



MINUTES

Ordinary Council Meeting Tuesday, 19 May 2020

Date: Tuesday, 19 May 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, 19 MAY 2020 AT 2:00PM**

1 DECLARATION OF OPENING

The Presiding member opened the meeting at 2:05pm

2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION

2.1 PRESIDENTS REPORT MAY 2020

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

I would like to thank the residents of the Shire for conforming to the COVID-19 restrictions. As of Monday the 18th some restrictions will be relaxed. Living in a small country town does have some advantages in times like this.

The Kellerberrin Agricultural Society has been successful in obtaining a grant from the Federal Government of over \$300,000 to erect a covered pavilion at the Recreation Centre. A good result for the committee and the Shire staff who helped submit the grant application.

It appears the season will be another later than average break. Some farmers are finishing their seeding program with as yet no rain event big enough to have a germination, similar to last year. Let's hope a good rain is not far away .

The road crew have been busy and the finished results on Mather Rd, Dowding St and Bencubbin Rd are a credit to them. As soon as it rains the graders will be able to start maintenance grading.

Kind Regards



Rodney Forsyth

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 050/20 MOTION - Moved Cr. Leake Seconded Cr. Steber

That Council receive and note the Shire Presidents Reports for April 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 051/20 MOTION - Moved Cr. Reid Seconded Cr. McNeil

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

.CARRIED 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)
Codi Mullen (Personal Assistant)
Brett Taylor (Senior Finance Officer) left the meeting at 3:20pm
Natasha Giles (Community Development Officer) left the meeting at 3:31pm

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

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

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

5 PUBLIC QUESTION TIME

Council conducts open Council meetings. Members of the public are asked that if they wish to address the Council that they state their name and put the question as precisely as possible. A maximum of 15 minutes is allocated for public question time. The length of time an individual can speak will be determined at the President's discretion.

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

6.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 APRIL 2020

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

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 052/20 **MOTION - Moved Cr. McNeil** **Seconded Cr. Leake**

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

CARRIED 7/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

BACKGROUND

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

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.***

March 2020 Council Meeting

MIN 025/20 MOTION - **Moved Cr. McNeil** **2nd Cr. Ryan**

That Council;

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

February 2020 Council Meeting

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

That Council;

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

STAFF COMMENT**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

March MIN 025/20

1. Kate Dudley to allocation funds in the 2020/2021 budget as discussed.
2. Raymond Griffiths to engage with local business regarding the GWN advertising program.
3. Letter issued to Ryan & Kerry Forsyth on 18th March 2020.

February MIN 007/20

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

TEN YEAR FINANCIAL PLAN

This does not directly affect the long term financial plan.

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

[Section 5.60 inserted by No. 64 of 1998 s. 30.]

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
- (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
- (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or

- (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No. 64 of 1998 s. 30.]

5.61. Indirect financial interests

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
 - (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,
 whichever is less;
 - or
 - (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
 - (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
 - or
 - (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
 - or
 - (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.
- (2) In subsection (1) —

notifiable gift means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

value, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
 - (a) an interest common to a significant number of electors or ratepayers;
 - (b) an interest in the imposition of any rate, charge or fee by the local government;
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
 - (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
 - [(e) deleted]*
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
 - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.
- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
 - (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
 - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
 - (c) the proposed development of that land or any land adjacent to that land,then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
 - (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]

[5.64. Deleted by No. 28 of 2003 s. 112.]

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.

Penalty: \$10 000 or imprisonment for 2 years.

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —

- (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —

employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

Penalty: \$10 000 or imprisonment for 2 years.

5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council note any requests or ideas to be actioned.

COUNCIL RESOLUTION

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*

CARRIED 7/0

9.2 STATUS REPORT OF ACTION SHEET

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

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

- (a) presides at meetings in accordance with this Act;
- (b) provides leadership and guidance to the community in the district;
- (c) carries out civic and ceremonial duties on behalf of the local government;
- (d) speaks on behalf of the local government;
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

[Section 5.60 inserted by No. 64 of 1998 s. 30.]

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
- (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or

- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No. 64 of 1998 s. 30.]

5.61. Indirect financial interests

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
 - (a) the person is in partnership with the relevant person; or
 - (b) the person is an employer of the relevant person; or
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
 - (ca) the person belongs to a class of persons that is prescribed; or
 - (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,

whichever is less;

or

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;

or

- (eb) the relevant person is a council member and since the relevant person was last elected the person —
 - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
 - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;

or

- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

notifiable gift means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

value, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

- (a) an interest common to a significant number of electors or ratepayers;
- (b) an interest in the imposition of any rate, charge or fee by the local government;
- (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
- (d) an interest relating to the pay, terms or conditions of an employee unless —
 - (i) the relevant person is the employee; or
 - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;

[(e) deleted]

- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
- (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
- (h) a prescribed interest.

- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for any area in the district;
- (b) any proposed change to the zoning or use of land in the district; or
- (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —

- (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
- (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or

- (c) the proposed development of that land or any land adjacent to that land,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
 - (b) any proposed change to the zoning or use of land in the district; or
 - (c) the proposed development of land in the district,
- then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.
- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.
- [Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]*

[5.64. Deleted by No. 28 of 2003 s. 112.]

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- Penalty: \$10 000 or imprisonment for 2 years.
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or

- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

Penalty: \$10 000 or imprisonment for 2 years.

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
 - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest —
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
 - (a) details of the nature of the interest disclosed and the extent of the interest; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
 - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
 - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.

[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.

- (2) An application under subsection (1) is to include —
 - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
 - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.
Penalty: \$10 000 or imprisonment for 2 years.
[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.
Penalty: \$10 000 or imprisonment for 2 years.

5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council receive the Status Report.

COUNCIL RESOLUTION

MIN 054/20 MOTION - Moved Cr. Leake

Seconded Cr. Ryan

That Council receive the Status Report.

CARRIED 7/0

9.3 COMMUNITY BUDGET SUBMISSIONS 2020/21

File Number: ADMIN

Author: Natasha Giles, Community Development Officer

Authoriser: Raymond Griffiths, Chief Executive Officer

Attachments: 1. All Received Community Budget Submission 2020/2021 (under separate cover)

BACKGROUND

In late February 2020 it was decided to review and update if necessary our information pack and application form for the Shire's annual Community Budget Submissions. After liaising with Merredin and Northam Shire's our application form was updated and then forwarded to Councillors as well as the CEO and DCEO for approval prior to advertising to local sporting and community groups. Updates to the application form included the following:

Eligibility Criteria

- Community or Sporting Group must be located within the Shire of Kellerberrin.
- Event or Project must be located within the Shire of Kellerberrin and benefit the community or address a community need.
- Submissions must be discussed with Council's Chief Executive Officer, Deputy Chief Executive Officer or Community Development Officer, applications received that haven't been discussed *may not be* considered by Council.

Applications will be assessed against the following criteria:

- Alignment with the Shire of Kellerberrin's Strategic Community Plan.
- Management and financial capacity to deliver project or event.
- Additional benefit to community including access, opportunity and participation
- Evidence of other support/funding has been obtained or is being sought.
- Anticipated outcomes in response to identified need.
- Recognition of Shire Kellerberrin support.
- All applications are presented to Council at April's Council meeting, Council's decision on the outcome of the application is final.

Assessment Criteria

In order to be considered for funding, applicants must provide the following by the advertised closing date:

- Completed and signed application form.
- Copy of the last financial statement and a copy of a current bank statement.
- Copy of Certificate of Incorporation (if applicable).
- Copy of all supporting documentation including quotes, confirmation of additional funding, letters of support, plans etc.
- Copy of Public Liability Insurance (if applicable).

Application Requirements

Consideration will not be given to the following:

- Retrospective funding.
- Recurrent Salaries or Operational Costs not directly associated with the funded project.
- Gifts, trophies or prizes.
- Costumes or Uniforms.

- Projects considered to be better funded through other sources.
- Applicants that have outstanding acquittals with the Shire of Kellerberrin.

We also added the following declaration that we asked each applicant to sign:

I hereby certify that I have been authorised to prepare and submit this application, and that the information herein is, to the best of my knowledge, true and correct.

Should financial assistance be provided by the Shire of Kellerberrin, the organisation agrees to the following conditions of funding:

- The financial contribution from the Shire of Kellerberrin is not retrospective – funding will not be provided if the project commences prior to Shire approval.
- The financial assistance will be used only for the purpose for which it is granted, unless otherwise agreed in writing by the Shire of Kellerberrin.
- Funding will be expended by 31st May, 2021 with all grant acquittal information (copies of all invoices, proof of works etc) provided to the Shire by this date.
- The Shire of Kellerberrin will be advised of any changes in scope of the project and the Shire of Kellerberrin retains the right to refuse/reduce its level of financial assistance in that instance.
- If special conditions are applied as a condition of funding, the applicant will be required to agree in writing to these conditions prior to the financial assistance being provided.
- The applicant will acknowledge the Shire of Kellerberrin in all public communications relating to the project, including signage/posters/flyers, advertising, promotional material, event invitations and the Shire of Kellerberrin is to be tagged in all social media posts pertaining to the project or event.
- The applicant agrees and gives permission to the Shire of Kellerberrin to use mention or use photos of the project /event in any of the Shire's public relation material including and not limited to Council Matters Newsletter, Website, Social Media Accounts, external newspaper articles and future grant/funding opportunities etc.
- The applicant will return any unexpended funds to the Shire of Kellerberrin within three months of the project/event being completed or by the 31st May 2021 whichever date falls first.

In early March we sent information pertaining to the Community Budget Submissions to all local sporting and community groups asking them to apply if they require financial assistance from Council in the 2020/2021 financial year. Community Budget Submissions programme was also advertised on the Shire's Social Media accounts, webpage as well in Kellerberrin's local newspaper the "Pipeline". Applications were to be received by Thursday, 4.00pm 9th of April 2020.

Due to restrictions put in place because of COVID-19 it was decided by the CEO and DCEO to extend the due date of the submissions by a month and to also encourage groups to still apply regardless of the current restrictions to social gatherings, use of council facilities and the postponement of all sports. The reason behind this was to give groups/clubs an opportunity to plan for the future and if restrictions were eased or lifted in the next few months they could still carry out their projects without having to re-apply to Council at a later date. It was decided to extend the due date to Friday, 4.00pm 8th of May 2020.

The following organisations requested for an application form to be forwarded to them:

- Kellerberrin Junior Football Club
- Baandee Golf Club
- Doodlakine Community Committee
- Kellerberrin Junior Fire Brigade
- Kellerberrin Community Resource Centre
- Kellerberrin Community Men's Shed
- Kellerberrin District High School
- Kellerberrin CWA
- Kellerberrin Riding and Pony Club
- Kellerberrin Speedway
- Teach Learn Grow
- Kellerberrin Golf Club
- Kellerberrin and Districts Club Inc
- Kellerberrin Agricultural Society Inc

Previous applications submitted to council for consideration from 2013 to 2019 are as follows:

Councils April 2019 ordinary meeting – Tuesday, 16 th April 2019

MIN 049/19 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council approve the donation of \$2,000 to the Kellerberrin Golf Club for:

- 1. Green Maintenance, Including resurfacing***
- 2. Replacement of Cups***
- 3. Replacement of Flags***

CARRIED 5/0

MIN 050/19 MOTION - Moved Cr. Leake 2nd Cr. Steber

That Council approve the In-kind and hire waiver requested by the Kellerberrin District High School as per the following:

- 1. Athletic Carnival – Sand for jump pits (School and Oval) and hire of Recreation Centre facilities***
- 2. Primary Winter Carnival – Use of GSG Oval, Netball Courts, Hockey Oval and Recreation Centre facilities***
- 3. Swimming Pool – Waiver of Annual Hire Fee & use of pool on:***
 - a. 1st March 2019 – Swimming Carnival***
 - b. 3rd December to 13th December 2019 for Swimming Lessons***
- 4. Town Hall – Hall Hire, Air Conditioner Hire, Setup and Cleaning Waiver for Celebration Night (18th December 2019), this to include rehearsals on 16th & 17th December.***

CARRIED 5/0

MIN 051/19 MOTION - Moved Cr. Steber 2nd Cr. O'Neill

That Council approve the allocation of \$2,000 to the Agricultural Society for one Rubbish collection at sites to be advised by Council.

