

SHIRE OF KELLERBERRIN

MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 19th March 2019, commencing at 2.05 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISTORS:

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

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

Present:

Cr. Forsyth	President
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. Reid	Member
Cr. Steber	Member
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 2.50 pm)
Mrs Natasha Giles	Communtiy Development Officer (Exited 2.50 pm)
Mr Lewis York	Town Planner (Exited 4.10 pm)

Apologies:

Leave of Absence:

3. RESPONSE TO PREVIOUS PUBLIC QUESTION TAKEN ON NOTICE:

4. PUBLIC QUESTION TIME:

5. APPLICATIONS FOR LEAVE OF ABSENCE: Nil

6. DECLARATION OF INTEREST:

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **19th March 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 **19th March 2019**

Date	Name	Item No.	Reason

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity** interest were made at the Council meeting held on **19th March 2019**

Date	Name	Item No.	Reason

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 12th February, 2019

COUNCIL RECOMMENDATION

MIN 021/19 MOTION: Moved Cr. Steber 2nd Cr. McNeil

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 12th February 2019, be confirmed as a true and accurate record

CARRIED 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION: Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS: Nil

10. REPORTS OF COMMITTEES/COUNCILLORS

10.1 Reports of Committees/Councillors

MIN 022/19 MOTION: Moved Cr Reid 2nd Cr Leake

That the Presidents Reports for February 2019 be received.

CARRIED 6/0

10.2 Standing Orders

MIN 023/19 MOTION: Moved Cr Steber 2nd Cr O'Neill

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

CARRIED 6/0

11.1 CORPORATE SERVICES – AGENDA ITEM

Agenda Reference:	11.1.1
Subject:	Community Requests and Discussion Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	1 st March 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

February 2019 Council Meeting

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

That Council;

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

December 2018 Council Meeting

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

That Council:

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

November 2018 Council Meeting

MIN 196/18 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council:

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

February MIN 004/19

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

December MIN 219/18

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

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.

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

That Council:

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

CARRIED 6 /0

Agenda Reference:	11.1.2
Subject:	Status Report of Action Sheet
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin - Council
File Ref:	Various
Disclosure of Interest:	N/A
Date:	26 th January 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

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

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

COMMENT

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

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

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

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

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

(2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC PLAN IMPLICATIONS:

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

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

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

COMMUNITY CONSULTATION:

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

STAFF RECOMMENDATION

That Council receives the Status Report.

COUNCIL RECOMMENDATION

MIN 025/19 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council receives the Status Report.

CARRIED 6 /0

2.50 pm - Mr Brett Taylor Senior Finance Officer exited the Chamber

2.50 pm - Mrs Natasha Giles Community Development Officer exited the Chamber

Agenda Reference:	11.1.3
Subject:	WE-ROC Council Meeting Minutes and Resolutions
Location:	Council Chambers, Shire of Merredin
Applicant:	WE-ROC Council
File Ref:	ORG-10
Disclosure of Interest:	Nil
Date:	1 st March, 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 19th February 2019 via teleconference, are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

COMMENT

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

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

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

Resolutions arising out of the 13th February, 2019 WE-ROC Council Meeting summarised hereunder,

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

That the Minutes of the Council Meeting held Wednesday 28 November 2018 be confirmed as a true and correct record.

CARRIED

RESOLUTION: **Moved: Greg Powell** **Seconded: Raymond Griffiths**

That the Status Report for February 2019 be received.

CARRIED

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

That the matters listed for noting be received.

CARRIED

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

That the WEROC Executive recommend to the WEROC Council that:

- 1. Subject to successful grant funding applications to assist WEROC in resourcing the WEROC App Marketing Project, WEROC look to fund the project in the 2019/2020 financial year and beyond; and**
- 2. Go2GUIDES be advised of WEROC's decision.**

CARRIED

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

That the Executive Officer write to all Western Australian Federal Members of Parliament and the major political parties seeking their support and implementation of the recommendations contained in the 2018 Report of the Regional Telecommunications Independent Review Committee.

RESOLUTION: Moved: Jamie Criddle Seconded: Greg Powell

That Naja Business Consulting Services be:

1. Thanked for preparing a costing to develop a business case for the development of a Wheatbelt to Goldfields Sports Trail; and
2. Advised that at this point WEROC does not wish to pursue the project.

CARRIED

RESOLUTION: Moved: Jamie Criddle Seconded: Darren Mollenoyux

That the information provided by Heavy Vehicle Training with respect to provide training courses and licencing testing across the communities in WEROC be referred to each Member Council's Community Resource Centre for the information and possible action.

CARRIED

RESOLUTION: Moved: Greg Powell Seconded: Darren Mollenoyux

That WEROC write to the Local Government Agricultural Freight Group to seek an update the matter of permits allowing movement of towed agricultural implements on public roads.

CARRIED

RESOLUTION: Moved: Greg Powell Seconded: Jamie Criddle

That the WEROC Executive recommend to Wheatbelt Communities Inc that a donation of \$1,000 be made to West Australian Music (WAM) seeking its support for one of its projects, Demos from the Wheatbelt, subject to WAM providing advice on:

- a) The level of funds being sought from participating Councils across the Wheatbelt; and
- b) What happens to a donation should the project not proceed due to lack of sufficient funding.

CARRIED

RESOLUTION: Moved: Jamie Criddle Seconded: Greg Powell

That the WEROC Executive recommend to WEROC Council that:

1. WEROC's Member Councils look to work cooperatively through a single entity rather than the two currently established entities, WEROC and Wheatbelt Communities Inc;
2. In accordance with Clause 8.1 of its Memorandum of Understanding, WEROC cease to exist on 30 June 2019, that being the day upon which the current WEROC Memorandum of Understanding terminates.
3. That Wheatbelt Communities Inc become the entity through which the Shires of Bruce Rock, Kellerberrin, Merredin, Westonia and Yilgarn continue to work cooperatively;
4. That the Wheatbelt Communities Inc Constitution be reviewed to recognise that it is the sole vehicle for the Shires of Bruce Rock, Kellerberrin, Merredin, Westonia and Yilgarn cooperatively working;
5. That as part of reviewing the Wheatbelt Communities Inc Constitution that the organisation be renamed WEROC; and
6. That in preparing the 2019/2020 Wheatbelt Communities Budget recognition is given to the fact that it is the major vehicle for regional cooperation between the Shires of Bruce Rock, Kellerberrin, Merredin, Westonia and Yilgarn.

