

# SHIRE OF KELLERBERRIN

## MINUTES

Minutes of the Ordinary Council Meeting held at the Shire of Kellerberrin Council Chamber, 110 Massingham Street Kellerberrin on Tuesday, 21<sup>st</sup> May 2019, commencing at 2.03pm.

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

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

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

#### Present:

Cr. Forsyth	President
Cr. O'Neill	Deputy President
Cr. Leake	Member
Cr. Reid	Member
Cr. Steber	Member
Mr Raymond Griffiths	Chief Executive Officer
Mr Mick Jones	Manager of Works and Services
Mrs Natasha Giles	Communtiy Development Officer (Exited 2.20 pm)
Cr. McNeil	Member
Mr Brett Taylor	Senior Finance Officer

#### 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 **21<sup>st</sup> May 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 **21<sup>st</sup> May 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 **21<sup>st</sup> May 2019**

Date	Name	Item No.	Reason

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 7.1 Shire of Kellerberrin Ordinary Council Meeting Minutes, 16<sup>th</sup> April, 2019

## COUNCIL RECOMMENDATION

**MIN 070/19 MOTION:** Moved Cr.O'Neill 2<sup>nd</sup> Cr. Steber

*That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 16<sup>th</sup> April 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 071/19 MOTION:** Moved Cr.Reid 2<sup>nd</sup> Cr. Leake

*That the Presidents Reports for April 2019 be received.*

CARRIED 6/0

### 10.2 Standing Orders

**MIN 072/19 MOTION:** Moved Cr.Leake 2<sup>nd</sup> Cr. Steber

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

CARRIED 6/0

## 11.1 CORPORATE SERVICES – AGENDA ITEM

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

### BACKGROUND

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

April 2019 Council Meeting

**MIN 044/19 MOTION -** Moved Cr. Leake 2<sup>nd</sup> Cr. Steber

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

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

March 2019 Council Meeting

**MIN 024/19 MOTION -** Moved Cr. Reid 2<sup>nd</sup> 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.***

**MIN 004/19 MOTION -**

Moved Cr. McNeil

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

***That Council;***

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

**April MIN 024/19**

1. Item Noted, Town Crew to complete works
2. Main Roads were contact via email 2<sup>nd</sup> May 2019, Gren Putland has arranged for request to be carried out.
3. Shire has contacted the Men's Shed and advised of Council's decision. Council is now awaiting a quote from the Men's Shed to purchase the wood for the construction.
4. Action completed 29<sup>th</sup> April 2019
5. Item Noted, Town Crew Completed 18<sup>th</sup> April 2019.

**March MIN 024/19**

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

**February MIN 004/19**

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

## 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 073/19 MOTION -** Moved Cr.McNeil 2<sup>nd</sup> Cr. Steber

***That Council review the Leake Street footpath near Dryandra for a pothole.***

CARRIED 6/0

2.20 pm – Mrs Natasha Giles Community Development Officer exited Council Chambers.

2.20 pm – Mr Brett Taylor, Senior Finance Officer exited Council Chambers.

NOT CONFIRMED

**DATED:** ..... **PRESIDENT SIGNATURE:** .....

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	Status Report of Action Sheet
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin - Council
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	1 <sup>st</sup> May 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

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

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

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

**COMMENT**

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

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

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

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

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

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

**POLICY IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

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

- (1) The council —
  - (a) Directs and controls the local government’s affairs; and

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

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

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act;
  - (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;
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- (d) participates in the local government's decision-making processes at council and committee meetings; and
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**5.60. When person has an interest**

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 074/19 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake**

*That Council receives the Status Report.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	CEACA Special Committee Meeting Minutes and Resolutions
<b>Location:</b>	Kellerberrin Recreation and Leisure Centre
<b>Applicant:</b>	CEACA Council
<b>File Ref:</b>	AGE - 03
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	1 <sup>st</sup> May, 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

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

**COMMENT**

Attached to this agenda item is a copy of the last CEACA Council Meeting Minutes held on Friday, 12<sup>th</sup> April, 2019 held at the Kellerberrin Recreation and Leisure Centre.

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

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

Resolutions arising out of the 12<sup>th</sup> April, 2019 CEACA Council Meeting summarised hereunder,

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

**That, subject to contract negotiations, Hon Terry Waldron JP, be appointed to the position of Independent Chair to CEACA.**

**CARRIED**

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

**POLICY IMPLICATIONS**

**STATUTORY IMPLICATIONS:**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**CORPORATE BUSINESS PLAN IMPLICATIONS**

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

**LONG TERM FINANCIAL PLAN IMPLCATIONS**

**COMMUNITY CONSULTATION**

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

**ABSOLUTE MAJOURITY REQUIRED - NO**

**STAFF RECOMMENDATION**

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

**COUNCIL RECOMMENDATION**

**MIN 075/19 MOTION** - Moved Cr. Steber      2<sup>nd</sup> Cr. O'Neill

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

CARRIED 6 /0

<b>Agenda Reference:</b>	11.1.4
<b>Subject:</b>	Great Eastern Country Zone of WALGA Meeting Minutes and Resolutions
<b>Location:</b>	Kellerberrin Recreation and Leisure Centre
<b>Applicant:</b>	Great Eastern Country Zone of WALGA
<b>File Ref:</b>	OLGOV-16
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	6 <sup>th</sup> May 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

The Minutes of the recent Meeting, held on Wednesday 24<sup>th</sup> April, 2019 at the Kellerberrin Recreation and Leisure Centre, of the Great Eastern Country Zone (GECZ) are provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and Great Eastern Country Zone to keep this Council abreast of forward/strategic planning initiatives of the Zone.

**COMMENT**

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Wednesday 24<sup>th</sup> April, 2019. The intent is to list the minutes of each meeting formally as compared to listing these minutes in the Information Bulletin section of Councils monthly Agenda, to ensure that Council is;

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

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

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

**RESOLUTION Moved: President Cr Eileen O'Connell Seconded: Cr Rodney Forsyth**

**That the minutes of the Great Eastern Country Zone meeting held Monday 18 March 2019 are confirmed as a true and accurate record of the proceedings.**

**CARRIED**

**RESOLUTION Moved: Cr Tony Sachse Seconded: Cr Geoff Waters**

**That the Minutes of the Executive Committee Meeting of the Great Eastern Country Zone held Thursday 11 April 2019 be endorsed.**

**CARRIED**

**RESOLUTION Moved: Cr Onida Truran Seconded: Cr Gary Shadbolt**

**That the Local Government Agricultural Freight Group Report be received.**

**CARRIED**

**RESOLUTION Moved: Cr Geoff Waters Seconded: Cr Rod Forsyth**

**That the Wheatbelt District Emergency Management Committee Report be received.**

**CARRIED**

**RESOLUTION** Moved: Cr Onida Truran

Seconded: Cr Quentin Davies

**That the Great Eastern Country Zone WALGA May 2019 Status Report be noted.**

**CARRIED**

**RESOLUTION** Moved: Cr Quentin Davies

Seconded: Cr Karin Day

**That the Great Eastern Country Zone supports all Matters for Decision as listed above in the State Council Agenda.**

**CARRIED**

**RESOLUTION** Moved: Cr Rod Forsyth

Seconded: Cr Gary Shadbolt

**That the Great Eastern Country Zone notes the following reports contained in the WALGA State Council Agenda.**

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

**CARRIED**

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

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

As per Great Eastern Country Zone WALGA resolutions adopted at Zone Meetings

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

#### **STRATEGIC PLAN IMPLICATIONS**

Participation in Great Eastern Country Zone of WALGA provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member of Great Eastern Country Zone. The additional advantage to membership of the Zone is to monitor and actively provide input to Governance, Compliance and Statutory issues that affect the member Local Government, to deliver the required services to its respective community and to operate effectively and efficiently as a local government.

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

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

#### **COMMUNITY CONSULTATION**

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

**ABSOLUTE MAJORITY REQUIRED - NO**



**STAFF RECOMMENDATION**

*That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Wednesday 24<sup>th</sup> April, 2019.*

**COUNCIL RECOMMENATION**

**MIN 076/19 MOTION** - Moved Cr. McNeil 2<sup>nd</sup> Cr. Leake

*That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Wednesday 24<sup>th</sup> April, 2019.*

CARRIED 6/0

NOT CONFIRMED

<b>Agenda Reference:</b>	11.1.5
<b>Subject:</b>	WE-ROC Council Meeting Minutes and Resolutions
<b>Location:</b>	Council Chambers, Shire of Bruce Rock
<b>Applicant:</b>	WE-ROC Council
<b>File Ref:</b>	ORG-10
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	7 <sup>th</sup> May 2019
<b>Author:</b>	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 1<sup>st</sup> May, 2019, in the Council Chambers at the Shire of Bruce Rock, 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 1<sup>st</sup> May, 2019, in the Council Chambers at the Shire of Bruce Rock.

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 1<sup>st</sup> May 2019, 2019 WE-ROC Council Meeting summarised hereunder,

**RESOLUTION:**                    **Moved: Ram Rajagopalan      Seconded: Karin Day**  
**That the Minutes of the Meeting of Wheatbelt Communities Inc held Wednesday 27 February 2019 be confirmed as a true and accurate record of the meeting.**  
**CARRIED**

**RESOLUTION:**                    **Moved: Ken Hooper    Seconded: Karin Day**  
**That the Wheatbelt Communities Inc Financial Report for the period ending 31 March 2019 be received.**  
**CARRIED**

**RESOLUTION:**                    **Moved: Karin Day    Seconded: Ken Hooper**  
**That the list accounts paid for the period 16 February 2019 to 15 April 2019 totalling \$118.80 be endorsed.**  
**CARRIED**

**RESOLUTION:**

**Moved: Greg Powell**

**Seconded: Karin Day**

1. That the combined Wheatbelt Communities Inc and WEROC Draft Budget for the year ending 30 June 2020, as presented, with a general subscription for each Member Organisation set at \$12,000 (excluding GST) and in accordance with the Wheatbelt Communities Inc Constitution, be referred to Member Organisations for comment, with all comments to be submitted to the Executive Officer by no later than Friday 31 May 2019.
2. That a budget review be undertaken early in the 2019/2020 financial year following the commencement of the newly formed organisation.

**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 1<sup>st</sup> May, 2019*

**COUNCIL RECOMMENDATION**

**MIN 077/19 MOTION - Moved Cr.Leake 2<sup>nd</sup> Cr. Reid**

***That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 1<sup>st</sup> May, 2019***

**CARRIED 6 /6**

<b>Agenda Reference:</b>	11.1.6
<b>Subject:</b>	WEROC/Wheatbelt Communities Subscriptions 2019/20
<b>Location:</b>	WEROC/Wheatbelt Communities
<b>Applicant:</b>	WEROC/Wheatbelt Communities
<b>File Ref:</b>	ORG 10 & ORG 13.1
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	8 <sup>th</sup> May 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

Wheatbelt Communities Meeting – Wednesday 1<sup>st</sup> May 2019.

**RESOLUTION:**                      **Moved: Greg Powell**                      **Seconded: Karin Day**

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

4. That a budget review be undertaken early in the 2019/2020 financial year following the commencement of the newly formed organisation.

**CARRIED**

**COMMENT**

Information provided to the Wheatbelt Communities meeting by their Executive Officer.

*At the WEROC Executive Meeting held on Wednesday 27 March 2019 it was resolved as follows:*

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

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

**CARRIED**

*By way of background, at the WEROC Council Meeting held in Southern Cross on Wednesday 27 February 2019 it was resolved in part as follows:*

“...  
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; ...”*

*As a consequence, a draft budget as outlined below, has been developed in line with clause 18 of the Wheatbelt Communities Inc (WCI) Constitution.*

Clause 18 requires that a draft budget is prepared at least two months before the end of the financial year and then forwarded to each Member Organisation for comment prior to adoption.

In drafting the budget, the WEROC 2018/2019 and WCI 2018/2019 budgets have been combined to provide a consolidated document from which a new WEROC 2019/2020 draft budget, as outlined below, has been developed. As the WCI is the continuing organisation with a name change to WEROC the ABN for WCI has been retained.

In reviewing the draft budget, the WEROC and WCI income and expenditure for the 2018/2019 year have been shown as separate line items with the WCI line items highlighted in yellow. It should also be noted that the budget has been titled "WEROC Inc" to reflect the name of the combined entity.

