



MINUTES

Ordinary Council Meeting Tuesday, 21 July 2020

Date: Tuesday, 21 July 2020

Time: 2:00pm

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

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**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 21 JULY 2020 AT 2:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 2:04pm.

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENTS REPORT JUNE 2020

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

We are half way through what has been a very unusual year. Season wise the rain has been light on and crops and pasture struggle from shower to shower. However unusually for our Shire the north eastern area is doing pretty well.

COVID 19 has made 2020 a year that's out of the ordinary for all of us. Thankfully with the strong stance of the State Government on border movements and the help of Local Government, WA still has a low infection rate of the virus .We cannot let our guard down or as is the case in Victoria the spread of COVID 19 will result in a reinstatement of social distancing regulations .

Kind Regards



Rodney Forsyth

Shire President

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 099/20 MOTION - Moved Cr. Steber Seconded Cr. Ryan

That Council receive and note the Shire Presidents Reports for June 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 100/20 MOTION - Moved Cr. Reid Seconded Cr. Leake

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

CARRIED 7/0

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

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

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer)
Lenin Pervan (Deputy Chief Executive Officer)
Natasha Giles (Community Development Officer) left meeting at 3:10pm
Keeley O'Neill (Media Officer) left meeting at 3:10pm
Brett Taylor (Senior Finance Officer) left meeting at 3:55pm

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

Cr Dennis Reid declared a impartially interest in relation to item 14.2 due to being the President of the Kellerberrin and Districts Club.

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 16 JUNE 2020**

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 16 June 2020

STAFF RECOMMENDATION

1. That the Minutes of the Council Meeting held on 16 June 2020 be received and the recommendations therein be adopted.

COUNCIL RESOLUTION

MIN 101/20 **MOTION - Moved Cr. McNeil** **Seconded Cr. Steber**

- 1. That the Minutes of the Council Meeting held on 16 June 2020 be received and the recommendations therein be adopted*

.CARRIED 7/0

6.2 MINUTES OF THE LEMC MEETING HELD ON 16 JUNE 2020

File Ref: MIN
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Minutes of the Council Meeting held on 17 June 2020

STAFF RECOMMENDATION

1. That Council adopt the minutes of the Local Emergency Management Committee Meeting held on 17 June 2020 be adopted.

COUNCIL RESOLUTION

MIN 102/20 **MOTION - Moved Cr. Leake** **Seconded Cr. Steber**

- 1. That Council adopt the minutes of the Local Emergency Management Committee Meeting held on 17 June 2020 be adopted.*

CARRIED 7/0

6.3 MINUTES OF THE GECZ MEETING HELD ON 25 JUNE 2020

File Ref: MIN

Author: Codi Mullen, Personal Assistant

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. Minutes of the Council Meeting held on 25 June 2020

STAFF RECOMMENDATION

1. That the Minutes of the Great Eastern Country Zone Meeting held on 25 June 2020 be confirmed as a true and accurate record.

COUNCIL RESOLUTION

MIN 103/20

MOTION - Moved Cr. Steber

Seconded Cr. Reid

1. *That the Minutes of the Great Eastern Country Zone Meeting held on 25 June 2020 be confirmed as a true and accurate record.*

CARRIED 7/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

8.1 MINUTES OF THE ROADWORKS ADVISORY COMMITTEE MEETING HELD ON 18 JUNE 2020

File Ref: ENG45.1

Author: Codi Mullen, Personal Assistant

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments:

HEADING

STAFF RECOMMENDATION

1. That the Minutes of the Roadworks Advisory Committee Meeting held on 18 June 2020 be received and the recommendations therein be adopted.

COUNCIL RESOLUTION

MIN 104/20 **MOTION - Moved Cr. O'Neill** **Seconded Cr. Ryan**

1. *That the Minutes of the Roadworks Advisory Committee Meeting held on 18 June 2020 be received and the recommendations therein be adopted.*

CARRIED 7/0

8.2 MINUTES OF THE ARTS & CULTURE COMMITTEE MEETING HELD ON 7 JULY 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 7 July 2020

STAFF RECOMMENDATION

1. That the Minutes of the Arts & Culture Committee Meeting held on 7 July 2020 be confirmed as a true and accurate record.

COUNCIL RESOLUTION

MIN 105/20 **MOTION - Moved Cr. O'Neill** **Seconded Cr. McNeil**

1. *That the Minutes of the Arts & Culture Committee Meeting held on 7 July 2020 be confirmed as a true and accurate record.*

CARRIED 7/0

9 CORPORATE SERVICES REPORTS

9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

BACKGROUND

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

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***

April 2020 Council Meeting

MIN 042/20 Moved: Cr McNeil Seconded: Cr Ryan

That Council:

- 1. Request the Chief Executive Officer write to Regional Early Education Development (REED) to investigate further childcare services within the Kellerberrin area;***
- 2. Request the Chief Executive Officer to further investigate the request received from the family day care provider; and***
- 3. Approve the Council road board to be donated to the historical society for display in the museum.***

STAFF COMMENT**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.

April MIN 025/20

1. Letter issued 22nd April 2020 to Helen Creed - Chairperson to REED
2. Raymond Griffiths is investigating further into the Family Day care request.
3. Raymond Griffiths contacted Janine Jones from the Historical society regarding the relocation of the road board

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 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.**

CARRIED 7/0

3:10 pm – Mrs Natasha Giles, Community Development Officer exited Council Chambers.

3:10 pm – Ms Keeley O'Neill, Media Officer exited Council Chambers.

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer

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

STAFF RECOMMENDATION

That Council receive the Status Report.

COUNCIL RESOLUTION

MIN 107/20

MOTION - Moved Cr. Leake

Seconded Cr. Reid

That Council receive the Status Report.

CARRIED 7/0

9.3 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 21st July 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 | | ✓ | |
| 3. Monthly Financial Activity Reports | | ✓ | |
| 4. Employment pay rate letters | | | ✓ |

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:

- 2 instances totalling \$435,528 where a tender process was not followed for qualifying expenditure;
- 15 instances where the required number of quotes was not obtained prior to engaging a supplier for goods/services;
- 3 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 could were not marked 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. Tender processes are followed for all qualifying expenditure in accordance with the Shire's purchasing policy and the Local Government (Financial Management) Regulations;
2. Council review the tendering and purchasing process to ensure all future services are procured under valid contracts;
3. Staff are reminded of appropriate procurement policies and practices and ensure purchase orders are raised and appropriately approved prior to goods/services being ordered. In addition to this the amount on the purchase order should match the price quoted by the supplier to be invoiced. Any variations to the quote should be documented and approved prior to additional goods/services being provided by the supplier.

Management's comments:

With regards to the tender process not followed, Council's management doesn't agree with the assessment for the following reasons;

1. Smith Earthmoving – Smith Earthmoving is an approved contractor on a preferred suppliers list that is on a three (3) year contract for the Shire of Kellerberrin and as per the Purchasing Policy a Tender isn't required as these are ongoing various works for the year being;
 - i. Supply Gravel
 - ii. Push up Gravel
 - iii. Carting Gravel

2. WCS Concrete – The supply of materials from this company was quoted and varied from:
 - i. Supply and Lay footpaths
 - ii. Supply and Lay Floodways
 - iii. Supply and Lay Concrete Pads (Caravan Park)

As stated at the audit, two of the floodway were emergency replacements due to failures that occurred and the road had become dangerous and required replacement.