CARRIED

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS:

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

LONG TERM FINANCIAL PLAN IMPLCATIONS

COMMUNITY CONSULTATION

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

ABSOLUTE MAJOURITY REQUIRED - NO

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 19th February 2019

COUNCIL RECOMMENDATION

MIN 026/19 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 19th February 2019

CARRIED 6/0

Agenda Reference:	11.1.4
Subject:	Common Seal Register and Reporting
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM-52
Disclosure of Interest:	N/A
Date:	8 th March 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

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

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

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

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

Attached to this report is a short list of agreements that require Council endorsement for use of the Common Seal.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

Clause 19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.
- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.
Penalty \$1,000

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

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

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

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

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

COUNCIL RECOMMENDATION

MIN 027 /19 MOTION - Moved Cr. O’Neill 2nd Cr. McNeil

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

CARRIED 6/0

Agenda Reference:	11.1.5
Subject:	Compliance Audit Return – 1 st January 2018 to 31 st December 2019
Location:	Shire of Kellerberrin
Applicant:	Department of Local Government
File Ref:	OLGOV-01
Disclosure of Interest:	Nil
Date:	28 th February, 2019
Author:	Sean Sibly, Deputy Chief Executive Officer

BACKGROUND

Shire of Kellerberrin – Audit Committee Meeting – 19 th March 2019

That the Audit Committee;

- 1. Receives the 2018 Compliance Audit Return as presented by staff, as the official Return of the Council for the period 1 January 2018 to 31 December 2018.***
- 2. Recommends to Council that the 2018 Compliance Audit Return be adopted and authorises the Chief Executive Officer and Shire President to execute the Compliance Audit Return and forward to the Director General of the Department of Local Government.***

The Department of Local Government requires all local governments to complete an annual Compliance Audit Return (CAR) for each calendar year. As has been the case previously, a return is required for 2018.

The CAR is one of the tools that allows a Council to monitor how, as an organisation it is functioning. The return places an emphasis on the need to bring to Council's attention, cases of non-compliance, or where full compliance was not achieved. In addition to explaining or qualifying cases of non-compliance, the return also requires Council to endorse any remedial action taken or proposed to be taken in instances of non-compliance.

Each Local Government must complete a CAR for the period 1 January to 31 December 2018 against the checklist of statutory compliance issues included in the 2018 return. Once completed, the Compliance Audit Return is to be;

- (a) presented to Council at a meeting of the Council;
- (b) adopted by the Council; and
- (c) the adoption recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to the Council, a certified copy of the Return along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Director General, Department of Local Government by 31 March 2019.

COMMENT

The Compliance Audit Return has been a mandatory requirement since the Local Government (Audit) Regulations 1999, were amended and made applicable from 1 January 2000.

All senior staff have been involved in the completion of the Compliance Audit Return, certifying their actions and that of the Council, relating to the return covering the 2017 calendar year.

Staff involved and included in the process included;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Development Services

- Manager Works & Services

There is a requirement now for the Audit Committee to review the annual CAR prior to Council considering the return.

The annual Compliance Audit Return, once complete is to be;

- Presented to the Council at a meeting of the Council
- Adopted by the Council; and
- Recorded in the Minutes of the meeting at which it is adopted.

The Return is to be jointly certified by the Shire President and the Chief Executive Officer and the certification read aloud to the meeting.

FINANCIAL IMPLICATIONS: Nil

POLICY IMPLICATIONS: Nil

STATUTORY IMPLICATIONS

Local Government (Audit) Regulations 1996 (as amended)

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5; amended in Gazette 30 Dec 2011 p. 5580-1.]

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
 is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

 - (a) the mayor or president; and
 - (b) the CEO.

[Regulation 15 inserted in Gazette 23 Apr 1999 p. 1725.]

16. Audit committee, functions of

An audit committee —

- (a) is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- and
- (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043.]

Local Government Act 1995 (as amended)

- section 3.57 relates to the tendering of goods and services
- section 3.59 relates to preparation of business plan for a commercial or trading enterprise
- sections 5.16, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46 relates to the delegation of power/duty
- sections 5.67, 5.68, 5.73, 5.75, 5.76, 5.77, 5.88, 5.103 relates to the Disclosure of Interest by Councillors and/or Staff
- sections 7.3 to 7.9 relates to the appointment of auditors
- section 9.4 to 9.29 relates to appeal provisions
- sections 3.58 to relates to disposal of property

Subsidiary Statutory Acts and Regulations to achieve compliance

- Local Government (Uniform Local Provisions) Regulations 1996 – regulation 9
- Local Government (Functions and General) Regulations 1997 (as amended) – tenders for the supply of goods and services
- Local Government (Administration) Regulations 1996 (as amended)
- Local Government (Financial Management) Regulations 1996 (as amended)
- Local Government (Audit) Regulations 1996
- Local Government Grants Act 1978 – section 12
- Local Government (Elections) Regulations 1997

STRATEGIC PLAN IMPLICATIONS: Nil

FUTURE PLAN IMPLICATIONS: Nil (good governance standards)

COMMUNITY CONSULTATION:

Management and Administration Staff

STAFF RECOMMENDATION

That Council;

1. *Adopts the 2018 Compliance Audit Return as the official Return of the Council for the period 1 January 2018 to 31 December 2018.*

2. *Authorises the Chief Executive Officer and Shire President to execute the Compliance Audit Return and forward to the Director General of the Department of Local Government.*

COUNCIL RECOMMENDATION

MIN 028/19 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council;

1. ***Adopts the 2018 Compliance Audit Return as the official Return of the Council for the period 1 January 2018 to 31 December 2018.***
2. ***Authorises the Chief Executive Officer and Shire President to execute the Compliance Audit Return and forward to the Director General of the Department of Local Government.***

CARRIED 6/0

Agenda Reference:	11.1.6
Subject:	Shire of Kellerberrin Electors Meeting Minutes
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	FIN-01
Disclosure of Interest:	N/A
Date:	28 th February, 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

The Shire of Kellerberrin Annual Electors Meeting was held on Tuesday 12th February 2019. The Local Government Act requires Council to consider the minutes of the Electors Meeting at the next practicable Ordinary Meeting date.