CARRIED 5/0

MIN 052/19 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council approve the donation of the Community Bus hire to the Kellerberrin Junior Fire Brigade for the State Championships in November 2019.

CARRIED 5/0

MIN 053/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council allocate \$3,000 in the 2018/2019 Budget for Milligan Units subject to Council receiving written confirmation of unsuccessful grant applications to;

- ***CBH***
- ***Water Corporation***

CARRIED 5/0

MIN 054/19 MOTION - Moved Cr. O'Neill 2nd Cr. Leake

That Council:

- 1. approve the allocation of \$300 to the Kellerberrin Hockey Club for the purchase of Hockey Goal nets; and***
- 2. Discuss alternative options for the new honour board at the Recreation Centre.***

CARRIED 5/0

MIN 055/19 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council allocates \$2,000 in the 2018/2019 Budget for the proposed Wheatbelt Art Prize Bi-Annual Awards to be hosted in Kellerberrin in 2019 subject to:

- ***Council receiving notification of unsuccessful grant applications; and***
- ***Evidence of alternative sources of revenue be applied for.***

CARRIED 5/0

MIN 056/19 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council approves the \$500 contribution to the 2019 Ladies Day Out.

CARRIED 5/0

Councils April 2018 ordinary meeting – Tuesday, 17th April 2018

COUNCIL RECOMMENDATION

MIN 053/18 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council:

1. *approves Kellerberrin Speedway application for \$3,000.00 towards the running of the Kellerberrin Speedway.*
2. *approves Kellerberrin High School application request for the amount of \$782.00 being waiver of Hall hire, Pool Hire and Athletics Carnival Setup Fees.*
3. *approves Kellerberrin District Agricultural Society application for \$2,000.00 to assist with covering costs associated with the 2018 Ag show.*
4. *approves Kellerberrin Squash Club application for \$2,000.00 to be transferred to the Sport and Recreation Reserve to assist with future upgrades.*
5. *approves Kellerberrin Senior's Group application for \$1,251.85 being for the following:*
 - a. *Write off of Electric Urn account with Shire of Kellerberrin*
 - b. *Purchase of New Laptop and Printer*
 - c. *Purchase new Blind for window at back of Club house.*
6. *approves Doodlakine Bowling Club application for \$2,000.00 being a contribution towards installation of lights and watering system for Bowling Green.*
7. *approves Doodlakine Community Committee application for \$2,000.00 through a rubbish collection to assist with ongoing maintenance for the Doodlakine Hall.*

CARRIED 7/0

Councils April 2017 ordinary meeting – Wednesday, 19th April 2017

That Council;

1. *Declines to fund the submission from Sean Conway as it doesn't meet the criteria set by Council's Community Budget Submission guidelines.*
2. *Donates \$2,000 to the Kellerberrin Seniors Group for the purchase and installation of an Instantaneous Urn and Vertical Blinds at the Ex-Golf Club house.*
3. *Declines to fund the submission from Kellerberrin Play Group and Kellerberrin Family Day Care at this point in time as Council wishes to have the outcome for the proposed grant applications that are being lodged with other agencies.*
4. *Donates the CEO's ex-PC following the purchase of a new CEO PC, for the use of the proposed Kellerberrin Cultural Centre and purchases a printer to donate to them.*
5. *Request that the Local Health Advisory Committee provide a costed Budget to Council upon finalising their program for the upcoming Ladies Day's Out for Council's further consideration of a donation.*

CARRIED 7/0

Councils April 2016 ordinary meeting – Tuesday, 19th April 2016

COUNCIL RECOMMENDATION

MIN 52/16 MOTION - Moved Cr. O'Neill 2nd Cr. Reid

That Council donates \$3,000 to the Doodlakine Bowling club for green keeping fees.

CARRIED 7/0

MIN 53/16 MOTION - Moved Cr. Leake 2nd Cr. McNeil

That Council declines to donate \$2,870 to Community Resource Centre for an upgrade to the Kellerberrin Public Library computer, operational system and library software, until further quotes are received from other IT companies that can provide a solution based on "cloud" technology.

CARRIED 7/0

MIN 54/16 MOTION - Moved Cr. Leake 2nd Cr. Reid

That Council donates \$2,000 to Doodlakine Community Committee for Roadside rubbish cleanup collection alongside Great Eastern Highway in the locality of Doodlakine, should the MRDWA funding no longer be available for Roadside rubbish cleanup.

CARRIED 7/0

MIN 55/16 MOTION - Moved Cr. O'Neill 2nd Cr. White

That Council donates \$550 to Kellerberrin Mens Shed for Installation of an air conditioner unit in the front office area of the Men's Shed.

LOST 5/2

MIN 56/16 MOTION - Moved Cr. Steber 2nd Cr. Reid

That Council declines to donate \$550 to Kellerberrin Mens Shed for Installation of an air conditioner unit in the front office area of the Men's Shed, as Council already offers the use of land for cropping purposes free of charge to the Kellerberrin Mens Shed for fund raising purposes.

CARRIED 5/2

Councils June 2015 ordinary meeting – Tuesday, 16 th June 2015

COUNCIL RECOMMENDATION

MIN 104/15 MOTION - Moved Cr. O'Neill 2nd Cr. Steber

That Council donates \$3,000 to the Kellerberrin Golf Club for installation of new Golf Tees.

CARRIED 6/0

MIN 105/15 MOTION - Moved Cr. Steber 2nd Cr. Leake

That Council donates \$1,000 to Anglican Church for Installation of shelving and replacement of carpets at the Kellerberrin Op-Shop and Book Store

CARRIED 5/1

MIN 106/15 MOTION - Moved Cr. Leake 2nd Cr. O'Neill

That Council donates \$1,000 to Milligan Units Incorporated for concreting work at Units 5 and 6.

CARRIED 5/1

MIN 107/15 MOTION - Moved Cr. Leake 2nd Cr. Steber

That Council donates \$510 to C Y O'Conner for room hire to operate Indigenous second chance education program through Technology and Arts.

CARRIED 5/0

Councils May 2014 ordinary meeting – Tuesday, 20 th May 2014

COUNCIL RECOMMENDATION

MIN 59/14 MOTION - Moved Cr. Leake 2nd Cr. Steber

That Council:

1. ***Donate \$2,000 to the Dryandra Residential and Community Care Inc. towards the purchase of a Dysphagia Food Processor.***
2. ***Advise Dryandra that this form of expenditure should be incurred by the facility and therefore this funding will be a one off.***

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 60/14 MOTION - Moved Cr. Steber 2nd Cr. Bee

That Council:

1. ***Donate \$3,000 to the Central Wheatbelt Harness Racing Club towards the Kellerberrin Cup.***
2. ***Allocate \$3,000 to the Central Wheatbelt Harness Racing Club for the Kellerberrin Cup as an annual contribution through the Community Grants allocation.***
3. ***Advise the Central Wheatbelt Harness Racing Club that further grant applications are no longer required.***

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 61/14 MOTION - Moved Cr. Leake 2nd Cr. Bee

That Council:

1. ***Donate \$3,000 to the Kellerberrin Recreation and Leisure Centre Management Advisory Committee towards the Committee's Distribution fund issued to eligible Clubs or Organisations.***
2. ***Advise the Committee that this is a one off contribution to assist the organisation within its first year of operation.***

CARRIED 7/0

COUNCIL RECOMMENDATION

MIN 62/14 MOTION - Moved Cr. Bee 2nd Cr. Leake

That Council, on behalf of the Kellerberrin Squash Club, contribute \$2,000 into the Sport and Recreation Reserve as a contribution towards the construction of new squash courts.

CARRIED 7/0

Councils May 2013 ordinary meeting – Tuesday, 13 th May 2013

COUNCIL RECOMMENDATION

MIN 65/13 MOTION - Moved Cr. Forsyth 2nd Cr. O'Neill

That Council contribute 50% of the requested amount to the Kellerberrin Community Resource Centre for the Toy Library.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 66/13 MOTION - Moved Cr. Bee 2nd Cr. O'Neill

That Council agrees to provide project management and earthworks as its in-kind contribution towards the Community Garden Project for the Kellerberrin Community Resource Centre

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 67/13 MOTION - Moved Cr. Forsyth 2nd Cr. Daley

That Council delegates authority to the Chief Executive Officer to negotiate the allocation of \$3,000 to the Central Wheatbelt Harness Racing Club for either:

- *Sky Racing/sponsorship for the Kellerberrin Cup; or*
- *The expansion of the existing stalls facility.*

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 68/13 MOTION - Moved Cr. Clarke 2nd Cr. Daley

That Council delegates authority to the Chief Executive Officer to negotiate the allocation of \$3,000 to the Milligan Units Inc. to spend on the patios on Cornell Close.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 69/13 MOTION - Moved Cr. Bee 2nd Cr. Daley

That Council, in conjunction with the Chamber of Commerce investigate alternative funding opportunities for the Kellerberrin Christmas Party.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 70/13 MOTION - Moved Cr. O'Neill 2nd Cr. Bee

That Council in conjunction with the Kellerberrin Bowling Club investigate alternative funding opportunities for the provision of Junior Bowls.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 71/13 MOTION - Moved Cr. O'Neill 2nd Cr. Bee

That Council donates \$1,000 to the Local Health Advisory Group for the Ladies Day Out.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 72/13 MOTION - Moved Cr. Forsyth 2nd Cr. Bee

That Council agrees to undertake within its 2013/2014 budget, the provision of an electronic scoreboard at the Kellerberrin Recreation and Leisure Centre, in consultation with the Management Advisory Committee with contributions from participating bodies.

CARRIED 6/0

STAFF COMMENT

Council received 11 Community Budget Submissions this year for your consideration. Attached to all applications is all supporting documentation as well as any correspondence between them and either the CEO, DCEO or CDO.

Applications where received from:

1. Kellerberrin Speedway
2. Kellerberrin CWA
3. Kellerberrin District High School
4. Kellerberrin Community Resource Centre (*Food Pantry Project*)
5. Kellerberrin Community Resource Centre (*Celebrating Volunteers Project*)
6. Kellerberrin Community Resource Centre (*Seniors Week Project*)
7. Kellerberrin Junior Fire Brigade
8. Kellerberrin Junior Football Club
9. Kellerberrin Golf Club
10. Kellerberrin & Districts Club Inc (*Waiving of Hire fee Project*)
11. Kellerberrin & Districts Club Inc (*Kitchen Maintenance Project*)

Please see the following table for a full list of application requests including project specifications and amount requested.