Not all the finding information that has been noted is correct. On review of the spreadsheet provided to Council the 15 instances highlighted, Council officers looked on the file and found all the information that is noted as not being present and one occasion where it advised "Missing PO's for small items) this isn't a requirement under our purchasing policy however it must be recognised that invoices over \$200 had purchase orders so we would like this item reviewed.

With regards to supplier invoices not quoting purchase orders, is it a requirement that we then request a new invoice with the purchase order number on it from the Creditor? Council's staff are aware of the works and the order that it relates to due to the size and nature of our Council. Council cannot control a third party unless it doesn't accept the invoice and then it could lead to further issues with non-payment of invoices within the appropriate time due to the changes being made.

With regards to ensuring the amount is the same of the Purchase Order to invoice, sometimes this isn't possible without modifying the purchase order after the fact which is no different in my view to doing a purchase order after the invoice date? We at time provide an estimate of the works costs to provide the purchase order. Like to see direction from the OAG on this matter.

Responsible person:

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.

Rating: Moderate

Implication:

The server and records room could be accessed by unauthorised persons and sensitive or confidential information could be 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's comments:

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.

There is no records room, so not sure what this is referring too, our records are stored electronically and the hard copies are in the compactus which is in the main office area.

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.

Responsible person: Mr Raymond Griffiths, Chief Executive Officer

Completion date: 3rd July 2020

3. Monthly Financial Activity Reports

Finding:

Several new accounting standards, AASB 15 *Revenue from contracts with customers* and AASB 1058 *Income of not-for-profit entities* came into effect for the Shire on 1 July 2019 superseding previous accounting standards. During the interim audit we noted the Shire has applied the new accounting standards from May 2020 rather than the effective date of 1 July 2019. We also note there was no evidence to support the monthly financial activity reports had been reviewed prior to inclusion in Council meeting papers.

Rating: Moderate**Implication:**

Non-compliance with AASB 15 and 1058. Monthly financial information used by management or Council may not be in accordance with current accounting standards and the Shire's revenue may be overstated for the financial year. Furthermore a lack of review may result in errors that may not be identified and corrected before presentation to Council which could impact Council decisions.

Recommendation:

The Shire should measure the impact of the application of AASB 15 and AASB 1058 at 1 July 2019 and process appropriate adjustments in the accounts, as well as considering the required disclosures and amended accounting policies that will need to be disclosed in the 30 June 2020 financial report in advance of year-end.

We also recommend monthly financial activity reports are reviewed prior to being presented to Council and evidence of this review is retained by the Shire.

Management's comments:

Council's Management is aware that the Accounting Standards required information to be disclosed as of the 1st July 2019 however wasn't capable at the time to do so. The May 2020 financials incorporated the new information and has been done so from 1 July 2019 therefore bringing Council up to speed with this requirement.

With regards to no evidence to support the monthly activities reports being reviewed prior to inclusion in Council meeting papers, I have never thought that this was a requirement for this to occur. It is a matter of course for Council's management to review the financials on completion.

In addition the financials are reviewed nearly on a daily basis through processing which Managers oversee.

Responsible person: Raymond Griffiths

Completion date:

4. Employment pay rate letters

Finding:

We noted one instance where an employee had received an increase in pay, however there was no correspondence to the employee confirming the increase.

Rating: Minor**Implication:**

The absence of agreed pay rate letters may make it difficult to resolve any potential pay disputes with employees.

Recommendation:

We recommend management ensure agreed pay rate letters are documented in employee files.

Management's comments:

Council has reviewed the employee listed and have found a letter was issued to the employee advising them of the new level they are being paid in 2016 and from this time it is all Annual CPI increments to the current day wage.

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 108/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Ryan

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

CARRIED 7/0

9.4 2020/2021 BUDGET ADOPTION

File Ref: FIN04
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

Council's May 2020 Ordinary Meeting of Council – 19th May 2020

MOTION - Moved Cr. Steber **Seconded Cr. Reid**

MIN 001/20

That Council approves a donation of \$1,500 for the Kellerberrin Speedway for lighting of the playground.

MOTION - Moved Cr. Steber **Seconded Cr. Reid**

MIN 002/20

That Council approves the donation of the Kellerberrin Memorial Hall hire to the Kellerberrin CWA. Should the event not go ahead due to COVID-19, Council will hold over the funding to the 21/22 Financial year if required.

MOTION - Moved Cr. Steber **Seconded Cr. Reid**

MIN 003/20

That Council approves the donation of \$2,492.00 for in-kind and hire waiver requested by the Kellerberrin District High School for;

- *Hall Hire and equipment;*
- *Oval Hire;*
- *Pool Hire; and*
- *Construction of winter carnival arenas*

MOTION - Moved Cr. Steber **Seconded Cr. Reid**

MIN 004/20

That Council delegates authority to the Chief Executive Officer to investigate alternative sources of funding with the Kellerberrin Community Resource Centre for the Food Pantry Project.

MOTION - Moved Cr. Steber **Seconded Cr. Reid**

MIN 005/20

That council approves \$1,000 to the Kellerberrin Community Resource Centre (Celebrating Volunteers Project) with these funds to be leveraged.

MOTION - Moved Cr. Steber **Seconded Cr. Reid**

MIN 006/20

That council declines the Kellerberrin Community Resource Centre (Seniors Week Project)

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 007/20

That council approves the donation of \$400.00/waiver of Community Bus Hire to the Kellerberrin Junior Fire Brigade

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 008/20

That council declines the request for a contribution towards the purchase of a trailer for the Kellerberrin Junior Football Club as Council doesn't provide retrospective funding as per the guidelines.

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 009/20

That council approves the request from the Kellerberrin Golf Club for the use of Council equipment for upkeep/maintenance of the course including;

- ***Skid Steer;***
- ***Loader; and***
- ***Small Truck***

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 010/20

That council approves the waiving of hire fees for the Cuolahan/Cottle Room (Club AGM) to the Kellerberrin & Districts Club Inc.

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 011/20

That Council:

- 1. Approves \$2,000 to the Kellerberrin & Districts Club Inc for the Kitchen Maintenance Project; and***
- 2. Request the club to discuss further equipment upgrade options with sporting clubs to seek their support/assistance in applying for funding through their Club.***

CARRIED 7/0

MIN 012/20 MOTION - Moved Cr. Reid Seconded Cr. O'Neill

That Council resolve to:

- 1. Advertise the following differential rates and minimum rate for the 2020/2021 financial year.***

| Gross Rental Value Properties | | |
|--------------------------------------|-------------------|---------------------|
| Description | Rate in \$ | Minimum Rate |
| Kellerberrin Residential | \$0.13368 | \$782.00 |
| Other Residential | \$0.13368 | \$782.00 |
| Kellerberrin Commercial | \$0.15360 | \$859.00 |

| | | |
|------------------------------------|-------------------|-----------------|
| Other Commercial | \$0.15360 | \$859.00 |
| Unimproved Value Properties | | |
| Mining Tenements | \$0.020356 | \$782.00 |
| Rural | \$0.020356 | \$782.00 |

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

CARRIED 7/0

MIN 013/20 MOTION - Moved Cr. McNeil Seconded Cr. Ryan

That Council offers to ratepayers the following payment options for 2020/21;

Option

Option A - One Payment Due By 27th August 2020

**Option B – 2 Instalment Option 50% due 27TH August 2020
50% due 7th January 2021**

**Option C – 4 Instalment Option 25% due 27th August 2020
25% due 29th October 2020
25% due 7th January 2021
25% due 11th March 2021**

Option D – Special Arrangement Arrangements made prior to 27th August 2020 as per approved payment arrangement ensuring rates are paid off in full as soon as possible with the final payment being no later than 30 June 2021.