COMMENT

Statutory and Compliance requirements for the Council to consider the minutes of its Electors' Meeting held on 12th February 2019.

Council in adopting the Electors Meeting minutes are adopting the motions put forward within the Electors Meeting.

Should Council wish to accept the minutes the motions are then to be discussed and voted upon within General Business of Council separately and provide reasons to the decision of Council in relation to the motion/s of the Electors Meeting.

FINANCIAL IMPLICATIONS - Nil

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – section 5.32 – Minutes of Electors' Meetings

The CEO is to-

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

Local Government Act 1995 – section 5.33 – Decisions made at Electors' Meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable;*
 - (a) at the first ordinary council meeting after that meeting; or*
 - (b) at a special meeting called for that purpose,**whichever happens first.*
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

FUTURE PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Community Development Officer
Personal Assistant
Doodlakine Bowling Club
Bowls WA

ABSOLUTE MAJORITY REQUIRED – NO

STAFF RECOMMENDATION

That the minutes of the Shire of Kellerberrin Electors Meeting held in the Cuolahan / Cottle Room, Kellerberrin on Tuesday 12th February 2019, be adopted.

COUNCIL RECOMMENDATION

MIN 029 /19 MOTION - Moved Cr. Steber **2nd Cr. McNeil**

That the minutes of the Shire of Kellerberrin Electors Meeting held in the Cuolahan / Cottle Room, Kellerberrin on Tuesday 12th February 2019, be adopted.

CARRIED 6/0

Agenda Reference:	11.1.7
Subject:	Community Cropping Opportunities – Shire of Kellerberrin
Location:	Various Locations, Kellerberrin.
Applicant:	Shire of Kellerberrin
File Ref:	
Record Ref:	ICR192004
Disclosure of Interest:	N/A
Date:	12 th March 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council's February 2019 Ordinary Meeting of Council – 12th February 2019

MIN 024/19 MOTION - Moved Cr. O'Neill 2nd 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

Council's March 2018 Ordinary Meeting of Council – 20th March 2018

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

That Council:

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

CONDITIONS

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

CARRIED 6/0
BY ABSOLUTE MAJORITY

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

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

That Council;

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

CARRIED 6 /0
BY ABSOLUTE MAJORITY

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

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

Council now has additional land 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 advertised the lease opportunity in the Kellerberrin Pipeline and additional issued a letter to the Sport and Recreation Committee to advise it members of the funding opportunity.

At the close of submissions Council received the following submissions:

- Kellerberrin & Districts Club Inc. (no particular parcel requested)
- Kellerberrin Men’s Shed (Restdown Estate)
- Kellerberrin Bowling Club (no particular parcel requested)
- Kellerberrin P & C Association (Lot 438 Scadden Street)
- Doodlakine Bowling Club (Lot 438 Scadden Street)

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:

ABSOLUTE MAJORITY REQUIRED – Yes

STAFF RECOMMENDATION

For Council Consideration.

COUNCIL RECOMMENDATION

MIN 030/19 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council adopt to receive the late application from the Kellerberrin Agricultural Society for Community Cropping submissions for reasons as per email dated Monday 18 March.

CARRIED 6/0

3.00 pm - Council adjourned for afternoon tea and meeting with Kellerberrin Police Sergeant

3.30 pm - Council resumed the meeting with all members present prior to adjournment in attendance.

COUNCIL RECOMMENDATION

MIN 031 /19 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council for a two year period;

- 1. Allocate the Scaddan Street property to the Kellerberrin Agricultural Society;***
- 2. Allocate Restdown Estate to the Kellerberrin Bowling Club;***
- 3. Allocate Industrial Area (Shire owned land) and Airstrip to the Kellerberrin and Districts Club and***
- 4. Provide reimbursement of lease fees associated with lease land for Doodlakine Bowling Club up to \$3,000;***
- 5. Provide reimbursement of lease fees associated with lease land for P&C up to \$3,000;***
- 6. Allocate \$1,500 to the Men's Shed as a contribution in lieu of Community Cropping.***

CARRIED 5/1

Agenda Reference:	11.1.8
Subject:	Direct Debit List and Visa Card Transactions for the month February 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	11 th March 2019
Author:	Brett Taylor – Senior Finance Officer

BACKGROUND

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

Municipal Direct Debit List

Date	Name	Details	\$	Amount
1-Feb-19	NAB	Bank Fees- Merchant		2.73
1-Feb-19	NAB	Bank Fees- Merchant		110.90
1-Feb-19	NAB	Bank Fees- Merchant		114.96
1-Feb-19	NAB	Bank Fees- Merchant		129.44
1-Feb-19	Westnet	Internet Fees		4.99
5-Feb-19	Department of Housing	Monthly Rent		420.00
7-Feb-19	Dot Inspections	EFT Payment		78.50
7-Feb-19	Shire of Kellerberrin	Pay Run		50,510.11
13-Feb-19	DLL	Photocopier Lease		265.21
14-Feb-19	Shire of Kellerberrin	Creditors Payment		90,797.23
15-Feb-19	Shire of Kellerberrin	Super Choice		7,486.02
20-Feb-19	Department of Housing	Monthly Rent		420.00
20-Feb-19	Shire of Kellerberrin	ATO - BAS		14,396.00
21-Feb-19	Shire of Kellerberrin	Pay Run		50,175.14
28-Feb-19	NAB	Bank Fees		57.04
28-Feb-19	NAB	Bank Fees		40.10
28-Feb-19	NAB	Bank Fees		51.20
28-Feb-19	NAB	Bank Fees		64.14
28-Feb-19	Shire of Kellerberrin	Super Choice		7,555.73
28-Feb-19	Shire of Kellerberrin	Creditors Payment		50,846.99
TOTAL			\$	273,526.43