No	Organisation	Project	Total Project Cost	Amount Requested	Discussed Submission with Shire
1	Kellerberrin Speedway	Upgrade to Lighting around Children's Play area, Public Car Park and Pit Area	\$3,000	\$3,000	Yes
2	Kellerberrin CWA	CWA 100 th Birthday Celebrations – Waiver of Hire fee of the Kellerberrin Memorial Hall	\$3,962.00	\$962.00	Yes
3	Kellerberrin District High School	Waiving of Shire Hire Fees & use of facilities: Celebration Night – Memorial Hall Faction Swimming Carnival – Kellerberrin Pool Winter Carnival & Athletics Carnival – Sports Ground	\$2,492.00	\$2,492.00	Yes
4	Kellerberrin Community Resource Centre	Food Pantry – Fuel Cards for Volunteers	\$1,266.00	\$1,200.00	Yes
5	Kellerberrin Community Resource Centre	Celebrating our Volunteers Event	\$1,500.00	\$1,000.00	Yes
6	Kellerberrin Community Resource Centre	Celebrating our Seniors for Seniors Week	\$950.00	\$950.00	Yes
7	Kellerberrin Junior Fire Brigade	State Championships – Waive of Bus Hire fee	\$4,407.69	\$400.00	Yes
8	Kellerberrin Junior Football Club	Purchase of a new trailer for the Junior Football Club	\$1,900.00	\$1,200.00	Yes
9	Kellerberrin Golf Club	Waiver of Shire Fee to use Water Truck & Loaders to assist with works on Greens and General Maintenance	\$750.00	\$750.00	Yes
10	Kellerberrin & Districts Club Inc	Waive Hire fee of use of the Coulahan/Cottle Room for AGM	\$70.00	\$70.00	Yes

11	Kellerberrin & Districts Club Inc	Kitchen Maintenance Project	\$2,653.64	\$2,000.00	Yes
TOTAL			\$22,951.33	\$14,024.00	

Please see attached the full Community Grants Application forms for Council reference. Please also note the additional comments provided by each organisation as background for the grant application to Council.

TEN YEAR FINANCIAL PLAN

Council has as part of Policy allocated the \$30,000 per year for Community Budget Submissions.

FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2020/2021 Budget

041019 – Donations

\$20,000 - Community Donations and Grants

\$ 3,000 - Public Relations, Sponsorship, Donations and Waivers

\$ 7,000 - Donations and Gifts (provide services or programs to residents of the Shire of an ongoing basis.

COUNCIL POLICY

Title: Community Grant Allocations

Responsible Officer: Deputy Chief Executive Officer

Version: Current

1. PURPOSE

The purpose of this policy is to provide guidance on the allocation of Grants and Donations to Community Groups and to assist with the preparation of Council's Annual Budget.

2. SCOPE

This policy is applied to the Shire of Kellerberrin and its elected members and employees.

3. DEFINITIONS

Term	Meaning

4. STRATEGIC CONTEXT

This policy links to key goal area....

5. POLICY STATEMENT

No later than 31st March each year the CEO will have advertisements placed in the local community newspaper "The Pipeline" inviting community groups within the Shire of Kellerberrin to submit applications to Council for a Council Donation or Grant to assist with the funding of projects, programs and activities for the benefit of the residents of the Shire. These applications will be considered by Council for inclusion in the forthcoming annual Budget. The application period must be open for a minimum of one month.

Applications for a Council Donation should be made by completing the adopted Donation Application Form. If the application form is not used applicants must address all criteria within the Donation Application Form. Applicants must demonstrate that they have contacted Council's Community Development Officer to research alternative funding sources before applying for funds from Council. Funding will not be provided to political organisations or events nor to commercial enterprises.

Any funding provided by Council for a specific project must be expended and claimed prior to the end of the financial year in which the request is made. An application for an extension of time may be considered by Council provided that it received no later than the end of April in the financial year in which the funds are granted. If the funds are not spent, they can not be claimed at a later period.

Maximum total funding by Council for Community Donations and Grants will be \$20,000 annually.

Maximum funding per application will be \$2,000.

Funding recipients must comply with any acquittal requirements determined by Council.

Examples of eligible projects and programs include a new initiative or significant one-off project, capital project and repairs, maintenance or improvement to Council owned/managed facilities.

Applications for community projects seeking Council funding of more than \$2,000 will be received and considered on their merit separate from the Community Donations projects.

\$3,000 is to be budgeted annually for public relations promotions through donations, sponsorships and waivers of fees and charges. The CEO is delegated authority to determine how these funds will be allocated. Examples of how these funds will be allocated include sporting event sponsorship, trophy donations and waivers of Council's fees and charges for the use of Council owned/managed facilities. Maximum funding per applicant is \$300.

Council will provide a minimum annual Budget allocation of \$3,000 for the Kellerberrin & Districts Agricultural Society as sponsorship to assist in the running of their annual show each September.

Council will make an annual Budget provision of \$7,000 for Donations and Grants to organisations that provide services or programs to residents of the Shire on an ongoing basis. These organisations can be based outside of the boundary of the Shire of Kellerberrin. Maximum funding per application is \$3,000. The continuance of financial support to organisations included in this category will be reviewed by Council annually. Examples of organisations currently receiving support under this category include Wheatbelt Agcare Counselling Services and the Eastern Districts Royal Show Display.

6. RELATED LEGISLATION/ DOCUMENTATION

7. REVIEW DETAILS

Council Adoption	Date		Resolution #	
Previous Adoption	Date	16October 2018	Resolution #	MIN182/18

STATUTORY IMPLICATIONS

Nil

STRATEGIC PLAN IMPLICATIONS

Strategic Priority 1.1

We are a vibrant and viable, culturally diverse and engaging and unified community with strong links to history, culture and the creative arts.

Goal 1.1.1	To foster an environment that celebrates the diversity of the community.
Council's Role	<ul style="list-style-type: none"> ■ To lead and promote community programs and initiatives ■ To facilitate discussion with community / stakeholder groups ■ To participate in programs and initiatives as a key member of the community
Goal 1.1.2	To provide residents and visitors with access to historical knowledge, places and spaces and a range of community and cultural events.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate provision of information on our community to the public ■ To collaborate with groups to develop community historical and cultural information ■ To lead, promote and participate in community cultural events and programs ■ To identify, advocate and lobby for recognition of key areas of significance within the community and grant funding
Goal 1.1.3	To encourage the growth of local regional and indigenous arts, culture and history.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate and lead discussions with local community groups on heritage and culture ■ To collaborate with regional parties and neighbouring government agencies to promote local, regional and indigenous art and culture ■ To lobby for grants and funds from external agencies to support the development and promotion of local, regional and indigenous art and culture
Goal 1.1.4	To create opportunities to enhance community connection, belonging and encourage sharing of cultures, history and knowledge.
Council's Role	<ul style="list-style-type: none"> ■ To promote communication between Council and community members ■ To encourage open dialogue between community members and elected representatives ■ To collaborate with external parties to identify opportunities to promote local culture and history across the region

Strategic Priority 1.2

Our residents feel supported and cared for through the provision of a range of quality community services.

Goal 1.2.1	To create and activate cultural places that will draw community involvement.
Council's Role	<ul style="list-style-type: none"> ▪ To collaborate with community members, groups, and external parties to create an inviting space for the enjoyment of all community members ▪ To develop a public space strategy that will activate streetscapes and provide an environment for all members of the community and visitors to enjoy. ▪ To lobby state and federal government for funding support to develop community and public facilities and provide improved services for the community and visitors.
Goal 1.2.2	To establish relationships to develop and deliver essential health and education services to the region.
Council's Role	<ul style="list-style-type: none"> ▪ To create and foster relationships with state and federal agencies and external parties to provide additional essential services to the region ▪ To lobby for the provision of increased and improved essential health and education services to the region ▪ To lobby for additional grants and monetary support to fund the provision of essential services
Goal 1.2.3	To collaborate with partners to provide activities and events that will educate and enrich the lives of our residents and visitors of all ages.
Council's Role	<ul style="list-style-type: none"> ▪ To establish relationships with external agencies / parties / government departments and identify programs and initiatives to enhance the lifestyle and wellbeing of community members and residents ▪ To lobby for funding and grants to support the implementation of community lifestyle and wellbeing programs and initiatives

Strategic Priority 1.3

Present a Shire with high visual and aesthetic appeal to neighbouring Shire Councils and visitors

Goal 1.3.1	To create visually appealing and inviting public and recreational places that complies with good planning and design principles.
Council's Role	<ul style="list-style-type: none"> ▪ To facilitate discussions with community members to identify priority community infrastructure upgrades ▪ To develop and implement a program of visual improvements throughout the Shire. ▪ To facilitate discussions with external parties, state and federal agencies for funding to support improvement programs and/or partnerships to deliver and provide community facilities and amenities. ▪ To work with contractors and service providers in delivering facilities and amenities that complies with legislative requirements and best practice planning and design principles.
Goal 1.3.2	To plan and design assets and facilities to address community needs and expectations.
Council's Role	<ul style="list-style-type: none"> ▪ To facilitate discussions with community members / key users of community / public facilities to identify needs and requirements ▪ To develop a program to upgrade / develop new community facilities ▪ To collaborate with external parties / agencies on the possibility of working together to deliver major infrastructure ▪ To lobby state / federal agencies for community funds to facilitate development of public / community facilities

Strategic Priority 2.1

Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.

Goal 2.1.1	To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
Council's Role	<ul style="list-style-type: none"> ■ To implement asset management best practice principles into our day to day operations. ■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal. ■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible. ■ To source funding and grants to contribute to the renewal and replacement works.
Goal 2.1.2	To ensure new assets are designed and operated to incorporate the principles of value for money and life cycle costing.
Council's Role	<ul style="list-style-type: none"> ■ To implement asset management and whole of life principles to ensure the acquisition / creation of new assets identify the anticipated whole of life costs. ■ To operate and maintain assets in the most economical and efficient manner possible. ■ To implement operation and maintenance strategies to ensure assets remain in its most optimum condition possible, throughout its entire life cycle.
Goal 2.1.3	To collaborate with groups to investigate opportunities to improve road and transport network and connectivity between the Shire and beyond.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with Road Authorities and external parties to improve condition of state roads. ■ To lobby government agencies to provide an improved road and transportation system to the Shire. ■ To develop a program to improve and enhance local roads and footpaths. ■ To seek funding and grants from government and non-government sources to undertake road and footpath improvement works.

Strategic Priority 2.2

We are a Shire that respects and aims to preserve the quality of the natural environment and rural landscape and promote environmental sustainable initiatives.

Goal 2.2.1	To raise awareness and interest of the natural environment and key factors affecting the environment.
Council's Role	<ul style="list-style-type: none"> ■ To facilitate discussions with government and non-government agencies on environmental initiatives and programs. ■ To implement initiatives and programs that raise community awareness on environmental principles and sustainability practices. ■ To assess environmental risks and factors that could potentially affect the local environment and develop strategies and programs to mitigate. ■ To work with local environmental groups, community groups, external parties on the development and implementation of environmental based programs and initiatives. ■ To lobby for and seek funding and grant support for the development and implementation of environmental programs and initiatives. ■ To facilitate the development and provision of information relating to the maintenance of the natural environment and promotion of sustainability practices.
Goal 2.2.2	To work with organisations to promote actions to enhance the environment.

Council's Role	<ul style="list-style-type: none"> ▪ To facilitate discussions and establish relationships with community groups, government and non-government agencies on environmental initiatives and programs which may be applied throughout the Shire. ▪ To facilitate the development of environmental initiatives and programs and implement these across the community. ▪ To encourage community participation in environmental initiatives and programs.
Goal 2.2.3	To promote opportunities to encourage sustainable environmental practices across the Shire.
Council's Role	<ul style="list-style-type: none"> ▪ To identify initiatives with other government and non-government agencies on programs to raise awareness in environmental sustainability practices. ▪ To make information and educational packages on the principles of environmental sustainability accessible to the community. ▪ To review Council policies and practices in relation to environmental sustainability initiatives and make these available to the public. ▪ To seek information and feedback from the community on environmental awareness initiatives and programs. ▪ To facilitate and host community based environmental awareness initiatives and programs.