In considering the draft budget, the following notes may assist Member Organisations:

#### **Income**

- A. Based on the estimates as at 30 June 2019 the balance in the WEROC account will be approximately \$160,000. It is therefore proposed that the total annual subscription be retained at \$12,000 per Member Organisation (including the previous contribution to the Consultancy and Project Reserve).
- B. In regard to the Consultancy and Project Reserve this amount has been incorporated into the General Subscription.
- C. Interest accrued on general operating WEROC funds. The amount of interest is slowly declining due to interest rates "falling".

#### **Expenditure**

1. The allocations relate to the WEROC Executive Officer services. The allocations cover professional services including office expenses and travel and accommodation. With the winding up of WEROC on the 30 June 2019 it is proposed that the expenditure for Executive Services for the June 2019 be paid during June to avoid having any outstanding creditors.
2. This allocation covers the cost of managing the financial management and the conduct of the annual audit. It should be noted that it will be necessary to carry out audits for both WEROC and WCI as at 30 June 2019. An allocation has been made for this expenditure.
3. This allocation is to enable the WEROC to undertake special projects or consultancies.
4. This allocation is to provide funding for the management of the WEROC App.
5. This is a new allocation as it may be necessary, as an incorporated body, to "take out" similar insurance to CEACA. No estimate of costs has been received.
6. This is a general allocation for legal expenses to simply cover any eventuality.
7. This is a specific allocation to cover the cost of developing a new WEROC Constitution using the WCI Constitution as a base. It provides for legal fees and costs associated with lodging the change of name and new Constitution with the Department of Mines, Industry Regulation and Safety. If the work is undertaken during the current financial year this allocation can be deleted when WEROC is formally adopting the budget.

It is anticipated that the proposed budget will leave the newly formed "WEROC Inc" with a balance at the 30 June 2020 of around \$90,000.

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

Council has in previous years allocated the following:

- \$10,000 - WEROC Subscriptions
- \$ 2,000 - Wheatbelt Communities Subscriptions

The request of \$12,000 is purely a combination of the current subscriptions combined, therefore there is no impact to the ongoing budget should Council elect to continue.

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS - Nil**

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

**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  
Wheatbelt Communities  
WEROC

**ABSOLUTE MAJORITY REQUIRED – YES**

**STAFF RECOMMENDATION**

*That Council includes \$12,000 in the 2019/2020 Budget for Wheatbelt Communities subscriptions.*

**COUNCIL RECOMMENDATION**

**MIN 078/19 MOTION - Moved Cr. Steber** **2<sup>nd</sup> Cr. O'Neill**

***That Council includes \$12,000 in the 2019/2020 Budget for Wheatbelt Communities subscriptions.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.7
<b>Subject:</b>	Delegated Authority – Electronic Lodgement Network Operator (PEXA) & Verification of Identity.
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

Council on the 10<sup>th</sup> April 2019 received correspondence from Council's solicitors McLeods advising that specific documents such as Withdrawal of Caveats, Caveats and Transfer of Lands are now required to be lodged through the electronic lodgment network operator (PEXA). PEXA is affiliated with Landgate and is a secure e-Conveyancing platform which enables lawyers, conveyancers and financial institutions to transact online.

PEXA is now mandatory for a number of Landgate documents including Caveats, Withdrawal of Caveats and Transferring of land. In order for McLeod's to transact electronically on the Shire's behalf, the Shire is required to complete a client authorization form and verify the identity of the Shire's signatories.

PEXA is affiliated with Landgate and is a secure e-Conveyancing platform which enables lawyers, conveyancers and financial institutions to transact online. Landgate documents that are lodged electronically occur in real time. This means that a purchaser/caveator's interest will be registered against the title immediately at settlement rather than days or weeks after as it takes currently due to Landgate examination and processing.

PEXA (Property Exchange Australia) is an initiative to provide Australia with a nation election platform for the Australian property industry. PEXA was formed in 2010 however only gained momentum once the State Government and land registries declared that PEXA would be compulsory for conveyancers and lawyers. Settlements conducted through PEXA remove the requirement for hard copy documents to be prepared and executed. Preparation for settlement schedules are creating an online workspace, using a step by step process. All relevant documents and settlement schedules are created on the workspace with information being transparent between the parties so it is clear what task is pending and who is responsible for its completion.

Once the preparation for settlement is complete, PEXA will automatically lodge the documents with Landgate at the specified settlement time, exchange any loan funds, pay stamp duty, GST, third party beneficiaries and any other necessary entities as well as deposit the purchase price directly to the vendor.

For the past 150 years it has been necessary for lawyers and conveyancers to physically attend settlements. During this process there would be checking and signing of documents, handing over of cheques and then the documents would be lodged with Landgate. Prior to the meeting between the lawyers and the conveyancers, McLeod's would correspond with the Shire in order to execute the documents on the Shire's behalf. This process also involves McLeod's sending quadruplicate copies of documents via registered post to sign and affix the Common Seal.

**COMMENT**

**DATED:** ..... **PRESIDENT SIGNATURE:** .....

Essentially by signing a client authorization form the Shire is allowing McLeod's to sign these documents on its behalf. The Shire will no longer be required to sign the transfer of land and withdrawal of caveat documents under the common seal. On receipt of the Shire's authorization Fiona Gygich (Partner of McLeod's) will have the authority to electronically sign the Shire's documents.

The Council has the following options to grant authorization to McLeods:

**Option 1 – Standing Authority.**

By selecting Standing authority with no revocation or expiry date the Shire is permitting McLeods to sign all marked documents on its behalf without the need for further authorization from the Shire.

**Option 2 – Standing Authority with expiry date**

By selecting standing authority and entering a date in which the authority expires the Shire is permitting McLeod's to sign all marked documents on its behalf without the need for further authorization from the Shire until the expiry date at which time McLeod's will need to request additional authorization.

**Option 3 – Specific Authority**

By selecting specific authority the shire is only providing its authorization for a withdrawal of a caveat, lodging a caveat and/or transfer of land associated with that particular matter. The option should be chosen if the Shire wishes to complete a client authorization for each individual matter as they arise.

If Council chooses to provide Standing Authority (with or without expiration) confirmation will be sought after either by email or phone before electronically executing the documents on the Shire's behalf. It is important to note that the Shire has the right to revoke its authorization at any time.

In addition to this is the Verification of Identity which is required for every sale or purchase of land to ensure that the parties selling or purchasing the land are indeed who they say they are.

Please refer to the attached Letter from McLeod's for further information on this requirement.

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

In addition to the standard Landgate document lodgement fees, PEXA charge a fee per document. In most cases the additional PEXA fees will be:

- Transfer of Land (one title) - \$112.64
- Withdrawal of Caveat (one title) - \$ 15.84
- Caveat (one title) - \$ 15.84



## POLICY IMPLICATIONS

### 5.15 Use of Common Seal

<b>Policy Name:</b> Use of Common Seal	<b>To be read in conjunction with Policy Numbers:</b>
<b>Date Adopted:</b> August 2008	<b>Review Date:</b> October 2016

#### Purpose

To ensure that Council are aware of the use of the Common Seal.

#### Policy

That the Chief Executive Officer produce the Common Seal Register on a quarterly basis for endorsement.

#### STRATEGIC PLAN IMPLICATIONS:

#### 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

#### STAFF RECOMMENDATION

*That Council;*

- 1. Authorises McLeods with Standing Authority (Option 1 – permitting McLeods to sign all marked documents in future on the Shire’s behalf); and*
- 2. Adds to the Delegated Authority Register – 1.1.14 - Electronic Lodgement Network Operator as presented.*

### COUNCIL RECOMMENDATION

**MIN 079/19 MOTION** - Moved Cr. Steber                      2<sup>nd</sup> Cr. Leake

*That Council;*

- 1. Authorises McLeods with Standing Authority (Option 1 – permitting McLeods to sign all marked documents in future on the Shire’s behalf); and*
- 2. Adds to the Delegated Authority Register – 1.1.14 - Electronic Lodgement Network Operator as presented.*

CARRIED 6/0

2.40 pm – Mr Brett Taylor, Senior Finance Officer entered Council Chambers.

<b>Agenda Reference:</b>	11.1.8
<b>Subject:</b>	Rate Changes
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	7 <sup>th</sup> May 2019
<b>Author:</b>	Mr Lewis York, Town Planner & Mr Raymond Griffiths

## BACKGROUND

Council in undertaking the Chief Executive Officers performance appraisal in 2018 requested through the Key Performance Criteria that the Chief Executive Officer review the Shire Rates with a focus on:

1. Review Rating Process
2. Review Townsite Boundaries
3. Report to Council.

This review has been requested in light of several properties abutting townsite streets with access to all the townsite facilities though are outside of the townsite boundary are at Rural rates in addition to the increasing number of "Hobby Farms" that have been established within the Shire.

In many of the cases investigated such properties outside the boundary are within a similar proximity to the services of the town in comparison to those inside the boundary.

Local Government Operations Guidelines No 02 – march 2012 (*refer attached*), describes a role of local government (LG) as ".....ensuring that the rating principals of the Act are correctly applied to rateable land within their district such that rural land is rates on its UV and non-rural is rates on its GRV." Guideline Number 2 goes on to inform that LG's should have systems and procedures in place to:

- Identify and record any changes in land use;
- Review the predominant use of land affected by significant land use changes; and
- Ensure timely applications for the Minister's approval.

In its overview of the process for changing the method of valuation of land for rating purposes e.g. UV to GRV, Guideline Number 02 identifies the steps in the process as follows:

- Step 1 - Identify land use changes that may affect predominant use.
- Step 2 - Reviewing Predominant use.
- Step 3 - Consulting affected parties.
- Step 4 - Changing the method of valuation.

Reviewing predominant use: Events which trigger when the predominant use of the land should be reviewed include, but are not restricted to:

- Town planning scheme amendments were the scheme imposes restrictions on the clearing of the land and the use of livestock and other activities usually associated with the rural use of the land i.e. restricting the use of the land for non-rural purposes e.g. residential, commercial etc; and
- The subdivision of land into small lots, e.g. a broad acre farm into smaller lots.

In the case of farmland that has been subdivided into small rural/residential lots, LG's should carry out inspections to evidence that the subdivided land is no longer used for farming purposes.

As the Act (*Local Government Act 1995*) does not define the term "predominant", LG's are to make an assessment on a case by case basis as a question of "fact or degree" as predominantly rural or non-rural. Guideline Number 02 puts the onus on LG's to take all relevant factors into consideration (refer page 9 of the Guideline), including the following:

- a) Activity conducted on the land
- b) Development on the land
- c) Income
- d) Town Planning Scheme restrictions.

Consulting Affected Parties: Prior to making any significant changes to valuation systems; LG's should liaise with the Valuation General (the VG, alternatively Landgate) to obtain an indication of the notional values of the properties, which in turn will assist the LG to model the effects of the changes for the LG and rate payers alike.

A further example provided by the Guideline highlighted on page 9 is:

*A house is situated on a two hectare property. On the property, there is a vegetable patch and some fruit trees. The occupier also keeps livestock, including a cow, two sheep, two horses and several chickens and ducks. There is no doubt some rural activities are undertaken on the property. However, these activities are undertaken on a small scale. The produce is mainly for personal consumption. Although from time to time the occupier may sell some produce at a roadside stall, the occupier is not deriving his/her livelihood from "working the land". The predominant use can be said to be residential.*

## COMMENT

Council's administration has undertaken a quick desktop review of possible properties that this judgement/assessment could affect with respect to rateable properties.

The current estimation of properties that this will affect is approx. over 20 properties within the Shire.

## FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

There is several financial implications in considering this item, being:

- Costs associated with advertising and consultation process for the changes in valuations
- Increased revenue associated with the

## POLICY IMPLICATIONS

## STRATEGIC PLAN IMPLICATIONS:

## 6.28. Basis of rates

- (1) The Minister is to —
  - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
  - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
  - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
  - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.
- (5) Where during a financial year —
  - (a) an interim valuation is made under the *Valuation of Land Act 1978*;
  - (b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or
  - (c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force,

the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

[Section 6.28 amended by No. 1 of 1998 s. 20.]