Trust Direct Debit List

Date	Name	Details	\$	Amount
28-Feb-19	Department of Transport	D/D Licencing Payments February 2019	\$	57,317.65
TOTAL			\$	57,317.65

Visa Transactions

Date	Name	Details	\$	Amount
29-Jan-19	NAB	Card Fees		9.00
14-Feb-19		K&D Club		217.80
TOTAL - CEO			\$	226.80

Date	Name	Details	\$	Amount
29-Jan-19	NAB	Card Fees		9.00
TOTAL -DCEO				9.00
TOTAL VISA TRANSACTIONS			\$	235.80

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC PLAN IMPLICATIONS - Nil

CORPORATE BUSINESS PLAN IMPLICATIONS - Nil

TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION – Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 032/19 MOTIONS - Moved Cr. Leake

2nd Cr. O'Neill

That the Direct Debit List for the month of February 2019 comprising;

- a) Municipal Fund – Direct Debit List***
- b) Trust Fund – Direct Debit List***
- c) Visa Card Transactions***

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.9
Subject:	Cheque List February 2019
Location:	Shire of Kellerberrin
Applicant:	N/A
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	06 th March 2019
Author:	Morgan Ware, Finance Officer

BACKGROUND

Accounts for payment from 1st February 2019 – 28th February 2019

TRUST

TRUST TOTAL	\$ 411.65
MUNICIPAL FUND	
Cheque Payments	
34560-34570	\$ 61,187.19
EFT Payments	
9233-9326	\$ 141,644.22
Direct Debit Payments	\$ 31,232.05
TOTAL MUNICIPAL	\$ 202,831.41

COMMENT

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

Synergy	\$ 20,762.80
Power Consumption for Shire owned facilities and property from 11/12/2018 to 12/02/2019	
Water Corporation	\$ 20,297.34
Water charges for Shire owned facilities and properties from 11/12/2018 to 08/02/2019	
Deputy Commissioner Of Taxation	\$ 14,396.00
PAYG Tax, GST Debtors, GST Creditors, Fuel Tax Credits	
DLA Piper	\$ 11,706.20
Professional fees	
Western Australian Treasury Corporation	\$ 11,140.49
Loan No. 119 Principal & Interest payment, Construct CEACA Senior Units, Hammond St	
United Card Services Pty Ltd	\$ 10,710.87
Fuel Purchases January 2019, Monthly card fee, Loyalty discount	
Merredin Refrigeration & Gas	\$ 7,206.21
Air conditioner replacement at Medical Centre, 1 x 10Kw Mitsubishi Electric Reverse Cycle Ceiling Cassette Air Conditioner, Supply & Installation, Pipe installation, Pipe work, Pipe Cover, Drains, Freight, Electrical & Travel, Repairs to Air-con at Ex-Golf Club (Seniors Centre), Outdoor unit burnt, Fan motor burnt out, Replaced and tested, Materials & labour	
Succulent Foods	\$ 7,200.00
Catering for WA Farmers conference, 07/02/2019, Invoiced to WA Farmers for reimbursement	

Shire of Northam Old Quarry road tipping fees, November 18, December 18	\$ 7,079.00
Santaleuca Forestry Flora survey for Baandee North Rd, Research & Report, Flora survey for Brown Rd, Research & Report, Herbarium services, 4 x site visits totalling 889km	\$ 6,945.40
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 6,044.06
WA Local Government Superannuation Plan Pty Ltd Payroll Deductions	\$ 5,779.16
AMPAC Debt Recovery (WA) Pty Ltd Commissions and Costs for the month of January 19	\$ 5,573.06
Farmways Kellerberrin Pty Ltd Toro rotor turf sprinkler x 10, Uniforms 18/19 Pool Manager, Painters roll, Trade flat wall & ceiling, Silicone, Insect screen, Tow bar, Hitch, Valve box, Reel hose 20mmx25m nozzle, Valve solenoid watermark 25mm, Valve solenoid 25mm, 13mm joiner poly, Heavy duty pipe wrench 450mm, and other misc. items under \$100.00	\$ 5,434.89
R Munns Engineering Consulting Services Consulting work to set out 2 x culverts at former floodways on Kwolyin West Rd at SLK 4.52 4.67, Provide scale sketches of proposed culverts and additional info required for clearing permit, Consulting work download 6 x road counters, Road counter summary report through 2018 harvest, Consulting work to complete part of documentation for clearing permit for Baandee North Rd from SLK 10.54 to 22.00, being the locations of vegetation and clearing area, and photo report. Send to Dylan Copeland to add to the clearing permit application form 27/11/2018 to 03/12/2018, Consulting work to draft TGS for traffic management for gravel sheeting project on the Kwolyin West Rd from SLK 12.26 to 15.87 on 20/11/2019, Consulting work onsite to set out culvert at intersection of Glenluce Rd & Mcneil Rd, Offsite draft a TGS for road closure to install culvert, Consulting work onsite to set out culvert at intersection of Glenluce Rd & Mcneil Rd, Offsite draft a TGS for road closure to install culvert, Consulting work offsite to draft a TGS for traffic management to extend culvert on Smith Rd at SLK 4.45, Consulting work offsite complete 3 x WALGGC road returns as requested, Consulting work onsite to check current pavement construction at Centenary Park, Pick up outline of constructed area, Offsite draft a revised carpark layout with crossover slabs and cross section details, Labour & Travel	\$ 5,037.47

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 February 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 \$202,831.41 on vouchers EFT , CHQ, Direct payments*
- 2. *Trust Fund payments totalling \$411.65 on vouchers EFT, CHQ, Direct payments*

COUNCIL RECOMMENDATION

MIN 033/19 MOTION - Moved Cr. Reid **2nd Cr. McNeil**

That Council notes that during the month of February 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 \$202,831.41 on vouchers EFT , CHQ, Direct payments***
- 2. ***Trust Fund payments totalling \$411.65 on vouchers EFT, CHQ, Direct payments***

CARRIED 6/0

Agenda Reference:	11.1.10
Subject:	Financial Management Report for February 2019
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	N/A
Record Ref:	N/A
Disclosure of Interest:	N/A
Date:	6 th March, 2019
Author:	Sean Sibly, Deputy Chief Executive Officer

BACKGROUND

Enclosed is the Monthly Financial Report for the month of February 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 February 2019 comprising;

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

Be adopted.

