



MINUTES

Ordinary Council Meeting Tuesday, 15 September 2020

Date: Tuesday, 15 September 2020

Time: 2:00pm

**Location: Council Chamber
110 Massingham Street
Kellerberrin WA 6410**

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**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 15 SEPTEMBER 2020 AT 2:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2.00 pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENTS REPORT AUGUST 2020

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

The weather is the same, just raining enough to keep the crops growing. Luckily we haven't had the hot weather that was experienced in late winter early spring last year.

The Scott St Project is looking good, perhaps a way to fix similar situations in the future.

I've noticed more caravans and campers on our roads and many are stopping in Kellerberrin. It's a credit to the Shires town crew that our Main Street and surrounds is looking so good and I'm sure the visitors are impressed. Hope their time in Kellerberrin is enjoyable.

Kind Regards



Rodney Forsyth

Shire President

STAFF RECOMMENDATION

That Council receive and note the Shire Presidents Reports for August 2020.

COUNCIL RESOLUTION

MIN 140/20 MOTION - Moved Cr. Forsyth Seconded Cr. Steber

That Council receive and note the Shire Presidents Reports for August 2020.

CARRIED 7/0

2.2 STANDING ORDERS

File Number: ADMIN
Author: Codi Mullen, Personal Assistant
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

MIN 141/20 MOTION - Moved Cr. Leake Seconded Cr. Reid

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 7/0

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

Cr Rod Forsyth (Shire President),
Cr Scott O'Neill (Deputy President),
Cr David Leake,
Cr Matt Steber,
Cr Dennis Reid,
Cr Emily Ryan

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer),
Lenin Pervan (Deputy Chief Executive Officer)
Cr Wendy McNeil (via zoom, Entered Meeting 2.28 pm)
Natasha Giles (Community Development Officer, left meeting at 3:30pm)
Keeley O'Neill (Media Officer, left meeting at 3:30pm)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

MOTION

That council consider the request for Cr McNeil to attend the meeting remotely via zoom in her home office at 15 Elizabeth street, East Cannington due to studies.

COUNCIL RESOLUTION

MIN 142/20 MOTION - Moved Cr. Ryan Seconded Cr. O'Neill

That council accepts Cr McNeil request to attend the meeting remotely via zoom in her home office at 15 Elizabeth street, East Cannington due to studies.

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

4 DECLARATION OF INTEREST

Note: Under Section 5.60 – 5.62 of the Local Government Act 1995, care should be exercised by all Councillors to ensure that a “financial interest” is declared and that they refrain from voting on any matters which are considered may come within the ambit of the Act.

A Member declaring a financial interest must leave the meeting prior to the matter being discussed or voted on (unless the members entitled to vote resolved to allow the member to be present). The member is not to take part whatsoever in the proceedings if allowed to stay.

5 PUBLIC QUESTION TIME

Council conducts open Council meetings. 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. The length of time an individual can speak will be determined at the President's discretion.

5.1 Response to Previous Public Questions taken on Notice**5.2 Public Question Time**

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

6.1 MINUTES OF THE COUNCIL MEETING HELD ON 18 AUGUST 2020

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 18 August 2020

HEADING

STAFF RECOMMENDATION

1. That the Minutes of the Council Meeting held on 18 August 2020 be confirmed as a true and accurate record.

COUNCIL RESOLUTION

MIN 143/20 MOTION - Moved Cr. Reid Seconded Cr. Ryan

1. *That the Minutes of the Council Meeting held on 18 August 2020 be confirmed as a true and accurate record.*

CARRIED 7/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

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.

August 2020 Council Meeting

MIN 126/20 MOTION - Moved Cr. Steber Seconded Cr. O’Neill

That Council acknowledge no requests or ideas have been requested/submitted.

July 2020 Council Meeting

MIN 106/20 MOTION - Moved Cr. McNeil Seconded Cr. Ryan

That Council;

1. **Correct the transition from 8m seal to 7m seal on the Kellerberrin Bencubbin Road;**
2. **Research the extension of culvert on Smith Road as it is narrow in comparison to the new road construction;**
3. **110km signs on the Kellerberrin Bencubbin Road need to be cemented in as they are not stable enough;**
4. **Improve the signage from the highway for the Kellerberrin Recreation Centre.**

June 2020 Council Meeting

MIN 084/20 MOTION - Moved Cr. Steber Seconded Cr. O’Neill

That Council:

1. ***Update and relocate the Road Closure during winter signage for Stone Giles & Badgetopping Rd.***
2. ***Innes Rd on the schedule to be maintenance graded this winter.***

STAFF COMMENT**August MIN 126/20**

NIL

July MIN 106/20

1. Road crew are currently looking into it.
2. Reported to Team Leader for programming
3. Sign has been stabilised
4. Mick Jones has requested a Quote for the Kellerberrin Recreation sign.

June MIN 084/20

1. Signs been put in place on Monday 29th June 2020 for Stone Giles & Badgetopping Road.
2. Innes Road has been placed on the Schedule.

