



# **AGENDA**

## **Ordinary Council Meeting Tuesday, 17 November 2020**

**Date: Tuesday, 17 November 2020**

**Time: 2:00pm**

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

## **Shire of Kellerberrin**

### **Confidential Council Meeting 17th November 2020**

#### **NOTICE OF MEETING**

Dear Elected Member

The next Confidential Council Meeting of the Shire of Kellerberrin will be held on Tuesday, 17th November 2020 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 2:00pm.

Raymond Griffiths  
Chief Executive Officer  
Wednesday, 11 November 2020

## Shire of Kellerberrin

### Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Kellerberrin for any action, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Kellerberrin disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Kellerberrin during the course of any meeting is not intended to be and is not taken a notice of approval from the Shire of Kellerberrin.

The Shire of Kellerberrin warns that anyone who has any application lodged with the Shire of Kellerberrin must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Kellerberrin in respect of the application.

Signed \_\_\_\_\_  
Chief Executive Officer

**DECLARATION OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR  
INTEREST AFFECTING IMPARTIALITY**

Chief Executive Officer, Shire of Kellerberrin

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations*, I advise you that I declare a (☒ appropriate box):

☐ financial interest (Section 5.60A)

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.

☐ proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —

- (a) change to a planning scheme affecting land that adjoins the person's land;
- (b) change to the zoning or use of land that adjoins the person's land; or
- (c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

☐ interest affecting impartiality/closely associated persons (Regulation 24C). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include a financial or proximity interest as referred to in section 5.60.

in the following Council / Committee Meetings to be held on \_\_\_\_\_

in Item number/s \_\_\_\_\_

the *nature* of the interest being \_\_\_\_\_

☐ Further, that I wish to remain in the Chamber to participate in proceedings. As such, I declare the extent of my interest as being:

\_\_\_\_\_  
\_\_\_\_\_

Yours faithfully

(Councillor's signature)

Councillor's Name

The *Local Government Act* provides that it is the member's obligation to declare the Nature of an interest if they believe that they have a financial interest, proximity interest, closely associated persons or an interest affecting impartiality in a matter being discussed by Council.

The Act provides that the Nature of the interest may be declared in writing to the Chief Executive Officer prior to the meeting or declared prior to discussion of the Agenda Item at the meeting. The Act further provides that the Extent of the interest needs to be declared if the member seeks to remain in the Chamber during the discussion, debate or voting on the item.

A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.

The decision of whether to disclose a financial interest is yours and yours alone. Nobody can disclose for you and you can not be forced to make a disclosure.

## Order Of Business

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**1      DECLARATION OF OPENING**

**2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION****2.1 PRESIDENTS REPORT OCTOBER 2020**

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

The past month has seen our Shire, as with many in the southwest of WA experience some very changeable weather. This has made harvesting a stop start operation and put a halt to the road repairs in Hammond and Forrest Streets.

The planting of river gums adjacent to road reserves forty to fifty years ago is really costing the Shire now in damage to the roads.

It is great to see the local businesses and the Shire advertising and putting notices on our new electronic sign.

Kind Regards



Rodney Forsyth

**Shire President**

**STAFF RECOMMENDATION**

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



**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.*

**3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE****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 20 OCTOBER 2020**

**File Ref:** MIN

**Author:** Codi Mullen, Personal Assistant

**Authoriser:** Raymond Griffiths, Chief Executive Officer

**Attachments:** 1. Minutes of the Council Meeting held on 20 October 2020

**HEADING****STAFF RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 20 October 2020 be confirmed as a true and accurate record.



# **MINUTES**

## **Ordinary Council Meeting Tuesday, 20 October 2020**

**Date: Tuesday, 20 October 2020**

**Time: 2:00pm**

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

## Order Of Business

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	Nil	

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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, 20 OCTOBER 2020 AT 2:00PM**

## **1 DECLARATION OF OPENING**

The Presiding Member opened the meeting at 2.10 pm

## **2 ANNOUNCEMENT BY PRESIDING PERSON WITHOUT DISCUSSION**

### **2.1 PRESIDENTS REPORT SEPTEMBER 2020**

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

A few issues have been brought to the attention of Shire staff and Elected members recently. These will be resolved by communication between all parties, which is the way Local Government should work.

The mild weather conditions experienced during the past month has enabled the crops to fill grain better than what would've been the case considering the lack of any meaningful rainfall within our Shire. However there will still be a hit to the grain yields, sheep feed and dam water is scarce.

Kind Regards



Rodney Forsyth

**Shire President**

## **STAFF RECOMMENDATION**

*That Council receive and note the Shire President and Cr Steber's Reports for September 2020.*

### **COUNCIL RESOLUTION**

**MIN 156/20      MOTION - Moved Cr. Steber      Seconded Cr. Ryan**

***That Council receive and note:***

- 1. Shire President September Report; and***
- 2. Cr Steber's Report for Doodlakine Community Committee***

**CARRIED 5/0**

**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 157/20**      **MOTION - Moved Cr. Leake**      **Seconded Cr. Reid**

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

**CARRIED 5/0**



### 3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

**PRESENT:**

Cr Rod Forsyth (Shire President)

Cr David Leake

Cr Matt Steber

Cr Dennis Reid

Cr Emily Ryan

**IN ATTENDANCE:**

Raymond Griffiths (Chief Executive Officer)

Lenin Pervan (Deputy Chief Executive Officer)

Cr Wendy McNeil (via zoom, Entered Meeting at 2.15pm )

Mrs Natasha Giles, Community Development Officer (Exited 3.25 pm)

Ms Keeley O'Neill, Media Officer (Exited 3.25 pm)

**APOLOGIES**

Cr Scott O'Neill

**LEAVE OF ABSENCE**

Nil

**MOTION**

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

**COUNCIL RESOLUTION**

MIN 158/20

MOTION - Moved Cr. McNeil

Seconded Cr. O'Neill

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

**CARRIED 5/0**

2.15 pm – Cr. McNeil entered the meeting via zoom.

### 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 15 SEPTEMBER 2020**

**File Ref:** MIN  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Council Meeting held on 15 September 2020

**HEADING****STAFF RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 15 September 2020 be received as a true and accurate record.

**COUNCIL RESOLUTION**

**MIN 159/20**      **MOTION - Moved Cr. McNeil**      **Seconded Cr. Steber**

1. *That the Minutes of the Council Meeting held on 15 September 2020 be received as a true and accurate record.*

**CARRIED 6/0**

**7 PRESENTATIONS****7.1 Petitions****7.2 Presentations**

Council in accordance with its Contract met with Dr Andrew Van Balleygooyen to discuss Health Services for the Shire of Kellerberrin.

**7.3 Deputations****8 REPORTS OF COMMITTEES**

## 9 CORPORATE SERVICES REPORTS

### 9.1 WE-ROC SPECIAL COUNCIL MEETING MINUTES & RESOLUTION

**File Ref:** ORG10  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

#### BACKGROUND

The Minutes of the recent Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Thursday 1<sup>st</sup> October 2020, via zoom conferencing, provided to Council formally, with the aim of providing a stronger link and partnership development between member Councils and WE-ROC to keep this Council abreast of forward/strategic planning initiatives of the Council Group and to consider outcomes from the WE-ROC Council Meetings.

#### STAFF COMMENT

Attached to this agenda item is a copy of the last WE-ROC Council Meeting Minutes held on Thursday 1<sup>st</sup> October 2020, via zoom video conferencing.

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

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

**RESOLUTION:** Moved: Ms. Julie Flockart Seconded: Mr. Rod Forsyth

**That the Shire of Tammin's application to be admitted as a Member of the Wheatbelt East Regional Organisation of Councils Inc. be accepted.**

**CARRIED UNANIMOUSLY**

**RESOLUTION:** Moved: Ms. Karin Day Seconded: Mr. Darren Mollenoyux

**That:**

1. The current Constitution of the Wheatbelt East Regional Organisation of Councils (WEROC) Inc. be amended and the proposed changes to the rules outlined in the revised Constitution attached to the notice of the meeting, be adopted.
2. Upon passing resolution 1, the Board of WEROC Inc. adopts, by Special Resolution, the revised Constitution of WEROC Inc.
3. The Members authorise the Executive Officer to lodge a "Notice of Special Resolution to Change the Rules", with the Department of Mines, Industry Regulation and Safety.
4. That the following by-law, as recommended by the Department of Mines, Industry Regulation and Safety be adopted:

***"Should any Member of WEROC Inc. choose to leave the Association of their own accord, then no monies paid to WEROC Inc. will be refunded".***

**CARRIED UNANIMOUSLY**

**TEN YEAR FINANCIAL PLAN**

Nil known at this time

**FINANCIAL IMPLICATIONS**

Nil known at this time

**STATUTORY IMPLICATIONS**

Nil (not directly in regards to formalisation of the Group other following good administration practices in terms of researching and conducting the business requirements of the Group benchmarked against Minutes, Agenda and Meeting procedure standards- voluntary membership).

**STRATEGIC COMMUNITY PLAN**

Participation in WE-ROC provides the Council the opportunity to develop and strengthen partnerships with neighbouring local governments to deliver identified local government services in a more cost effective and substantial manner for the benefit of each Council Member of WE-ROC.

**COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Shire President
- WE-ROC Member Councils
- Staff Information re Minutes and Agendas of WE-ROC

**STAFF RECOMMENDATION**

That Council receive the minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Thursday 1<sup>st</sup> October 2020.

**COUNCIL RESOLUTION**

**MIN 160/20      MOTION - Moved Cr. Steber      Seconded Cr. Ryan**

***That Council receive the minutes of the Council Meeting of the Wheatbelt East Regional Organisation of Councils (WE-ROC) held on Thursday 1<sup>st</sup> October 2020.***

**CARRIED 6/0**

**9.2 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.

September 2020 Council Meeting

**MIN 144/20 MOTION - Moved Cr. Leake Seconded Cr. Steber*****That Council;***

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

August 2020 Council Meeting

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

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

July 2020 Council Meeting

**MIN 106/20 MOTION - Moved Cr. McNeil Seconded Cr. Ryan*****That Council;***

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

**STAFF COMMENT****September MIN 144/20**

1. Letter sent to Mr Murray Clement 16th September 2020.
3. Council attending The Prev on Tuesday 20<sup>th</sup> October before Council Meeting.

**August MIN 126/20**

NIL

**July MIN 106/20**

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

**TEN YEAR FINANCIAL PLAN**

This does not directly affect the long term financial plan.

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

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



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

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

## Section 2.10. The role of councillors

A councillor —

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

## 5.60. When person has an interest

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

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

has —

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

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

## 5.60A. Financial interest

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

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

## 5.60B. Proximity interest

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

- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
  - (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;
  - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or
    - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
  - [(e) deleted]*
  - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
  - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
  - (h) a prescribed interest.
- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,

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

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
  - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
  - (c) the proposed development of that land or any land adjacent to that land,

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

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,

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

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

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

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

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

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

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

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

**5.66. Meeting to be informed of disclosures**

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

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

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

**5.67. Disclosing members not to participate in meetings**

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —  
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

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

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

#### 5.71. Employees to disclose interests relating to delegated functions

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

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

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

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer

## STAFF RECOMMENDATION

*That Council note any requests or ideas to be actioned.*

## COUNCIL RESOLUTION

MIN 161/20

MOTION - Moved Cr. Reid

Seconded Cr. Leake

*That Council:*

- 1) *Endorse the appointment of Mr Lenin Pervan to the Kellerberrin Districts Club Manager interview panel as Council's representative.***
- 2) *Leave the purchase of a display fridge for the Swimming Pool Canteen until the construction of the new pool.***
- 3) *Approve the Shack Rd realignment section be utilised for community cropping until this land is required for use as offsets, as offsets cannot be retrospective.***
- 4) *Decline the Kellerberrin Men-Shed request for access to the recycling bins in Centenary carpark due to safety concerns.***
- 5) *Purchase a microwave for the hall.***
- 6) *Review a signage plan to access the Kellerberrin Hill Lookout from George St.***
- 7) *Receive the industrial land sub-division plan provided by Development WA and endorse an onsite meeting for further discussion and funding opportunities.***

**CARRIED 6/0**

3.25 pm – Mrs Natasha Giles exited Council Chambers

3.25 pm – Ms Keeley O'Neill exited Council Chambers.

**9.3 STATUS REPORT OF ACTION SHEET**

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

**BACKGROUND**

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

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

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

**STAFF COMMENT**

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

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

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

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —



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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

#### 5.61. Indirect financial interests

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

#### 5.62. Closely associated persons

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

whichever is less;

or

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

or

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

or

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

- (2) In subsection (1) —

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

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

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

#### 5.63. Some interests need not be disclosed

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

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

*[(e) deleted]*

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

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

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

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

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

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

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

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

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

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

**5.66. Meeting to be informed of disclosures**

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

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

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

**5.67. Disclosing members not to participate in meetings**

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

#### 5.70. Employees to disclose interests relating to advice or reports

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

#### 5.71. Employees to disclose interests relating to delegated functions

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

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

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

### **STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer

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

## STAFF RECOMMENDATION

*That Council receive the Status Report.*

## COUNCIL RESOLUTION

MIN 162/20      MOTION - Moved Cr. Leake

Seconded Cr. Steber

*That Council receive the Status Report.*

**CARRIED 6/0**

## 9.4 AUSTRALIA DAY AWARDS POLICY

File Number: ADM53  
 Author: Codi Mullen, Personal Assistant  
 Authoriser: Raymond Griffiths, Chief Executive Officer  
 Attachments: 1. Australia Day Award Policy

### BACKGROUND

Council's August 2019 Ordinary Meeting of Council

**MIN146/19 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

#### **STAFF COMMENT**

Council needed to review the Australia Day policy to reflect current practices.

#### **TEN YEAR FINANCIAL PLAN**

Nil known at this time

#### **FINANCIAL IMPLICATIONS**

Nil known at this time

#### **STATUTORY IMPLICATIONS**

Nil known at this time

#### **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
- Shire of Kellerberrin Administration Staff

### **STAFF RECOMMENDATION**

*That Council*

1. *Adopts the Australia Day policy as presented.*
2. *Deletes the previous Australia Day Policy.*
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 163/20**

**MOTION** - Moved Cr. Steber

**Seconded Cr. Ryan**

*That Council*

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

**CARRIED 6/0**

**9.5 ANNUAL CHRISTMAS/NEW YEAR OFFICE CLOSURE**

**File Ref:** PUB02  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Council's October 2018 Ordinary Meeting of Council

**MIN179/19 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. McNeil

*That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that the local advertising be completed;*

<i>Monday, 23<sup>rd</sup> December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 24<sup>th</sup> December, 2019</i>	<i>Public Service Holiday</i>
<i>Wednesday, 25<sup>th</sup> December, 2019</i>	<i>Public Holiday (Christmas Day)</i>
<i>Thursday, 26<sup>th</sup> December, 2019</i>	<i>Public Holiday (Boxing Day)</i>
<i>Friday, 27<sup>th</sup> December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Monday, 30<sup>th</sup> December, 2019</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 31<sup>st</sup> January, 2019</i>	<i>RDO/Annual Leave</i>
<i>Wednesday, 1<sup>st</sup> January, 2019</i>	<i>Public Holiday (New Years Days)</i>

**CARRIED 6/0**

Council's October 2018 Ordinary Meeting of Council

**MIN 184/18 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. O'Neill

*That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that the local advertising be completed;*

<i>Friday, 21<sup>st</sup> December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Monday, 24<sup>th</sup> December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Tuesday, 25<sup>th</sup> December, 2018</i>	<i>Public Holiday (Christmas Day)</i>
<i>Wednesday, 26<sup>th</sup> December, 2018</i>	<i>Public Holiday (Boxing Day)</i>
<i>Thursday, 27<sup>th</sup> December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Friday, 28<sup>th</sup> December, 2018</i>	<i>RDO/Annual Leave</i>
<i>Monday, 31<sup>st</sup> December, 2018</i>	<i>Public Service Holiday</i>
<i>Tuesday, 1<sup>st</sup> January, 2019</i>	<i>Public Holiday (New Years Days)</i>

**CARRIED 6/0**

Council's October 2017 Ordinary Meeting of Council

**MIN 180/17 MOTION** - Moved Cr. White 2<sup>nd</sup> Cr. Leake

*That Council approve the closure of the Administration Office for the following inclusive dates over the Christmas/New Year Holiday period and that local advertising be completed;*

<i>Friday, 22<sup>nd</sup> December 2017</i>	<i>Public Service Day</i>
<i>Monday, 25<sup>th</sup> December 2017</i>	<i>Public Holiday (Christmas Day)</i>
<i>Tuesday, 26<sup>th</sup> December 2017</i>	<i>Public Holiday (Boxing Day)</i>

<b>Wednesday, 27<sup>th</sup> December 2017</b>	<b>RDO/Annual Leave</b>
<b>Thursday, 28<sup>th</sup> December 2017</b>	<b>RDO/Annual Leave</b>
<b>Friday, 29<sup>th</sup> December 2017</b>	<b>RDO/Annual Leave</b>
<b>Monday, 1<sup>st</sup> January 2018</b>	<b>Public Holiday (New Year's Day)</b>

**CARRIED 7/0**

Council has previously, kindly considered an application from staff to close the Administration Office during the Christmas/New Year period. This has been considered and approved by Council in consideration of the low level of business expected to be transacted and staff reducing any Time in Lieu provisions and Rostered Days Off entitlements for the month of December and/or January.

