



MINUTES

Ordinary Council Meeting Tuesday, 18 August 2020

Date: Tuesday, 18 August 2020

Time: 2:00pm

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

Order Of Business

1	Declaration of Opening	4
2	Announcement by Presiding Person Without Discussion.....	4
2.1	Presidents Report July 2020	4
2.2	Standing Orders.....	5
3	Record of Attendance / Apologies / Leave of Absence.....	6
4	Declaration of Interest.....	6
5	Public Question Time	7
5.1	Response to Previous Public Questions taken on Notice	7
5.2	Public Question Time	7
6	Confirmation of Previous Meetings Minutes.....	8
6.1	Minutes of the Council Meeting held on 21 July 2020.....	8
6.2	Minutes of the Arts & Culture Committee Meeting held on 4 August 2020.....	9
7	Presentations	10
7.1	Petitions	10
7.2	Presentations	10
7.3	Deputations.....	10
8	Reports of Committees	10
	Nil	
9	Corporate Services Reports.....	11
9.1	Community Requests and Discussion Items	11
9.2	Status Report of Action Sheet	20
9.3	Redevelopment of Kelleberrin Memorial Pool - DLGSC CSRFF Forward Planning Grant Application.....	28
9.4	Local Government House Trust - Deed of Variation	31
9.5	Interim Audit 2019/2020	34
9.6	Cheque List July 2020.....	39
9.7	Direct Debit List and Visa Card Transactions - July 2020	43
9.8	Financial Activity Statement - July 2020	47
9.9	Building Reports July 2020.....	50
10	Development Services Reports	52
	Nil	
11	Works & Services Reports	53
11.1	Development Application - Outbuilding.....	53
11.2	Development Application - Shed Extension.....	59
12	Elected Members Motions of Which Previous Notice has been Given	65
	Nil	
13	New Business of an Urgent Nature Introduced by Decision of Meeting.....	66
13.1	Alfresco Dining - Kelleberrin Pie Shop & Bakery	67

13.2 Development Application - Sea Container 74

14 Confidential Matters 80

Nil

15 Closure of Meeting..... 80

**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 18 AUGUST 2020 AT 2:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2:00pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENTS REPORT JULY 2020

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

Rainfall in July was below average so crops and pastures still struggled from shower to shower. Even so the crops are looking good and an average finish to the season will see some good yields in the shire.

The road crew have been down on manpower recently but have still managed to keep up the maintenance programme.

The new digital sign is being well used by the local businesses, great to see.

With COVID 19 positive numbers in Victoria especially but also New South Wales still high, we need to be mindful of our social distancing so that if we get to have a second wave of the virus it will be natural to keep the required distance .

Kind Regards



Rodney Forsyth

Shire President

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 121/20 MOTION - Moved Cr. Ryan Seconded Cr. O'Neill

That Council receive and note the Shire Presidents Reports for July 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 122/20 MOTION - Moved Cr. Ryan 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 Wendy McNeil
Cr Matt Steber
Cr Dennis Reid
Cr Emily Ryan

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer)
Lenin Pervan (Deputy Chief Executive Officer)
Cr David Leake (via zoom)
Natasha Giles (Community Development Officer, left meeting at 3:12pm)
Keeley O'Neill (Media Officer, left the meeting at 3:12pm)

MOTION**COUNCIL RESOLUTION**

MIN 123/20 MOTION - Moved Cr. Steber Seconded Cr. O'Neill

That Council consider request from Cr Leake to attend the meeting remotely via zoom at 1240 West River Road Ravensthorpe.

CARRIED 7/0

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

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 21 JULY 2020**

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 21 July 2020

STAFF RECOMMENDATION

1. That the Minutes of the Council Meeting held on 21 July 2020 be confirmed as a true and accurate record.

COUNCIL RESOLUTION

MIN 124/20 **MOTION - Moved Cr. Reid** **Seconded Cr. McNeil**

1. *That the Minutes of the Council Meeting held on 21 July 2020 be confirmed as a true and accurate record*

.CARRIED 7/0

6.2 MINUTES OF THE ARTS & CULTURE COMMITTEE MEETING HELD ON 4 AUGUST 2020

File Ref: ADM02

Author: Codi Mullen, Personal Assistant

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. Minutes of the Arts & Culture Committee Meeting held on 4 August 2020

STAFF RECOMMENDATION

1. That the Minutes of the Arts & Culture Committee Meeting held on 4 August 2020 be confirmed as a true and accurate record.

COUNCIL RESOLUTION

MIN 125/20 **MOTION - Moved Cr. Ryan** **Seconded Cr. Steber**

1. *That the Minutes of the Arts & Culture Committee Meeting held on 4 August 2020 be confirmed as a true and accurate record and recommendations held therein be adopted.*

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.

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.***

May 2020 Council Meeting

MIN 053/20 MOTION - Moved Cr. Reid Seconded Cr. Steber

That Council:

- 1. Investigate the seats and table located at Cornell Close (Milligan Units)***
- 2. Acknowledge the Doodlakine Hall – Maintenance Agreement expiry is 30th June 2020***

STAFF COMMENT**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.

May MIN 053/20

1. Council's Manager Works and Services attended the site and the area has been tidied up and believes that it isn't a hazard.
2. Letter sent to Doodlakine Community Committee President, Trevor Pascoe advising the agreement is in Draft.

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 126/20

MOTION - Moved Cr. Steber

Seconded Cr. O'Neill

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

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 127/20 MOTION - Moved Cr. Ryan Seconded Cr. McNeil

That Council receive the Status Report.

CARRIED 7/0

9.3 REDEVELOPMENT OF KELLEBRERRIN MEMORIAL POOL - DLGSC CSRFF FORWARD PLANNING GRANT APPLICATION

File Ref: FIN21 & SPREC09
Author: Natasha Giles, Community Development Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

The Kellerberrin Memorial Pool was officially opened on December 3rd, 1960 and is rapidly reaching the end of its life. The Shire has been spending considerable amounts of money for the past few years keeping the pool going in its current state (it does not meet current benchmark standards for a public pool or does it meet current community expectations) as well as putting money aside into reserves to be used to assist with the construction of a new facility.

After weighing up our options, factoring in repair/maintenance costs each year to our operational budget and consultation with our community it was decided to move ahead with our plans to redevelop and reinvigorate the Kellerberrin Memorial pool. We feel as a whole if we do not commit to this project now and without the support from State and Federal governments we will have no option but to close our pool, thus meaning no pool will be available for our community. Public swimming pools are the lifeline in small regional communities especially during the hot and dry conditions of a wheatbelt summer.

The project will redevelop and expand the existing Kellerberrin Memorial Swimming Pool to include new multi-purpose amenities and upgrade the existing 33 meter swimming pool to a 25 meter swimming pool. The project will provide disability access and develop a range of outdoor recreation facilities to encourage physical activity and promote healthy living within the community. The upgrade of this infrastructure will provide economic and social benefits to our region.

