>Seconded: Rachel Kirby</b>
<b>That the Executive Officer's report as presented be received.</b>		

**CARRIED**

<b>RESOLUTION:</b>	<b>Moved: Raymond Griffiths</b>	<b>Seconded: Ken Hooper</b>
<b>That the Acting Chair's Report to the Central East Aged Care Alliance Executive Committee be received.</b>		

**CARRIED**

<b>RESOLUTION:</b>	<b>Moved: Rachel Kirby</b>	<b>Seconded: Ken Hooper</b>
<b>That the Financial Statement for the period ending 31 October 2018, as presented, be received.</b>		

**CARRIED**

<b>RESOLUTION:</b>	<b>Moved: Ken Hooper</b>	<b>Seconded: Raymond Griffiths</b>
<b>That the Accounts Paid for the period 2 October 2018 to 30 November 2018 totaling \$42,645.99 be endorsed.</b>		

**CARRIED**

<b>RESOLUTION:</b>	<b>Moved: Rachel Kirby</b>	<b>Seconded: Ken Hooper</b>
<b>That the matter lay on the table until the end of the meeting.</b>		

**CARRIED**

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

**That the matter be lifted from the table.**

**CARRIED**

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

**That the CEACA Executive Committee recommends to the CEACA Committee that the following budget amendments be approved:**

**Income**

Account No	Description	Amount \$
502 - Other Income	Increase budget from \$0 to \$10,000	+10,000
Create new income account	Reimbursement land purchase and settlement costs	+15,000

**Expenditure**

Account No	Description	Amount \$
1716 – Chair Meeting Fees	Decrease budget from \$36,000 to \$15,000	-21,000
1717 – Chair – Travel and Accommodation	Decrease budget from \$3,000 to \$1,300	-1,700
1720 – Executive Officer Travel and Accommodation	Increase budget from \$4,800 to \$9,000	+4,200
1723 – Accounting Fees	Decrease budget from \$4,500 to \$4,000	-500
1725 – Audit Fees	Decrease budget from \$2,500 to \$800	-1,700
1727 - Teleconferences	Decrease budget from \$2,000 to \$1,700	-300
1728 - Legal Expenses	Increase budget from \$20,000 to \$40,000	+20,000
1729 - Committee Training Expenses	Decrease budget from \$3,000 to \$2,000	-1,000
1755 - Insurance	Decrease budget from \$10,000 to \$6,000	-4,000
1840 – Consultancy General	Decrease budget from \$5,000 to \$4,000	-1,000
1841 – Business Case Consultancy	Increase budget from \$15,000 to \$35,000	+20,000
1843 – CEACA Advocacy	Decrease budget from \$4,000 to \$1,000	-3,000
Create new expenditure accounts	Purchase of land and Settlement Costs	+15,000

**CARRIED**

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

**That the Executive Committee approve for payment following invoice from BHW Consulting for Executive Support Services and reimbursements:**

**• Invoice 374 - Professional Services November 2018 and various reimbursements totalling \$8,362.64.**

**CARRIED**

**RESOLUTION:** Moved: Rachel Kirby Seconded: Raymond Griffiths  
That the Central East Aged Care Alliance Inc Statement of Income and Expenditure as at 29 November 2018 provided by the Shire of Merredin be received, with the Executive Officer to circulate the financial statement to all Committee Members.

**CARRIED**

**RESOLUTION:** Moved: Raymond Griffiths Seconded: Ken Hooper  
That the Project Manager's report be received, with the Executive Officer to circulate the financial statement and updated project budget to all Committee Members.

**CARRIED**

**RESOLUTION:** Moved: Rachel Kirby Seconded: Raymond Griffiths  
1. That the CEACA Executive Committee review the housing eligibility matrix provided by Access Housing Australia, providing the Executive Officer with comments by 12.00noon on Monday 17 December 2018.  
2. That the Executive Officer collate the comments received into a final draft for circulation by flying email to the CEACA Committee with a request that:  
a) Acceptance of the draft, as provided, be sent by return email no later than close of business on Friday 21 December 2018; and  
b) The CEACA Executive Committee be given delegated authority to use the eligibility matrix as part of negotiations to finalise the housing management agreement between CEACA and Access Housing Australia.

**CARRIED**

**RESOLUTION:** Moved: Ken Hooper Seconded: Rachel Kirby  
That the Executive Officer's report on the transfer of Crown Land within the Shire of Westonia to CEACA be noted.

**CARRIED**

**RESOLUTION:** Moved: Rachel Kirby Seconded: Ken Hooper  
That the Executive Officer's report be noted.

**CARRIED**

**RESOLUTION:** Moved: Ken Hooper Seconded: Rachel Kirby  
That the Central East Aged Care Alliance Inc (CEACA) Executive Committee meet on the following dates during 2019:  
Tuesday 12 February 2019;  
Wednesday 22 May 2019;  
Wednesday 14 August 2019; and  
Wednesday 16 October 2019.

**CARRIED**

**RESOLUTION:** Moved: Rachel Kirby Seconded: Raymond Griffiths  
That a Special Meeting of the CEACA Executive Committee be held Thursday 20 December 2018 in Kellerberrin to further consider the management agreement being developed between CEACA and Access Housing Australia, with the meeting commencing at 1.00pm.

**CARRIED**

**RESOLUTION:** Moved: Raymond Griffiths Seconded: Ken Hooper  
That:  
1. Greg Mohen of Kott Gunning Lawyers be requested to continue work associated with the development of a management agreement between CEACA and Access Housing Australia, incorporating the template document provided by Access Housing Australia and the work he had prepared which relates specifically to CEACA; and

2. Access Housing Australia be requested to provide details on costs they would seek reimbursement for should a management agreement between it and CEACA not be signed.

CARRIED

RESOLUTION: Moved: Rachel Kirby Seconded: Ken Hooper

That Kott Gunning Lawyers be instructed to undertake the work associated with the transfer of land ownership from the Wyalkatchem Senior Citizens Housing Trust Inc. to CEACA.

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 Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 12<sup>th</sup> December, 2018.*

#### COUNCIL RECOMMENDATION

MIN 006 /19 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Leake

*That Council receive the Minutes of the Council Meeting of the Central East Aged Care Alliance of Councils (CEACA) held on Wednesday 12<sup>th</sup> December, 2018.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.4
<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>	29 <sup>th</sup> January, 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council wish to move behind closed doors to discuss the Kellerberrin Recreation and Leisure Centre – Naming of Hallways.