## 6.30. Valuation of and rates on certain land

- (1) Subject to subsection (2), the owner of any land —
  - (a) held or granted pursuant to a Government agreement, which agreement provides that for the purposes of imposing rates under this Act, the land is to be assessed on the unimproved value thereof; or
  - (b) held under a production licence for petroleum granted under the *Petroleum Act 1967*, and to whom this section applies by virtue of the operation of section 533AA of the *Local Government Act 1960*<sup>4</sup> as in force before the commencement of this Act is to have the land valued for the purpose of imposing rates under this Act on the following basis —
    - (c) \$1.00 per 4 000 square metres for each of the first 40 000 hectares or part thereof;
    - (d) \$0.75 per 4 000 square metres for each of the second 40 000 hectares or part thereof;
    - (e) \$0.50 per 4 000 square metres for each of the third and fourth 40 000 hectares or part thereof;
    - (f) \$0.25 for each 4 000 square metres in excess of 160 000 hectares.
- (2) This section does not apply to any part of the land upon which —

- (a) there is erected a dwelling house; or
- (b) there stand any improvements that are used in connection with a commercial undertaking other than that of the person for the time being entitled to the benefit of the agreement referred to in subsection (1)(a) or the production licence for petroleum referred to in paragraph (b) of that subsection.

*[Section 6.30 amended by No. 19 of 2010 s. 51.]*

### **6.31. Phasing in of certain valuations**

Schedule 6.1 which deals with the phasing in of valuations has effect.

## **Subdivision 2 — Categories of rates and service charges**

### **6.32. Rates and service charges**

- (1) When adopting the annual budget, a local government —
  - (a) in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —
    - (i) uniformly; or
    - (ii) differentially;
  - (b) may impose\* on rateable land within its district —
    - (i) a specified area rate; or
    - (ii) a minimum payment;
 and
  - (c) may impose\* a service charge on land within its district.

*\* Absolute majority required.*

- (2) Where a local government resolves to impose a rate it is required to —
  - (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.
- (3) A local government —
  - (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose\* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and
  - (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose\* a new general rate, specified area rate or service charge.

*\* Absolute majority required.*

- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

*[Section 6.32 amended by No. 55 of 2004 s. 690.]*

### 6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;
  - (b) a purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

### 6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

### 6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6),  
on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —

- (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6),
- unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
  - (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
    - (a) to land rated on gross rental value;
    - (b) to land rated on unimproved value; and
    - (c) to each differential rating category where a differential general rate is imposed.

*[Section 6.35 amended by No. 49 of 2004 s. 61.]*

**6.36. Local government to give notice of certain rates**

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
  - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
  - (b) is to contain —
    - (i) details of each rate or minimum payment the local government intends to impose;
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
  - and
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
  - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

**6.37. Specified area rates**

- (1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —
  - (a) have benefited or will benefit from;
  - (b) have access to or will have access to; or
  - (c) have contributed or will contribute to the need for,that work, service or facility.
- (2) A local government is required to —
  - (a) use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for that purpose.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed,and section 6.11(2), (3) and (4) do not apply to such a reserve account.
- (4) A local government may only use the money raised from a specified area rate —
  - (a) to meet the cost of providing the specific work, service or facility for which the rate was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —
  - (a) may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.
- (6) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a specified area rate was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and
  - (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the rate is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the rate, the local government were to provide the underground electricity.



**6.38. Service charges**

- (1) A local government may impose on —
  - (a) owners; or
  - (b) occupiers,of land within the district or a defined part of the district a service charge for a financial year to meet the cost to the local government in the provision of a prescribed work, service or facility in relation to the land.
- (2) A local government is required to —
  - (a) use the money from a service charge in the financial year in which the charge is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for the purpose of that work, service or facility.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the work, service or facility for which the charge was imposed,and subsections (2), (3) and (4) of section 6.11 do not apply to such a reserve account.
- (4) A local government may only use the money raised from a service charge —
  - (a) to meet the cost of providing the specific service for which the work, service or facility charge was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from the service charge imposed under subsection (1)(a) it —
  - (a) may, and if so requested by the owner of the land, is required to, make a refund to the owner of the land which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to any land on which the service charge was imposed against future liabilities for rates or service charges in respect of that land.
- (6) If a local government receives more money than it requires from the service charge imposed under subsection (1)(b) it is required to make a refund to the person who paid the service charge which is proportionate to the contributions received by the local government.
- (7) This section applies in respect of a prescribed work, service or facility even if the work, service or facility is not provided, or not wholly provided, by a local government if the local government has facilitated or participated in the provision of the work, service or facility.
- (8) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a service charge was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and

- (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the charge is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the charge, the amendments effected by *Local Government Amendment Act 2012 Part 2 Division 5* had been in effect and the provision of underground electricity had been a prescribed work.

[Section 6.38 amended by No. 2 of 2012 s. 21.]

### **Subdivision 3 — Imposition of rates and service charges**

#### **6.39. Rate record**

- (1) As soon as practicable after a local government has resolved to impose rates in a financial year it is to ensure that a record is compiled, at the time and in the form and manner prescribed, for that financial year of —
  - (a) all rateable land in its district; and
  - (b) all land in its district on which a service charge is imposed.
- (2) A local government —
  - (a) is required, from time to time, to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with this Act; and
  - (b) may amend the rate record for the 5 years preceding the current financial year.

#### **6.40. Effect of amendment of rate record**

- (1) Where the rate record in relation to any land is amended under section 6.39(2) as a result of a change in —
  - (a) the rateable value of;
  - (b) the rateability of; or
  - (c) the rate imposed on,

that land, the local government is to reassess the rates payable on the land and to give notice to the owner of the land of any change in the amount of rates payable on the land.

- (2) Where the rate record in relation to any land is amended under section 6.39(2) as a result of a change in a service charge imposed on that land, the local government is to reassess that service charge and to give notice to the owner or occupier of the land, as the case requires, of any change in the amount of the service charge payable on the land.
- (3) If, as a result of a reassessment of rates under subsection (1), a rate on any land is —
  - (a) reduced, and that rate has already been paid to a local government, the local government —
    - (i) may, and if so requested by the current owner of the land is required to, make a refund to that owner of the amount overpaid; or
    - (ii) is required to allow a credit of the amount overpaid in relation to the land against future liabilities for rates or service charges in respect of that land;
  - or
  - (b) increased, that increased rate is the rate to which section 6.44 applies.
- (4) If, as a result of a reassessment of a service charge under subsection (2), a service charge on any land is —

- (a) reduced, and that service charge has already been paid to a local government —
  - (i) by the owner, the local government —
    - (I) may, and if so requested by the current owner of the land is required to, make a refund to that owner of the amount overpaid; or
    - (II) is required to allow a credit of the amount overpaid in relation to the land against future liabilities for rates or service charges in respect of that land;
  - or
  - (ii) by the occupier, the local government is required to make a refund to the person who paid the service charge;
- or
- (b) increased, and that service charge was imposed on —
  - (i) the owner, that increased service charge is the service charge to which section 6.44 applies; or
  - (ii) the occupier, that increased service charge is a debt due to the local government by the person on whom the service charge was imposed.

Schedule 6.1 — Provisions relating to the phasing in of valuations

[Section 6.31]

**1. Phasing in of certain valuations**

- (1) Where a general valuation under the *Valuation of Land Act 1978* in respect of gross rental values comes into force in a district, the local government of the district may, when imposing the general rate, resolve that that general valuation, in relation to all land where an increased valuation thereby results, is to be phased in over a 3 year period, and effect is to be given to that resolution over that period by the local government —
  - (a) in the first year of assessment for which the new valuation would otherwise be used, applying instead as the valuation of the land for the purposes of rating, a phased in valuation (being the former valuation plus  $\frac{1}{3}$  of the difference between the former valuation and the new valuation);
  - (b) in the second such year, applying the former valuation plus  $\frac{2}{3}$  of that difference; and
  - (c) in the third year, applying the new valuation,

but where in relation to any land that general valuation results in a new valuation which is the same as or less than the former valuation, the local government is to apply the new valuation.

- (2) For the purposes of subclause (1) —

**former valuation** means —

- (a) the valuation that was in force immediately prior to the coming into force of the general valuation to which the phasing in applies; or
- (b) in relation to rateable land where an interim valuation of the land under the *Valuation of Land Act 1978* comes into force, the valuation determined for the purposes of this clause in accordance with subclause (6); and

**new valuation** —

- (a) means the valuation determined or assessed for the purposes of the general valuation to which the phasing in applies; or

- (b) in relation to rateable land in respect of which an interim valuation under the *Valuation of Land Act 1978* comes into force after the general valuation referred to in paragraph (a) comes into force, means that interim valuation.
- (3) Where, during the phasing in of a valuation of any rateable land under subclause (1) the system of valuation is changed to valuation on the unimproved value of rateable land, subclause (1) is to cease to apply to that valuation.
- (4) Where an interim valuation of rateable land in a district comes into force during the period when a general valuation of rateable land in that district is being phased in under this clause, subclause (1) is to be construed so that the interim valuation is phased in in a like manner under this clause for the remainder of the phasing in period.
- (5) Where a local government resolves under subclause (1) that a general valuation is to be phased in over a 3 year period, it is to immediately request the Valuer-General, at the same time as the Valuer-General determines an interim valuation of rateable land that will come into force in the district during the first 2 years of the phasing in period, to determine a valuation of that land in accordance with subclause (6) and the local government is to give notice in writing immediately to the Valuer-General when such last-mentioned valuations are no longer required for the purposes of this clause.
- (6) A valuation of land that is requested to be made by the Valuer-General for the purposes of this clause under subclause (5) is to be determined in accordance with the level of values prevailing in relation to land of the same or a similar character as the level used for the valuations that were last used by the local government for rating purposes prior to the coming into force of the general valuation that is currently in force in the district.

## 2. Phasing in of rating based on gross rental values

- (1) Where, in respect of a financial year, a local government is required by a determination made by the Minister under section 6.28 to change in respect of the whole or a part of its district, from valuations on unimproved value to valuations on gross rental value, the local government may, when imposing the general rate for that financial year, resolve that the change to rating on the basis of valuations on gross rental value, in relation to rateable land in the district or that part of the district, is to be phased in over a 3 year period and effect is to be given to that resolution over that period by the local government —
  - (a) when imposing a general rate on the land in the first year of assessment for which rating would otherwise be wholly on the basis of valuations on gross rental value, rating the land on the basis of valuations on gross rental value in order to yield  $\frac{1}{3}$  of the estimated revenue from the rate and rating the same land on the basis of original valuations in order to yield  $\frac{2}{3}$  of the estimated revenue from the rate;
  - (b) when imposing a general rate on the land in the second year, rating the land on the first-mentioned basis in order to yield  $\frac{2}{3}$  of the estimated revenue from the rate and rating the same land on the second-mentioned basis in order to yield  $\frac{1}{3}$  of the estimated revenue from the rate; and
  - (c) when imposing a general rate on such land in the third year, rating the land on the first-mentioned basis in order to yield the whole of the estimated revenue from the rate.

- (2) In subclause (1) —

**original valuations** means the valuations on unimproved value last used by the local government for rating purposes in respect of the financial year immediately preceding the year mentioned in subclause (1)(a) and in relation to rateable land where an interim valuation of the land under the *Valuation of Land Act 1978* comes into force, means the valuation determined for the purposes of this clause in accordance with subclause (6).

- (3) Where, during the phasing in of a change to rating on the basis of valuations on gross rental value in a district or part of a district under subclause (1), a general valuation under the *Valuation of Land Act 1978* in respect of gross rental values comes into force in that district or part of a district, subclause (1) is to cease to apply to that change in the basis of rating.
- (4) Where an interim valuation of rateable land in a district or part of a district comes into force during the period when a change to rating on the basis of valuation on gross rental value in that district or portion of a district is being phased in under this clause, subclause (1) is to be construed so that the interim valuation is phased in in a like manner under this clause for the remainder of the phasing in period.
- (5) Where the local government resolves under subclause (1) that a change to rating on the basis of valuation on gross rental value in a district or part of a district is to be phased in over a 3 year period, it is to immediately request the Valuer-General, at the same time as the Valuer-General determines an interim valuation of rateable land that will come into force in that district or part of a district during the first 2 years of the phasing in period, to determine a valuation of that land in accordance with subclause (6) and is to give notice in writing immediately to the Valuer-General when such last-mentioned valuations are no longer required for the purposes of this clause.
- (6) A valuation of land that is requested to be made by the Valuer-General for the purposes of this clause under subclause (5) is to be determined as a valuation on unimproved value in accordance with the level of values prevailing in relation to land of the same or a similar character as the level of valuations on unimproved value used for the valuations that were last used by the local government for rating purposes in respect of the financial year immediately preceding the year of assessment for which rating would otherwise be wholly on the basis of valuation on gross rental value.