## **STAFF COMMENT**

The Christmas/New Year period gazetted Public Holidays are as follows:

Christmas Day	Friday 25 <sup>th</sup> December 2020
Boxing Day	Saturday 26 <sup>th</sup> December 2020
Boxing Day Holiday	Monday 28 <sup>th</sup> December 2020
Service Holiday (in Lieu)	Thursday 24 <sup>th</sup> December 2020
New Year's Day	Thursday 1 <sup>st</sup> January 2020

The days in question, are the days in between Christmas Eve and New Year's i.e. Thursday 24<sup>th</sup> December 2020, Tuesday 29<sup>th</sup> December 2020 through to Thursday 31<sup>st</sup> December 2020. The additional holiday "in lieu", which Local Government employees are entitled to can be utilised on one of these four days, should Council approve the proposal. This decreases the "juggling" of rosters and staffing levels to provide for the additional days. The remaining three days can be taken as either, Rostered Day Off (RDO), Annual Leave or Time in Lieu entitlements.

The practice of closing the Office of Council is a common one for the small rural local governments and, given the expected low level or demand for Council Business to be conducted, it is a sincere request from the Staff to have the Office closed for travelling to families for the festive period.

In addition, should Council approve, extensive local advertising in local newsletters and a notice included with creditor payments will provide sufficient notice of the office closure, should Council approve the request. Emergency contacts for Council staff will be provided for the inclusion in all notices of local advertising.

## **TEN YEAR FINANCIAL PLAN**

Nil known at this time

## **FINANCIAL IMPLICATIONS**

Nil known at this time

## **STATUTORY IMPLICATIONS**

Advertise the closure of normal council business during the described period.

## **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
- Administration Staff

## STAFF RECOMMENDATION

That Council approves the closure of the Administration Office for the following inclusive dates over the Christmas / New Year holiday period and that local advertising be completed.

<i>Thursday, 24<sup>th</sup> December 2020</i>	<i>Public Service Day</i>
<i>Friday, 25<sup>th</sup> December, 2020</i>	<i>Public Holiday (Christmas Day)</i>
<i>Monday, 28<sup>th</sup> December, 2020</i>	<i>Public Holiday (Boxing Day Holiday)</i>
<i>Tuesday, 29<sup>th</sup> December, 2020</i>	<i>RDO/Annual Leave</i>
<i>Wednesday, 30<sup>th</sup> December, 2020</i>	<i>RDO/Annual Leave</i>
<i>Thursday, 31<sup>st</sup> December, 2020</i>	<i>RDO/Annual Leave</i>
<i>Friday, 1<sup>st</sup> January 2021</i>	<i>Public Holiday (New Year's Days)</i>

## COUNCIL RESOLUTION

MIN 164/20

MOTION - Moved Cr. Leake

Seconded Cr. Ryan

***That Council approves the closure of the Administration Office for the following inclusive dates over the Christmas / New Year holiday period and that local advertising be completed.***

- |   |   |
|---|---|
| • <b><i>Thursday, 24<sup>th</sup> December 2020</i></b>   | <b><i>Public Service Day</i></b>                  |
| • <b><i>Friday, 25<sup>th</sup> December, 2020</i></b>    | <b><i>Public Holiday (Christmas Day)</i></b>      |
| • <b><i>Monday, 28<sup>th</sup> December, 2020</i></b>    | <b><i>Public Holiday (Boxing Day Holiday)</i></b> |
| • <b><i>Tuesday, 29<sup>th</sup> December, 2020</i></b>   | <b><i>RDO/Annual Leave</i></b>                    |
| • <b><i>Wednesday, 30<sup>th</sup> December, 2020</i></b> | <b><i>RDO/Annual Leave</i></b>                    |
| • <b><i>Thursday, 31<sup>st</sup> December, 2020</i></b>  | <b><i>RDO/Annual Leave</i></b>                    |
| • <b><i>Friday, 1<sup>st</sup> January 2021</i></b>       | <b><i>Public Holiday (New Year's Days)</i></b>    |

**CARRIED 6/0**

**9.6 STAFF & COUNCIL CHRISTMAS PARTY FUNCTION**

**File Ref:** PUB00  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Previously Council has resolved the following in relation to its annual Christmas function:

**2019 Christmas Party Function**

**MIN180/19 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. Talbot

*That Council host a Christmas Party Function at the ex-golf club clubhouse on Friday 20<sup>th</sup> December 2019 as a barbeque function commencing at 6.00pm*

CARRIED 6/0

**2018 Christmas Party Function**

**MIN 183/18 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid

*That Council host its Christmas Party Function for Councillors, Staff and Families at the ex-golf club clubhouse on Thursday the 20<sup>th</sup> December 2018 as a barbeque function commencing at 6.00pm*

CARRIED 6/0

**2017 Christmas Party Function**

**MIN 182/17 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. O'Neill

*That Council:*

- 1. Host a Christmas Party Function at the ex-golf club clubhouse on Thursday the 21<sup>st</sup> December 2017 as a barbeque function commencing at 6.00pm.*

CARRIED 7/0

**2016 Christmas Party Function**

**MIN 166/16 MOTION** - Moved Cr. O'Neill 2<sup>nd</sup> Cr. White

*That Council hosts a Christmas Party Function for Staff, Councillors and Families, at the ex-golf club clubhouse on Thursday the 22<sup>nd</sup> December 2016 as a barbeque function commencing at 6.00pm.*

CARRIED 6/0

**2015 Christmas Party Function**

**MIN 169/15 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Reid

*That Council*

- 1. Host a Christmas Party Function at the Ex-Golf Club Clubhouse on Wednesday the 23<sup>rd</sup> December 2015 as a barbecue function commencing at 6.00pm.*

CARRIED 6/0

**2014 Christmas Party Function**

**MIN 141/14 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Bee

**That Council**

- 1. *Host a Christmas Party Function at the Ex-Golf Club Clubhouse on Tuesday the 23<sup>rd</sup> December 2014 as a barbecue function commencing at 6.00pm.***
- 2. *Incorporates Mr Tom Applegate and Mr Trevor Galvin retirement function, within the same event.***

CARRIED 7/0

**STAFF COMMENT**

Whilst Council is under no obligation to do so, it has become traditional for Council to host a combined Christmas function that is enjoyed by elected members, staff and their families. In previous years a barbeque function be held at the ex-golf club clubhouse. The 2019 Christmas function Council sought catering from the local cafe for the salads while Councillors still cooked the barbeque.

Generally, a barbeque is well received, easy to cater and organise and extremely cost effective.

Council in addition last year at employees own cost attended Gloucester Park as a function for Staff and Councillors of which was well attended. Council was then to consider whether this was an option for alternative Christmas Functions going forward with Staff contributing to an end of year function with a contribution from Council.

**TEN YEAR FINANCIAL PLAN**

NIL known at this time

**FINANCIAL IMPLICATIONS**

Cost of Christmas Function for 2019/2020, approximately \$2,500 - \$2,700.

2020/2021 Budget Document

041051 Refreshments and Receptions – Budget Allocation \$18,000

\$8,000 for Council Meetings (including Committee & Community Meetings)

\$8,000 for Council Functions – Christmas Function, Citizenship Ceremonies.

\$2,000 for Other costs.

**STATUTORY IMPLICATIONS**

NIL known at this time.

**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
- Personal Assistant to Chief Executive Officer

## STAFF RECOMMENDATION

That Council host a Christmas Party Function at the ex-golf club clubhouse on Wednesday 23<sup>rd</sup> December 2020 as a barbeque function commencing at 6:00pm.

OR

That Council:

1. Contribute \$\_\_\_\_\_ to a Christmas Party Function for Staff, Councillors and Families at \_\_\_\_\_ on \_\_\_\_\_.
2. Provide an afternoon BBQ for staff on Wednesday 23<sup>rd</sup> December 2020 to ensure all staff that don't attend the function still receive recognition for their efforts throughout the year.

## COUNCIL RESOLUTION

MIN 165/20

MOTION - Moved Cr. Leake

Seconded Cr. Ryan

***That Council:***

1. ***Contribute \$2,500 to a Post-Christmas River Cruise for Staff, Councillors and Families in February 2021 (subject to boat availability).***
2. ***Provide an afternoon BBQ for staff on Tuesday 15<sup>th</sup> December 2020 following council meeting to ensure all staff that don't attend the function still receive recognition for their efforts throughout the year.***

**CARRIED 6/0**

**REASON:** Council elected to undertake a river cruise on the basis of a survey of staff looking for a different function and willing to contribute to the event subject to cost.

**9.7 COUNCIL MEETING DATES 2021 - PUBLIC NOTICE**

**File Ref:** PUB02  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

In accordance with the *Local Government Act 1995 (as amended)* and the *local Government (Administration) Regulations 1996*, Council is required to adopt a Schedule of its Ordinary Meeting date/s including Time, Place and Public Question Time.

Council's October 2019 Ordinary Meeting of Council

**MIN181/19 MOTION** - Moved Cr. Leake 2<sup>nd</sup> Cr. O'Neill

**That Council adopts the following Schedule of Council Ordinary Meeting dates for 2020 incorporating meeting location/venue, meeting commencement time and Public Question Time.**

**Briefing Session: Councillors Briefing Session on Agenda 1:00 pm Time: Meeting Commencement time 2:00 pm.**

**Public Question Time: commencing at 2:15 pm and limited to 15 minutes. Place:**

**Council Chambers 110 Massingham Street Kellerberrin**

**Meeting Day: every third Tuesday of the month**

**January 2020 – No Meeting**

**Friday, 7 February 2020 – Kellerberrin Council Chambers**

**Tuesday, 18 March 2020 – Kellerberrin Council Chambers**

**Tuesday, 21 April 2020 – Kellerberrin Council Chambers**

**Tuesday, 19 May 2020 – Kellerberrin Council Chambers**

**Tuesday, 16 June 2020 – Kellerberrin Council Chambers**

**Tuesday, 21 July 2020 – Kellerberrin Council Chambers**

**Tuesday, 18 August 2020 – Kellerberrin Council Chambers**

**Tuesday, 15 September 2020 – Kellerberrin Council Chambers**

**Tuesday, 20 October 2020 – Kellerberrin Council Chambers**

**Tuesday, 17 November 2020 – Kellerberrin Council Chambers**

**Tuesday, 15 December 2020 – Kellerberrin Council Chambers**

**CARRIED 6/0  
BY ABSOLUTE MAJORITY**

Council's October 2018 Ordinary Meeting of Council

**MIN 185/18 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. Leake

***That Council adopts the following Schedule of Council Ordinary Meeting dates for 2019 at Council Chambers 110 Massingham Street Kellerberrin with meeting commencement time and Public Question Time:***

***Briefing Session: Councillors Briefing Session on Agenda 1:00 pm***

***Meeting Commencement time 2:00 pm.***

***Public Question Time: commencing at 2:15 pm and limited to 15 minutes. Place:***

***Meeting Day: every third Tuesday of the month***

***January 2019 – No Meeting***



***Tuesday, 12th February 2019 – Kellerberrin Council Chambers  
Tuesday, 19th March 2019 – Kellerberrin Council Chamber  
Tuesday, 16th April 2019 – Kellerberrin Council Chambers  
Tuesday, 21st May 2019 – Kellerberrin Council Chambers  
Tuesday, 18th June 2019 – Kellerberrin Council Chambers  
Tuesday, 16th July 2019 – Kellerberrin Council Chambers  
Tuesday, 20th August 2019 – Kellerberrin Council Chambers  
Tuesday, 17th September 2019 – Kellerberrin Council Chambers  
Tuesday, 15th October 2019 – Kellerberrin Council Chambers  
Tuesday, 19th November 2019 – Kellerberrin Council Chambers  
Tuesday, 17th December 2019 – Kellerberrin Council Chambers***

CARRIED 6/0

Council's October 2017 Ordinary Meeting of Council
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**MIN 181/17 MOTION** - Moved Cr. Reid 2<sup>nd</sup> Cr. White

***That Council adopts the following Schedule of Council Ordinary Meeting dates for 2018 incorporating meeting location/venue, meeting commencement time and Public Question Time.***

***Briefing Session: Councillors Briefing Session on Agenda 1:00 pm***

***Time: Meeting Commencement time 2:00 pm.***

***Public Question Time: commencing at 2:15 pm and limited to 15 minutes.***

***Place: Council Chambers 110 Massingham Street Kellerberrin***

***Meeting Day: every third Tuesday of the month***

***January 2018 – No Meeting***

***Tuesday, 20<sup>th</sup> February 2018 – Kellerberrin Council Chambers***

***Tuesday, 20<sup>th</sup> March 2018 – Kellerberrin Council Chambers***

***Tuesday, 17<sup>th</sup> April 2018 – Kellerberrin Council Chambers***

***Tuesday, 15<sup>th</sup> May 2018 – Kellerberrin Council Chambers***

***Tuesday, 19<sup>th</sup> June 2018 – Kellerberrin Council Chambers***

***Tuesday, 17<sup>th</sup> July 2018 – Kellerberrin Council Chambers***

***Tuesday, 21<sup>st</sup> August 2018 – Kellerberrin Council Chambers***

***Tuesday, 18<sup>th</sup> September 2018 – Kellerberrin Council Chambers***

***Tuesday, 16<sup>th</sup> October 2018 – Kellerberrin Council Chambers***

***Tuesday, 20<sup>th</sup> November 2018 – Kellerberrin Council Chambers***

***Tuesday, 18<sup>th</sup> December 2018 – Kellerberrin Council Chambers***

CARRIED 7/0

## **STAFF COMMENT**

Council is required under legislation, to advertise its meetings advising of the date, commencement time, public question time and location of the meeting once each year. It is generally this time of the year that Council should consider its schedule of Ordinary Meetings for the 2010 calendar year.

Council needs to remain mindful of continuing on with its meetings in an efficient and timely manner to complete required and presented business. Council meetings are conducted in a businesslike and professional manner which allows for more informal discussion to occur. This reduces the necessity to have special Council meetings for specific issues with these matters being included as part of the monthly agenda.

Special Council meetings can be called with little notice given if required however to deal with any items that requires a decisions out of Council meeting times.