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

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION

MIN 144/20

MOTION - Moved Cr. Leake

Seconded Cr. Steber

That Council;

- 1. Acknowledge receipt of correspondence received from Mr Murray Clement regarding the access to his shed from the back lane off Scott Street, Kellerberrin after new works being completed;***
- 2. Acknowledge Councillors site visit to Mr Clements property to review issue an request Council's Works and Services staff remove the slight hump on parking bay three (3) and four (4) of Mr Clement shed (western end of shed) to reduce the possibility of any future issues with access as per site meeting and agreeance with Mr Clement.***
- 3. Acknowledge the presentation from Pauline and James Scott regarding the proposed sale and future zoning of "The Prev" and request an onsite visit at the October Council Meeting to view the upgrades that have been completed.***

CARRIED 7/0

9.2 STATUS REPORT OF ACTION SHEET

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

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 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
- Manager Works and Services
- Council Staff
- Council
- Community Members.

STAFF RECOMMENDATION

That Council receive the Status Report.

COUNCIL RESOLUTION

MIN 145/20

MOTION - Moved Cr. Leake

Seconded Cr. Steber

That Council receive the Status Report.

CARRIED 7/0

3:30pm Natasha Giles Community Development Officer left the meeting

3:30pm Keeley O'Neill Media Officer left the meeting

9.3 DRUG AND ALCOHOL POLICY

File Number: ADM53
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. PROPOSED - Drug & Alcohol Policy

BACKGROUND

Council's August 2019 Ordinary Meeting of Council

MIN146/19 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council;

- 1. *adopts the proposed template as its “new” format for Council existing policies;***
- 2. *instructs the CEO to have all policies reviewed and converted to the “new” format by December 2019;***
- 3. *rescinds Council Policies;***
 - a. *1.1.1 Debt recovery policy debtors***
 - b. *1.1.2 Debt recovery policy rates***
 - c. *1.3 Payment approval process***
 - d. *1.4 Budget preparation***
 - e. *1.5 Financial activity statement – Material variance report***
 - f. *1.7 Sale of land housing proceeds***
 - g. *1.10 Use of council facilities and plant***
 - h. *2.2 Smoking council buildings***
 - i. *2.8 Supply of council notice papers minutes and information***
 - j. *2.9 Release of unconfirmed minutes***
 - k. *2.10 Councillor agenda availability***
 - l. *2.11 Advertising of public notice***
 - m. *2.15 Signature stamp- Shire President***
 - n. *2.16 Office Hours***
 - o. *2.17 Use of council vehicles***
 - p. *2.18 Internet & email use***
 - q. *2.19 Customer Service Charter and Policy***
 - r. *2.21 Master Key authorisation***
 - s. *2.22 Legislative compliance***
 - t. *2.27 Community engagement policy***
 - u. *4.1 Staff annual leave***
 - v. *4.2 Rostered day off – inside staff***
 - w. *4.3 Rostered day off – outside staff***
 - x. *4.4 Uniforms***
 - y. *4.5 Provisions of outside staff uniforms***
 - z. *5.2 Confidential business***
 - aa. *5.4 Notice of ordinary meetings***
 - bb. *5.5 Council delegates policy confidential business***
 - cc. *5.6 Model of code of conduct***
 - dd. *5.10 Use of council chambers***
 - ee. *5.15 Use of Common Seal***
 - ff. *6.1 Noise abatement***
 - gg. *12.4 Visitor management***

As these policies are to be recorded as operating procedures under the direction of the CEO.

CARRIED 5/0

Council's December 2019 Ordinary Meeting of Council;

MIN 232/19 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

The item lay on the table until the February Meeting.

CARRIED 6/0

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

Council's July 2017 Ordinary Meeting of Council;

MIN 121/17 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council;

- 1. Adopts the Drug and Alcohol Policy as presented.***
- 2. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy update and provide copies if requested***

CARRIED 7/0

STAFF COMMENT

Council since the July 2017 full review has found inadequacies in the Drug and Alcohol Policy due to the policy insufficient to deal with situations of a positive result test. Council also found that with the compilation of the February 2020 full policy document the Drug and Alcohol policy was not copied over as Council's current policy document to be incorporated into the new format.

Council therefore has been in contact with other surrounding Shires and WALGA and obtained a pro-forma policy to review and amend to suit Council and its requirements.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

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.

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager Works & Services
- Shire of Kellerberrin Administration Staff

STAFF RECOMMENDATION

That Council

- 1. Adopts the Drug and Alcohol policy as presented.*
- 2. Deletes the previous Drug and Alcohol Policy previously presented.*
- 3. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

COUNCIL RESOLUTION

MIN 146/20

MOTION - Moved Cr. Reid

Seconded Cr. Ryan

That Council

- 1. Adopts the Drug and Alcohol policy as presented.*
- 2. Deletes the previous Drug and Alcohol Policy previously presented.*
- 3. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

CARRIED 7/0

9.4 APPLICATION FOR TEMPORARY OCCUPATION OF CARAVAN

File Ref: A109
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Letter - Max Inverarity
2. Letter - Inverarity response

BACKGROUND

Council on the 7th August 2020 received a complaint regarding an alleged illegal use of a Caravan on Lot 240 Victoria Road, Kellerberrin. A letter was issued to the owners of the property on the same day informing them of the complaint and were required to relocate the caravan or cease occupying the caravan at the property by Friday 28th August 2020.