## 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 the Kellerberrin Recreation and Leisure Centre – Naming of Hallways*

## COUNCIL RECOMMENDATION

**MIN 007/19 MOTION** - Moved Cr. Leake

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 the Kellerberrin Recreation and Leisure Centre – Naming of Hallways***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	Kellerberrin Recreation and Leisure Centre – Naming of Hallways <b>PRIVATE AND CONFIDENTIAL</b>
<b>Location:</b>	Kellerberrin Recreation and Leisure Centre
<b>Applicant:</b>	Bruce and Rosemary Dowding.
<b>File Ref:</b>	A385
<b>Record No.:</b>	ICR16788 & ICR191975
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	23 <sup>rd</sup> January 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## COUNCIL RECOMMENDATION

MIN 008/19 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. Steber

CARRIED 6/0  
BY ABSOLUTE MAJORITY

## COUNCIL RECOMMENDATION

MIN 009/19 MOTION - Moved Cr. Leake 2<sup>nd</sup> Cr. Steber

*That Council returns from behind closed doors.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.6
<b>Subject:</b>	Approval to keep Three Dogs at a residence within the Kellerberrin Townsite.
<b>Location:</b>	54 Gregory Street, Kellerberrin
<b>Applicant:</b>	Ms Simone Sims
<b>File Ref:</b>	LLAW 12 & A619
<b>Record Ref:</b>	ICR18718 & ICR191974
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	16 <sup>th</sup> August 2018
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council on the 16<sup>th</sup> August 2018 received correspondence from Ms Simone Sims requesting permission to house three dogs at 54 Gregory Street, Kellerberrin.

Council has advised Simone that Council cannot act on the request until we have received a lease agreement or permission from the owner of the property for the keeping of pets on their property.

The property is owned by Ms Helene McNeill, Ms McNeill provided a letter to Council on the 22<sup>nd</sup> January 2019 giving permission to have three dogs at her property.

## COMMENT

There has been several visits to the property and no response or action as seen by the delay in response to the owner's permission.

An email was received by Anthony Ingate (Simone's partner) regarding the constant visits by the ranger and alleged harassment.

Council's Chief Executive Officer contacted Simone on Wednesday 23<sup>rd</sup> January 2019 to discuss the email and allegations contained within, especially the facts noted regarding correspondence in October and November 2018 that Council isn't aware of.

In discussing this with Simone it was advised that Council hasn't received this information nor are we aware of any correspondence, Ms Sims responded with that her partner wrote the email and she wasn't aware of the content. It was at this time that Council requested clarification around contacts as within the email it advises that Simone is to be contacted not the partner as they are her dogs, yet the correspondence comes from the partner therefore Simone was reminded that if we are to only be contacting and discussing the matter with her then all correspondence both ways should be reflective.

Council also held concerns regarding the possibility of breeding with all three dogs not being sterilised. Ms Sims attended the office of Council on Thursday 24<sup>th</sup> January 2018 wherein she advised Council that she will be having the female sterilised in the coming weeks however couldn't undertake immediately as she has just had a litter and needs to finalise feeding prior to being fixed.



A check of Councils Dog Register provided the following information:-  
The dogs are currently registered with the Shire of Kellerberrin as per below information.

Tag No	Name of Dog	Desc.	Colour Marking	Sex	Sterilised	Owner Other Name	Owner Surname	Mircochip No
200016	Coco	Shitzu	Golden/White	Female	No	Simone	Sims	953010002775266
200017	Jack	Shitzu	Honey Brown	Male	No	Simone	Sims	953010002775264
210017	Ziggy	Maltese X	Tri Colour	Male	No	Simone	Sims	985141000964358

## FINANCIAL IMPLICATIONS

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

All dogs have been licenced and paid for.

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

### - Dog Act 1976 as amended

#### **Part V — The keeping of dogs**

##### 26. Limitation as to numbers

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

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

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

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

### Shire of Kellerberrin Dogs Local Law 2012

#### **EXTRACT from "Dogs Local Laws"**

#### **PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS**

##### **3.1 Dogs to be confined**

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

of the dog is capable of preventing the dog at all times from passing over, under or through it;

- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

### **3.2 Limitation on the number of dogs**

(1) This clause does not apply to premises which have been—

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) two dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) four dogs over the age of 3 months and the young of those dogs under that age if the premises is situated outside a townsite.

**STRATEGIC PLAN IMPLICATIONS:** Nil

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

**LONG TERM PLAN IMPLICATIONS:** Nil

**COMMUNITY CONSULTATION:**

Chief Executive Officer  
Shire Contract Ranger  
Shire Administration Officers  
Simone Sims

**ABSOLUTE MAJORITY REQUIRED – No**

### **STAFF RECOMMENDATION**

*That Council approves the keeping of three dogs at 54 Gregory Street Kellerberrin subject to the following conditions:-*

1. *Maintenance of suitable fencing to contain the dogs.*
2. *The dogs not causing a nuisance. This includes barking, odours emanating from the yard or house due to accumulated faeces and or urine etcetera, intimidation of lawful passers-by by the demonstration of aggressive behaviour by the dogs either singly or in concert.*
3. *Within three months of the approval being issued, the female dog (Coco) is to be sterilised as per advised 24<sup>th</sup> January 2019.*
4. *The approval becomes **void** if any “condition” is breached and the approval is not transferable to another property or persons. Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals.*

# COUNCIL RECOMMENDATION

MIN 010/19 MOTION - Moved Cr. Reid

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

***That Council approves the keeping of three dogs at 54 Gregory Street Kellerberrin subject to the following conditions:-***

- 1. Maintenance of suitable fencing to contain the dogs.***
- 2. The dogs not causing a nuisance. This includes barking, odours emanating from the yard or house due to accumulated faeces and or urine etcetera, intimidation of lawful passers-by by the demonstration of aggressive behaviour by the dogs either singly or in concert.***
- 3. Within three months of the approval being issued, the female dog (Coco) is to be sterilised as per advised 24<sup>th</sup> January 2019.***
- 4. The approval becomes void if any "condition" is breached and the approval is not transferable to another property or persons. Furthermore the approval does not entitle the holder to replace any of the existing dogs in the event of loss of any of the animals.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.7
<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>	31 <sup>st</sup> January 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

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.

Council's February 2016 Ordinary Meeting of Council

**MIN 18/16 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. Reid

***That Council:***

1. ***Proceed with the procedure for making local laws for the following Local Laws as per the Department of Local Government Laws Register in accordance with section 3.12 of the Local Government Act 1995;***
  - ***Fencing Local Law***
  - ***Cemetery Local Law***
  - ***Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law***
  - ***Local Government (Council Meeting) Local Law***
  - ***Parking and Parking Facilities Local Law***
2. ***Give state wide public notice of the purpose and effect of the proposed local law as per the Department of Local Government Local Laws Register in accordance with section 3.12 (3a) of the Local Government Act 1995:***

## COMMENT

Council currently doesn't have an appropriate Local Law that handles Animals, Environment and Nuisance and with the current climate and reports being presented to Council a Local Law becomes an important element for Council operations.

S3.12 of the Act provides the process to be followed for making local laws.

This in effect means instead of two distinct processes to follow – the first being a review and the second being any amendments or new local laws, we will just be completing the second process of amending or creating new Local Laws.

To commence the procedure for making local laws Council is required to advertise state-wide public notice.