Items for consideration when adopting times and dates for the upcoming year are but not limited to;

- Preferred Council Information/Briefing Sessions (time allowance and when)
- Luncheon arrangements, if commenced with at an earlier time
- Business commitments of individual Council Members (actual meeting start time)

- Time allocation for dealing with the business of the Council including the agenda items
- Allowance for Meeting guests/presentations/petitions etc. (preferred time and length of presentation)
- Desired format for information sessions, etc.

Council at any time though can decide to modify the commencement time of their meetings though appropriate notice to the community is required.

## **TEN YEAR FINANCIAL PLAN**

NIL known at this time.

## **FINANCIAL IMPLICATIONS**

2020/2021 Budget – expense account for statutory advertising and members travelling and meeting attendance fees.

Cost of local advertising of Council meeting times. Current budget general ledger expense account for advertising will be utilised.

## **STATUTORY IMPLICATIONS**

### **Local Government Act (as amended) 1995**

#### **5.24. Question time for public**

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and
  - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Regulations about council and committee meetings and committees

- (3) Without limiting the generality of section 9.59, regulations may make provision in relation to —
  - (a) the matters to be dealt with at ordinary or at special meetings of councils;
  - (b) the functions of committees or types of committee;
  - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;
  - (c) the procedure to be followed at, and in respect of, council or committee meetings;
  - (d) methods of voting at council or committee meetings;
  - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);
  - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;
  - (g) the giving of public notice of the date and agenda for council or committee meetings;

- (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;
- (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
- (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
  - (i) tabled at a council or committee meeting; or
  - (ii) produced by the local government or a committee for presentation at a council or committee meeting,
 are to be made available for inspection by members of the public.
- (4) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

*[Section 5.25 amended by No. 64 of 1998 s. 28.]*

Local Government (Administration) Regulations 1996

## **12. Public notice of council or committee meetings — s. 5.25(1)(g)**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
 are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Shire of Kellerberrin Standing Orders Local Law 2006

## **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
- Personal Assistant to Chief Executive Officer

## STAFF RECOMMENDATION

*That Council adopts the following schedule of Ordinary Council Meeting dates for 2021 incorporating meeting location/venue, meeting commencement time and public question time.*

**Briefing Session:**

**Council Meeting Time:**

**Public Question Time:**

**Place of Meeting:**

**Councillors Briefing session on Agenda at 1.00 pm**

**Meeting commencement time – 2.00 pm**

**Commencing at 2.15 pm and limited to 15 minutes**

**Shire of Kellerberrin Council**

**Chambers 110 Massingham Street,**

**Kellerberrin.**

**Meeting Day:**

**Every Third Tuesday of the month.**

### MEETING DATE

**January 2021**

**Tuesday 16<sup>th</sup> February 2021**

**Tuesday 16<sup>th</sup> March 2021**

**Tuesday 20<sup>th</sup> April 2021**

**Tuesday 18<sup>th</sup> May 2021**

**Tuesday 15<sup>th</sup> June 2021**

**Tuesday 20<sup>th</sup> July 2021**

**Tuesday 17<sup>th</sup> August 2021**

**Tuesday 21<sup>st</sup> September 2021**

**Tuesday 19<sup>th</sup> October 2021**

**Tuesday 16<sup>th</sup> November 2021**

**Tuesday 21<sup>st</sup> December 2021**

### LOCATION

**No Meeting**

**Shire of Kellerberrin, Council Chambers**

**Shire of Kellerberrin, Council Chambers**

**Shire of Kellerberrin, Council Chambers**

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**Shire of Kellerberrin, Council Chambers**

**Shire of Kellerberrin, Council Chambers**

## **COUNCIL RESOLUTION**

**MIN 166/20**

**MOTION - Moved Cr. Steber**

**Seconded Cr. Reid**

***That Council adopts the following schedule of Ordinary Council Meeting dates for 2021 incorporating meeting location/venue, meeting commencement time and public question time.***

***Briefing Session:***

***Council Meeting Time:***

***Public Question Time:***

***Place of Meeting:***

***Meeting Day:***

***Councillors Briefing session on Agenda at 1.00 pm***

***Meeting commencement time – 2.00 pm***

***Commencing at 2.15 pm and limited to 15 minutes***

***Shire of Kellerberrin Council***

***Chambers 110 Massingham Street,***

***Kellerberrin.***

***Every Third Tuesday of the month.***

### **MEETING DATE**

***January 2021***

***Tuesday 16<sup>th</sup> February 2021***

***Tuesday 16<sup>th</sup> March 2021***

***Tuesday 20<sup>th</sup> April 2021***

***Tuesday 18<sup>th</sup> May 2021***

***Tuesday 15<sup>th</sup> June 2021***

***Tuesday 20<sup>th</sup> July 2021***

***Tuesday 17<sup>th</sup> August 2021***

***Tuesday 21<sup>st</sup> September 2021***

***Tuesday 19<sup>th</sup> October 2021***

***Tuesday 16<sup>th</sup> November 2021***

***Tuesday 21<sup>st</sup> December 2021***

### **LOCATION**

***No Meeting***

***Shire of Kellerberrin, Council Chambers***

***Shire of Kellerberrin, Council Chambers***

***Shire of Kellerberrin, Council Chambers***

***Shire of Kellerberrin, Council Chambers***

***Shire of Kellerberrin, Council Chambers***

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***Shire of Kellerberrin, Council Chambers***

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***Shire of Kellerberrin, Council Chambers***

***Shire of Kellerberrin, Council Chambers***

***Shire of Kellerberrin, Council Chambers***

**CARRIED 6/0**

**9.8 KELLERBERRIN MEN'S SHED - RATE EXEMPTION**

**File Ref:** ORLG33 & ICR202587  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Rate Exemption Application  
2. Kellerberrin Men's Shed Rules  
3. Correspondence  
4. Letter - Legal Advice

**BACKGROUND**

Council on the 29<sup>th</sup> September 2020 received correspondence from the Kellerberrin Men's Shed requesting information as per the following exert from their correspondence:

1. *The Kellerberrin Community Men's Shed (KCMS) pays Rates on Rateable Land thus being 132 Massingham Street, Kellerberrin WA 6410. This items requires clarity of which I ask from the Shire.*
2. *Under the Local Govern Act 1995, Part 6, Division 6, S6.26 Rateable Land Subparagraph (G) Page 251 in version 07-ro-01 dated 01 May 2020 of the act states:*
  - a. *Land used for exclusively for charitable purposes.*
3. *Presently the Kellerberrin Community Men's Shed is registered as a charity under Australian Charities for Non for Profit Commission (ACNC) guidelines since 2012.*
4. *Approved by Federal Parliament on 01 September 2020 and effective from 01 October 2020, the Kellerberrin Community Men's Shed will be registered under the new adopted rule for Deductable Gift Recipients (DGR) under the ATO Guidelines. Guidelines state we must be registered as a Charity under ACNC of which the Kellerberrin Community Men's Shed complies.*
5. *Council advice for the Kellerberrin Community Men's Shed of the following:*
  - a) *Our rights with respect to the payment of rates noting Para 2 and 3 above,*
  - b) *Noting the Kellerberrin Community Men's Shed was NOT aware and has NEVER been aware of such a rule noted at paragraph (a), can the KCMS seek reimbursement for rates since 2012-2013 fiscal year, and*
  - c) *Does Council require any additional paperwork or forms to be filled and lodged with respect to being a charity or to claim the exemption for the payment of rates?*

*We extend thanks once again to the Shire of Kellerberrin for their ongoing support to our Shed.*

**STAFF COMMENT**

Council responded to the letter exert above with the following information:

*With respect to your question noted as No 5 in your correspondence;*

*The Kellerberrin Men's Shed can make application to Council through the attached documentation for a review of your rateable status on 132 Massingham Street. Please note the property at 132 Massingham Street has two lots being;*

- *Lot 508*
- *Lot 2*

*As there is two lots for the property at 132 Massingham Street, each lot will require a separate application form to be completed.*

*Council would like to provide the below table giving the Kellerberrin Men's Shed an overview of what has occurred with your rates since the 12/13 financial year to demonstrate to contribution Council has made in respect to your rates.*

<i>Financial Year</i>	<i>Rates</i>	<i>ESL</i>	<i>Rubbish</i>	<i>TOTAL</i>	<i>Council Contribution</i>	<i>Men's Shed Payment</i>
12/13	\$ 953.92	\$57.00	\$160.00	\$1,170.92	\$1,170.92	
13/14	\$1,015.92	\$60.00	\$165.00	\$1,240.92	\$1,240.92	
14/15	\$1,056.56	\$64.00	\$165.00	\$1,285.56	\$1,285.56	
15/16	\$1,104.10	\$68.00	\$175.00	\$1,347.10	\$1,347.10	
16/17	\$1,153.79	\$71.00	\$179.00	\$1,403.79	\$1,403.79	
17/18	\$1,489.47	\$75.00	\$185.00	\$1,749.47	\$1,551.88	\$ 260.00
18/19	\$1,564.37	\$82.00	\$200.00	\$1,846.37		\$1,862.80
19/20	\$1,634.64	\$84.00	\$203.00	\$1,921.64	\$1,500.00	\$ 421.61
20/21	\$1,634.61	\$84.00	\$203.00	\$1,921.64	<b>\$1,500.00</b>	\$ 421.61
	<b>\$11,607.38</b>	<b>\$645.00</b>	<b>\$1,635.00</b>	<b>\$13,887.38</b>	<b>\$10,924.26</b>	<b>\$2,966.02</b>

*Please note where the Council contribution and the Men's Shed payment doesn't equate to the Total levied this is because we have omitted the Interest, Instalment fee and the like due to size restrictions on the table.*

*Please be advised that the charitable status on your application is only subject to the Rates portion of the charges therefore the ESL and Rubbish fees will require payment from the Men's Shed. It becomes very clear in the above table that out of \$11,607.38 in rates that you are requesting to be refunded should your application be successful Council has already contributed \$10,924.26. It must be said that the figure highlighted is a donation Council made to the Men's Shed that was used to pay rates.*

*Please note the above contribution from Council to the Men's Shed is rates only and doesn't incorporate the other donations that have occurred since 2010/2011 of \$8,050 in cash payment and the lease fee that was waived for the Restdown Estate property for the years to Kellerberrin' Men's Shed had the land to generate cropping income.*

On receipt of the information provided about Rate exemption paperwork was received over the counter on Thursday 1<sup>st</sup> October 2020. In researching all the requirements Codi spoke to Associations in regards to the constitution on Friday 2<sup>nd</sup> October 2020 and was advised that the Kellerberrin Men's Shed constitution was started back in April 2018 and was not submitted therefore they will need to operate under the 2010 rules of which has been provided as an attachment.

Council continuing in following up the application did a search of the ACNC website for registered Charities of which the Kellerberrin Men's Shed wasn't listed, this would be due to the requirement of a three year renewal requirement which may have been missed.

The three-year renewal requirement has now been removed as a requirement. In addition to the ACNC registration the Men's Shed are required to obtain a Western Australian Charitable Collectors Licence to enable fundraising and receive donations.

Council on the 7<sup>th</sup> October 2020 emailed the Kellerberrin Men's Shed to advise them of this requirement and that they are not currently registered as a Charitable Organisation as per below table.

## Search results

6 results in 1 pages.

LEGAL NAME	STATUS	SIZE	SUBURB/TOWN	STATE	ABN
<a href="#">Anglican Parish Of Kellerberrin</a>	Registered	Small	Kellerberrin	WA	<a href="#">66410501468</a>
<a href="#">Kellerberrin And Districts Agricultural Society Inc</a>	Registered	Small	Kellerberrin	WA	<a href="#">28875335426</a>
<a href="#">Kellerberrin Community Resource Centre Inc.</a>	Registered	Medium	Kellerberrin	WA	<a href="#">14278455953</a>
<a href="#">Kellerberrin Volunteer Fire Brigade</a>	Voluntarily revoked	Small	Kellerberrin	WA	<a href="#">15522485084</a>
<a href="#">North Kellerberrin Bush Fire Brigade</a>	Registered	Small	Kellerberrin	WA	<a href="#">94837941883</a>
<a href="#">The Dryandra Hostel Inc</a>	Registered	Large	Kellerberrin	WA	<a href="#">25361058242</a>

▼ Show 5 results per page



Updates or changes made to charity pages on the ACNC Charity Register do not display immediately. They can take up to 24 hours to be displayed.

[Search the Charity Register](#)



[Recently registered charities](#)

The Kellerberrin Men's Shed have provided within the Statutory Declaration the following;

The property located at 132 Massingham Street is used by The Kellerberrin Community Men's Shed for the purposes of Special Recreation, Men's Health and Well being with the description of activities the property is used for being Woodwork, Metalwork, Tractor and vehicle restoration, Community Activities and Men's Wellbeing.

Council provided this reports to its Lawyers for review to ensure that the information provided and the recommendation are in line with legislation. Please find attached a copy of the full correspondence however the exert below provides some guidance for Council;

- Whether the purpose of the use of the land is for a charitable purpose is a matter of fact. Also whether the land is used exclusively for the charitable purpose is also a matter of fact. I assume from the information provided that at some time there has been a recognition by the Tax Department and ACNC that the organisation is charitable, and the description of the use as being 'Special Recreation – Men's Health and Wellbeing' does tend to indicate a charitable purpose.

## TEN YEAR FINANCIAL PLAN

The Shire of Kellerberrin has a projection of rates as per the Ten year financial plan and should this application be successful the plan will be affected by the amount of rates generated from this property each year effectively written off.

## FINANCIAL IMPLICATIONS

Currently the rates for the property are \$1,634 therefore this is Council financial impact. In addition to the initial cost it will be for the further three years past this financial year should the application be successful.

## STATUTORY IMPLICATIONS

### ***Local Government Act 1995 – Part 3, Division 3***

Local Government Act 1995 (as amended) (LGA)

#### **LGA - 6.26. Rateable land**

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land-



- (a) land which is the property of the Crown and-
    - (i) is being used or held for a public purpose; or
    - (ii) is unoccupied, except-
      - I. where any person is, under paragraph (e) of the definition of “owner” in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or
      - II. where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of “owner” in section 1.4 occupies or makes use of the land;
  - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;
  - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;
  - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;
  - (e) land used exclusively by a religious body as a school for the religious instruction of children;
  - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*;
  - (g) land used exclusively for charitable purposes;
  - (h) land vested in trustees for agricultural or horticultural show purposes;
  - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Administration and Audit Act 1985*) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;
  - (j) land which is exempt from rates under any other written law; and
  - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer

the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

[Section 6.26 amended by No. 36 of 1999 s. 247.]

### **LGA : s6.47 – Concessions**

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

## **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
- Kellerberrin Men's Shed Members

## **STAFF RECOMMENDATION**

That Council:

1. Approve the Kellerberrin Community Men's Shed rate exemption application for both Lot 508 & Lot 2 being 132 Massingham Street as the land is deemed to be used exclusively for Charitable purposes in accordance with *Local Government Act 1995, Section 6.26,2,(g)* as of 1 July 2021 to be reviewed on 30 June 2024
2. Advise the Kellerberrin Community Men's Shed of Council's decision by completing the relevant forms;
3. Advises the Kellerberrin Men's Shed that in accordance with *Local Government Act 1995, Section 6.39 (2)* it has reviewed the rate record for the 5 years preceding the current financial year and determined that the payments/waivers and contributions to the Kellerberrin Men's Shed are adequate compensation for the rate relief for these financial years;
4. Request the Kellerberrin Men's Shed to advise Council of any changes of use for Lots 508 & 2 so Council can reassess the rate exemption approval.