Council have been fortunate enough to receive \$1,000,000 in funding from the Federal Government through the Drought Communities Programme (DCP) Extension. This funding is provided for the new plant and equipment room at the Kellerberrin Memorial Pool. This for grant writing purposes has been called Stage 1 of the redevelopment of the pool.

Stage 2 will be the construction of the pool and amenities. This will hopefully be funded through the Department of Local Government and Cultural Industries (formally the Department of Sport and Recreation WA) and through the next round of Building Better Regions fund through the Department of Infrastructure, Transport, Cities and Regional Development.

We have also been in talks with LotteryWest pre the COVID-19 pandemic about assisting with additional funding for the pool for items that we will not be able to claim in the CSRFF grant application through Department of Local Government and Cultural. These are items such as landscaping, half basketball courts, playgrounds, barbecue facilities etc. They had indicated that they would be able to assist with funding towards our project – we will touch base with them shortly to see if this is still the case. And also let them know of our revised timelines for the project.

STAFF COMMENT

With grants becoming more and more competitive each year it is important to continue to apply for funding regardless the stage of the project and the proposed timeline for completion.

Funding is particular competitive with CSRFF application and often they are over subscribed to the funds that are available. It is not a given anymore that if you apply for a certain amount you will receive that amount, often they will offer you less than what you have asked. So you need to take this consideration when applying, also it helps to build a good working relationship with your regional manager.

The Department of Local Government, Sport and Cultural Industries have over the past few years supported a number of regional Shires with grant monies towards redevelopment of their community pools through their Community Sporting and Recreation Facilities Fund (CSRFF). There are three different types of grants available through the fund – Small Grants, Annual Grants and Forward Planning Grants.

The Shire has decided to apply for the Forward Planning Grants program with a claim year of 2022/23. The total project cost of a Forward Planning Grant must exceed \$500,000 and you can request funds from \$166,667 to \$2,000,000 for your project – saying that the Department will only fund a maximum of 1/3 of the project cost. You can also select to make your claim in one of the following financial years – 2021/22, 2022/23 or 2023/24.

The Shire is anticipating of applying for \$1,000,000. Though realistically given the current climate and number of applications this round is expecting to receive, we if successful, envision to receive around \$700,000 to \$800,000.

We have been working with Jen Collins at the Northam Regional Office of the Department of Local Government and Cultural, she has been assisting us with our application and offering advice and assistance where required. Hopefully this will place us in good stead with our application moving forward and being recommended for consideration from the regional office.

TEN YEAR FINANCIAL PLAN

Council's current plan indicated the construction of the Swimming Pool project in 2018/19 – 2019/20 however due to funding availability this has now been pushed back.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin

- Currently placing money into reserves to go towards the redevelopment of the pool – we are anticipating to have \$2,000,000 in reserves by 2022/23 with the current balance budgeted to be at \$1.6 million by the end of June 2021.
- In-Kind work if the project was to proceed.
- \$1,000,000 secured in funding from the Federal Government through the Drought Communities Programme (DCP) Extension
- Council will require BBRF funding and this is the proposed reasoning for future program funding not immediate funding.
- Possibility of the Shire having to take out a loan to cover any shortfalls if funding applications are not successful or other avenues are exhausted

STATUTORY IMPLICATIONS

Nil

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Community Development Officer
- Jenifer Collins – Department of Local Government, Sport and Cultural Industries
- Public Feedback
- Donovan & Payne
- ABV Consultants

STAFF RECOMMENDATION

That Council:

1. *Endorse the CSRFF Forward Planning Grant Application for the Shire of Kellerberrin – Redevelopment of Kellerberrin Memorial Pool project. Funding amount applied for will be \$1,000,000 with a claim year of 2022/23*
2. *Authorise the lodgement of the Shire of Kellerberrin CSRFF Forward Planning Grant Application with the Department of Local Government, Sport and Cultural Industries by Friday 11th September 2020 by 4pm at the Northam Offices*
3. *That should funding be declined that all aspects of the project will be reviewed by Council.*
4. *Should funding be successful and the project is completed the facility will be listed on Council's Asset Management Plan and Council will accept the ongoing cost of maintaining the asset.*

COUNCIL RESOLUTION

MIN 128/20

MOTION - Moved Cr. O'Neill

Seconded Cr. McNeil

That Council:

1. ***Endorse the CSRFF Forward Planning Grant Application for the Shire of Kellerberrin – Redevelopment of Kellerberrin Memorial Pool project. Funding amount applied for will be \$1,000,000 with a claim year of 2022/23***
2. ***Authorise the lodgement of the Shire of Kellerberrin CSRFF Forward Planning Grant Application with the Department of Local Government, Sport and Cultural Industries by Friday 11th September 2020 by 4pm at the Northam Offices***
3. ***That should funding be declined that all aspects of the project will be reviewed by Council.***
4. ***Should funding be successful and the project is completed the facility will be listed on Council's Asset Management Plan and Council will accept the ongoing cost of maintaining the asset.***

CARRIED 7/0

BY ABSOLUTE MAJORITY

3:12pm Natasha Giles Community Development Officer left the meeting

3:12pm Keeley O'Neill Media Officer left the meeting

9.4 LOCAL GOVERNMENT HOUSE TRUST - DEED OF VARIATION

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

BACKGROUND

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB). Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:
22.1 Any Trustee of the Trust may retire as Trustee of the Trust **Subject to clause 22.3**, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.
2. Variation 2.2 inserts two new clauses:
22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust;
and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

Comment

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

Thank you for your consideration of the above amendments and we look forward to receiving formal consent to execute these changes via resolution of Council.

STAFF COMMENT

The amendments provides Council more opportunity to have a say in the process so no issues with the amendments.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

None known at this time.

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
- Councillors

STAFF RECOMMENDATION

That Council;

1. Consent the Trustee formally executing the attached Deed of Variation as presented by Western Australian Local Government Association (WALGA);
2. Inform WALGA of Council's decision in writing.

COUNCIL RESOLUTION

MIN 129/20

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council;

1. ***Consent the Trustee formally executing the attached Deed of Variation as presented by Western Australian Local Government Association (WALGA);***
2. ***Inform WALGA of Council's decision in writing.***

CARRIED 7/0

9.5 INTERIM AUDIT 2019/2020

File Ref: ADM
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council's Audit Committee met 18th August 2020 prior to the Council meeting to discuss the interim audit finding with the below recommendation coming from staff;

That the Audit Committee:

- 1. Endorse the findings and management comments to the Interim Audit Report as presented by staff; and***
- 2. Recommend to Council that the findings and management comments to the Interim Audit Report be endorsed***

The Local Government Amendment (Auditing) Bill 2017 brings legislative change to the Local Government Act 1995, providing for the auditing of local governments by the Office of the Auditor General (OAG).