Council staff has reviewed the DRAFT Local Law which provide guidance to and around the following:

- Keeping of Animals
  - Birds (Poultry and Pigeons)
  - Bees
  - Farm Animals
  - Livestock
- Building, Development and Landcare
  - Litter and Refuse on Building Site
  - Prevention of Dust and Liquid Waste
  - Unsightly land and disused materials
  - Hazardous Materials
- Nuisances and Dangerous Things
  - Lights
  - Smoke, Fumes, odours and other emissions
  - Trucks
  - Swimming Pool backwash management
  - Stormwater management
  - Amusement activities
  - Advertising, bill posting and junk mail
  - Bird Nuisance

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

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

<b>G/L Number</b>	<b>Description</b>	<b>Budget</b>	<b>Actual</b>	<b>Difference</b>
042001	Advertising	\$14,445	\$4,500	\$9,945

#### **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.

<b>Theme 3: Leadership</b>							
<b>To be led by an open, honest and transparent government.</b>							
3.1	Our Representatives provide effective, respected and progressive leadership.	Elected provide and	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

### ABSOLUTE MAJORITY REQUIRED – YES

### STAFF RECOMMENDATION

*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:*

**BY ABSOLUTE MAJORITY**

### COUNCIL RECOMMENDATION

**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**

<b>Agenda Reference:</b>	11.1.8
<b>Subject:</b>	Lease of Children's Centre
<b>Location:</b>	68 James Street, Kellerberrin
<b>Applicant:</b>	Mrs Debra Mullen
<b>File Ref:</b>	ASS-899
<b>Record Ref:</b>	ICR191979
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	31 <sup>st</sup> January 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

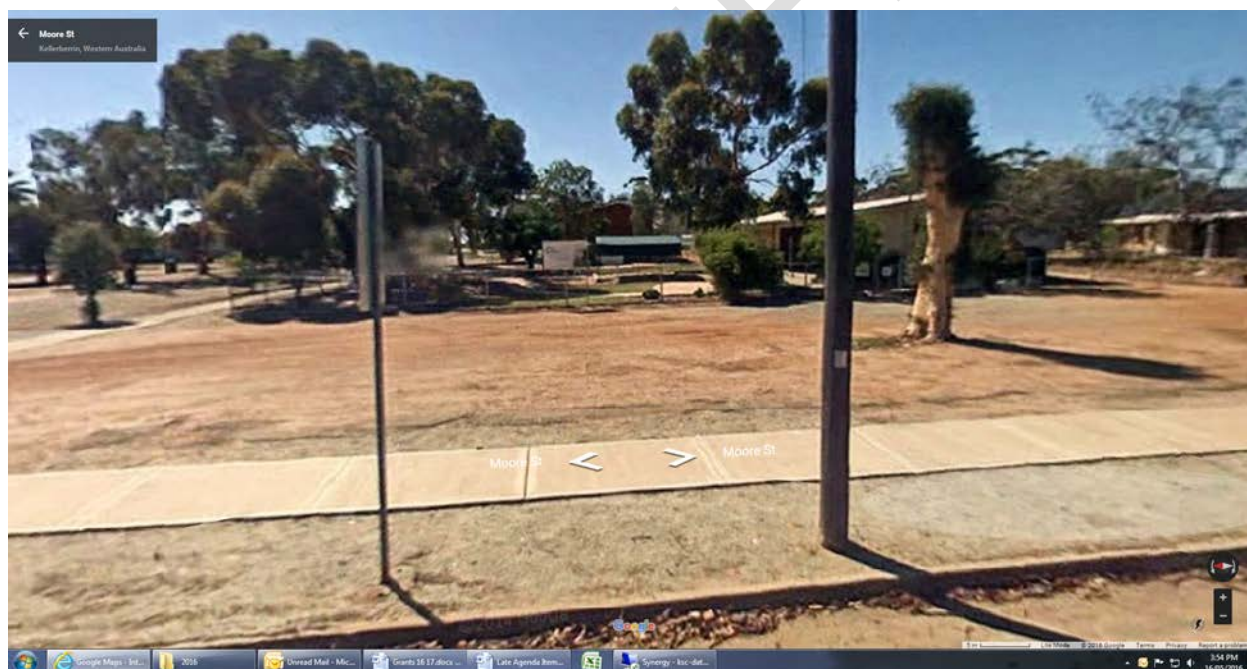
## BACKGROUND

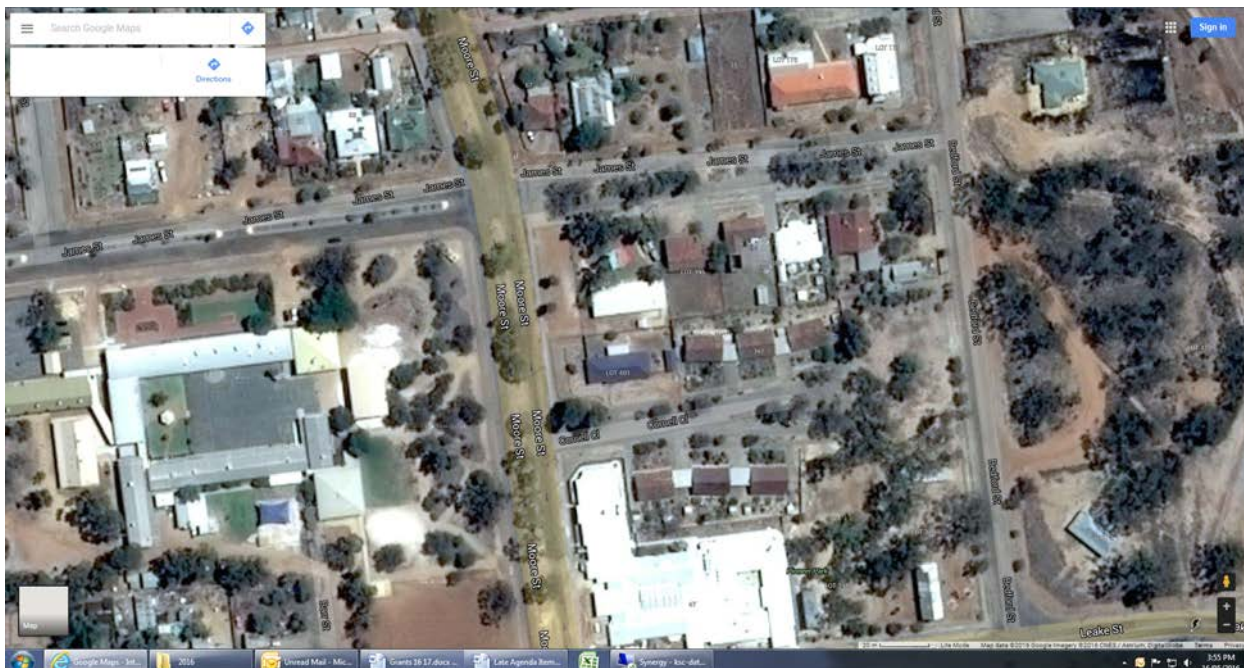
Council in December 2018 received advice from Ms Callie Forsyth that she will be relinquishing her lease for the Children's Centre and ceasing the operations of a Family Day Care facility as of the 13<sup>th</sup> December 2018.

Ms Forsyth subsequently advertised in the pipeline for any persons interested in the operations of a Family Day Care to continue this service to the community, from this expression there was several interested parties.

Council in addition as a consequence of Ms Forsyth relinquishing her lease Councils has its lawyers to ensure the lease is removed from the title and Landgate are advised.

Currently the facility is still utilised by the Playgroup one day per week on a Thursday of which will still be incorporated in the new lease arrangement.





## COMMENT

The facility has previously been approved to host the Family Day Care facility.

Council received three expressions of interests in the operations of the Family Day Care. Through discussions with the Regional Manager and the independent applicants two of the members that expressed interests withdrew their expressions leaving one member that wanted to continue with the lease of the Children's Centre.