## COUNCIL RESOLUTION

MIN 167/20

MOTION - Moved Cr. Steber

Seconded Cr. Leake

*That Council:*

- 1. Approve the Kellerberrin Community Men's Shed rate exemption application for both Lot 508 & Lot 2 being 132 Massingham Street as the land is deemed to be used exclusively for Charitable purposes in accordance with Local Government Act 1995, Section 6.26,2,(g) as of 1 July 2021 to be reviewed on 30 June 2024*
- 2. Advise the Kellerberrin Community Men's Shed of Council's decision by completing the relevant forms;*
- 3. Advises the Kellerberrin Men's Shed that in accordance with Local Government Act 1995, Section 6.39 (2) it has reviewed the rate record for the 5 years preceding the current financial year and determined that the payments/waivers and contributions to the Kellerberrin Men's Shed are adequate compensation for the rate relief for these financial years;*
- 4. Request the Kellerberrin Men's Shed to advise Council of any changes of use for Lots 508 & 2 so Council can reassess the rate exemption approval.*

CARRIED 6/0

BY ABSOLUTE MAJORITY

**9.9 APPLICATION FOR TEMPORARY OCCUPATION OF CARAVAN**

**File Ref:** A538 & ICR202599  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Email seeking permission to occupy caravan

**BACKGROUND**

Council on the 6<sup>th</sup> October 2020 met with the owner of 16 Sewell Street to discuss the building proposal for the property. At the time the owner advised that he is currently residing on the property in a Caravan.

Council advised that this cannot occur without Council's express approval therefore a letter was requested seeking Council's permission.

**STAFF COMMENT**

Council on the 12<sup>th</sup> October 2020 received a formal request to occupy a caravan while they construct a house, shed and carport on site.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

NIL

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

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

**8A. Definition of "camp" in this Part**

In this Part —

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

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

**9. Park homes may only be occupied in caravan parks**

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

Penalty: \$3 000.

**10. Where a person may camp**

A person may camp only —

(a) at a site in a caravan park or camping ground, as appropriate, licensed under the Act; or

(b) in accordance with regulation 11.

Penalty: \$1 000.

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

### (1) A person may camp —

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

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

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

### (3) In this regulation —

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

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

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

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

in a vehicle;

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

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

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

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

## STRATEGIC COMMUNITY PLAN

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

**Core Drivers** - Core drivers identify what Council will be concentrating on as it works towards achieving Council's vision. The core drivers developed by Council are:

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Property Owner

## STAFF RECOMMENDATION

*That Council:*

1. *Grants three months approval for camping 16 Sewell Street, Kellerberrin with the following conditions:*
  - a. *Any power connections are to be RCD protected.*
  - b. *Working smoke alarms*
  - c. *A Licenced plumber connection to the sewer system*
  - d. *Water Connection*
  - e. *Expires 15<sup>th</sup> January 2021*
2. *Delegates Authority to Council's Chief Executive Officer to approve a further 12 month permission on receipt of a conforming building permit*

## COUNCIL RESOLUTION

MIN 168/20

MOTION - Moved Cr. Reid

Seconded Cr. Steber

*That Council:*

1. *Grants three months approval for camping 16 Sewell Street, Kellerberrin with the following conditions:*
  - a. *Any power connections are to be RCD protected.*
  - b. *Working smoke alarms*
  - c. *A Licenced plumber connection to the sewer system*
  - d. *Water Connection*
  - e. *Expires 15<sup>th</sup> January 2021*
  - f. *Receipt of permission from owner.*
2. *Delegates Authority to Council's Chief Executive Officer to approve a further 12 month permission on receipt of a conforming building permit*

**CARRIED 6/0**

<b>9.10 CHEQUE LIST SEPTEMBER 2020</b>
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**File Number:** N/A  
**Author:** Zene Arancon, Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. September 2020 Payment List

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> September to 30<sup>th</sup> September 2020

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 60,995.94</b>
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**MUNICIPAL FUND****Cheque Payments**

34791-34801	\$ 18,417.11
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**EFT Payments**

11233-11336	\$ 387,475.23
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<b>Direct Debit Payments</b>	<b>\$ 44,045.41</b>
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<b>TOTAL MUNICIPAL</b>	<b>\$ 449,937.75</b>
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**STAFF COMMENT**

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

<b>Auspan Group</b>	<b>\$ 104,028.32</b>
Plan and steel procurement payment for new Exhibition Hall/Rec Centre	
<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	<b>\$ 59,317.80</b>
Licencing payments September 2020	
<b>Western Australian Treasury Corporation</b>	<b>\$ 33,504.08</b>
Loan No. 118 principal & interest payment - Rec Centre Redevelopment	
<b>Youlie and Son Spreading Services</b>	<b>\$ 24,527.25</b>
Equipment hire charges for various roads grading	
<b>Deputy Commissioner Of Taxation</b>	<b>\$ 23,849.00</b>
PAYG Tax	
<b>Fire And Emergency Services (WA)</b>	<b>\$ 21,509.10</b>
2020/2021 ESL Quarter 1 payment	
<b>Brooks Hire Service Pty Ltd</b>	<b>\$ 16,567.65</b>
Hire of grader August 2020 for various roads grading	
<b>Smith Earthmoving Pty Ltd</b>	<b>\$ 16,445.00</b>
Hire of semi tipper August-September 2020 for road construction & gravel sheeting	
<b>AFGRI Equipment Australia Pty Ltd</b>	<b>\$ 15,563.17</b>
Repairs including parts & labour for John Deer grader 672GD KE 03	
<b>United Card Services Pty Ltd</b>	<b>\$ 10,238.37</b>
Total supply August 2020	
<b>Midway Ford</b>	<b>\$ 8,484.18</b>
Purchase of Ford Ranger 2020 including trade-in for MWS	
<b>Avon Waste</b>	<b>\$ 8,209.66</b>

## Domestic &amp; commercial rubbish collection fees August 2020

<b>Water Corporation</b>	<b>\$ 7,858.21</b>
Water charges for various Shire properties June-August 2020	
<b>WestCoast Profilers</b>	<b>\$ 7,425.00</b>
Mob/demob charges for road profiling	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 7,228.47</b>
Staff superannuation contributions & deductions	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 7,110.27</b>
Staff superannuation contributions & deductions	
<b>Blackwell Plumbing Pty Ltd</b>	<b>\$ 6,741.70</b>
Manhole replacement, welding & labour charges for Scott St. road construction	
<b>Synergy</b>	<b>\$ 6,532.34</b>
Power charges for various Shire properties June-August 2020	
<b>EE &amp; JM Newman</b>	<b>\$ 6,270.00</b>
Land conservation agreement CSG19144	
<b>Farmways Kellerberrin Pty Ltd</b>	<b>\$ 6,241.98</b>
Purchase of gas bottles, hydraulic oils, high impact gloves \$ various under \$200	

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

Shire of Kellerberrin 2020/2021 Operating Budget

**STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

**11. Payment of accounts**

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

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

**12. Payments from municipal fund or trust fund**



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

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

### **13. Lists of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) The payee's name;
  - (b) The amount of the payment;
  - (c) The date of the payment; and
  - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) For each account which requires council authorisation in that month —
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) Sufficient information to identify the transaction;
 And
  - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
  - (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) Recorded in the minutes of that meeting.

### **STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

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

## STAFF RECOMMENDATION

*That Council notes that during the month of September 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 \$ 449,937.75 on vouchers EFT , CHQ, Direct payments; and*
2. *Trust Fund payments totalling \$ 60,995.94 on vouchers EFT, CHQ, Direct payments*

## COUNCIL RESOLUTION

**MIN 169/20      MOTION - Moved Cr. Ryan      Seconded Cr. McNeil**

*That Council notes that during the month of September 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 \$ 449,937.75 on vouchers EFT , CHQ, Direct payments; and*
2. *Trust Fund payments totalling \$ 60,995.94 on vouchers EFT, CHQ, Direct payments*

**CARRIED 6/0**

**9.11 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - SEPTEMBER 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 September 2020.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
1/09/2020	Westnet	Internet Fees		4.99
1/09/2020	NAB	Merchant Fees - Trust		5.77
1/09/2020	NAB	Merchant Fees - Caravan Park		57.49
1/09/2020	NAB	Merchant Fees - Shire		320.51
1/09/2020	NAB	Merchant Fees - CRC		458.74
1/09/2020	Department of Communities	Rent		420.00
3/09/2020	Shire of Kellerberrin	Super Choice		9234.90
3/09/2020	Shire of Kellerberrin	Pay Run		54057.44
7/09/2020	Department of Transport	Vehicle Inspections		133.90
10/09/2020	Shire of Kellerberrin	Creditors		180673.91
15/09/2020	Department of Communities	Rent		420.00
16/09/2020	ATO	BAS August		23849.00
17/09/2020	Shire of Kellerberrin	Pay Run		53883.85
17/09/2020	Shire of Kellerberrin	Super Choice		9136.60
24/09/2020	Shire of Kellerberrin	Creditors		206801.32
28/09/2020	NAB	Bank Fees - NAB Connect		48.23
29/09/2020	Department of Communities	Rent		420.00
30/09/2020	NAB	Bank Fees		10.00
30/09/2020	NAB	Bank Fees - B Pay		57.96
		<b>TOTAL</b>	<b>\$</b>	<b>539,994.61</b>
Trust Direct Debit List				
Date	Name	Details	\$	Amount
30/09/2020	Department of Transport	Licencing September 2020		59317.80
		<b>TOTAL</b>	<b>\$</b>	<b>59,317.80</b>

Date		Name	Details	\$	Amount
1/09/2020		Subway Merredin	Lunch - LG Pro Meeting Kellerberrin		105.00
11/09/2020		Puma Fuel	Fuel KE 1		78.75
28/09/2020		NAB	Card Fee		9.00
			<b>TOTAL - CEO</b>	<b>\$</b>	<b>192.75</b>
Date		Name	Details	\$	Amount
8/09/2020		Royal Life Saving WA	Pool Manager Course		159.00
24/09/2020		Shire of Kellerberrin	Licencing Plate Transfer BFB Truck Doodlakine		34.60
28/09/2020		NAB	Card Fee		9.00
			<b>TOTAL -DCEO</b>		<b>202.60</b>
			<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b>395.35</b>

### STAFF COMMENT

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

### TEN YEAR FINANCIAL PLAN

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

### FINANCIAL IMPLICATIONS

Financial Management of 2020/2021 Budget.

### STATUTORY IMPLICATIONS

#### Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

## **STRATEGIC COMMUNITY PLAN**

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

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

## **COMMUNITY CONSULTATION**

The following consultation took place;

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

## STAFF RECOMMENDATION

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

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

## COUNCIL RESOLUTION

**MIN 170/20**

**MOTION - Moved Cr. Steber**

**Seconded Cr. Reid**

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

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

**CARRIED 6/0**

**9.12 FINANCIAL ACTIVITY STATEMENT - SEPTEMBER 2020**

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

**BACKGROUND**

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

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

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

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

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

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

**STAFF COMMENT**

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

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

**TEN YEAR FINANCIAL PLAN**

Financial Management of 2020/2021 Budget.

## FINANCIAL IMPLICATIONS

Financial Management of 2020/2021 Budget.

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

### 34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

## STRATEGIC COMMUNITY PLAN

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

## STAFF RECOMMENDATION

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

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

## COUNCIL RESOLUTION

**MIN 171/20      MOTION - Moved Cr. Ryan      Seconded Cr. Leake**

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

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

**CARRIED 6/0  
BY ABSOLUTE MAJORITY**

**9.13 BUILDING REPORTS SEPTEMBER 2020**

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

**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 September period. A copy of the "Australian Bureau of Statistics appends".
2. There were one (1) "Building Permit" issued in the September 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:

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**COMMUNITY CONSULTATION**

The following consultation took place:

- Building Surveyor
- Owners
- Building Contractors

- Chief Executive Officer

## STAFF RECOMMENDATION

*That Council*

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

## COUNCIL RESOLUTION

**MIN 172/20**

**MOTION - Moved Cr. Steber**

**Seconded Cr. Leake**

*That Council:*

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

**CARRIED 6/0**

**10 DEVELOPMENT SERVICES REPORTS**

Nil

## 11 WORKS & SERVICES REPORTS

### 11.1 DEVELOPMENT APPLICATION; FRONT FENCE

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

#### BACKGROUND

Council's September 2020 Ordinary Meeting of Council – 15<sup>th</sup> September 2020

**MIN 001/20      MOTION - Moved Cr. McNeil      Seconded Cr. Reid**

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

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

#### **Advice Notes**

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

**CARRIED 7/0**

#### **COMMENTS**

The application from Mr. Tim England was for the construction of a front boundary fence at 20 Gregory Street, Kellerberrin. The proposal required planning approval due to the proposed use of secondhand materials. The fence will use secondhand bricks rendered to create a wall that will also include wooden pickets. The fence proposal is to be 1.2m in height. The application however didn't include the side fence.

Mr. England on receipt of correspondence from Council advising of Council's decision above has applied for his development application to be amended to delete the condition for a truncation in his front and side fence.

Mr England has provided a site plant indicating that the side boundary is 10.2m from McCulloch Street therefore sight lines for the intersection of McCulloch and Gregory Street wouldn't be affected

by a 1.2m right angled fence from front to side boundary. Please see attached letter and site plan for further information.

## SITE



### Shire of Kellerberrin Local Planning Scheme

#### *Planning and Development (Local Planning Scheme) Regulations 2015*

#### **67. Matters to be considered by local government**

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

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (c) any approved State planning policy;
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);

- (e) any policy of the Commission;
- (f) any policy of the State;
- (g) any local planning policy for the Scheme area;
- (h) any structure plan, activity centre plan or local development plan that relates to the development;
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
- (k) the built heritage conservation of any place that is of cultural significance;
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
  - (i) public transport services;
  - (ii) public utility services;
  - (iii) storage, management and collection of waste;
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;

- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

## **Fencing Local Law 2016**

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

A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.

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

### **2.9 General discretion of the local government**

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



- (a) the safe or convenient use of any land;
- (b) the safety or convenience of any person; or
- (c) the visual amenity of the locality

### Division 3—Fencing Materials

#### 2.10 Pre-used fencing materials

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

#### (D) Composite fence

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

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

#### R-Codes 2015

##### C4

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

## STRATEGIC PLAN IMPLICATIONS

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
- Council's Town Planner

## PLANNING ASSESSMENT

***“7. Ensure the Fencing Local Laws are adhered to for corner blocks, this being a truncated connection from the front fence to the eastern side fence.”***

Condition no.7 requires Mr. England to truncate his fence at the intersection of Gregory and McCulloch street as per clause 2.7.1 (b) of the shires Fencing Local Law (2016) which states;

“at an intersection of 2 roads a minimum sight line truncation of 3 metres x 3 metres. A sight line truncation is not required on the entry side of a driveway where it is clearly defined as “ENTRY ONLY” or where a driveway is not less than 6 metres wide, and where appropriate signage and line marking is provided.”

Mr. England raised the following points regarding the truncation:

- the fence proposed with no truncation will have minimal impact upon sightlines because of the large area of kerb on the eastern side of the property (10m) and front setback area (7m); and
- the fence will only be 1.2m high on the eastern boundary for 11m, allowing sufficient visibility, the fence will then transition to the standard 1.8m

When visiting the site it was apparent that the large setback areas at the front and side of the property does provide adequate sightlines for cars turning right off Gregory and left off McCulloch street.

The CEO and myself discussed the possibility that allowing Mr. England to not truncate his fence could create a precedent within the townsite. However, upon review it is determined that the layout of 20 Gregory street provides no safety concerns for vehicles, while the proposed fence will improve visual amenity of the streetscape. It is also noted that several corner blocks throughout the townsite are not correctly truncated to the 3x3m prescription.

It is recommended that research is undertaken into potential policies that incorporate the size of kerb in relation to required fencing truncations on corner lots. A number of shires have policies which provide reduced truncations for large kerb areas as seen in this application.