Strategic Priority 3.1

Our Elected Representatives provide effective, respected and progressive leadership

Goal 3.1.1	To lead and govern in a fair, transparent, ethical and responsive manner.
Council's Role	<ul style="list-style-type: none"> ▪ To provide up to date information on Council services, operations, activities and decisions to the community. ▪ To ensure Council information is accurate and easily accessible by the community. ▪ To provide responses and encourage feedback from the community.
Goal 3.1.2	To inform the community of activities and events that may have an impact on the way they live and/or where they live.
Council's Role	<ul style="list-style-type: none"> ▪ To provide up to date information on Council and community activities and events to community residents. ▪ To encourage responses and feedback from the community on Council initiatives and programs. ▪ To provide open dialogue between the community and Council members and to listen to the responses provided by the community. ▪ To facilitate and initiate community based programs, activities and events to promote community pride and participation.
Goal 3.1.3	To actively engage and consult with the community to ensure they have the opportunity to have a say and be heard.
Council's Role	<ul style="list-style-type: none"> ▪ To create and implement an effective communication strategy that encourages and promotes community feedback and contribution. ▪ To initiate open dialogue with the community and provide opportunity to be involved in decision making processes. ▪ To provide access to up to date information on Council and Council services. ▪ To encourage participation in community consultation events.
Goal 3.1.4	To actively pursue a positive community spirit and support.
Council's Role	<ul style="list-style-type: none"> ▪ To facilitate programs and initiatives that will improve the community spirit and pride.

	<ul style="list-style-type: none"> ▪ To provide open, honest and friendly discussions between Council and community members. ▪ To assist and be responsive to community requests and needs.
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Strategic Priority 4.1

We are a sustainable, economically diverse and strong community

Goal 4.1.1	To encourage economic development through the provision of incentives to encourage new and diverse business, commercial and industrial opportunities.
Council's Role	<ul style="list-style-type: none"> ▪ To identify opportunities to enhance the local economy. ▪ To collaborate and facilitate discussions with external / private parties on business, commercial and industrial ventures in the Shire. ▪ To undertake long term economic development and marketing planning for the Shire, focussing on the local and regional economy and opportunities. ▪ Work with external government and non-government agencies to develop programs and initiatives to promote economic development in the region and identify new ventures / opportunities to create economic opportunities.
Goal 4.1.2	To work with local businesses to improve and enhance the quality of service provided.
Council's Role	<ul style="list-style-type: none"> ▪ To establish relationships with local business providers to identify and understand key issues and opportunities to assist in the promotion of services. ▪ To facilitate discussions with external agencies and government departments to identify opportunities to enhance and assist local business providers within the community. ▪ To develop initiatives with external parties to educate and improve the welfare of local businesses.
Goal 4.1.3	To identify economic trends and create employment and business opportunities for the local community.
Council's Role	<ul style="list-style-type: none"> ▪ To work with local business communities and education and health service providers to identify what is required to improve and enhance services. ▪ To facilitate discussions with external parties and government agencies to identify ways of improving economic, education and training opportunities within the community. ▪ To establish relationships with external parties and government / non-government agencies to identify opportunities, programs and initiatives that will benefit the community. ▪ To seek funding from external parties / government agencies to support the development and implementation of economic and employment programs and initiatives.

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer
- Community Development Officer
- Pipeline Advertisement
- Shire of Merredin
- Shire of Northam
- Shire's Website & Social Media Accounts
- Messages on-Hold On-Line service
- Mail-out to all local Sporting and Community Groups

STAFF RECOMMENDATION

For Council Consideration.

1. Kellerberrin Speedway
 2. Kellerberrin CWA
 3. Kellerberrin District High School
 4. Kellerberrin Community Resource Centre (*Food Pantry Project*)
 5. Kellerberrin Community Resource Centre (*Celebrating Volunteers Project*)
 6. Kellerberrin Community Resource Centre (*Seniors Week Project*)
 7. Kellerberrin Junior Fire Brigade
 8. Kellerberrin Junior Football Club
 9. Kellerberrin Golf Club
 10. Kellerberrin & Districts Club Inc (*Waiving of Hire fee Project*)
 11. Kellerberrin & Districts Club Inc (*Kitchen Maintenance Project*)
-

COUNCIL RESOLUTION

MOTION - Moved Cr. Steber

Seconded Cr. Reid

MIN 055/20

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 056/20

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 057/20

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 058/20

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 059/20

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 060/20

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

MOTION - Moved Cr. Steber Seconded Cr. Reid

MIN 061/20

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 062/20

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 063/20

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 064/20

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 065/20

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

3.05 pm - Mrs Natasha Giles, Community Development Officer left the meeting.

3.05 pm – Mr Brett Taylor, Senior Finance Officer entered the meeting.

9.4 2020/2021 DIFFERENTIAL RATES

File Number: ASS
Author: Brett Taylor, Senior Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Statement of Rating Information 2020/21 (under separate cover)

BACKGROUND

Council's Special Council Meeting – 30th March 2020

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

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

The adoption of the Annual Budget will be considered at the July 2020 Ordinary Meeting of Council.

A major component of any local government funding is property rates. The Shire can apply a uniform rate or a differential rate for each of the valuation categories; gross rental and unimproved values.

The intention behind applying differential rates is to take into account the levels of services provided to different types of properties, to reflect the cost of provision of services to those categories of properties as well as the need to encourage specific types of activities within the Shire.

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

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

- Attachment - Statement of Rating Objects and Reasons for the 2020/21 Year

DETAILS

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

In considering the demands and needs of the community, Council is mindful of the downturn in the economy and the capacity of ratepayers to pay. In accordance with Shire plans, strict fiscal discipline will facilitate a balanced budget for a 0% general increase in rates yield.

The Shire has utilised the current values as at 24th April 2020 to determine the total rates revenue per differential rate type based on the proposed 0% increase on the 2020/21 differential rate in the dollar and minimum rates.

Based on this proposed rates revenue, the Shire has recalculated the rates in dollar utilising the new values provided by the Valuer General. It is also recommended that the minimum rates for each category increase by 0%.

The Long Term Financial Plan for the Shire of Kellerberrin indicates a revenue requirement of \$2,275,750 with the proposed rate modelling proposing rates to earn \$2,224,013 in income. The loss in income of \$51,737 can be attributed to Council undertaking a zero increase in rates for the 20/21 year due to COVID-19. In addition the current loss is less than expected due to the rating of Dryandra, Milligan Units, CEACA and other properties that previously weren't rated and wouldn't be included in the 2016 Long Term Financial Plan.

STAFF COMMENT

Rating Strategy for 20/21

The 2020/21 budget proposes:

For properties rated on a gross rental valuation method (where valuations are unchanged) the existing rate in the dollar will be multiplied with the proposed percentage increase (0%) to calculate 2020/21 rates.

For properties currently rated on an unimproved basis (which are subjected to a revaluation by the Valuer General) the rate yield will reflect a 0% increase and the rate in the dollar will be calculated in accordance with the methodology previously adopted by Council. Changes in rates levied will be as a result of the changes in values from the revaluation.

Differential rate, Statement of Objects and Reasons are detailed in Attachment 1 and will apply in 2020/21 to the following categories:

Gross rental properties

1. Commercial/Industrial

Minimum rates to increase by 0% subject to legislative requirement that no more than 50% of the number of properties per differential rate category has the minimum applied.

Separate refuse charges will be levied in 2020/21 (refer to schedule of fees and charges under waste management).

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

In accordance with *section 6.45 of the Local Government Act 1995*, penalty interest can be levied on rates instalments. Interest does not apply to current rates due by registered Pensioners and Seniors. Council has however elected to not charge any instalment interest for 2020/2021.

In accordance with *section 6.51 of the Local Government Act 1995*, Council can charge penalty interest at 11% per annum on a daily basis on all overdue rates. Penalty interest does not apply to current rates due by registered Pensioners and Seniors. Council has however elected to not charge any penalty interest for 2020/2021.

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

Determination of rate revenue for 2020/21

The calculation of the 2020/21 rate in the dollar for all rates is based on a 0% increase in rate yield from 2019/20.

Methodology

Where no revaluation has taken place the previous year's rate in the dollar is increased by the proposed increase (0%).

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

The property values (current values) as at 24th April, 2020 have been used to determine the total rates revenue for each differential rate type. Rate modelling is conducted with data extrapolated using values that exist in the rates database. These models give Council an indicative predetermined total rates revenue figure based on the valuations at the time of calculation.

- | | |
|----------|--|
| Step 1 – | 2020/21 rate in dollar x proposed % increase = Proposed Rate in Dollar |
| Step 2 - | Current Values x proposed rate in dollar = Amount Levied (including minimum rate) |
| Step 3 - | Amount to be Levied divided by the new values = Proposed Rate in Dollar (including minimum rate) |

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

Gross rental value properties

The Shire is proposing an increase of 0% on the existing differential rates in the dollar for properties rated on a gross rental valuation method (noting that 2020/21 is not a revaluation year for GRV). It is also recommended that the minimum rates for each category increase by 0%.

The following process applies this financial year for GRV properties:

- Step 1 – 2020/21 rate in dollar x proposed % increase = Proposed Rate in Dollar
- Step 2 - Current Values x proposed rate in dollar = Amount Levied (including minimum rate)

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

COMMENT

Council is required to advertise the Differential rating, providing a submission period as per section 6.36 – *Local Government Act 1995*, being 21 days from date of advertising.

TEN YEAR FINANCIAL PLAN

SHIRE OF KELLERBERRIN																
15 YEAR LONG TERM FINANCIAL PLAN																
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31
OPERATING																
Revenues																
	Rates	5.25%	5.00%	5.00%	4.50%	4.50%	4.50%	4.50%	3.00%	3.00%	3.00%	3.00%	3.00%	2.50%	2.50%	2.50%
	Operating grants, subsidies and contributions	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
	Profit on Asset Disposal	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
	Fees and charges	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
	Interest earnings	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
	Other revenue	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
		11.19%	10.94%	10.94%	10.44%	10.44%	10.44%	10.44%	8.94%	8.94%	8.94%	8.94%	8.94%	8.44%	8.44%	8.44%
Expenses																
	Employee costs	2.50%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%	2.10%
	Materials and contracts	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
	Utility charges (electricity, gas, water etc.)	3.60%	3.60%	3.60%	3.60%	3.60%	3.60%	3.60%	3.60%	3.58%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%
	Depreciation on non-current assets	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
	Loss on Asset Disposal	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%
	Interest Expense	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
	Insurance expense	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
	Other expenditure	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%	1.19%
		11.36%	10.96%	10.96%	10.96%	10.96%	10.96%	10.96%	10.94%	10.86%	10.86%	10.86%	10.86%	10.86%	10.86%	10.86%
NET OPERATIONS		-0.17%	-0.02%	-0.02%	-0.52%	-0.52%	-0.52%	-0.52%	-2.02%	-2.00%	-1.92%	-1.92%	-1.92%	-2.42%	-2.42%	-2.42%

SHIRE OF KELLERBERRIN																		
BY NATURE OR TYPE																		
15 YEAR LONG TERM FINANCIAL PLAN																		
FOR THE YEARS 2016/17 to 2030/31																		
		As Audited	As Annual Report															
	NOTE	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
		Actual	Actual	As Budget	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated	Estimated
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
REVENUE																		
Rates	Sch 3	1,670,246	1,750,737	1,855,536	1,957,874	2,055,768	2,148,277	2,244,950	2,345,973	2,451,541	2,525,088	2,600,840	2,678,665	2,759,231	2,842,008	2,913,059	2,985,885	3,060,532

FINANCIAL IMPLICATIONS

Rating income for 2020/2021.

STATUTORY IMPLICATIONS

Local Government Act 1995

Subdivision 2 — Categories of rates and service charges

6.32. Rates and service charges

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

** Absolute majority required.*

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

** Absolute majority required.*

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

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

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*;

- (b) a purpose for which the land is held or used as determined by the local government;
- c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

- (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation¹ is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

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

6.34. Limit on revenue or income from general rates

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

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

6.35. Minimum payment

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

unless the general minimum does not exceed the prescribed amount.