Being engaged by OAG (Western Australia) to perform an audit of the Shire's annual financial report for the year ending 30 June 2019, Butler Settineri have recently completed their interim audit and the findings and Shire management responses are presented for Council's consideration. This marks the fourth OAG audit of the Shire under the new legislation.

STAFF COMMENT

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Procurement practices	✓		
2. Security access controls			✓

KEY TO RATINGS

The ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Significant - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.

Moderate - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

- Minor** - Those findings that are not of primary concern but still warrant action being taken.

1. Procurement practices

Finding

During our sample testing of payments made throughout the year we noted:

- 11 instances where the required number of quotes was not obtained prior to engaging a supplier for goods/services;
- 2 invoices without purchase orders;
- 13 purchase orders were raised after the invoice date;
- 1 instance where an invoice was not authorised by an employee with the appropriate delegated authority; and
- 17 supplier invoices were not marked by staff with a reference to the supporting PO.

Rating: Significant

Implication

The Shire has not adhered to the purchasing policy and the Local Government (Financial Management) Regulations. There is an increased risk of favouritism of suppliers, not obtaining value for money and unauthorised goods/services may be purchased and increases the likelihood of financial loss to the Shire.

Recommendation

We recommend:

1. Council review the purchasing process to ensure the required number of quotes is obtained prior to engaging a supplier for goods/services;
2. Staff are reminded of appropriate procurement policies and practices and ensure purchase orders are raised and appropriately approved prior to goods/services being ordered. It is further recommended that supplier invoices are marked by staff with a reference to the supporting PO.

Management comment

Noted.

Responsible person: Raymond Griffiths

Completion date:

2. Security access controls

Finding

We noted that the server and records room are not securely locked and are open to unauthorized access by members of staff.

Rating: Minor**Implication:**

The server and records room could be accessed by unauthorised persons increasing the risk of damage to the server and sensitive or confidential information being compromised.

Recommendation:

We recommend that both the server and records room be securely locked when not in use and access is restricted to appropriate personnel.

Management comment

The server room is available for access by staff only. The server is locked by a password to ensure it cannot be accessed by anyone.

Members of the public aren't permitted in the main office area, they only ever access Chambers for public question time or Council's Managers office or meeting room for meetings of which they are escorted by employees.

When the facilities and our offices are not in use the Strong Safe is locked and the Main office is locked and secured by security alarm and CCTV.

Responsible person: Raymond Griffiths

Completion date:

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Government Amendment (Auditing) Act 2017

7.12AJ. Conducting a performance audit

(1) The Auditor General Act section 18 applies in relation to a local government as if —

(a) the local government were an agency; and

(b) money collected, received or held by any person for or on behalf of the local government were public money; and

(c) money collected, received or held by the local government for or on behalf of a person other than the local government were other money; and

(d) property held for or on behalf of the local government, other than money referred to in paragraph (b), were public property; and Local Government (Audit) Regulations 1996 (as amended)

(e) property held by the local government for or on behalf of a person other than the local government were other property; and

(f) the reference in the Auditor General Act section 18(2)(d) to “legislative provisions, public sector policies or its own internal policies;” were a reference to “legislative provisions or its own internal policies;”.

(2) A performance audit is taken for the purposes of the Auditor General Act to have been carried out under the Auditor General Act Part 3 Division 1.

7.12AK. Reporting on a performance audit

(1) The Auditor General Act section 25 applies in relation to a performance audit as if —

(a) a local government were an agency; and

(b) the council of the local government were its accountable authority.

(2) The auditor must give a report on a performance audit to the local government.

Local Government (Audit) Regulations 1996

16. *Audit committee, functions of*

An audit committee —

(a) is to provide guidance and assistance to the local government —

(i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and

(ii) as to the development of a process to be used to select and appoint a person to be an auditor;

and

(b) may provide guidance and assistance to the local government as to —

(i) matters to be audited; and

(ii) the scope of audits; and

(iii) its functions under Part 6 of the Act; and

(iv) the carrying out of its functions relating to other audits and other matters related to financial management.

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

Local Government Act 1995 (as amended)

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

Subsidiary Statutory Acts and Regulations to achieve compliance

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

STRATEGIC COMMUNITY PLAN

Nil

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Administration Staff
- Councillors

STAFF RECOMMENDATION

That Council endorse the findings and management comments to the Interim Audit.

COUNCIL RESOLUTION

MIN 130/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Leake

That Council endorse the findings and management comments to the Interim Audit.

CARRIED 7/0

9.6 CHEQUE LIST JULY 2020

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

BACKGROUND

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

TRUST

TRUST TOTAL	\$ 400.00
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MUNICIPAL FUND**Cheque Payments**

34762-34781	\$ 52,462.53
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EFT Payments

11009-11129	\$ 470,216.98
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Direct Debit Payments

	\$ 83,741.14
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TOTAL MUNICIPAL

	\$ 606,420.65
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STAFF COMMENT

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

LGIS Property Renewal of various insurance policies for Shire 2020/2021	\$ 91,828.33
Deputy Commissioner Of Taxation GST debtors, PAYG tax, fuel tax credits & FBT fees	\$ 57,490.00
IT Vision Australia Pty Ltd Renew Synergy Soft & Universe Annual License fee 2020/2021	\$ 38,846.50
Evoke Living Homes Retention fee GROH Housing	\$ 34,399.80
LGIS Liability Renewal of various insurance policies for Shire 2020/2021	\$ 32,244.29
LGIS Workcare Renewal of various insurance policies for Shire 2020/2021	\$ 26,854.36
Central East Aged Care Alliance (CEACA) Annual contribution to CEACA 2020/2021	\$ 22,000.00
AFGRI Equipment Australia Pty Ltd Repairs for John Deere 670D Grader including labour, parts & freight	\$ 21,014.36
Youlie and Son Spreading Services Equipment hire various road works for June 2020	\$ 18,015.80

Wheatbelt East Regional Organisation of Councils Inc. WE-ROC Annual financial contribution for WEROC 2020/2021	\$ 13,200.00
Water Corporation Water charges for various Shire properties April-June 2020	\$ 11,376.60
Shire Of Kellerberrin Staff subsidy for rates 2020/2021	\$ 11,229.52
Synergy Power charges of various Shire properties April-June 2020	\$ 9,622.20
Wheatbelt Plumbing & Gas Claim works on for Rec Centre toilet upgrades materials & repairs to CEO's residence	\$ 8,851.70
United Card Services Pty Ltd Total supply June 2020	\$ 7,995.86
Avon Waste Domestic & commercial rubbish collections June 2020	\$ 7,845.70
Automated Surveys Pty Ltd Site survey, drafting & administration of King Street to Scadden Street/Leake Street Kellerberrin	\$ 7,480.00
WA Local Government Superannuation Plan Pty Ltd Staff superannuation deductions & contributions	\$ 7,337.97
WA Local Government Superannuation Plan Pty Ltd Staff superannuation deductions & contributions	\$ 7,321.68
RAMM Software Pty Ltd RAMM Annual support & maintenance fee 2020/2021	\$ 7,032.88
LGIS Insurance Broking Renewal of various policies for Shire 2020/2021	\$ 6,967.68
Western Australian Treasury Corporation GFEE Loan 117, 118, 119 & 120	\$ 6,880.30
Golden Dolden Pty Ltd Wall tiling of Doodlakine Hall	\$ 6,600.00
Avon Valley Toyota Purchase of Isuzu MUX 4x4 including add-ons & trade in vehicle for new DCEO	\$ 5,975.90
Synergy Power charges various Shire properties April-July 2020	\$ 5,399.68