## STAFF RECOMMENDATION

*That Council:*

- 1) *rescinds condition no.7 MIN 153/20, and replace with following condition;*
- 2) *The eastern boundary fence shall continue at 1.2m high for 8.5m where it intersects with the front boundary fence without a truncation due to the adjacent road being 10.2m from boundary.*

## COUNCIL RESOLUTION

**MIN 173/20**

**MOTION - Moved Cr. Leake**

**Seconded Cr. Steber**

*That Council:*

- 1) *rescinds condition no.7 MIN 153/20, and replace with following condition;*
- 2) *The eastern boundary fence shall continue at 1.2m high for 8.5m where it intersects with the front boundary fence without a truncation due to the adjacent road being 10.2m from boundary.*

**CARRIED 6/0**

**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 174/20      MOTION - Moved Cr. Reid      Seconded Cr. Steber**

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

**14.1      Write Off Duplicated Superannuation Payment**

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

**14.2      RFQ 03/20 Concrete Slab Services**

*This matter is considered to be confidential under Section 5.23(2) - c 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 contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

**CARRIED 6/0**

**COUNCIL RESOLUTION**

**MIN 175/20      MOTION - Moved Cr. Ryan      Seconded Cr. Leake**

*That Council moves out of Closed Council into Open Council.*

**CARRIED 6/0**

## **15 CLOSURE OF MEETING**

**The Meeting closed at 5.22pm.**

**The minutes of this meeting consisting of pages 1 to 75 were confirmed at the Ordinary Council Meeting held on 17<sup>th</sup> November 2020.**

.....  
**CHAIRPERSON**

**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.

October 2020 Council Meeting

**MIN 161/20 MOTION - Moved Cr. Reid      Seconded Cr. Leake**

***That Council:***

- 1. Endorse the appointment of Mr Lenin Pervan to the Kellerberrin Districts Club Manager interview panel as Council's representative.***
- 2. Leave the purchase of a display fridge for the Swimming Pool Canteen until the construction of the new pool.***
- 3. Approve the Shack Rd realignment section be utilised for community cropping until this land is required for use as offsets, as offsets cannot be retrospective.***
- 4. Decline the Kellerberrin Men-Shed request for access to the recycling bins in Centenary carpark due to safety concerns.***
- 5. Purchase a microwave for the hall.***
- 6. Review a signage plan to access the Kellerberrin Hill Lookout from George St.***
- 7. Receive the industrial land sub-division plan provided by Development WA and endorse an onsite meeting for further discussion and funding opportunities.***

September 2020 Council Meeting

**MIN 144/20 MOTION - Moved Cr. Leake      Seconded Cr. Steber**

***That Council;***

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





**August 2020 Council Meeting****MIN 126/20 MOTION - Moved Cr. Steber Seconded Cr. O'Neill**

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

**STAFF COMMENT****October MIN 161/20**

1. Item noted
2. Email sent to Swimming Pool Manager regarding council's decision on 21st October 2020.
3. Added to community cropping advertisement.
4. Email sent Kellerberrin Men's Shed regarding Councils decision on 21<sup>st</sup> October 2020.
5. Quotes being sought.
6. Councils Community Development Officer & Manager Works & Services are looking into this further.
7. Meeting held with Development WA on 30<sup>th</sup> October 2020

**September MIN 144/20**

1. Letter sent to Mr Murray Clement 16th September 2020.
3. Council attending The Prev on Tuesday 20<sup>th</sup> October before Council Meeting.

**August MIN 126/20**

NIL

**TEN YEAR FINANCIAL PLAN**

This does not directly affect the long term financial plan.

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;

- (d) speaks on behalf of the local government;
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
- (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
  - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —

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

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

#### 5.61. Indirect financial interests

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

#### 5.62. Closely associated persons

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

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

(2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

*[(e) deleted]*

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

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

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

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

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

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

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

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
- (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,

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

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

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

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

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

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

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

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

**5.66. Meeting to be informed of disclosures**

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

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

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

**5.67. Disclosing members not to participate in meetings**

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

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

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

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

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

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

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

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

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

## 5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
  - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
  - (b) any other information required by the Minister for the purposes of the application.

- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

- (4) A person must not contravene a condition imposed by the Minister under this section.

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

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

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —

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

- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

- Council Members
- Chief Executive Officer



## **STAFF RECOMMENDATION**

*That Council note any requests or ideas to be actioned.*

**9.2 STATUS REPORT OF ACTION SHEET**

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

**BACKGROUND**

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

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

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

**STAFF COMMENT**

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

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

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

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

**STATUTORY IMPLICATIONS**

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

#### 5.61. Indirect financial interests

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

#### 5.62. Closely associated persons

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

or

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

- (2) In subsection (1) —

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

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

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

#### 5.63. Some interests need not be disclosed

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

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

*[(e) deleted]*

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

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

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

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

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

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

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

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

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

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

**5.66. Meeting to be informed of disclosures**

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

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

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

**5.67. Disclosing members not to participate in meetings**

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

#### 5.70. Employees to disclose interests relating to advice or reports

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

#### 5.71. Employees to disclose interests relating to delegated functions

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

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

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

### **STRATEGIC COMMUNITY PLAN**

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

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

### **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer



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

## **STAFF RECOMMENDATION**

*That Council receive the Status Report.*

**9.3 CEACA MEMBERSHIP**

**File Ref:** ORG.15  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

**Council's October 2019 Ordinary Meeting of Council – 23<sup>rd</sup> October 2019.**

**MIN182/19 MOTION** - Moved Cr. Steber 2<sup>nd</sup> Cr. Talbot

That Council;

1. appoint the following members to committees/groups/panels

**Audit Committee**

That Audit Committee comprises full Council

**Emergency Committee**

Council's representatives on the Emergency Committee comprise of:

Delegate - Cr. Forsyth

Delegate – Cr. O'Neill

Delegate – Cr. Steber

**Great Eastern Country Zone – Western Australian Local Government Association**

Council Delegate to the Great Eastern Country Zone of WALGA comprise of:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy – Cr. O'Neill

**Regional Road Group**

Council's representatives on the Wheatbelt North Regional Road Group, Kellerberrin Sub-Group are:

Delegate - Cr.Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Leake

**Local Emergency Management Committee (LEMC)**

Council's representatives on the Local Emergency Management Committee comprise of:

Delegate - Cr. Leake

Deputy - Cr. Talbot

**Wheatbelt Eastern Regional Organisation of Councils (WEROC)**

Council's representatives on the Wheatbelt East Regional Organisation of Councils are:

Delegate - Cr. Forsyth

Delegate - Chief Executive Officer

Deputy - Cr. Steber

**Sport & Recreation Steering Committee**

Council's representatives on the Sport and Recreation Steering Committee are:

Delegate - Cr. McNeil

Delegate - Chief Executive Officer

Deputy - Cr. Talbot

**Local Hospital Advisory Group (L-HAG)**

Council's representative on the Local Health Advisory Group is:

Delegate - Cr. Forsyth

Deputy - Cr. O'Neill

**Regional Development Assessment Panel**

Council's representatives on the Regional Development Assessment Panel are:

Delegate - Cr. Forsyth

Deputy - Cr. Leake

**Central East Aged Care Committee (CEACA)**

Council's representatives on the CEACA are:

Delegate - Cr. Forsyth

**Roadworks Advisory Committee**

Delegate - Cr. Forsyth

Delegate - Cr. Steber

Delegate - Chief Executive Officer

Delegate - Manager of Works Services

2. disband the following as committees of council:
  - Granite Way Committee
  - Community Resource Centre Management Committee
  - Kellerberrin Swimming Pool Facility Redevelopment Steering Committee
  - Tidy Towns Committee
  - Independent Kellerberrin District High School Board Panel
3. adopt the terms of reference as shown in attachment A and B for Audit Committee and the Bushfire Advisory Committee.

**CARRIED 6/0**

**STAFF COMMENT**

Council on the 22<sup>nd</sup> October 2020 received the following request from Jo Trachy regarding CEACA Membership

*Good Afternoon,*

*On behalf of the Secretary, Quentin Davies, under Rule 12.2 of the CEACA Constitution, we are requesting nominations for elections to the Management Committee ahead of the Annual General Meeting being held on Monday, 23<sup>rd</sup> November 2020.*

*Nominations shall close on Monday, 16<sup>th</sup> November 2020 at 5.00pm WST.*

*The nominations must be submitted in the attached prescribed format pursuant to Rule 12.2(c).*

*The form must be completed in accordance with its instructions and must:*

- *Be signed by the General Member or their authorised representative appointed pursuant to Rule 6.3 making the nomination.*
- *Be signed by the nominee to signify their willingness to stand for election.*
- *Returned in person, email or post to Jo Trachy, Operations Manager, using the address details below, on or before the time and date for close of nominations.*

*Election of the Management Committee will take place at the AGM.*

Email - [jo.trachy@ceaca.org.au](mailto:jo.trachy@ceaca.org.au)

Postal - CEACA Inc, C/- The Garden Office Park, Level 2, Building C, 355 Scarborough Beach Road, Osborne Park WA 6017

By Hand - CEACA Inc, C/- The Garden Office Park, Level 2, Building C, 355 Scarborough Beach Road, Osborne Park

*Kind Regards,*

**Jo Trachy**

*Operations Manager*

*Central East Aged Care Alliance Inc.*

Council needs to nominate a member for the upcoming year.

## **TEN YEAR FINANCIAL PLAN**

N/A

## **FINANCIAL IMPLICATIONS**

CEACA Membership is currently \$20,000 per year.

## **STATUTORY IMPLICATIONS**

### **Local Government Act 1995**

### **Subdivision 2 — Committees and their meetings**

#### **5.10. Appointment of committee members**

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

*\* Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

## 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;

- CEACA
- Shire President
- Chief Executive Officer

## STAFF RECOMMENDATION

That appoints Cr. Rod Forsyth as Council's members to Central East Aged Care Alliance.

**9.4 CENTRAL EAST AGED CARE ALLIANCE - RATES EXEMPTION APPLICATION**

**File Ref:** ORG.15  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Council on the 19<sup>th</sup> October 2020 received the below correspondence from CEACA.

*Good Afternoon Raymond,*

***RATES EXEMPTION***

*Please find attached in support of our application for Shire rates exemption in relation to the above properties:*

- 1. Application for Rates Exemption.*
- 2. Site Plan.*
- 3. CEACA Certificate of Incorporation.*
- 4. CEACA ATO Endorsement Charity Tax Exemptions.*
- 5. CEACA ACNC Certificate.*
- 6. CEACA Constitution.*
- 7. CEACA Operations – Written Statement*

*Please note that we have not included the following:*

- 1. Copy of tenant lease. This breaches the Privacy Act and the Agency will not provide individual tenant leases to send to you. We would be happy to confirm that the tenant is not responsible for paying rates and can provide a blank copy of the Residential Tenancy Application if this helps. Please advise.*
- 2. Current year audited financial statements. These have not yet been completed. We would be happy to provide you with a copy at a later date.*

*We trust this information is sufficient for your purposes, however if there is anything else we need to provide in support of our application, please let us know.*

**STAFF COMMENT**

Council has undertaken a search of the Australian Charities and Not-for-Profits Commission and has found that CEACA is a registered Charitable Organisation with the Federal Government however on review of the State register of Charities CEACA isn't currently registered as per second picture.

Home • Search the ACNC Charity Register • Central East Aged Care Alliance Inc

# CENTRAL EAST AGED CARE ALLIANCE INC

Will my donation be tax deductible?  
Check the ABR for DGR status

✓ Charity is registered   ✓ Charity reporting is up to date

OVERVIEW   FINANCIALS & DOCUMENTS   PEOPLE   HISTORY

## Charity details

Also known as: CEACA

ABN: 40792001012

Address: The Garden Office Park  
Osborne Park WA 6017  
Australia

Address For Service email: [nicholas.hopkin@ceaca.org.au](mailto:nicholas.hopkin@ceaca.org.au)

Phone: 0894414815

Charity Size: Information Unavailable

Who the charity helps: Financially disadvantaged people  
People in rural/regional/remote communities  
People with disabilities  
Adults - aged 65 and over

Date established: 2015

Next report due: 31 January 2021

Financial Year End: 30/06

ABN	Charity Name
21417	CASTLE LEGACY INC.
21664	CAT STERILISATION SOCIETY INCORPORATED
17686	CAT WELFARE SOCIETY INC
21403	CATCH MUSIC INC
22251	CATENIAN CHARITY INC
20302	CATHOLIC ARCHDIOCESE OF PERTH, PERSONAL ADVOCACY SERVICE
20530	CATHOLIC CARE TRUST (THE ROMAN CATHOLIC BISHOP OF BUNBURY AS TRUSTEE FOR)
21236	CATHY FREEMAN FOUNDATION
20478	CBM AUSTRALIA
21673	CDH AUSTRALIA
21127	CENTENARY INSTITUTE MEDICAL RESEARCH FOUNDATION (JOSEPH CARROZZI AND ELIZABETH DIBBS AS TRUSTEES)
21974	CENTRAL DESERT NATIVE TITLE SERVICES LTD
20668	CENTRE FOR ADVOCACY SUPPORT AND EDUCATION FOR REFUGEES INCORPORATED
20570	CENTRE FOR ASYLUM SEEKERS, REFUGEES AND DETAINEES INC
20215	CENTRE FOR ATTITUDINAL HEALING (INC)
21651	CENTRE OF PERINATAL EXCELLENCE
17688	CENTRE CARE INCORPORATED

## TEN YEAR FINANCIAL PLAN

Currently with the Ten year financial plan there wouldn't be any impact as at the time of preparation of the plan CEACA wasn't in the pipeline, however if you did take it into consideration it would be a cost to Council of approximately \$130,000 plus in today's dollars.

**FINANCIAL IMPLICATIONS**

Councils 2020/21 Budget, Council currently has rates levied at \$13,374.42 of which will be reversed should Council accept the rate exemption application.

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

Local Government Act 1995 (as amended) (LGA)

**LGA - 6.26. Rateable land**

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land-
  - (a) land which is the property of the Crown and-
    - (i) is being used or held for a public purpose; or
    - (ii) is unoccupied, except-
      - I. where any person is, under paragraph (e) of the definition of “owner” in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act; or
      - II. where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of “owner” in section 1.4 occupies or makes use of the land;
  - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government;
  - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government;
  - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;
  - (e) land used exclusively by a religious body as a school for the religious instruction of children;
  - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*;
  - (g) land used exclusively for charitable purposes;
  - (h) land vested in trustees for agricultural or horticultural show purposes;



- (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Administration and Audit Act 1985*) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;
  - (j) land which is exempt from rates under any other written law; and
  - (k) land which is declared by the Minister to be exempt from rates.
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.
- (5) Notice of any declaration made under subsection (4) is to be published in the *Gazette*.
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.
- [Section 6.26 amended by No. 36 of 1999 s. 247.]

**LGA : s6.47 – Concessions**

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

**STRATEGIC COMMUNITY PLAN**

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

**COMMUNITY CONSULTATION**

The following consultation took place;

- Shire President
- Chief Executive Officer
- CEACA Committee and Executive.

**STAFF RECOMMENDATION**

That Council:

1. Approve the Central East Aged Care Alliance rate exemption application for Lot 100 Hammond Street as the land is deemed to be used exclusively for Charitable purposes in accordance with *Local Government Act 1995, Section 6.26,2,(g)* as of 1 July 2021 to be reviewed on 30 June 2024
2. Advise Central East Aged Care Alliance of Council's decision by completing the relevant forms;
3. Request Central East Aged Care Alliance to advise Council of any changes of use for 100 so Council can reassess the rate exemption approval.

## 9.5 SALE OF EXCESS ITEMS

**File Ref:** ICR202630  
**Author:** Codi Mullen, Personal Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Offer for old bowling club shelters

### BACKGROUND

Council on the 10<sup>th</sup> November received correspondence from Eric & Phillip Innes of Innes & Co, offering to purchase excess items being the shelters from the old bowling club.

### STAFF COMMENT

The items that have been requested to purchase are surplus to Council's requirements and Council at some stage to tidy the block up will be required to remove the shelters at our cost.