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

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

6.36. Local government to give notice of certain rates

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

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

6.37. Specified area rates

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

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

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

6.38. Service charges

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

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

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

STRATEGIC COMMUNITY PLAN

The following consultation took place;

- Councillors
- Chief Executive Officer
- Senior Finance Officer

STAFF RECOMMENDATION

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
<i>Kellerberrin Residential</i>	<i>\$0.13368</i>	<i>\$782.00</i>
<i>Other Residential</i>	<i>\$0.13368</i>	<i>\$782.00</i>
<i>Kellerberrin Commercial</i>	<i>\$0.15360</i>	<i>\$859.00</i>
<i>Other Commercial</i>	<i>\$0.15360</i>	<i>\$859.00</i>
Unimproved Value Properties		
<i>Mining Tenements</i>	<i>\$0.020356</i>	<i>\$782.00</i>
<i>Rural</i>	<i>\$0.020356</i>	<i>\$782.00</i>

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

COUNCIL RESOLUTION**MIN 066/20****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

<i>Description</i>	<i>Rate in \$</i>	<i>Minimum Rate</i>
<i>Kellerberrin Residential</i>	<i>\$0.13368</i>	<i>\$782.00</i>
<i>Other Residential</i>	<i>\$0.13368</i>	<i>\$782.00</i>
<i>Kellerberrin Commercial</i>	<i>\$0.15360</i>	<i>\$859.00</i>
<i>Other Commercial</i>	<i>\$0.15360</i>	<i>\$859.00</i>
<i>Unimproved Value Properties</i>		
<i>Mining Tenements</i>	<i>\$0.020356</i>	<i>\$782.00</i>
<i>Rural</i>	<i>\$0.020356</i>	<i>\$782.00</i>

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

CARRIED 7/0

9.5 2020/2021 RATE PROVISIONS**File Number:** FIN04**Author:** Brett Taylor, Senior Finance Officer**Authoriser:** Raymond Griffiths, Chief Executive Officer**Attachments:**

1. Rates Modelling Results 0% Increase (under separate cover)
2. Rates Comparison 19/20 to 20/21 Sample Properties (under separate cover)

BACKGROUND

Council, Under the Local Government Act 1995 (as amended) Section 6.45, may elect to review and consider for adoption the following:

Rate Instalments

Council can offer to their ratepayers the option to pay their rates by 4 equal or nearly equal, instalments or such other method of payment by instalments as is set in Council's Budget.

The first instalment of any instalment plan becomes due and payable on the same date those rates paid by a single payment become due and payable. Council is still able to offer incentives to ratepayers who pay their rates in full early (by the first instalment date).

Rubbish Charges

Ratepayers will not be entitled to pay rubbish charges by instalments, but if Council wished to extend the facility by using its general powers, it could do so.

Interest and Administration Charges*Interest on Instalments*

Council is able to charge an interest and administration charge to offset the loss of investment opportunity and the cost of new administrative requirements. This is not to be confused with penalty interest, which can be applied to any instalment not paid by the due date. The maximum rate of interest under the Local Government Act Section 6.45 (3) noted in Financial Management Regulation 68 is 5.5%.

Interest Penalties

Interest on late payments will accrue after the date the payment falls due on the rate notice if no election is made to pay by instalments. Where an election has been made to pay by instalments, interest will accrue from the day after an instalment is due and payable until the day before the instalment is paid but will apply only to the amount of the overdue instalment.

The maximum rate of interest under Local Government Act Section 6.51 noted in Financial Management Regulation 70 is 11%.

Council has previously:**Administration Charge**

In determining the administration recovery related to instalment plans the local government is;

- to have regard to the cost of providing the additional administration and Installment reminder notices;
- to consider the administration charge as a full or partial reimbursement of the costs involved;
- Without intent to profit from the administration charges adopted.

Instalments Not Available if Payment in Arrears

Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

Instalments Not Available for Small Amounts

Payment may not be made by instalments if the total amount shown in the rate notice as being payable to the local government for rates, service charges or minimum payments, other than amounts remaining unpaid from a previous financial year, is less than the minimum rate.

Discounts

Council under section 6.46 of the Local Government Act 1995 (as amended) when imposing a rate or service charge, may resolve by absolute majority to grant a discount or other incentive for the early payment of any rate or service charge.

2019/2020 Rates Review

In 2019/2020 Council offered the following incentives for early payment of rates within the discount period.

1. Discount

Council removed the early discount option in 2019/2020

2. Prizes for early payment of rates

Ratepayers paying their rates within the discount period went into a draw to win various prizes being donated to Council including accommodation packages and passes.

Cost to Council - \$0.00

3. Instalments Revenue

	Actual Revenue 2019/2020 Year to Date	Budget Revenue 2019/2020
Instalment Interest	\$6,717.01	\$6,000.00
Administration Fee	\$1,925.00	\$2,000.00

4. Non-payment Penalty

Non-payment penalty interest received during the 2019/20 year was \$16,309.00 year to date compared to \$13,159.03 during the 2018/19 financial year.

STAFF COMMENT***Rate Increase***

Council's Management in accordance with the Long Term Financial Plan have development a Rate Model with an overall increase of 0%.

The five percent increase incorporates the following:

- 0.00% Increase in the Rate in Dollar for GRV
- 0.99% Decrease in the Rate in Dollar for UV
- 1.22% Increase in UV Valuations from Valuer General

Valuation and Rate Model Summary

Below is a table the represents the Valuation Changes for the Shire of Kellerberrin.

Rate	18/19	19/20	20/21
GRV	\$ 3,675,669	\$ 3,837,948	\$ 3,938,905
UV	\$72,906,000	\$76,949,100	\$ 77,884,405
Mining	\$ 2,904	\$ 2,805	\$ 2,805
Non-Rateable	\$ 100,362	\$ 100,362	\$ 170,581
TOTAL	\$76,684,935	\$80,890,215	\$81,896,696

Over the last five years Council has increased rates as follows;

2019/20 4.51 %

2018/19 5.22%

2017/18 4.21% and reduction of Discount from 2% to NIL

2016/17 5.11%

2015/16 4.42%

Please note Council's administration has provided what they believe is the preferred option though Council can modify the recommendation what they desire.

Rate Instalments

Council in previous years elected to offer electors the opportunity of paying via 4 options:

- Payment in Full or
- Payment via 2 equal instalments or
- Payment via 4 equal instalments.
- Enter into a formal "Special Payment Arrangement

Interest of Instalments

Council in previous years elected to charge 5.5% Interest on Instalments when electors choose to pay via the above instalments with the limit set at 5.5% as per the Act.

Interest Penalties

Council in previous years elected to charge 11% penalty interest on rates that remain outstanding past the due date (35 days).

Proposed Payment Options:

1. Pay in full prior to the due date and be eligible for the discount (if applicable) and incentive prize draw
2. Pay by 2 equal instalments
3. Pay by 4 equal instalments or
4. Enter into a formal 'Special Payment Arrangement'

All other properties that remain unpaid or have not opted to do any of the above would incur interest at 11% after the due date.

Administration Charges

Council last year elected to charge \$5 per instalment as an administration charge in offering the instalment option. There is no minimum or maximum for the administration charge though it states that the charges are for reimbursement of expenses not for raising of profits.

- Payment via 2 instalments - \$ 5.00
- Payment via 4 instalments - \$15.00

Discount / Prizes

Last year Council removed the Discount for early payment of rates, however Council offered incentive prizes at no cost to Council to provide an incentive for people to pay rates in full within the discount period.

MARCH 2020 SPECIAL COUNCIL MEETING

Min 037/20 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 7/0

BY ABSOLUTE MAJORITY

Council is also awaiting a decision from the Minister for Local Government as there have been some discussion that a Ministers order may be made to have Interest on Overdue rates not imposed in the 2020/2021 financial year though at the time of preparing this report this hasn't been confirmed.

FINANCIAL IMPLICATIONS

- Shire of Kellerberrin 2020/21 Budget

Council has elected as per above not to charge;

- Instalment Interest
- Administration Fee on Instalments
- Interest on Overdue rates to 31st March 2020

Based on historical data this could come at a cost of up to \$20,000

STATUTORY IMPLICATIONS –

Local Government Act 1995 (as amended)

6.33. Differential general rates

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

- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation¹ is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

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

6.45. 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 instalments; or
 - (b) Such other method of payment by instalments 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 instalments 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 instalments under subsection (1) or (2);
 - (b) Prescribe circumstances in which payments may or may not be made by instalments;
 - (c) Prohibit or regulate any matters relating to payments by instalments;
 - (d) Provide for the time when, and manner in which, instalments 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*

6.50. Rates or service charges due and payable

- (1) Subject to —
- (a) subsections (2) and (3);
 - (b) any concession granted under section 6.47; and
 - (c) the *Rates and Charges (Rebates and Deferments) Act 1992*,
- a rate or service charge becomes due and payable on such date as is determined by the local government.
- (2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.
- (3) Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

6.51. Accrual of interest on overdue rates or service charges

- (1) A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —
- (a) a rate or service charge (or any instalment of a rate or service charge); and
 - (b) any costs of proceedings to recover any such charge,
- that remains unpaid after becoming due and payable.

** Absolute majority required.*

- (2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.
- (3) Accrued interest 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) If a person is entitled under the *Rates and Charges (Rebates and Deferments) Act 1992* or under this Act (if the local government in a particular case so resolves) to a rebate or deferment in respect of a rate or service charge —
- (a) no interest is to accrue in respect of that rate or service charge payable by that person; and
 - (b) no additional charge is to be imposed under section 6.45(3) on that person.
- (5) Regulations may provide for the method of calculation of interest.
- [Section 6.51 amended by No. 1 of 1998 s. 21(1); No. 49 of 2004 s. 62.]

TEN YEAR FINANCIAL PLAN

	3	4	5	6	7	8	9	10	11	12	13	14	15
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
Rates	5.00%	4.50%	4.50%	4.50%	4.50%	3.00%	3.00%	3.00%	3.00%	3.00%	2.50%	2.50%	2.50%

Council's Long Term Financial Plan indicated that Rates Levied for 2020/2021 equated to \$2,244,950

Council's plan indicated that a 4.5% increase was to occur this financial year, however due to the current COVID-19 this has been reviewed and decided to have a nil increase in rates.

This will have a future effect on the plan.

STRATEGIC COMMUNITY PLAN

Strategic Priority 2.1

Provide sustainable and well managed community assets and infrastructure for the long term enjoyment by our residents and visitors.

1. Goal 2.1.1	2. To maintain, upgrade and renew assets to ensure condition and performance remain at the level required.
3. Council's Role	<ul style="list-style-type: none"> ■ To implement asset management best practice principles into our day to day operations. ■ To manage all assets in the most economical and efficient manner possible, from creation / acquisition through to disposal. ■ To develop and implement a rolling program of renewal and replacement works to ensure assets are maintained at the most optimum condition possible. ■ To source funding and grants to contribute to the renewal and replacement works.

CORPORATE BUSINESS PLAN IMPLICATIONS

(Including Workforce Plan and Asset Management Plan Implications)

• Service	• Business unit responsible	• Enabling assets
• Manage resources efficiently and effectively to deliver services, programs, and infrastructure to the community.	• Corporate Services	• Council Offices, Vehicles Council Owned Dwellings

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Senior Finance Officer

STAFF RECOMMENDATION

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

Option

Option A - One Payment	Due By 27 th August 2020
Option B – 2 Instalment Option	50% due 27 th August 2020 50% due 7 th January 2021
Option C – 4 Instalment Option	25% due 27 th August 2020 25% due 29 th October 2020 25% due 7 th January 2021 25% due 11 th March 2021
Option D – Special Arrangement	Arrangements made prior to 27 th 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.

COUNCIL RESOLUTION

MIN 067/20

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

3.20 pm – Mr Brett Taylor, Senior Finance Officer left the meeting.

3.20 pm – Mrs Natasha Giles, Community Development Officer entered the meeting

9.6 ESTABLISHMENT OF ARTS COMMITTEE

File Number: ADM02 & MIN 027/20
Author: Kate Dudley, Deputy Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

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

At the Council meeting held on 17 March 2020 Council resolved the following:

STAFF RECOMMENDATION

That Council;

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

COUNCIL RESOLUTION 001/20

Moved: Cr Wendy McNeil **Seconded:** Cr Emily Talbot

That Council;

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

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

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

Against: Cr Wendy McNeil

CARRIED

BY ABSOLUTE MAJORITY 4/1

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

STAFF COMMENT

The Shire has now received seven expressions of interest from community members to join the committee. One has not submitted a written expression of interest.

