



MINUTES

Ordinary Council Meeting Tuesday, 17 November 2020

Date: Tuesday, 17 November 2020

Time: 6:00pm

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

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**MINUTES OF SHIRE OF KELLERBERRIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 110 MASSINGHAM STREET, KELLERBERRIN WA 6410
ON TUESDAY, 17 NOVEMBER 2020 AT 6:00PM**

1 DECLARATION OF OPENING

The presiding member opened the meeting at 6.00pm

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.

COUNCIL RESOLUTION

MIN 176/20 MOTION - Moved Cr. Leake Seconded Cr. Ryan

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

CARRIED 7/0

2.2 STANDING ORDERS

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

STAFF RECOMMENDATION

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

COUNCIL RESOLUTION

MIN 177/20 MOTION - Moved Cr. Reid Seconded Cr. O'Neill

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

CARRIED 7/0

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

PRESENT:

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

IN ATTENDANCE:

Raymond Griffiths (Chief Executive Officer),
Lenin Pervan (Deputy Chief Executive Officer)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

4 DECLARATION OF INTEREST

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

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

5 PUBLIC QUESTION TIME

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

5.1 Response to Previous Public Questions taken on Notice

5.2 Public Question Time

6 CONFIRMATION OF PREVIOUS MEETINGS MINUTES

6.1 MINUTES OF THE COUNCIL MEETING HELD ON 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.

COUNCIL RESOLUTION

MIN 178/20 MOTION - Moved Cr. McNeil Seconded Cr. Ryan

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

CARRIED 7/0

7 PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 REPORTS OF COMMITTEES

Nil

9 CORPORATE SERVICES REPORTS

9.1 COMMUNITY REQUESTS AND DISCUSSION ITEMS

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

BACKGROUND

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

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 21st 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 30th October 2020

September MIN 144/20

1. Letter sent to Mr Murray Clement 16th September 2020.
3. Council attending The Prev on Tuesday 20th 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.

COUNCIL RESOLUTION

MIN 179/20

MOTION - Moved Cr. Steber

Seconded Cr. Reid

That Council approve the purchase of Lot 249, Bennett Street for \$25,000 inclusive GST.

CARRIED 7/0

9.2 STATUS REPORT OF ACTION SHEET

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

BACKGROUND

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

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

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

STAFF COMMENT

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

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

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

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

TEN YEAR FINANCIAL PLAN

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

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 2.7. The role of the council

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

Section 2.8. The role of the mayor or president

- (1) The mayor or president —

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

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

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

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

Section 2.10. The role of councillors

A councillor —

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

5.60. When person has an interest

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

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

has —

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

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

5.60A. Financial interest

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

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

5.60B. Proximity interest

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

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

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

5.61. Indirect financial interests

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

5.62. Closely associated persons

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

or

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

- (2) In subsection (1) —

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

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

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

5.63. Some interests need not be disclosed

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

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

[(e) deleted]

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

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

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

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

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

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

(c) the proposed development of that land or any land adjacent to that land,

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

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

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

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

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

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

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

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

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

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

5.66. Meeting to be informed of disclosures

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

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

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

5.67. Disclosing members not to participate in meetings

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

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

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

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

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

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

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

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

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

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

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

5.69A. Minister may exempt committee members from disclosure requirements

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

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

5.70. Employees to disclose interests relating to advice or reports

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

5.71. Employees to disclose interests relating to delegated functions

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

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

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

STRATEGIC COMMUNITY PLAN

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

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer

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

STAFF RECOMMENDATION

That Council receive the Status Report.

COUNCIL RESOLUTION

MIN 180/20

MOTION - Moved Cr. O'Neill

Seconded Cr. Leake

That Council receive the Status Report.

CARRIED 7/0

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 – 23rd October 2019.

MIN182/19 MOTION - Moved Cr. Steber 2nd 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 - Manger 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 22nd 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, 23rd November 2020.

Nominations shall close on Monday, 16th 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

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 an 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.

COUNCIL RESOLUTION

MIN 181/20 MOTION - Moved Cr. Leake Seconded Cr. Ryan

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

CARRIED 7/0

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 19th 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.

ACNC Number	Charity Name
	BICKMORE'S BEANIES 4 BRAIN CANCER LIMITED ATF)
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	CATHOLICCARE 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

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;

- 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.

COUNCIL RESOLUTION

MIN 182/20

MOTION - Moved Cr. Reid

Seconded Cr. Steber

That Council:

1. ***Let the matter lay on the table to seek further advice.***

CARRIED 7/0

BY ABSOLUTE MAJORITY

6.47pm Council adjourned the meeting for a dinner break.