STAFF COMMENT

Council on the 19th August 2020 held a meeting with the landowners to discuss the alleged use and discuss options forward regarding the caravan and its use.

Council on the 28th August 2020 received a letter from Mr Lorne Inverarity requesting Council provide permission for the caravan to remain on Lot 240 Victoria Road, Kellerberrin for a three (3) month period as the occupier will be working for the land owner for Harvest.

Council under the *Caravan Parks and Camping Grounds Regulations 1997* can grant approval for up to three months in any period of 12 months.

Council can also on receipt of building permit application grant approval to the owners to occupy the land by camping while the building licence is in force. Unfortunately to date a building permit hasn't been applied for therefore council can only approve camping for a three month period.

On receipt of the building permit the owner can reapply for council permission to camp under Part 11 (2)(c)(ii) of the *Caravan Parks and Camping Regulations 1997*.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

STATUTORY IMPLICATIONS***Caravan Parks and Camping Grounds Regulations 1997*****Section 2****8. [This Part subject to other written law](#)**

If there is a conflict or inconsistency between this Part and any other written law other than a local law, the other written law prevails to the extent of the conflict or inconsistency.

8A. [Definition of "camp" in this Part](#)

In this Part —

camp when used as a verb, includes to camp in a vehicle.

[Regulation 8A inserted in Gazette 16 Jul 1999 p. 3202.]

9. Park homes may only be occupied in caravan parks

Despite anything else in this Part, a person may occupy a park home only in a caravan park licensed under the Act.

Penalty: \$3 000.

10. Where a person may camp

A person may camp only —

- (a) at a site in a caravan park or camping ground, as appropriate, licensed under the Act; or
- (b) in accordance with regulation 11.

Penalty: \$1 000.

11. Camping other than at a caravan park or camping ground

(1) A person may camp —

- (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;
- (b) for up to 24 consecutive hours in a caravan or other vehicle on a road side rest area;
- (c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve;
- (d) on any land which is —
 - (i) held by a State instrumentality in freehold or leasehold; or
 - (ii) dedicated, reserved, or set apart under the *Land Administration Act 1997* or any other written law, and placed under the care, control or management of a State instrumentality,in accordance with the permission of that instrumentality; or
- (e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the *Land Administration Act 1997*, or a person authorised by the Minister to give permission under this paragraph.

(2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —

- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;
- (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
- (c) despite paragraph (b), by the local government of the district where the land is situated —
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.

(3) In this regulation —

building licence means a building licence under section 374 of the *Local Government (Miscellaneous Provisions) Act 1960*;

emergency means a situation where to move the caravan or other vehicle to a more suitable area would constitute an immediate and serious hazard due to the condition of the caravan or other vehicle, or a vehicle towing the caravan, or of the driver, or passengers, of any such vehicle;

road side rest area means an area designated by a traffic sign erected in accordance with a written law, as an area which may be used for 24 hours for —

- (a) resting;
- (b) stopping; or
- (c) camping,

in a vehicle;

State instrumentality has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

unallocated Crown land has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

unmanaged reserve has the same meaning as it has for the purposes of the *Land Administration Act 1997*.

[Regulation 11 amended in Gazette 16 Jul 1999 p. 3202-4; 25 Aug 2000 p. 4911.]

STRATEGIC COMMUNITY PLAN

Council's Vision – To welcome diversity, culture and industry; promote a safe and prosperous community with a rich, vibrant and sustainable lifestyle for all to enjoy.

Core Drivers - Core drivers identify what Council will be concentrating on as it works towards achieving Council's 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
- Mr Lorne Inverarity

STAFF RECOMMENDATION

That Council grants three months approval for camping at Lot 240 Victoria Road, Kellerberrin with the following conditions:

1. *Any power connections are to be RCD protected.*
2. *Working smoke alarms*
3. *Bathroom, Toilet and Laundry facilities are to be available either onsite or from residence.*
4. *Water Connection*
5. *Expires 18th December 2020*

COUNCIL RESOLUTION

MIN 147/20

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council grants three months approval for camping at Lot 240 Victoria Road, Kellerberrin with the following conditions:

1. *Any power connections are to be RCD protected.*
2. *Working smoke alarms*
3. *Bathroom, Toilet and Laundry facilities are to be available either onsite or from residence*
4. *Water Connection*
5. *Expires 18th December 2020*

CARRIED 7/0

9.5 CHEQUE LIST AUGUST 2020

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. August 2020 Payment List

BACKGROUND

Accounts for payment from 1st August to 31st August 2020

TRUST

TRUST TOTAL	\$ 118,785.45
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MUNICIPAL FUND**Cheque Payments**

34782-34790	\$ 38,694.02
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EFT Payments

11132-11231	\$ 251,900.70
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Direct Debit Payments

	\$ 37,954.61
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TOTAL MUNICIPAL