1. ***Instalment option is offered for rubbish charges - no instalment interest or penalty interest to apply.***
3. ***Administration fee of \$0.00 per reminder rate notice (Options B and C)***
4. ***Instalment interest to be levied at 0%***
5. ***Late payment penalty interest to be levied at 8% for Rates and Emergency Services Levy for all outstanding rates from 1st March 2021.***
6. ***That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.***
7. ***That Council recommends an overall 0% increase of the rates revenue for its 2020/21 Draft Budget, inclusive of the revaluations received from VGO 22.04.20 effective 01.07.20, which decreased UV values and increased GRV values: Rate In the Dollar being;***
 - a. ***GRV - Kellerberrin Residential -Remains at 0.133680c minimum remains \$782***
 - b. ***GRV - Other Residential -Remains at 0.133680c minimum remains \$782***
 - c. ***GRV – Commercial - Remains 0.153600c minimum remains \$859***
 - d. ***GRV – Industrial - Remains 0.1153600c minimum remains \$859***
 - e. ***UV - Mining Tenements – Reduces to 0.020356c minimum remains \$782***
 - f. ***UV – Rural – Reduces to 0.023239c minimum remains \$782***
8. ***That Council adopts differential Rating for GRV Industrial and Commercial properties as shown in the modelling attached to this item, and the DLG is informed of this prior to budget adoption for 20/21.***

CARRIED BY ABSOLUTE MAJORITY 7/0

Council's May Confidential Items – 19th May 2020

MIN 014/20 MOTION - Moved Cr. McNeil Seconded Cr. Ryan

That Council:

- 1. Receives the Salaries and Wages schedule as presented***
- 2. Instructs Council's Chief Executive Office to incorporate the Draft Salary and Wages Budget as presented into Council's 2020/21 Draft Budget.***

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

TEN YEAR FINANCIAL PLAN

Long term financial plan has been incorporated into the budget with modifications.

FINANCIAL IMPLICATIONS

The Shire of Kellerberrin 2020/2021 Budget

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.45. Options for payment of rates or service charges

- (1) A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —
 - (a) 4 equal or nearly equal installments; or
 - (b) Such other method of payment by installments as is set forth in the local government's annual budget.
- (2) Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —
 - (a) by a single payment; or
 - (b) by such installments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.
- (3) A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.
- (4) Regulations may —
 - (a) provide for the manner of making an election to pay by installments under subsection (1) or (2);
 - (b) prescribe circumstances in which payments may or may not be made by installments;

- (c) prohibit or regulate any matters relating to payments by installments;
- (d) provide for the time when, and manner in which, installments are to be paid;
- (e) prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and
- (f) provide for any other matter relating to the payment of rates or service charges.

6.46. Discounts

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may, when imposing a rate or service charge, resolve* to grant a discount or other incentive for the early payment of any rate or service charge.

** Absolute majority required*

Local Government Act 1995

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.
** Absolute majority required.*
- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
 - (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and

- (g) such other matters as are prescribed.
- (5) Regulations may provide for —
 - (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

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
- Manager Works & Services
- Council

STAFF RECOMMENDATION

That Council:

PART A – MUNICIPAL FUND BUDGET FOR 2020/2021

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in the Attachments of this agenda and the minutes, for the Shire of Kellerberrin for the 2020/2021 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type showing a net result for that year of \$112,865
- Statement of Comprehensive Income by Program showing a net result for that year of \$112,865
- *Statement of Cash Flows of the Statutory Budget.*
- *Rate Setting Statement of the Statutory Budget showing an amount required to be raised from rates of \$2,224,013.*
- *Notes to and Forming Part of the Budget*
- *Budget Program Schedules as detailed in attachments*
- *Transfers to / from Reserve Accounts as detailed*

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general rates and minimum payments on Gross Rental and Unimproved Values. 1.1. General Rates*
 - Kellerberrin Residential (GRV) 13.3680 cents in the dollar
 - Other Residential (GRV) 13.3680 cents in the dollar
 - Kellerberrin Commercial (GRV) 15.3600 cents in the dollar
 - Other Commercial (GRV) 15.3600 cents in the dollar
 - Rural (UV) 2.0650 cents in the dollar
 - Kellerberrin Residential (GRV) \$782
 - Other Residential (GRV) \$782
 - Kellerberrin Commercial (GRV) \$859
 - Other Commercial (GRV) \$859
 - Rural (UV) \$782
 - Mining Tenements (UV) \$782
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
 - Full payment and instalment due date 27th August 2020
 - 2nd half instalment due date 7th January 2021
 - 2nd quarterly instalment due date 29th October 2020
 - 3rd quarterly instalment due date 7th January 2021
 - 4th quarterly instalment due date 11th March 2021
3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of NIL for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 0% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 8% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid as at the 31st March 2021.

PART C – GENERAL FEES AND CHARGES FOR 2020/2021

Pursuant to Section 6.16 of the *Local Government Act 1995*, council adopts the Fees and Charges included, inclusive of the draft 2020/2021 budget included as Attachments of this agenda and minutes.

PART D – OTHER STATUTORY FEES FOR 2020/2021

1. Pursuant to Section 53 of the *Cemeteries Act 1986* the council adopts the Fees and Charges for the Kellerberrin Cemetery as presented with no change from the 2019/2020 Fees and Charges.
2. Pursuant to Section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the council adopts a swimming pool inspection fee of \$57.45 inclusive of GST.

3. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal and deposit of domestic and commercial waste:
 - a. Residential Premises
 - i. 240ltr bin per weekly collection \$203 pa
 - ii. Additional Bins \$223.30 pa (GST Inclusive)
 - b. Commercial Premises
 - i. 240ltr bin per weekly collection \$203 pa
 - ii. Additional Bins \$223.30 pa (GST inclusive)

SIMPLE MAJORITY

4. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and Section 6.16 of the *Local Government Act 1995* council adopt the following charges for the deposit of domestic and commercial waste:
 - a. Kellerberrin Waste Transfer Station

Load or volume:

- Trailer (6 x 4) – First Per Annum – Free
- Trailer (6 x 4) – After First Load Per Annum – \$30.00
- Trailer (8 x 5) – First Per Annum – Free
- Trailer (8 x 5) – After First Load Per Annum – \$40.00
- Commercial waste (per cubic metre) – Cost Recovery Plus 5%
- Bed Mattress - \$10 per mattress

PART E – ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2019/2020

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following meeting attendance fees for payment of elected members in lieu of Annual fees:
 - President \$300 per meeting.
 - Councillors \$200 per meeting
1. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:
 - Travel Allowance – President - \$50
 - Travel Allowance – Councillor - \$50
2. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - President \$5,000

PART F – MATERIAL VARIANCE REPORTING FOR 2020/2021

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 2020/2021 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

COUNCIL RESOLUTION

MIN 109/20

MOTION - Moved Cr. Steber

Seconded Cr. O'Neill

That Council:

PART A – MUNICIPAL FUND BUDGET FOR 2020/2021

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 - i. 240ltr bin per weekly collection \$203 pa**
 - ii. Additional Bins \$223.30 pa (GST inclusive)**

SIMPLE MAJORITY

- 4. Pursuant to Section 67 of the Waste Avoidance and Resources Recovery Act 2007, and Section 6.16 of the Local Government Act 1995 council adopt the following charges for the deposit of domestic and commercial waste:**
 - a. Kellerberrin Waste Transfer Station**

Load or volume:

- *Trailer (6 x 4) – First Per Annum – Free*
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 - *President \$5,000*

PART F – MATERIAL VARIANCE REPORTING FOR 2020/2021

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 2020/2021 for reporting material variances shall be 10% or \$10,000, whichever is the greater.

