



MINUTES

Ordinary Council Meeting Tuesday, 17 March 2020

Date: Tuesday, 17 March 2020

Time: 2:00pm

**Location: Council Chamber
110 Massingham Street
Kellerberrin**

Order Of Business

1	Declaration of Opening	3
2	Announcement by Presiding Person Without Discussion.....	3
2.1	Presidents Report February 2020	3
2.2	Standing Orders.....	4
3	Record of Attendance / Apologies / Leave of Absence.....	5
4	Declaration of Interest	5
5	Public Question Time	6
5.1	Response to Previous Public Questions taken on Notice	6
5.2	Public Question Time	6
6	Confirmation of Previous Meetings Minutes.....	7
7	Presentations	7
7.1	Petitions	7
7.2	Presentations	7
7.3	Deputations.....	7
8	Reports of Committees	8
8.1	WE-ROC Council Meeting Minutes and Resolutions	8
8.2	Great Eastern Country Zone of WALGA Meeting Minutes and Resolution	12
9	Corporate Services Reports.....	15
9.1	Community Requests and Discussion Items	15
9.2	Status Report of Action Sheet	23
9.3	Establishment of Arts Committee	31
9.4	Sale of Fleet Equipment.....	33
9.5	Expression of Interest - Cemetery Works	38
9.6	Common Seal Register and Reporting	40
9.7	Direct Debit List and Visa Card Transactions - February 2020	42
9.8	Cheque List February 2020	46
9.9	Financial Activity Statement - February 2020	50
9.10	King Street Extension – Leake St – Scadden St.....	53
9.11	Building Reports February 2020.....	60
10	Development Services Reports	62
11	Works & Services Reports	63
11.1	Development Application: Oversized Shed.....	63
12	Elected Members Motions of Which Previous Notice has been Given	69
13	New Business of an Urgent Nature Introduced by Decision of Meeting	69
14	Confidential Matters	69
15	Closure of Meeting.....	69

**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN
ON TUESDAY, 17 MARCH 2020 AT 2:00PM**

1 DECLARATION OF OPENING

THE DEPUTY SHIRE PRESIDENT OPENED THE MEETING AT 2.03PM

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENTS REPORT FEBRUARY 2020
--

File Number: ADMIN
Author: Rod Forsyth, Shire President
Authoriser: Rod Forsyth, Shire President
Attachments: Nil

Having being driving around the UK for the past four weeks I've nothing to report except the fact that our minor roads are more trafficable than theirs .

Kind regards
Rod Forsyth

STAFF RECOMMENDATION

That Council receive and note the Shire Presidents Report for February 2020.

COUNCIL RESOLUTION 020/20

Moved: Cr David Leake
Seconded: Cr Emily Talbot

That Council receive and note the Shire Presidents Report for February 2020.

CARRIED 5/0

2.2 STANDING ORDERS

File Number: ADMIN

Author: Kate Dudley, Deputy Chief Executive Officer

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: Nil

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION 021/20

Moved: Cr Dennis Reid

Seconded: Cr Wendy McNeil

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

.CARRIED 5/0

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

Cr Scott O'Neill (Deputy Shire President)

Cr David Leake

Cr Wendy McNeil

Cr Dennis Reid

Cr Emily Talbot

IN ATTENDANCE:

Mr Raymond Griffiths (Chief Executive Officer)

Ms Kate Dudley (Deputy Chief Executive Officer)

Mr Brett Taylor (Senior Finance Officer) left the meeting at 3.07pm

Mrs Natasha Giles (Community Development Officer) left the meeting at 3.07pm

APOLOGIES:

Cr Matt Steber COVID-19 Isolation

Cr Rod Forsyth (Shire President) COVID-19 Isolation

Mr Mick Jones (Manager of Works Services)

LEAVE OF ABSENCE:

Nil

PUBLIC:

3

4 DECLARATION OF INTEREST

A declaration of interest was received from Mr Raymond Griffiths, Chief Executive Officer for Item 9.4 Sale of Fleet Equipment. Mr Griffiths read his declaration before the item was considered.

5 PUBLIC QUESTION TIME

Members of the public are asked that if they wish to address the Council that they state their name and put the question as precisely as possible. A maximum of 15 minutes is allocated for public question time.

5.1 Response to Previous Public Questions taken on Notice

Nil

5.2 Public Question Time

Mrs Jess Cole

Question:

Mrs Cole presented the Council with a copy of the Childcare Survey results for Kellerberrin and surrounding areas. Mrs Cole asked, can the Shire help with the need for childcare? Are there any grants, Shire buildings or support through the Community Resource Centre to deliver courses in this field?

Response:

The Chief Executive Officer responded that staff have looked at other regional councils that provide childcare facilities and found that they run at a \$200,000 loss over a four year period. The Presiding Member then responded that Council would take the question on notice and provide Mrs Cole with a written response, as well as including a summary of the response in the agenda for the Council Meeting to be held on 21st April 2020.

Question:

Mrs Cole then asked if while officers are investigating childcare services within the Shire, could you also look at the need for after school care?

Response:

The Presiding Member thanked Mrs Cole for her research and took the question on notice.

Mrs Glenice Batchelor

Question:

The Shire may be interested in looking into community day care incorporating the communities of Cunderdin, Tammin and Kellerberrin.

Response:

The Presiding Member took the question on notice.

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

6.1 MINUTES OF ORDINARY COUNCIL MEETING, 6TH FEBRUARY 2020

COUNCIL RESOLUTION 022/20

Moved: Cr David Leake

Seconded: Cr Dennis Reid

That the minutes of the Shire of Kellerberrin Ordinary Council Meeting held on Thursday 6th February 2020, be confirmed as a true and accurate record.

CARRIED 5/0

7 PRESENTATIONS




7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

8.1 WE-ROC COUNCIL MEETING MINUTES AND RESOLUTIONS

File Number: ORG10
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes 
2. EISC Report 
3. Renewable Energy Report 

BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday 26th February, 2020, in the Meeting Room at the Kellerberrin Recreation & Leisure Centre, 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.

STAFF COMMENT

Attached to this agenda item is a copy of the last WE-ROC Council Meeting Minutes held on Wednesday 26th February, 2020 in the Kellerberrin Recreation & Leisure Centre, Shire of Kellerberrin.