- Rose Bowen
- Robert McCaffrey
- Kelsey Cox
- Judy Forsyth
- Valecia McDonald
- Julie Doncon

The Terms of Reference have been updated in line with the previous council resolution.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

STATUTORY IMPLICATIONS

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

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

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible 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

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

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer

STAFF RECOMMENDATION

That Council;

1. *Support the establishment of an Arts Committee with the following members;*

Councillor:

Shire Officer:

Community Members: Rose Bowen, Robert McCaffrey, Kelsey Cox, Judy Forsyth, Valecia McDonald, and Julie Doncon

COUNCIL RESOLUTION

MIN 068/20

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council due to the limitation of the Terms of Reference (on advice from prospective members) request the Chief Executive Office to redraft the Terms of Reference with the view to broadening the scope to include cultural opportunities rather than specific public art.

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

REASON: Council wanted to ensure that the committee had scope to cover all aspects of art under the Terms of Reference instead of being pigeon holed to Public Art.

3.31 pm – Mrs Natasha Giles, Community Development Officer left the meeting.

9.7 INVESTMENT POLICY

File Number: ADM53
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Investment Policy (under separate cover)

BACKGROUND

Council's August 2019 Ordinary Meeting of Council

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

That Council;

- 1. adopts the proposed template as it's "new" format for Council existing policies;***
- 2. instructs the CEO to have all policies reviewed and converted to the "new" format by December 2019;***
- 3. rescinds Council Policies;***
 - a. 1.1.1 Debt recovery policy debtors***
 - b. 1.1.2 Debt recovery policy rates***
 - c. 1.3 Payment approval process***
 - d. 1.4 Budget preparation***
 - e. 1.5 Financial activity statement – Material variance report***
 - f. 1.7 Sale of land housing proceeds***
 - g. 1.10 Use of council facilities and plant***
 - h. 2.2 Smoking council buildings***
 - i. 2.8 Supply of council notice papers minutes and information***
 - j. 2.9 Release of unconfirmed minutes***
 - k. 2.10 Councillor agenda availability***
 - l. 2.11 Advertising of public notice***
 - m. 2.15 Signature stamp- Shire President***
 - n. 2.16 Office Hours***
 - o. 2.17 Use of council vehicles***
 - p. 2.18 Internet & email use***
 - q. 2.19 Customer Service Charter and Policy***
 - r. 2.21 Master Key authorisation***
 - s. 2.22 Legislative compliance***
 - t. 2.27 Community engagement policy***
 - u. 4.1 Staff annual leave***
 - v. 4.2 Rostered day off – inside staff***
 - w. 4.3 Rostered day off – outside staff***
 - x. 4.4 Uniforms***
 - y. 4.5 Provisions of outside staff uniforms***
 - z. 5.2 Confidential business***
 - aa. 5.4 Notice of ordinary meetings***
 - bb. 5.5 Council delegates policy confidential business***
 - cc. 5.6 Model of code of conduct***
 - dd. 5.10 Use of council chambers***
 - ee. 5.15 Use of Common Seal***
 - ff. 6.1 Noise abatement***
 - gg. 12.4 Visitor management***

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

CARRIED 5/0

Council's December 2019 Ordinary Meeting of Council;

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

The item lay on the table until the February Meeting.

CARRIED 6/0

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

Council at its February 2020 Ordinary Meeting of Council;

MIN 009/20 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council adopts the proposed Council Policy Manual as presented with the exclusion of the investment policy.

CARRIED 6/0

Reason: Council felt that the investment policy required further review

STAFF COMMENT

Council needed to review the investment policy to reflect current practices.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

Financial Implications for an Investment Policy is to maximise opportunity for additional income through investment of funds at very minimal risk.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
 - (a) make provision in respect of the investment of money referred to in subsection (1); and
 - [(b) *deleted*]
 - (c) prescribe circumstances in which a local government is required to invest money held by it; and
 - (d) provide for the application of investment earnings; and
 - (e) generally provide for the management of those investments.

[Section 6.14 amended by No. 49 of 2004 s. 58; No. 17 of 2009 s. 36; No. 2 of 2012 s. 19.]

44. Section 6.14(1) does not apply to existing investments

Section 6.14(1) as in force immediately before the coming into operation of section 19(1) of the amending Act (the **amending provision**) continues to operate in respect of any investment made under section 6.14(1) before the coming into operation of the amending provision but does not operate so as to allow any reinvestment under that provision.

[Clause 44 inserted by No. 2 of 2012 s. 33.]

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19. Management of investments

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
 - (a) the nature and location of all investments; and
 - (b) the transactions related to each investment.

19C. Investment of money — s. 6.14(2)(a)

- (1) In this regulation —

authorised institution means —

 - (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
 - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.
- (2) When investing money under section 6.14(1), a local government may not do any of the following —
 - (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 12 months;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.

[Regulation 19C inserted in Gazette 20 Apr 2012 p. 1701.]

28. Investment information

The notes to the annual budget are to include, in relation to money invested by the local government, an estimate of —

- (a) the amount to be earned from the investment of money held in reserve;
- (b) the amount to be earned from the investment of other money; and
- (c) the total earnings from investments.

49. Investment information

The annual financial report is to include, in relation to money invested, details of —

- (a) the amount earned from the investment of money held in reserve;
- (b) the amount earned from the investment of other money; and
- (c) the total earnings from investments.

STRATEGIC COMMUNITY PLAN

Nil

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Shire of Kellerberrin Administration Staff

STAFF RECOMMENDATION

That Council

1. *Adopts the Investment policy as presented as its new Investment Policy.*
2. *Deletes the previous Investment Policy 1.9*
3. *Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

COUNCIL RESOLUTION

MIN 069/20

MOTION - Moved Cr. Steber

Seconded Cr. Ryan

That Council;

1. ***Adopts the Investment policy as presented as its new Investment Policy.***
2. ***Deletes the previous Investment Policy 1.9***
3. ***Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested***

.CARRIED 7/0

9.8 PROCUREMENT POLICY

File Number: ADM 53
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Purchasing Policy (under separate cover)

BACKGROUND

Council's February 2020 Ordinary Meeting of Council. – 6th February 2020

MIN 009/20 MOTION - Moved Cr. McNeil 2nd Cr. Leake

That Council adopts the proposed Council Policy Manual as presented with the exclusion of the investment policy.

CARRIED 6/0

Reason: *Council felt that the investment policy required further review*

Council's April 2019 Ordinary Meeting of Council. – 16th April 2019

MIN 069/19 MOTION - Moved Cr. Reid 2nd Cr. Leake

That Council

- 1. Adopts the Procurement policy as presented as its new Purchasing and Tendering Policy 2.3*
- 2. Deletes the previous Tenders – Preparation/Advertisement of Tender Documents for exiting contracts Policy 2.3 and Procurement Policy 2.4.*
- 3. Renumber the remaining policies in order on removing outdated policies.*
- 4. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

CARRIED 4/0

Council's December 2018 Ordinary Meeting of Council. – 18th December 2018

MIN 226/18 MOTION - Moved Cr. Reid 2nd Cr. O'Neill

That Council

- 1. Replaces Policy 2.4 – Purchasing Policy with the Procurement policy as presented and incorporates this into the Policy Manual.*
- 2. Instruct the Chief Executive Officer to ensure all staff are aware of the Policy Manual updates and provide copies if requested.*

CARRIED 6/0

STAFF COMMENT

Within the compilation of the February 2020 full policy document the 2018 Procurement and Purchasing policies were copied over as Council's current policy documents to be incorporated into the new format instead of the newly adopted Procurement policy adopted in April 2019.

The new policy in April 2019 was drafted to ensure that Council complies with the Pre-Qualified Preferred Suppliers panel that Council has developed for Earthmoving works for the Shire.

Subsequent to this due to the COVID-19 situation the State Government has made changes to the Tender Regulations to enable Council's to expend funds up to \$250,000 before having to go to Tender. Therefore Councils are required to renew their purchasing policies to ensure they comply with the changes to the regulations.

Please find attached an updated version of Councils purchasing policy which ensures we comply with the new changes to the regulations (tender) and ensure we cover across on the Pre-Qualified panels that Council have in place.

TEN YEAR FINANCIAL PLAN

NIL

FINANCIAL IMPLICATIONS

NIL

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

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

NIL

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Councillors
- Administration Staff

STAFF RECOMMENDATION

That Council;

1. *Adopts the Procurement policy as presented as its new Procurement Policy;*
2. *Deletes the previous Procurement Policy adopted in February 2020; and*
3. *Instructs the Chief Executive Officer to ensure all staff receive a copy of the new Procurement Policy and have the policy placed on the website.*

COUNCIL RESOLUTION

MIN 070/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Leake

That Council;

1. *Adopts the Procurement policy as presented as its new Procurement Policy;*
2. *Deletes the previous Procurement Policy adopted in February 2020; and*
3. *Instructs the Chief Executive Officer to ensure all staff receive a copy of the new Procurement Policy and have the policy placed on the website.*

CARRIED 7/0

9.9 NATIONAL REDRESS SCHEME

File Number: ADM66.1
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Kellerberrin) will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.¹

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

STAFF COMMENT

On review of the paper and information provided, by Council nominating for the State Scheme it provides some financial security should any action be made regarding a Council facility.

TEN YEAR FINANCIAL PLAN

Not known at this time.

FINANCIAL IMPLICATIONS

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

STATUTORY IMPLICATIONS

National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018.

¹ Section 111(1)(b).

STRATEGIC COMMUNITY PLAN

Not know at this time.

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Deputy Chief Executive Officer

STAFF RECOMMENDATION

That Council:

- 1) *Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;*
- 2) *Endorses the participation of the Shire of Kellerberrin in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;*
- 3) *Grants authority to Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;*
- 4) *Notes that a confidential report will be provided if a Redress application is received by the Shire of Kellerberrin*

COUNCIL RESOLUTION

MIN 071/20

MOTION - Moved Cr. Steber

Seconded Cr. Leake

That Council:

- 1) ***Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;***
- 2) ***Endorses the participation of the Shire of Kellerberrin in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;***
- 3) ***Grants authority to Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;***
- 4) ***Notes that a confidential report will be provided if a Redress application is received by the Shire of Kellerberrin.***

CARRIED 7/0

9.10 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - APRIL 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 April 2020.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1-Apr-20	NAB	Merchant Fee - Trust		2.23
1-Apr-20	Westnet	Internet Fee		4.99
1-Apr-20	NAB	Merchant Fee - Caravan Park		51.90
1-Apr-20	NAB	Merchant Fee - Muni		80.10
1-Apr-20	NAB	Merchant Fee - CRC		289.95
1-Apr-20	Alleasing	Gym Equipment Lease		3,121.83
2-Apr-20	Shire of Kellerberrin	Payrun		57,941.27
3-Apr-20	Shire of Kellerberrin	Superchoice		9,728.02
7-Apr-20	Department of Transport	Vehicle Inspections		124.28
9-Apr-20	Shire of Kellerberrin	Creditors		308,191.93
14-Apr-20	Department of Housing	Rent		420.00
16-Apr-20	ATO	BAS - March 2020		145,406.00
16-Apr-20	Shire of Kellerberrin	Payrun		60,658.75
17-Apr-20	Shire of Kellerberrin	Superchoice		9,394.17
23-Apr-20	Shire of Kellerberrin	Creditors		11,790.24
23-Apr-20	Shire of Kellerberrin	Creditors		623,753.34
28-Apr-20	Department of Housing	Rent		420.00
29-Apr-20	Department of Health	Poisons Permit		127.00
29-Apr-20	NAB	Bank Fees		49.98
30-Apr-20	NAB	Bank Fees		42.32
30-Apr-20	NAB	Bank Fees		10.00
30-Apr-20	NAB	Bank Fees		32.60
30-Apr-20	NAB	Merchant Fees - Trust		2.08
30-Apr-20	NAB	Merchant Fees - Caravan Park		13.20
30-Apr-20	NAB	Merchant Fees - Muni		37.20
30-Apr-20	NAB	Merchant Fees - CRC		115.95
30-Apr-20	Shire of Kellerberrin	Payrun		64,809.89