CARRIED BY ABSOLUTE MAJORITY 7/0

9.5 COMMUNITY BUDGET REQUEST

File Ref: FIN04
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Letter - Nicole Brown
2. Letter - Kellerberrin Agriculture Society

BACKGROUND

Council at its May 2020 Ordinary Meeting of Council – 19th May 2020

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 001/20

That Council approves a donation of \$1,500 for the Kellerberrin Speedway for lighting of the playground.

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 002/20

That Council approves the donation of the Kellerberrin Memorial Hall hire to the Kellerberrin CWA. Should the event not go ahead due to COVID-19, Council will hold over the funding to the 21/22 Financial year if required.

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 003/20

That Council approves the donation of \$2,492.00 for in-kind and hire waiver requested by the Kellerberrin District High School for;

- *Hall Hire and equipment;*
- *Oval Hire;*
- *Pool Hire; and*
- *Construction of winter carnival arenas*

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 004/20

That Council delegates authority to the Chief Executive Officer to investigate alternative sources of funding with the Kellerberrin Community Resource Centre for the Food Pantry Project.

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 005/20

That council approves \$1,000 to the Kellerberrin Community Resource Centre (Celebrating Volunteers Project) with these funds to be leveraged.

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 006/20

That council declines the Kellerberrin Community Resource Centre (Seniors Week Project)

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 007/20

That council approves the donation of \$400.00/waiver of Community Bus Hire to the Kellerberrin Junior Fire Brigade

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 008/20

That council declines the request for a contribution towards the purchase of a trailer for the Kellerberrin Junior Football Club as Council doesn't provide retrospective funding as per the guidelines.

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 009/20

That council approves the request from the Kellerberrin Golf Club for the use of Council equipment for upkeep/maintenance of the course including;

- ***Skid Steer;***
- ***Loader; and***
- ***Small Truck***

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 010/20

That council approves the waiving of hire fees for the Cuolahan/Cottle Room (Club AGM) to the Kellerberrin & Districts Club Inc.

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 011/20

That Council:

- 1. Approves \$2,000 to the Kellerberrin & Districts Club Inc for the Kitchen Maintenance Project; and***
- 2. Request the club to discuss further equipment upgrade options with sporting clubs to seek their support/assistance in applying for funding through their Club.***

CARRIED 7/0

STAFF COMMENT

Council on the 23rd June & 30th June 2020 respectively received the following Donation (Community Budget Requests)

- Kellerberrin Agricultural Society - \$10,000
- Nicole Brown – Reduction in hire fee an waiver of bond

With regard to the Kellerberrin Agricultural Society the item is seeking special consideration for a one of payment to assist in the operation of their 100 year celebration show. This was a discussion that the Chief Executive Officer had with the Ag Society, however this discussion was in March and the request was to have this application to us so it could be presented with the Community Budget Submissions as a whole.

The reduction in hire fee and waiver of bond request hasn't previously been discussed with an officer at Council. Mrs Brown has indicated that the request is part of a process of working with a group known as, Active Farmers, which operate all over the South East/East of WA. The organisation focuses on Men, particularly farmers, active to hopefully help in the battle against depression.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Council each year allocated \$30,000 for Community Donations.

Council at its May 2020 Ordinary Meeting of Council committed the following funds:

| Community Group | Project | Amount | Running Balance |
|-------------------------------|--|---------|-----------------|
| | | | \$30,000 |
| Kellerberrin Speedway | Lighting of Playground | \$1,500 | \$28,500 |
| Kellerberrin CRC | Celebrating Volunteers Project | \$1,000 | \$27,500 |
| Kellerberrin & Districts Club | Kitchen Maintenance | \$2,000 | \$25,500 |
| CWHRC | Annual Race Sponsorship | \$3,000 | \$22,500 |
| Kellerberrin Ag Society | Annual Sponsorship | \$3,000 | \$19,500 |
| Kellerberrin Golf Club | EDSCO Sponsorship | \$300 | \$19,200 |
| Kellerberrin Bowling Club | Golden Grain Sponsorship | \$300 | \$18,900 |
| Doodlakine Bowling Club | EDSCO Triples Sponsorship | \$300 | \$18,600 |
| Wheatbelt Agcare | Rural Family Counselling Service | \$500 | \$18,100 |
| Kellerberrin DHS | School Award | \$100 | \$18,000 |
| Kellerberrin Men's Shed | Community Cropping Contribution 2019/20 decision | \$1,500 | \$16,500 |
| Doodlakine Bowling Club | Reimbursement of Lease Fees 2019/2020 decision | \$3,000 | \$13,500 |

Council did provide funding of in-kind to Community Groups which isn't incorporated above as it isn't a cash contribution however have listed the items for reference.

| Community Group | Project | Amount |
|----------------------------------|--|---------|
| Kellerberrin CWA | 90 th Birthday – Hall Hire Waiver | \$700 |
| Kellerberrin DHS | Hire of Council Facilities Waiver | \$2,492 |
| Kellerberrin Junior Fire Brigade | Waiver of Bus Hire | \$400 |
| Kellerberrin Golf Club | Hire of Skid Steer and Truck | \$500 |
| Kellerberrin & Districts Club | Waiving of hire fees for AGM | \$70 |
| | | |

STATUTORY IMPLICATIONS

Local Government Act 1995

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
- (a) the expenditure by the local government;
 - (b) the revenue and income, independent of general rates, of the local government; and
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.
- (4) The annual budget is to incorporate —
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - (c) the fees and charges proposed to be imposed by the local government;
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget;
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

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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
- Kellerberrin Ag Society
- Community Development Officer

STAFF RECOMMENDATION

For Council Consideration

COUNCIL RESOLUTION

MIN 110/20 MOTION - Moved Cr. Reid Seconded Cr. Ryan

That Council:

- 1) ***Contribute \$10,000 to the Kellerberrin Agricultural Society out of its community budget allocation for the 100 year celebration show.***
- 2) ***Reduce the hire charge for the Active Farmers activity to the dance club charge of \$33/per use and the bond remain as normal.***

CARRIED 7/0

9.6 DRAFT FEES & CHARGES 2020/2021

File Ref: FIN 04
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

In accordance with Regulation 5(2) of the Local Government (Financial Management) Regulations, a local government is to undertake a review of its fees and charges regularly; and not less than once in every financial year. This report provides the council with a recommended Schedule of Fees and Charges to apply for the financial year commencing on 01 July 2020, for its consideration.

Council adopts fees and charges as part of its annual budget process, though fees and charges can be imposed or amended at any stage of the financial year provided the proposed changes are advertised accordingly (absolute majority required).