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 July 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 \$ 606,420.65 on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling \$ 400.00 on vouchers EFT, CHQ, Direct payments*

COUNCIL RESOLUTION

MIN 131/20

MOTION - Moved Cr. Steber

Seconded Cr. McNeil

That Council notes that during the month of July 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 \$ 606,420.65 on vouchers EFT , CHQ, Direct payments***
- 2. Trust Fund payments totalling \$ 400.00 on vouchers EFT, CHQ, Direct payments***

CARRIED 7/0

9.7 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JULY 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 July 2020.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1-Jul-20	NAB	Merchant Fees - Trust		0.44
1-Jul-20	NAB	Merchant Fees - Caravan Park		20.12
1-Jul-20	Westnet	Internet Fees		4.99
1-Jul-20	NAB	Merchant Fees - Muni		24.03
1-Jul-20	NAB	Merchant Fees- CRC		145.07
1-Jul-20	Alleasing	Gym Equipment		3,121.83
2-Jul-20	Shire of Kellerberrin	Creditors		118,524.25
3-Jul-20	Shire of Kellerberrin	Creditors		1,424.78
7-Jul-20	Department of Transport	Vehicle Inspections		82.76
7-Jul-20	Department of Housing	Rent		420.00
9-Jul-20	ACMA	Licence-Communication Hut		91.00
9-Jul-20	Shire of Kellerberrin	Super Choice		8,926.82
9-Jul-20	Shire of Kellerberrin	Pay Run		52,528.62
16-Jul-20	Shire of Kellerberrin	Creditors		128,260.21
17-Jul-20	ATO	BAS June		57,490.00
21-Jul-20	Department of Housing	Rent		420.00
23-Jul-20	ACMA	Licence - Airport		45.00
23-Jul-20	Shire of Kellerberrin	Super choice		9,650.28
23-Jul-20	Shire of Kellerberrin	Pay Run		56,707.76
28-Jul-20	Shire of Kellerberrin	Creditors		222,007.74
28-Jul-20	NAB	NAB Connect Fees		49.23
31-Jul-20	NAB	Bank Fees - Trust		10.00
31-Jul-20	NAB	BPAY Fees		23.92
31-Jul-20	NAB	Bank Fees - Muni		43.70
31-Jul-20	NAB	Merchant Fees - Caravan Park		15.44
31-Jul-20	NAB	Merchant Fees - Trust		21.55
31-Jul-20	NAB	Merchant Fees - Muni		64.85

31-Jul-20	NAB	Merchant Fees - CRC		178.33
		TOTAL	\$	660,302.72
Trust Direct Debit List				
Date	Name	Details	\$	Amount
31-Jul-20	Department of Transport	Licencing July 2020		47,640.20
		TOTAL	\$	47,640.20
Visa Transactions				
Date	Name	Details	\$	Amount
15-Jul-20	Western Cardiology	Appointment - Tony Scutter Workers Comp		310.00
20-Jul-20	CANVA	Canva Programme Administration Use		167.88
23-Jul-20	Mundaring Hotel	Refreshments		189.20
28-Jul-20	NAB	Card Fee		9.00
		TOTAL - CEO	\$	676.08
Date	Name	Details	\$	Amount
		TOTAL -DCEO		0.00
		TOTAL VISA TRANSACTIONS	\$	676.08

STAFF COMMENT

The Direct Debit List and Visa Card Transactions are presented for Council to note for the month of July 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 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
- Senior Finance Officer

STAFF RECOMMENDATION

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

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

COUNCIL RESOLUTION

MIN 132/20 MOTION - Moved Cr. Reid Seconded Cr. Ryan

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

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

CARRIED 7/0

9.8 FINANCIAL ACTIVITY STATEMENT - JULY 2020

File Number: FIN
Author: Brett Taylor, Senior Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Financial Statement July 2020

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 July 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

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

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

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

COUNCIL RESOLUTION

MIN 133/20

MOTION - Moved Cr. Steber

Seconded Cr. O'Neill

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

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

9.9 BUILDING REPORTS JULY 2020

File Number: BUILD06
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Building applications received July 2020
2. Building permits issued July 2020

BACKGROUND

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

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

There is income from Building fees and a percentage of the levies paid to other agencies.

ie: "Building Services Levy" and "Construction Industry Training Fund" (when construction cost exceeds \$20,000)

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible 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:

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

STAFF RECOMMENDATION

That Council

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

COUNCIL RESOLUTION

MIN 134/20

MOTION - Moved Cr. Leake

Seconded Cr. Ryan

That Council

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

CARRIED 7/0

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION - OUTBUILDING

File Ref: A1660
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Ian Wilkins
Location: 20 Sewell Street, Kellerberrin
Attachments: 1. Site Plan
2. Structural Drawings

BACKGROUND

An application has been received from Mr. Ian Wilkins for the construction of an outbuilding that will be used to keep building supplies. Mr. Wilkins intends to build a dwelling on the lot. The lot is currently vacant with minimal vegetation. The outbuilding requires Council approval as it exceeds the maximum allowable outbuilding area of 100m² (proposed: 133m²)

SITE



Shire of Kellerberrin Local Planning Scheme
Local Planning Scheme No.4

R-Codes 2015

Setbacks (Table 2b)

Setback requirement Table 2a: 1.5m

Proposed: 1m side and rear

Table 2a: Boundary setbacks - Walls with no major openings

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.1	1.5	1.5	1.5	1.5	1.5	1.5	1.6	1.6	1.6	1.6	1.7	1.7	1.8
4.5	1.1	1.5	1.5	1.5	1.5	1.5	1.6	1.7	1.7	1.7	1.7	1.7	1.8	2.0
5.0	1.1	1.5	1.5	1.5	1.5	1.6	1.7	1.8	1.8	1.8	1.8	1.9	2.0	2.3
5.5	1.2	1.5	1.5	1.5	1.6	1.7	1.8	1.9	1.9	2.0	2.0	2.1	2.3	2.5
6.0	1.2	1.5	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.1	2.2	2.4	2.8
6.5	1.2	1.5	1.5	1.6	1.7	1.9	2.0	2.1	2.1	2.2	2.2	2.3	2.7	3.0
7.0	1.2	1.5	1.5	1.6	1.8	2.0	2.1	2.2	2.2	2.3	2.4	2.5	2.8	3.3
7.5	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.3	2.3	2.4	2.5	2.6	3.0	3.5
8.0	1.3	1.5	1.6	1.7	1.9	2.1	2.2	2.4	2.4	2.5	2.6	2.7	3.1	3.8
8.5	1.4	1.6	1.7	1.8	2.0	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.3	4.1
9.0	1.4	1.7	1.7	1.8	2.0	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.6	4.3
9.5	1.4	1.7	1.8	1.9	2.1	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.8	4.6
10.0	1.5	1.8	1.9	2.0	2.2	2.4	2.6	2.8	2.9	3.0	3.1	3.3	4.0	4.8