**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  
Senior Finance Officer  
Councillors

Council as part of this process should the elect to proceed will need to ensure they contact all affected parties and consult with them regarding the amendments proposed.

**PLANNING ASSESSMENT**

The changes to rates will have no impact upon the planning frameworks outlined in the Shires Scheme. The abovementioned simply seeks to adjust rates to create a more equitable model for those accessing the services provided by the Shire.

## STAFF RECOMMENDATION

*That Council instructs the Chief Executive Officer to:*

- 1. Identify the properties that have a change in predominant use from their rate category of UV or Special Rural;*
- 2. Review their predominant use and provide guidance as to whether the use is different to the zoning.*
- 3. Request the Valuer General to provide a GRV for the properties that have a change in predominant use*
- 4. Prepare a report to Council identifying the properties including a comparison on current rates and futures rates should the assessment deem the predominant use warrants a change in valuation.*

## COUNCIL RECOMMENDATION

**MIN 080/19 MOTION - Moved Cr. McNeil                      2<sup>nd</sup>Cr. Steber**

*That Council instructs the Chief Executive Officer to:*

- 1. Identify the properties that have a change in predominant use from their rate category of UV or Special Rural;*
- 2. Review their predominant use and provide guidance as to whether the use is different to the zoning.*
- 3. Request the Valuer General to provide a GRV for the properties that have a change in predominant use*
- 4. Prepare a report to Council identifying the properties including a comparison on current rates and futures rates should the assessment deem the predominant use warrants a change in valuation.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.9
<b>Subject:</b>	Proposed sale of 8 Ripper Street, Kellerberrin
<b>Location:</b>	8 Ripper Street, Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	A496
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	6 <sup>th</sup> May 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

Council at its April 2019 Ordinary Meeting of Council reviewed the property located at 8 Ripper Street (Old Infant Health Clinic and Unit) to ascertain the direction they wish to go by either:

- Refurbish property and rent out
- Refurbish property and sell
- Sell the property on an as is property.

To refurbish the property will be an expensive exercise as the current property is in two sections being a meeting/clinic with a one bedroom unit adjacent to the property. The consideration was to look at refurbishing this to a three bedroom, two bathroom property to make it more attractive for potential tenants/purchases.

The property to refurbish will be cost over \$100K to bring it up to speed. Council hasn't undertaken a full costing of the proposal as this would take some significant time for sub-contractors for something that might not occur.

One costing Council did received is to replace the tile roof with a tin roof which ranged between \$20,000 - \$40,000.

**COMMENT**

During discussions at the onsite meeting Councillors suggested looking at selling the property as an 'as is basis' as the cost associated with refurbing this property the return may not be beneficial therefore why not just acquit the property.

Council contacted the local real estate agent to review the property and provide a property appraisal.

The property appraisal has been returned to Council with the advice of having the property advertised with a listing price of \$75,000 - \$88,000 providing flexibility of achieving a selling price of between \$70,000 to \$80,000.

Generally as a rule the fee associated for selling this type of property should Council elect to go that way is 4% of the sale price.

**FINANCIAL IMPLICATIONS**

There is two parts to the Financial Implications for the property:

Part 1:

Refurbish the property - \$100K  
Opportunity to sell the property

Part 2:

Sell the property as per market valuation excluding fees and charges.

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

**Local Government Act 1995 – Part 3, Division 3**

Section 3.58

- (2) *Except as stated in this section, a local government can only dispose of property to;*
- a. the highest bidder at public auction; or
  - b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- i. *describing the property concerned;*
  - ii. *giving details of the proposed disposition; and*
  - iii. *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*
- and*
- b. *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- a. *the names of all other parties concerned;*
  - b. *the consideration to be received by the local government for the disposition; and*
  - c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

### **3.59. Commercial enterprises by local governments**

(1) *In this section —*

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

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

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

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

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

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



**major trading undertaking** means a trading undertaking that —

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

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

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

(2) Before it —

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.

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

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

(4) The local government is to —

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

and

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

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

\* Absolute majority required.

- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
  - (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
  - (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
  - (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
  - (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
  - (10) *For the purposes of this section, regulations may —*
    - (a) *prescribe any land transaction to be an exempt land transaction;*
    - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

**Our Vision**

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

Our Vision is:

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

**Our Focus Areas**

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

**4 Economic Development**

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

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

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

**Theme 4: Prosperity**

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

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

**Strategic Priority 4.1**

**We are a sustainable, economically diverse and strong community**

**An Overview**

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

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

**Our Objective**

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

**Our Desired Outcomes**

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

**Our Goals**

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

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

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

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

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - NIL**

**COMMUNITY CONSULTATION**

Chief Executive Officer  
Councillors

**ABSOLUTE MAJORITY REQUIRED – YES**

**STAFF RECOMMENDATION**

*That Council:*

1. *Appoints Livestock and Land as the Real Estate agent for the proposed sale of 8 Ripper Street, Kellerberrin on the basis:*
  - a. *Property Listing Price as per Residential Property Appraisal prepared 7<sup>th</sup> May 2019*
  - b. *4% Commission Rate.*

# COUNCIL RECOMMENDATION

MIN 081/19 MOTION - Moved Cr. Leake      2<sup>nd</sup> Cr. Reid

**That Council:**

1. **Appoints Livestock and Land as the Real Estate agent for the proposed sale of 8 Ripper Street, Kellerberrin on the basis:**
  - a. **Property Listing Price as per Residential Property Appraisal prepared 7<sup>th</sup> May 2019**
  - b. **4% Commission Rate.**

CARRIED    6/0

NOT CONFIRMED



<b>Agenda Reference:</b>	11.1.10
<b>Subject:</b>	Premium Grain Handlers: Silos
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Mr. Matthew Tasker
<b>File Ref:</b>	Lot 306, Tiller Drive, Kellerberrin
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	3 <sup>rd</sup> April 2019
<b>Author:</b>	Mr Lewis York, Town Planner

**BACKGROUND**

Council on the 1<sup>st</sup> April 2019 received a development application from Mr. Matthew Tasker on behalf of Premium Grain Handlers. The application proposes 4 (four) x 1000 tonne storage silos to be located at Premium Grains handling facility on Lot 306, Tiller Drive , Kellerberrin.

Council has received two similar applications for the installation of the same silo construction, as evident by the eight silos visible in below picture.

**SITE**

Existing on the site: Large workshop/cleaning facility and 8 (eight) grain storage silos.



**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

NIL

## POLICY IMPLICATIONS

Zoning: Industrial

### Local Planning Scheme No.4:

#### 3.2.4 Industrial Zone

- (a) To encourage industrial development with diverse employment opportunities.
- (b) To provide for industry to support development in the District.

#### 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.

INDUSTRY						
Fuel depot	X	X	A	X	X	X
Industry	X	X	P	X	X	X
Industry - cottage	A	D	P	A	D	A
Industry - extractive	X	X	X	D	X	X
Industry - general	<i>DELETED BY AMD 2 GG 12/09/17</i>					
Industry - light	X	X	P	X	A	X
Industry – primary production	<i>AMD 2 GG 12/09/17</i>	X	X	P	D	A
Industry - service		X	D	P	X	A
Mining operations	<i>AMD 2 GG 12/09/17</i>	X	X	X	D	X
Motor vehicle repair		X	D	P	X	A
Storage		X	D	P	D	A
Warehouse		X	D	P	X	A

'Storage' – Is deemed a Permitted 'P' use in the Industrial Zone.

## 4.9 INDUSTRIAL DEVELOPMENT

4.9.1 Buildings within the Industrial zone shall comply with the following minimum lot boundary setbacks:

Front: 7.5 metres

Rear: 7.5 metres

Side: 5.0 metres (on one side)

4.9.2 The first 5 metres of the front setback on any lot shall be landscaped to the satisfaction of the local government. Where a lot has frontage to two streets the local government may vary the landscaping requirement only where the setback is reduced in which case the whole of the setback so reduced shall be landscaped to the satisfaction of the local government.

4.9.3 All other development standards for development in the Industrial zone are at Local government's discretion.



The Development satisfies all relevant setback requirements outlined in the Scheme.

**Planning and Development (Local Planning Schemes) Regulations 2015**

Part 7

Part 8

Part 9

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

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

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

**COMMUNITY CONSULTATION:**

Not required.

**PLANNING ASSESSMENT**

The abovementioned application satisfies both the requirements of the Scheme and other relevant planning legislation. The proposal satisfies the setbacks outlined in the Scheme. It is therefore advised that the application be approved subject to standard conditions.

**STAFF RECOMMENDATION**

*That Council;*

*Approve the development on Lot 306 Tiller Drive, Kellerberrin and endorse the attached development plans including;*

- *4 x 1000 Mt Storage Silos*

**GENERAL CONDITIONS**

- The development shall comply with Scheme setback requirements Front: 7.5 metres Rear: 7.5 metres Side: 5.0 metres (on one side);*
- The endorsed approved plans shall not be altered without prior written approval of the Shire; and*
- Planning approval will expire if the development is not substantially commenced within 2 (two) years*

# COUNCIL RECOMMENDATION

MIN 082/19 MOTION -

Moved Cr. O'Neill

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

**That Council;**

**Approve the development on Lot 306 Tiller Drive, Kellerberrin and endorse the attached development plans including;**

- **4 x 1000 Mt Storage Silos**

## **GENERAL CONDITIONS**

- a) The development shall comply with Scheme setback requirements Front: 7.5 metres Rear: 7.5 metres Side: 5.0 metres (on one side);**
- b) The endorsed approved plans shall not be altered without prior written approval of the Shire; and**
- c) Planning approval will expire if the development is not substantially commenced within 2 (two) years**

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.11
<b>Subject:</b>	Council Representation & Council Motions 2019 Local Government Week Convention Perth Convention & Exhibition Centre (PCEC)
<b>Location:</b>	Perth Convention & Exhibition Centre (PCEC)
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	ADM 41
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	7 <sup>th</sup> May 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

## BACKGROUND

The 2019 Local Government Week Convention and Exhibition is to be held in the Perth Convention and Exhibition Centre from Wednesday 7<sup>th</sup> – Friday 9<sup>th</sup> August 2019.

Council's policy automatically permits the President, Deputy President and Chief Executive Officer to attend Local Government Week, should any other member wish to attend Council will need to endorse their attendance.

Additionally WALGA provide Council's the opportunity to have items presented to the Annual General Meeting for consideration and deliberation by the meeting should Council have an issue they would like discussed.

## COMMENT

Council is permitted two voting rights at the AGM, if the President or Deputy President are unable to attend Council may nominate other Councillors to attend.

Please find attached a copy of the program which includes the Pre-convention workshops/forums.

The past few years on the Wednesday there has been a party policy presentation from the Politicians followed by rotational dialogues with Director Generals. This has been removed from the program and being replaced by the State & Local Government Forum which will consist of the following:

**Date:** Wednesday, 1 August 2019

**Venue:** Perth Convention & Exhibition Centre

**Time:** 9:15am – 12:30pm followed by lunch (*Registration from 8:45am*)

### **9:00 am – 11:00am 2019 State & Local Government Forum**

*Brief presentations from*

- *Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts*
- *Hon Dave Kelly MLA, Minister for Water; Fisheries; Forestry; Innovation and ICT; Science*
- *Hon Fran Logan MLA, Minister for Emergency Services; Corrective Services*
- *Hon Alannah MacTiernan MLC, Minister for Regional Development; Agriculture and Food (invited)*
- *Hon Ben Wyatt MLA, Treasurer; Minister for Finance; Aboriginal Affairs; Lands (invited)*
- *Hon Stephen Dawson MLC, Minister for Environment; Disability Services; Electoral Affairs (invited)*
- *Hon Rita Saffioti MLA, Minister for Transport; Planning (invited)*

*Followed by a facilitated discussion with questions from the floor.*

**Target Audience**

Mayors, Presidents, Local Government CEOs Hon Rita Saffioti MLA,

This is then followed by lunch and then the Annual General Meeting.

**FINANCIAL IMPLICATIONS**

Council normally budgets for two (2) attendees at the Local Government Week convention with the following breakdown.