		TOTAL	\$	1,296,619.22
Trust Direct Debit List				
Date	Name	Details	\$	Amount
30-Apr-20	Department of Transport	Licencing April 2020		\$39,486.75
		TOTAL	\$	39,486.75
Visa Transactions				
Date	Name	Details	\$	Amount
02-Apr-20	Succulent Foods	Refreshments - Staff		44.50
02-Apr-20	Succulent Foods	Refreshments- Staff		27.50
28-Apr-20	NAB	Card Fee		9.00
		TOTAL - CEO	\$	81.00
Date	Name	Details	\$	Amount
30-Mar-20	Zoom.Aud	Set up Costs Zoom Meeting		768.90
03-Apr-20	Techstreet	PDF Licence		40.07
03-Apr-20	Paypal -Sydney Phone	Phone Covers		15.94
08-Apr-20	Officeworks	Laptops - Private Works PWE 2440		2,987.95
21-Apr-20	Zoom.Aud	Zoom Meeting		216.34
28-Apr-20	NAB	Card Fees		9.00
		TOTAL -DCEO		4,038.20
		TOTAL VISA TRANSACTIONS	\$	4,119.20

STAFF COMMENT

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

Financial Management of 2019/2020 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

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

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

COUNCIL RESOLUTION

MIN 072/20 MOTION - Moved Cr. Ryan Seconded Cr. McNeil

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

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

CARRIED 7/0

9.11 CHEQUE LIST APRIL 2020

File Number: N/A
Author: Zene Arancon, Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. April 2020 Payment List (under separate cover)

BACKGROUND

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

TRUST

TRUST TOTAL	\$ 195,923.45
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MUNICIPAL FUND**Cheque Payments**

34739-34744	\$ 8,636.27
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EFT Payments

10692-10791	\$ 943,735.51
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Direct Debit Payments	\$ 183,091.29
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TOTAL MUNICIPAL	\$ 1,135,463.07
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STAFF COMMENT

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

Colas WA Pty Ltd Sealing works for Baandee North Road	\$ 404,180.16
Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licensing March 2020	\$ 155,975.05
Deputy Commissioner Of Taxation Payments to ATO	\$ 145,406.00
Downer EDI Works Pty Ltd Claim charges for wet mixing & QL stabilising for various road works	\$ 105,063.79
Downer EDI Works Pty Ltd Base course wet mixing & mobilisation for Baandee North roadworks	\$ 77,126.50
Mineral Crushing Services WA PTY LTD Purchase of 10mm & 14mm aggregates for various road works	\$ 57,736.34
Smith Earthmoving Pty Ltd Hire of dozer & semi March 2020	\$ 40,650.50
Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licensing April 2020	\$ 39,486.75
AV Media Systems WA PTY LTD 50% Down payment for the Shire LED sign	\$ 23,625.80

United Card Services Pty Ltd Total supply March 2020	\$ 19,906.33
Innes & Co Hire of semi March 2020	\$ 19,805.50
WCS Concrete Pty Ltd Supply & delivery of stabilised sand for Dowding St. roadworks	\$ 11,858.22
Mineral Crushing Services WA PTY LTD Purchase of 10mm & 14mm aggregates for various road works	\$ 11,790.24
Boral Construction Materials Group T/as Bitumen sealing & mobilisation Kellerberrin-Bencubbin Road	\$ 10,712.13
Farmways Kellerberrin Pty Ltd Purchase of flooring, deutsch pins, dust caps & various misc. under \$200	\$ 10,523.08
R Munns Engineering Consulting Services Consultant/project management fee for various road works	\$ 10,113.49
Farmways Kellerberrin Pty Ltd Purchase of UHF antennas, BBQ grill, valves, chemicals for pool & dam & various under \$500	\$ 9,598.62
Brooks Hire Service Pty Ltd Hire full charge March 2020	\$ 9,108.35
E Giles & Co. Supply of gravel for road works	\$ 8,600.00
Merredin Refrigeration & Gas Service & maintenance fee for all Shire offices & properties	\$ 8,118.00
Avon Waste Commercial & domestic collections March 2020	\$ 7,749.49
WA Local Government Superannuation Plan Pty Ltd Staff superannuation contributions	\$ 7,598.44
GPR Truck Service & Repairs Service & repairs to Isuzu Tipper Truck (P24)	\$ 7,451.42
WA Local Government Superannuation Plan Pty Ltd Staff superannuation contributions	\$ 7,275.90
WA Local Government Superannuation Plan Pty Ltd Staff superannuation contributions	\$ 7,236.37
GPR Truck Service & Repairs Service, repairs & materials charges for Isuzu tipper truck (P94)	\$ 5,692.17
PW & PM Graham Claim works done for Caravan Park & ceiling (LGIS)	\$ 5,173.00

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

COMMUNITY CONSULTATION

The following consultation took place;

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

STAFF RECOMMENDATION

That Council notes that during the month of April 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 **\$1,135,463.07** on vouchers EFT , CHQ, Direct payments*
 2. *Trust Fund payments totalling **\$195,923.45** on vouchers EFT, CHQ, Direct payments*
-

COUNCIL RESOLUTION**MIN 073/20****MOTION - Moved Cr. Steber****Seconded Cr. Reid**

That Council notes that during the month of April 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 \$1,135,463.07 on vouchers EFT, CHQ, Direct payments*
- 2. Trust Fund payments totalling \$195,923.45 on vouchers EFT, CHQ, Direct payments*

CARRIED 7/0

9.12 BUILDING REPORTS APRIL 2020

File Number: BUILD06
Author: Codi Mullen, Personal Assistant
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Building Applications Received April 2020 (under separate cover)
2. Building Permits Issued April 2020 (under separate cover)

BACKGROUND

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

STAFF COMMENT

1. There was one (1) applications received for a "Building Permit" during the April period. A copy of the "Australian Bureau of Statistics appends".
2. There were two (2) "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 April 2020 period.*
2. *Acknowledge the "Return of Building Permits Issued" for the April 2020 period.*

COUNCIL RESOLUTION

MIN 074/20

MOTION - Moved Cr. McNeil

Seconded Cr. Ryan

That Council

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

CARRIED 7/0

9.13 FINANCIAL ACTIVITY STATEMENT - APRIL 2020

File Number: FIN
Author: Brett Taylor, Senior Finance Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. Financial Statement April 2020 (under separate cover)

BACKGROUND

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

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

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

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

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

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

STAFF COMMENT

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 March 2020.

TEN YEAR FINANCIAL PLAN

Financial Management of 2019/2020 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2019/2020 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible 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
- Senior Finance Officer

STAFF RECOMMENDATION

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

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

COUNCIL RESOLUTION

MIN 075/20 MOTION - Moved Cr. Steber

Seconded Cr. Ryan

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

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

10 DEVELOPMENT SERVICES REPORTS

Nil

11 WORKS & SERVICES REPORTS

11.1 DEVELOPMENT APPLICATION; MILLIGAN UNITS

File Number: A1754
Author: Lewis York, Town Planner
Authoriser: Lewis York, Town Planner
Applicant: Frances Ibbotson
Location: 1 Cornell Close, Kellerberrin
Attachments: 1. Development Application; Milligan Units (under separate cover)
2. Milligan Unit Plan (under separate cover)

BACKGROUND

An application has been received from Frances Ibbotson on behalf of Milligan Units (1 Cornell Close) for a carport that exceeds a requirement of the Residential Design Codes (2015). Existing on the lot is a unit with some surrounding vegetation.

SITE



Shire of Kellerberrin Local Planning Scheme

PLANNING ASSESSMENT

Planning Scheme No.4

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

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

4.5. VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

4.5.2. In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to

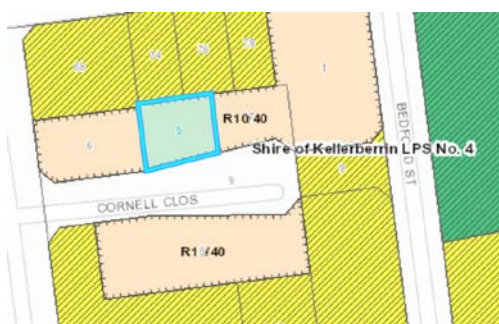
- a) consult the affected parties by following one or more of the provisions for advertising uses under Clause 64 of the deemed provisions; and AMD 2 GG 12/09/17
- b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that

- a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and AMD 2 GG 12/09/17
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

R-Codes

Land Coding: R10/40



Carport A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.

5.2.1

Setback of garages and carports

P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.

Deemed to comply

C1.1 Garages set back 4.5m from the primary street except that the setback may be reduced: i. in accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony); or. ii. to 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings.

C.1.2 Carports set back from the primary street in accordance with clause 5.1.2 C2.1. C1.3 Garages and carports built up to the boundary abutting a private street or right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m, located immediately in front of the opening to the garage or carport and permanently available.

C1.4 Garages and carports set back 1.5m from a secondary street.

C1.5 Carports within the street setback area in accordance with clause 5.1.2 C2.1iii provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and the street, right-of-way or equivalent (refer to Figure 8a).

Setbacks (Table 2b)

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 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	1.5	1.6	1.7	1.7	1.7	1.7	1.8	2.0
5.0	1.1	1.5	1.5	1.5	1.5	1.5	1.6	1.7	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.

Comment

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

As seen in the attached plans the carport will be located 0.3m from the side boundary.

Table 2b of the R Codes requires the carport to be setback 1.5 m from the lot boundary. However, Council in the past has approved applications that have no major impact on surrounding land owners. The application does not impact the neighbouring property. The application complies with all other R Code and Local Planning Scheme parameters.

STRATEGIC PLAN IMPLICATIONS

As contained in the body of this item.

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner
- Owner

STAFF RECOMMENDATION

That Council

1. *Grants conditional development approval for the construction of a carport at Unit 1 Cornell Close, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 7.3 by:*

- a) *Table 2b: Boundary Setback: 1.5m (proposed 0.3m)*

GENERAL CONDITIONS:

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

ADVICE NOTE:

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

COUNCIL RESOLUTION**MIN 076/20****MOTION - Moved Cr. O'Neill****Seconded Cr. Leake*****That Council***

- 1. Grants conditional development approval for the construction of a carport at Unit 1 Cornell Close, Kellerberrin, that will exceed the following prescriptions in Residential Codes, State Planning Policy 7.3 by:***

- a) Table 2b: Boundary Setback: 1.5m (proposed 0.3m)***

GENERAL CONDITIONS:

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

ADVICE NOTE:

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

CARRIED 7/0

11.2 DEVELOPMENT APPLICATION; JOHN MIZZI ' CHANGE OF USE'

File Number:	ASS437
Author:	Lewis York, Town Planner
Authoriser:	Lewis York, Town Planner
Applicant:	Mr. John Mizzi
Location:	Lot 5, 54 Massingham Street Kellerberrin
Attachments:	1. Development Application; 54 Massingham Street (under separate cover) 2. General Notes on 54 Massingham Street (under separate cover) 3. Site Plan (under separate cover) 4. Exsiting Floow Plan (under separate cover) 5. Proposed Floor Plan (under separate cover)

BACKGROUND

An application has been received from Mr. John Mizzi for a change of use class at his property, 54 (lot 5) Massingham Street, Kellerberrin. The property is currently zoned 'town centre' under Local Planning Scheme No.4 (LPS4). The existing approved use of the property is a 'shop', formerly selling second hand goods and antiques. The new use class of the property will be classified as 'warehouse' under LPS4. The property has access from Massingham Street and a rear laneway.