7.07 pm Council resumed the meeting from its dinner break.

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 10th 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;*
- the highest bidder at public auction; or*
 - the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property; gives local public notice of the proposed disposition*
- describing the property concerned;*
 - giving details of the proposed disposition; and*
 - inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the date specified in the notice is first given;*
- and*
- it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include;*
- the names of all other parties concerned;*
 - the consideration to be received by the local government for the disposition; and*
 - the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

3.59. Commercial enterprises by local governments

(1) In this section —

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

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

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

(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.*

COUNCIL RESOLUTION**MIN 183/20****MOTION - Moved Cr. Reid****Seconded Cr. Ryan*****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.***

CARRIED 7/0

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
Section 22	5.39A 5.39B 5.39C	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>
<p>Regulation 18D – Performance review of CEO, local government's duties as to</p>	<p><i>Local Government (Administration) Regulations 1996 - 18D Repealed</i></p>	<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>
<p>Regulation FA – Prescribed model standards for CEO recruitment, performance and termination (Act s.5.39A(1)).</p>	<p><i>Local Government (Administration) Regulations 1996 – 18FA is a new clause.</i></p>	<p>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.</p>

<p>Regulation 18FB – Certification of compliance with adopted standards for CEO recruitment (Act s.5.39B(7))</p>	<p><i>Local Government (Administration) Regulations 1996</i> – 18FB is a new clause.</p>	<p>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.</p> <p>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.</p>
<p>Regulation 18FC – Certification of compliance with adopted standards for CEO termination (Act s.5.39B(7)).</p>	<p><i>Local Government (Administration) Regulations 1996</i> – 18FC is a new clause</p>	<p>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.</p> <p>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.</p>
<p>Division 2 – Standards for recruitment of CEOs</p> <p>Regulation 4 – Application of Division</p>	<p><i>Local Government (Administration) Regulations 1996</i> – Reg 4 replaces 18C.</p>	<p>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.</p> <p>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</p> <p>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.</p>
		<p>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</p>

<p>Regulation 5 – Determination of selection criteria and approval of job description form.</p>	<p><i>Local (Administration) Regulations 1996</i> – Reg 5 is a new clause. <i>Government Regulations</i></p>	<p>skills, knowledge, experience and qualifications necessary to effectively perform the role and responsibilities associated with the position.</p> <p>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.</p>
<p>Regulation 6 – Advertising Requirements</p>	<p><i>Local (Administration) Regulations 1996</i> – Reg 6 is a new clause. <i>Government Regulations</i></p>	<p>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.</p>
<p>Regulation 7 – Job description form to be made available by local government.</p>	<p><i>Local (Administration) Regulations 1996</i> – Reg 7 is a new clause. <i>Government Regulations</i></p>	<p>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.</p>
<p>Regulation 8 – Establishment of selection panel for appointment of CEO.</p>	<p><i>Local (Administration) Regulations 1996</i> – Reg 8 is a new clause. <i>Government Regulations</i></p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>It is at the discretion of the local government to determine the number of people on the selection panel.</p>

<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>

<p>Regulation 11 – Offer of appointment to position of CEO.</p>	<p><i>Local (Administration) Government Regulations 1996 – Reg 11 is a new clause.</i></p>	<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>
<p>Regulation 12 – Appointment to position of CEO</p>	<p><i>Local (Administration) Government Regulations 1996 – Reg 12 is a new clause.</i></p>	<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>
<p>Regulation 13 – Recruitment to be undertaken on expiry of certain CEO contracts.</p>	<p><i>Local (Administration) Government Regulations 1996 – Reg 13 is a new clause.</i></p>	<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) Regulations 1996</i> – Reg 14 is a new clause. <i>Government Regulations</i>	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.
Division 3 – Standards for review of performance of CEOs 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) Regulations 1996</i> – Reg 15 replaces regulation 18D which is repealed. <i>Government Regulations</i>	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) Regulations 1996</i> – Reg 16 is a new clause. <i>Government Regulations</i>	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) Regulations 1996</i> – Reg 17 is a new clause <i>Government Regulations</i>	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.