	<b>BUDGET</b>
• Registration	\$3,000
• Meal Allowance	\$ 300
• Accommodation	\$ 650
<b>TOTAL</b>	<b><u>\$3,950</u></b>

Please find below a listing of the Convention Fees, inclusive of GST up to 16<sup>th</sup> July 2019:

- Convention Registration Full Delegate
  - Local Government 1-4 Registrations \$1,475
  - 5+ Registrations \$1,300
  - Delegate Registration Thursday, 8 August Local Government \$845
  - Friday, 9 August Local Government \$720
  - Optional Extras Gala Dinner Full Delegate & Partner \$140 each
  - Gala Dinner Only \$190 each
  - Breakfast ALGWA Breakfast (Thursday) \$60
  - Convention Breakfast with Rodney Eade (Friday) \$88
  - Partners/Guests Opening Reception (Wednesday) \$70
  - Lunch (Thursday) \$50 Lunch (Friday) \$50
- Partner Tours Individual tour fees as listed

**POLICY IMPLICATIONS**

Western Australian Local Government Association Standing Orders for the conduct of the Annual General Meeting of the Western Australian Local Government Association 2009.

**5.1 Conference & Meeting Attendance & Expenses**

<b>Policy Name:</b> Conference & Meeting Attendance & Expenses	<b>To be read in conjunction with Policy Numbers:</b>
<b>Date Adopted:</b> January 2003	<b>Review Date:</b> October 2016

**Purpose**

To ensure Councillors are aware of opportunities to attend Local Government Week Conference and other conferences and meetings requiring/allowing the attendance of a representative of Council.

**Policy**

Notices inviting Council to nominate delegates or observers to conferences, meetings and similar occasions be circulated to all Councillors. Any Councillors who wish to represent Council at such an event shall request nomination at a Council Meeting. Council shall decide by resolution to nominate such representatives as Council may consider are appropriate.

Councillors receiving authorisation to attend are required to provide a written report on attendance of meeting.

Council will pay the conference/meeting registration fees, accommodation expenses as deemed appropriate by Council and travelling expenses for the delegate if using their private vehicle, at a rate prescribed in the Local Government Industrial Award 2010.

### **Conference – Local Government Week**

The Council President, Deputy President and the Chief Executive Officer will be the nominated delegates for Council. In the event of these delegates not being able to attend, Council may decide by resolution, to choose other Councillors to replace them.

Councillors wishing to attend the Annual Conference in addition to the nominated delegates should advise when registrations are requested or when notice of Conference is presented to Council.

Council shall determine by resolution all matters pertaining to representatives, numbers of Councillors attending and payment of expenses, but the following shall be used as a guide;

1. Council shall pay the expenses of Annual Conference delegates.
2. Council shall pay the cost of conference registration for the delegate and the annual dinner fee for both the delegate and delegate's partner.
3. Council shall pay the accommodation expenses, which includes bed and breakfast for the delegate and delegate's partner.

### **Other Conferences. Meetings and Occasions**

All proposals for attendance at other conferences and meetings shall firstly be subject to an assessment by Council with advice from the Chief Executive Officer based on the following criteria –

Whether the proposal relates to an objective identified within the current or future strategic direction of Council.

The current relevance of the proposal to the Shire.

Historic or expected attendance.

The relationship of the proposal to the outcomes to be delivered and how these relate to the Councillor's role as either a Presiding Member, Committee Member or Councillor.

Equity of opportunity and the remaining period of office of the Councillor concerned including recognition of the number of opportunities previously provided to the Councillor.

Whether there are more cost effective options to acquire the relevant knowledge and information.

Whether it is appropriate that more than one Councillor attend.

The total cost of travel, accommodation, registration, meals and other expenses and the potential impact of these on the Shire's budget allocation including the future impact on conference attendance by other Councillors during the current financial year.

### **Administration Process**

Registration for all approved conferences and meetings including travel and accommodation must be organised through the Chief Executive Officer. Where possible, all airfares and other travel arrangements including registration, accommodation and associated fees and charges shall be paid direct by the Shire.

### **Reimbursement of Expenses**

Authorised expenditure shall be reimbursed to the Councillor delegate upon presentation of receipts. Councillor delegates will be personally liable for any outstanding amounts not properly authorised.

The Chief Executive Officer is responsible for implementing this policy.

**STATUTORY IMPLICATIONS:** Nil (not known at this time – decision making processes)

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

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

**COMMUNITY CONSULTATION:** Nil (elected body to determine)

**ABSOLUTE MAJORITY REQUIRED – No**

### **STAFF RECOMMENDATION**

*That Council:*

1. *Appoints Cr. \_\_\_\_\_ & Cr. \_\_\_\_\_ as voting Delegates for the Annual General Meeting.*
2. *Endorses Cr. \_\_\_\_\_ attending the conference; and*
3. *Allocate sufficient funds within the conference budget for the attendance of Councillors to the 2019 Local Government Convention.*

## **COUNCIL RECOMMENATION**

**MIN 083/19 MOTION - Moved Cr. Steber**

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

*That Council:*

1. ***Appoints Cr. Forsyth & Cr. Steber as voting Delegates for the Annual General Meeting.***
2. ***Endorses Cr. Reid and Mr Raymond Griffiths attending the conference; and***
3. ***Allocate sufficient funds within the conference budget for the attendance of Councillors and Chief Executive Officer to the 2019 Local Government Convention.***

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.12
<b>Subject:</b>	Shire of Kellerberrin – <b>Private and Confidential Items</b>
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	Various
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	13 <sup>th</sup> May 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

Council wish to move behind closed doors to discuss Assessment 1099, Barr Street, Doodlakine Rate Recovery Charges and Recruitment of Deputy 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;*

- 1. *Assessment 1099, Barr Street, Doodlakine Rate Recovery Charges; and*
- 2. *Recruitment of Deputy Chief Executive Office.*

**COUNCIL RECOMMENDATION**

**MIN 084/19 MOTION** - Moved Cr.O'Neill                      2<sup>nd</sup> Cr. Leake

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

- 1. *Assessment 1099, Barr Street, Doodlakine Rate Recovery Charges; and*
- 2. *Recruitment of Deputy Chief Executive Office.*

CARRIED    6/0



<b>Agenda Reference:</b>	11.1.13
<b>Subject:</b>	<b>“Private and Confidential”</b> Ass 1099, Barr Street, Doodlakine Rate Recovery Charges
<b>Location:</b>	Barr Street, Doodlakine
<b>Applicant:</b>	Reece Lobo
<b>File Ref:</b>	Ass1099
<b>Record Ref:</b>	FIN-06
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	5 <sup>th</sup> November 2018
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

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

**COUNCIL RECOMMENDATION**

**MIN 085/19 MOTION** - Moved Cr.Steber 2<sup>nd</sup> Cr. Leake

*That Council;*

- 1. writes off legal fees allocated to Assessment 1099 for non-payment of rates.*
- 2. issue correspondence to Mr Lobo advising of Council’s decision and in doing so advise that all outstanding rate accounts are ultimately the responsibility of the ratepayer.*

CARRIED 6/0

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

<b>Agenda Reference:</b>	11.1.14
<b>Subject:</b>	Recruitment of Deputy Chief Executive Officer <b>Private and Confidential</b>
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	PERS-2
<b>Disclosure of Interest:</b>	
<b>Date:</b>	13 <sup>th</sup> May 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

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

## COUNCIL RECOMMENDATION

MIN 086/19 MOTION - Moved Cr. Leake 2<sup>nd</sup> Cr. Steber

*That Council:*

1. *Formally appoint Ms Katie Dudley as its Deputy Chief Executive Officer for a period of 3 years commencing on the Monday, 27<sup>th</sup> May 2019.*
2. *Provide remuneration package as presented.*
3. *Endorse the contract of employment for Ms Katie Dudley as its Deputy Chief Executive Officer being contract no 01/19.*
4. *Authorise the Chief Executive Officer to execute Contract 01/19.*

CARRIED 6/0

## COUNCIL RECOMMENDATION

MIN 087/19 MOTION - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid

*That Council moves from behind closed doors*

CARRIED 6/0

4.05 pm – Mr Brett Taylor, Senior Finance Officer entered Council Chambers.

<b>Agenda Reference:</b>	11.1.15
<b>Subject:</b>	2019/20 Differential Rates Adoption
<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File Ref:</b>	FIN 04
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	14 <sup>th</sup> May 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

**BACKGROUND**

The Shire's Strategic Community Plan articulates the vision for the Shire, with the Corporate Business Plan describing how that vision will be achieved over the next four years. The Annual Budget describes how services and infrastructure will be funded for the next year, with the Long Term Financial Plan setting out the financial plan for the next ten years.

The adoption of the Annual Budget will be considered at the July 2019 Ordinary Meeting of Council.

A major component of any local government funding is property rates. The Shire can apply a uniform rate or a differential rate for each of the valuation categories; gross rental and unimproved values. The intention behind applying differential rates is to take into account the levels of services provided to different types of properties, to reflect the cost of provision of services to those categories of properties as well as the need to encourage specific types of activities within the Shire.

As the Shire uses differential rates, it is required under section 6.36 of the Local Government Act 1995 (the Act) to advertise the intended differential rates for public comment and consideration by Council prior to their adoption. The Shire must give public notice of the differential rates it intends to impose. Submissions are invited, and a minimum of 21 days is required before Council can consider those submissions. The proposed differential rates and minimum payments can then be imposed, with or without modifications.

A document is required to be made available for inspection by electors and ratepayers that describes the objects of and reasons for each proposed rate and minimum payment:

- Attachment - Statement of Rating Objects and Reasons for the 2019/20 Year

**DETAILS**

The Shire has experienced growth over the past few years, generating increased demand for the services and infrastructure. In addition, the State Government has significantly increased charges that the Shire cannot avoid. This places pressure on the ability of the Shire to fund necessary services and infrastructure.

In considering the demands and needs of the community, Council is mindful of the downturn in the economy and the capacity of ratepayers to pay. In accordance with Shire plans, strict fiscal discipline will facilitate a balanced budget for a 4.5% general increase in rates yield.

The Shire has utilised the current values as at 8<sup>th</sup> May 2019 to determine the total rates revenue per differential rate type based on the proposed 4.5% increase on the 2018/19 differential rate in the dollar and minimum rates.

Based on this proposed rates revenue, the Shire has recalculated the rates in dollar utilising the new values provided by the Valuer General. It is also recommended that the minimum rates for each category increase by 4.5%.

The Long Term Financial Plan for the Shire of Kellerberrin indicates a revenue requirement of \$2,178,438 with the proposed rate modelling proposing rates to earn \$2,219,150 in income. The extra income of \$40,712 can be attributed to Council undertaking differential rating for Commercial/Industrial, the change in rateable status for Dryandra and the rating of the new roadhouse.

### **Rating Strategy for 2019/20**

The 2019/20 budget proposes:

For properties rated on a gross rental valuation method (where valuations are unchanged) the existing rate in the dollar will be multiplied with the proposed percentage increase (4.5%) to calculate 2019/20 rates.

For properties currently rated on an unimproved basis (which are subjected to a revaluation by the Valuer General) the rate yield will reflect a 4.5% increase and the rate in the dollar will be calculated in accordance with the methodology previously adopted by Council. Changes in rates levied will be as a result of the changes in values from the revaluation.

Differential rate, Statement of Objects and Reasons are detailed in Attachment 1 and will apply in 2019/20 to the following categories:

#### *Gross rental properties*

##### 1. Commercial/Industrial

Minimum rates to increase by 4.5% subject to legislative requirement that no more than 50% of the number of properties per differential rate category has the minimum applied.

Separate refuse charges will be levied in 2019/20 (refer to schedule of fees and charges under waste management).

Rate in dollar applied so that the maximum rate in the dollar is no more than twice the lowest.

In accordance with section 6.45 of the Local Government Act 1995, a 5% interest charge to be levied on rates instalments. Interest does not apply to current rates due by registered Pensioners and Seniors.

In accordance with section 6.51 of the Local Government Act 1995, Council will charge penalty interest at 11% per annum on a daily basis on all overdue rates. Penalty interest does not apply to current rates due by registered Pensioners and Seniors.

Emergency Services Levy as determined by the Department of Fire and Emergency will be included in the rate assessments.

### **Determination of rate revenue for 2019/20**

The calculation of the 2019/20 rate in the dollar for all rates is based on a 4.5% increase in rate yield from 2018/19.