COUNCIL RECOMMENDATION

MIN 034/19 MOTIONS - Moved Cr. Reid

2nd Cr. Leake

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

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

Be adopted.

CARRIED 6/0

Agenda Reference:	11.1.11
Subject:	Shire of Kellerberrin – Private and Confidential Items
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	Various
Disclosure of Interest:	N/A
Date:	13 th March, 2019
Author:	Mr Raymond Griffiths, Chief Executive Officer

BACKGROUND

Council wish to move behind closed doors to discuss the Performance Appraisal - Chief Executive Officer.

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 Performance Appraisal - Chief Executive Officer.

COUNCIL RECOMMENDATION

MIN 035/19 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council, in accordance with Section 5.23 (2) (a) of the Local Government Act 1995, moves behind closed doors to discuss the Performance Appraisal - Chief Executive Officer.

CARRIED 6 /0

4.20 pm – Mr Raymond Griffiths, Chief Executive Officer exited Council Chambers.

4.20 pm – Mr Sean Sibly, Deputy Chief Executive Officer exited Council Chambers.

4.20 pm – Mr Mick Jones, Works and Services Manager exited Council Chambers.

Agenda Reference: 11.1.12
Subject: Performance Appraisal - Chief Executive Officer
Private and Confidential
Location: Shire of Kellerberrin
Applicant: Shire of Kellerberrin
File Ref: Personal File (CEO)
Record Ref NHR16616
Disclosure of Interest: N/A
Date: 13th March 2019
Author: Cr Rod Forsyth, Shire President

Signature of Author: _____

Signature of CEO: _____

BACKGROUND

Councils September 2018 Ordinary Meeting of Council

MIN 162/18 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council:

1. *Endorses the overall performance rating for Mr Griffiths as the Shire of Kellerberrin's CEO, for the review period June 2017 to June 2018 of 'Partially Exceeding Expectations' – consistently meeting and, in some areas, exceeding expectations for the role'.*
2. *Commends Mr Griffiths for his high standard of service as the Shire of Kellerberrin's Chief Executive Officer*
3. *Endorses the Key Focus Areas for 2018/19*
4. *Schedules the next review of performance to be completed by 1 May 2019.*
5. *Instruct the CEO to ensure the salary package is updated to include the new valuation of vehicles as per advice from employee relations.*
6. *Delegates authority to the President and CEO to execute performance appraisal documentation including addendum for salary packaging in completing the appraisal process.*

CARRIED 6/0

Councils June 2018 Ordinary Meeting of Council

MIN101/18 MOTION - Moved Cr. McNeil 2nd Cr. Steber

That Council endorse the following process provided by JCP Consulting for the 2017/2018 CEO Performance Appraisal:

- *Feedback report drafted by 13th August 2018*
- *Review meetings scheduled for 21st August 2018*
- *A report for the Council's September Ordinary meeting of Council for final consideration.*

CARRIED 6/0

Councils May 2017 Ordinary Meeting of Council

MIN 046/17 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council;

1. *Endorses the CEO Performance process;*
2. *Authorises the President to complete the Review;*
3. *Endorses the recommendations contained in the Performance Appraisal from Council;*

- 4. Instruct the Chief Executive Officer to continue with key performance areas as set within the Short and Long Term Goals that will be reviewed at the 2018 review;**

CARRIED 7/0

Councils May 2016 Ordinary Meeting of Council

MIN 81/16 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council;

- 1. Endorses the CEO Performance process***
- 2. Authorises the President to complete the Review***
- 3. Endorses the recommendations contained in the Performance Appraisal from Council***
- 4. Instruct the Chief Executive Officer to continue with key performance areas as set within the Short and Long Term Goals that will be reviewed at the 2017 review.***

CARRIED 7/0

Councils April 2016 Ordinary Meeting of Council

MIN 44/16 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That the matter be presented to the May 2016 Council meeting.

CARRIED 7/0

REASON: Council are waiting for the distribution of the salary and wages tribunal decision to be handed down.

Councils April 2015 Ordinary Meeting of Council

MIN 57/15 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council;

- 1. Endorses the CEO Performance process***
- 2. Authorises the President to complete the Review***
- 3. Endorses the recommendations contained in the Performance Appraisal from Council***
- 4. Instruct the Chief Executive Officer to continue with key performance areas as set within the Short and Long Term Goals that will be reviewed at the 2016 review***

CARRIED 4/0

Councils March 2015 Ordinary Meeting of Council

MIN 31/15 MOTION - Moved Cr. Daley 2nd Cr. Steber

That Council;

- 1. Conduct an interim Performance Appraisal of the Chief Executive Officer at its April 2015 Ordinary Meeting of Council.***
- 2. Endorses the short term and long term goals developed***
- 3. Incorporates the short term and long term goals into the 2016 Chief Executive Officers Performance Appraisal process.***

CARRIED 6/0

Councils September 2014 Ordinary Meeting of Council

MIN 125/14 MOTION - Moved Cr. Bee 2nd Cr. Steber

That Council;

- 1. Endorses the CEO Performance process***
- 2. Authorises the President to complete the Review including contract renewal as documented.***
- 3. Endorses the recommendations contained in the Performance Appraisal from Council***
- 4. Instruct the Chief Executive Officer to continue with key performance areas as set***

CARRIED 7/0

REASON: To include the provision of new contract extension.