Mr. Mizzi intends to use the premises for the purpose of packing and storing goods to sell online. Improvements will also be made to the internals of the property, including walls, bathroom/toilets and a commercial kitchen. It is noted that Mr. Mizzi intends to reside at the premises. Structures on the lot include a shop front façade that will be retained, while an outbuilding is located at the rear of the property. For the purposes of this application the primary use of land is 'warehouse'.

SITE



54 Massingham Street, Kellerberrin (Red Roof)



Existing Shop Front Facade

SHIRE OF KELLERBERRIN LOCAL PLANNING SCHEME

Planning Scheme No.4

3.2.2 Town Centre Zone

- a) To ensure the town centre remains the principal place for **business** and administration within the District.
- b) To encourage a high standard of development including buildings, landscaping and car parking.

3.3. ZONING TABLE

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

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

3.3.3. A change in the use of land from one use to another is permitted if — (a) the local government has exercised its discretion by granting development approval; (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme; (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or (d) the change is to an incidental use that does not change the predominant use of the land.

Note: 1. The development approval of the local government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land. 2. The local government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land. 3. In considering a 'D' or 'A' use, the local government will have regard to the matters set out in clause 67 of the deemed provisions. 4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.

USE CLASSES	ZONES					
	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	GENERAL AGRICULTURE	RURAL TOWNSITE	RURAL RESIDENTIAL
Shop	X	P	X	X	A	X
Showroom	X	D	P	X	A	X
Trade display	X	D	P	X	A	X
OTHER						
Corrective institution	X	X	X	X	X	X
Essential service utility	D	D	D	D	D	D
Funeral parlour	X	A	P	X	A	X
Telecommunications infrastructure	D	D	P	D	A	D
Veterinary centre	X	A	P	A	A	A
INDUSTRY						
Fuel depot	X	X	A	X	X	X
Industry	X	X	P	X	X	X
Industry - cottage	A	D	P	A	D	A
Industry - extractive	X	X	X	D	X	X
Industry - general	DELETED BY AMD 2 GG 12/09/17					
Industry - light	X	X	P	X	A	X
Industry – primary production AMD 2 GG 12/09/17	X	X	P	D	A	A
Industry - service	X	D	P	X	A	X
Mining operations AMD 2 GG 12/09/17	X	X	X	D	X	X
Motor vehicle repair	X	D	P	X	A	X
Storage	X	D	P	D	A	X
Warehouse	X	D	P	X	A	X

4.7 COMMERCIAL DEVELOPMENT

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

4.7.2 In considering an application for development approval for a proposed commercial development (including additions and alterations to existing development) in the town centre the local government shall have regard to the following: (a) the colour and texture of external building materials; the local government may require the building façade and side walls to a building depth of 3m to be constructed of masonry; (b) building size, height, bulk, roof pitch; (c) setback and location of the building on its lot; (d) architectural style and design details of the building; (e) function of the building; (f) relationship to surrounding development; and (g) other characteristics considered by the local government to be relevant.

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

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

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

Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1 Model provisions for local planning schemes Part 6 Division 1 —

General definitions used in Scheme cl. 38

warehouse/storage means premises including indoor or outdoor facilities used for — (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods;

67. Matters to be considered by local government

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application — (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area; (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving; (c) any approved State planning policy; (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d); (e) any policy of the Commission; (f) any policy of the State; (g) any local planning policy for the Scheme area; (h) any structure plan, activity centre plan or local development plan that relates to the development; (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015; (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve; (k) the built heritage conservation of any place that is of cultural significance; (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located; (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; (n) the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource; (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved; (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion,

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

STRATEGIC PLAN IMPLICATIONS

As contained in the body of this item.

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner

PLANNING ASSESSMENT

STAFF RECOMMENDATION

That Council

1. *Grants conditional development approval for the change of use from 'shop' to 'warehouse' at 54 Massingham Street Kellerberrin*

General Conditions

- i. *The endorsed approved plans dated March 2020 shall not be altered without prior written approval of the Shire;*
- ii. *The shop front façade shall be maintained to include a visual display as per Local Planning Scheme No.4; and*
- iii. *The approval will expire if the development/use is not substantially commenced within two years of the approval date*

Advice Notes

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

COUNCIL RESOLUTION**MIN 077/20****MOTION - Moved Cr. Leake****Seconded Cr. Reid*****That Council***

- 1. Grants conditional development approval for the change of use from 'shop' to 'warehouse' at 54 Massingham Street Kellerberrin***

General Conditions

- i. The endorsed approved plans dated March 2020 shall not be altered without prior written approval of the Shire;***
- ii. The shop front façade shall be maintained to include a visual display as per Local Planning Scheme No.4; and***
- iii. The approval will expire if the development/use is not substantially commenced within two years of the approval date***

Advice Notes

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

CARRIED 7/0

11.3 DEVELOPMENT APPLICATION: OVERSIZED SHED

File Ref: IPA2095 & A417
Author: Lewis York, Town Planner
Authoriser: Raymond Griffiths, Chief Executive Officer
Applicant: Mr Brendan Kelly
Location: 33 Hammond Street, Kellerberrin
Attachments: 1. Development Application & Plans (under separate cover)

BACKGROUND

A development application has been received from Mr. Brendan Kelly for an outbuilding at his Residential property 33 Hammond Street, Kellerberrin. Existing on the lot is a dwelling, side carport and patio. The shed will exceed Councils Outbuilding Policy, hence the requirement for Council approval.

SITE**Shire of Kellerberrin Local Planning Scheme*****State Planning Policy 3.1- Residential Design Codes (r codes)***

The subject land is coded R10-40, therefore some provisions of the R-Codes are applicable.

Part 2- Judging proposals

2.4 Judging merit of proposals

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

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

2.5 Exercise of judgement

2.5.1

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

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

2.5.2

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

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

Part 5- Design Elements

5.1.2 Street setback

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

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

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

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

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

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

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

Design principles <i>Development demonstrates compliance with the following design principles (P)</i>	Deemed-to-comply <i>Development satisfies the following deemed-to-comply requirements (C)</i>
<p>5.4.3 Outbuildings</p> <p>P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</p>	<p>C3 Outbuildings that:</p> <ol style="list-style-type: none"> i. are not attached to a dwelling; ii. are non-habitable; iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; iv. do not exceed a wall height of 2.4m; v. do not exceed ridge height of 4.2m; vi. are not within the primary or secondary street setback area; vii. do not reduce the amount of open space required in Table 1; and viii. are set back in accordance with Tables 2a and 2b.

*R-Codes Definition of an **Outbuilding**: "An enclosed non-habitable structure that is detached from any dwelling*
Shire of Kellerberrin- Local Planning Policy 'Outbuildings'

7.0 MAXIMUM DEVELOPMENT REQUIREMENTS

7.1 Maximum standards for outbuildings in R-Coded areas

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

- 7.1.1 The following variations to the deemed-to-comply requirements of Part 5.4.3, C3 iii, iv and v of the R-Codes, shall apply in these R-Coded areas:

DENSITY CODE	ZONING	GROSS TOTAL SITE AREA		WALL HEIGHT (m)	RIDGE HEIGHT (m)
R2	RESIDENTIAL / RURAL RESIDENTIAL	200m ² or 10% of the site area (whichever is less)		4	5.5
R2.5 - 5	RESIDENTIAL	Lots less than 2000m ²	150m ² or 10% of the site area (whichever is less)	3.5	4.5
		Lots greater than 2000m ²	180m ² or 10% of the site area (whichever is less)		
R10 - 40	RESIDENTIAL / RURAL TOWNSITE	Lots less than 1000m ²	80m ² or 10% of the site area (whichever is less)		
		Lots greater than 1000m ²	100m ² or 10% of the site area (whichever is less)		

- 7.1.2 Maximum standards do not override the deemed-to-comply requirements of Table 1 of the R-Codes or any specific Scheme requirements.
- 7.1.3 Outbuildings shall be located in cleared areas, behind the main residential building line in accordance with Schedule 1 of this policy.
- 7.1.4 The gross total area is cumulative.

8.0 APPEARANCE AND OTHER STANDARDS

- 8.1.1 Factory applied steel wall and roof clad outbuildings shall be constructed of non-reflective material that is sympathetic to the surroundings and finish of the existing dwelling on the development site.
- 8.1.2 The use of second-hand materials will only be permitted where the materials are in good condition and are sympathetic to the surroundings and finish of the existing dwelling on the development site. The Shire may require a structural engineer report for use of second-hand materials.
- 8.1.3 Outbuildings that do not comply with the maximum development requirements will not be supported unless detailed justification can be provided for proposed variations.

9.0 USE OF OUTBUILDINGS

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

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

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

Local Planning Scheme No.4

Zoned: Residential

Coded: R10/40

To be determined at R10 Density when assessing R-Code requirements.

3.2. OBJECTIVES OF THE ZONES

The objectives of the zones are —

3.2.1 Residential Zone

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

4.1. COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.2. RESIDENTIAL DESIGN CODES

4.2.1. A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the local government.

4.2.2. Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

4.2.3. The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

STRATEGIC PLAN IMPLICATIONS

Nil (not applicable at this date and therefore unknown)

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Town Planner

PLANNING ASSESSMENT

Gross total area: The proposal will exceed the maximum allowable size for outbuildings in the Shires Local Planning Policy, which allows for 100m² of outbuildings. No outbuildings currently exist on the lot, however the proposed outbuilding is 128m².

Wall and ridge heights: The proposed outbuilding will have a wall height of 3.5m and a ridge height of 3.85m, both of which raise no issue.

R-Codes:

Setbacks: the proposed setback is 1.5m from a rear laneway. It is not considered a secondary street and therefore complies with Table 2b in the R Code.

Open Space: The development satisfies the open space requirements of the R-Codes. Minimum of 60% (R10 Density)

Lot size: 2023 m²

House: 380m²

New outbuilding: 128m²

% of POS= 75% POS

Comment: This proposal raises no major planning concerns. The building will be constructed of new materials and setback to the rear of the property. Council in the past has approved outbuildings that exceed LPP if the proposal only seeks to exceed one prescription of the policy. It is advised that the proposal should be approved with standard development conditions.

The applicant paid the standard planning application fee of \$147.00 on Wednesday, 6th May 2020.

STAFF RECOMMENDATION

That Council

1. *Grants conditional development approval for the construction of an outbuilding at 33 Hammond Street, Kellerberrin, that will exceed the following prescription of the Councils Outbuildings Policy, 7.1.1 (Gross Total Area), by 28m²*

General Conditions

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

Advice Notes

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

COUNCIL RESOLUTION**MIN 078/20****MOTION - Moved Cr. Steber****Seconded Cr. Leake*****That Council***

- 1. Grants conditional development approval for the construction of an outbuilding at 33 Hammond Street, Kellerberrin, that will exceed the following prescription of the Councils Outbuildings Policy, 7.1.1 (Gross Total Area), by 28m²***

General Conditions

- 1. The approval will expire if the development is not substantially commenced within two years of the approval date; and***
- 2. The endorsed approved plans shall not be altered without the prior written approval of the Shire and;***
- 3. The proposed fence is to be the same height and colour as the existing fence;***

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

14 CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

MIN 079/20 MOTION - Moved Cr. Steber Seconded Cr. Reid

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 2020/2021 Draft Wages Budget

This matter is considered to be confidential under Section 5.23(2) - a 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 affecting an employee or employees.

CARRIED 7/0

COUNCIL RESOLUTION

MIN 080/20 MOTION - Moved Cr. Leake Seconded Cr. Reid

That Council moves out of Closed Council into Open Council.

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 4:43pm.

The minutes of this meeting consisting of pages 1 to 122 were confirmed at the Ordinary Council Meeting held on 16 June 2020.

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CHAIRPERSON