Take the nearest higher value for all intermediate **height** and length values.* Possible nil **setback** in accordance with clause 5.1.3.**Table 2b: Boundary setbacks - Walls with major openings**

Wall height (m)	Wall length (m)													
	9 or less	10	11	12	13	14	15	16	17	18	19	20	25	Over 25
3.5 or less*	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
4.0	1.8	2.0	2.2	2.4	2.5	2.7	2.8	3.0	3.1	3.3	3.4	3.6	4.5	5.0
4.5	2.0	2.2	2.4	2.6	2.8	3.0	3.1	3.2	3.4	3.7	3.8	4.0	4.8	5.4
5.0	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5	3.7	3.9	4.0	4.2	5.1	5.7
5.5	2.5	2.7	2.9	3.1	3.3	3.5	3.6	3.7	3.9	4.2	4.4	4.6	5.5	6.0
6.0	2.8	3.0	3.1	3.3	3.5	3.8	3.9	4.0	4.2	4.5	4.7	4.9	5.7	6.3
6.5	3.0	3.2	3.4	3.6	3.8	4.0	4.1	4.2	4.4	4.7	4.9	5.2	6.1	6.6
7.0	3.3	3.5	3.7	3.8	4.1	4.3	4.4	4.6	4.8	5.0	5.2	5.5	6.4	7.0
7.5	3.5	3.7	3.9	4.2	4.4	4.6	4.7	4.9	5.1	5.3	5.5	5.7	6.6	7.3
8.0	3.8	4.0	4.2	4.4	4.6	4.8	5.0	5.2	5.4	5.6	5.8	6.0	7.0	7.7
8.5	4.0	4.3	4.5	4.7	4.9	5.2	5.3	5.5	5.7	5.9	6.1	6.3	7.3	8.0
9.0	4.3	4.5	4.7	5.0	5.2	5.4	5.6	5.8	6.0	6.2	6.4	6.6	7.6	8.3
9.5	4.6	4.8	5.0	5.2	5.4	5.7	5.8	6.0	6.2	6.4	6.6	6.9	8.0	8.7
10.0	4.8	5.0	5.2	5.4	5.7	6.0	6.1	6.3	6.5	6.7	6.9	7.2	8.2	9.0

Take the nearest higher value for all intermediate **height** and length values.**Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40**

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ◆	4 Minimum lot area/rear battleaxe (m ²) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street ●	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*6
R12.5	Multiple dwelling	1000	-	-	60	-	7.5	3	*6
	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	*6
R15	Multiple dwelling	800	-	-	55	-	7.5	2	*6
	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	*6
R17.5	Multiple dwelling	666	-	-	50	-	6	1.5	*
	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
R20	Multiple dwelling	571	-	-	-	-	6	1.5	*
	Single house or grouped dwelling	Min 350 Av 450	450	10	50	30	6	1.5	*
R25	Multiple dwelling	450	-	-	50	-	6	1.5	*
	Single house or grouped dwelling	Min 300 Av 350	425	8	50	30	6	1.5	*
R30	Multiple dwelling	350	-	-	50	-	6	1.5	*
	Single house or grouped dwelling	Min 260 Av 300	410	-	45	24	4	1.5	*
R35	Multiple dwelling	300	-	-	45	-	4	1.5	*
	Single house or grouped dwelling	Min 220 Av 260	395	-	45	24	4	1.5	*
R40	Multiple dwelling	260	-	-	45	-	4	1.5	*
	Single house or grouped dwelling	Min 180 Av 220	380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	380	-	40	16	2	1	*
R60	Single house or grouped dwelling	Min 120 Av 150	380	-	40	16	2	1	*
R80	Single house or grouped dwelling	Min 100 Av 120	380	-	30	16	1	1	*

All standards for single house or grouped dwellings within R100, R160 and R-AC areas are as for the R80 Code

Legend

◆ subject to variations permitted under clause 5.1.1 C1.4

▼ only applies to **single houses**● **secondary street:** includes **communal street**, private street, **right-of-way** as street

- indicated not applicable

* see **Tables 2a** and **2b** and clause 5.1.3Av. average **site** area

Minimum Open Space Requirements (Table 1)

The proposal raises no POS issues.

Using Discretion

As the application does not satisfy all the provisions of the R-Codes (principles C3iii and iv), Council can use its discretion to either a) approve b) approve with conditions or c) refuse the application under clause 2.4 of the R-Codes.

As the proposal breaches one of the R Codes requirements (table 2-setbacks) Council approval is required and therefor discretion can be applied.

2.5.2

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

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

2.5.3

The **decision-maker** shall not vary the minimum or average **site area** per **dwelling** requirements set out in **Table 1** (except as provided in the R-Codes or the **scheme**).

2.5.4

The **decision-maker** shall not refuse to grant approval to an application where the application satisfies the **deemed-to-comply** provisions of the R-Codes and the relevant provisions of the **scheme** and any relevant **local planning policy**.

2.5.5

For the purpose of the R-Codes, a **local structure plan, local development plan or local planning policy**, will only be a relevant consideration in the exercise of judgement where it is:

- (a) specifically sanctioned by a provision of the R-Codes;
- (b) consistent with the **design principles** of the R-Codes; and
- (c) consistent with the objectives of the R-Codes.

Local Planning Policy- Outbuildings

7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

7.1 Maximum standards for outbuildings in R-Codes areas

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

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

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

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

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

Area of outbuildings:

Allowed under LPP: 100m²

Proposed: 133m²

Wall Height under LPP: 3.5m

Proposed: 3.3m

Ridge Height LPP: 4.5m

Proposed: 4.1m

Building on vacant lots:

9.0 USE OF OUTBUILDINGS

9.1.1 Outbuildings shall only be used for incidental uses associated with a residential use and/or rural purpose.

9.1.2 The Shire may grant approval for the use of an outbuilding to accommodate a caravan for the purposes of temporary accommodation for a period not exceeding twelve (12) months, where a building permit has been approved and work has substantially commenced on the development site.

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
- Town Planner

PLANNING ASSESSMENT

The proposal triggers the need for Council approval as the proposed setbacks of 1m are inside the prescribed R-code of 1.5m (Table 2a). The proposal also exceeds Councils policy of 100m². As the shed is on a vacant lot it is important to use conditions to ensure the outbuilding is not habitable. The outbuilding shall only be habitable through the form of a caravan if construction works on the lot have begun.