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

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

Resolutions arising out of the 26th February 2020 WE-ROC Council Meeting summarised hereunder,

RESOLUTION: Moved: Peter Clarke Seconded: Karin Day

That Ms Jasmine Geier be appointed as a proxy for Jamie Criddle for this meeting only.

CARRIED

EN BLOC RESOLUTION: Moved: Julie Flockart Seconded: Wayne Della Bosca

That the Minutes of the Wheatbelt Communities Inc Annual General Meeting held Wednesday 30 October 2019 be received.

CARRIED

EN BLOC RESOLUTION: Moved: Julie Flockart Seconded: Wayne Della Bosca

That the Minutes of the Wheatbelt Communities Inc Meeting held Wednesday 30 October. 2019 be confirmed as a true and correct record.

CARRIED

EN BLOC RESOLUTION: Moved: Julie Flockart Seconded: Wayne Della Bosca

That the Minutes of the WEROC Council Meeting held Thursday 28 November 2019 be confirmed as a true and correct record.

CARRIED

EN BLOC RESOLUTION: Moved: Julie Flockart Seconded: Wayne Della Bosca

That the Minutes of the Special General Meeting of Wheatbelt Communities Inc held via teleconference on Tuesday 17 December 2019 be confirmed as a true and correct record.

CARRIED

EN BLOC RESOLUTION: Moved: Julie Flockart Seconded: Wayne Della Bosca

That the decision made by the WEROC Council via a “flying email” on Wednesday 15 January 2020 be endorsed.

CARRIED

EN BLOC RESOLUTION: Moved: Julie Flockart Seconded: Wayne Della Bosca

That the decision relating to the appointment of the WEROC Inc Executive Officer made via a “flying email” on Friday 31 January 2020 be endorsed.

CARRIED

RESOLUTION: Moved: Julie Flockart Seconded: Peter Clarke

That the Status Report for February 2020 be received.

CARRIED

RESOLUTION: Moved: Julie Flockart Seconded: Peter Clarke

That the matters listed for noting be received.

CARRIED

RESOLUTION: Moved: Karin Day Seconded: Wayne Della Bosca

That the WEROC Council Financial Report for the period ending 31 January 2020 be received.

CARRIED

RESOLUTION: Moved: Stephen Strange Seconded: Peter Clarke

That the Accounts Paid by WEROC Council for the period 1 November 2019 to 3 February 2020 totalling \$174,231.23 be approved.

CARRIED

RESOLUTION: Moved: Peter Clarke Seconded: Julie Flockart

That the Accounts Paid by Wheatbelt Communities Inc for the period 1 November 2019 to 31 January 2020 totalling \$737.00 be approved.

CARRIED

RESOLUTION: Moved: Peter Clarke Seconded: Karin Day

That the WEROC Inc Board approve of the following banking arrangements:

1. That the current Community Solutions One bank account be retained with the Westpac Bank and no new account be opened at this time;
2. That the bank signatories be Mr Ramesh Rajagopalan (Chair), Ms Rebekah Burges (Secretary/Treasurer) and Mr Darren Mollenoyux (Board Member);
3. That Ms Rebekah Burges become the administrator for all bank accounts held by WEROC Inc;
4. That Ms Helen Westcott and Mr Bruce Wittber be removed as signatories from all WEROC Inc bank accounts; and
5. That all payments require the authorisation of any two of the signatories.

CARRIED

RESOLUTION: Moved: Julie Flockart Seconded: Wayne Della Bosca

1. That the WEROC Inc Executive Officer seeks quotes from the following accounting firms to undertake the 2019/2020 audit for WEROC Inc, with the audit to be undertaken as per the *Associations Incorporation Act 2015*:
 - a) AMD Chartered Accountants;
 - b) Butler Settineri Chartered Accountants;
 - c) Byfields Business Advisers; and
 - d) Moore Stephens.

2. The appointment of an auditor to undertake the 2019/2020 audit be completed as soon as practical so the audit costs can be included in the 2020/2021 budget process for WEROC Inc.

CARRIED

RESOLUTION: Moved: Karin Day Seconded: Stephen Strange

That:

1. The Bruce Rock CEO finalise the contract between WEROC Inc and 150Square Pty Ltd no later than close of business on 28 February 2020;
2. The contract between WEROC Inc and 150Square Pty Ltd include all duties as prescribed in Clause 16 and the relevant subclauses of Clause 17 of the WEROC Inc Constitution which cover the role and duties of Executive Officer;
3. The contract between WEROC Inc and 150Square Pty Ltd include any duties detailed in the "Consultants Brief" not contained within the WEROC Inc Constitution, with these duties to reflect the requirements of both the WEROC Inc Constitution and the *Associations Incorporation Act 2015*;
4. The contract between WEROC Inc and 150Square Pty Ltd include the following conditions:
 - a) The Hourly Rate for Executive Officer Services is \$67.00 (inc GST)
 - b) The Hourly Rate for Project Specific Work is \$90.00 (inc GST)
 - c) Mileage is at \$0.75 per kilometre based from Meckering
 - d) No other costs unless for accommodation – overnight accommodation will not be required for WEROC Inc meetings
 - e) Office costs associated with the position covered under the hourly rate unless significant printing/copying costs incurred; and
5. WEROC Inc Board by way of "flying email" review the contract drafted between itself and 150Square Pty Ltd relating to the engagement of Ms Rebekah Burge as its Executive Officer.

CARRIED

RESOLUTION: Moved: Wayne Della Bosca Seconded: Kate Dudley

That:

1. The WEROC Inc Executive Officer have a Common Seal made; and
2. The custody of the WEROC Inc Common Seal be the responsibility of the WEROC Inc Executive Officer.

CARRIED

RESOLUTION: Moved: Peter Clarke Seconded: Stephen Strange

That the matter be referred to the Committee of Chief Executive Officers.

CARRIED

RESOLUTION: Moved: Peter Clarke Seconded: Kate Dudley

That the matter be referred to the Committee of Chief Executive Officers.

CARRIED

RESOLUTION: Moved: Karin Day Seconded: Wayne Della Bosca

That the matter be referred to the Committee of Chief Executive Officers.