Councils November 2013 Ordinary Meeting of Council
--

MIN 189/13 MOTION – Moved Cr. Bee 2nd Cr. Daley

That Council;

- 1. Endorses the short term and long term goals provided by the Chief Executive Officer.***
- 2. Incorporates the short term and long term goals into the 2014 Chief Executive Officers Performance Appraisal process.***

CARRIED 6/0

Councils September 2013 Ordinary Meeting of Council

MIN 149/13 MOTION - Moved Cr. Bee 2nd Cr. Daley

That Council;

- 1. Endorses the CEO Performance process***
- 2. Authorises the Deputy President to complete the Review***
- 3. Endorses the recommendations contained in the Performance Appraisal from Council***
- 4. Instruct the Chief Executive Officer to continue with key performance areas as set***

CARRIED 6/0

Councils August 2013 Ordinary Meeting of Council
--

MIN 126/13 MOTION - Moved Cr O'Neill 2nd Cr Forsyth

That Council

- 1. undertake the Performance Appraisal internally as a Council***
- 2. complete the appraisal prior to the September 2013 Ordinary Meeting of Council.***

CARRIED 6 /0

COMMENT

Council's Chief Executive Officer current contract provides the following guidance for the Extension of term:

2.2 Extension of Term

1. In accordance with section 5.39(4) of the Act, this Contract is renewable, and the Term may be extended, by agreement between the parties.
2. Neither the Shire nor You has any obligation to agree to this Contract being renewed or to the Term being extended.
3. You must, not later than 12 months before the expiry of the Term, notify the Council in writing whether or not You seek a renewal of this Contract and, if so, for what term.
4. Within 2 months of the Council receiving that notification, the Council must advise You in writing of the Shire's intention to either advertise the Position or to offer You a renewal of this Contract and, if so, on what terms.
5. If there is any delay in the Council giving You the notice in writing under clause 2.3(4), the Term is deemed to be extended for a period equal to the period of the delay, but not to exceed 12 months.
6. If the Council and You agree to an extension of the Term, then, subject to that agreement –
 - a. this Contract will continue to apply unless amended in writing by the parties; and
 - b. clause 2.1 is to be read as though it refers to the extended Term.

Council at the September 2018 performance appraisal was advised by Mr Griffiths that he wishes to have his contracted extended.

Council has since received written notification in accordance with the abovementioned clause advising that Mr Griffiths is seeking a five (5) year extension to his current contract set to expire on the 30th June 2020.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Kellerberrin 2019/2020 Salary and Wages Budget.

POLICY IMPLICATIONS

4.34 Chief Executive Officer Annual Performance Review

Policy Name: Chief Executive Officer Annual Performance Review.	To be read in conjunction with Policy Numbers: 4.12
Date Adopted: August 2018	Review Date: October 2019

OBJECTIVE

To guide Council's annual performance and remuneration review process for the Shire's Chief Executive Officer.

BACKGROUND

Section 5.38 of the *Local Government Act 1995* requires Council to review the performance of the Chief Executive Officer at least once each year. Conducting this review is an important function of Council because the CEO is Council's only employee and it is through this review process that Council can also review the performance of the organisation. At the same time, it is appropriate for Council to also conduct an annual review of the CEO's remuneration package.

The Salaries and Allowance Tribunal (SAT), established under the *Salaries and Allowances Act 1975* (the Act), has responsibility for determining and recommending rates of remuneration for local government CEO's in accordance with sections 7A and 8 of that Act. Rather than determine a specific remuneration package amount, SAT sets the minimum and maximum Total Reward Package (TRP) to be paid or provided to local government CEOs depending on a 'Band' classification structure established by the SAT. The SAT has classified the Shire of Kellerberrin as a Band 4 local government.

POLICY STATEMENT

1. Performance Review Panel

- 1.1. The Council shall establish a CEO Performance Review Panel (the Panel) to have carriage and oversight of the Annual Review Process.
- 1.2. The Panel shall be appointed by resolution of Council for a two year term ending on the date of the next ordinary local government election.
- 1.3. The Panel shall comprise up to seven members, including the President as Chairperson.
- 1.4. The primary functions of the Panel are to:
 - a) Subject to clause 2.4, determine the scope of work to engage a consultant to assist with the conduct of the review process;
 - b) Review quotations received from consultants to assist with the conduct of the review process;
 - c) Provide a recommendation to Council on the appointment of a suitable consultant to assist with the conduct of the review process;
 - d) Manage the consultant appointed by Council;
 - e) Review the results of the performance review process and remuneration review and provide a recommendation to Council on the same; and
 - f) Discuss possible KPIs and measurements with the CEO for reporting to Council arising from the performance review process.

2. Appointment of Consultant

- 2.1. Council shall have due regard to the advice of the Panel and shall appoint a suitably qualified and experienced consultant to assist with the conduct of the performance review process in an independent and equitable fashion.
- 2.2. Unless otherwise determined by Council, the selected consultant shall be appointed for a two year term to coincide with the membership term of the Panel.
- 2.3. To ensure the review process is commenced in a timely manner, Council will make the decision to appoint a consultant by no later than one month before the CEO's 12 month anniversary date falls due.
- 2.4. The appointed consultant shall, as a minimum, undertake the following as part of the performance review process:
 - a) Prepare and distribute a questionnaire to all current Council Members on the extent to which the CEO is considered to have achieved the KPIs and measurements that applied during the review period;
 - b) Provide all current Council Members with the opportunity to provide verbal feedback on:
 - (i) the extent to which the CEO is considered to have achieved the KPIs and measurements that applied during the review period;

- (ii) the CEO's responsibilities during the review period; and
- (iii) the organisation's performance during the review period.