Council has contacted McLeods Lawyers to obtain a new lease agreement that pertains to the operation of a Day Care facility with the new owners name incorporated into the lease.

The Draft lease agreement is attached for Council to consider and adopt. The lease is a commercial lease and covers all aspects for the facility including the playgroup having access to the facility.

## FINANCIAL IMPLICATIONS

Council will now receive \$5,200 per annum in lease fees that previously wasn't

## POLICY IMPLICATIONS

There are no policy implications.

## STATUTORY IMPLICATIONS

### Local Government Act 1995 (as amended)

#### Section 3.58. Disposing of property

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or

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

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

**STRATEGIC PLAN IMPLICATIONS: Nil**

**FUTURE PLAN IMPLICATIONS: Nil**

**COMMUNITY CONSULTATION:**

Chief Executive Officer  
Deputy Chief Executive Officer  
Manager Works and Services.

**ABSOLUTE MAJORITY REQUIRED - YES**

## STAFF RECOMMENDATION

*That Council:*

1. *advertises the proposed lease of 68 James Street, Kellerberrin (Children's Centre) to Mrs Debra Mullen of 20B Barracks Road, Tammin in the "Pipeline" in accordance with Section 3.58 of the Local Government Act 1995*
2. *Adopts the lease Agreement for the Day care centre drafted by McLeods Lawyers.*
3. *subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement prepared by McLeods Lawyers with Mrs Debra Mullen for 68 James Street, Kellerberrin (Children's Centre) at an annual lease fee of \$5,200 (Incl. GST); and*

BY ABSOLUTE MAJORITY

## COUNCIL RECOMMENDATION

**MIN 012/19 MOTION** - Moved Cr. Leake

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

*That Council:*

1. *advertises the proposed lease of 68 James Street, Kellerberrin (Children's Centre) to Mrs Debra Mullen of 20B Barracks Road, Tammin in the "Pipeline" in accordance with Section 3.58 of the Local Government Act 1995*
2. *Adopts the lease Agreement for the Day care centre drafted by McLeods Lawyers.*
3. *subject to no submissions being received, delegates authority to the Chief Executive Officer to enter into a lease agreement prepared by McLeods Lawyers with Mrs Debra Mullen for 68 James Street, Kellerberrin (Children's Centre) at an annual lease fee of \$5,200 (Incl. GST); and*

CARRIED 6 /0  
BY ABSOLUTE MAJORITY

<b>Agenda Reference:</b>	11.1.9
<b>Subject:</b>	Strategic Projects Report
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin/NAJA Business Consulting Services
<b>File Ref:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	5 <sup>th</sup> February 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council in the later portion of last year (2018) met with Mr Paul Rossair to discuss options for the Shire of Kellerberrin to progress opportunities within the Shire, some of the items that were discussed at the interim meeting were:

- Kellerberrin Memorial Swimming Pool
- Dam Extensions (Restdown Estate)
- Golf Course reticulation
- Harness Racing expansion to include lights

At this time a proposal was presented to Council from NAJA Business Consulting Services regarding a "Strategic Projects Report" to be developed for Council consideration.

## COMMENT

Council in December 2018 received the Strategic Projects Report which covered across additional areas then first discussed at our face to face meeting. The report reviewed and provided recommendations for the following;

- Infrastructure
  - Industrial Area
  - Water
  - Power
  - Accommodation
  - Airport
  - Land tenure/Leases and Titles
  - Transport – train and road
- Sport and Recreation
  - Golf
  - Harness Racing Club
  - Swimming Pool
  - Speedway/Motor Cycle Racing
  - Recreation Centre Master Plan
- Tourism
  - Road Trip State – WA Tourism Campaign
  - Lake Baandee
  - Golden Pipeline Golf Links and/or Sporting Trial and/or Sporting Extravaganza.

Within the review of the abovementioned areas NAJA have provided recommendations for Council to consider as per the following:

## Recommendations:

### 1. Kellerberrin Pool:

Business Case, Cost Benefit Analysis, Funding Strategy will all required if grants are to be sought.  
Possible relocation of pool to by-pass underground water issues.

**2. Golden Pipeline Golf Links:**

Stakeholder engagement, WEROC meeting submission, workshops and community survey to gauge level of interest in the Golf Links project. Revisit of Business Case, possible grant application

**3. Recreation Centre:**

Master Planning Exercise for facility and surrounds to ensure future success of the building and full utilization and potential of recreational land. Shire of Kellerberrin- Strategic Projects Review

**4. Sporting Trail/ Sports Extravaganza:**

Initially combine research into Recreation Centre Master Planning exercise.

**5. Industrial Area:**

Feasibility Study into diversification land use: potential alternative energy source plant, or industries utilising excess water Needs Analysis into future subdivision, Funding Strategy for subdivision costs

**6. Golf course: Reticulation and Potential Green Upgrade Project:**

Business Case, Cost Benefit Analysis, Funding Strategy (and perhaps a Marketing Plan) will be required if grants are to be sought to reticulate the fairways and explore the option of upgrading the greens.

**7. Tourism:**

Project on making Kellerberrin the "place to stop".

**8. Harness Racing:**

Business Case to support infrastructure upgrades prior to funding from TAB sale becoming available.

**9. Motor cycle Racing:**

Stakeholder engagement, Feasibility Study of developing an alternative site to Barbagello.

With respect to the Industrial area recommendation, Council is currently reviewing an application to Landcorp for the development of additional Industrial Land lots, therefore this hasn't been recommended to progress.

However should this not progress it will be re issued to Council for further consideration.

**FINANCIAL IMPLICATIONS**

Financial Implications for the progress of recommendations will all be dependent on whether one or all of the recommendations are adopted and whether some, one or all be undertaken by an external consultant or in house.

Should the decision be to have reports/cost benefit analysis/business cases externally a quote will be sought prior to ensure it meets the current budget requirements.

**POLICY IMPLICATIONS**

There are no policy implications.

**STATUTORY IMPLICATIONS – Nil at this time.**

**STRATEGIC PLAN IMPLICATIONS:**

The recommendations should one or all will have an impact on the current review of the Strategic Community Plan and provide flow on effects to the sweet of Council's Integrated Planning Framework.