CARRIED

RESOLUTION: Moved: Peter Clarke Seconded: Wayne Della Bosca

That WEROC Inc:

1. Advise the Central Wheatbelt Visitor Centre of the recent changes in name and organisational structure; and
2. Allocate sufficient funds in its 2020/2021 Budget for any subscription fees etc required as a signatory to the MOU.

CARRIED

RESOLUTION: Moved: Peter Clarke Seconded: Stephen Strange

That the matter be referred to the Committee of Chief Executive Officers.

CARRIED

RESOLUTION: Moved: Karin Day Seconded: Peter Clarke

That the Executive Officer's report be noted and that Dr Harper be requested to arrange the next round of visits for the "Curtin Wheatbelt Community Health Study" so that they occur before or after seeding.

CARRIED

RESOLUTION: Moved: Peter Clarke Seconded: Julie Flockart

That WEROC Inc extend an invitation to Mr Llew Withers to a future WEROC Inc Board Meeting.

CARRIED

RESOLUTION: Moved: Wayne Della Bosca Seconded: Kate Dudley

That the matter be referred to the Committee of Chief Executive Officers.

CARRIED

RESOLUTION: Moved: Karin Day Seconded: Julie Flockart

That WEROC Inc write to Innovation Central Midlands WA Inc seeking to have ongoing discussions around its renewable energy project.

CARRIED

COMMUNITY CONSULTATION

The following consultation has taken place;

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

STAFF RECOMMENDATION

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday, 26th February 2020.

COUNCIL RESOLUTION 023/20

Moved: Cr Wendy McNeil





Seconded: Cr Dennis Reid

That Council receive the Minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Wednesday, 26th February 2020.

CARRIED 5/0

8.2 GREAT EASTERN COUNTRY ZONE OF WALGA MEETING MINUTES AND RESOLUTION

File Number: OLGOV16
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments:

1. Minutes February 2020 
2. Attachment 1 
3. Attachment 2 
4. Attachment 3 

BACKGROUND

The Minutes of the recent Meeting, held on Wednesday, 26th February 2020 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.

STAFF COMMENT

Attached to this agenda item is a copy of the recent Zone Meeting Minutes (not confirmed) held on Wednesday 26th February 2020. 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 Tony Sachse Seconded: President Cr Stephen Strange

That the Great Eastern Country Zone requests WALGA, in consultation with ALGA, to liaise with the WA State Government Ministers for Water, Agriculture and Environment to provide a coordinated holistic response in respect to the ongoing drying climate issues and access to the Drought Communities Funding Program.

CARRIED

RESOLUTION Moved: Cr Ramesh Rajagopalan Seconded: President Cr Karin Day

That the minutes of the Great Eastern Country Zone meeting held Thursday 28 November 2019 are confirmed as a true and accurate record of the proceedings.

CARRIED

ZONE RESOLUTION Moved: Cr Alan Wright Seconded: Cr Wayne Della Bosca

That the Subscriptions be retained at \$1750 for the 20/21 financial year.

CARRIED

RESOLUTION Moved: President Cr Julie Flockart Seconded: President Cr Pippa DeLacey

That the remaining items contained in the Minutes of the Executive Committee Meeting of the Great Eastern Country Zone held Thursday 13 February 2020 be endorsed.

CARRIED

ZONE RESOLUTION Moved: President Cr Julie Flockart Seconded: Cr Ramesh Rajagopalan

- That Cr Glenice Batchelor (Shire of Tammin) be put forward to represent the Zone on the Wheatbelt Health MOU Group.
- That Cr Alison Harris (Shire of Cunderdin) be the Proxy representative.

CARRIED

RESOLUTION Moved: Cr Wayne Della Bosca Seconded: Cr Alan Wright

That the Zone President's Report be received.

CARRIED

RESOLUTION Moved: Deputy President Cr Geoff Waters Seconded: President Cr Julie Flockart

That the Wheatbelt Secondary Freight Group Report be received.

CARRIED

RESOLUTION Moved: President Cr Tony Sachse Seconded: President Cr Julie Flockart

That the Wheatbelt District Emergency Management Committee Report and attachments be received.

CARRIED

RESOLUTION Moved: President Cr Stephen Strange Seconded: Cr Alan Wright

That the State Councillor Report be received

CARRIED

RESOLUTION Moved: Cr Ramesh Rajagopalan Seconded: Cr Wayne Della Bosca

That the Great Eastern Country Zone WALGA February 2020 Status Report be noted.

CARRIED

RESOLUTION Moved: President Cr Karin Day Seconded: Deputy President Cr Glenice Batchelor

That the Great Eastern Country Zone supports all Matters for Decision as listed above in the March 2020 State Council Agenda, subject to Item 5.1:

- State Council noting that the Great Eastern Country Zone has reservations about the National Redress Scheme and potential costs to Local Government for attending training and other potential operating costs.

CARRIED

RESOLUTION Moved: Deputy President Cr Glenice Batchelor Seconded: Deputy President Cr Geoff Waters

That the Great Eastern Country Zone notes the following reports contained in the WALGA March 2020 State Council Agenda.

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

CARRIED

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.

COMMUNITY CONSULTATION

The following consultation took place:

- 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

STAFF RECOMMENDATION

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Wednesday 26th February 2020.

COUNCIL RESOLUTION 024/20

Moved: Cr Dennis Reid

Seconded: Cr Wendy McNeil

That Council receive the Minutes of the Great Eastern Country Zone of WALGA meeting, held on Wednesday 26th February 2020.