Council considers the annual schedule of fees and charges separately from the budget document to enable more time to contemplate each proposed charge for the forthcoming year.

Council's 30th March 2020 – Special Meeting of Council

Moved: Cr Dennis Reid Seconded: Cr Matt Steber

That Council;

- 1. Request the Chief Executive Officer prepare a DRAFT 2020/2021 Budget with the following considerations;**
 - (a) Zero percent (0%) rate increase, essentially a freeze on the rate in the dollar;**
 - i. Seek confirmation as to whether Council will be receiving a Rural Revaluation, as this may affect a change in rates per individual properties irrespective of rate increase freeze;***
 - (b) Zero percent (0%) increase in Councils fees and charges, (remain as per 2019/20);**
 - i. No Annual Food Licence Levies issued***
 - ii. No Alfresco Licence Levies Issued***
 - iii. No Lodging House Levies Issued.***
 - (c) 2020/2021 Non-payment of rates penalty interest not apply until March 2021;**
 - (d) No Instalment administration fees on all instalment options for 2020/2021**
 - (e) No Instalment interest applied to all instalment options for 2020/2021**
- 2. Offers, upon request, a waiver of interest on outstanding rates for those business/individuals directly affected by the Commonwealth/State Government's decision to close various businesses between 23 March and 31 July 2020;**
- 3. Offers, upon request, a waiver of interest on outstanding rates for those businesses/individuals directly affected by the State Governments decision to close Western Australia's borders, between 23 March and 31 July 2020;**

- 4. Writes to and lobbies the State Government for urgent financial assistance that can be used to assist the community as a matter of urgency; and**
- 5. Writes to the Federal Government and the Western Australian Local Government Association requesting an increase to the Federal Assistance Grant Scheme funding for both the 2020/21 and 2021/22 financial years.**

CARRIED BY ABSOLUTE MAJORITY 7/0

STAFF COMMENT

Council as set out in the March 30 Special Council Meeting has not made any increase to its 2020/2021 Fees and Charges.

However Council has added some new Fees and Charges due to new services being provided, they being;

- Yearly Advertising Fee – Digital Sign (1 advert per week) \$110.00

Gym Memberships have remained the same as per Councils minute however due to COVID19 Council has honoured the time in which member were not able to utilize the gym and added this to their existing membership as long as they membership was valid at this time.

TEN YEAR FINANCIAL PLAN

Nil

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2020/2021 Budget.

The inability to increase fees and charges in line with CPI will have a financial effect on Council. To date Council has received advice from Avon Waste, Landgate and other bodies of a minimum 2.1% increase in costs.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* *Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

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
- Council.

STAFF RECOMMENDATION

That Council

1. Adopts the fees and charges for 2020/21 as presented; and
2. Include the fees and charges in the 2020/21 Annual Budget Document.

COUNCIL RESOLUTION

MIN 111/20

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council

- 1. Adopts the fees and charges for 2020/21 as presented; and***
- 2. Include the fees and charges in the 2020/21 Annual Budget Document.***

CARRIED 7/0

9.7 SALE OF INDUSTRIAL LAND, PART LOT 309 TILLER DRIVE

File Ref: ADM
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Sale of Industrial Land - Letter & Plans

BACKGROUND

Council's Chief Executive Officer and Manager Works and Services met with Mr Joe Fondacaro on Friday 26th June 2020 to discuss industrial land options for a new business venture for Mr Fondacaro.

Mr Fondacaro advised that Mineral Crushing Services would like to purchase eight (8) acres of land on Tiller Drive that would have Road Train access for the proposed business operations.

Council advised Mr Fondacaro to provide a formal written offer to Council for consideration on selling a portion of Lot 309 (Council's allocated Depot block) as the blocks on the West side of Tiller drive need further sub-division, land development and utility provision which isn't an immediate solution that Mr Fondacaro is looking at.

STAFF COMMENT

Council advised Mr Fondacaro at the meeting of Friday 26th June 2020 that the process to purchase the land including any upgrades required by Council for its power, water or phone as per previous sales with Premium Grains and Great Southern Fuels as per below;

All of the following items are to be complete and at the cost of the purchaser:

- *Sub-dividing of Lot 309 Tiller Drive including clearing of all conditions issued by Western Australian Planning Commission.*
- *Surveying and ground works including fill.*
- *Provision of utility services being phone, water and power to the new sub-divided property including headworks*
- *Any upgrades or additional headworks fees to the remaining lot 309 owned by Council required by Utility suppliers due to sub-division being met by the Purchaser.*

Council during discussion time throughout the past few meetings have been discussing the Depot land at Tiller drive, the expense of relocating and the opportunity to upgrade the current facility with Shed extensions and also the ability to purchase the lot across from the Depot for vehicle storage therefore alleviating the requirement for the big parcel of land at Tiller Drive.

The Tiller Drive property however will be utilised for storage of Council materials being;

- Aggregate
- Gravel
- Sand
- Emulsion.

TEN YEAR FINANCIAL PLAN

Nil known at this time.

FINANCIAL IMPLICATIONS

Council hasn't allocated any funds in the Draft 2020/2021 Budget for income for additional sale of industrial land beyond the sale to Great Southern Fuels.

| | | Written Value | Down | Sale Proceeds | Profit(Loss) |
|--------------------------------------|-------|----------------|------|----------------|----------------|
| <u>By Program</u> | | | | | |
| | | 2020/21 | | 2020/21 | 2020/21 |
| | | Budget | | Budget | Budget |
| | | \$ | | \$ | \$ |
| Governance | | | | | |
| Toyota Prado DSL Wagon | | 56,011.73 | | 62,000.00 | 5,988 |
| Record not found | | 56,000.00 | | 62,000.00 | 6,000 |
| Toyota Hilux | | 36,950.31 | | 37,000.00 | 50 |
| | | | | | |
| Transport | | | | | |
| Ford Wildtrak Ranger | | 40,085.85 | | 42,000.00 | 1,914 |
| Record not found | | 41,000.00 | | 42,000.00 | 1,000 |
| Tymco Road Sweeper | | 44,000.00 | | 30,000.00 | (14,000) |
| 2014 Holden Colorado Utility - KE3 | | 14,000.00 | | 10,000.00 | (4,000) |
| | | | | | |
| | | | | | |
| Other Property & Services | | | | | |
| Lot 309, 8 Tiller Drive (new depot) | (GSF) | 7,975.23 | | 10,000.00 | 2,025 |
| | | | | | |
| | | | | | |
| | | 296,023.12 | | 295,000.00 | (1,023.12) |

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

Section 3.58

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

3.59. Commercial enterprises by local governments

- (1) *In this section —*

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

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

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

- acquire or dispose of an interest in land; or*
- develop land;*

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

- the consideration under the transaction; and*
- anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking *means a trading undertaking that —*

- in the last completed financial year, involved; or*
- in the current financial year or the financial year after the current financial year, is likely to involve,*

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

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

(2) Before it —

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

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

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

(4) The local government is to —

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

and

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

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

* Absolute majority required.

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.