### **Methodology**

Where no revaluation has taken place the previous year's rate in the dollar is increased by the proposed increase (4.5%).

Revaluations occur every year for unimproved value properties and every five years for gross rental properties. The last revaluation of gross rental properties occurred in July 2017 (next revaluation expected 1 July, 2022).

The property values (current values) as at 1 April, 2019 have been used to determine the total rates revenue for each differential rate type. Rate modelling is conducted with data extrapolated using values that exist in the rates database. These models give Council an indicative predetermined total rates revenue figure based on the valuations at the time of calculation.

- Step 1 – 2018/19 rate in dollar x proposed % increase = Proposed Rate in Dollar
- Step 2 - Current Values x proposed rate in dollar = Amount Levied (including minimum rate)
- Step 3 - Amount to be Levied divided by the new values = Proposed Rate in Dollar (including minimum rate)

As a direct result of individual changes in the valuation of each property, the rates levied per property will fluctuate each year regardless of the percentage change adopted by Council.

### **Gross rental value properties**

The Shire is proposing an increase of 4.5% on the existing differential rates in the dollar for properties rated on a gross rental valuation method (noting that 2019/20 is not a revaluation year for GRV). It is also recommended that the minimum rates for each category increase by 4.5%.

The following process applies this financial year for GRV properties:

- Step 1 – 2018/19 rate in dollar x proposed % increase = Proposed Rate in Dollar
- Step 2 - Current Values x proposed rate in dollar = Amount Levied (including minimum rate)

As a direct result of individual changes in the valuation of each property, the rates levied per property will fluctuate each year regardless of the percentage change adopted by Council.

### **COMMENT**

Council through advertising the Differential rating provided a submission period as per section 6.36 – *Local Government Act 1995*. The advertised closing date for submissions was the 15<sup>th</sup> August 2018.

Council at the closing of this submission period, received no submissions to the Differential rates applied as above.

### **POLICY IMPLICATIONS**

Nil

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

## Subdivision 2 — Categories of rates and service charges

### 6.32. Rates and service charges

- (1) When adopting the annual budget, a local government —
  - (a) in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —
    - (i) uniformly; or
    - (ii) differentially;
  - (b) may impose\* on rateable land within its district —
    - (i) a specified area rate; or
    - (ii) a minimum payment;and
  - (c) may impose\* a service charge on land within its district.

*\* Absolute majority required.*

- (2) Where a local government resolves to impose a rate it is required to —
  - (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.
- (3) A local government —
  - (a) may, at any time after the imposition of rates in a financial year, in an emergency, impose\* a supplementary general rate or specified area rate for the unexpired portion of the current financial year; and
  - (b) is to, after a court or the State Administrative Tribunal has quashed a general valuation, rate or service charge, impose\* a new general rate, specified area rate or service charge.

*\* Absolute majority required.*

- (4) Where a court or the State Administrative Tribunal has quashed a general valuation the quashing does not render invalid a rate imposed on the basis of the quashed valuation in respect of any financial year prior to the financial year in which the proceedings which resulted in that quashing were commenced.

*[Section 6.32 amended by No. 55 of 2004 s. 690.]*

### 6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;
  - (b) a purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.

- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended by No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

#### **6.34. Limit on revenue or income from general rates**

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

#### **6.35. Minimum payment**

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6),
 on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6),
 unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.

- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
- (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

*[Section 6.35 amended by No. 49 of 2004 s. 61.]*

### **6.36. Local government to give notice of certain rates**

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —
  - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
  - (b) is to contain —
    - (i) details of each rate or minimum payment the local government intends to impose;
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
  - and
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
  - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.



### 6.37. Specified area rates

- (1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —
  - (a) have benefited or will benefit from;
  - (b) have access to or will have access to; or
  - (c) have contributed or will contribute to the need for,that work, service or facility.
- (2) A local government is required to —
  - (a) use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for that purpose.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed,and section 6.11(2), (3) and (4) do not apply to such a reserve account.
- (4) A local government may only use the money raised from a specified area rate —
  - (a) to meet the cost of providing the specific work, service or facility for which the rate was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —
  - (a) may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.
- (6) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a specified area rate was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electriShire; and
  - (b) the underground electriShire was not, or will not, be provided, or not wholly provided, by the local government,

the rate is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the rate, the local government were to provide the underground electriShire.

[Section 6.37 amended by No. 2 of 2012 s. 20.]

### 6.38. Service charges

- (1) A local government may impose on —
  - (a) owners; or
  - (b) occupiers,of land within the district or a defined part of the district a service charge for a financial year to meet the cost to the local government in the provision of a prescribed work, service or facility in relation to the land.
- (2) A local government is required to —
  - (a) use the money from a service charge in the financial year in which the charge is imposed; or
  - (b) to place it in a reserve account established under section 6.11 for the purpose of that work, service or facility.
- (3) Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —
  - (a) change the purpose of the reserve account; or
  - (b) use the money in the reserve account for a purpose other than the work, service or facility for which the charge was imposed,and subsections (2), (3) and (4) of section 6.11 do not apply to such a reserve account.
- (4) A local government may only use the money raised from a service charge —
  - (a) to meet the cost of providing the specific service for which the work, service or facility charge was imposed; or
  - (b) to repay money borrowed for anything referred to in paragraph (a) and interest on that money.
- (5) If a local government receives more money than it requires from the service charge imposed under subsection (1)(a) it —
  - (a) may, and if so requested by the owner of the land, is required to, make a refund to the owner of the land which is proportionate to the contributions received by the local government; or
  - (b) is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to any land on which the service charge was imposed against future liabilities for rates or service charges in respect of that land.
- (6) If a local government receives more money than it requires from the service charge imposed under subsection (1)(b) it is required to make a refund to the person who paid the service charge which is proportionate to the contributions received by the local government.
- (7) This section applies in respect of a prescribed work, service or facility even if the work, service or facility is not provided, or not wholly provided, by a local government if the local government has facilitated or participated in the provision of the work, service or facility.
- (8) Where —
  - (a) before the coming into operation of the *Local Government Amendment Act 2012* Part 2 Division 5, a service charge was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electriShire; and

- (b) the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,

the charge is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the charge, the amendments effected by *Local Government Amendment Act 2012 Part 2 Division 5* had been in effect and the provision of underground electricity had been a prescribed work.

[Section 6.38 amended by No. 2 of 2012 s. 21.]

**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:**

Councillors  
Chief Executive Officer  
Deputy Chief Executive Officer  
Senior Finance Officer

**STAFF RECOMMENDATION**

*That Council resolve to:*

- 1. Advertise the following differential rates and minimum rate for the 2019/2020 financial year.*

<b>Gross Rental Value Properties</b>		
<b>Description</b>	<b>Rate in \$</b>	<b>Minimum Rate</b>
<i>Kellerberrin Residential</i>	<i>\$0.13368</i>	<i>\$782.00</i>
<i>Other Residential</i>	<i>\$0.13368</i>	<i>\$782.00</i>
<i>Kellerberrin Commercial</i>	<i>\$0.15360</i>	<i>\$859.00</i>
<i>Other Commercial</i>	<i>\$0.15360</i>	<i>\$859.00</i>
<b>Unimproved Value Properties</b>		
<i>Mining Tenements</i>	<i>\$0.020650</i>	<i>\$782.00</i>
<i>Rural</i>	<i>\$0.020650</i>	<i>\$782.00</i>

- 2. Adopt the Objects and Reasons for the differential rate as shown in the attachment presented.*

# COUNCIL RECOMMENDATION

MIN 088/19 MOTION - Moved Cr. Reid

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

*That Council resolve to:*

- 1. Advertise the following differential rates and minimum rate for the 2019/2020 financial year.*

<b>Gross Rental Value Properties</b>		
<b>Description</b>	<b>Rate in \$</b>	<b>Minimum Rate</b>
<b>Kellerberrin Residential</b>	<b>\$0.13368</b>	<b>\$782.00</b>
<b>Other Residential</b>	<b>\$0.13368</b>	<b>\$782.00</b>
<b>Kellerberrin Commercial</b>	<b>\$0.15360</b>	<b>\$859.00</b>
<b>Other Commercial</b>	<b>\$0.15360</b>	<b>\$859.00</b>
<b>Unimproved Value Properties</b>		
<b>Mining Tenements</b>	<b>\$0.020650</b>	<b>\$782.00</b>
<b>Rural</b>	<b>\$0.020650</b>	<b>\$782.00</b>

- 2. Adopt the Objects and Reasons for the differential rate as shown in the attachment presented.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.16
<b>Subject:</b>	Cheque List April 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	08 <sup>th</sup> May 2019
<b>Author:</b>	Morgan Ware, Finance Officer

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> April 2019 – 30<sup>th</sup> April 2019

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 550.00</b>
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**MUNICIPAL FUND**

<b>Cheque Payments</b> 34581-34595	<b>\$ 62,132.41</b>
<b>EFT Payments</b> 9403-9478	<b>\$ 168,525.46</b>
<b>Direct Debit Payments</b>	<b>\$ 76,468.22</b>
<b>TOTAL MUNICIPAL</b>	<b>\$ 230,657.87</b>

**COMMENT**

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

<b>Deputy Commissioner Of Taxation</b> PAYG Tax, GST Creditors, GST Debtors, FBT	<b>\$ 57,161.00</b>
<b>Woodstock Electrical Services</b> Replace electrical boxes and rewire oval lights, Repair park BBQ in park, Install upgrade main wires to both units, Replace sensor modules for timers on heat detectors, Repair to hot water system at 24 Hammond, Replace smoke detectors, Rectify flashing downlights in Kitchen @ 7 Bennett Street, Relocate light switches, Replace exhaust fans, Install new smoke detectors, Wiring lights, Power points for outdoor patio area at Caravan Park, Power to outdoor area at Caravan Park, Install outlets and connection of HWS, Install sub board in sink cupboard, Installation of power to new stove at Caravan Park, Repairs of pump at Caravan Park for Septic Tank, Materials & Labour	<b>\$ 32,127.88</b>
<b>Water Corporation</b> Water Charges for Standpipes and Shire owned facilities from 13/02/2019 to 11/04/2019	<b>\$ 30,538.55</b>
<b>United Card Services Pty Ltd</b> Fuel Purchases, March 19	<b>\$ 20,645.87</b>

<b>Synergy</b>	<b>\$ 17,471.70</b>
Power consumption for Shire owned facilities from 13/02/2019 to 12/04/2019	
<b>R Munns Engineering Consulting Services</b>	<b>\$ 15,098.73</b>
Consulting work on Baandee Nth Rd project from SLK 10.54 to 16.54, Setting out shoulder offset pegs providing clearing reduction information and completing traffic guidance schemes, Labour & travel, Consulting work on Kwolyin West Rd project from SLK 3.20 to 5.00, Setting out of shoulder offset pegs, Re-marking verge vegetation to be cleared and completing traffic guidance scheme, Labour & Travel, Survey setting out of shoulder offset pegs at Kellerberrin Cemetery for upgrade works, Labour & Travel, Consulting work by Rod Munns to complete Shire of Kellerberrin 2019 WALGGC return as directed by DCEO, Consulting work by Rod Munns to revise the Shire of Kellerberrin 2019/20 RRG MCA Submission on Baandee Nth Rd	
<b>Sam Williams</b>	<b>\$ 14,289.00</b>
Hire of water truck on Baandee North Rd Project, March 19, Hire of water truck on Kwolyin West Rd Project, March 19, Hire of side tipper on Baandee North Rd project, March April 19, Hire of side tipper on Kwolyin West Rd project, March April 19	
<b>Avon Waste</b>	<b>\$ 10,201.52</b>
Domestic refuse collection, Commercial refuse collection, Additional recycling, Cardboard only service, Transfer waste to Northam facility, February & March 19	
<b>Avon Waste</b>	<b>\$ 8,619.58</b>
Domestic Refuse Collection, Commercial refuse collection, Recycling bins, Additional recycling, Cardboard only service, Transport waste to Northam facility, January 19	
<b>Spyker Business Solutions</b>	<b>\$ 8,311.30</b>
Installation of Inception controller with zone expander, to replace existing alarm panel, Shire access control, Materials, Accommodation, Parts & Labour incl. first ongoing payment	
<b>Western Australian Treasury Corporation</b>	<b>\$ 8,171.19</b>
Loan No. 116A Interest & Principal payment	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 5,979.70</b>
Payroll Deductions	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 5,928.29</b>
Payroll Deductions	