<p>Regulation 18 – Endorsement of performance review by local government</p>	<p><i>Local Government (Administration) Regulations 1996 – Reg 18 is a new clause</i></p>	<p>Regulation 18 requires that a performance review is endorsed by an absolute majority of council upon completion.</p>
<p>Regulation 19 – CEO to be notified of results of performance review</p>	<p><i>Local Government (Administration) Regulations 1996 – Reg 19 is a new clause</i></p>	<p>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.</p> <p>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.</p>
<p>Division 4 – Standards for termination of employment of CEOs.</p> <p>Regulation 20 – sets out the standards to be observed by the local government in relation to the termination of the employment of CEOs.</p>	<p><i>Local Government (Administration) Regulations 1996 – Reg 20 is a new clause</i></p>	<p>Regulation 20 provides an overview of Division 4 – Standards for termination of employment of CEOs.</p>
<p>Regulation 21 – General principles applying to any termination.</p>	<p><i>Local Government (Administration) Regulations 1996 – Reg 21 is a new clause</i></p>	<p>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.</p> <p>A CEO must be afforded procedural fairness in relation to the process for termination of employment. This includes:</p> <ul style="list-style-type: none"> a) being informed of their rights, entitlements and responsibilities; b) notification of any allegations against the CEO; c) being given a reasonable opportunity to respond to the allegations; d) and genuinely considering any response provided by the CEO to the allegations.

<p>Regulation 22 – Additional principles applying to termination for performance related reasons.</p>	<p><i>Local Government (Administration) Regulations 1996</i> – Reg 22 is a new clause</p>	<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"> • previously identified any issues with the CEO’s performance as part of the performance review process; • informed the CEO of the performance issues; • given the CEO reasonable opportunity to address and implement a plan to remedy the performance issues; • determined that the CEO has not remedied the performance issues to the satisfaction of the local government; and • 22(3) reviewed the performance of the CEO within the preceding 12 months in accordance with 5.38(1) of the Local Government Act.
<p>Regulation 23 – Decision to terminate.</p>	<p><i>Local Government (Administration) Regulations 1996</i> – Reg 23 is a new clause</p>	<p>Regulation 23 requires that a decision to terminate the employment of a CEO must be made by an absolute majority of council.</p>
<p>Regulation 24 – Notice of termination of employment.</p>	<p><i>Local Government (Administration) Regulations 1996</i> – Reg 24 is a new clause</p>	<p>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.</p>

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.

COUNCIL RESOLUTION

MIN 184/20

MOTION - Moved Cr. Steber

Seconded Cr. O'Neill

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.***

CARRIED 7/0

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 Scaddan 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)⁹.]

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 "Humphries Street" 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*

COUNCIL RESOLUTION

MIN 185/20

MOTION - Moved Cr. Steber

Seconded Cr. Reid

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 "Humphries Street" 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*

CARRIED 7/0

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.

Municipal Direct Debit List				
Date	Name	Details	\$	Amount
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
		TOTAL	\$	750,598.29

Trust Direct Debit List				
Date	Name	Details	\$	Amount
31/10/2020	Department of Transport	Licencing October 2020		52800.05
		TOTAL	\$	52,800.05
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
		TOTAL - CEO	\$	613.91
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
		TOTAL -DCEO		267.90
		TOTAL VISA TRANSACTIONS	\$	881.81

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*
-

COUNCIL RESOLUTION

MIN 186/20

MOTION - Moved Cr. McNeil

Seconded Cr. Steber

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***

CARRIED 7/0

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 1st October to 31st October 2020

TRUST

TRUST TOTAL	\$ 55,161.70
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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

	\$ 675,973.96
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STAFF COMMENT

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

WCS Concrete Pty Ltd Concrete Road Construction - Scott Street	\$ 155,502.09
Department of Transport - TRUST DIRECT DEBITS Licensing CRC Licencing October 2020	\$ 52,800.05
Smith Earthmoving Pty Ltd Dozer hire October 202 for various road works	\$ 47,734.50
Deputy Commissioner Of Taxation PAYG Tax	\$ 42,000.00
Smith Earthmoving Pty Ltd Equipment hire August-September for various road works	\$ 41,178.50
LGIS Property LGIS Property Insurance Instalment 2 for 2020/2021	\$ 32,565.16
Rockway Contracting Road side clearing & tree trimming August-September 2020	\$ 31,707.50
LGIS Workcare LGIS Workcare Insurance instalment 2 for 2020/2021	\$ 25,561.84
Mineral Crushing Services WA PTY LTD Purchase of 10 & 14mm aggregates for various road construction	\$ 22,691.68
Peak Transport Hire of prime mover October 2020 for various road works	\$ 18,601.00
Peak Transport Equipment hire September 2020	\$ 17,584.27
Youlie and Son Spreading Services Equipment hire September 2020 for various road works	\$ 16,879.50