	\$ 328,594.33
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STAFF COMMENT

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

Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licencing payments August 2020	\$ 68,875.25
Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licencing payments June 2020	\$ 47,640.20
Western Australian Local Government Association Training fees for Shire employees & WALGA annual membership fee 2020/2021	\$ 24,214.90
Western Australian Treasury Corporation Principal & interest payments Loan 120 construction of 2 units GROH Houses	\$ 20,311.27
It Vision Australia Pty Ltd Altus payroll initial fees	\$ 16,632.00
Triplains PTY LTD t/a L & L Steber Side tipper & dry hire for various road works August 2020	\$ 14,120.00
Deputy Commissioner Of Taxation PAYG Tax, GST Debtors, GST Creditors payments & Fuel tax credits	\$ 13,396.00
R Munns Engineering Consulting Services Consultant/project management fee for various road works	\$ 12,671.51
Brooks Hire Service Pty Ltd Hire full charge July 2020 for various road works	\$ 11,357.30

Western Australian Treasury Corporation Principal & interest payments Loan 119 construction of CEACA Units	\$ 11,140.49
WA Local Government Superannuation Plan Pty Ltd Staff payroll deductions & contributions	\$ 10,767.56
United Card Services Pty Ltd Total supply July 2020	\$ 10,729.06
Synergy Power charges for various Shire properties June-August 2020	\$ 9,608.91
Avon Waste Domestic & commercial rubbish collection fees July 2020	\$ 9,572.42
Shire Of Kellerberrin Rates payments for various Shire properties 2020/2021	\$ 9,249.53
Water Corporation Water charges for various Shire properties June-August 2020	\$ 7,447.98
WA Local Government Superannuation Plan Pty Ltd Staff payroll deductions & contributions	\$ 7,131.30
Peak Transport Hire of prime mover, trailer & transport of grader for various road works	\$ 6,948.92
Farmways Kellerberrin Pty Ltd Purchase of weed chemicals, fence for Deputy's residence & various under \$200	\$ 6,661.88

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2020/2021 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 (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 August 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 **\$328,549.33** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$118,785.45** on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 148/20 MOTION - Moved Cr. O'Neill Seconded Cr. McNeil

That Council notes that during the month of August 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 **\$328,549.33** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$118,785.45** on vouchers EFT, CHQ, Direct payments*

CARRIED 7/0

9.6 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - AUGUST 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 August 2020.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
3-Aug-20	Westnet	Internet Fees		4.99
4-Aug-20	Department Communities	Rent		420.00
6-Aug-20	Shire of Kellerberrin	Super Choice		13,021.12
6-Aug-20	Shire of Kellerberrin	Pay run		66,876.24
7-Aug-20	Department of Transport	Vehicle Inspections		64.90
13-Aug-20	Shire of Kellerberrin	Creditors Payment		115,364.34
17-Aug-20	ATO	BAS July		13,396.00
18-Aug-20	Department Communities	Rent		420.00
20-Aug-20	Shire of Kellerberrin	Super Choice		9,433.54
20-Aug-20	Shire of Kellerberrin	Pay run		55,642.34
24-Aug-20	ACMA	Licence Renewal		224.00
24-Aug-20	NAB	Bank Fees		53.23
27-Aug-20	Shire of Kellerberrin	Pay run		2,209.82
27-Aug-20	Shire of Kellerberrin	Creditors Payment		136,536.36
31-Aug-20	NAB	Bank Fees - BPAY		210.68
31-Aug-20	NAB	Bank Fees		10.00
31-Aug-20	NAB	Bank Fees		82.00
		TOTAL	\$	413,969.56
Trust Direct Debit List				
Date	Name	Details	\$	Amount
31-Aug-20	Department of Transport	Licensing Payments		\$68,875.25
		TOTAL	\$	68,875.25
Visa Transactions				
Date	Name	Details	\$	Amount
19-Aug-20	General Matt Co	New Entrance Matt Admin Office		199.05
21-Aug-20	Four Points Sheraton	Accommodation Local Government Award Course		237.51
24-Aug-20	Kellerberrin Hotel	Refreshments		214.50

28-Aug-20	NAB	Card Fee		9.00
		TOTAL - CEO	\$	660.06
Date	Name	Details	\$	Amount
29-Jul-20	Shire of Kellerberrin	Licencing Plates - KE002		28.60
29-Jul-20	Shire of Kellerberrin	Licencing Plates - KE002		17.30
28-Jul-20	NAB	Card Fee		9.00
		TOTAL -DCEO		54.90
		TOTAL VISA TRANSACTIONS	\$	714.96

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Financial Management of 2020/2021 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 sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

STRATEGIC 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 note the direct debit list for the month of August 2020 comprising of;

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

COUNCIL RESOLUTION

MIN 149/20 MOTION - Moved Cr. Steber Seconded Cr. Leake

That Council note the direct debit list for the month of August 2020 comprising of;

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

CARRIED 7/0

9.7 FINANCIAL ACTIVITY STATEMENT - AUGUST 2020

File Number: FIN
Author: Lenin Pervan, Deputy Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

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 31 March 2020.