STAFF RECOMMENDATION

That Council

1. Grants conditional development approval for the construction of a shed at Lot 2, 20 Sewell Street , Kellerberrin, that will exceed the following prescription in the Residential Design Codes, State Planning Policy 3.1 and Outbuildings Policy 7.1.1 by:
 - a) Gross total area of outbuildings 100m² (proposed 133m²)

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;
- ii. The outbuilding shall be setback 1.5m from the rear and northern boundary;
- iii. The endorsed approved plans shall not be altered without prior written approval of the Shire;
- iv. The outbuilding shall be in a similar colour scheme to existing buildings on the lot;
- v. Use of the building shall be for domestic purposes only;
- vi. Planning approval will expire 12 months from the approval date; and
- vii. The outbuilding shall not be used for human habitation at any given time, unless written approval has been granted by the shire.

Advice Notes

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

Council can allow a landowner to reside in a caravan inside an outbuilding for a maximum period of 12 months while a building permit is issued to that person in respect of works taking place on the lot, written approval shall be obtained from the shire (LPP-‘Outbuildings’). The outbuilding shall not be used for human habitation for any other reason in accordance with Caravan Parks and Camping Grounds Regulations 1997, Part 2 (c)(ii).

COUNCIL RESOLUTION

MIN 135/20

MOTION - Moved Cr. Steber

Seconded Cr. Ryan

That Council

- 1. Grants conditional development approval for the construction of a shed at Lot 2, 20 Sewell Street , Kellerberrin, that will exceed the following prescription in the Residential Design Codes, State Planning Policy 3.1 and Outbuildings Policy 7.1.1 by:***

- a) Gross total area of outbuildings 100m2 (proposed 133m2)***

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;***
- ii. The outbuilding shall be setback 1.5m from the rear and northern boundary;***
- iii. The endorsed approved plans shall not be altered without prior written approval of the Shire;***
- iv. The outbuilding shall be in a similar colour scheme to existing buildings on the lot;***
- v. Use of the building shall be for domestic purposes only;***
- vi. Planning approval will expire 12 months from the approval date; and***
- vii. The outbuilding shall not be used for human habitation at any given time, unless written approval has been granted by the shire.***

Advice Notes

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

Council can allow a landowner to reside in a caravan inside an outbuilding for a maximum period of 12 months while a building permit is issued to that person in respect of works taking place on the lot, written approval shall be obtained from the shire (LPP-‘Outbuildings’). The outbuilding shall not be used for human habitation for any other reason in accordance with Caravan Parks and Camping Grounds Regulations 1997, Part 2 (c)(ii).

CARRIED 7/0

11.2 DEVELOPMENT APPLICATION - SHED EXTENSION

File Ref: A497 & A498
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Shire of Kellerberrin
Location: Shire of Kellerberrin Depot
Attachments: 1. Site Plan - Depot

BACKGROUND

An application has been received from the Shire of Kellerberrin for an extension to the workshop at the Shire depot. The plans include an 8m lean-to extension to the south of the main workshop. The Shire depot encompasses lots 40 and 41 Hammond Street, Kellerberrin. Both lots are zoned Residential under the shires scheme, however it is noted that the use of the land is considered non-conforming. A non-conforming use is a use of land that commenced before the creation of the scheme.

SITE**SHIRE OF KELLERBERRIN LOCAL PLANNING SCHEME*****Local Planning Scheme No.4*****3.2. OBJECTIVES OF THE ZONES**

The objectives of the zones are —

3.2.1 Residential Zone

- (a) To retain the single dwelling as the predominant form of residential development in the Shire's townsites.
- (b) To provide for lifestyle choice in and around the townsites with a range of residential densities.
- (c) To allow for the establishment of non-residential uses subject to local

amenities not being adversely affected.

3.8. NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent —

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) subject to Clause 80 of the deemed provisions, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date. AMD 2 GG 12/09/17

Note: “Land” has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.

3.9. EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

3.9.1. A person must not —

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained development approval under the Scheme.

3.9.2. An application for development approval under this clause is to be advertised in accordance with Clause 64 of the deemed provisions. AMD 2 GG 12/09/17

3.9.3. Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

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.

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
- Manager Works & Services
- Town Planner

PLANNING ASSESSMENT

The use of the abovementioned lots as a Shire depot predates the shires local planning scheme, therefore resulting in the land being a non-conforming use. Any development that takes place on land with a non-conforming use requires development approval and public advertising. The workshop extension raises no planning concerns as it is to be a similar colour and finish to existing buildings and structures on the lot. The development proposed is consistent with the current non-conforming use of the lot.

STAFF RECOMMENDATION

That Council

1. Grants conditional development approval for the Shed Extension (Shire Depot) at Lot 40 & 41 Hammond Street, Kellerberrin, that will exceed the following prescription in the Residential Design Codes, State Planning Policy 3.1 and Outbuildings Policy 7.1.1 by:
 - a) by 1,022.62 m² (1,122.62m²) for collected outbuildings with Council Policy being 100m²

Subject to the application advertised for 14 days in accordance with *clause 64 of the Planning and Development (Local Planning Schemes) Regulations*

2. Should no submission be received after the 14 days advertising period Council delegates authority to the Chief Executive Officer to provide conditional development approval

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;
- ii. The outbuilding shall be setback 1.5m from the rear and northern boundary;
- iii. The endorsed approved plans shall not be altered without prior written approval of the Shire;
- iv. The outbuilding shall be in a similar colour scheme to existing buildings on the lot;

Advice Notes

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

COUNCIL RESOLUTION

MIN 136/20

MOTION - Moved Cr. Reid

Seconded Cr. Steber

That Council

1. ***Grants conditional development approval for the Shed Extension (Shire Depot) at Lot 40 & 41 Hammond Street, Kellerberrin, that will exceed the following prescription in the Residential Design Codes, State Planning Policy 3.1 and Outbuildings Policy 7.1.1 by:***
 - a) ***by 1,022.62 m2 (1,122.62m2) for collected outbuildings with Council Policy being 100m2***

Subject to the application advertised for 14 days in accordance with clause 64 of the Planning and Development (Local Planning Schemes) Regulations

2. ***Should no submission be received after the 14 days advertising period Council delegates authority to the Chief Executive Officer to provide conditional development approval***

General Conditions

- i. ***Planning approval will expire if the development is not substantially commenced within two years of this approval;***
- ii. ***The outbuilding shall be setback 1.5m from the rear and northern boundary;***
- iii. ***The endorsed approved plans shall not be altered without prior written approval of the Shire;***
- iv. ***The outbuilding shall be in a similar colour scheme to existing buildings on the lot;***

Advice Notes

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

CARRIED 7/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

MOTION

COUNCIL RESOLUTION

MIN 137/20 MOTION - Moved Cr. Steber Seconded Cr. Ryan

That Council accepts new business of an urgent nature.