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

STRATEGIC COMMUNITY PLAN

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- 2. Our lifestyle and strong sense of community.*
- 3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny*

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Manager Works and Services
- Mineral Crushing Services

STAFF RECOMMENDATION

That Council approve the part sale of Council owned Lot 309 (being approx. 8 acres), Tiller Drive Kellerberrin Deposited Plan 75882, to Mineral Crushing Equipment Services Pty Ltd of Mather Road, Doodlakine, WA, 6411, as per Deposited Plan by private agreement for the sum of \$3,000 per acre subject to:

1. *Mineral Crushing Equipment Services Pty Ltd undertaking and paying for:*
 - *Sub-dividing of Lot 309 Tiller Drive including clearing of all conditions issued by Western Australian Planning Commission;*
 - *Surveying and ground works;*
 - *Any increases to cost associated with final dimensions of land as confirmed via survey;*
 - *Provision of utility services being phone, NBN, water and power to the new sub-divided property including head works; and*
 - *Any upgrades or additional head works fees to the remaining Lot 309 owned by Council required by utility suppliers due to sub-division.*
2. *Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.*
3. *No submissions being received, Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.*

COUNCIL RESOLUTION

MIN 112/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Leake

That Council approve the part sale of Council owned Lot 309 (being approx. 8 acres), Tiller Drive Kellerberrin Deposited Plan 75882, to Mineral Crushing Equipment Services Pty Ltd of Mather Road, Doodlakine, WA, 6411, as per Deposited Plan by private agreement for the sum of \$3,000 per acre subject to:

1. ***Mineral Crushing Equipment Services Pty Ltd undertaking and paying for:***
 - ***Sub-dividing of Lot 309 Tiller Drive including clearing of all conditions issued by Western Australian Planning Commission;***
 - ***Surveying and ground works;***
 - ***Any increases to cost associated with final dimensions of land as confirmed via survey;***
 - ***Provision of utility services being phone, NBN, water and power to the new sub-divided property including head works; and***
 - ***Any upgrades or additional head works fees to the remaining Lot 309 owned by Council required by utility suppliers due to sub-division.***
2. ***Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.***
3. ***No submissions being received, Council authorises the Chief Executive Officer and Shire President to execute required Land Transfer documentation for Sale of Property.***

CARRIED 7/0

9.8 CHEQUE LIST JUNE 2020

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

BACKGROUND

Accounts for payment from 1st June 2020 to 30th June 2020

TRUST

| | |
|--------------------|---------------------|
| TRUST TOTAL | \$ 52,185.70 |
|--------------------|---------------------|

MUNICIPAL FUND**Cheque Payments**

| | |
|-------------|--------------|
| 34753-34761 | \$ 34,981.27 |
|-------------|--------------|

EFT Payments

| | |
|-------------|-----------------|
| 10895-11007 | \$ 1,001,144.39 |
|-------------|-----------------|

| | |
|------------------------------|---------------------|
| Direct Debit Payments | \$ 34,568.36 |
|------------------------------|---------------------|

| | |
|------------------------|------------------------|
| TOTAL MUNICIPAL | \$ 1,070,694.02 |
|------------------------|------------------------|

STAFF COMMENT

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

| | |
|---|----------------------|
| Boral Construction Materials Group T/as | \$ 293,039.32 |
| Claim works for various road constructions (Mather Rd., Dowding St. & Keller-Bencubbin Rd.) | |

| | |
|---|----------------------|
| Stirling Asphalt (Juel Enterprises PTY LTD) | \$ 177,804.00 |
| Claim works for road construction (Baandee Nth, Dowding St. & Mather Rd.) | |

| | |
|---|----------------------|
| Downer EDI Works Pty Ltd | \$ 169,638.70 |
| Claim works for road construction (Baandee Nth & Keller-Bencubbin Rd) | |

| | |
|--|---------------------|
| Western Australian Treasury Corporation | \$ 53,815.35 |
| Loan payments for Loan 118 Rec Centre redevelopment & Loan 120 construction of GROH houses | |

| | |
|--|---------------------|
| Department of Transport - TRUST DIRECT DEBITS Licensing CRC | \$ 52,006.80 |
| Licencing May & June 2020 | |

| | |
|---|---------------------|
| AV Media Systems WA PTY LTD | \$ 23,625.80 |
| Payment of Shire digital notice board 50% balance | |

| | |
|--|---------------------|
| Water Corporation | \$ 23,624.45 |
| Various water charges for Shire properties April-June 2020 | |

| | |
|---|---------------------|
| Merredin Refrigeration & Gas | \$ 23,088.80 |
| Purchase of AC for Caravan Park & bi-annual AC cleaning services for all Shire properties | |

| | |
|---|---------------------|
| Woodstock Electrical Services Claim works for Shire Office lighting upgrade, Caravan Park & Shire digital board | \$ 16,715.99 |
| Advanced Traffic Management (WA) PTY LTD Hire of traffic vehicles for various road works | \$ 15,411.28 |
| Western Australian Local Government Association Purchase of sanitisers including freight | \$ 14,641.00 |
| Deputy Commissioner Of Taxation FBT Administration for various Shire vehicles | \$ 12,749.05 |
| WCS Concrete Pty Ltd Supply of concrete pipes & headwalls for CBH culvert construction | \$ 12,742.40 |
| Western Australian Treasury Corporation Loan 117 principal & interest payments | \$ 12,682.70 |
| Western Australia Police Force Return of surplus grant funds CCPF0701819 for Kellerberrin Nyoongar Centre | \$ 12,064.22 |
| Farmways Kellerberrin Pty Ltd Purchase of oven, patio tube, pool chemicals & various under \$200 | \$ 9,562.27 |
| Youlie and Son Spreading Services Equipment hire June 2020 for various road works | \$ 9,077.75 |
| Avon Waste Domestic & commercial collections May 2020 | \$ 8,915.47 |
| Moore Stephens Consultant fee May 2020 | \$ 8,250.00 |
| United Card Services Pty Ltd Total supply May 2020 | \$ 7,453.14 |
| WA Local Government Superannuation Plan Pty Ltd Staff payroll deductions | \$ 7,439.77 |
| Fire And Emergency Services (WA) ESL payment Q1-Q4 2019-2020 | \$ 7,327.53 |
| Local Pest Control General pest treatment of all Shire properties & housing | \$ 7,279.00 |
| WA Local Government Superannuation Plan Pty Ltd Staff superannuation contributions | \$ 7,067.00 |
| R Munns Engineering Consulting Services Consultant/project management fee for various road works | \$ 6,483.93 |
| STS West Pty Ltd Purchase of tyres, puncture repairs & various under \$200 | \$ 5,740.00 |
| Innes & Co Hire of semi for road construction April 2020 | \$ 5,577.00 |

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2019/2020 Operating Budget

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

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

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

12. Payments from municipal fund or trust fund

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

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

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to

be prepared each month showing for each account paid since the last such list was prepared —

- (a) The payee's name;
 - (b) The amount of the payment;
 - (c) The date of the payment; and
 - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction;
 - And
 - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) Recorded in the minutes of that meeting.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council notes that during the month of June 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 **\$1,070,694.02** on vouchers EFT , CHQ, Direct payments*
 2. *Trust Fund payments totalling **\$52,185.70** on vouchers EFT, CHQ, Direct payments*
-

COUNCIL RESOLUTION**MIN 113/20****MOTION - Moved Cr. Steber****Seconded Cr. Ryan**

That Council notes that during the month of June 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 \$1,070,694.02 on vouchers EFT , CHQ, Direct payments*
- 2. Trust Fund payments totalling \$52,185.70 on vouchers EFT, CHQ, Direct payments*