TEN YEAR FINANCIAL PLAN

Financial Management of 2020/2021 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2020/2021 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

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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

STAFF RECOMMENDATION

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

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

COUNCIL RESOLUTION

MIN 150/20 MOTION - Moved Cr. Reid Seconded Cr. Ryan

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

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

9.8 BUILDING REPORTS AUGUST 2020

File Number: BUILD06
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Building Applications Received August
2. Building Permits Issued August

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 four (4) applications received for a "Building Permit" during the August period. A copy of the "Australian Bureau of Statistics appends".
2. There were four (4) "Building Permit" issued in the August 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

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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 August 2020 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the August 2020 period.*

COUNCIL RESOLUTION

MIN 151/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Steber

That Council

1. *Acknowledge the "Return of Proposed Building Operations" for the August 2020 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the August 2020 period.*

CARRIED 7/0

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

MOTION

COUNCIL RESOLUTION

MIN 152/20 MOTION - Moved Cr. Leake Seconded Cr. Steber

That Council accepts Late Items as per the following;

- *Development Application; Front Fence*
- *Development Application; Kellerberrin Hotel – Dongas*
- *Request for Quote – Truck mounted road sweeper.*

CARRIED 7/0

13.1 DEVELOPMENT APPLICATION; FRONT FENCE

File Ref: A602
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Tim England
Location: 20 Gregory Street, Kellerberrin
Attachments:

1. Fence Plan
2. Fence Drawings
3. Fence/Gate drawings
4. Used materials for fence
5. Close up used materials for fence

BACKGROUND

An application has been received from Mr. Tim England for the construction of a front boundary fence at 20 Gregory Street, Kellerberrin. The proposal requires planning approval due to the proposed use of second hand materials. The fence will use second hand bricks rendered to create a wall that will also include wooden pickets.

SITE



Shire of Kellerberrin Local Planning Scheme***Planning and Development (Local Planning Scheme) Regulations 2015*****67. Matters to be considered by local government**

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;

(c) any approved State planning policy;

(d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);

(e) any policy of the Commission;

(f) any policy of the State;

(g) any local planning policy for the Scheme area;

(h) any structure plan, activity centre plan or local development plan that relates to the development;

(i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;

(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;

(k) the built heritage conservation of any place that is of cultural significance;

(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

(n) the amenity of the locality including the following —

(i) environmental impacts of the development;

(ii) the character of the locality;

(iii) social impacts of the development;

(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;

(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

(r) the suitability of the land for the development taking into account the possible risk to human health or safety;

(s) the adequacy of —

- (i) the proposed means of access to and egress from the site; and
- (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
 - (i) public transport services;
 - (ii) public utility services;
 - (iii) storage, management and collection of waste;
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

Fencing Local Law 2016

PART 2—FENCES Division 1—Sufficient fences 2.1 Sufficient fences (1)

A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence. (2) Pursuant to section 24 of the Dividing Fences Act 1961 and subject to subclauses (3), (4) and (5), a sufficient fence— (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2; (b) on a town centre lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3; (c) on an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3A; (d) on a general agriculture lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4; and (e) on a rural residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A. (3) Where a fence is erected on or near the boundary between a residential lot and a town centre lot, industrial lot, general agriculture lot or a rural residential lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2. (4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2. (5) Notwithstanding any other provisions in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design where— (a) it is greater than 1,800 millimetres in height; or (b) the Building Surveyor so requires. (6) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1,800 millimetres in height unless the approval of the local government has been obtained to such a fence

2.9 General discretion of the local government

- (1) Notwithstanding the provisions of clause 2.1, the local government may approve the erection or repair of a dividing fence which is not a sufficient fence, where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose.
- (2) In determining whether to grant its approval under subclause (1), the local government may consider whether the erection or repair of the fence would have an adverse effect on—
- (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person; or
 - (c) the visual amenity of the locality

Division 3—Fencing Materials

2.10 Pre-used fencing materials

- (1) Notwithstanding clause 2.1, a person shall not construct a fence on a residential lot, a town centre lot or an industrial lot from pre-used materials without the approval of the local government.
- (2) Where the local government approves the use of preused materials in the construction of a fence under subclause (1) that approval shall be conditional on the applicant painting or treating the pre-used material as stated in or attached to the form of approval issued by the local government under clause 3.2.

(D) Composite fence

A composite fence which satisfies the following specifications for the brick construction—

- (a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 as amended from time to time;
- (b) the footing is to be designed in accordance with AS2870-1996 as amended from time to time;
- (c) height: maximum overall height of 1,800 millimetres, except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme;
- (d) brick fence of height not exceeding 1,200 millimetres shall have brick piers of a minimum of 230 millimetres x 230 millimetres x 1,800 millimetres centres; bonded to a maximum height base wall of 514 millimetres; or, brick fence of height exceeding 1,200 millimetres shall have brick piers of a minimum of 230 millimetres x 230 millimetres x 1,800 millimetres centres; bonded to a maximum height base wall of 514 millimetres;
- (e) each pier shall be reinforced with, one R10 galvanised starting rod for 230 millimetres x 230 millimetres piers; and, two R10 galvanised starting rods for 345 millimetres x 345 millimetres x 345 millimetres piers, each rod being 1,500 millimetres high with a 250 millimetres horizontal leg bedded into the concrete footing; set 65 millimetres above the base of the footing and the top of the footing shall be 1 course (85 millimetres) below ground level;
- (f) cavity to brick piers to be filled with 20MPA concrete;
- (g) minimum ultimate strength of brickwork shall be 20 MPA, mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (h) the ground under the footings is to be compacted to 7 blows per 300 millimetres and checked with a standard falling weight penetrometer; and

(i) control joints in brickwork shall be provided at piers at a maximum of 6 metre centres.