CARRIED 5/0

9 CORPORATE SERVICES REPORTS

9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

File Number: Various
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

February 2020 Council Meeting

MIN 007/20 MOTION - Moved Cr. Leake 2nd Cr. Talbot

That Council;

- 1. declines the request of \$500.00 for the speed shearing events hosted within Woodstock Country Muster Expo due to the approval of the event application being based on an exhibition event;***
- 2. support the murals concept presented by Richard Marek, but the design requires review to incorporate more relevance and context to the local area and directs the Deputy Chief Executive Officer to discuss the idea further; and***
- 3. provide a response to Rose Bowen to advise of Councils proposed digital signage proposal, which will serve the purpose of a flag pole as requested.***

December 2019 Council Meeting

MIN 224/19 MOTION - Moved Cr. Talbot 2nd Cr. O'Neill

That Council;

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

November 2019 Council Meeting

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

STAFF COMMENT

February MIN 007/20

- 1. Letter written to Anthony Scorza declining his request for the Woodstock Country Muster on 11th February 2020*
- 2. Letter written to Richard Marek on 11th February 2020 for further discussion to take place.*
- 3. Letter written to Rose Bowen regarding the feedback for Council signage. Council advertised Rose of the digital signage for proposed 2020/2021 Budget*

December MIN 224/19

1. *Mick Jones is investigating. Extermination cost was quoted at \$5.00 per bird which was consider excessive. Council used scare tactics to move them on over a 2 day period.*
2. *Raymond Griffiths is negotiating with Council's Lawyer for a counter offer to Sport and Recreation Surfaces to ensure that Council has the full surface replaced on the Western Courts and the works is of quality. Council was to receive timeline by 10th February 2020. Not received at that time.*
3. *Mick Jones to review Hammond Street.*

November MIN 202/19

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

TEN YEAR FINANCIAL PLAN

This does not directly affect the long term financial plan.

FINANCIAL IMPLICATIONS

Financial implications will be applicable depending on requests and decision of council.

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 COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer
- Deputy Chief Executive Officer

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION 025/20

Moved: Cr Wendy McNeil

Seconded: Cr Emily Talbot


That Council;

1. Allocate funds in the 2020/21 budget for the purchase of a reconciliation week banner in 2020;
2. Request the CEO enter in discussions with local businesses to gauge interest in a subsidised rate for advertising through GWN commercials;
3. Request the CEO respond to the letter received regarding budget allocations from Ryan and Kerry Forsyth;

CARRIED 5/0

3.07pm At this time the Senior Finance Officer and Community Development Officer left the meeting.

9.2 STATUS REPORT OF ACTION SHEET

File Number: Various
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Action Sheet - February 2020 

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.

STAFF 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.

TEN YEAR FINANCIAL PLAN

There is no direct impact on the long term financial plan.

FINANCIAL IMPLICATIONS

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.

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 COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council receive the Status Report.

COUNCIL RESOLUTION 026/20


Moved: Cr Dennis Reid

Seconded: Cr Emily Talbot

That Council receive the Status Report.

CARRIED 5/0

9.3 ESTABLISHMENT OF ARTS COMMITTEE

File Number: ADMIN
Author: Kate Dudley, Deputy Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Arts Committee - Terms of Reference 

In accordance with the authority delegated to the Department by the Minister for Local Government, approval has been granted under section 5.7(2) of the Local Government Act 1995 to allow a reduction to five (5) in the number of officers of member required at a council meeting in order to make decision/s that would otherwise be required by an absolute majority for the Council meeting held on 17 March 2020 for agenda items 9.3, 9.4 and 9.9.

BACKGROUND

In accordance with the Local Government Act 1995 and section 5.8. Establishment of Committees. A local government may establish committees of three or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

STAFF COMMENT

Over the last 6 months Shire officers have received an influx in ideas and suggestions around street scape and art projects within the Shire. To assist with developing some of the ideas the establishment of an Arts Committee would give community members the opportunity to present ideas in a collaborative forum./ Officers are recommending that the Committee would comprise of one Shire of Kellerberrin staff members (as delegated by the CEO), two elected members and between six and eight community members and that the purpose of the Committee would be to meet quarterly to discuss/research ideas and provide recommendations to Council on art projects within the Shire of Kellerberrin.

The Committee would operate under the provisions of the Local Government Act 1995, the Shire's Code of Conduct and the draft Arts Committee - Terms of Reference (Attachment 1).

Officers would suggest that Council invite community members to submit an expression of interest (EOI) for membership on the proposed Arts Committee through advertisement in the Pipeline, the Shire website and on Facebook with the EOI process closing on Tuesday 31 March 2020.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

STATUTORY IMPLICATIONS

Section 5.10(4) of the Act provides that the Council must appoint the President to each Committee if the President informs the Shire of their wish to be a member of a particular Committee. The Committee, once appointed, must select a Presiding Member at its first meeting.

Section 5.10 (5) of the Act provides for the CEO or their delegate to be appointed to a Committee that has or will have an employee if the CEO so wishes.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

Officers would suggest that Council invite community members to submit an expression of interest (EOI) for membership on the proposed Arts Committee through advertisement on the Shires public notice board, Pipeline, website and on Facebook with the EOI process closing on Tuesday 31 March 2020.

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer

STAFF RECOMMENDATION

That Council;

1. *Support the establishment of an Arts Committee;*
2. *Adopted the draft terms of reference as presented at attachment 1; and*
3. *Invite community members to submit an expression of interest for membership on the committee.*

COUNCIL RESOLUTION 027/20

Moved: Cr Wendy McNeil

Seconded: Cr Emily Talbot

That Council;

1. *Support the establishment of an Arts Committee;*
2. *Adopted the draft terms of reference as presented at attachment 1; and*
3. *Invite community members to submit an expression of interest for membership on the committee.*

With the inclusion of two amendments to the draft terms of reference including, reducing the elected member in attendance to one and reducing the minimum annual meeting to bi-annually.

In Favour: Cr Scott O'Neill, David Leake, Dennis Reid and Emily Talbot


Against: Cr Wendy McNeil

CARRIED

BY ABSOLUTE MAJORITY 4/1

Reason: Council felt that amending the TOR to one elected member to represent the council and amending the TOR to the committee meeting bi-annually would be more appropriate as a minimum standard and consistent with other local governments.

9.4 SALE OF FLEET EQUIPMENT

File Number: TD3/20 & ENG30.2
Author: Kate Dudley, Deputy Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. EOI - KE1 

In accordance with the authority delegated to the Department by the Minister for Local Government, approval has been granted under section 5.7(2) of the Local Government Act 1995 to allow a reduction to five (5) in the number of officers of member required at a council meeting in order to make decision/s that would otherwise be required by an absolute majority for the Council meeting held on 17 March 2020 for agenda items 9.3, 9.4 and 9.9.

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of Closely Association Person and Impartiality interest were made at the Council meeting held on 17 March 2020.