- c) Conduct a review of the CEO's remuneration package;
- d) Convene and attend at least one meeting between the consultant and the CEO to discuss the feedback received;
- e) Convene and attend at least one meeting between the consultant and the Panel to discuss the feedback received;
- f) Convene and attend at least one meeting between the consultant, the Panel and the CEO to discuss the feedback received; and
- g) Provide to the Panel and the CEO an Annual Performance Review report incorporating the results of the review exercise.
- h) Conduct a review of the CEO's Key Performance Indicators (KPIs) and recommend draft KPIs and measurements for the upcoming review period in discussion with the CEO and the Panel.

3. Roles & Responsibilities

- 3.1. The President will be responsible for:
Coordinating the activities of the Panel throughout the review process; and
- 3.2. Two months prior to the completion of the KPI review year falling due, initiating the Request for Quotation (RFQ) process to appoint a consultant in accordance with Council's Purchasing Policy and relevant corporate procedures.
- 3.3. No later than six weeks following the completion of the KPI review year, the CEO shall provide to Council's appointed consultant a written self-assessment of the CEO's own performance against the KPIs and measurements that applied during the review period.
- 3.4. Council's appointed consultant will be responsible for coordinating Council Member feedback on the CEO's self-assessment against KPIs and measurements, and the Manager's feedback on the CEO's leadership behaviours.
- 3.5. The Panel is responsible for:
 - a) Presenting a report to Council to appoint a suitable consultant prior to the CEO's anniversary date falling due; and
 - b) Overseeing the performance review process and ensuring that a final review report is presented to Council to conclude the process within 3 months of the completion of the former KPI review period. If a local government election, or another extraordinary event, falls within this 3 month period, the Panel shall establish revised timeframes for the review process in liaison with the CEO.
- 3.6. The Panel and the CEO shall be responsible for presenting the draft KPIs and measurements to Council for determination within 3 months of the completion of the former KPI review period.
- 3.7. It is incumbent upon Council Members and senior staff to actively participate in the CEO Performance Review process and to provide feedback in accordance with the provisions of this policy.

4. KPI Review Period

- 4.1 If the CEO's anniversary date does not align with the financial year, then over a period of time agreed between Council and the CEO, the CEO's KPI review period (inclusive of remuneration review) will be transitioned to align with the financial year.
- 4.2 To give effect to clause 4.1, Council and the CEO may agree to conduct a performance review(s) for a period of less than 12 months based on KPIs that align to that same duration of time.

STATUTORY IMPLICATIONS

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.

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
- (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
- (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
- (a) the expiry date is specified in the contract;
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the Salaries and Allowances Act 1975, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3).]

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity;
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;
- (c) employees are to be treated fairly and consistently;

- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground;
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

SALARIES AND ALLOWANCES ACT 1975

Section 7A. Recommendations as to remuneration of local government CEOs

- (1) The Tribunal shall, from time to time, inquire into and make a report containing recommendations as to the remuneration to be paid or provided to chief executive officers of local governments.
- (2) A report of the Tribunal made under this section shall be —
 - (a) in writing; and
 - (b) signed by the members.
- (3) A copy of every report made by the Tribunal under this section shall be published in the *Gazette*.

DEPARTMENT OF LOCAL GOVERNMENT

Local Government Guidelines

- Number 10 – Appointing a CEO
- Model Contract of Employment – Local Government CEO's
- Gender Diversity and the Selection of CEO's and Senior Staff in Local Government.
- Number 11 – Use of Corporate Credit Cards
- Number 17 - Delegations

STRATEGIC COMMUNITY PLAN IMPLICATIONS

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

Shire of Kellerberrin - Workforce Plan

TEN YEAR FINANCIAL PLAN IMPLICATIONS

COMMUNITY CONSULTATION - Nil

ABSOLUTE MAJORITY REQUIRED – No

STAFF RECOMMENDATION

For Council consideration.

COUNCIL RECOMMENDATION

MIN 036 /19 MOTION - Moved Cr. Steber

2nd Cr. Reid

That Council rescinds Item 4 of Minute 162/18

CARRIED 6/0

MIN 037/19 MOTION - Moved Cr. O'Neill

2nd Cr. Leake

That Council:

- 1. Offer the current Chief Executive Officer, Mr Raymond Griffiths a five (5) year contract extension expiring 30th June 2025 under the current Salary package for 2018/2019.***
- 2. Undertake a performance appraisal for the Chief Executive Officer by no later than May 2020.***

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 038/19 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council returns from behind closed doors.

CARRIED 6/0

DEVELOPMENT SERVICES – AGENDA ITEM

Agenda Reference:	11.2.1
Subject:	Building Returns: February 2019
Location:	Shire of Kellerberrin
Applicant:	Various
File Ref:	BUILD06
Disclosure of Interest:	Nil
Date:	1 st March, 2019
Author:	Raymond Griffiths, Chief Executive Officer

BACKGROUND

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

COMMENT

1. There were nil (0) applications received for a "Building Permit" during the February period. A copy of the "Australian Bureau of Statistics appends".
2. There was nil (0) "Building Permits" issued in the February 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 February 2019 period.
2. Acknowledge the "Return of Building Permits Issued" for the February 2019 period.

COUNCIL RECOMMENDATION

MIN 039/19 MOTION - Moved Cr. Steber 2nd Cr. McNeil

That Council

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

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 040/19 MOTION - Moved Cr. Leake **2nd Cr. Reid**

That Council consider late items.

CARRIED 6/0

Agenda Reference:	13.1.1
Subject:	CBH Worker Accommodation
Location:	Shire of Kellerberrin
Applicant:	Mr. Bernard Lim (CDM Projects)
File Ref:	
Record Ref:	IPA1968, BP 3-2019
Disclosure of Interest:	N/A
Date:	21/01/2019
Author:	Mr Lewis York, Town Planner

BACKGROUND

A development application has been received from Mr. Bernard Lim, on behalf of property owner Ms. Heather Herbert, for the development consisting of worker accommodation on Lot 14 (34) Bedford Street, Kellerberrin. Throughout 2018 CBH Group notified the Shire of their intention to accommodate workers within a close proximity to the grain receival site. The development proposes five (5) second hand modular accommodation units that will contain 16 rooms, along with a kitchen and communal dining area. The site will be serviced by the installation of a below ground septic tank and below ground leech drain. Further works will include the provision of gravel crossovers and car parking bays.