CARRIED 7/0

9.9 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - JUNE 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 June 2020.

| Municipal Direct Debit List | | | | |
|-----------------------------|---------------------------|---------------------------------|-----------|---------------------|
| Date | Name | Details | \$ | Amount |
| 1-Jun-20 | Westnet | Internet Fees | | 4.99 |
| 2-Jun-20 | Shire of Kellerberrin | Super choice | | 8,761.44 |
| 4-Jun-20 | Shire of Kellerberrin | Creditors Payment | | 832,464.62 |
| 5-Jun-20 | Dept Conservation & Water | Clearing Permit | | 1,701.00 |
| 8-Jun-20 | Department of Transport | Vehicle Inspections | | 84.31 |
| 9-Jun-20 | Dept of Communities | Rent | | 420.00 |
| 11-Jun-20 | Shire of Kellerberrin | Super choice | | 8,644.38 |
| 11-Jun-20 | Shire of Kellerberrin | Pay run | | 50,411.24 |
| 18-Jun-20 | Shire of Kellerberrin | Creditors Payment | | 168,679.77 |
| 23-Jun-20 | Dept of Communities | Rent | | 420.00 |
| 25-Jun-20 | Shire of Kellerberrin | Super choice | | 9,107.53 |
| 25-Jun-20 | Shire of Kellerberrin | Pay run | | 53,407.50 |
| 26-Jun-20 | ATO | FBT Payment | | 12,749.05 |
| 30-Jun-20 | National Australia Bank | Bank Fees - Trust | | 10.00 |
| 30-Jun-20 | National Australia Bank | Bank Fees - Muni | | 36.80 |
| 30-Jun-20 | National Australia Bank | Bank Fees - BPAY | | 13.80 |
| | | TOTAL | \$ | 1,146,916.43 |
| Trust Direct Debit List | | | | |
| Date | Name | Details | \$ | Amount |
| 30-Jun-20 | Department of Transport | Licencing June 2020 | | \$52,006.80 |
| | | TOTAL | \$ | 52,006.80 |
| Visa Transactions | | | | |
| Date | Name | Details | \$ | Amount |
| 01-Jun-20 | Succulent Foods | Refreshments | | 22.00 |
| 16-Jun-20 | Ross Diesel Service | KE01 Rosa Bus Annual Inspection | | 189.15 |

| | | | | |
|-------------|---------------------|--------------------------------|-----------|-----------------|
| 22-Jun-20 | Succulent Foods | Refreshments | | 70.50 |
| 23-Jun-20 | Fox Removals | Moving Costs DCEO | | 2,917.20 |
| 24-Jun-20 | United Petroleum | Refreshments | | 20.90 |
| 24-Jun-20 | United Petroleum | Refreshments | | 58.25 |
| 24-Jun-20 | Florsheim Australia | Uniform CEO - Shoes | | 139.96 |
| 29-Jun-20 | Succulent Foods | Refreshments | | 52.50 |
| 29-Jun-20 | NAB | Card Fee | | 9.00 |
| | | TOTAL - CEO | \$ | 3,479.46 |
| Date | Name | Details | \$ | Amount |
| 29-Jun-20 | NAB | Card Fee | | 9.00 |
| | | TOTAL -DCEO | | 9.00 |
| | | TOTAL VISA TRANSACTIONS | \$ | 3,488.46 |

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Financial Management of 2019/2020 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in 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 s (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

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

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

COUNCIL RESOLUTION

MIN 114/20

MOTION - Moved Cr. Leake

Seconded Cr. McNeil

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

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

CARRIED 7/0

9.10 BUILDING REPORTS JUNE 2020

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

BACKGROUND

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

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

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

STATUTORY IMPLICATIONS

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place:

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

STAFF RECOMMENDATION

That Council

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

COUNCIL RESOLUTION

MIN 115/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Reid

That Council

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

CARRIED 7/0

10 DEVELOPMENT SERVICES REPORTS

Nil

3:55 pm – Mr Brett Taylor, Senior Finance Officer exited Council Chambers.

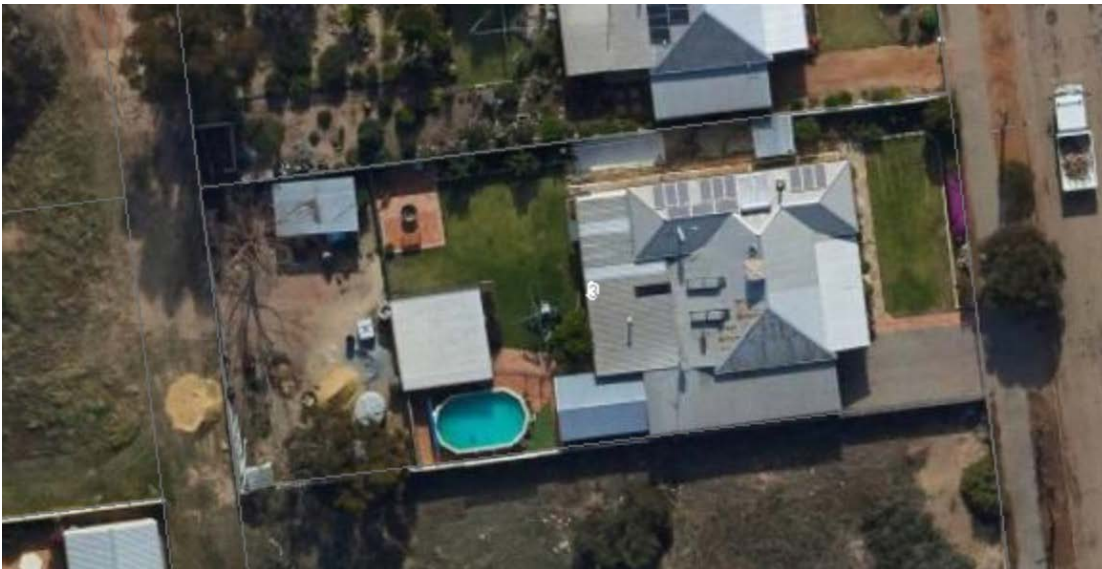
11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION; OUTBUILDING

File Ref: A345
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr. John Thornton
Location: 3 Chambers Street, Kellerberrin
Attachments: 1. Development Application
2. Drawings - 3 Chambers Street

BACKGROUND

An application has been received from Mr. John Thornton for a 80m² shed that will exceed a prescription of the Residential Design Codes 2015 (R Codes). Existing on the lot is a dwelling, outbuilding, and swimming pool.



SITE

Shire of Kellerberrin Local Planning Scheme
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: 130m²

Wall Height under LPP: 3.5m

Proposed: 3m

Ridge Height LPP: 4.5m

Proposed: 3.75m

STRATEGIC PLAN IMPLICATIONS

Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Councils Town Planner

PLANNING ASSESSMENT

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.

Local Planning Scheme No.4

R-Codes 2015

Setbacks (Table 2b)

Setback requirement Table 2a: 1.5m

Proposed: 1m

Minimum Open Space Requirements (Table 1)

Min % of Open Space: 60%

Area of buildings on lot: 357m²

Lot area: 1012m²

% of Open space: 65%

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.