Shire of Kellerberrin 2018/2019 Operating Budget

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

## 11. Payment of accounts

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

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

## 12. Payments from municipal fund or trust fund

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

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

## 13. Lists of accounts

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

- (iii) Sufficient information to identify the transaction;  
And
  - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) Recorded in the minutes of that meeting.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil**

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

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION - Nil**

**ABSOLUTE MAJORITY REQUIRED – NO**

**STAFF RECOMMENDATION**

*That Council notes that during the month of April 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 \$230,657.87 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$550.00 on vouchers EFT, CHQ, Direct payments*

## **COUNCIL RECOMMENDATION**

**MIN 089/19 MOTION - Moved Cr.Reid                      2<sup>nd</sup> Cr. Steber**

*That Council notes that during the month of April 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 \$230,657.87 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$550.00 on vouchers EFT, CHQ, Direct payments*

CARRIED 6/0



<b>Agenda Reference:</b>	11.1.17
<b>Subject:</b>	Direct Debit List and Visa Card Transactions for the month April 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	2 <sup>ND</sup> May 2019
<b>Author:</b>	Brett Taylor – Senior Finance Officer

**BACKGROUND**

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

Municipal Direct Debit List

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
1-Apr-19	Westnet	Internet Fees		4.99
1-Apr-19	NAB	Bank Fees		6.35
1-Apr-19	NAB	Bank Fees - Merchant Fees		75.63
1-Apr-19	NAB	Bank Fees - Merchant Fees		81.80
1-Apr-19	NAB	Bank Fees - Merchant Fees - CRC		544.02
1-Apr-19	Alleasing	Gym Equipment Lease		3,121.83
2-Apr-19	Department of Housing	Rent		420.00
4-Apr-19	Shire Of Kellerberrin	Pay Run		50,014.15
4-Apr-19	NAB	Bank Fees		65.99
5-Apr-19	Department of Transport	Inspection Fees		304.80
10-Apr-19	Shire Of Kellerberrin	Creditors		23,592.18
10-Apr-19	Shire Of Kellerberrin	Creditors		100,925.45
12-Apr-19	DLL	Photocopier Lease		265.21
12-Apr-19	Shire Of Kellerberrin	Super Choice		7,101.74
16-Apr-19	Department of Housing	Rent		420.00
18-Apr-19	Shire Of Kellerberrin	Pay Run		50,438.24
24-Apr-19	Shire Of Kellerberrin	Creditors		44,007.83
29-Apr-19	NAB	Bank Fees		60.24
30-Apr-19	NAB	Bank Fees		46.00
30-Apr-19	NAB	Bank Fees		42.20
30-Apr-19	NAB	Bank Fees		50.00
30-Apr-19	Department of Housing	Rent		420.00
30-Apr-19	Shire Of Kellerberrin	Super Choice		7,205.99
<b>TOTAL</b>			<b>\$</b>	<b><u>289,214.64</u></b>

Trust Direct Debit List

<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
30-Apr-19	Department of Transport	Licencing April 2019	\$	\$54,028.05
<b>TOTAL</b>			<b>\$</b>	<b><u>54,028.05</u></b>

Visa Transactions

Date	Name	Details	\$	Amount
29-Mar-19	SEEK	DCEO Advert		379.50
29-Apr-19	NAB	Card Fee		9.00
<b>TOTAL - CEO</b>			<b>\$</b>	<b><u>388.50</u></b>

Date	Name	Details	\$	Amount
<b>TOTAL -DCEO</b>				<b><u>0.00</u></b>
<b>TOTAL VISA TRANSACTIONS</b>			<b>\$</b>	<b><u>388.50</u></b>

**FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

➤ Financial Management of 2018/2019

**POLICY IMPLICATIONS - Nil**

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

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

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

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

**STRATEGIC PLAN IMPLICATIONS - Nil**

**CORPORATE BUSINESS PLAN IMPLICATIONS - Nil**

**TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil**

**COMMUNITY CONSULTATION – Nil**

**ABSOLUTE MAJORITY REQUIRED – No**

**STAFF RECOMMENDATION**

*That the Direct Debit List for the month of April 2019 comprising;*

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

*Be adopted.*

**COUNCIL RECOMMENDATION**

**MIN 090/19 MOTION - Moved Cr. O'Neill      2<sup>nd</sup> Cr. McNeil**

*That the Direct Debit List for the month of April 2019 comprising;*

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

*Be adopted.*

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.18
<b>Subject:</b>	Financial Management Report for April 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Shire of Kellerberrin
<b>File Ref:</b>	N/A
<b>Record Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	1 <sup>st</sup> April, 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

## BACKGROUND

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

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

*Be adopted.*

## **COUNCIL RECOMMENDATION**

**MIN 091/19 MOTION -** Moved Cr. O'Neill 2<sup>nd</sup> Cr. Steber

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

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

*Be adopted.*

CARRIED 6/0

## DEVELOPMENT SERVICES – AGENDA ITEM

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Building Returns: April 2019
<b>Location:</b>	Shire of Kellerberrin
<b>Applicant:</b>	Various
<b>File Ref:</b>	BUILD06
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	1 <sup>st</sup> April, 2019
<b>Author:</b>	Raymond Griffiths, Chief Executive Officer

### BACKGROUND

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

### COMMENT

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

### FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

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

### POLICY IMPLICATIONS

NIL

### STATUTORY IMPLICATIONS

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

### STRATEGIC COMMUNITY PLAN IMPLICATIONS - Nil

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

### TEN YEAR FINANCIAL PLAN IMPLICATIONS - Nil

### COMMUNITY CONSULTATION

Building Surveyor  
Owners  
Building Contractors

### ABSOLUTE MAJORITY REQUIRED – YES/NO

NO

**STAFF RECOMMENDATION**

*That Council*

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

**COUNCIL RECOMMENDATION**

**MIN 092/19 MOTION - Moved Cr.Steber 2<sup>nd</sup> Cr. Leake**

*That Council*

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

CARRIED 6/0

NOT CONFIRMED

## 11.3 WORKS & SERVICES – AGENDA ITEMS

<b>Agenda Reference:</b>	11.3.1
<b>Subject:</b>	Wheatbelt Secondary Freight Route Project
<b>Location:</b>	Wheatbelt North Regional Road Group
<b>Applicant:</b>	Wheatbelt North Regional Road Group
<b>File Ref:</b>	
<b>Record Ref:</b>	
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	15 <sup>th</sup> May 2019
<b>Author:</b>	Mr Raymond Griffiths, Chief Executive Officer

### BACKGROUND

Council's August 2018 Ordinary Meeting of Council – 21<sup>st</sup> August 2019

MIN 136/18 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. Steber

#### *That Council:*

- 1. Notes the Secondary Freight Routes Project Development report;*
- 2. Supports the strategic intent of the Secondary Freight Routes project;*
- 3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and*
- 4. Endorses in principle an allocation of \$6,000 in 2018/19 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.*

CARRIED 6/0  
BY ABSOLUTE MAJORITY

### COMMENT

Council received the following correspondence from the Chair of the Secondary Freight Route Committee regarding the opportunity to allocate the previous agreed \$6,000 towards an employed officer to progress the project.

#### **SUMMARY:**

*For Council to consider support for the Wheatbelt Secondary Freight Network project by reallocation of funds from Building Better Regions fund co-contribution to role of Lead Consultant Project Management in support of successful Regional Economic Development grant.*

#### **BACKGROUND & COMMENT:**

*The Wheatbelt Secondary Freight Network (WSFN) network comprises 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost effective access to business.*

*The project is being driven by local government authorities with a Working Group established consisting of representatives from the following organisations:*

- Wheatbelt North Regional Road Group (WN RRG)*
- Wheatbelt South Regional Road Group (WS RRG)*
- WA Local Government Association (WALGA)*
- Regional Development Australia - Wheatbelt (RDA-W)*
- Main Roads WA-Wheatbelt Region (MRWA-WR)*



- *Wheatbelt Development Commission (WDC)*

Over the last 2 years, 42 Local Government authorities across the region have collaborated to identify priority routes and have also participated in a technical data collection process, preparation of a pre-feasibility business case and a cost benefit analysis of the planning process. The in-kind investment by local government to date is estimated to be in excess of \$750,000. The process has been an excellent example of a large number of local governments working together on a common strategic regional priority. The key undertakings of the project so far are:

1. Identification of nominated WSNF roads based upon a simple criteria developed by RRG.
2. Determination of basic project framework and minimum design standards.
3. Road condition assessment against minimum design standards.
4. High level scope of works and order of magnitude costs for upgrades required.
5. A summary of data collection and assessment across the 42 local of governments is:

	<b>Route Length (km)</b>	<b>Proposed Works (km)</b>	<b>Proposed Length (%)</b>	<b>Indicative Costs (\$)</b>
<b>TOTAL</b>	4,337	2,851	66	\$ 493,000,000

This initial approach was to assist the Working Group to work towards an Infrastructure Australia Stage 3/4 submission for inclusion of the WSNF project on the Infrastructure Australia Infrastructure Priority List (IPL). The long term goal is to obtain funding support for a broadly estimated, \$500 million capital works program over 10 - 20 year timeframe to bring the network up to a fit for purpose standard for current and anticipated future needs. The group is working towards submitting an IA Stage 4 Business Case submission for the WSNF. The project development costs associated with the business case submission are estimated to be \$5M, which is in the order of 1% of the estimated capital investment.

The following provides an outline of the proposed budget and funding applications that were submitted to assist with the development and planning stages the WSNF project.

<b>Stages</b>	<b>Budget and Funding Sources</b>
<b>Stage 1 – Strategic Planning</b>	<b>\$1,000,000</b>
<ul style="list-style-type: none"> <li>▪ Design Criteria and Objectives</li> <li>▪ Options Assessment</li> <li>▪ Collated Data Review</li> <li>▪ Multiple Criteria Assessment</li> <li>▪ Staging Plan</li> </ul>	<ul style="list-style-type: none"> <li>▪ BBRF (\$750K)</li> <li>▪ LGA co-contribution (\$250K)</li> </ul>
<b>Stage 2 – Detailed Planning</b>	<b>\$3,600,000</b>
<ul style="list-style-type: none"> <li>▪ Concept Design Investigations</li> <li>▪ Preliminary Design Investigations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Commodity Route (\$1M)</li> <li>▪ LGA in-kind</li> </ul>
<b>Stage 3 – IA Stage 3/4 Submission</b>	<b>\$400,000</b>
<ul style="list-style-type: none"> <li>▪ Project Management</li> <li>▪ Governance Plan</li> <li>▪ Business Case Development</li> </ul>	<ul style="list-style-type: none"> <li>▪ REDS (\$100K)</li> <li>▪ LGA in-kind</li> </ul>
	<b>\$5,000,000</b>

### **Building Better Regions Fund (BBRF) submission**

The Building Better Regions Fund (BBRF) submission is only intended to contribute towards funding activities associated with Stage 1 – Strategic Planning at an estimated budget of \$1M.

Funding and the associated BBRF application can be summarised as follows:

- Budget

- Total Cash \$1M
- **Funding**
  - BBRF \$750K
  - LGA cash co-contribution \$250K.