CARRIED 7/0

13.1 ALFRESCO DINING - KELLERBERRIN PIE SHOP & BAKERY

File Ref: A448
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Application Form & Photos

BACKGROUND

Council has been in contact with Mr Tony Downs, proprietor of Kellerberrin Bakery and Pie Shop to discuss the current use of an “Alfresco Area” at the front of the facility.

Previously Mr Downs has advise that he wasn’t going to utilise the Alfresco Dining external to his facility therefore not requiring approval, however with COVID and the space requirements Alfresco Dining on the footpath is a requirement to ensure the Bakery, Pie Shop has the capacity to service its customers.

STAFF COMMENT

In terms of the Town Planning Scheme the establishment of an alfresco area dining area appurtenant to the food premises is permitted.

The Shire of Kellerberrin “Activities on thoroughfares and Trading in Thoroughfares and Public Places Local Laws” provides Council with powers to regulate “alfresco dining” type activities subject to prescribed conditions. See Statutory Implications hereunder.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

STATUTORY IMPLICATIONS**Division 3.Outdoor eating facilities on public places****6.15 Interpretation**

In this Division.

.Facility. means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

.permit holder. means the person to whom a permit has been issued for the purpose of clause 6.16; and .public place. has the meaning given to it in clause 6.1.

6.16 Permit required to conduct Facility

A person shall not establish or conduct a Facility without a permit.

6.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not –

- (a) the facility is conducted in conjunction with and as an extension of food premises which abut on the facility, and whether the applicant is the person conducting such food premises;

- (b) any abutting food premises are registered in accordance with the Health Act 1911 and whether the use of the premises is permitted under the town planning scheme;
- (c) the Facility will comply with any local law made under section 172 of the Health Act 1911;
- (d) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (e) the Facility would –
 - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - (ii) impede pedestrian access; and
- (f) the tables, and chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

6.18 Obligations of permit holder

(1) The permit holder for a Facility shall –

- (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law and any local law made section 172 of the Health Act 1911;
- (b) ensure that the eating area is kept in a clean and tidy condition at all times;
- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility; and
- (e) be solely responsible for all rates and taxes levied upon the land occupied by the Facility.

(2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give notice to the permit holder for the Facility to carry out that work within the time limited by the notice.

(3) In subclause (2), .work. includes the removal, alteration, repair, reinstatement or reconstruction

of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

6.19 Removal of Facility unlawfully conducted

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorized person and impounded in accordance with the Act.

6.20 Use of Facility by public

(1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.

(2) A person shall leave a Facility when requested to do so by the permit holder.

6.21 Temporary removal of Facility may be requested

(1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency.

- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

PART 7.PERMITS

Division 1.Applying for a permit

7.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall.
- (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

7.2 Decision on application for permit

- (1) The local government may.
- (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

Division 2.Conditions

7.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to.

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;

- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

7.4 Imposing conditions under a policy

- (1) In this clause policy means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 7.2(1)(a).
- (2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 7.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

7.5 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 3.General

7.6 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is.

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 7.10.

7.7 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of.
 - (a) this Part; and
 - (b) any other provision of this local law relevant to the permit which is to be renewed,shall apply to an application for the renewal of a permit *mutatis mutandis*.

7.8 Transfer of permit

- (1) An application for the transfer of a valid permit is to.
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;

- (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by.
- (a) an endorsement on the permit signed by the CEO; or
 - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

7.9 Production of permit

A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

7.10 Cancellation of permit

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a.
- (i) condition of the permit; or
 - (ii) provision of any written law which may relate to the activity regulated by the permit; or
 - (a) if it is relevant to the activity regulated by the permit.
 - (i) the permit holder has become bankrupt, or gone into liquidation;
 - (ii) the permit holder has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder's undertakings or property.
- (2) On the cancellation of a permit the permit holder.
- (a) shall return the permit as soon as practicable to the local government; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

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
- Town Planner

STAFF RECOMMENDATION

That Council approve the issue of a Permit subject to the following:-

1. *Definition of the trading area: The area to which the permit applies is defined as the area formed between lines projected at a right angle (90 degrees) from the eastern and western boundaries of the shop front. Trading in front of other shops is not permitted.*
2. *All patrons to be seated within the defined trading area.*
3. *The maintenance of a 1.5 metre wide pedestrian access way through the defined trading area that allows unencumbered access to members of the public using the footpath.*
4. *The permit holder is required to indemnify the Shire and its employees, agents or contractors, against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire arising from any activity, action or thing performed or erected in accordance with the permit, and maintain current Public Liability Insurance for the duration of the permit.*
5. *Declare to the local government, in writing that they will provide and maintain the required public liability insurance protection;*
 - *Take out a public liability insurance policy in the name of the permit holder for a minimum value of \$10 million dollars, or any greater amount as considered appropriate by the Council's Officers or Insurance Company, subject to the specific level of risk and liability involved with the outdoor eating area;*
 - *Require the insurer to include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;*
 - *Require the insurer to include a clause in the policy which requires the insurance company to advise the local government if the policy lapses, is cancelled or is no longer in operation;*
 - *On the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.*
6. *Permitted trading Days & Hours:*

Tuesday to Friday: 7.30 A.M (0730 hrs) to 1.30 P.M. (1330hrs).

Saturday: 7.30 A.M (0730 hrs) to 1.00 P.M. (1300hrs).

Sunday: 7.30 A.M (0730 hrs) to 11.30 A.M. (1130hrs).

COUNCIL RESOLUTION

MIN 138/20

MOTION - Moved Cr. McNeil

Seconded Cr. Steber

That Council approve the issue of a Permit subject to the following:-

1. ***Definition of the trading area: The area to which the permit applies is defined as the area formed between lines projected at a right angle (90 degrees) from the eastern and western boundaries of the shop front. Trading in front of other shops is not permitted.***
2. ***All patrons to be seated within the defined trading area.***
3. ***The maintenance of a 1.5 metre wide pedestrian access way through the defined trading area that allows unencumbered access to members of the public using the footpath.***
4. ***The permit holder is required to indemnify the Shire and its employees, agents or contractors, against all actions, suits, claims, damages, losses and expenses made***

against or incurred by the Shire arising from any activity, action or thing performed or erected in accordance with the permit, and maintain current Public Liability Insurance for the duration of the permit.

5. *Declare to the local government, in writing that they will provide and maintain the required public liability insurance protection;*

- Take out a public liability insurance policy in the name of the permit holder for a minimum value of \$10 million dollars, or any greater amount as considered appropriate by the Council's Officers or Insurance Company, subject to the specific level of risk and liability involved with the outdoor eating area;***
- Require the insurer to include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;***
- Require the insurer to include a clause in the policy which requires the insurance company to advise the local government if the policy lapses, is cancelled or is no longer in operation;***
- On the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.***

6. *Permitted trading Days & Hours:*

Tuesday to Friday: 7.30 A.M (0730 hrs) to 1.30 P.M. (1330hrs).