Water Corporation	\$ 16,865.91
Water charges for various Shire properties August-October 2020	
LGIS Liability	\$ 12,092.85
LGIS liability instalment 2 of insurance renewal for 2020/2021	
United Card Services Pty Ltd	\$ 10,548.60
Total supply September 2020	
Synergy	\$ 9,830.99
Power charges of various Shire properties August-September 2020	
Triplains PTY LTD t/a L & L Steber	\$ 9,040.00
Side tipper hire September 202 for various road works	
ABV Leisure Consultancy Services	\$ 8,750.50
Kellerberrin Memorial Pool consultant fee	
Avon Waste	\$ 8,209.66
Domestic & commercial rubbish collection fees September 2020	
WA Local Government Superannuation Plan Pty Ltd	\$ 7,260.05
Staff superannuation contributions & deductions	
WA Local Government Superannuation Plan Pty Ltd	\$ 7,089.65
Staff superannuation contributions & deductions	
WA Local Government Superannuation Plan Pty Ltd	\$ 7,081.75
Staff superannuation contributions & deductions	
Stirling Asphalt (Juel Enterprises PTY LTD)	\$ 6,919.00
CBH Townsite & Trayning Rd. work; Supply & lay 17 tonne dense grade asphalt to various works	
Great Southern Fuel Supplies	\$ 6,896.43
Total supply September 2020	
Woodstock Electrical Services	\$ 6,379.71
Claim works done for Caravan Park, Shire Office & Centenary Park	
STS West Pty Ltd	\$ 5,172.50
Purchase of tyres, batteries & puncture repairs for various Depot vehicles	
Fire And Emergency Services (WA)	\$ 5,044.02
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*

COUNCIL RESOLUTION

MIN 187/20 MOTION - Moved Cr. Ryan Seconded Cr. O'Neill

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*

CARRIED 7/0

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

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

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

STAFF COMMENT

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

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

TEN YEAR FINANCIAL PLAN

Financial Management of 2020/2021 Budget.

FINANCIAL IMPLICATIONS

Financial Management of 2020/2021 Budget.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation —

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

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

STRATEGIC COMMUNITY PLAN

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*

COUNCIL RESOLUTION

MIN 188/20 MOTION - Moved Cr. Reid Seconded Cr. McNeil

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

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

**CARRIED 7/0
BY ABSOLUTE MAJORITY**

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

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

COUNCIL RESOLUTION

MIN 189/20

MOTION - Moved Cr. Steber

Seconded Cr. Leake

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.*

CARRIED 7/0

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: 1689m²

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)	The sea containers shall be fitted with a pitched roof. The sea container shall not be compromised or obstruct vehicle access ways, vehicle truncations, access to parking areas or parking bays provided on the site. The sea container shall only be used for storage purposes.
Residential and Rural Townsite	In accordance with the R-Codes	1x 12m (40 ft)	The sea container shall be fitted with a pitched roof. The sea containers shall be used in association with the approved use of the property.

STRATEGIC PLAN IMPLICATIONS

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

COMMUNITY CONSULTATION

The following consultation took place;

- Chief Executive Officer
- 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

- i. *The endorsed approved plans shall not be altered without prior written approval of the Shire;*
- ii. *Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;*
- iii. *The second sea container shall be removed from the lot within 1 month of the completion of building works on the dwelling;*
- iv. *The permanent container shall be fitted with a pitched roof upon the completion of building works on the dwelling; and*
- v. *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.*

COUNCIL RESOLUTION

MIN 190/20

MOTION - Moved Cr. O'Neill

Seconded Cr. McNeil

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

- i. ***The endorsed approved plans shall not be altered without prior written approval of the Shire;***
- ii. ***Planning approval will expire if a building permit for a dwelling is not received within 12 months from the approval date;***
- iii. ***The second sea container shall be removed from the lot within 1 month of the completion of building works on the dwelling;***
- iv. ***The permanent container shall be fitted with a pitched roof upon the completion of building works on the dwelling; and***
- v. ***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.***

CARRIED 7/0

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

MIN 191/20 MOTION - Moved Cr. Leake Seconded Cr. Reid

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

14.1 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

COUNCIL RESOLUTION

MIN 192/20 MOTION - Moved Cr. Leake Seconded Cr. Reid

That Council moves out of Closed Council into Open Council.

CARRIED 7/0

15 CLOSURE OF MEETING

The Meeting closed at 8.25PM.

The minutes of this meeting consisting of pages 1 to 81 were confirmed at the Ordinary Council Meeting held on 15 December 2020.

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CHAIRPERSON