**FUTURE PLAN IMPLICATIONS: Nil**

## COMMUNITY CONSULTATION:

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

## ABSOLUTE MAJORITY REQUIRED - No

## STAFF RECOMMENDATION

*That Council;*

1. *adopt and progress recommendations:*
  - a. 1. – Kellerberrin Swimming Pool
  - b. 6. – Golf Course – Reticulation
  - c. 7. – Tourism
  - d. 8. – Harness Racing
  - e. 9. – Motor Cycle Racing
2. *Supports Recommendation 2. – Golden Pipeline Golf Links Project to be developed through WEROC.*
3. *Support and incorporate into future planning recommendations:*
  - a. 3. - Recreation Centre
  - b. 4. - Sporting Trail/Sports Extravaganza
  - c. 5. - Industrial Area
  - d. 10. – Lake Baandee
  - e. 11. – Airport Upgrade
  - f. 12. - Accommodation

## COUNCIL RECOMMENDATION

**MIN 013/19 MOTION - Moved Cr. Leake**

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

*That Council;*

1. ***adopt and progress recommendations:***
  - a. 1. – Kellerberrin Swimming Pool
  - b. 6. – Golf Course – Reticulation
  - c. 7. – Tourism
  - d. 8. – Harness Racing
2. ***Supports Recommendation 2. – Golden Pipeline Golf Links Project to be developed through WEROC.***
3. ***Support and incorporate into future planning recommendations:***
  - a. 3. – Recreation Centre
  - b. 4. – Sporting Trail/Sports Extravaganza
  - c. 5. – Industrial Area
  - d. 10. – Lake Baandee
  - e. 11. – Airport Upgrade
  - f. 12. – Accommodation

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.10
<b>Subject:</b>	Loan – Community Resource Centre
<b>Location:</b>	92-94 Massingham Street, Kellerberrin
<b>Applicant:</b>	Community Resource Centre
<b>File Ref:</b>	Ass 458 & Ass 459
<b>Record Ref:</b>	ICR191980
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	1 <sup>st</sup> February 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council at its December 2018 Ordinary Council Meeting was advised by the Community Resource Centre Committee that they were investigating the purchase of the Australia Post Franchise from its current owner.

Council on the 31<sup>st</sup> January 2019 received formal advice from the Community Resource Centre that they have placed an offer to purchase the Australia Post Franchise subject to finance of which they request to source from the Shire of Kellerberrin as a self-supporting loan.

## COMMENT

The Community Resource Centre has met with Australia Post representatives to discuss requirements for the incoming and outgoing mail access points and point of sale access. With the requirements of Australia Post there will be some modifications required to be made to the building to be compliant.

The Community Resource Centre therefore is seeking a total of \$80,000 to enable the purchase of the Post Office Agency and complete modifications to the building for compliance. Please note the breakdown of expenses below as provided by the Community Resource Centre:

• Purchase of Post Office Agency	\$54,500
• Purchase of new Post Office boxes	\$10,000
• Modifications to facility	<u>\$17,740</u>
<b>TOTAL EXPENDITURE</b>	<b><u>\$82,240</u></b>

The Community Resource Centre has already paid a deposit of \$10,000 of which isn't included in the above figures.

Any costs associated with the purchase and upgrade to the facilities over and above the \$80,000 requested is to be met by the Community Resource Centre.

The Community Resource Centre has also sought Council's permission to undertake amendments/upgrades to the facility to enable the integration of the Australia Post Franchise to the 94-96 Massingham Street building.

## FINANCIAL IMPLICATIONS

G/L Account	2018/2019 Budget	Actual/Forecast	Difference
148055	\$200,000	\$50,000	\$150,000

## POLICY IMPLICATIONS

There are no policy implications.

## STATUTORY IMPLICATIONS

Council's Chief Executive Officer contacted the Department of Local Government, Sport and Cultural Industries to ascertain if there is any special permissions/exemptions required for Council to consider this agenda item considering all Councillors are on the Committee of the Community Resource Centre.

The Departments advice is that as the members are not paid members therefore no permissions/exemptions will be require however Councillors will need to consider their own personal circumstances for Declarations of interest.

**STRATEGIC PLAN IMPLICATIONS: Nil**

**FUTURE PLAN IMPLICATIONS: Nil**

**COMMUNITY CONSULTATION:**

Chief Executive Officer  
Deputy Chief Executive Officer

**ABSOLUTE MAJORITY REQUIRED - YES**

**STAFF RECOMMENDATION**

*That Council:*

1. *Approve the upgrades to the buildings at 94-96 Massingham Street to incorporate the Kellerberrin Post Office as presented.*
2. *Approve a Loan to the Community Resource Centre of \$80,000 for the purchase of the Australian Post Franchise and upgrades to the Facility to enable the purchase with the following conditions;*
  - a. *Quarterly payments of \$5,000 until the loan principle are paid in full.*
  - b. *Payments commence 30<sup>th</sup> April 2019*
  - c. *Council is provided with the Monthly Financial Reports of the Community Resource Centre incorporating the Kellerberrin Post Office franchise.*

## **COUNCIL RECOMMENDATION**

**MIN 014/19 MOTION - Moved Cr. Leake**

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

*That Council:*

1. ***Approve the CRC request to upgrade the buildings at 94-96 Massingham Street to incorporate the Kellerberrin Post Office as presented.***
2. ***Approve a Loan to the Community Resource Centre of \$80,000 for the purchase of the Australian Post Franchise and upgrades to the Facility to enable the purchase with the following conditions;***
  - a. ***Quarterly payments of \$5,000 until the loan principle are paid in full.***
  - b. ***Payments commence 30<sup>th</sup> April 2019***
  - c. ***Council is provided with the Monthly Financial Reports of the Community Resource Centre incorporating the Kellerberrin Post Office franchise.***

**CARRIED 6/0**

<b>Agenda Reference:</b>	11.1.11
<b>Subject:</b>	Cheque List December 2018
<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>	08 <sup>th</sup> January 2019
<b>Author:</b>	Morgan Ware, Finance Officer

## BACKGROUND

Accounts for payment from 1<sup>st</sup> December 2018 – 31<sup>st</sup> December 2018

### Trust Fund

<b>TRUST TOTAL</b>	<b>\$ 350.00</b>
<b>Municipal Fund</b>	
Cheque Payments	
34528-34544	<b>\$ 56,424.74</b>
EFT Payments	
9035-9133	<b>\$ 461,583.68</b>
<b>Direct Debit Payments</b>	<b>\$ 74,455.35</b>
<b>TOTAL MUNICIPAL</b>	<b>\$ 518,008.42</b>

## COMMENT

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

<b>Evoke Living Homes</b>	<b>\$ 148,784.67</b>
Lock up, Construction of Two (GROH) Houses on 72 Hammond Street, Kellerberrin As per Tender and Contract 01-18	
<b>Western Australian Treasury Corporation</b>	<b>\$ 53,815.35</b>
Loan No. 118 Interest & Principal payment, Rec Centre Redevelopment	
<b>Deputy Commissioner Of Taxation</b>	<b>\$ 53,350.00</b>
PAYG, BAS, GST Debtors, GST Creditors, FTC November 18	
<b>Smith Earthmoving Pty Ltd</b>	<b>\$ 44,550.00</b>
Giles Pit, Rip & Push approx 19000m3 gravel, Develop access for trucks and loading at Baandee North Road, Mob Demob, Butt Pit, Push up gravel approx 11,000m3, Digging also required and extra ripping to breakdown, Clear topsoil, Mobe demobe, Butt Pit, Kwolyin West Rd, Remove vegetation, Push up gravel, Mobe demobe	
<b>Water Corporation</b>	<b>\$ 23,012.15</b>
Water Charges for Standpipe & Water consumption for Shire owned facilities from 01/10/2018 to 10/12/2018	
<b>Fire And Emergency Services (WA)</b>	<b>\$ 21,905.93</b>
2018/19 ESL Quarter 2 in accordance with the Department of Fire & Emergency Services of WA Act, Part 6a ESL, Section 36ZJ and option B agreement arrangements	
<b>United Card Services Pty Ltd</b>	<b>\$ 20,836.30</b>
Fuel Purchases, November 18	
<b>R Munns Engineering Consulting Services</b>	<b>\$ 19,600.59</b>
Consulting work on Kellerberrin / Shackleton Rd reseal project, Marking out sections to be resealed, Supervising reseal work, Labour & Travel, Consulting work to complete commodity route funding applications on Kellerberrin-Bencubbin Rd from Dowding St to Mather Rd,	