### TEN YEAR FINANCIAL PLAN

NIL

### FINANCIAL IMPLICATIONS

The income associated with the Sale of this equipment is small in nature as per the following:

- Shelters - \$200.00

Council would have a saving with not having to remove the shelters.

### STATUTORY IMPLICATIONS

#### ***Local Government Act 1995 – Part 3, Division 3***

#### Section 3.58

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

- c. *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

### 3.59. *Commercial enterprises by local governments*

- (1) *In this section —*

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

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

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

- (a) *acquire or dispose of an interest in land; or*
- (b) *develop land;*

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

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

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

**major trading undertaking** *means a trading undertaking that —*

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

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

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

- (2) *Before it —*

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

*a local government is to prepare a business plan.*

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

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

- (4) *The local government is to —*

- (a) *give Statewide public notice stating that —*
    - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;*
    - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
  - and*
  - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- \* Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
  - (a) *prescribe any land transaction to be an exempt land transaction;*
  - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*
- [Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

## STRATEGIC COMMUNITY PLAN

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

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community

3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Councillors

## STAFF RECOMMENDATION

That Council

- a) *approves the sale of Council's excess shelters to Mr Eric Innes & Mr Phillip Innes of 7445 Smith Road South Doodlakine, WA, 6411, by private agreement for the sum of \$200.00 subject to;*

### GENERAL CONDITIONS:

1. *Council advertising the disposition of property for a period of 14 days as per section 3.58 Local Government Act 1995, in a local newsletter and/or newspaper circulating in the District and/or Council Public Notice Board.*
2. *Should no submissions being received, Council authorises the Chief Executive Officer and Shire President to execute documentation for Sale of Property.*

**9.6 CEO MODEL STANDARDS - LG ADMIN REGS**

**File Ref:** ADM00  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

*The below information is an exert from the recent Infopage provided by WALGA.*

The Local Government Legislation Amendment Act 2019 introduced numerous amendments to the Local Government Act 1995, including the yet to commence insertion of new sections introducing mandatory Model Standards for CEO recruitment, performance and termination.

In March 2019 the Department of Local Government, Sport and Cultural Industries invited WALGA and other parties to participate in the CEO Recruitment, Performance Review and Termination Working Group to develop Model Standards. The Department discontinued the Working Group in May 2019 and released a Consultation Paper without endorsement by the Working Group in October 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop and endorse Model Standards for further sector consultation, and identified several concerns with the proposals in the Consultation Paper.

Throughout 2020, WALGA sought advice from the Department on the progress of draft regulations and a sector consultation process. The Department has now released the draft Local Government (Administration) Amendment Regulations (No.2) 2020 (Draft Regulations), to prescribe the Model Standards, together with Explanatory Notes. Both documents are available via the Department's website. A short consultation period will close on Sunday 6 December 2020, following WALGA's advocacy for further time to enable Councils to consider this matter.

WALGA notes that the Working Group was not reconvened, and the Draft Regulations include several elements that were highlighted as matters of concern by the sector. Due to the short time frame WALGA provides the following information as our initial concerns;

**1. Requirement to re-advertise CEO positions after 10 years of continuous service**

Section 5.39(2)(b) of the Local Government Act already limits CEO contracts to a maximum of 5 years and Councils have general competence powers to consider whether to renew the incumbent's contract or advertise the position. Suggesting that a Council must re-advertise the position of a CEO after 10 years is likely to prove unworkable or counterproductive in any case as:

- i. Councils conducting a selection process known to involve an incumbent CEO will risk allegations of non-compliance with Section 5.40 of the Local Government Act 'Principles affecting Local Government employees' due to actual or perceived bias, nepotism and lack of merit and equity in relation to other applicants;
- ii. May result in CEOs actively seeking alternative employment as the 10 year horizon approaches, meaning that a CEO that has provided satisfactory or perhaps exemplary service will be unnecessarily lost to the local government;
- iii. Where a CEO is re-employed as a consequence of re-advertising after the 10 year period, this process has incurred unnecessary costs and time waste for the LG, distracting from achieving its strategic

objectives and may further entrench perceptions that contracts are for life, thus negating the very purpose of this proposal.

Further, Division 3 of the Draft Regulations seeks to improve the capacity of local governments to effectively manage CEO employment. This is a far more appropriate and adapted mechanism to address a perceived issue of 'contracts for life', by ensuring that the performance of CEOs, whether long serving or newly appointed, is appropriately assessed and managed.

## ***2. Independent panel member***

Clause 8 of the Draft Regulations requires the selection panel to include at least one person who is neither a council member nor an employee of the local government. There is no guidance on the skills, experience or knowledge of the independent person, or their role on the panel. This has the potential to pose significant risk to the local government, as there are inadequate controls on the conduct of such a person (i.e. they will not be captured by a Code of Conduct as Panel is not a committee of Council). WALGA supports the ongoing use of an independent qualified and licensed recruitment consultant to provide guidance (as opposed to active participation) in both the recruitment process and to assist with obligations to finalise the employment of a CEO.

## ***3. Transparency and procedural fairness – Schedule 2***

The consultation draft emphasised that it is essential that the recruitment process is transparent and appropriately documented. Similar commentary featured in the Report of the Inquiry into the City of Perth, however the Draft Regulations fail to address these issues.

The selection panel is 'established' under cl.8 of Schedule 2 of the Draft Regulations, with no reference to the formation of a committee of Council under Sec. 5.8 of the Act. Cl. 9(4) of Schedule 2 includes a reference to the selection panel acting in accordance with the principles of s.5.40 of the Act. Similarly, cl.14 requires the local government to ensure confidentiality of information provided, rather than imposing this responsibility equally on the selection panel, or individual panel members.

If the selection panel were established as a committee in accordance with s.5.8 of the Act, the requirements relating to the calling and convening of meetings, keeping of minutes and agendas, confidentiality, declaration of conflicts of interest and application of the Code of Conduct would apply.

The Draft Regulations will delete current r.18C, requiring a local government to approve a process for the selection and appointment of a CEO. Schedule 2 does not include a similar requirement for the selection panel to follow a process decided upon by the Council. This removes Council from important input in, or oversight of, the process by which the selection panel assesses the candidates and makes recommendations.

## ***4. Council decision making authority***

Schedule 2, Cl. 9(2)(a) requires the selection panel to recommend one or more applicants it considers suitable, with Cl. 9(2)(b) requiring that it advise Council if it considers no applicants are suitable. In the second event, Cl. 10 requires the local government to carry out a new recruitment process. Bypassing Council in this decision-making process appears to directly conflict with Sec. 5.36(2) of the Act, where it is the Council that determines if a person is or is not suitably qualified to be employed as CEO.



**LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS (No.2) 2020 – EXPLANATORY NOTES**

These regulations will bring into effect **section 22** of the *Local Government Legislation Amendment Act 2019*.

In particular, the following will take effect: sections 5.39A, 5.39B & 5.39C.

Section in Amendment Act	Section in LG Act	Topic
<b>Section 22</b>	<b>5.39A 5.39B 5.39C</b>	Model standards for CEO recruitment, performance and termination. Adoption of Model Standards Policy for temporary employment or appointment of CEO.
Regulation	Amends	Explanation
Regulation 18A – Vacancy in position of CEO or senior employee to be advertised (Act s.5.36(4) and 5.37(3))	18A <i>Local Government (Administration) Regulations 1996</i>	Regulation 18A(1) is being amended to align with the new State-wide public notice provisions. If the position of CEO, or of a senior employee, becomes vacant the local government must give State-wide public notice of the position in accordance with the requirements of the Local Government Act (sections 5.36(4) and 5.37(3)).  Regulation 18A(2)(da) provides that the State-wide public notice must include a website address where the job description form (JDF) for the position can be accessed.
Regulation 18C – Selection and appointment process for CEOs.	18C <i>Local Government (Administration) Regulations 1996 – Repealed</i>	Regulation 18C is being repealed. The prescribed model standards for CEO recruitment and appointment outlined at Division 2 (Clauses 3-14) of the <i>Local Government (Administration) Amendment Regulations 2020</i> replace 18C.  Local governments are required to determine the selection criteria for the position of CEO prior to a recruitment process being undertaken. The local government must approve by a resolution of an absolute majority of council, a job description form which sets out the duties and responsibilities of the position (5(2)(a)) and details the selection criteria (5(2)(b)).  A position vacancy must be advertised in accordance with 5.36(4) of the <i>Local Government Act</i> and 18A of the <i>Local Government (Administration) Regulations 1996</i> . A JDF form must also be made available on the local government's official website.

		<p>As part of the process of selection, a panel must be established to conduct the recruitment and selection process. The selection panel must be made up of council members and at least one independent person who is not a current councillor or employee of the local government. The independent person should have experience in the recruitment and selection of CEO's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of CEO based on the selection criteria outlined in the JDF.</p> <p>A final decision to make an offer of appointment to the position of CEO must be made by an absolute majority of council. The resolution must also approve the proposed terms of the contract.</p> <p>Appointment of the successful applicant to CEO must also be made by an absolute majority decision of council after negotiation of the final contract terms between the successful applicant and the local government and following the applicant's acceptance of the offer.</p>
Regulation 18D – Performance review of CEO, local government's duties as to	<i>Local Government (Administration) Regulations 1996 - 18D Repealed</i>	<p>Regulation 18D is being repealed. The prescribed model standards for performance review outlined at Division 3 of the of the <i>Local Government (Administration) Amendment Regulations 2020</i> (clauses 15-19) replace 18D.</p> <p>Local governments are required to review the performance of a CEO annually in accordance with section 5.38 of the Act. Division 3 sets out the process for performance review, including establishing the performance criteria upon which to base the review and the requirement to endorse the performance review by absolute majority on its completion.</p> <p>The CEO must be notified of the results of the performance review, including any issues identified in relation to the performance of the CEO, and how the local government proposes to address and manage those issues.</p>
Regulation FA – Prescribed model standards for CEO recruitment, performance and termination (Act s.5.39A(1)).	<i>Local Government (Administration) Regulations 1996 – 18FA is a new clause.</i>	Regulation 18FA sets out the model standards for local governments in relation to the recruitment, performance review and termination of employment of a local government CEO.

Regulation 18FB – Certification of compliance with adopted standards for CEO recruitment (Act s.5.39B(7))	<i>Local Government (Administration) Regulations 1996</i> – 18FB is a new clause.	Regulation 18FB requires local governments to certify that they have adopted the standards under section 5.39B of the Act. 18FB applies in relation to the recruitment and appointment of a local government CEO.  A copy of the resolution to appoint the CEO in accordance with the adopted standards must be provided to the Department of Local Government, Sport and Cultural Industries within 14 days of the decision to appoint.
Regulation 18FC – Certification of compliance with adopted standards for CEO termination (Act s.5.39B(7)).	<i>Local Government (Administration) Regulations 1996</i> – 18FC is a new clause	Regulation FC requires a local government to certify that they have adopted the standards under section 5.39B of the Act. 18FC applies in relation to the termination of a CEO's employment contract.  If a local government makes the decision to terminate the employment of the CEO, it must certify that the CEO's employment contract was terminated in accordance with the adopted standards for termination as outlined in regulations.
<b>Division 2 – Standards for recruitment of CEOs</b>  Regulation 4 – Application of Division	<i>Local Government (Administration) Regulations 1996</i> – Reg 4 replaces 18C.	Regulation 18C of the <i>Local Government (Administration) Regulations 1996</i> is repealed. Instead, Regulation 4 applies in relation to Division 2 - the recruitment and selection process of a local government CEO.  Division 2 does not apply in the event that the position of CEO is to be filled by a person in a prescribed class or in relation to the renewal of the CEO's contract, unless the CEO has been employed for a period of 10 or more consecutive years and a period of 10 or more years has elapsed since a selection and recruitment process was carried out  For the purposes of 5.36(5)(a), a person in a prescribed class includes a person who is and will continue to be employed by another local government and is contracted for a period of less than five years, or the person will be acting in the position of CEO for a period of less than one year.
		Regulation 5 deals with determining the selection criteria for the position of CEO. It is a requirement that the local government base the selection criteria on the necessary

Regulation 5 – Determination of selection criteria and approval of job description form.	<i>Local Government (Administration) Regulations 1996</i> – Reg 5 is a new clause.	skills, knowledge, experience and qualifications necessary to effectively perform the role and responsibilities associated with the position.  The local government must approve (by absolute majority) a job description form (JDF) that sets out the duties and responsibilities of the position and the selection criteria.
Regulation 6 – Advertising Requirements	<i>Local Government (Administration) Regulations 1996</i> – Reg 6 is a new clause.	Regulation 6 deals with advertising the position of CEO where the position becomes vacant or the incumbent has held the position for 10 or more consecutive years. It is a requirement of the Local Government Act (s 5.36(4)) that upon the position of CEO becoming vacant, it must be advertised in a manner prescribed. Regulation 18A of the <i>Local Government (Administration) Regulations 1996</i> sets out the requirements for State-wide advertising.
Regulation 7 – Job description form to be made available by local government.	<i>Local Government (Administration) Regulations 1996</i> – Reg 7 is a new clause.	Regulation 7 requires a local government to provide a copy of the JDF to a person upon request. The local government must either provide the web address where the JDF can be downloaded or alternatively if the person is unable to access the website, email a copy, or send a hard copy in the post.
Regulation 8 – Establishment of selection panel for appointment of CEO.	<i>Local Government (Administration) Regulations 1996</i> – Reg 8 is a new clause.	Regulation 8 requires a local government to establish a selection panel to conduct the selection and recruitment process for appointment of a person to the position of CEO.  The selection panel must comprise of council members and at least one independent person who is not a councillor nor an employee of the local government.  It is recommended that the independent person or persons have relevant experience in the recruitment and selection of CEO's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of CEO based on the selection criteria outlined in the JDF.  It is at the discretion of the local government to determine the number of people on the selection panel.