Date	Name	Item No.	Reason
17 March 2020	Mr Raymond Griffiths, Chief Executive Officer		Offer received was submitted by Father-in law

3.44pm *At this time the Chief Executive Officer left the meeting.*

BACKGROUND

Council in accordance with Section 3.58 of the *Local Government Act 1995* called for Expressions of Interests (EOI) in purchasing Council's Fleet vehicles in the Kellerberrin Pipeline dated 11th February 2020 as per below specifications.

In addition to the pipeline the EOI was advertised on Council's notice board, Facebook page and Instagram page.

Vehicle	Rego	Year	Paint	Licence Expiry	Trans	Kms	Interior
Toyota Prado	KE 1	2019	White	May 2020	Auto	15,000 approx	Black Leather
Toyota Hilux	KE 002	2019	White	August 2020	Auto	15,000 approx	Black Fabric
Ford Ranger	KE 2	2019	White	August 2020	Auto	25,000 approx	Black Leather

The advertised EOI's closed on **Wednesday 26th February 2020** at the Office of Council at 12.00 noon

STAFF COMMENT

Council at the closing of the Expressions of Interest received the following offers:

1. 2019 Toyota Prado - Stan McDonnell \$63,000 Including GST
2. 2019 Toyota Hilux - No offer received
3. 2019 Ford Ranger - No offer received

Please find attached a copy of the EOI submitted to the Shire of Kellerberrin for the 2019 Toyota Prado (Attachment 1).

TEN YEAR FINANCIAL PLAN

There is no direct impact on the Long Term Financial Plan

FINANCIAL IMPLICATIONS

The offered amount is consistent with the offered trade in price, therefore there is no direct financial impact.

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

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

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

COMMUNITY CONSULTATION

The Expression of Interest was advertised over a two week period through the Shire Facebook page, Instagram and in the local pipeline.

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Works & Services

STAFF RECOMMENDATION

That Council in accordance to section 3.58 (2) of the Local Government Act:

1. *Authorises the sale of the 2019 Toyota Prado – KE 1 - \$63,000 (Inc GST) to Stan McDonnell, 5120 Toodyay Road, Hoddys Well, Toodyay. WA 6566*
2. *delegates authority to the Chief Executive Officer to execute the transfer of vehicle documents for KE 1 – Toyota Prado*
3. *Retain the ownership of KE 1 vehicle registration plates.*

COUNCIL RESOLUTION 028/20

Moved: Cr David Leake

Seconded: Cr Dennis Reid

That Council in accordance to section 3.58 (2) of the Local Government Act:

1. *Authorises the sale of the 2019 Toyota Prado – KE 1 - \$63,000 (Inc GST) to Stan McDonnell, 5120 Toodyay Road, Hoddys Well, Toodyay. WA 6566*
2. *delegates authority to the Chief Executive Officer to execute the transfer of vehicle documents for KE 1 – Toyota Prado*
3. *Retain the ownership of KE 1 vehicle registration plates.*

CARRIED 5/0

BY ABSOLUTE MAJORITY

3.52pm *At this time the Chief Executive Officer returned to the meeting.*

9.5 EXPRESSION OF INTEREST - CEMETERY WORKS

File Number: CEM1, ADM29

Author: Kate Dudley, Deputy Chief Executive Officer

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. Expression of Interest Advertisement 
2. Expression of Interest - Kellerberrin Hockey Club 

BACKGROUND

On 10 February 2020, the Council invited community groups to submit an expression of interest to apply directional signage (numbering) on the cemetery kerbing. The submission period closed on Friday 28 February 2020.

STAFF COMMENT

Officers received one expression of interest to carry out the works from the Kellerberrin Hockey Club (Attachment 1). The expression of interest didn't include details on or a quote for the rate of pay to carry out the works.

TEN YEAR FINANCIAL PLAN

There are no direct implications on the Long Term Financial Plan.

FINANCIAL IMPLICATIONS

Capital works to update the cemetery were included in the budget allocation for 2019/20.

STATUTORY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The Expression of Interest was advertised on the Shire of Kellerberrin Public Notice Board, facebook page, website, Instagram and through the local pipeline over a two week period.

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager Works & Services

STAFF RECOMMENDATION

That Council;

1. *Directs the Chief Executive Officer to engage in discussions with the Hockey Club on a rate of pay to carry out the works.*

COUNCIL RESOLUTION 029/20

Moved: Cr David Leake


Seconded: Cr Emily Talbot

That Council;

1. *Directs the Chief Executive Officer to engage in discussions with the Hockey Club on a rate of pay to carry out the works*

. CARRIED 5/0

9.6 COMMON SEAL REGISTER AND REPORTING

File Number: ADM52
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Common Seal Register 

BACKGROUND

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

STAFF COMMENT

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

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

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

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

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

TEN YEAR FINANCIAL PLAN

There is no direct impact on the Long Term Financial Plan.

FINANCIAL IMPLICATIONS

There are no financial impacts.

STATUTORY IMPLICATIONS

Shire of Kellerberrin Standing Orders Local Law 2006

Clause 19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.

- (4) The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Councils President
- Councils Deputy President
- Chief Executive Officer
- Personal Assistant to Chief Executive Officer

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION 030/20

Moved: Cr Wendy McNeil

Seconded: Cr Dennis Reid

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

.CARRIED 5/0

9.7 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - FEBRUARY 2020

File Number: N/A
Author: Brett Taylor, Senior Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Please see below the Direct Debit List and Visa Card Transactions for the month of February 2020.