R-Codes 2015

C4

Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.

STRATEGIC PLAN IMPLICATIONS

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2. Our lifestyle and strong sense of community
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COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Councils Town Planner

PLANNING ASSESSMENT

The proposed fence raises no significant planning concerns. The composite structure includes second hand bricks, however these will be rendered. The size of pillars is sufficient, while the fence will not exceed the 1.2m restriction.

STAFF RECOMMENDATION

That Council approve the construction of a front fence at 20 Gregory street, Kellerberrin subject to the following conditions;

1. *The approval will expire if the development is not substantially commenced within two years of the approval date;*
2. *Development is to be undertaken in accordance with the endorsed approved plans;*
3. *The use of second hand building materials shall only be those approved in the development plans;*
4. *The gate shall have the ability to open in to the lot;*
5. *The fence shall not exceed 1.2m in height;*
6. *That a letter be provided from Council by the owner of the property approving the construction of the fence as per approved plans submitted;*
7. *Ensure the Fencing Local Laws are adhered to for corner blocks, this being a truncated connection from the front fence to the eastern side fence.*

Advice Notes

Planning approval is not considered as building approval and a building permit shall be obtained separately.

COUNCIL RESOLUTION

MIN 153/20 MOTION - Moved Cr. McNeil Seconded Cr. Reid

That Council approve the construction of a front fence at 20 Gregory street, Kellerberrin;

- 1. The approval will expire if the development is not substantially commenced within two years of the approval date;***
- 2. Development is to be undertaken in accordance with the endorsed approved plans;***
- 3. The use of second hand building materials shall only be those approved in the development plans;***
- 4. The gate shall have the ability to open in to the lot;***
- 5. The fence shall not exceed 1.2m in height;***
- 6. That a letter be provided from Council by the owner of the property approving the construction of the fence as per approved plans submitted;***
- 7. Ensure the Fencing Local Laws are adhered to for corner blocks, this being a truncated connection from the front fence to the eastern side fence.***

Advice Notes

Planning approval is not considered as building approval and a building permit shall be obtained separately.

CARRIED 7/0

13.2 DEVELOPMENT APPLICATION; KELLERBERRIN HOTEL - DONGAS

File Ref: A466
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Bruno Greci
Location: Lot 14, 108 Massingham Street, Kellerberrin
Attachments: Nil

BACKGROUND

A development application has been received from Mr. Bruno Greci for the use and development of a single transportable building to be located at the rear of the Kellerberrin Pub. The transportable will be used to accommodate guests and will include disabled access. For the purposes of this application the transportable will be considered as a repurposed dwelling.

SITE



Zoned: Town Centre

Lots: 14 (587m²) and 15 (2319m²) Massingham Street, Kellerberrin

Development proposed: 1x transportable unit 14x3x2.7m

Shire of Kellerberrin Local Planning Scheme

Local Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.2 Town Centre Zone

(a) To ensure the town centre remains the principal place for business and administration within the District.

(b) To encourage a high standard of development including buildings, landscaping and car parking.

3.3. ZONING TABLE

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

3.3.2. The symbols used in the cross reference in the Zoning Table have the following meanings — ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme; ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval; ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions. ‘X’ means a use that is not permitted by the Scheme

TABLE 1 – ZONING TABLE

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

4.7 COMMERCIAL DEVELOPMENT

4.7.1 Commercial development shall not exceed two (2) storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided such development will not affect local amenity and will enhance the character of the town centre.

4.7.2 In considering an application for development approval for a proposed commercial development (including additions and alterations to existing development) in the town centre the local government shall have regard to the following: (a) the colour and texture of external building materials; the local government may require the building façade and side walls to a building depth

of 3m to be constructed of masonry; (b) building size, height, bulk, roof pitch; (c) setback and location of the building on its lot; (d) architectural style and design details of the building; (e) function of the building; (f) relationship to surrounding development; and (g) other characteristics considered by the local government to be relevant.

4.7.3 Landscaping should complement the appearance of the proposed development and town centre.

4.7.4 The layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining carpark.

4.7.5 All other development standards for development in the Town Centre zone are at local government's discretion.

4.12 CAR PARKING REQUIREMENTS

4.12.1 A person shall not develop or use any land or erect, use or adapt any building unless car parking spaces specified by the local government are provided and such spaces are constructed and maintained in accordance with the requirements of the local government.

Planning and Development (Local Planning Scheme) Regulations 2015

64. Advertising applications

(1) An application for development approval must be advertised under this clause if the proposed development — (a) relates to the extension of a non-conforming use; or (b) relates to a use if — (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and (ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given; or (c) does not comply with a requirement of this Scheme; or (d) is a development for which the local government requires a heritage assessment to be carried out under clause 11(1); or (e) is of a type that this Scheme requires to be advertised.

(2) The local government may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(c) if the local government is satisfied that the departure from the requirements of this Scheme is of a minor nature.

(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways — (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person; (b) by publishing a notice of the proposed use or development in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published; (c) by publishing a notice of the proposed use or development by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published; (d) by erecting a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed use or development for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.

(4) Notice referred to in subclause (3) must be in the form of the "Notice of public advertisement of planning proposal" set out in clause 86(3) unless the local government specifies otherwise.