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 |
| | Multiple dwelling | 1000 | - | - | 60 | - | 7.5 | 3 | *6 |
| R12.5 | Single house or grouped dwelling | Min 700 Av 800 | 762.5 | 17 | 55 | - | 7.5 | 2 | *6 |
| | Multiple dwelling | 800 | - | - | 55 | - | 7.5 | 2 | *6 |
| R15 | Single house or grouped dwelling | Min 580 Av 666 | 655 | 12 | 50 | - | 6 | 1.5 | *6 |
| | Multiple dwelling | 666 | - | - | 50 | - | 6 | 1.5 | * |
| R17.5 | Single house or grouped dwelling | Min 500 Av 571 | 587.5 | 12 | 50 | 36 | 6 | 1.5 | * |
| | Multiple dwelling | 571 | - | - | - | - | 6 | 1.5 | * |
| R20 | Single house or grouped dwelling | Min 350 Av 450 | 450 | 10 | 50 | 30 | 6 | 1.5 | * |
| | Multiple dwelling | 450 | - | - | 50 | - | 6 | 1.5 | * |
| R25 | Single house or grouped dwelling | Min 300 Av 350 | 425 | 8 | 50 | 30 | 6 | 1.5 | * |
| | Multiple dwelling | 350 | - | - | 50 | - | 6 | 1.5 | * |
| R30 | Single house or grouped dwelling | Min 260 Av 300 | 410 | - | 45 | 24 | 4 | 1.5 | * |
| | Multiple dwelling | 300 | - | - | 45 | - | 4 | 1.5 | * |
| R35 | Single house or grouped dwelling | Min 220 Av 260 | 395 | - | 45 | 24 | 4 | 1.5 | * |
| | Multiple dwelling | 260 | - | - | 45 | - | 4 | 1.5 | * |
| R40 | 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 5.1.3

Av. average site area

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.

STAFF RECOMMENDATION

That Council

1. *Grants conditional development approval for the construction of a shed at 3 Chambers Street, Kellerberrin, that will exceed the following prescriptions in the Residential Design Codes, State Planning Policy 3.1 and Outbuildings Policy 7.1.1 by:*
 - a) *500mm (1.0m) for rear Boundary Setback with R-Code specification being 1.5m;*
 - b) *30m² (130m²) for collective outbuildings with Council policy being 100m²*

General Conditions

GENERAL CONDITIONS:

- i. *Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- ii. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. *The outbuilding shall be in a similar colour scheme to existing buildings on the lot;*
- iv. *Use of the building shall be for domestic purposes only; and*
- v. *The outbuilding shall not be used for human habitation at any given time.*

Advice Notes

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

COUNCIL RESOLUTION

MIN 116/20

MOTION - Moved Cr. McNeil

Seconded Cr. O'Neill

That Council

1. *Grants conditional development approval for the construction of a shed at 3 Chambers Street, Kellerberrin, that will exceed the following prescriptions in the Residential Design Codes, State Planning Policy 3.1 and Outbuildings Policy 7.1.1 by:*
 - a) *500mm (1.0m) for rear Boundary Setback with R-Code specification being 1.5m;*
 - b) *30m² (130m²) for collective outbuildings with Council policy being 100m²*

General Conditions

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- ii. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- iii. *The outbuilding shall be in a similar colour scheme to existing buildings on the lot;*
- iv. *Use of the building shall be for domestic purposes only; and*
- v. *The outbuilding shall not be used for human habitation at any given time.*

Advice Notes

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

CARRIED 7/0

11.2 DEVELOPMENT APPLICATION; ENCLOSED COURT COVER

File Ref: A747
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Shire of Kellerberrin
Location: Lot 260 Connelly Street, Kellerberrin
Attachments: 1. Auspan Plans

BACKGROUND

An application has been received from the Shire of Kellerberrin for an enclosed curved court cover at the Kellerberrin Recreation Centre. The development will be undertaken by Auspan Group. The lot is a Type 3 Reserve (12245), reserved for sport and recreation under Local Planning Scheme No.4 (LPS4). The structure will be 52m long, 43m wide and 7m high and will be built over the two courts adjacent to the facility entrance.

SITE**Shire of Kellerberrin Local Planning Scheme****PART 2 — RESERVES 2.1.**

RESERVES Certain lands within the Scheme area are classified as Local Reserves

2.2. REGIONAL RESERVES There are no regional reserves in the Scheme area

2.3. LOCAL RESERVES “Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map. 2.4.

USE AND DEVELOPMENT OF LOCAL RESERVES AMD 2 GG 12/09/17 2.4.1. A person must not;

- a) use a Local Reserve; or
- b) commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.

2.4.2. In determining an application for development approval the local government is to have due regard to

- (a) the matters set out in Clause 67 of the deemed provisions; and (b) the ultimate purpose intended for the Reserve.

2.4.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner

PLANNING ASSESSMENT

Location of court cover



No major planning concern is raised by the proposed development. The proposal does not seek to reduce car parking requirements and is consistent with the purpose of the reserve (sport and recreation).

Council should take into account the bulk and scale of the development as its eave height of 7m is significant. It is also suggested that vegetation could be put in around the structure to improve amenity of the development.

Overall the proposed development will provide community benefit through its ability to host local sporting and community events in all weather conditions. Furthermore the proposal is consistent with both LPS4 and the Local Planning Strategy.

STAFF RECOMMENDATION

That Council approve the enclosed curved court cover at Lot 260 Connelly Street, Kellerberrin with the following conditions;

General Conditions

- Planning approval will expire if the development is not substantially commenced within two years of this approval;*
- The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- The court cover 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 117/20 MOTION - Moved Cr. Steber Seconded Cr. Reid**

That Council approve the enclosed curved court cover at Lot 260 Connelly Street, Kellerberrin with the following conditions;

General Conditions

- i. Planning approval will expire if the development is not substantially commenced within two years of this approval;***
- ii. The endorsed approved plans shall not be altered without prior written approval of the Shire;***
- iii. The court cover 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**13.1 DEVELOPMENT APPLICATION: DOODLAKINE COMMUNICATIONS TOWER****COUNCIL RESOLUTION****MIN 118/20 MOTION - Moved Cr. Ryan Seconded Cr. O'Neill**

- 1. That Council approve the removal of a telecommunications tower at lot 54 Mather Road, Doodlakine and;***
- 2. Approve the development of a new tower inside the Railway Reserve on Mather Road, Doodlakine, with the following conditions;***

General Conditions

- 1. Planning approval will expire if the development is not substantially commenced within two years of this approval; and***
- 2. The endorsed approved plans shall not be altered without prior written approval of the Shire.***

Advice Notes***Planning approval is not considered building approval. A building permit shall also be obtained.*****CARRIED 7/0**

14 CONFIDENTIAL MATTERS**COUNCIL RESOLUTION**

MIN 119/20 MOTION - Moved Cr. McNeil Seconded Cr. Leake

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

14.1 Write Off Rates 14 Mitchell Street - A385

This matter is considered to be confidential under Section 5.23(2) - b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the personal affairs of any person.

14.2 Kellerberrin Recreation Centre - Manager Contribution

This matter is considered to be confidential under Section 5.23(2) - e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

CARRIED 7/0

COUNCIL RESOLUTION

MIN 120/20 MOTION - Moved Cr. Steber Seconded Cr. Leake

That Council moves out of Closed Council into Open Council.

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 4:33pm.

The minutes of this meeting consisting of pages 1 to 86 were confirmed at the Ordinary Council Meeting held on 18 August 2020.

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CHAIRPERSON