<p>Regulation 9 – Recommendation by selection panel.</p>	<p><i>Local Government (Administration) Regulations 1996 – Reg 9 is a new clause.</i></p>	<p>It is the role of the selection panel to recommend a preferred applicant or applicants for appointment to the position of CEO. Regulation 9 requires the selection panel to make an assessment of each applicant's ability to perform the role of CEO based on their knowledge, experience, qualifications and skills as measured against the selection criteria outlined in the JDF.</p> <p>If the selection panel considers none of the applicants suitable for appointment to the position, they must advise the local government of that fact.</p> <p>If the selection panel considers none of the applicants suitable for appointment to the position of CEO, they may recommend changes be made to the duties and responsibilities of the position or the selection criteria.</p> <p>The selection panel must act in an impartial and transparent manner and in accordance with the principles set out in section 5.40 of the Act.</p> <p>The selection panel is responsible for ensuring that any applicant or applicants they recommend for appointment have demonstrated they meet the selection criteria and have had their qualifications verified. The selection panel must exercise due diligence in verifying referees, work history, skills and any other claims made by the applicant.</p>
<p>Regulation 10 – New process to be commenced if no suitable applicants.</p>	<p><i>Local Government (Administration) Regulations 1996 – Reg 10 is a new clause.</i></p>	<p>If the selection panel finds that none of the applicants are suitable to be appointed to the position of CEO, they must advise the local government in accordance with 9(2)(b).</p> <p>Regulation 10 requires the recruitment and selection process to be undertaken again if the selection panel advises the local government it considers none of the applicants to be suitable for appointment to the position of CEO.</p> <p>Unless the selection panel recommends changes be made to the duties and responsibilities of the position or the selection criteria, clause 5 does not apply. In this instance, the original JDF previously approved by the local government (under clause 5) is the JDF form for the purposes of the new recruitment and selection process.</p>

Regulation 11 – Offer of appointment to position of CEO.	<i>Local Government (Administration) Regulations 1996</i> – Reg 11 is a new clause.	<p>Regulation 11 requires the decision to make an offer of employment to an applicant to the position of CEO to be made by an absolute majority of council.</p> <p>The council must approve making the offer of employment to the preferred applicant and the proposed terms of the contract to be entered into.</p>
Regulation 12 – Appointment to position of CEO	<i>Local Government (Administration) Regulations 1996</i> – Reg 12 is a new clause.	<p>Regulation 12 deals with the appointment of the successful applicant to the position of CEO subsequent to the offer of appointment having been made, the final terms of the contract agreed to and the applicant accepting the offer of employment.</p> <p>The appointment of the successful applicant to the position of CEO by the local government must be made by an absolute majority of council. Council must endorse the appointment and approve the terms of the negotiated contract.</p>
Regulation 13 – Recruitment to be undertaken on expiry of certain CEO contracts.	<i>Local Government (Administration) Regulations 1996</i> – Reg 13 is a new clause.	<p>Regulation 13 applies if a local government CEO has held the position for a period of 10 or more consecutive years upon expiry of the CEO's contract. Regulation 13 also applies if a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position has occurred and the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.</p> <p>Subclause 13(2)(a)(ii) is drafted to allow for the possibility that a CEO who has, for example, held office for 10 years and has their contract renewed for another 5-year term following the recruitment and selection process. In that case, clause 13(2)(a)(ii) will operate to ensure that another 10 years can pass before another recruitment process is required. In the absence of clause 13(2)(a)(ii), when the renewed term came to an end, the CEO would have held the position for 15 consecutive years and clause 13(2)(a)(i) would operate to require a process to be undertaken.</p> <p>The local government must carry out the recruitment and selection process before expiry of the incumbent CEO's contract.</p>

		The incumbent CEO may have their contract of employment renewed upon expiry if they are selected in accordance with the recruitment and selection process at subclause (3).
Regulation 14 – Confidentiality of information	<i>Local (Administration)</i> <i>Government Regulations</i> 1996 – Reg 14 is a new clause.	Regulation 14 requires confidentiality to be observed by the local government as part of the process of recruitment and selection. Information obtained as part of this process must only be used for, or in connection with, recruitment and selection.
<b>Division 3 – Standards for review of performance of CEOs</b>  Regulation 15 sets out the standards to be observed by the local government in relation to the review of the performance of CEOs.	<i>Local (Administration)</i> <i>Government Regulations</i> 1996 – Reg 15 replaces regulation 18D which is repealed.	Regulation 18D is repealed. Division 3 effectively deals with the requirement to consider the performance review of the CEO in accordance with section 5.38 of the Act.
Regulation 16 – Performance review process to be agreed between local government and CEO.	<i>Local (Administration)</i> <i>Government Regulations</i> 1996 – Reg 16 is a new clause.	Regulation 16 requires the local government and the CEO to agree on the process for performance review and any performance criteria that are additional to those specified in the contract. For example, the local government and the CEO may wish to include additional performance criteria after 1 or 2 years into a contract term as circumstances and priorities change.  The process for performance review must be consistent with clauses 17 (Carrying out a performance review), 18 (Endorsement of the performance review) and 19 (CEO to be notified of the results of the performance review).  The process for performance review and the selection criteria upon which the review will be based must be set out in a written document.
Regulation 17 – Carrying out a performance review	<i>Local (Administration)</i> <i>Government Regulations</i> 1996 – Reg 17 is a new clause	Regulation 17 deals with how a review of a CEO's performance must be carried out. A performance review must be carried out in an impartial and transparent manner. It must also be comprehensive, and evidence based. The CEO's performance must be measured against the performance criteria as specified in the CEO's contract and any other performance criteria as agreed and set out in the documented performance review process.

Regulation 18 – Endorsement of performance review by local government	<i>Local Government (Administration) Regulations 1996 – Reg 18 is a new clause</i>	Regulation 18 requires that a performance review is endorsed by an absolute majority of council upon completion.
Regulation 19 – CEO to be notified of results of performance review	<i>Local Government (Administration) Regulations 1996 – Reg 19 is a new clause</i>	Regulation 19(a) requires a local government to notify the CEO of the results of the performance review in writing. If the review identifies any performance issues, the local government must outline how it proposes to address and manage those issues.  The local government must notify the CEO of the results of the performance review after it has been endorsed by an absolute majority of council.
<b>Division 4 – Standards for termination of employment of CEOs.</b>  Regulation 20 – sets out the standards to be observed by the local government in relation to the termination of the employment of CEOs.	<i>Local Government (Administration) Regulations 1996 – Reg 20 is a new clause</i>	Regulation 20 provides an overview of Division 4 – Standards for termination of employment of CEOs.
Regulation 21 – General principles applying to any termination.	<i>Local Government (Administration) Regulations 1996 – Reg 21 is a new clause</i>	Regulation 21 outlines the general principles that must apply to any termination of a CEO's employment contract. Decisions relating to termination of employment must be made in an impartial and transparent manner.  A CEO must be afforded procedural fairness in relation to the process for termination of employment. This includes: <ul style="list-style-type: none"> <li>a) being informed of their rights, entitlements and responsibilities;</li> <li>b) notification of any allegations against the CEO;</li> <li>c) being given a reasonable opportunity to respond to the allegations;</li> <li>d) and genuinely considering any response provided by the CEO to the allegations.</li> </ul>



Regulation 22 – Additional principles applying to termination for performance related reasons.	<i>Local Government (Administration) Regulations 1996</i> – Reg 22 is a new clause	<p>Regulation 22(1) applies if the local government proposes to terminate the employment of a CEO based on the CEO's work-related performance.</p> <p>Subclauses 22(2)(a)-(d) and 22(3) require that a CEO's employment must not be terminated unless the local government has:</p> <ul style="list-style-type: none"> <li>• previously identified any issues with the CEO's performance as part of the performance review process;</li> <li>• informed the CEO of the performance issues;</li> <li>• given the CEO reasonable opportunity to address and implement a plan to remedy the performance issues;</li> <li>• determined that the CEO has not remedied the performance issues to the satisfaction of the local government; and</li> <li>• 22(3) reviewed the performance of the CEO within the preceding 12 months in accordance with 5.38(1) of the Local Government Act.</li> </ul>
Regulation 23 – Decision to terminate.	<i>Local Government (Administration) Regulations 1996</i> – Reg 23 is a new clause	Regulation 23 requires that a decision to terminate the employment of a CEO must be made by an absolute majority of council.
Regulation 24 – Notice of termination of employment.	<i>Local Government (Administration) Regulations 1996</i> – Reg 24 is a new clause	Regulation 24 requires that a local government must provide notice in writing of the decision to terminate the employment of a CEO. Written notice must include the local government's reasons for termination.



**STAFF COMMENT**

Some of the current recommended changes to the regulations are based on a one size fits all model which in conducting regulations you can understand, however in the circumstances of recruitment and retention of Chief Executive Officers this type of model doesn't work for all Councils.

**Requirement to re-advertise CEO positions after 10 years of continuous service**

The requirement to re-advertise the CEO position after 10 years of continuous service provides Council the opportunity to test the market, however if the Council are unhappy with the CEO's performance then they can choose not to renew the CEO's contract and advertise accordingly.

The main issue regarding this proposal is that should a Council be happy with a CEO's performance and wish to keep their services beyond the 10 year service they are not permitted to do so without going through the expensive process of recruitment.

In addition to the recruitment process costs another issue is the opportunity for Councils to attract good operators with the inhibitor of a possible ten (10) year limit to their tenure as some projects etc and plans go beyond that period and the turnover of CEO's maybe become more due to insecurity.

The other opportunity is that even though the officer and Council are keen to continue their services together nothing is ever guaranteed so there is the opportunity that the officer will be seeking employment elsewhere and therefore leave a position and community that they don't particularly want to leave.

The timelines haven't been discussed as with the recruitment process and the incumbent CEO not guaranteed the position the timeline to find another position if not successful will be another reason for them to be looking for alternatives prior to the ten year anniversary.

**Independent panel member**

The requirement for an independent member on the panel for a Regional Council that has experience in the recruitment of a CEO or Managerial position will be very difficult to fill. In addition to the expertise and qualified background required the member will need to desire and knowledge of Council's Vision and position requirement which in the Regions cannot always be found.

In addition to the above should a ratepayer wish to be involved in the recruitment of a CEO to serve their community they would be on Council as the CEO recruitment is only part of the Local Government role.

For items listed below please refer to WALGA comments as Officers have no additional comments to be made.

**Transparency and procedural fairness – Schedule 2****Council decision making authority****TEN YEAR FINANCIAL PLAN**

Nil effect on this plan, however the planning process potentially may be a difficult one with the CEO role changing on a regular basis and not seeing the Ten Year Financial Plan out due to change of officers bringing in differing views etc.

**FINANCIAL IMPLICATIONS**

Nil in this budget however every ten years it has the potential to place some financial implications on Council should they normally wish to reappoint their CEO.

**STATUTORY IMPLICATIONS****LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS (No.2) 2020 – EXPLANATORY NOTES**

These regulations will bring into effect **section 22** of the *Local Government Legislation Amendment Act 2019*.

In particular, the following will take effect: sections 5.39A, 5.39B & 5.39C.

**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
- WALGA
- WA Local Governments.

**STAFF RECOMMENDATION**

That Council:

1. writes to Department of Local Government Industry and Regional Development advising;
  - a. It doesn't support the requirement to re-advertise CEO position after 10 years of continuous service;
  - b. It doesn't support the requirement for an individual panel member to serve on the CEO recruitment panel; and
  - c. Provides comments on the Procedural fairness and the capacity for Council making decision on appointments as per WALGA's comments.
2. Writes to WALGA supporting their positions on the CEO Standards review document.

**9.7 CREATION OF ROAD - NEW ROAD NAME REQUIREMENT**

**File Ref:** ENG18  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

Council has been looking to provide easier access to the Recreation Facilities for the Pony Club and Trotting club as access from Scadden Street to King Street has three corners to negotiate whereas if we were to extend the king street alignment to Scadden Street there would only be one intersection to negotiate.

**STAFF COMMENT**

With the construction/extension of King Street road the name would not be able to remain as King Street for the section of road from Scadden Street to Leake Street due to street number issues as 1 King Street commences from the Leake Street intersection and then goes upwards to Price Street.

If it was the other way around then the opportunity would be to extend the name of King Street however this isn't the case and we aren't going to change the mailing addresses for all of King Street residents.

Council needs to consider a new name for this portion of road, however it needs to meet the guidelines provided through the Geographical Names Committee.

There has been discussion about naming of the road

**TEN YEAR FINANCIAL PLAN**

Nil known at this time.

**FINANCIAL IMPLICATIONS**

Naming of road and street signs. Figure not currently known.

**STATUTORY IMPLICATIONS**

[Land Administration Act 1997](#)

52. [Local government may request acquisition as Crown land of certain land no longer required](#)

- (1) Subject to this section, a local government may request the Minister to acquire as Crown land —
  - (a) any alienated land designated for a public purpose on a plan of survey or sketch plan lodged with the Registrar;
  - (b) any private road; or
  - (c) any alienated land in a townsite which the Minister proposes to abolish under section 26,

within the district of the local government (in this section called **the subject land**).

- (2) A request made under subsection (1) is to be accompanied by —
  - (a) a plan of survey or sketch plan —
    - (i) showing the subject land; and
    - (ii) approved by the Planning Commission;
  - and
  - (b) copies of all objections lodged with the local government during the period referred to in subsection (3)(b)(i) or (ii), as the case requires.
- (3) Before making a request under subsection (1), a local government must —
  - (a) take all reasonable steps to give notice of that request to —
    - (i) the holder of the freehold in the subject land unless the local government holds that freehold;
    - (ii) the holders of the freehold in land adjoining the subject land unless the local government holds that freehold; and
    - (iii) all suppliers of public utility services to the subject land;
  - and
  - (b) in the case of —
    - (i) alienated land referred to in subsection (1)(a) or a private road referred to in subsection (1)(b), state in the notice a period of not less than 30 days from the day of that notice during which period persons may lodge objections with it against the making of that request; or
    - (ii) any land referred to in subsection (1)(c), advertise or take such steps as may be prescribed to notify interested persons of an intention to make the request and state in the notification a period of not less than 30 days from the day of that notification during which period persons may lodge objections with it against the making of that request.
- (4) The Minister may, on receiving a request made under subsection (1), the accompanying plan of survey or sketch plan referred to in subsection (2)(a) and copies of all objections referred to in subsection (2)(b) —
  - (a) by order grant that request;
  - (b) direct the local government to reconsider that request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse to grant that request.
- (5) On the registration of an order made under subsection (4)(a), the subject land —
  - (a) ceases to belong to the holder of its freehold;
  - (b) is freed from all encumbrances; and
  - (c) becomes Crown land.
- (6) Subject to subsection (7), compensation is payable under Part 10 to any holder of the freehold in the subject land who suffers loss on the registration of an order referred to in subsection (5) as if that loss resulted from a taking under Part 9.
- (7) A person with an interest in land that is a private road (including a person who has the benefit of an easement created under section 167A of the TLA) the subject of an order under subsection (4)(a) who suffers loss on the registration of the order is not entitled to compensation under Part 10.
- (8) Sections 188, 189, 190 and 191 do not apply to a private road or an interest in land that is a private road if the land is the subject of an order under subsection (4)(a) and the land

was taken or resumed or purportedly taken or resumed under a written law for the purpose of a right of way or a right of way and recreation.

[Section 52 amended by No. 59 of 2000 s. 14.]

## Part 5 — Roads

### Division 1 — Conventional roads

#### 53. Status of *Main Roads Act 1930* in respect of highways and main roads

To the extent that there is in the case of a road which is a highway or main road within the meaning of the *Main Roads Act 1930* an inconsistency between this Act and that Act, that Act prevails.

#### 54. Configuration and situation of roads

A road may have —

- (a) a 2 dimensional configuration consisting of —
  - (i) length; and
  - (ii) width;
- or
- (b) a 3 dimensional configuration consisting of —
  - (i) length;
  - (ii) width; and
  - (iii) height or depth or both,

as specified in the relevant plan of survey or sketch plan lodged with the Registrar and may be situated in airspace or waters or on the surface of or below the ground (including the bed of waters) or in any combination of 2 or more of these situations.

#### 55. Property in roads etc.

- (1) Subject to this section and to section 57, the absolute property in land comprising a road is by this subsection —
  - (a) revested in the Crown; and
  - (b) in the case of land under the operation of the TLA or the *Registration of Deeds Act 1856*, removed from that operation and so revested.
- (2) Subject to the *Main Roads Act 1930* and the *Public Works Act 1902*, the local government within the district of which a road is situated has the care, control and management of the road.
- (3) The operation of subsection (1) —
  - (a) suspends, until the relevant road is closed under section 58, any rights to mine for minerals within the meaning of the *Mining Act 1978* excepted from the acquisition of the land reserved, declared or dedicated as that road; but
  - (b) does not affect the functions of a local government in respect of a road of which it has the care, control and management.
- (4) If land comprising a private road is revested in the Crown under this section, a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that reversioning.

[Section 55 amended by No. 59 of 2000 s. 15.]

#### 56. Dedication of roads

- (1) If in the district of a local government —

- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;
  - (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —
    - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or
    - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;
- or
- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,
- and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.
- (2) If a local government resolves to make a request under subsection (1), it must —
    - (a) in accordance with the regulations prepare and deliver the request to the Minister; and
    - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
  - (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —
    - (a) subject to subsection (5), by order grant the request;
    - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
    - (c) refuse the request.
  - (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
  - (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —
    - (a) unallocated Crown land or, in the case of a private road, alienated land; and
    - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
  - (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.

*[Section 56 amended by No. 59 of 2000 s. 16.]*

#### 57. Leases in relation to roads

- (1) The Minister may —
  - (a) grant a lease in respect of land above or below a road; or
  - (b) with the consent of the relevant local government, the Commissioner of Main Roads, or the Minister responsible for the administration of the *Public Works*



*Act 1902*, as the case requires, grant a lease in respect of land comprising a road, if —

- (i) there are structures above the road; or
  - (ii) the purpose of that lease is consistent with the use of the road by the public.
- (2) When a lease is granted under subsection (1)(b) in respect of land comprising a road and the road is closed under section 58 during the subsistence of the lease, the lease continues to subsist as an interest in Crown land until it terminates in accordance with law.