(5) If an application for development approval is advertised under this clause, the local government — (a) must make the application and the material accompanying it available for public inspection during business hours at the offices of the local government; and (b) may publish the application and the material accompanying it on the website of the local government.

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;

(c) any approved State planning policy;

(d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);

(e) any policy of the Commission;

(f) any policy of the State;

(g) any local planning policy for the Scheme area;

(h) any structure plan, activity centre plan or local development plan that relates to the development;

(i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local

Planning Schemes) Regulations 2015;

(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;

(k) the built heritage conservation of any place that is of cultural significance;

(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;

(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

(n) the amenity of the locality including the following —

(i) environmental impacts of the development;

(ii) the character of the locality;

(iii) social impacts of the development;

(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;

(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
- (i) the proposed means of access to and egress from the site; and
- (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
- (i) public transport services;
- (ii) public utility services;
- (iii) storage, management and collection of waste;
- (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;**
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;**
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

SPP- Road and Rail Noise 5.4 – considered

Local Heritage register- considered

Local Planning Policy- Repurposed and Second Hand Dwellings

6.0 POLICY STATEMENT

General requirements for repurposed and second hand dwellings:

- **Council will generally not support an application for the occupation and erection of a repurposed or second hand dwelling in the town centre zone.**
- Council will only support an application for the erection and occupation of a repurposed or second hand dwelling in the Residential, Rural Residential, and Rural Townsite zones if: a) the dwelling(s) is to be used for accommodating a workforce or for tourist accommodation purposes, b) the repurposed or second hand dwelling is proposed on the same lot as an existing dwelling in the residential zone and complies with the requirements of the Scheme, Residential Design Codes (R-Codes) and provisions of this policy,

6.1.2 Repurposed Dwelling(s)

Require the approval of the Council and;

- a) Shall comply with requirements of the Scheme and satisfy the provisions of the R-Codes (where applicable);

- b) The application is to be accompanied by plans, photographs of each elevation and a report of the condition of the dwelling to be relocated;
- c) The Council will only permit donga type structures for uses other than residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy;
- d) The Council will only permit repurposed dwellings where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials. Where any material containing asbestos fibres remains in or on the dwelling, including cement asbestos roofing or cladding, roof insulation or for any other purpose, such material shall be removed prior to the building being transported within or into the Council; and
- e) where a repurposed dwelling(s) is proposed as a an additional (grouped) dwelling, the total floor area of the additional repurposed dwelling(s) shall not exceed 110m² .

STRATEGIC PLAN IMPLICATIONS

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Councils Town Planner
- Owner

PLANNING ASSESSMENT

The proposed development can be controlled using development conditions to ensure the transportable unit does not negatively impact upon visual amenity. Furthermore it is also important that consideration be given to landscaping and car parking requirements. It is advised that 1m of landscaping is installed on the front (eastern) side of the repurposed unit to ensure visual amenity. Councils policy shall be considered in the appraisal of this application; however it is noted that the repurposed building will not strictly be used as a dwelling. Therefore, it is advised that the policy statement in councils' policy be discounted.

It is observed that the pub provides an adequate amount of car parking to the rear and in front of the existing accommodation units.

STAFF RECOMMENDATION

That Council delegates authority to the Chief Executive Office to provide conditional development approval for the development and use of a single repurposed units at Lot 14, 108 Massingham Street, Kellerberrin; on receipt/confirmation of all conditions being met;

General Conditions

1. *The following Development plans provided in the application be received;*
 - a. *Hand drawn floor plan incorporating disabled bathroom in Room 3;*

- b. Elevations of generic transportable dwelling;
 - c. Site plan incorporating proposed location;
 2. Development plans listed above will not be endorsed until they have been rectified to enable endorsement and final approval.
 - a. Hand drawn plans submitted incorporating disabled bathroom in Room3 (approved)
 - b. Elevation drawings to be provided on the unit being supplied;
 - c. Site plan to reflect correct location against Eastern Boundary;
 - d. Photos of proposed unit;
 3. The unit shall be set back 1m (maximum) from the western boundary on Lot 14, 108 Massingham street;
 4. The unit shall be in an existing colour scheme to other buildings on lot 14 and lot 15 and subject to condition may require cladding to the discretion of Council;
 5. Appropriate and practical parking including signage availability for occupants of all units.
 6. Planning approval will expire if the development is not substantially commenced within two years of this approval;

Advice Notes

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

COUNCIL RESOLUTION

MIN 154/20

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council delegates authority to the Chief Executive Office to provide conditional development approval for the development and use of a single repurposed units at Lot 14, 108 Massingham Street, Kellerberrin; on receipt/confirmation of all conditions being met;

General Conditions

- 1. The following Development plans provided in the application be received;***
 - a. Hand drawn floor plan incorporating disabled bathroom in Room 3;***
 - b. Elevations of generic transportable dwelling;***
 - c. Site plan incorporating proposed location;***
- 2. Development plans listed above will not be endorsed until they have been rectified to enable endorsement and final approval.***
 - d. Hand drawn plans submitted incorporating disabled bathroom in Room3 (approved)***
 - e. Elevation drawings to be provided on the unit being supplied;***
 - f. Site plan to reflect correct location against Eastern Boundary;***
 - g. Photos of proposed unit;***
- 3. The unit shall be set back 1m (maximum) from the western boundary on Lot 14, 108 Massingham street;***
- 4. The unit shall be in an existing colour scheme to other buildings on lot 14 and lot 15 and subject to condition may require cladding to the discretion of Council;***
- 5. Appropriate and practical parking including signage availability for occupants of all units.***

6. *Planning approval will expire if the development is not substantially commenced within two years of this approval;*

Advice Notes

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

13.3 REQUEST FOR QUOTE - TRUCK MOUNTED ROAD SWEEPER

File Ref: RFQ 01/20
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council in the 2020/2021 Budget has made provision for the replacement of Council's Truck Mounted Road Sweeper.