SITE

The site is located on Bedford Street, Kellerberrin, which is in the North- East corner of the Kellerberrin townsite boundary. The lot is zoned 'Residential' and Coded 'R2' in *Local Planning Scheme No.4*. The lot



is predominately cleared with only four (4) trees existing on the western side (adjacent to Bedford street). Attached are photos of the entrance to the lot (Bedford St.)

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

POLICY IMPLICATIONS

Shire of Kellerberrin Local Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

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

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

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

3.3. ZONING TABLE

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

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

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

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

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

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

TABLE 1 – ZONING TABLE

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
RESIDENTIAL						
Aged or dependent persons dwelling	P	D	X	X	P	X
Caretaker's dwelling	X	D	D	D	P	X
Grouped dwelling	P	D	X	D	D	X
Home business	D	D	X	D	D	D
Home occupation	D	D	X	D	D	D
Home office	P	D	X	D	D	P
Home store	A	D	X	A	D	A
Multiple dwelling	D	X	X	X	X	X
Park home park	X	A	X	X	A	X
Repurposed dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Residential building	A	X	X	X	A	X
Rural home business	X	X	X	D	X	D
Second-hand dwelling <i>AMD 2 GG 12/09/17</i>	D	A	X	D	D	D
Single Dwelling	P	A	X	P	P	P
Transportable dwelling	<i>DELETED BY AMD 2 GG 12/09/17</i>					

Use determination: In 2017, the term 'Transportable dwelling' was deleted from all local planning schemes in Western Australia. This resulted in the new use class terms of 're-purposed' and 'second hand'

dwellings. In February 2019, the Shire wrote to the Department of Planning, Lands and Heritage seeking clarity on the use proposed in the abovementioned application and it was advised the application should be considered outside the parameters of the Zoning table as a 'use not listed'. A use not listed therefore requires Council discretion.

PLANNING ASSESSMENT

The abovementioned proposal provides CBH with an opportunity to centralize accommodation for its seasonal work force. Site expansion in 2018/19 will result in an increased workforce number at the Kellerberrin receival site. In the past workers have been staying at units on Hammond Street and/or the Caravan Park. It is noted that during the 2018 harvest period the Shires Caravan Park was often at capacity, while other accommodation options including Judy's Place and the Prev were often at capacity.

The accommodation proposed is located in area not considered to be overly sensitive to nearby landowners. While two negative submissions were received it is believed that if the facility can be adequately constructed it will provide a low level of visual impact to surrounding landowners. This can be achieved through conditions on the property, including adequate screening in the form of tree planting.

CBH like to provide this type of accommodation to their employees instead of utilising existing accommodation in town as at time they require the facilities without prior notice which doesn't work on a commercial sense for owners/operators of accommodation businesses therefore this model is the most effective and efficient for CBH.

RECOMMENDATION

That Council;

Approve the development and endorse the attached plans for worker accommodation to be located at 33 Bedford Street, Kellerberrin, with the following conditions;

GENERAL CONDITIONS

- 1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan;*
- 2. Development Approval will expire if the development is not substantially commenced within two years of the approval date; and*
- 3. The East side of the worker accommodation shall be adequately screened with vegetation, to the desire of the Shire.*

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

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

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

COMMUNITY CONSULTATION:

Chief Executive Officer
Town Planner
Council
Bedford Street Residents
Kellerberrin Community via local advertising.

The proposal was advertised to surrounding landowners from February to 1 March 2018.

Summary of Submissions Received:

Received: 20/02/19

Deborah Ware- 24 George Street, Kellerberrin

- Don't approve of the proposed worker accommodation
- Believes Kellerberrin currently provides sufficient levels of worker accommodation
- Query: Maintenance of property out of season?
- Query: Availability out of season?
- Poor aesthetical appeal of modular units

Received: 28/02/2019

Sean and Judi Conway- 33 Bedford St, Kellerberrin

- Don't approve of the proposed worker accommodation

Received: 07th March 2019

Graeme and Chris Laird – 80 James Street, Kellerberrin

- Approve the proposed workers accommodation.

Council's Chief Executive Officer also met with Mr Paul Brown to discuss the proposal, at this stage Mr Brown hasn't provided a verbal or written objection to the proposal.

STAFF RECOMMENDATION

That Council approves the development application and endorse the attached plans for worker accommodation to be located at 33 Bedford Street, Kellerberrin, with the following conditions;

GENERAL CONDITIONS

1. *Development approval only in accordance with the Drawing No 2019-404-0080 Revision A dated 08/01/2019*
2. *Development Approval will expire if the development is not substantially commenced within two years of the approval date; and*
3. *The development to be fenced appropriately on the Northern, Southern and Eastern aspect to assist with noise reductions.*
4. *The site shall be adequately screened with vegetation, to the desire of the Shire.*

Advice notes;

1. *The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit;*

COUNCIL RECOMMENDATION

MIN 041/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council after considering submissions received approves the development application and endorse the attached plans for worker accommodation to be located at 33 Bedford Street, Kellerberrin, with the following conditions;

GENERAL CONDITIONS

- 1. Development approval only in accordance with the Drawing No 2019-404-0080 Revision A dated 08/01/2019*
- 2. Development Approval will expire if the development is not substantially commenced within two years of the approval date; and*
- 3. The development to be fenced appropriately on the Northern, Southern and Eastern aspect to assist with noise reductions.*
- 4. The site shall be adequately screened with vegetation, to the desire of the Shire.*

Advice notes;

- 1. The provision of planning approval is not considered Building approval and such works should be accompanied with a building permit;*

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**

CLOSURE OF MEETING

4.40 pm Cr. Rodney Forsyth, Shire President closed the meeting.

NEXT MEETING DATES

Ordinary Council Meeting, Tuesday, 16th April, 2019