Labour & Travel, Kellerberrin 17/18 year roads & associated infrastructure evaluation and detailed worksheets in response to auditors report from 19/09/2018 to 16/11/2018, Consulting work on Baandee Nth Rd project consisting of planning works for the coming 18/19 year for the next 2 following years with additional HVSPF funding, Labour & Travel

**Synergy** \$ 18,716.70  
Streetlight tariff and Power consumption for Shire owned facilities from 01/10/2018 to 30/12/2018

**Moore Stephens** \$ 12,874.40  
Compilation of the Statement of Financial Activity for October 18, Rework, Review and lodge the Business Activity Statement for October 2018, Rates processing service for November 18, Nuts & Bolts finance course, DCEO, SFO, FO, Roads to Recovery, Annual return for the year end 30 June 2018, Credit for invoice 309590, Invoice 309590 sent before approval. Invoice amount should have been \$3000.00 + GST. \$500.00 different + GST, Compilation of the 2017/18 Annual Financial Report relating to changes request by the auditor post audit in order to complete the Statements including changes to depreciation, outstanding rates, grants in advance and statutory ratios

**Western Australian Treasury Corporation** \$ 12,682.59  
Loan No. L117 Interest & Principal payment

**Western Australian Treasury Corporation** \$ 11,140.49  
Loan No. 119 Interest payment & Principal payment - Construct CEACA Senior Units - Hammond St

**Smith Earthmoving Pty Ltd** \$ 10,483.00  
Push up gravel, Mobe demobe @ Innes pit Kwolyin West Rd

**Farmways Kellerberrin Pty Ltd** \$ 6,917.03  
Purchase of Honda FG110, No more gaps, Wattyl low sheen white 10ltr, Quad hardwood, 1 x flow jet pump Honda quad bike, Garden products, Parts, 150kg ladder, Uniform, 4 x 45kg gas bottle, and other misc. items under \$100

**LGIS Workcare** \$ 6,535.77  
LGIS Actual wages adjustment for period 30/06/2017 to 30/06/2018

**McIntosh & Son Wa** \$ 6,498.94  
Parts for Shire Depot, Pin, Bucket, Lower pin shaft, Pin bucket, Steering pin, Knuckle bearing, Seal ring, Bushing bucket, Shaft bushing tie rod, Pin central, Rocket arm

**WA Local Government Superannuation Plan Pty Ltd** \$ 5,812.43  
Payroll Deductions

**WA Local Government Superannuation Plan Pty Ltd** \$ 5,807.33  
Payroll Deductions

**Metro Surveying Pty Ltd** \$ 5,640.50  
Re-register deposited plan DP409422, WAPC application & endorsement, Landgate lodgement, Management costs & Drafting

**Merredin Glazing Service** \$ 5,358.32  
Supply & Install Carinya sliding window fitted with 6.38 clear laminated safety glass & flyscreen, Labour & Travel

**Kellerberrin Community Resource Centre** \$ 5,018.06  
Licensing Commissions, October MDL, October On-Line, GST, Monthly Library payment from Shire for November 18, Monthly Information Bay contribution from the Shire for November 18

Shire of Kellerberrin 2018/2019 Operating Budget

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

**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 December 2018, the Chief Executive Officer has made the following payments under council's delegated authority as listed in appendix A to the minutes.*

1. *Municipal Fund payments totalling \$ 518,008.42 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 350.00 on vouchers EFT, CHQ, Direct payments*

**COUNCIL RECOMMENDATION**

**MIN 015/19 MOTION - Moved Cr. Steber** **2<sup>nd</sup> Cr. McNeil**

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

1. *Municipal Fund payments totalling \$ 518,008.42 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 350.00 on vouchers EFT, CHQ, Direct payments*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.12
<b>Subject:</b>	Cheque List January 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>	01 <sup>st</sup> February 2019
<b>Author:</b>	Morgan Ware, Finance Officer

## BACKGROUND

Accounts for payment from 1<sup>st</sup> January 2019 – 31<sup>st</sup> January 2019

## Trust Fund

<b>TRUST TOTAL</b>	<b>\$ 1,261.65</b>
--------------------	--------------------

## Municipal Fund

Cheque Payments  
34545 - 34559

**\$ 18,595.08**

EFT Payments  
9134 - 9229

**\$ 342,946.79**

**Direct Debit Payments**

**\$ 46,498.32**

**TOTAL MUNICIPAL**

**\$ 361,541.87**

## COMMENT

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

### Evoked Living Homes

**\$ 149,059.55**

Construction of Two (GROH) Houses on 72 Hammond Street, Kellerberrin as per Tender and Contract 01-18, Cabinets installed (SB)

### Office of the Auditor General

**\$ 44,880.00**

Fee for the attest audit of the Shire of Kellerberrin for the year ended 30/06/2018, Additional fee for additional work regarding fair value of infrastructure

### Deputy Commissioner Of Taxation

**\$ 26,620.00**

GST Debtors, PAYG Tax, GST Creditors, Fuel Tax Credits, FBT, December 18

### Merredin Refrigeration & Gas

**\$ 15,980.00**

Replacement of Air conditioning at 24 Hammond Street, Supply and Installation of new air conditioners to lounge, dining and master bedrooms, Supply and Installation of new air conditioners to 3 x additional bedrooms as per quoted

### Turf Care WA Pty Ltd

**\$ 10,362.00**

Travel for 4 Trucks, Scarify and Sweep Oval, Hollow tine oval and sweep, Top dress oval including machinery and labour

### Synergy

**\$ 9,474.90**

Streetlights Tariff Charge (257) and Power Consumption for Shire owned facilities from November 18 to January 19

### United Card Services Pty Ltd

**\$ 9,366.73**

Fuel Purchases, December 18

### Avon Waste

**\$ 8,612.90**

Domestic Refuse Collection, 479 @ 1.67 x 4 wks, Commercial Refuse Collection, 64 @ 1.67 x 4 wks, Recycling Bins, 7th Dec 18, Additional Recycling Bins, 7th Dec 18, Cardboard only service, 13th 27 Dec 18, Transport Collection to Waste to Northam, KBN Hospital, 10 @ 1.67 x 4 wks, Dryandra, 13 @ 1.67 x 4 wks, KDHS1 12 @ 1.67 x 4 wks, Caravan Park, 12 @ 1.67 x 4 weeks, Swimming Pool, 2 @ 1.67 x 4 weeks, Recreation Centre, 10 @ 1.67 x 4 weeks, CRC, 3 @ 1.67 x 4 weeks, Shire Office, 3 @ 1.67 x 4 weeks, Hall, 4 @ 1.67 x 4 weeks, Golf Club, 4 @ 1.67 x 4 weeks, Service Transfer Station, 5th 20th Dec 18, Transport waste to Northam, 5th 20th Dec 18