Municipal Direct Debit List			
Date	Name	Details	Amount
3-Feb-20	Westnet	Internet Charges	\$4.99
4-Feb-20	Department of Housing	Rent	\$420.00
6-Feb-20	Shire of Kellerberrin	Pay Run	\$53,715.61
7-Feb-20	Department of Transport	Vehicle Inspections	\$69.56
13-Feb-20	Shire of Kellerberrin	Creditors Payment	\$40.05
13-Feb-20	Shire of Kellerberrin	Super Choice	\$9,189.26
13-Feb-20	Shire of Kellerberrin	Creditors Payment	\$87,576.76
17-Feb-20	Shire of Kellerberrin	ATO BAS January	\$2,959.00
18-Feb-20	Department of Housing	Rent	\$420.00
20-Feb-20	Shire of Kellerberrin	Pay Run	\$58,304.98
21-Feb-20	Shire of Kellerberrin	Super Choice	\$9,764.90
21-Feb-20	Shire of Kellerberrin	Super Choice	\$8,652.44
25-Feb-20	NAB	Bank Fees - NAB Connect	\$52.48
27-Feb-20	Shire of Kellerberrin	Creditors Payment	\$240,736.63
28-Feb-20	NAB	Bank Fees - BPAY	\$27.60
28-Feb-20	NAB	Bank Fees - Trust	\$10.00
28-Feb-20	NAB	Bank Fees - Muni	\$37.70
28-Feb-20	NAB	Bank Fees - Merchant Trust	\$2.05
28-Feb-20	NAB	Bank Fees - Merchant Caravan Park	\$62.15
28-Feb-20	NAB	Bank Fees - Merchant Municipal	\$78.15
28-Feb-20	NAB	Bank Fees - CRC	\$133.53
		TOTAL	\$472,257.84

Trust Direct Debit List			
Date	Name	Details	Amount
28-Feb-20	Department of Transport	Licencing February 2020	\$60,876.85
		TOTAL	\$60,876.85

Visa Transactions			
Date	Name	Details	Amount
04-Feb-20	Cloverdale Tobacco	LGIS Meeting- Lunch	\$13.00
05-Feb-20	Wilson Parking	LGIS Meeting- Parking	\$27.00
05-Feb-20	Clark Rubber	Rubber Flooring Rec Centre Entrance	\$230.00
14-Feb-20	BP Merredin	Fuel KE 1	\$191.60
25-Feb-20	Shire of Kellerberrin	Licencing KE 1	\$471.55
27-Feb-20	Coffee Club	WALGA Lodging House Meeting - Lunch	\$65.30
28-Feb-20	NAB	Card Fee	\$9.00
		TOTAL - CEO	\$1,007.45
Date	Name	Details	Amount
05-Feb-20	Bunnings	Flooring Council Chambers	\$346.41
17-Feb-20	EG Fuel Co Manjimup	Fuel KE002	\$95.13
28-Feb-20	NAB	Card Fee	\$9.00
		TOTAL -DCEO	\$450.54
		TOTAL VISA TRANSACTIONS	\$1,457.99

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of February 2020.

TEN YEAR FINANCIAL PLAN

There are no direct implication on the Long Term Financial Plan.

FINANCIAL IMPLICATIONS

Financial Management of 2019/2020 Budget.

STATUTORY IMPLICATIONS**Local Government (Financial Management) Regulations 1996**

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Senior Finance Officer

STAFF RECOMMENDATION

That Council note the direct debit list for the month of February 2019 comprising of;

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

COUNCIL RESOLUTION 031/20

Moved: Cr Emily Talbot


Seconded: Cr Wendy McNeil

That Council note the direct debit list for the month of February 2019 comprising of;

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

CARRIED 5/0

9.8 CHEQUE LIST FEBRUARY 2020

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Payment Listing 

BACKGROUND

Accounts for payment from 1st February to 29th February 2020

TRUST

TRUST TOTAL	\$ 161.65
--------------------	------------------

MUNICIPAL FUND

Cheque Payments 34719-34729	\$ 62,035.90
EFT Payments 10482-10579	\$ 328,351.44
Direct Debit Payments	\$ 25,302.64
TOTAL MUNICIPAL	\$ 415,689.98

STAFF COMMENT

During the month of February 2020, the Shire of Kellerberrin made the following significant purchases:

Downer EDI Works Pty LTD Claim works for Mather Road from January to February 2020	\$ 96,527.20
Water Corporation Various water supply charges from December 2019 to February 2020	\$ 35,610.07
R Munns Engineering Consulting Services Consulting & project management work on Dowding St., Mather Rd. & Nth Baandee Rd. October - December 2019	\$ 35,029.53
Mineral Crushing Services WA PTY LTD Purchase of 10mm & 14mm aggregates for various road works	\$ 22,829.68
Western Australian Treasury Corporation Loan No. 120 payment - Construction of Two GROH Houses	\$ 20,311.27
Synergy Various power supply charges December 2019 to February 2020	\$ 13,407.18
United Card Services Pty Ltd Various fuel charges January 2020	\$ 11,812.32
Western Australian Treasury Corporation Loan No. 119 payment - Construction CEACA Senior Units	\$ 11,140.49

Brooks Hire Service Pty Ltd Excavator hire for December 2019	\$ 10,475.74
Sam Williams Truck hire for various road works January 2020	\$ 10,098.00
Avon Waste Commercial & domestic collections December 2019 & January 2020	\$ 10,007.88
Merredin Refrigeration & Gas Replacement aircon Kellerberrin District Club for Cool Room & supply 1 unit split system for Caravan Park Room 24	\$ 8,525.00
Farmways Kellerberrin Pty Ltd Purchase of mosquito UVL 20lts & various under \$200	\$ 7,367.23
WA Local Government Superannuation Plan Pty Ltd Staff superannuation contributions	\$ 7,285.87
WA Local Government Superannuation Plan Pty Ltd Staff superannuation contributions	\$ 7,274.03
DKT Rural Agencies Purchase storm pro pipes, fence droppers & various under \$200	\$ 5,085.50

TEN YEAR FINANCIAL PLAN

There is no direct impact on the Long Term Financial Plan.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2019/2020 Operating Budget

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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Finance Officer

STAFF RECOMMENDATION

That Council notes that during the month of February 2020, 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 \$ **415,689.98** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ **161.65** on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION 032/20

Moved: Cr Wendy McNeil

Seconded: Cr David Leake

That Council notes that during the month of February 2020, 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 \$ **415,689.98** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ **161.65** on vouchers EFT, CHQ, Direct payments*

CARRIED 5/0

9.9 FINANCIAL ACTIVITY STATEMENT - FEBRUARY 2020

File Number: FIN
Author: Kate Dudley, Deputy Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

In accordance with the authority delegated to the Department by the Minister for Local Government, approval has been granted under section 5.7(2) of the Local Government Act 1995 to allow a reduction to five (5) in the number of officers of member required at a council meeting in order to make decision/s that would otherwise be required by an absolute majority for the Council meeting held on 17 March 2020 for agenda items 9.3, 9.4 and 9.9.