*This strategic planning work will inform the strategic allocation of road capital works funding provided to LGAs in the region, the economically optimal sequence for developing the network and ensure that roads are designed and constructed to an optimal standard from a ‘whole-of-life’ asset management perspective. The detailed planning exercise is expected to achieve a net benefit in the order of \$20 million based solely on the benefits gained from freight route prioritisation.*

**Commodity Freight Roads Fund (CFRF)**

*The Commodity Freight Roads Fund submission is intended to contribute towards funding of activities associated with Stage 2 – Detailed Planning. This will specifically entail \$1M for consultants to undertake Preliminary Design Investigations. The remainder of Stage 2 is intended to be undertaken via in-kind by local governments and other funding sources currently being investigated, should they become available.*

**Regional Economic Development (RED) Grant**

*The Regional Economic Development (RED) Grants submission is intended to contribute towards funding activities associated with Stage 3 – IA Stage 3/4 Submission. This will specifically entail \$100K for a Lead Consultant to undertake project management. The remainder of Stage 3 is intended to be undertaken via in-kind by local governments and other funding sources being investigated should they become available.*

**Major Project Business Case Fund (MPBCF) Initiative**

*The Australian Government is investing \$100 billion over 10 years from 2019–20 through its rolling infrastructure plan to help manage our growing population, meet our national freight challenge and get Australians home sooner and safer. This includes \$250 million allocated to the Major Project Business Case Fund (MPBCF) initiative. Projects with clear strategic merit that has:*

- *Engagement in the project planning stage*
- *View of future priorities*
- *Ready to invest to enable economic activity*
- *Address nationally significant deficits in the transport system*
- *Drive economic productivity growth and liveability in cities and regions through transport infrastructure investment*

*The WSFR Working Group sees the \$5M sought for the Stage 4 IA submission for this regionally significant project as an ideal candidate for the MPBCF.*

**Roads of Strategic Importance (ROSI) Initiative**

*The Australian Government will invest \$4.5 billion, including \$1 billion of additional funding committed in the 2019-20 Budget, to the Roads of Strategic Importance (ROSI) initiative to help connect regional businesses to local and international markets, and better connect regional communities. ROSI has the following principles:*

- *Key freight corridors that connect primary agricultural areas and mining resource regions to ports and other transport hubs.*
- *Support communities along the corridors and provide better access for tourists and other road users*
- *Characterised by narrow sections of road, low capacity bridges and deteriorating pavements,*
- *Constrains the productivity and efficiency of freight movements.*
- *Catalyse economic activity and improve access to communities and tourist attractions.*

*From an estimated total of \$500,000,000 in funding the Working Group sought \$125,000,000 over the next 3 years for the delivery of the first stage of capital works.*

The Working Group put in separate funding submissions for each of the abovementioned funding sources for the various stages of the project. The project has been successful in obtaining funding from the following sources:

- *ROSI initiative funding ()*
  - *Stage 1 Priority Works – Wheatbelt Secondary Freight Network.*
  - *The Australian Government has committed \$70 million towards the project.*  
*“Upgrades will be prioritised based on linkages to state and national roads and highways and the rail network. Consideration will also be given to links to six ports and two livestock centres, as well as regional and metro grain receival sites, accessed by the producers of the Wheatbelt region.*  
*Benefits of the project include:*
    - *improve road safety*
    - *improve freight efficiency, connectivity and travel time*
    - *ensure consistent Restricted Access Vehicles (RAVs) ratings across the network, which will provide improved access for agricultural and mining regions to transport hubs”*
  
- *RED Grants (Supported by the WA State Government’s Royalties for Regions Program)*
  - *Lead Consultant Project Coordinator – Wheatbelt Secondary Freight Network.*
  - *\$100,000.*  
*“The Lead Consultant will form part of the Project Management Team and work with the member organisation Working Group.*  
*The Lead Consultant - Project Management is an integral key to successful project delivery. The complexity and scale of this project is significant and well beyond the technical and financial capabilities of the Wheatbelt shires on an individual basis. Engaging a Lead Consultant – Project Management with the skills and expertise required to work with all technical consultants and the PMT will ensure a cohesive collaborative environment is established for optimum outputs.*  
*The project is planned to be managed via oversight from the WSFR Steering Committee with a nominated Project Manager and the Project Management Team (PMT) representing the WSFR.*  
*Lead Consultant – Project Management will direct the work of the external technical consultants and will be the main contact for communication between the Project Management Team and external consultants.*  
*The WSFN Project will require the specialised skills of a range of external technical consultants. Key areas of technical expertise identified for the project are:*
    - *Civil Design*
    - *Surveying*
    - *Environmental*
    - *Economic Assessment”*

Previously 42 local governments were asked to financially contribute to the WSFN project via a budget allocation of \$6,000 which was proposed to be part of a co-contribution towards BBRF. With the unsuccessful BBRF bid, it is proposed that the \$6,000 in financial contributions from each of the 42 local governments totalling \$252,000 be allocated to combine with the RED funding of \$100,000 to become project management pool of approximately \$350,000. This would contribute towards the overall project management requirements associated with the delivery of Stage 1 Priority Works over the course of an estimated 3 year delivery timeframe. Funding would contribute towards the following nominal requirements:

- *Project Coordinator*
  - *Nominal \$60,000 per annum (\$180,000 across 3 years)*
- *Project Administration and Communications Officer.*
  - *Nominal \$20,000 per annum (\$60,000 across 3 years)*

DATED: ..... PRESIDENT SIGNATURE: .....

- *Technical Consultancy Resources*  
- *Nominal \$100,000.*

## FINANCIAL IMPLICATIONS

2019/20 Budget - \$6,000 contribution towards the project.

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS

### Land Administration Act 1997

#### 52. Local government may request acquisition as Crown land of certain land no longer required

- (1) Subject to this section, a local government may request the Minister to acquire as Crown land —
  - (a) any alienated land designated for a public purpose on a plan of survey or sketch plan lodged with the Registrar;
  - (b) any private road; or
  - (c) any alienated land in a townsite which the Minister proposes to abolish under section 26,within the district of the local government (in this section called **the subject land**).
- (2) A request made under subsection (1) is to be accompanied by —
  - (a) a plan of survey or sketch plan —
    - (i) showing the subject land; and
    - (ii) approved by the Planning Commission;and
  - (b) copies of all objections lodged with the local government during the period referred to in subsection (3)(b)(i) or (ii), as the case requires.
- (3) Before making a request under subsection (1), a local government must —
  - (a) take all reasonable steps to give notice of that request to —
    - (i) the holder of the freehold in the subject land unless the local government holds that freehold;
    - (ii) the holders of the freehold in land adjoining the subject land unless the local government holds that freehold; and
    - (iii) all suppliers of public utility services to the subject land;and
  - (b) in the case of —
    - (i) alienated land referred to in subsection (1)(a) or a private road referred to in subsection (1)(b), state in the notice a period of not less than 30 days from the day of that notice during which period persons may lodge objections with it against the making of that request; or
    - (ii) any land referred to in subsection (1)(c), advertise or take such steps as may be prescribed to notify interested persons of an intention to make the request and state in the notification a period of not less than 30 days from the day of

that notification during which period persons may lodge objections with it against the making of that request.

- (4) The Minister may, on receiving a request made under subsection (1), the accompanying plan of survey or sketch plan referred to in subsection (2)(a) and copies of all objections referred to in subsection (2)(b) —
  - (a) by order grant that request;
  - (b) direct the local government to reconsider that request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse to grant that request.
- (5) On the registration of an order made under subsection (4)(a), the subject land —
  - (a) ceases to belong to the holder of its freehold;
  - (b) is freed from all encumbrances; and
  - (c) becomes Crown land.
- (6) Subject to subsection (7), compensation is payable under Part 10 to any holder of the freehold in the subject land who suffers loss on the registration of an order referred to in subsection (5) as if that loss resulted from a taking under Part 9.
- (7) A person with an interest in land that is a private road (including a person who has the benefit of an easement created under section 167A of the TLA) the subject of an order under subsection (4)(a) who suffers loss on the registration of the order is not entitled to compensation under Part 10.
- (8) Sections 188, 189, 190 and 191 do not apply to a private road or an interest in land that is a private road if the land is the subject of an order under subsection (4)(a) and the land was taken or resumed or purportedly taken or resumed under a written law for the purpose of a right of way or a right of way and recreation.

[Section 52 amended by No. 59 of 2000 s. 14.]

## **Part 5 — Roads**

### **Division 1 — Conventional roads**

#### **53. Status of *Main Roads Act 1930* in respect of highways and main roads**

To the extent that there is in the case of a road which is a highway or main road within the meaning of the *Main Roads Act 1930* an inconsistency between this Act and that Act, that Act prevails.

#### **54. Configuration and situation of roads**

A road may have —

- (a) a 2 dimensional configuration consisting of —
  - (i) length; and
  - (ii) width;
- or
- (b) a 3 dimensional configuration consisting of —
  - (i) length;
  - (ii) width; and

- (iii) height or depth or both,

as specified in the relevant plan of survey or sketch plan lodged with the Registrar and may be situated in airspace or waters or on the surface of or below the ground (including the bed of waters) or in any combination of 2 or more of these situations.

#### 55. Property in roads etc.

- (1) Subject to this section and to section 57, the absolute property in land comprising a road is by this subsection —
  - (a) revested in the Crown; and
  - (b) in the case of land under the operation of the TLA or the *Registration of Deeds Act 1856*, removed from that operation and so revested.
- (2) Subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road.
- (3) The operation of subsection (1) —
  - (a) suspends, until the relevant road is closed under section 58, any rights to mine for minerals within the meaning of the *Mining Act 1978* excepted from the acquisition of the land reserved, declared or dedicated as that road; but
  - (b) does not affect the functions of a local government in respect of a road of which it has the care, control and management.
- (4) If land comprising a private road is revested in the Crown under this section, a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that revesting.

[Section 55 amended by No. 59 of 2000 s. 15.]

#### 56. Dedication of roads

- (1) If in the district of a local government —
  - (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;
  - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
    - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
    - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;or
  - (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

- (2) If a local government resolves to make a request under subsection (1), it must —

- (a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
- (a) subject to subsection (5), by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
- (a) unallocated Crown land or, in the case of a private road, alienated land; and
  - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

*[Section 56 amended by No. 59 of 2000 s. 16.]*

**57. Leases in relation to roads**

- (1) The Minister may —
- (a) grant a lease in respect of land above or below a road; or
  - (b) with the consent of the relevant local government, the Commissioner of Main Roads, or the Minister responsible for the administration of the *Public Works Act 1902*, as the case requires, grant a lease in respect of land comprising a road, if —
    - (i) there are structures above the road; or
    - (ii) the purpose of that lease is consistent with the use of the road by the public.
- (2) When a lease is granted under subsection (1)(b) in respect of land comprising a road and the road is closed under section 58 during the subsistence of the lease, the lease continues to subsist as an interest in Crown land until it terminates in accordance with law.

*[Section 57 amended by No. 59 of 2000 s. 17.]*

**58. Closure of roads**

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
  - (a) by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
  - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
  - (a) becomes unallocated Crown land; or
  - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

*[Section 58 amended by No. 59 of 2000 s. 18(1)<sup>9</sup>.]*

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

<b>Goal 2.1.3</b>	<b>To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.</b>
<b>Council's Role</b>	<p>To facilitate discussions with Road Authorities and external parties to improve condition of state roads.</p> <p>To lobby government agencies to provide an improved road and transportation system to the Shire.</p> <p>To develop a program to improve and enhance local roads and footpaths.</p> <p>To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.</p>

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

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

**COMMUNITY CONSULTATION**

Chief Executive Officer  
 Manager Works and Services  
 Wheatbelt North Regional Road Group  
 Wheatbelt South Regional Road Group  
 Councillors

**ABSOLUTE MAJORITY - Yes**



## STAFF RECOMMENDATION

*That Council:*

- 1. Acknowledge the unsuccessful application of the Building Better Regions Program Application.*
- 2. Continues to support the strategic intent of the Wheatbelt Secondary Freight Network Project; and*
- 3. Allocates \$6,000 in 2019/20 budget to co-fund the project management of the Wheatbelt Secondary Freight Network in combination with the WA State Government's \$100,000 of Regional Economic Development Grant funding, as part of the delivery of its Stage 1 Priority Works.*
- 4. Writes to the Secondary Freight Route Committee advising of Council's commitment and allocation of funds to co-fund the project management.*

## COUNCIL RECOMMENDATION

MIN 093/19 MOTION - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

*That Council:*

- 1. Acknowledge the unsuccessful application of the Building Better Regions Program Application.*
- 2. Continues to support the strategic intent of the Wheatbelt Secondary Freight Network Project; and*
- 3. Allocates \$6,000 in 2019/20 budget to co-fund the project management of the Wheatbelt Secondary Freight Network in combination with the WA State Government's \$100,000 of Regional Economic Development Grant funding, as part of the delivery of its Stage 1 Priority Works.*
- 4. Writes to the Secondary Freight Route Committee advising of Council's commitment and allocation of funds to co-fund the project management.*

CARRIED 6/0  
BY ABSOLUTE MAJORITY

- 11 EJECTED 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**

4:55pm – Cr. Rod Forsyth, President thanked members for their attendance and closed the meeting.

**NEXT MEETING DATES**

Ordinary Council Meeting, Tuesday, 18<sup>th</sup> June, 2019

NOT CONFIRMED