**Farmways Kellerberrin Pty Ltd** \$ 8,527.69

205 L Diesel Supreme 15W40 engine oil, 205 L Hydraulic 68 oil, 205 L Coolant 50, 20 L Diesel Supreme 15W40 engine oil, 20 kg bucket LX2 grease, Purchase of drill kit, Uniforms for Shire employees, Purchase of chemical for Pool, Gas bottles for Caravan Park and Moylans Accommodation and other misc. items under 100

**Western Australian Treasury Corporation** \$ 8,171.09  
Loan No. 116A Interest & Principal payment

**Western Australian Treasury Corporation** \$ 7,057.60  
Loan 116, GFEE, Loan 117, GFEE, Loan 118, GFEE, Loan 119, GFEE, Loan 120, GFEE

**WA Local Government Superannuation Plan Pty Ltd** \$ 5,781.63  
Payroll Deductions

**WA Local Government Superannuation Plan Pty Ltd** \$ 5,769.36  
Payroll Deductions

Shire of Kellerberrin 2018/2019 Operating Budget

## **POLICY IMPLICATIONS - Nil**

## **STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

### **11. Payment of accounts**

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

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

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

- (1) A payment may only be made from the municipal fund or the trust fund —

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

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

### **13. Lists of accounts**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil**

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

**TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil**

**COMMUNITY CONSULTATION - Nil**

**ABSOLUTE MAJORITY REQUIRED – NO**

### **STAFF RECOMMENDATION**

*That Council notes that during the month of January 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 \$ 361,541.87 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 1,261.65 on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 016/19 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Leake

*That Council notes that during the month of January 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 \$ 361,541.87 on vouchers EFT , CHQ, Direct payments*
- 2. Trust Fund payments totalling \$ 1,261.65 on vouchers EFT, CHQ, Direct payments*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.13
<b>Subject:</b>	Direct Debit List and Visa Card Transactions for the month December 2018
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	7 <sup>th</sup> January 2019
<b>Author:</b>	Brett Taylor – Finance Officer

## BACKGROUND

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

### Municipal Direct Debit List

Date	Name	Details	\$	Amount
3-Dec-18	Westnet	EFT Payment		4.99
4-Dec-18	Shire of Kellerberrin	Creditors		11,140.49
6-Dec-18	Shire of Kellerberrin	Creditors		177,524.29
7-Dec-18	Shire of Kellerberrin	ATO		53,350.00
11-Dec-18	Housing Authority	Rent		420.00
13-Dec-18	DLL	Lease Payment		265.21
13-Dec-18	Shire of Kellerberrin	Super Choice		7,781.04
13-Dec-18	Shire of Kellerberrin	Creditors		22,072.35
13-Dec-18	Shire of Kellerberrin	Pay Run		48,837.78
14-Dec-18	Shire of Kellerberrin	Creditors		996.34
14-Dec-18	Shire of Kellerberrin	Creditors		12,516.45
20-Dec-18	Shire of Kellerberrin	Creditors		249,585.00
27-Dec-18	Housing Authority	Rent		420.00
27-Dec-18	Shire of Kellerberrin	Pay Run		51,497.65
31-Dec-18	NAB	Bank Fees		43.24
31-Dec-18	NAB	Bank Fees		42.80
31-Dec-18	NAB	Bank Fees		47.00
31-Dec-18	NAB	Bank Fees		77.73
<b>TOTAL</b>			<b>\$</b>	<b>636,622.36</b>

### Trust Direct Debit List

Date	Name	Details	\$	Amount
31-Dec-18	Department Transport	Direct Debit-Licensing Payments Dec 18	\$	66,734.35
<b>TOTAL</b>			<b>\$</b>	<b>66,734.35</b>

### Visa Transactions

Date	Name	Details	\$	Amount
10-Dec-18	Betts Shoes	Shoes Betts - Uniform Allowance		97.99
17-Dec-18	OEM Sales	Rotating Nozzle- Pressure Cleaner		150.11
20-Dec-18	Shire of Kellerberrin	Licence Transfer - KE1		459.70
28-Dec-18	NAB	Card Fees		9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b>716.80</b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$</b>	<b>716.80</b>

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

- Financial Management of 2018/2019

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in 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 December 2018 comprising;*
  - a) *Municipal Fund – Direct Debit List*
  - b) *Trust Fund – Direct Debit List*
  - c) *Visa Card Transactions*

*Be adopted.*

## COUNCIL RECOMMENDATION

**MIN 017/19 MOTION - Moved Cr. McNeil**

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

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

*Be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.14
<b>Subject:</b>	Direct Debit List and Visa Card Transactions for the month January 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>	1 <sup>st</sup> February 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 January 2019.

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>Amount</b>
2-Jan-19	Westnet	Internet	\$ 4.99
2-Jan-19	NAB	Merchant Fees	\$ 11.85
2-Jan-19	NAB	Merchant Fees	\$ 70.56
2-Jan-19	NAB	Merchant Fees	\$ 112.04
2-Jan-19	NAB	Merchant Fees	\$ 139.22
2-Jan-19	Alleasing	Gym Equipment Lease	\$ 3,121.83
2-Jan-19	Shire Of Kellerberrin	Superchoice	\$ 8,326.76
3-Jan-19	Shire Of Kellerberrin	Superchoice	\$ 494.42
3-Jan-19	Shire Of Kellerberrin	Superchoice	\$ 2,058.65
3-Jan-19	Shire Of Kellerberrin	Creditors Payment	\$ 33,282.28
3-Jan-19	Dot Inspections	EFT Payment	\$ 89.36
3-Jan-19	Department of Housing	Monthly Rent	\$ 420.00
10-Jan-19	Shire Of Kellerberrin	Pay Run	\$ 47,459.45
11-Jan-19	DLL	Photocopier Lease	\$ 265.21
11-Jan-19	Shire Of Kellerberrin	Superchoice	\$ 7,355.01
17-Jan-19	Shire Of Kellerberrin	Creditors Payment	\$ 283,121.00
22-Jan-19	Department of Housing	Monthly Rent	\$ 420.00
23-Jan-19	Shire Of Kellerberrin	ATO -BAS Payment	\$ 26,620.00
24-Jan-19	Shire Of Kellerberrin	Pay Run	\$ 49,158.55
25-Jan-19	Shire Of Kellerberrin	Superchoice	\$ 7,485.12
29-Jan-19	NAB	Bank Fees	\$ 67.98
31-Jan-19	NAB	Bank Fees	\$ 46.00
31-Jan-19	NAB	Bank Fees	\$ 43.40
31-Jan-19	NAB	Bank Fees	\$ 45.80
31-Jan-19	Shire Of Kellerberrin	Creditors Payment	\$ 26,543.51
<b>TOTAL</b>			<b>\$ 496,762.99</b>

### Trust Direct Debit List

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>Amount</b>
31-Jan-19	Department of Transport	D/D Licencing Payments January 2019	\$ 54,072.50
<b>TOTAL</b>			<b>\$ 54,072.50</b>

### Visa Transactions

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>Amount</b>
04-Jan-19	Australia Post	Land Title ID Check - R.Forsyth	\$ 44.00
04-Jan-19	Australia Post	Land Title ID Check - R.Griffiths	\$ 44.00
25-Jan-19	Bunnings	House Blinds	\$ 99.60
29-Jan-19	NAB	Card Fees	\$ 9.00
<b>TOTAL - CEO</b>			<b>\$ 196.60</b>