BACKGROUND

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis, and are to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- Material variances between budget estimates and actual revenue/expenditure (including an explanation of any material variances)
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

At its meeting on 23rd July 2019, the Council adopted (MIN128/19) the following material variance reporting threshold for the 2019/20 financial year:

“PART F – MATERIAL VARIANCE REPORTING FOR 201Y/201Z

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2019/2020 for reporting material variances shall be 10% or \$10,000, whichever is the greater.”

STAFF COMMENT

Pursuant to Section 6.4 of the Local Government Act 1995 (the Act) and Regulation 34(4) of the Local Government (Financial Management) Regulations 1996 (the Regulations), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted / amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 29 February 2020.

There is an imbalance of \$360.00 for the Shire of Kellerberrin schedules reconciliation to net current assets for February 2020. This is due to funds being paid directly from the municipal account rather than through the bonds/trust ledger. This imbalance will be cleared for the month of March 2020.

TEN YEAR FINANCIAL PLAN

Financial Management of 2019/2020 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2019/2020 Budget.

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 COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Senior Finance Officer

STAFF RECOMMENDATION

That Council adopt the Financial Report for the month of February 2020 comprising;

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

COUNCIL RESOLUTION 033/20

Moved: Cr Dennis Reid

Seconded: Cr Emily Talbot

That Council adopt the Financial Report for the month of February 2020 comprising;

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

**CARRIED 5/0
BY ABSOLUTE MAJORITY**

File Number: ENG.09.79

Author: Raymond Griffiths, Chief Executive Officer

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: Nil

Council's November Ordinary Meeting of Council – 19th November 2019

That Council;

- 1. Resolves to create King Street road re-alignment by adding 160m by continuing the road from previous alignment terminating at Leake Street, continuing on to Scadden Street.***
- 2. Indemnifies Department of Regional Development and Lands against all claims and costs associated with the creation of new roads***
- 3. Nominates Automated Surveys as its appointed surveyor.***

STAFF COMMENT

Council provided the above recommendation to Automated Surveys to progress the works however forgot that Mr Frank Mastaglia no longer works for Automated Surveys, therefore Council needs to have his name removed from part 3 of the motion.



TEN YEAR FINANCIAL PLAN

There are no direct impacts on the Long Term Financial Plan

FINANCIAL IMPLICATIONS

Council will need to consider allowing funds for the following:

- Possible land purchase from State Government
- Site Surveys, Field Survey, Drafting and Administration of King Street Extension \$12,000
- Land Transfers
- Construction of Road in future budgets.

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)⁹.]

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation has taken place:

- Automated Surveys
- Chief Executive Officer
- Manager Works and Services
- Mr Rod Munns
- Councillors

STAFF RECOMMENDATION

That Council;

- 1. rescinds Part 3 of Motion MIN 210/19 and replaces with; and*
- 2. nominates Automated Surveys as its appointed surveyor.*

COUNCIL RESOLUTION 034/20

Moved: Cr David Leake

Seconded: Cr Emily Talbot

That Council;

- 1. rescinds Part 3 of Motion MIN 210/19 and replaces with; and*
- 2. nominates Automated Surveys as its appointed surveyor*

.CARRIED 5/0

9.11 BUILDING REPORTS FEBRUARY 2020

File Number: BUILD06
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

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.

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

There is no direct impact on the Long Term Financial Plan.

FINANCIAL IMPLICATIONS

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)

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors
- Chief Executive Officer

STAFF RECOMMENDATION

That Council

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

COUNCIL RESOLUTION 035/20

Moved: Cr Wendy McNeil

Seconded: Cr Dennis Reid

That Council

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




CARRIED 5/0

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION: OVERSIZED SHED

File Number: A585
Author: Lewis York, Town Planner
Authoriser: Lewis York, Town Planner
Applicant: Action Shed Australia
Location: 22 Ripper Street, Kellerberrin
Attachments: 1. Development Approval Application 
2. Site Plan 
3. Plans - Elevation 

BACKGROUND

A development application has been received from Action Sheds Australia on behalf of Melvin and Clare Shirkie for the construction of a shed at 22 Ripper Street, Kellerberrin. The shed exceeds Councils Outbuildings policy (100m²) by 20m² hence requiring Council approval.

Existing on the site is a dwelling and vegetation. The dwelling is primarily accessed from Ripper Street.

SITE



FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

The applicant paid a standard planning application fee of \$147.00 on Friday, 6th March 2020.

Shire of Kellerberrin Local Planning Scheme

State Planning Policy 3.1- Residential Design Codes 2015 (R-Codes)

The subject land is coded R10-40, therefore some provisions of the R-Codes are applicable. Requirements for both the proposed shed and carport are outlined below.

Part 2- Judging proposals

2.4 Judging merit of proposals

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

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

2.5 Exercise of judgement

2.5.1

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

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

2.5.2

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

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

Part 5- Design Elements

5.1.2 Street setback

P2.1 **Buildings** set back from **street boundaries** an appropriate distance to ensure they:

- contribute to, and are consistent with, an established streetscape;
- provide adequate privacy and **open space** for dwellings;
- accommodate site planning requirements such as parking, **landscape** and utilities; and
- allow safety clearances for easements for essential service corridors.

P2.2 **Buildings** mass and form that:

- uses design features to affect the size and scale of the building;
- uses appropriate minor projections that do not detract from the character of the streetscape;
- minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank **walls**, servicing infrastructure access and meters and the like; and
- positively contributes to the prevailing **development** context and streetscape.