*[Section 57 amended by No. 59 of 2000 s. 17.]*

#### 58. Closure of roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
  - (a) by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
  - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
  - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
  - (a) becomes unallocated Crown land; or
  - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

*[Section 58 amended by No. 59 of 2000 s. 18(1)<sup>9</sup>.]*

### 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
- Councillors
- Administration Staff

**STAFF RECOMMENDATION**

*That Council*

*1. resolves to create;*

*a) a new road from Leake Street heading south to Scaddan Road being 132 meters in length.*

*2. Adopts the name of "\_\_\_\_\_ " as the preferred name and recommend to the Geographical Names Committee for adoption.*

*3. Indemnifies Department of Regional Development and Lands against all claims and costs associated with the creation of new roads*

**9.8 DIRECT DEBIT LIST AND VISA CARD TRANSACTIONS - OCTOBER 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 October 2020.

<b>Municipal Direct Debit List</b>				
<b>Date</b>	<b>Name</b>	<b>Details</b>	<b>\$</b>	<b>Amount</b>
1/10/2020	NAB	Merchant Fee - Trust		3.35
1/10/2020	NAB	Merchant Fee - Caravan Park		56.56
1/10/2020	Westnet	Internet Fees		4.99
1/10/2020	NAB	Merchant Fees - Shire		95.75
1/10/2020	NAB	Merchant Fees - CRC		351.92
1/10/2020	Alleasing	Gym Equipment		3121.83
1/10/2020	Shire Of Kellerberrin	Pay Run		52850.8
8/10/2020	DoT	Vehicle Inspections		144.30
9/10/2020	Shire of Kellerberrin	Creditors		406,780.07
12/10/2020	Shire of Kellerberrin	Superchoice		8,927.71
13/10/2020	Department of Communities	Rent		420.00
14/10/2020	ATO	BAS September		42,000.00
15/10/2020	Shire of Kellerberrin	Superchoice		8,997.52
15/10/2020	Shire of Kellerberrin	Pay Run		53,367.40
22/10/2020	Shire of Kellerberrin	Creditors		62,608.34
27/10/2020	Department of Communities	Rent		420.00
29/10/2020	Shire of Kellerberrin	Superchoice		9,341.86
29/10/2020	Shire of Kellerberrin	Pay Run		57,053.81
30/10/2020	NAB	Bank Fee - NAB Connect		47.73
30/10/2020	NAB	Bank Fee - BPAY		75.44
30/10/2020	NAB	Bank Fee		10.00
30/10/2020	NAB	Bank Fee		46.10
30/10/2020	NAB	Merchant Fee - Trust		1.88
30/10/2020	NAB	Merchant Fee - Caravan Park		65.56
30/10/2020	NAB	Merchant Fee - Shire of Kellerberrin		97.90
30/10/2020	NAB	Merchant Fee - CRC		192.67
		<b>TOTAL</b>	<b>\$</b>	<b>750,598.29</b>

Trust Direct Debit List				
Date	Name	Details	\$	Amount
31/10/2020	Department of Transport	Licencing October 2020		52800.05
		<b>TOTAL</b>	<b>\$</b>	<b>52,800.05</b>
Visa Transactions				
Date	Name	Details	\$	Amount
15/10/2020	WALGA	LG Pro Conference		531.00
19/10/2020	EOT	Geoff Main - White Card		73.91
28/10/2020	NAB	Card Fee		9.00
		<b>TOTAL - CEO</b>	<b>\$</b>	<b>613.91</b>
Date	Name	Details	\$	Amount
2/10/2020	Cengage	Text Books - Apprentice Mechanic		229.45
16/10/2020	CPP Citi Place	Parking fee		18.17
28/10/2020	Secure Parking	Parking fee		11.28
28/10/2020	NAB	Card Fee		9.00
		<b>TOTAL -DCEO</b>		<b>267.90</b>
		<b>TOTAL VISA TRANSACTIONS</b>	<b>\$</b>	<b>881.81</b>

## STAFF COMMENT

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

## TEN YEAR FINANCIAL PLAN

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

## FINANCIAL IMPLICATIONS

Financial Management of 2020/2021 Budget.

## STATUTORY IMPLICATIONS

### Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

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

## STRATEGIC COMMUNITY PLAN

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

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

## COMMUNITY CONSULTATION

The following consultation took place;

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

## STAFF RECOMMENDATION

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

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

**9.9 CHEQUE LIST OCTOBER 2020**

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

**BACKGROUND**

Accounts for payment from 1<sup>st</sup> October to 31<sup>st</sup> October 2020

**TRUST**

<b>TRUST TOTAL</b>	<b>\$ 55,161.70</b>
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**MUNICIPAL FUND****Cheque Payments**

34802-34809	\$ 32,751.62
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**EFT Payments**

11337-11446	\$ 569,388.41
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**Direct Debit Payments**

	\$ 73,833.93
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**TOTAL MUNICIPAL**

	<b>\$ 675,973.96</b>
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**STAFF COMMENT**

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

<b>WCS Concrete Pty Ltd</b>	<b>\$ 155,502.09</b>
Concrete Road Construction - Scott Street	
<b>Department of Transport - TRUST DIRECT DEBITS Licensing CRC</b>	<b>\$ 52,800.05</b>
Licensing October 2020	
<b>Smith Earthmoving Pty Ltd</b>	<b>\$ 47,734.50</b>
Dozer hire October 202 for various road works	
<b>Deputy Commissioner Of Taxation</b>	<b>\$ 42,000.00</b>
PAYG Tax	
<b>Smith Earthmoving Pty Ltd</b>	<b>\$ 41,178.50</b>
Equipment hire August-September for various road works	
<b>LGIS Property</b>	<b>\$ 32,565.16</b>
LGIS Property Insurance Instalment 2 for 2020/2021	
<b>Rockway Contracting</b>	<b>\$ 31,707.50</b>
Road side clearing & tree trimming August-September 2020	
<b>LGIS Workcare</b>	<b>\$ 25,561.84</b>
LGIS Workcare Insurance instalment 2 for 2020/2021	
<b>Mineral Crushing Services WA PTY LTD</b>	<b>\$ 22,691.68</b>
Purchase of 10 & 14mm aggregates for various road construction	
<b>Peak Transport</b>	<b>\$ 18,601.00</b>
Hire of prime mover October 2020 for various road works	
<b>Peak Transport</b>	<b>\$ 17,584.27</b>
Equipment hire September 2020	
<b>Youlie and Son Spreading Services</b>	<b>\$ 16,879.50</b>
Equipment hire September 2020 for various road works	

<b>Water Corporation</b>	<b>\$ 16,865.91</b>
Water charges for various Shire properties August-October 2020	
<b>LGIS Liability</b>	<b>\$ 12,092.85</b>
LGIS liability instalment 2 of insurance renewal for 2020/2021	
<b>United Card Services Pty Ltd</b>	<b>\$ 10,548.60</b>
Total supply September 2020	
<b>Synergy</b>	<b>\$ 9,830.99</b>
Power charges of various Shire properties August-September 2020	
<b>Triplains PTY LTD t/a L &amp; L Steber</b>	<b>\$ 9,040.00</b>
Side tipper hire September 202 for various road works	
<b>ABV Leisure Consultancy Services</b>	<b>\$ 8,750.50</b>
Kellerberrin Memorial Pool consultant fee	
<b>Avon Waste</b>	<b>\$ 8,209.66</b>
Domestic & commercial rubbish collection fees September 2020	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 7,260.05</b>
Staff superannuation contributions & deductions	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 7,089.65</b>
Staff superannuation contributions & deductions	
<b>WA Local Government Superannuation Plan Pty Ltd</b>	<b>\$ 7,081.75</b>
Staff superannuation contributions & deductions	
<b>Stirling Asphalt (Juel Enterprises PTY LTD)</b>	<b>\$ 6,919.00</b>
CBH Townsite & Trayning Rd. work; Supply & lay 17 tonne dense grade asphalt to various works	
<b>Great Southern Fuel Supplies</b>	<b>\$ 6,896.43</b>
Total supply September 2020	
<b>Woodstock Electrical Services</b>	<b>\$ 6,379.71</b>
Claim works done for Caravan Park, Shire Office & Centenary Park	
<b>STS West Pty Ltd</b>	<b>\$ 5,172.50</b>
Purchase of tyres, batteries & puncture repairs for various Depot vehicles	
<b>Fire And Emergency Services (WA)</b>	<b>\$ 5,044.02</b>
2020/2021 ESL Income Local Government Fire & Emergency Services	

## TEN YEAR FINANCIAL PLAN

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

## FINANCIAL IMPLICATIONS

Shire of Kellerberrin 2020/2021 Operating Budget

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

### 11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
  - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
  - (b) Petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —

- (a) Subject to sub-regulation (4), are not to be made in cash; and
- (b) Are to be made in a manner which allows identification of —
  - (i) The method of payment;
  - (ii) The authority for the payment; and
  - (iii) The identity of the person who authorised the payment.
- (4) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

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

## **12. Payments from municipal fund or trust fund**

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

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

## **13. Lists of accounts**

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) The payee's name;
  - (b) The amount of the payment;
  - (c) The date of the payment; and
  - (d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
  - (a) For each account which requires council authorisation in that month —
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) Sufficient information to identify the transaction;
  - And
  - (b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
  - (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) Recorded in the minutes of that meeting.

## **STRATEGIC COMMUNITY PLAN**

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



1. Relationships that bring us tangible 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 October 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 **\$ 675,973.96** on vouchers EFT , CHQ, Direct payments*
2. *Trust Fund payments totalling **\$ 55,161.70** on vouchers EFT, CHQ, Direct payments*

**9.10 FINANCIAL ACTIVITY STATEMENT - OCTOBER 2020**

**File Number:** FIN  
**Author:** Lenin Pervan, Deputy Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Financials October 2020

**BACKGROUND**

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

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

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

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

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

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

**STAFF COMMENT**

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

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

**TEN YEAR FINANCIAL PLAN**

Financial Management of 2020/2021 Budget.

## FINANCIAL IMPLICATIONS

Financial Management of 2020/2021 Budget.

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

### 34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

## STRATEGIC COMMUNITY PLAN

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

## **STAFF RECOMMENDATION**

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

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

**9.11 BUILDING REPORTS OCTOBER 2020**

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

**BACKGROUND**

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

**STAFF COMMENT**

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

**TEN YEAR FINANCIAL PLAN**

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

**FINANCIAL IMPLICATIONS**

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

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

**STATUTORY IMPLICATIONS**

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

**STRATEGIC COMMUNITY PLAN**

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**COMMUNITY CONSULTATION**

The following consultation took place:

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

## **STAFF RECOMMENDATION**

*That Council*

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

**10 DEVELOPMENT SERVICES REPORTS**

Nil

**11 WORKS & SERVICES REPORTS****11.1 DEVELOPMENT APPLICATION; SEA CONTAINER**

**File Ref:** A538 & IPA20106  
**Author:** Lewis York, Town Planner  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Applicant:** Mr. Andrew Jeffrey  
**Location:** 16 Sewell Street, Kellerberrin  
**Attachments:** 1. Development Application

**BACKGROUND**

A development application has been received from Mr. Andrew Jeffery for the use and development of two (2) sea containers at 16 Sewell Street, Kellerberrin. The lot has been levelled with sand and the containers and a caravan have been installed. Mr. Jeffery has informed the shire that he intends to build a dwelling and an outbuilding on the lot. It is noted that the second container will be removed once building work has been completed.

**SITE**

1x20ft and 1x40ft container





## Shire of Kellerberrin Local Planning Scheme

### ***Planning and Development (Local Planning Scheme) Regulations 2015***

Zoned: Residential

R10/40

Lot size: 1689m<sup>2</sup>

### ***Local Planning Scheme No.4***

#### **3.2. OBJECTIVES OF THE ZONES**

The objectives of the zones are —

##### **3.2.1 Residential Zone**

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

## **INTERPRETATION OF THE ZONING TABLE**

3.4.1. Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

(b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval; or AMD 2 GG 12/09/17

(c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted. 3.4.3 Clause 18(7) of the model provisions, to provide clarity to the interpretation of the zoning table.

### ***Planning and Development (Local Planning Scheme) Regulations 2015***

#### **67. Matters to be considered by local government**

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

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

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

(c) any approved State planning policy;

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

(e) any policy of the Commission;

(f) any policy of the State;

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

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

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

Planning Schemes) Regulations 2015;

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

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

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

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

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

(i) environmental impacts of the development;

- (ii) the character of the locality;
- (iii) social impacts of the development;
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
- (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (u) the availability and adequacy for the development of the following —
  - (i) public transport services;
  - (ii) public utility services;
  - (iii) storage, management and collection of waste;
  - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
  - (v) access by older people and people with disability;
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
- (w) the history of the site where the development is to be located;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

## **Local Planning Policy- Sea Containers**

### **5.0 POLICY STATEMENT**

5.1 Exemptions from planning approval Planning consent is not required for: a) the use of sea containers fully enclosed within a building.

b) the loading or unloading of containers for shipping, provided that the container(s) does not remain on the lot for longer than seven (7) days.

c) the use of up to two (2) containers on land in the General Agriculture or Industrial zones (per rate notice),

d) the temporary storage of equipment and materials during construction works (maximum of 12 months), where: i. building approval has been issued for the construction works and remains valid; and ii. the sea container has been removed from the site within a month of completing construction works.

### **5.2 General Requirements for Sea Containers**

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

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

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

Zone (s):	Setback:	Number and size of Sea Container(s) allowed:	Special requirements:
Town Centre	In accordance with the R-Codes	1 x 12m (40 ft)	<p>The sea containers shall be fitted with a pitched roof.</p> <p>The sea container shall not compromised or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site.</p> <p>The sea container shall only be used for storage purposes.</p>
Residential and Rural Townsite	In accordance with the R-Codes	1x 12m (40 ft)	<p>The sea container shall be fitted with a pitched roof.</p> <p>The sea containers shall be used in association with the approved use of the property.</p>

## STRATEGIC PLAN IMPLICATIONS

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## COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- Council's Town Planner

## PLANNING ASSESSMENT

The abovementioned proposal requires development approval because the application proposes to exceed the acceptable standards of Councils sea container policy. The policy allows one 40ft sea container to be kept on land in the residential zone. As storage is considered an 'x' use in the residential zone, the following development will be considered as a use not listed in the scheme as the containers will be used for residential purposes only. To ensure consistency with Councils policy it is advised that one container be approved on a permanent basis provided that a building permit for a dwelling is received within a suitable timeframe. The second container shall therefore only be approved on a timeframe basis. If the applicant wishes to keep a container permanently once the dwelling has been constructed, the special requirements of the policy will apply, including the need for a pitched roof.

## STAFF RECOMMENDATION

*That Council:*

1. *Grants conditional development approval for the development and use of a single sea container and the temporary use of a second sea container at 16 Sewell Street, Kellerberrin;*

### **General Conditions**

- The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;*
- The second sea container shall be removed from the lot within 1 month of the completion of building works on the dwelling;*
- The permanent container shall be fitted with a pitched roof upon the completion of building works on the dwelling; and*
- The front fence is non-compliant and immediately needs rectification as per Councils Policy.*

**Advice Note:** *Planning approval is not considered building approval. A building permit shall also be obtained. Development plans will not be endorsed until they reflect the conditions of the approval.*

**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**

*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 3 Years Unpaid Rates 18818 Great Eastern Highway Doodlakine**

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

**14.2 PSSO Auction 49 James Street Kellerberrin**

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

**CARRIED 7/0**

CONFIDENTIAL

**15 CLOSURE OF MEETING**