Date	Name	Details	Amount
21-Jan-19	Midway Ford	Service KE-2	\$ 400.00
29-Jan-19	NAB	Card Fees	\$ 9.00
		<b>TOTAL -DCEO</b>	<b>\$ 409.00</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$ 605.60</b>

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

➤ Financial Management of 2018/2019

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in 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 January 2019 comprising;*  
    (a) *Municipal Fund – Direct Debit List*  
    (b) *Trust Fund – Direct Debit List*  
    (c) *Visa Card Transactions*

*Be adopted.*

**COUNCIL RECOMMENDATION**

**MIN 018/19 MOTION - Moved Cr. McNeil**

**2<sup>nd</sup> Cr. O'Neill**

- 1) *That the Direct Debit List for the month of January 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>	11.1.15
<b>Subject:</b>	Financial Management Report for December 2018
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	8 <sup>th</sup> January, 2018
<b>Author:</b>	Sean Sibly, Deputy Chief Executive Officer

## BACKGROUND

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

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

- Financial Management of 2018/2019

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

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

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

*Be adopted.*

**COUNCIL RECOMMENDATION**

**MIN 019/19 MOTION - Moved Cr. McNeil** 2<sup>nd</sup> Cr. O'Neill

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

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

*Be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.16
<b>Subject:</b>	Financial Management Report for January 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>	5 <sup>th</sup> February, 2019
<b>Author:</b>	Sean Sibly, Deputy Chief Executive Officer

## BACKGROUND

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

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

- Financial Management of 2018/2019

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

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

(1A) In this regulation —

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

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

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

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

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

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

*Be adopted.*

**COUNCIL RECOMMENDATION**

**MIN 020/19 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake**

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

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

*Be adopted.*

CARRIED 6/0

## DEVELOPMENT SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Building Returns: December 2018
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Various
<b>File Ref:</b>	BUILD06
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	22 January, 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

**Signature of Author:** \_\_\_\_\_

**Signature of CEO:** \_\_\_\_\_

### BACKGROUND

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

### COMMENT

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

### FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

### POLICY IMPLICATIONS

NIL

### STATUTORY IMPLICATIONS

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

### STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

### TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

### COMMUNITY CONSULTATION

Building Surveyor  
Owners  
Building Contractors

### ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

## STAFF RECOMMENDATION

*That Council*

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

## COUNCIL RECOMMENDATION

MIN 021/19

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

*That Council*

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

CARRIED 6/0

**Agenda Reference:** 11.2.2  
**Subject:** Building Returns: January 2019  
**Location:** Shire of Kellerberrin  
**Applicant:** Various  
**File Ref:** BUILD06  
**Disclosure of Interest:** Nil  
**Date:** 4<sup>th</sup> February, 2019  
**Author:** Raymond Griffiths, Chief Executive Officer

**Signature of Author:** \_\_\_\_\_

**Signature of CEO:**

## **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 three (3) applications received for a "Building Permit" during the January 2019 period. A copy of the "Australian Bureau of Statistics appends".
2. There was one (1) "Building Permits" issued in the January 2019 period. See attached form "Return of Building Permits Issued".

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

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

## **POLICY IMPLICATIONS**

NIL

## **STATUTORY IMPLICATIONS**

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

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

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

## **TEN YEAR FINANCIAL PLAN IMPLCATIONS - Nil**

## **COMMUNITY CONSULTATION**

Building Surveyor  
Owners  
Building Contractors

## **ABSOLUTE MAJORITY REQUIRED – YES/NO**

NO

## STAFF RECOMMENDATION

*That Council*

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

## COUNCIL RECOMMENDATION

**MIN 022/19    MOTION - Moved Cr. Leake                      2<sup>nd</sup> Cr. O'Neill**

*That Council*

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

CARRIED    6/0

## 11.3 WORKS & SERVICES – AGENDA ITEMS

### Nil Items

- 11 ELECTED MEMBERS OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
- 12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
- 13 LATE ITEM

## COUNCIL RECOMMENDATION

MIN 023/19 MOTION - Moved Cr. McNeil 2<sup>nd</sup> Cr. Reid

*That Council receive late items.*

CARRIED 6/0

<b>Agenda Reference:</b>	13.1.1
<b>Subject:</b>	Community Cropping Opportunities – Shire of Kellerberrin
<b>Location:</b>	Various Locations, Kellerberrin.
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	
<b>Record Ref:</b>	ICR191977
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	25 <sup>th</sup> January 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

Council's March 2018 Ordinary Meeting of Council – 20<sup>th</sup> March 2018

**MIN 033/18 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. Leake

### **That Council:**

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

### **CONDITIONS**

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

CARRIED 6/0  
BY ABSOLUTE MAJORITY

Council's August 2013 Ordinary Meeting of Council – 20<sup>th</sup> August 2013

**MIN 122/13 MOTION** - Moved Cr Bee. 2<sup>nd</sup> Cr O'Neill.

### **That Council;**

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

CARRIED 6 /0  
**BY ABSOLUTE MAJORITY**

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

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

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

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

Council may have additional land available for lease should the titles be finalised on the Shackleton Road possibly. There may be a requirement for offsets with the current scheduled clearing however this will occur on the rocky section at this time which may provide some land for community cropping until it is required for offsets as offsets are not retrospective.

## **COMMENT**

Council has received a letter from the Kellerberrin Men's Shed requesting a renewal of the lease for the Restdown Estate section for continued cropping as their major fundraiser. The letter received requests the land and if it doesn't receive the land for cropping they request the reinstatement of their community grant.

Additionally within the letter they request:

- That Council advise if the said mentioned property may be leased to our Men's Shed for an additional period of five (5) years.
- Uncertainty with respect to our application for the mentioned block hinders us and therefore request council advise the Men's Shed if Council will support the suggested proposal mentioned in paragraph 3 above (refers to reinstatement of community grant)
- If successful with this (our) application, that's Council advise the Men's Shed if the mentioned land will be downsized once again to cater for additional water holding ponds (Dams).

## **FINANCIAL IMPLICATIONS – Nil**

## **POLICY IMPLICATIONS**

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

## **STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

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

## **STRATEGIC PLAN IMPLICATIONS:**

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

## **CORPORATE BUSINESS PLAN IMPLICATIONS**

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

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

## **COMMUNITY CONSULTATION:**

Chief Executive Officer

Community – via Kellerberrin Pipeline

**ABSOLUTE MAJORITY REQUIRED – Yes**

## **STAFF RECOMMENDATION**

*For Council Consideration.*

COUNCIL RECOMMENDATION

MIN 024/19    MOTION - Moved Cr. O'Neill                      2<sup>nd</sup> Cr. Leake

*That Council acknowledge receipt of the letter and advise that all community cropping land will be advertised for expressions of interest in February and presented to the March Council meeting.*

CARRIED    6/0

**CLOSURE OF MEETING**

Cr Forsyth closed the meeting at 5:45 pm

**NEXT MEETING DATES**

Ordinary Council Meeting, Tuesday, 19<sup>th</sup> March, 2019

NOT CONFIRMED