The request had provision for the Trade-in of Council's current Truck Mounted Road Sweeper, however should the price not depict our expectation we have the capacity to sell privately or put to auction outside of the Tender process.

Council opted to utilise the WALGA E-quotes for the process which enables Council to request quotations for the supply of the vehicle without going through the full tender process.

Council requested quotes from the following suppliers;

1. Bucher Municipal Pty Ltd
2. Hako Australia Pty Ltd
3. Rosmech Sales & Service Pty Ltd

The request for quotations closed Monday 7th September 2020.

STAFF COMMENT

Council at the close of quotations received responses from two (2) of the above suppliers being;

1. Bucher Municipal Pty Ltd
2. Rosmech Sales & Service Pty Ltd

Within the submissions from both suppliers they providing alternative solutions for the requested vehicle as being;

Bucher Municipal Pty Ltd

1. As per specifications (Hino FE 1426)
2. Use of Demonstration vehicle as is (Hino FE 1426 2019 Model)
3. Use of Demonstration vehicle with modifications to include specifications provided. (Hino FE 1426 2019 Model)

Rosmech Sales & Service Pty Ltd

All quotations received from Rosmech were to specifications listed, however different truck bodies;

1. Isuzu FSR 140/120-260 Euro V Cab Chasis

2. Hino 500 FG 1628 Euro V Cab Chasis
3. Hino 500 FE 1426 Euro V Cab Chasis

Estimated Delivery for the Quoted Vehicles;

Bucher Municipal Pty Ltd

1. Based on current order intake and production schedule 16-24 weeks from receipt of order. (Subject to Change)
2. At completion of our demonstration campaign, end of October 2020, current km 5,648, Truck Hrs 130, Aux Engine 28. We anticipate a further 10,000km at time of handover. This unit would be subject to prior sale however we have not offered to any other customer at the time of our submission.
3. At completion of our demonstration campaign, end of October 2020, current km 5,648, Truck Hrs 130, Aux Engine 28. We anticipate a further 10,000km at time of handover. This unit would be subject to prior sale however we have not offered to any other customer at the time of our submission.

Rosmech Sales & Service Pty Ltd

All quotations received from Rosmech were to specifications listed, however different truck bodies;

1. Approximately 16 weeks. A firm delivery date will be quoted on placement of order.
2. Approximately 16 weeks. A firm delivery date will be quoted on placement of order.
3. Approximately 16 weeks. A firm delivery date will be quoted on placement of order.

TEN YEAR FINANCIAL PLAN

Council’s Plant Replacement program within the Ten Year Financial Plan.

FINANCIAL IMPLICATIONS

<u>BUDGET</u>	Purchase Price	Income Reserves –	Income Trade-in –	Municipal Funds Required
Purchase of new Street Sweeper Truck	\$330,000	\$200,000	\$30,000	\$ 100,000

Description	TENDER	TENDER	TENDER	TENDER	TENDER	TENDER
	Bucher 1	Bucher 2	Bucher 3	Rosmech 1	Rosmech 2	Rosmech 3
Truck Mounted Road Sweeper	\$337,000	\$325,000	\$341,000	\$357,597	\$360,106	\$348,496

STATUTORY IMPLICATIONS

Local Government Act 1995 (As Amended)

Section 3.57

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Function and General) Regulations No. 2 2005

Regulations 11 to 24 deals with tenders for providing goods and services in detail.

Annual Compliance Audit Return – certification of compliance relating to tender processes and accountability toward the advertising and consideration of tenders received and awarded.

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
- Manager Works and Services
- Mechanic

STAFF RECOMMENDATION

That Council accept the Alternative Option Quotation from Bucher Municipal for the supply of 2019 Model VT652 Ex Demonstrator Hino FE 1426 Truck Mounter Road Sweeper for \$341,000 (Excluding GST) with items to full RFQ specification.

COUNCIL RESOLUTION

MIN 155/20 MOTION - Moved Cr. Steber Seconded Cr. Reid

That Council accept the Alternative Option Quotation from Bucher Municipal for the supply of 2019 Model VT652 Ex Demonstrator Hino FE 1426 Truck Mounter Road Sweeper for \$341,000 (Excluding GST) with items to full RFQ specification.

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

14 CONFIDENTIAL MATTERS

Nil

15 CLOSURE OF MEETING

The presiding member closed the meeting at 5:18pm.

The minutes of this meeting consisting of pages 1 to 66 were confirmed at the Ordinary Council Meeting held on 20 October 2020.

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CHAIRPERSON