Saturday: 7.30 A.M (0730 hrs) to 1.00 P.M. (1300hrs).

Sunday: 7.30 A.M (0730 hrs) to 11.30 A.M. (1130hrs).

CARRIED 7/0

13.2 DEVELOPMENT APPLICATION - SEA CONTAINER

File Ref: A506
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr. Robert Watkins - President
Location: Lot 508, 2 Mitchell Street, Kellerberrin
Attachments: 1. Development Application & Plans

BACKGROUND

An application has been received from the Kellerberrin Men's Shed (Lot 508, 2 Mitchell Street Kellerberrin) to install one 20ft sea container that will be used to facilitate the container deposit scheme. The site features an enclosed workshop, (approx. 22 m x 24 m x 8 m high at the peak), an adjoining open lean-to structure (approx. 12 m x 24 m x 12 m high at the peak) and a large fenced hardstand area at the eastern and southern sides of the property. At the front of the property there is a skillion roofed shopfront style section (approx. 6 m x 16 m x 6 m high), which hosts the clubroom, featuring a meeting space, kitchen and separate office. The site does not have any notable environmental features. There are no watercourses, wetlands, or native vegetation on the site. The container will be located on the eastern most lot used by the Men's Shed.

SITE

Shire of Kellerberrin Local Planning Scheme

Special use zone 2- Industry Light and Private Recreation

SCHEDULE 4 — SPECIAL USE ZONES

No.	Description of land	Special use	Conditions
1	Lots 404 and 405 George/Moore/Bedford Streets, Kellerberrin	Tourist Accommodation	As determined by local government
2	Lots 1, 2, 75, 18-22 Massingham Street Kellerberrin	Industry Light and Private Recreation	As determined by local government
3	Lot 2 and portion Lot 3777 corner Chambers and Great Eastern Highway, Kellerberrin. AMD 1 GG 06/05/16	Roadhouse	All development shall be at the Shire's discretion. In considering applications for development approval, the local government is to consider the following matters: 1. The impact of vehicle access on the operation of the highway and the Main Roads Parking Bay and on the safety of road users; 2. Any negative noise, odour, visual and light spill impacts on nearby residential areas; 3. Setback of bulk storage tanks and fuel pumps from roads reserves and boundaries.

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;
- z) the comments or submissions received from any authority consulted under clause 66;
- aa) any other planning consideration the local government considers appropriate.

Sea Containers Policy

5.2 General Requirements for Sea Containers

5.2.1 Unless exempt from planning approval requirements specified in Clause 5.1 above, Approval by the Shire is required for use of all sea containers. Sea containers shall:

- I. comply with the requirements of the Scheme;
- II. comply with the criteria set out in Table 1 of this policy; I. be used as detached outbuildings and not as ancillary accommodation; II. be fitted with doors that can be opened from the inside to ensure safety of users;
- III. be painted to match either the existing dwelling or other outbuildings on the lot;
- IV. be located a minimum of 1.8m from septic tanks, leach drains and utilities;
- V. be located to the rear of a the dwelling on the lot (as depicted in Schedule 1 of this Policy);
- VI. be suitably screened from road frontages, public space and neighbouring properties. Where a sea container is visible from a public space, the installation of screening to a minimum height of that of the sea container may be required; and
- VII. not be located on vacant land in the Residential, Rural Residential, Rural Townsite and Town Centre zones unless for the storage for building and construction purposes, as outlined in Clause 5.1 (d).

5.2.2 If a landowner wishes to exceed the acceptable standards in Table 1, the application will be formally referred to Council for determination.

5.2.3 Sea containers will not be permitted for habitable use or conversion for habitable use unless it can be demonstrated that the proposal meets the provisions of the Building Code of Australia and will not detrimentally impact the amenity of the locality where the development is to be situated. The use of sea containers as a dwelling is considered a repurposed dwelling under the Scheme and all applications should comply with the provisions of Scheme, Residential Design Codes (R-Codes) and Local Planning Policy 4.0 'Repurposed and Second Hand Dwellings'.

5.2.4 Sea containers are to be included in the gross total allowable area for outbuildings and are required satisfy open space requirements as set out in the R-Codes. Gross total area maximums are outlined in Local Planning Policy 1.0 'Outbuildings' (Section 7).

5.2.5 Sea containers that are not permanent are not required to conform with Clauses 5.2.1 (ii) and (v) or the special requirements in table 1).

5.2.6 All applicants will be required to gain a building permit from the Shire of Kellerberrin

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
- Senior Finance Officer
- Town Planner
- Kellerberrin Men's Shed Committee

PLANNING ASSESSMENT

The proposed sea container is seen as a beneficial development for the Kellerberrin community. The container will allow the Men's Shed to facilitate the container deposit scheme. As the container will be of a similar colour scheme to existing buildings on the lot and fitted with a gable roof it complies with council's sea container policy. Therefore it is recommended that the proposal be approved with conditions.

STAFF RECOMMENDATION

That Council grants Development Approval and approve the use of one (1) 20ft sea container at the Kellerberrin Men's Shed, 2 Mitchell Street, Kellerberrin, WA, 6410 with 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 received 15th August 2020 ;*
- 3. The sea container shall be of a similar colour scheme to other buildings existing on the lot; and*
- 4. The sea container shall be fitted with doors that open from the inside for safety of users, in accordance with council's sea container policy.*
- 5. The Sea Container shall be fitted with a pitched roof in accordance with Council's Sea Container Policy.*

General Conditions

- 1. Sea Container is used as labelled in accordance with plans submitted, 15th August 2020 (Cash Container Deposit Scheme);*
- 2. The site is to be litter free at all times and not to have bags stored against the Shed unless appropriate screening is in place at the approval of Council.*

Advice Notes

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

COUNCIL RESOLUTION

MIN 139/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Reid

That Council grants Development Approval and approve the use of one (1) 20ft sea container at the Kellerberrin Men's Shed, 2 Mitchell Street, Kellerberrin, WA, 6410 with 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 received 15th August 2020 ;***
- 3. The sea container shall be of a similar colour scheme to other buildings existing on the lot; and***

- 4. The sea container shall be fitted with doors that open from the inside for safety of users, in accordance with council's sea container policy.**
- 5. The Sea Container shall be fitted with a pitched roof in accordance with Council's Sea Container Policy.**

General Conditions

- 1. Sea Container is used as labelled in accordance with plans submitted, 15th August 2020 (Cash Container Deposit Scheme);**
- 2. The site is to be litter free at all times and not to have bags stored against the Shed unless appropriate screening is in place at the approval of Council.**

Advice Notes

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

CARRIED 7/0

14 CONFIDENTIAL MATTERS

Nil

15 CLOSURE OF MEETING

The Meeting closed at 4.19PM.

The minutes of this meeting consisting of pages 1 to 80 were confirmed at the Ordinary Council Meeting held on 15 September 2020.

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CHAIRPERSON