C2.1 **Buildings** set back from the **primary street** boundary:

- i. In accordance with **Table 1**;
- ii. corresponding to the average of the **setback** of existing **dwellings** on each adjacent property fronting the same **street**;
- iii. reduced by up to 50 per cent provided that the area of any building, including a **carport** or **garage**, intruding into the setback area is compensated for by at least an equal area of **open space** between the setback line and line drawn parallel to it at twice the setback distance (refer **Figure 2a, 2b** and **2c**);
- iv. In the case of areas coded R15 or higher, where:
 - a **grouped dwelling** has its main **frontage** to a **secondary street**;
 - a **single house** results from subdivision of an original corner lot and has its frontage to the original secondary street; or
 - a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a **communal street, right-of-way** or shared pedestrian or vehicle access way;

Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>
	<p>the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent (refer Figure 2b and 2d); and</p> <p>v. to provide for registered easements for essential services.</p> <p>C2.2 Buildings set back from the secondary street boundary in accordance with Table 1.</p> <p>C2.3 Buildings set back from the corner truncation boundary in accordance with the secondary street setback in Table 1.</p> <p>C2.4 A porch, balcony, verandah, chimney or the equivalent may project not more than 1m into the street setback area, and this projection is not subject to a compensating open area under clause 5.1.2 C2.1iii, provided that the total of such projections does not exceed 20 per cent of the frontage at any level (refer Figure 2b).</p>
<p>5.1.3 Lot boundary setback</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape. 	<p>C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <ol style="list-style-type: none"> i. buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b (refer to Figure Series 3 and 4); ii. unenclosed areas accessible for use as outdoor living areas, elevated 0.5m or more above natural ground level, set back as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level; iii. separate single house, grouped or multiple dwelling buildings on the same site, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them; iv. minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75m into a setback area; and v. the stated setback distances may be reduced by half the width of an adjoining right-of-way, pedestrian access way, communal street or battleaxe lot access leg, to a maximum reduction of 2m (refer to figures 2b and 4f).
<p>5.1.4 Open space</p> <p>P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> • reflect the existing and/or desired streetscape character or as outlined under the local planning framework; • provide access to natural sunlight for the dwelling; • reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; • provide an attractive setting for the buildings, landscape, vegetation and streetscape; • provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and • provide space for external fixtures and essential facilities. 	<p>C4 Open space provided in accordance with Table 1 (refer Figure Series 6). The site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of that dwelling and the proportionate share of any associated common property.</p>
Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>
<p>5.4.3 Outbuildings</p> <p>P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</p>	<p>C3 Outbuildings that:</p> <ol style="list-style-type: none"> i. are not attached to a dwelling; ii. are non-habitable; iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; iv. do not exceed a wall height of 2.4m; v. do not exceed ridge height of 4.2m; vi. are not within the primary or secondary street setback area; vii. do not reduce the amount of open space required in Table 1; and viii. are set back in accordance with Tables 2a and 2b.

Setbacks: the proposed development does not exceed setback requirements. Proposed setback: rear 15m, side 20m, front 25m.

Open Space: Lot size 2020m²

Area of buildings proposed: 266m²

% of Open Space: 86%

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

Zoning: The subject lot is zoned 'Residential' under the Shires Scheme.

Coded: R10/40

Lot area: 2020 m²

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

- (a) To retain the single dwelling as the predominant form of residential development in the Shire's townsites.*
- (b) To provide for lifestyle choice in and around the townsites with a range of residential densities.*
- (c) To allow for the establishment of non-residential uses subject to local amenities not being adversely affected.*

4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

Any development of land is to comply with the provisions of the Scheme.

4.2. RESIDENTIAL DESIGN CODES

- 4.2.1. A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.*
- 4.2.2. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.*
- 4.2.3. The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.*

Shire of Kellerberrin Outbuildings Policy

Area of outbuildings:

Allowed under LPP: 100m²

Proposed: 120m²

Wall Height under LPP: 3.5m

Proposed: 3m

Ridge Height LPP: 4.5m

Proposed: 3.882m

7.1 Maximum standards for outbuildings in R-Codes areas

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

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

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

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

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

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Councils Town Planner
- Owner
- Chief Executive Officer

PLANNING ASSESSMENT

The proposal will exceed the maximum allowable size for outbuildings in Councils policy therefore triggering the need for formal approval. The developments combined area of outbuildings totals to 120m², exceeding Councils Policy by 20m². It is noted that the in the past Council have approved oversized sheds if the proposal does not seek to exceed any further policy or R-Code requirements. This development does not seek to exceed open space, ridge or wall height, setbacks or any other requirements outlined in the codes. Furthermore the shed will be constructed with new materials, therefore being visually appealing within the streetscape. A detailed land report on the site found no other issues relating to development.

STAFF RECOMMENDATION

That Council

1. *Provides conditional development approval for the construction of an outbuilding at 22 Ripper Street, Kellerberrin, that will exceed the following prescriptions of Councils Outbuilding Policy; 7.1.1:*
 - a. *Exceeds 100m² prescription by 20m²*
(Total Proposed: 120m²)

General Conditions

1. *The approval will expire if the development is not substantially commenced within two years of the approval date;*
2. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
3. *Use of the building shall be for domestic purposes only;*
4. *The outbuilding shall not be used for human habitation at any given time; and*
5. *The shed and carport shall be of a similar colour to the existing structures on the lot and shall be non- reflective.*

Advice Notes

Planning approval is not considered building approval. A building permit shall also be obtained.

COUNCIL RESOLUTION 036/20

Moved: Cr David Leake

Seconded: Cr Emily Talbot

That Council

1. *Provides conditional development approval for the construction of an outbuilding at 22 Ripper Street, Kellerberrin, that will exceed the following prescriptions of Councils Outbuilding Policy; 7.1.1:*
 - a. *Exceeds 100m² prescription by 20m²*
(Total Proposed: 120m²)

General Conditions

1. *The approval will expire if the development is not substantially commenced within two years of the approval date;*
2. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
3. *Use of the building shall be for domestic purposes only;*
4. *The outbuilding shall not be used for human habitation at any given time; and*
5. *The shed and carport shall be of a similar colour to the existing structures on the lot and shall be non- reflective.*

Advice Notes

Planning approval is not considered building approval. A building permit shall also be obtained.

CARRIED 5/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

The Council had a general discussion on the evolving COVID-19 situation. The Council was supportive of the Chief Executive Officer coordinating responses and continuing to keep the Council informed.

14 CONFIDENTIAL MATTERS

Nil

15 CLOSURE OF MEETING

The Deputy Shire President closed the meeting at 4.22pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 April 2020.

.....
CHAIRPERSON